

## KANSAS.

PRISON OF THE HUNDRED,  
LECOMPTON, KANSAS,  
Thursday Evening, Oct. 15, 1856.

To the Editor of the National Era:

Things still move on in their wonted course. A brave people can be forced to acquiesce in a system of Government for themselves which they had no hand in making, only by a strong military power. Such has been the case in all ages and with all men, while they continued to be men, and such is the case in Kansas now. New prisoners are still being brought in, and others, after weeks of suffering, during which they have contracted diseases which will in many cases accompany them to their graves, beside the loss of time and property, which the enemy have plundered at the prisoners' homes, while they are here for nothing in truth but the crime—in Kansas it is a crime—of daring to wish and labor for the extension of the rights of man, are at last discharged, when the demons who hold sway find they have the wrong man. Gov. Geary is still in favor of allowing the people to govern themselves in all things, unrestricted by any power whatever, and yet, at the same time, he asks us to submit for a little while to the government of a foreign mob. By that little while he means until an entire new Legislature could be elected. To do this even would require another year. But this is not all. There are county officers appointed to serve for four years yet, and any law repealing or materially modifying the pretended one under which they were appointed, would be declared unconstitutional or invalid by any and every one of our Territorial or Federal Courts having jurisdiction in the case. To talk of such submission, to a people who have once tasted the sweets of Liberty, is useless hypocrisy. We have already endured war—most horrible war—for opinion's sake, and we are willing, yes, anxious, to endure it to the end of our lives, rather than be for one hour the base slaves which such submission would make us.

On Saturday last, the people of Topeka first heard of the confinement of William O. Fisher—of whose case I have once before written you—in default of immediate payment of a debt of \$35, and on Sunday they sent down a messenger, who paid the money over to the Court, from which he obtained an order to the officer of the guard for Fisher's discharge. It was dark before he passed the outside post of the sentinel, but fearing they would drum up some new charge on which to arrest him, he took a by-path, and went all the way to Topeka the same night on foot, although he was thought hardly able to walk, and had been under care of the physician during most of his imprisonment.

While these negotiations were going on for the discharge of Fisher, another prisoner, F. K. Moffet, formerly from Ohio, was making arrangements for "pairing off" with him. He cut a hole through the floor at the south end of the prison, and at night passed through it, and in a short time succeeded in making a hole in the wall, by which he could pass through under an elevated building on the south, between which and the next building there is an alley three or four feet in width. The first building is used as the guard room. The sentinel's post extends from the south end of the prison directly into the street, leaving this alley about twenty five feet beyond the post. About three o'clock on Monday morning, Moffet crawled out into the alley, and, after walking off very quietly two or three rods, was seen by the sentinel, who hailed him with "Who goes there?" "Officer of the night," responded Moffet, considerably accelerating his gait. The sentinel called out the sergeant of the guard, who came out and fired twice, but by this time the prisoner was in the woods. Titus got out his regiment, and scoured the hills until daylight, but to no purpose. Every morning, at eight o'clock, all the prisoners are paraded in front of the prison for roll call and counting. As luck for us would have it, the officers have always been very careless in striking from the roll the names of those who have been discharged.

Some two weeks ago, the officer of the guard carelessly erased the name of Charles Digges, whom Colonel Whipple's regiment, when sacking Osawkie, found in prison at that place, with three heavy chains about him—all for stealing his own horse. At his examination for that heinous offence, all the witnesses admitted that the horse belonged to Digges, and the committing justice granted the same, but said he was guilty of two offences which would answer his purpose as well as if he had stolen the horse. These were, that in the first place he had "neglected or refused recourse to the Territorial laws;" and, secondly, that "the dead rascal came from Chicago." Well, as I was going to say, it was arranged that at roll call, Digges should answer to the name of Moffet, the object of which was to prevent the officers and other authorities from knowing the residence of the prisoner who had escaped; for, once knowing it, we thought it not improbable that they might send spies to his house to arrest him while paying a last visit to his family before fleeing to the States. All the names were answered to as usual, which was a subject of no little surprise to the officers. Determined, however, to ascertain who was the missing man, the prisoners were ordered to step in front and form another rank as their several names were called. But this time, Digges saw some Pro Slavery men in the street, who were looking at the prisoners, and, well aware that they would recognize him as not being Moffet, no one answered to that name; and after the roll was over, Digges was standing alone in the rear. Colonel Titus, who was present, after ascertaining his name, and also finding it marked on the roll "discharged," asked him why he remained here, and was answered by another prisoner, that boarding was cheaper here than anywhere else. This was a settler. Titus, not relishing the idea of having his friend Donaldson being at the expense of boarding prisoners who were kept here illegally, he ordered the guard to pass Digges out. He did not stop to take his extra clothes, and even forgo his breakfast, which was in waiting.

