AN IMPORTANT DOCUMENT.

AUTHENTIC HISTORY OF THE KANSAS TROUBLES.

The Missouri Invasions.

HOW THE TEBRITORIAL ELECTIONS WERE CARRIED.

MAJORITY REPORT OF THE HOUSE INVESTIGATING

COMMITTEE.

Presented July 1, 1858,

[Continued from Wednesday.]

In regard to the second charge: There is no proof that any man was either hired or induced to come into the Territory from any Free State, merely to vote. The entire emigration in March, 1855, is estimated at 500 persons (242,) including men, women and children. They came on sreamboats up the Missouri River, in the ordinary course of emigration. Many returned for causes similar to those be-fore stated, but the body of them are now residents. The only persons of those who were connected by proof with the election were some who voted at the Big Blue Precinct in the Tenth District, and at Paw-nee in the Ninth District. Their purpose and cha-racter are stated in a former part of this report. The third charge is entirely groundless. The or-ganic law requires the Governor to cause an enume-ration of the inhabitate and large batters to be

ration of the inhabitants and legal voters to be made, and that he apportion the members of the Council and House according to this enumeration. For reasons stated by persons engaged in taking the census, it was not completed until the early part of March, 1855 (243.) At that time the day of holding the election had not been and could not have been named by the Governor. As soon as practicable after the returns were brought in, he issued his proclamation for an election, and named the earliest day consistent with due notice as the day of election. The day on which the election was to be held was a matter of conjecture all over the country. But it was generally known that it would be in the latter part of March. The precise day was not known by any one until the proclamation issued. It was not known to the sgents of the Emigrant Aid Society in Boston on the 18th of M-rch, 1855, when the party of emigrants before referred to left (244.) Your Committee are satisfied that these charges

were made the mere pretext to induce an armed invasion into the Territory, as a means to control the election and establish Slavory thera. The real purpose is avowed and illustrated by the

testimony and conduct of Col. Joan Scott. of St. Jo-

The real purpose is avowed and inustrated by the testimeny and conduct of Col. Joan Scott. of St. Jo-seph's, Missouri, who asted as the attorney for the sitting delegate before your Committee. The fol-lowing are extracts from his doposition: "Prior to the election in Burr Oak precinct, in the Fonrteeth District, on the 2% h of November, 1854, I had been a resident of Misson i, and I then determined, if I found it necessary to become a resident of Kansa Territorz. On the day previous to the election I sortled up my beard at my boarding house, in St. Joseph's, Mis-soni, and went over to the Territory, and took operding with Mr Bryant, near whose house the polls were held the rest day, for one month, so that I might have it in my power, by merely defermining to do so, to become a resident of the ferritory on the day of election. Where my name was proposed as a Judge of Election, objectuons were made by two persons out. * * * * I then publicly informed those present that I had a claim in the Territory, that I had taken board in she Terri-tory for a moeth, and that I could at any moment occome an actual resident and legal voter in the Territory, and that I would do so, if I concluded at any moment occome an actual resident and legal voter in the Territory and that my vote would he necessary to carry that pre-cinct in favor of the Pro-Slavery candida e for delexale to Congress. * * I did not during the day consid-er it necessary to become a resident of the Territory for the purpose mentioned, and did not vote or offer to vote at that election. I held the office of City-Attorney for St. Joseph's at

the purpose mentioned, and did not vote or offer to vote at inal election. I held the office of City-At'orney for St. Joseph's at that time, and had held it for two or three vears previous-ly, and continued to hold it till this Spring. * * * I voted at an election at St. Joseph's in the Spring of 1855, and was reappointed City-Attorney. The question of Slavery was put in issue at the election of November, 1554, to the same extent as un every election in this Terri-itory. General Whitfield was regarded as the Pro Suve-ry ca. datate for the Pro-Suvery Party. I regarded the question of Suvery as the primarily prominent issue at that election, and so far as I know, all parties agreed in making that question the issue of the election. It is my interdion and the intention of a great many other Missourians now resident in Missouri, whenever the Slavery issue is to be determined upon by the graopte of this Territory in the adoution of the State Constitution.

this Perritory in the addition of the State Constitution, to remove to this Perritory in time to acquira the right to be-come legal roters upon that question. The leading pur-pose of our intended removal to the Perritory is to deter-mine the domestic institutions of this Perritory, when i: estimates be a State, and we would not come but for that purpose, and would never think of coming here but for that card use there are a coast manufa Mis-

ple cannot affect their political rights. Such an at-tempt to do so, if successful, is virtually an over-throw of the erganic law, and reduces the people of the Territory to the condition of vasals to a neigh-boring State. To avoid the evils of anarchy, no atmed or organized resistatice to them should be made, but the citizens should appeal to the ballot-box at public elections, to the Federal Judiciary, and to Congress for relief. Such, from the proof, would have been the course of the people but for the nature of these enactments and the manner in which they are enforced. Their character and their exe-

nature of these enactments and the matter in white they are enforced. Their character and their exe-cution have been so intimately connected with one branch of this investigation—that relating to "vio-lent and tumultuous proceedings in the Territory" -that we were compelled to examine them. The "laws" in the statute books are goueral and special; the latter are strictly of a local character, relating to bridges, roads, and the like. The great body of the general laws are exact transcripts from the Misseuri Code. To make them in some cases

conform to the organic act, separate acts were passed defining the meaning of words. Thus, the word "State" is to be understood as meaning "Territo-ry," (247;) the word "County Court" shall be construed to mean the Board of Commissioners transact ing county business, or the Probate Court, according to the intens theteol. The words "Circuit Court" to mean "District Court," (248.) The material differences in the Missouri and Kan-

and statutes are upon the following subjects: The qualifications of voters and of members of the Legis. ative Assembly; the official oath of all officers. toneys and voters; the mode of selecting officers and their qualifications; the slave code, and the

Qualifications of jurors. Upon these subjects the provisions of the Missou ri Codo are such as are usual in many of the States. But by the "Kansas Statutes," every office in the Territory, executive and judicial, was to be appoint. ed by the Legislature, or by some officer appointed by it. These spointments were not merely to meet a temporary exigency, but were to hold over two regular elections and until after the general election in October, 1857 (249,) at which the members of the new Council were to be elected (250) The new Legislature is required to meet on the first Monday in January, 1853 (251.) Thus, by the terms of these "Laws," the people have no control whatever over either the Legislature, the Executive, or the Judicial Departments of the Territorial Gov ernment until a time before which, by the natura progress of population, the Territorial Government will be superseded by a State Government.

No session of the Legislature is to be held during 1856, but the members of the House are to be elect ed in October of that year (252.) A candidate, to be eligible at this election must swear to support the Fugitive Slave law (253,) and each Judge of Election, sud each voter, if challonged, must take the same oath (254.) The same oath is required of every officer elected or appointed in the Territory. and of every attorney admitted to practice in the Courts (255.)

Courts (250.) A portion of the militin is required to muster on the day of election (256.) "Every free white male citizon of the United States, and every free male In-citizen who is made a citizen by treaty or otherwise, and over the age of 21 years, and who shall be an *inhabitant* of the Territory and of the County and District in which he offers to vote, and shall have paid a Territorial tax, shall be a qualified elector for all elective offices" (257.) Two classes of persons were thus excluded who by the organic act were al-lowed to vote, viz: those who would not swar to the oath required, and those of foreign birth who the oath required, and those of foreign birth wh has declared on oath their intention to become ci izens (253.) Any man of proper age who was in the Territory on the day of election, and who had pair one deltar as a tax to the Sheriff, who was to be a the polls to receive it (239.) could vote as an "in habitant." althouge he had breakfasted in Missour and intended to return there for supper. There ex be no doubt that this unusual and unconstitution provision was inserted to prevent a full and fair e pression of the popular will in the election of men bers of the House, or to control it by non-residents

All jurors are required to be selected by the Shor and "no person who is conscientiously opposed the holding of slaves, or who does not admit the right to hold slaves in the Territory, shall be a jur in any cause" affecting the right to hold slaves relating to slave property.

The Slave Godo, and every provision relating slaves, are of a character intolerant and unusu even for that class of legislation. The character a conduct of the men appointed to hold office in t Territory contributed very much to produce t events which followed. Thus, Samuel I. Jones w appointed Sheriff of the County of Douglas, whi ncluded within it the First and Second Electi Districts. He had made himself peculiarly obnoxio to the settlers by his conduct on the 30th of Mar in the Second District, and by his burning the ca ins of Joseph Oakley and Samuel Smith (260.)

An election for Delugates to Congress, to be he on the 1st day of October, 1855, was provided with the same rules and regulations as were appli-to other elections. The Free-State men took part in this election, having made arrangements f holding an election on the 9th of the same mont The citizens of Missouri attended at the election the 1st of October, some paying the dollar tax, ot ers not being required to pay it. They were pr ent and voted at the voting-places of Atchison (20 and Doniphan (202,) in Atchison County; at Gre Springs, Johnson County (203;) at Willow Springs (201;) Franklin (203,) and Lee supton (206,) in Doug-ins County; at Fort Scott, Bourbon County (207;) a: Baptiste Paola, Lykins County, where some In-dians voted, some whites paying the \$1 tax for them (268;) at Leavenworth City (269,) and at Kickapoo City, Leavenworth County; at the latter place, un-cer the lead of Gen. B F. Stringfellow and Col. Lewis Barnes, of Missouri (270.) From two of the elec-tion precincts at which it was alleged there was illegal voting, viz.: Delaware and Wyandotte, your Committee failed to obtain the attendance of witnesses. Your Committee did not deem it necessary, in regard to this election, to enter into details, as it was multest that, from their being out one can-didate-Gen. Whitfield-ho must have received a majority of the votes cast. This election, therefore, depends not on the number or character of the vota recoved, but upon too valuaity of the laws under which it was held. Sufficient testimony was taken to show that the voting of civizens of Missouri was practiced at this election, as at all former elections in the Territory. The following table will exhibit the result of the testimony as regards the number of legal and illegal votes at this election. County of Marshall embraces the same territory as was included in the Eleventh District; and the reasons before stated indicate that the great majority of the votes then cust were either illegal or fictitious. In the Counties to which our examination

tave to which said Election District is entitled in the Bouse of Representatives of the Legislative assembly, by proclamation of Governor Reeder, of date 19th of Mar, 1856; said delegates to assemble in Gouvention at the town of Topeka on the 19th day of September, 1855; then and There is consider and determine upon all subjects of pub-lic interest, and particularly upon that having reference to the speedy formation of a State Constitution, with an intention of an immediate application to be admitted as a State into the Union of the United States of America. Other meetings were held in various parts of the Territory, which indersed the action of the Lawrence meeting and delevates are subjected in compliance

meeting, and delegates were selected in compliance

They not at Topeka, on the 19th day of Septem-ber, 1855. By their resolutions they provided for the appointment of an Executive Committee to consist of seven persons, who were required to "keep a second of their proceedings, and shall have a general superintendence of the flairs of the Torritory so far as regards the organization of the State Govern-ment." They were required to take steps for an election to be held on the second Taesday of the Outplue following under regulations October following, under regulations imposed by that Committee, "for members of a Convention to form a Constitution, adopt a Bill of Rights for the people of Kansas, and take all needful measures for organizing a State Government, preparatory to the admission of Kansas into the Union as a State." The rules prescribed were such as usually govern elections in most of the States of the Union, and in most respects were similar to those contained in the proclamation of Gov. Reeder for the election of March 30, 1855.

The Executive Committee, appointed by that Convention, accepted their appointment, and en-tered upon the discharge of their duties by issuing a proclamation addressed to the legal voters of Kansas, requesting them to meet at their several pre-cincts, at the time and places named in the procla-mation, then and there to cast their ballots for members of a Constitutional Convention, to meet at Fopeka on the 4th Tuesday of October then next.

The proclamation designated the places of elec-tions, appointed Judges. recited the qualifications of voters and the apportionment of members of the Convention.

After this proclamation was issued, public meetngs were held in every District in the Territory, and in nearly every precinct. The State movement was a general topic of discussion throughout the Territory, and there was but little opposition ex-hibited to it. Elections were held at the time and places designated, and the returns were sont to the Executive Committee. The following table is an abstract of these returns:

The result of the election was proclaimed by the Executive Committee, and the memors elect ware required to meet on the 23d day of October, 1855, at Topeka. In pursuance of this proclamation and di Topeka. In pursuance of this proclamation and di-rection, the Constitutional Convention met at the time and place appointed, and formed a State Con-stitution. A memorial to Congress was also pre-pared, praying for the admission of Kausas into the Union under that Constitution. The Convention also provided that the question of the adoption of the Constitution and other questions be submitted to the people, and required the Executive Commit-tee to take the necessary steps for that purpose.

Accordingly, an election was held for that pur-pose on the 15th day of December, 1855, in com-pliance with the proclamation issued by the Execu-tive Committee. The returns of this election were made by the Executive Committee, and an abstract of them is contained in the following table:

Abstract of the Election on the Adoption of the State

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fuse to grant the prayer of the Memorial, that can not affect their legality. The right of the people to assemble and express their political opinion in any form, whether by means of an election or a conven-tion, is secured to them by the Constitution of the United States. Even if the elections are to be re-garded as the act of a Party, whether political or otherwise, they were proper, in accordance with examples, both in States and Territories.

The elections, however, were preceded and followed by acts of violence on the part of these who opposed them, and those persons who approved and sus-twined the invasion from Missouri were peculiarly ostile to these peaceful movements preliminary to the organization of a State Government Instances

of this violence will be referred to hereafter. To provide for the election of Delegates to Con-gress, and at the same time do it in such a manner as to obtain the judgment of the House of Repre-sentatives upon the validity of the alleged Legislative Assembly sitting at Shawnee Mission, a Con-vention was beld at Big Springs on the 5th and 6th days of September. 1855. This was a party Conven-tion, and a party calling itself the Free-State Party was then organized. It was in no way connected with the State movement, except that the election of Delegate to Congress was fixed by it on the same day as the election of members of a Constitutional Convention, instead of the day prescribed by the Bleged Legislative Assemply. Andrew H. Eseder was put in nomination as Territorial Delegate to Congress, and an election was provided for under the regulations prescribed for the election of March 30, 1955 of a state of the memory of election. 1855, excepting as to the appointment of officers, and the persons to whom the returns of the elections should be made. The election was held in accord-ance with these regulations, an abstract of the returns of which is contained in the following table: Abstract of the election of A. H. Reeder:

TUSTING OF THE RECTOR	
rict. Voting Place. No. Votos.	District. Voting Place. No. Votea.
I. Lawrence bb7	IX Pawnee 77
Blanton 77	X., Big Blue 77
Palmyra 16	
IIBloomingion110	XI., Black Vermilion 14
Benicia 27	X11St. Mary's 4!
III. Brownsville 24	
Topeka	
Tecumseh 31	Falia Provinci, 4
Big Springs 3b	
Camp Creek 7	XIVBurr Oak 3
IVWillow Springs. 54	Doniohun 4
VHampden 33	Balarmo 2
Ossawatomie 74	
Pottawatomie 56	
Big Sugar Creek. 28	
Little Sugar Cr'k 41	
VIScott Town 27	
Columbia 20	Ridze Point 4
Fergna's 12	XVII., Wakarusa
VIICouncil City 62	Mission I
IIIWaubousa 26	XVIII. lowa Point 4

of tyranny, or for the purpose of guarding against a similar invasion in future.

In the Fall of 1855, there sprang out of the existing discords and excitement in the Territory, two secret Free-State Societies (21.) They were deson-sive in their character, and were designed to form a protection to their membors against unlawful acts of violence and assault. One of the Societies was purely of a local character, and was confined to the town of Lawrence. Very shortly after its or-ganization it produced its desired effect, and then went out of use and ceased to exist (272.) Both So-cieties were cumbersome, and of no utility except to give confidence to the Free-State men and enable them to know and aid each other in contemplated danger. So far as the evidence shows, they led to no act of violance in resistance to either real or alleged laws (278.)

On the 21st day of November, 1855, F. M. Coleman, a Pro-Slavery man, and Charles W. Dow, a Free-State man, had a dispute about the division line between their respective claims. Several nours after-ward, as Dow was passing from a blacksmith's shop toward his claim, and by the tabin of Coleman, the latter shot Dow with a double-barreled gun, loaded with slugs. Dow was unarmed. He fell across the road and died immediately. Pois was about 1 o'clock P. M. His dead body was allowed to lio where it feil until after sundown, when it was conveyed by Jacob Branson to his house, at which Dow boarded. The testimony in regard to this homicide is volum inous (274,) and shows clearly that it was a deliber-ate murder by Coleman, and that Harrison Bulkely and a Mr. Hargous were accessories to it. The ex-citement caused by it was vory great among al classes of the settlers. On the 26th, a large meeting of citizens was held at the place where the murder was committed, and resolutions passed that Coleman should be brought to justice. In the mean-time Coleman had gone to Missouri, and then to Governor Shannon at Shawnee Mission, in Johnson County. He was there taken into custody by S. L then acting as Sheriff. No warrant was Jones. issued, or examination had. On the day of the meeting at Hickory Point, Harison Bradley prowhich was placed in the hands of Jones. That same evening, after Brasson had gone to bed, Jones came to his cabin with a party of about. persons, among whom were Hargous and Buckley-burst open the door and saw Branson in bed. He then drew his pistol, cocked it, and pre-sented it to Branson's breast, and said, "You are my prisoner, and if you move I will blow you through." The others cocked their guns and gathered round him and took him prisoner. They all mounter and went to Buckley's house. After a time they went on a circuitous route towards Blanton's Bridge, stopping to "drink" on the way. As they approached the bridge there were 13 in the party, several having stopped. Jones rode up to the pris-oner, and, among other things, told him that he had "heard there were 100 men at your house toony," and, "that he regretted they were not there, and that they were cheated out of their sport" (275.) In the meantime, the alarm had been given in the R reighborhood of Branson's arrest, and several of the settlers, among whom were some who had attended the meeting at Hickory Point that day, gathered ₹ togother. They were greatly excited; the alloged injustice of such an arrest of a quiet settler under a peace warrant by "Sheriff Jones," aided by two Mo men believed to be accessory to a murder, and who were allowed to be at large, exasperated them, and they proceeded as rapidly as possible by a nearor route than that taken by Jones, and stopped near the house of J. S. Abbott, one of them. They ware on foot as Jones' party approached on a canter. The rescuers suddenly formed across the road in front of Jones and his party. Jones halted, and asked, "What's up?" The reply was, "That's what we want to know I What's up?" Branson said, "They have got me a prisoner." Some one in the rescuing party told him to come over to their side. He did so, and dismounted, and the mule he rode was driven over to Jones' party; Jones then left (276.) O, the parsong engaged in this rescue three were O: the persons engaged in this rescue three were from Lawrence, and had attended the meeting. Your committee have deemed it proper to detail the particulars of this rescue, as it was made the ground-25 work of what is known as the Wakarusa War. On the same night of the rescue the cabins of Coleman and Buckley were burned, but by whom is left in doubt by the testimonv. On the morning of the rescue of Branson, Jones was at the village of Franklin near Lawrence. The rescue was spoken of in the presence of Jones, and more conversation passed between two others in his presence, as to whether it was most proper to send for assistance to Col. Beone in Missouri, or to Gov. Shannon. Jones wrote a dispatch and handed it to a messenger. As soon as he started, Jones Printers. R. O said: "That man is taking my dispatch to Mis-souri, and by G-dI will have revenge before I see Missouri." A person present, who was examined as a witness (277,) complained publicly that the dis-patch was not sent to the Governor; and within half an hour one was sent to the Governor by Jones, through Hargous. Within a few days large num-bers of men from the State of Missouri gathered and encamped on the Wakarusa. They brought with them all the equipments of war. To obtain them, a party of men under the direction of Judge T. V. Thompson broke into the United States Arsenal and Aimory at Liberty, Missouri, and after a forcible detention of Captain Leonard (then in charge) (278,) they took the cannon, muskets, rifles, pow-or, harness, and indeed all the materials and mu-nitions of war they desired, some of which have never been returned or accounted for. The chief hostility of this military forty was sgainst the town of Lawrence, and this was especially the case with the efficers of the law. Your Committee can see in the testimony no reason, excuse, or pulliation for this feeling. Up to this time no warrant or proclamation of any kind had been in the hands of any officer against any citizen of Law-rence (279). No arrest had been attempted, and no writ resisted in that town. The rescue of Branson sprang out of a murder committed thirteen miles from Lawrence, in a detached settlement, and neithor the town or its citizens extended any protec-tion to Branson's rescuers (280). On the contrary, two or three days after the rescue, S. N. Wood, who claimed publicly to be one of the rescuing party, wished to be arrested for the purpose of testing the Territorial laws, and walked up to Sheriff Jones and shook hands with him, and exchanged other courtesies. He could have been arrested without any difficulty, and it was his design, when he went to Mr. Jones, to be arrested, but no attempt was made to do so (281.) It is obvious that the only cause of this hostility is the known desire of the citizens of Lawrence to make Kansas a Free State, and their repugnance to laws imposed upon them by non-residents. Your Committee do not propose to detail the incidents connected with this foray. Fortunately for the peace of the country, a direct conflict between the opposing forces was avoided by an amicable ar-rangement. The losses sustained by the settlers in property taken and time and money expended in their own defence, added much to the trials incident to a new settlement. Many persons were unlawfully taken and detained-in some cases, under cir-(271) Pat Laughlin, Fraucis. (272) G. P. Lowry, A. H. Reeder. (273) Lowry, Reeder and M. F. Couway. (274) Wm. and Nicholss McKinney, D. T. Jones and wite, Thomas Brown, F. M. Coleman and others.

cumstances of gross cruelty. This was especially so in the arrest and treatment of Dr. G. A. Curter and G F. Warren. They were taken, without cause or warrant, 60 miles from Lawrence, and when Dr. Cuter was quite sick. They were compelled to go to the camp at Lawrence, were put into the custody of "Sheriff Jones," who had no process to arrest them —they were taken into a small room kept as a liquor chop, which was open and very cold. That night Jones came in with others. and went to "playing poker as 25 cents ante." The prisoners were obliged poser at 25 cents ante." The prisoners were obliged to sit up all night, as there was no room to lie down, when the men were playing. Jones insulted them frequently, and told one of them he must either "tell or swing." The guard then objected to this treatment of prisoners, and Jones desisted. G. F. Warren thus describes their subsequent conduct: "(The purchase down in the prisoners)."

"They then carried us down to their camp; Kelly of The Squatter Sovereign, who lives in Atchison, came The Squatter Sovereign, who lives in Atchison, came round and said he thirsted for blood, and -aid he should like to hang us on the first tree. Cutter was very weak, and that excited him so that he became delivicus. They sent for three doctors, who came. Dr. Stringfellow was one of them. They remained there with Cutter until after miduight, and then took him up to the office, as it was very cold in comp." camp.'

During the foray. either George W. Clark, or Mr. Burns, murdered Thomas Barber, while the lastor was on the highway on his road from Lawrence to his claim. Both fired at him, and it is impossible from the proof to tell whose shot was fatal The details of this homicide are stated by eye-witnesses (282.)

Among the many acts of lawless violonce which It has been the duty of your Committee to investi-gate, this invasion of Lawrence is the most defenceess. A comparison of the facts proven, with the official statements of the officers of the Government, will show how groundless were the pretexts which gave rise to it. A community in which no crime had been committed by any of its members, against none of whom had a warrant been issued or a complaint made, who had resisted no process in the hands of a real or protenood officer, was threatened with de-struction in the name of "law and order," and that, too, by men who marched from a neighboring State with arms obtained by force, and who, in every stage of their progress, violated many taws, and among others the Constitution of the United States (283.)

(23) The chief guilt of it must rest on Samuel Jones. His character is illustrated by his language at Lo-compton, where peace was made: "The said Major Clark and Burns both claimed the credit of killing that d-d Abolitionist, and he didn't know which ought to have it. If Shannon hadn't been a d----d old fool, that peace would never have been declared. He would have wiped Lawrence out. He had men and means enough to do it." (284) Shorthy after the retrest of the forces from before

Lawrence, the election upon the adoption of the State Constitution was held at Leavenworth City, on the 15th of December, 1855. While it was proceeding quictly, about noon, Charles Dunn, with a party of others, smashed in the window of the build-ing in which the election was being held, and then jumped into the room where the judges of election were sitting, and drove them off. (255.) One of the clerks of the election snatched up the ballot box and followed the judges, throwing the box behind the counter of an adjoining room, through which he passed on ris way out. As he got to the street door, Dunn caught him by tht throat and pushed him up sgainst the outside of the building, and demanded the ballot box. (286.)

Then Dunn and another person struck him in the face, and he fell into the mud, the crowd rushed on him and kicked him on the head and in his sides (287.) In this manner the election was broken up-Dunn and his party obtaining the ballot-box and carrying it off.

To avoid a similar outrage at the election for State officers, &c., to be held on the 15th of January, 1856, the election for Leavenworth District was appointed to be held at Easton, and the time post-poned until the 17th day of January. 1856 (283.) On the way to the election, persons were stopped by a party of men at a grocery, and their guns taken from them (289.) During the afternoon, parties came up to the place of election and threatened to destroy the heldsthey, and were quilty of other inselect and the ballet box, and were guilty of other insolent and abusive conduct (289) After the pells were closed, many of the settlers being apprehensive of an at-tack, were armed in the house where the election hed been held until the next morning. Late that night, Stephen Spark, with his son and nephew, started for home, his route running by the store of a Mr. Dawson, where a large party of armod men had collected. As he approached, these men de-manded that he should surrendor, and gathered about him to enforce the demand (290.) Information was carried by a mau in the company of Mr. Sparks to the house where the election had been held. R. P. Brown and a company of men immediately went down to relieve Mr. Sparks, and did relievo him when he was in imminent danger (291.) Mr. Sparks then started back with Mr. Brown and his party, and while on their way were fired upon by the other party. They returned the fire, and an irregular fight then ensued, in which a man by the name of Cook, of the Pro-Slavery party, received a mortal wound, and two of the Free-State party were slightly wounded. Mr. Brown, with seven others who had accompanied him from Leavenworth, started on their return home. When they had proceeded a part of the way, they were stopped and taken prisoners by a party of men called the Kickapoo Rangers, under the com-mend of Capt. John W. Martin. They were disarmed and taken back to Easton, and put in Dawson's store, (292.) Brown was separated from the rest of his party, and taken in the office of E. S. Trotter, (203.) By this time several of Martin's party and some of the citizens of the place had become intexi-csted, and expressed a determination to kill Brown, (294.) Capt. Martin was desirous to, and did all in his power to save him. Several hours were spent in discovering what should be done with Brown and his party. In the meantime, without the knowledge of his party, Capt. Martin liberated all of Brown's party but himself, and aided them in their escape, (205) The crowd repeatedly tried to get in the room where Brown was, and at ous time succeeded, but were put out by Martin and others. Martin, finding that further effort on his part to cave Brown was useless, left, and went home. The crowd then got possession of Brown, and finally butchered him in cold blood. The would of which he died was inflicted with a hatchet by a man of the name of Gibson. After he had been mortally wounded, Brown was sent home with Charles Duzn, and died that night. No attempt was made to arrest or punish the murdorers of Brown. Many of them were wellknown citizens, and some of them were officers of the law. On the next Grand Jury which sat in Leaven-worth County, the Sheriff summoned several of the persons implicated in this murder, (296.) One of them was M. P. Rively, at that time Treasurer of the County. He has been examined as a witness before us. The reason he gives why no indictments were sound is, "they killed one of the Pro-Slavery men, and the Pro-Slavery men killed one of the others, and I thought it was about mutual." The same Grand Jury, however, found bills of indictment against those who acted as Judges of the Free-State chemical Birght cars, "I know our threat one threat election. Rively says: "I know our utmost endea-tors were made to find out who acted as Judges and Clerks on the 17th of January last, and at all the bo-gus elections held by the Abolitionists here. We were very anxious to find them out, as we thought them acting illegally." Your Committee, in their examinations, have found that in no case of crime or homicide, mentioned in the report or in the testimony, has any indictment been found against the guilty party, except in the homicide of Clark by McCrea, McCrea being a Free-State man. Your Committee did not deem it within their power or duty to take testimony as to events which have transpired since the date of their appointment but as some of the events tended seriously to ombarrass, hinder and delay their investigations, they deem it proper here to refer to them. On their arrival in the Territory the people were arrayed in two hostile parties. The hostility of them was con-tinually increased during our stay in the Territory by the arrival of armed bodies of men who, from their equipments, came not to follow the peaceful pursuits of life, but armed and organized into com-panies apparently for war-by the unlawful deten-tion of persons and property while passing through the State of Missouri, and by frequent forcible sci-zures of persons and property in the Territery without legal warrant. Your Committee regret that they were compelled to witness instances of each of these classes of outrages. While holding their session at Westport, Mo., at the request of the sitting Dele-gate, they naw several bodies of armed men, confossedly citizens of Missouri, march into the Terri-tory on forays against its citizens, but under the pretence of enforcing the enactments before referred to. The wagons of emigrants were stopped in the highways and searched without claim of legal powers, and in some instances all their property taken from them. In Leavenworth City, leading citizens were arrested at nonday in our presence, by an armed force, without any claim of authority, except that derived from a self-constituted Committee of Vigilance, many of whom were Legislative and Exe cutive officers. Some were released on promising to leave the Territory, and others after being detained for a time were formally notified to leave, under the severest penalties. The only offence charged against them was their political opinions, and no one was thus arrested for alleged crime of any grade. There was no resistance to these lawless acts by the sottlers, because in their opinion the persons engaged in them would be sustained and reinforced by the it item would be sustained and remoted by the citizens of the populous border counties of Missouri, from whence they were only separated by the river. In one case witnessed by your Committee, an appli-cation for the writ of habeas corpus was prevented by the urgent solicitation of Pro-Slavery men, who insisted that it would endanger the life of the pri-soner to be discharged under legal process.

seized and searched, and their weapons of defeace were frequently taken and appropriated. Ox a were taken from the yoke while plowing, and butchered in the presence of their owners. One young man was selzed in the streets of the town of Atchison, and under circumstances of gross nerbarity was tarred and cottoned, and in that couli-tion was sent to his family. All the provisions of the Constitution of the United Statos securing person and property are utterly disregarded. The officers of the law, instead of protecting the people, were in some instances engaged in these outrages, and in no instance did we learn that any man was arested, indicted or punished for any of tacse crimes. While such offences were committed with impunity, the laws were used as a means of adjecting men for holding elections, preliminary to framing a Constitution and applying for admission into the Union as the State of Kansas. Charges of high treason were made against prominent citizens used grounds which seem to your Committee absurd and ridiculous, and under these charges they are now hold in custody and are refused the privilege of bail. In several cases men were arrested in the State of Missouti while passing on their lawful business through that State, and detained until indictments

could be found in the Territory. These proceedings were followed by an offence of still greater magnitude. Under color of legal prostill greater inspirous. Under chor of legal pri-cess, a company of about 700 armed men, the great body of whom your Committee are satisfied were not citizens of the Territory, marched into the town of Lawrence under Marshal Donaidson and S. J. Jones, officers claiming to act under the law, and bombard. ed and then burned to the ground avaluable hotel and one private house; destroyed two printing presses and material; and then, being released by the officers, whose powe they claimed to be, pro-ceeded to eack, pillage and rob houses, stores, trucks, &c., even to the clothing of women and children. Some of the latters thus unlawfaily taken were private ones, written by the contesting Delemate, and they were offered in evidence. Your Com-mittee did not deem that the persons holding them had any right thus to use them, and refused to be made the instruments "to report private letters thus obtained. This force was not resisted, because it was collect-

ed and marshaled under the forms of law. But this act of barbarity, unexampled in the history of our Government, was followed by its natural conse-quences. All the restraints which American citi-zens are necustanced to pay oven to the appearance of law were thrown off; one act of violence lee to another; homicides became frequent. A party un-der H. C. Pate, composed chiefly of citizens of Mis-souri, were taken prisoners by a party of settlers; and while your Committee were at Westport, a com-

pany, chiefly of Missourians, accompanied by tae acting delegate, went to relieve Pate and his party, and a collision was prevented by the Uniced States troops, Civil war has seemed impending in the Territory. Nothing can provent so prest a calimity but the presence of a large force of United States troops, under a commander who will with prudence and discretion quiet the excited passions of both parties, and expel with force the armed bands of lawless men, coming from Missouri and elsewnere, who with criminal pertinacity infast the Territory. In some cases, and as to one entire election district, the condition of the country prevented the attendance of witnesses, who were either arrested or detained while obeying our process, or deterred from so doing. The Surgeant-at-Arms, who served the processes upon them, was himself arro-ted and detained for a short time by an aimed force, claim-ing to be a posse of the Marshal, but was allowed to proceed upon an examination of his papers, and was furnished with a pass signed by "Warren D. Wilkes, of South Carolina." John Upton, another officer of the Committee, was subsequently slopped by a lawless for e on the borders of the Territory, by a havies for e on the bottons of the feritory, and after being detained and treated with great in-cignity, was released. He also was furnished with a pass, signed by two citizens of Missouri, and ad-dressed to "Pro Slavery men" By reason of these disturbances we were delayed in Westport, so that while in session i here our time was but contisting while in session there our time was but partially or-

cupied. But the obstruction which creater the most serious embarrassment to your Committee was the at-tempted arrest of Gov. Reeder, the contesting Delet gate, upon a writ of attachment issued again them by Judge Lecompte to compel his attendance as a witness before the Grand Jury of Douglas County. William Fane, recently from the State of Georgia, and claiming to be the Deputy-Marshal, came into the room of the Committee while Gov. Reader was examining a witness before us, and producing the witt required Gov. Reeder to attend him. Subsequent events have only strengthened the conviction of your Committee that this was a wanton and unlawful interference by the Judge who issued the writ, tending greatly to obscruct a full and fair in-vestigation. Gov. Reeder and Gen. Whitfield alone were fully possessed of that local information which would enable us to elicit the whole truth, and it was obvious to every one that any event which would separate either or them from the Committee would necessarily hinder, dolay and embarrass it. Gov. Reeder claimed that under the circumstances in which he was placed he was privileged from ar-rest except for treason, felony, or breach of the peace. As this was a question of privilege, proper for the Courts, or for the privileged person alone to determine on his peril, we declined to give him any protection or take any action in the matter. If a refused to obey the writ, believing it to be a mere pretence to be y the writ, benefitight to be a mere pre-tence to get the custody of his person, and fearing as he aleged, that he would be assassinated by lawless bands of men then gathering in and near Le-compton. He then left the Territory. Subsequently H. Miles Moore, an attorney in Leavenworth City, but for several years a citizen of Weston, Mo., kindly furnished the Committee in-formation as to the residence of unrenew voring at formation as to the residence of versons voting at the elections, and in some cases examined witnesses before us. He was arrested on the streets of that town by an armed band of about thirty men, headed by W. D. Wilkes, without any color of authority, confined, with other citizens, under a military guard for 24 hours, and then notified to leave the Perritory. His testimony was regarded as important, and upon his sworn statement that it would endanger his person to give it openly, the majority of your Committee deemed it proper to examine him exparte, and did so. By reason of these occurrences, the contestant, and the party with and for whom he acted, were unrepresented before us during a greater portion of the time, and your Committee were required to ascertain the truth in the best manner they could. Your Committee report the following facts and conclusions as established by the testimony: First-That each election in the Territory held under the organic or alleged Territorial law has been carried by organized invasions from the State of Missouri, by which the people of the Territory have been prevented from exercising the rights secured to them by the organic law. Second-That the alleged Territorial Legislature was an illegally-constituted body, and had no power to pass valid laws, and their ensetments are, therefore, null and void. Third-That these alleged laws have not, as a general thing, been used to protect persons and property and to punish wrong, but for unlawful purposés. Fourth-That the election under which the sitting Delegate, JOHN W. WHITFIELD, holds his seat, was not held in pursuance of any valid law, and that it should be regarded only as the expression of the choice of those resident citizens who voted for him. Fifth-That the election under which the coutesting Delegate, ANDREW H. REEDER, claims his seat, was not held in pursuance of law, and that it should be regarded only as the expression of the choice of the resident citizens who voted for

that purpose. I believe there area great many in Mis-convicto are so stuated " The invasion of March 30 left both parties in a

state of excitoment, tonding directly to produce vio-lence. The successful party was lawless and reck-less, while assuming the name of the "Law-and-Order" party. The other party, at first surprised and confounded, was greatly initiated, and some resolved to prevent the success of the invasion. In some Diatricts, as before stated, protests were sont to the Governor; in others this was provented by threats; in others by the want of time, only four days being allowed by the proclamation for this purpose; and in others by the proclamation for this purpose; and in others by the belief that a new election would bring a new invasion. About the same time, all classes of men commenced bearing deadly weapons about the person, a practice which has continued to this time. Under these circumstances, a slight or accidental quarrel produced unusual violence, and lawless acts occame frequent. Tais evil condition of the public mind was further increased by acts of violence in Western Missouri where, in April, a newspaper press called the Park-ville Luminary, was destroyed by a mob. About the same time, Malcolm Clark assaulted

Cole McCrea at a squatter meeting in Leavenworth, and was shot by McCrea in alleged self-defence.

On the 17th day of May, William Phillips, a law yer of Leavenworth, was first notified to leave, and upon his refusal, was foreibly seized, taken across the river, and carried several miles into Missouri, and then tarred aud feathered, and one side of his head shaved, and other gross indignities put upon his person. Previous to the outrage, a public meeting was

held, (245.) at which resolutions were unanimously passed. looking to unlawful violence, and grossly intolerant in their character. The right of free speech on the subject of Slavery was characterized as a disturbance of the peace and quiet of the com-munity, and as "circulating incendiary sonti-ments." They say "to the peculiar friends of Northern functies." "Go home and do your treason where you may find sympathy." Among other resolves is the following :

solves is the following: Recolved, That the institution of Slavery is known and recognized in this Territory; that we repel the doctring, that it is a moral and political evil, and we hurl back with scorn upon its slauderous authors the charge of in-humanity; and we warn all persons not to come to our peaceful finesides to a ander us, and sow the seeds of dis-cord between the master and the servant; for, as much as we depress the necessity to which we may be driven, we consolve the resonsible for the consequences we cannot be responsible for the consequences.

pointed, " to observe and report all such persons as shall, * * * * by the expression of Abolition sentiments, produce disturbance to the quiet of the citizens, or danger to their domestic relations; and all such persons so offerding shall be notified and made to leave the Territory."

The meeting was "ably and eloquently addressed by Judge Lecompte, Col. J. N. Burns of Western Missouri, and others." Thus the head of the Ju-diciary in the Territory not only assisted at a public and bitterly partisan meeting, whose direct tendency was to produce violence and disorder, but, before any 1 w is passed in the Territory, he projudges the character of the domestic institutions, which the people of the Territory were, by their organic law, "left perfectly free to form and regulate in their own way."

On this Committee were several of these who held certificates of election as members of the Legislature; some of the others were then and still are residents of Missouri, and many of the Committee have since been appointed to the leading offices in the Territory, one of which is the Shoriffally of the County. Their first act was that of mobbing Phillips. Subsequently, on the 25th of May, A. P. 1855, a public meeting was held, at which R. R. Rees, a member elect of the Council, presided, (246.) The following resolutions, offered by Judge Payne, a member elect of the House, were unanimously adopted : Recoired, That we heartily inderse the action of the Committee of citizens that shaved, tarred and feathered, role on a rail, and had sold by a negro, Wm. Phillips, the mo al perjurer. Resolved. That we return our thanks to the Committee

Resolved. That we return our thanks to the Committee for faithfully performing the trust enjoined upon them by the Pro-Slavery Party. Resolved, That the Committee be now discharged. Resolved, That the Committee be now discharged. Resolved, That the Committee be now discharged. Resolved, That we severely condemn those Pro-Slavery men who, from mercenary motives, are calling upon the Pro-Slavery Party to as boilt without further action. Resolved, That in order to secure peace and harmony to the community, we now columnly declare that the Pro-Slavery Party will stand firmly by and carry out the reso-lutions reported by the Committee appointed for that pur-pese on the memorable 39th. The act of moral perjury here referred to, is the swearing by Phillips to a truthint protest in regard to the election of Marc 130, in the Sixteenth District. The members receiving their certificates of the Governor as members of the General Assembly of the Territory, met at Pawnee, the place appointed by Territory, met at Pawnes, the place appointed by the Governor, on the 2d of July, A. D. 1855. Their proceedings are stated in three printed hooks, here. with submitted entitled respectively, "The Statutes of the Territory of Kansas," "The Journal of the Council of the Territory of Kansas," and "The Journal nal of the House of Representatives of the Territory of Kansaa."

Your Committee do not regard their enactments as alid laws. A Legislature thus imposed upon a peq.

(243) W. H. Chick, Mr. Riddlerburger. (243) Wm. Berbour. (244) Charles Bobinson.

extended, there were illegal votes cast, as near									
as the proof will enable us to determine:									
Abstract or Poll-books of October 1, 1855.									
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Washington	59		—	59					
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and Ten Tecumseh			75	-59 ·					
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While these enactment	s of th	e alle	ged L	egisla	ative				
Assembly were being ma	de, a n	nover	nent v	vas i	nsti-				
tuted to form a State Gov	rernme	nt ar	id app	nly to.	rad-				
mission into the Union	as a S	itate.	Тле	first	step				
taken by the neople of th	ie Terri	torv.	in com	asequ	once				
of the invasions of March	h 30,18	855, 9	vas th	o circ	cuia-				
tion for signature of a graphic and truthfal memorial									
to Congress. Your Committee find that every alle-									
gation in this memorial has been sustained by the									
tostimory. No further step was taken, as it was									
hoped that some action b	y the	toner.		vern					
would protect them in the	ueir rij	յութ.	n w	onnat	ruct				
leged Legislative Assemithe series of enactment	ory pro	rod	to th	A gat	tlere				
one series of enactment	12 10161	reu	uo, ou		01010				

were of opinion that submission to them would result in depriving them of the rights secured to them by the organic law. Their political condition was freely discussed in the Torritory during the Sum-mer of 1855. Several meetings were held in reforence to holding a Convention to form a State Government and to apply for admission into the Union as a State. Public opinion gradually settled in favor of such an application to the Congress to meet in December, 1855. The first general meeting was held in Lawrence on the 15th of August, 1855.

The following preamble and resolutions were then passed :

Whereas, The people of Kansas have been, since its set-

whereads, The people of Kansas have been, shuce its active thement, and now arc, without any law making power; therefore be it *Resolved*. That we, the people of Kansas Territory, in mass meeting assembled, irrespective of party distinctions, influenced by common necessity, and greatly desirous of promoting the common good, do hereby call upon and request all bonu fide cilizets of Kansas forritory, of whatever political views or predilections, to consult logether in their respective Election Dirtricts, and in mass conven-tion or otherwise elect three delegates for each represen-

N. B.-Poll-book at Leavenworth was destroyed

The Executive Committee then issued a proclama tion reciting the results of the election of the 15th of December, and at the same time provided for an election to be held on the 15th day of January, 1856, for State Officers and members of the General Assembly of the State of Kansas. An election was ac-cordingly held in the several election precincts, the returns of which were sent to the Executive Committee. An abstract of them is contained in the following table :

Abstract of the Election of January 15, 1856. Att. Gen. H. Miles Moo "F.E. C. K. Garvey..... "W. R. Griffith..... "SeP. C. Schuyler..... SeP. C. Schuyler..... Lieut. Gov. M. J. Parrott... Lieut. Gov. W. Y. Roberts.... rts : : Precincts. Clerk Supremet S. B. Flord.... E.5 S. B. Makferr E.5 S. B. Makferr G. A. Wakefield G. W. Johnson... G. W. Smith... G. W. Smith... F. S. N. Latta... PRECINCTS. 3 1 9
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 Washingtou..... Dor-iphan..... Osawatamie 81 82 19 19 Usage..... Kickapoo..... Leav cnworth..... .awrence..... Neosho..... Slough Creek..... Wyandot.....

* Anthony Floyd 1.

The result of this election was announced by a proclamation by the Executive Committee.

In accordance with the Constitution thus adopt-ed, the members of the State Legislature and most of the State officers met on the day and at the

place designated by the State Constitution, and took the oath therein proscribed. After electing United States Sonators, passing some preliminary laws, and appointing a Codifying Committee and preparing a Momorial to Congress, the General Assembly adjourned to meet on the 4th day of July, 1856.

The laws passed were all conditional upon the adtion or otherwise elect three delegates for each represen-(247) Statutes, page 719. (248) Statutes, page 765. (247) Statutes, page 8103, 227, 712. (250) 339. (251) 475. (242) Statutes, page 830. (255) p. 333. (254) p. 332. (255) (255) Statutes, page 34. (269) p. 333. (254) p. 332. (255) (255) Statutes page 34. (269) p. 333. (261) D. W-(261) Samues Smith and Fdward Oakley. (261) D. W-Field. (272) John Lan lis. (253) Robert Morrow, E. Jee-kins, E. C. Westtall. (264) A. White, T. Wolverton, J. Reid. (257) I. M. Cox, L. A. Prather. (256) B. C. West-fail. (268) O. F. Warren, H. Kiles Moore. (270) J. W. tephenus. The laws passed wore an conditional upon the ad-mission of Kansas as a State into the Uniou. These proceedings were regular, and in the opinion of your Committee the Constitution thus adopted fairly ex-presses the wil. of the majority of the settlers, They now await the action of Congress upon their Memorial

While we remained in the Territory, repeated acts of outrage were committed upon the quiet, un-offending citizens, of which we received authentic intelligence. Men were attacked on the highway, robbed, and subsequently imprisoned. Men were

Garks. C. M. Bird, Williams, (291) George A. Taylor, Stephen Sparks, J. H. Bird. (292) Henry J. Adams, George A. Taylor, Stephen Sparks, J. H. Bird. (293) Henry J. Adams, George A. Taylor, W. P. Kitby, John H. Martin, Wiley Williams, (293) Henry J. Adams, J. W. Martin, (294) Wiley Williams, J. W. Martin, H. J. Adams, (295) H. J. Adams, G. A. Taylor, J. H. Bird, Wiley Williams, (296) M. P. Eively.

Sizth-That Annew H. REEDEBreceived a greater number of votes of resident citizens than Jonn W. WHITEFIELD, for Delegate.

Seventh-That in the present condition of the Territory a fair election cannot be held without a new census, a stringent and well-guarded election law, the selection of impartial Judges, and the presence of United States troops at every place of election.

Eighth-That the various elections held by the people of the Territory preliminary to the formation of the State Government, have been as regular as the disturbed condition of the Territory would allow; and that the Constitution passed by the Con-

low; and that the constitution passed of the environ-vention, held in pursuance of said elections, em-bodies the will of a majority of the people. As it is not the province of your Committee to suggest remedies for the existing troubles in the Territory of Kansas, they content themselves with the foregoing statement of facts.

he foregoing statement of facts. All of which is respectfully submitted. WM. A. HOWARD, JOHN SHERMAN.

(276) Jacob Branson. (276) Jacob Branson. (277) L. A. Prattier. (278) Luther Leonard. (279) William Shannon Charles Robinson. (280) G. P. Lowry and Charles Robinson.

(282) Robert T. Barber, Thomas W. Pierson, Jane W. Colborn and others, (285) Article 4 of the Amendments, (284) Harrison Nichols, (286) George Wetherell, Geo. H. Keller. (286) George Wetherell, (287) George Wetherell, Georgo W. Hallis. (288) J. C. Green, Henry J. Adams, Joseph H. Bird. (280) Stephen Sparks.