The troops came back on Monday from an unsuccessful search for Lane, up towards Nebraska. In reply to some questions asked them by the prisoners, they said they "didn't find him much." They came upon a train of emigrants to the number of 240, all of whom were taken into custody, and marched under guard to Indianola, a small town opposite Topeka, and on the north bank of the Kaw. Tuesday evening, the Governor went up and held a council with them. Finding them to be peaceful emigrants, he welcomed them "gladly and heartily" to the enchanted land. He left under a shower of cheers, and the emigrants left—some for Topeka, others for Lawrence and other places. It is said that the Governor spoke very complimentarily of their conduct and appearance.

I have written you of the seizures of Babcock and Fay at Topeka, and of Mitchell at Weston. The two former were further examined on Monday, and finally discharged, the officials apprehending they were getting into greater difficulty than they had sought. Captain Mitchell was brought in by the Marshal the same day. Announced will be found his statement of the whole affair, which may be relied upon as true in every particular.

The grand jury did not get together until Tuesday. It consists of eighteen men. Several members are professed Anti Slavery or Free State men, one a member of the Free State Legislature, but a most stringent black law man, and but little, if any, more to be relied upon than avowed Pro-Slavery men. But composed, as it was, wholly of our enemies, or of those who dared not proclaim themselves our friends, the grand jury found nothing in the testimony, taken before Judges Cato and Lecompte on our preliminary examination, which would, in their opinion, warrant them in indicting us. Scores of witnesses have been called, but as yet only two indictments have been found. These are against John Ritchey

of Topeka, for sacking the town of Osawkie, on the 8th of September last, and Ezekiel Whipple of Lawrence, supposed by the enemy to be Colonel Whipple of Topeka, who commanded the second regiment at Osawkie. Both will be tried on Saturday. Whipple will not attempt to disprove his identity with the Colonel of that name, but will confine his defence to an alibi. In Ritchey's case, the main question will come up. The proof that he was a participant in the affair is irresistible. And were it less so, it would make no difference.

The Free State party were driven by actual war, and by impending starvation, to take from those who had brought these calamities upon us, provisions and necessary clothing, by the same force which had been used in attempts at our destruction. Mr. Ritchey with others chose this course in preference to starvation, and he is too bold and is too conscious of the righteousness of his cause, to shrink from any just accountability.

During the preliminary examination, before Judge Cato, of the Hickory Point affair, seven of the prisoners were identified by witnesses present, as being concerned in this battle. This morning, while we were on parade, several who were in that battle, on the side of the enemy, were brought in to examine us for identification. They testified to recognising five more. Three of these were doubtless there; but two, Henry Hoover and J. H. Kagi, were both at Topeka the whole day of the battle, while the former resides at Pleasant Hill, ten miles from Osawkie—being at that time twenty miles farther than his home from the scene of action. An alibi will be proved in both cases. I think that all arrested on the charge of being engaged there, will be discharged by Saturday, or early next week—probably, though, to be re-arrested on some other charge.

One of the guards, who went with a prisoner to the river this morning for water, tried to get him to run, saying he would shoot over him. The prisoner recollected having heard some of the guards saying they should attempt some such game, if they could get no other chance to shoot any of us.

I learn, that while on his way to the States, H. Miles Moore has been again arrested by another mob down at Lexington, or some other point on the river. I can give no particulars.

The authorities, receiving information that some of the late emigration would pass on their way to Lawrence to-day by the main road, which is three miles from here, became fearful of a rescue, took away the militia guard, and again placed over us one composed of regular troops. So they have given up reliance on the potency of their uniform for protection. The militia are all in camp, ten or fifteen rods back of the prison.

### STATEMENT OF CAPTAIN MITCHELL.

IN PRISON AT LECOMPTON,

October 16, 1856.

DEAR SIR: You ask of me a brief statement of the circumstance of my seizure and subsequent imprisonment and arrest at this place, together with such other facts as may be necessary to a proper understanding of the case. Below, I will endeavor to comply with your request:

I was born in Canton county, Kentucky, in the year 1827. I resided at my birthplace until 1851, when I came to Liberty, Clay county, Missouri. Two years since, I came from the latter place to Kansas, and have, during the little peace that has been left us, been carrying on the trade of master builder, at Topeka.

About the first of June last, I was elected Captain of Company F, Topeka Free State Volunteers, and served in that capacity for upwards of two months, and resigned that office at the urgent request of General Lane, who gave me a commission as one of his aids. When the General went to Nebraska, about the time of the arrival of Governor Geary, for the purpose of escorting down from there a company of emigrants, who were in waiting near the line, I accompanied him. On account of some necessary business transactions, however, I did not return with the company, as I had expected, but remained at Nebraska city until the 3d inst., when, supposing that peace had ensued, I thought I could come home in safety by way of St. Joseph, Weston, and Leavenworth—this being a much more comfortable route than the uninhabited and direct one. I took an express for St. Joseph, at which place I embarked on board the steamer David Tatam for Weston, where I arrived Tuesday morning, the 7th.

A short time after my arrival, a crowd of men, of all ages—and degrees of drunkenness—began to gather about the hotel at which I had put up. In this assemblage was Draft Thomson, who had known me during my residence in Liberty, and had since learned that I commanded a company of Free State volunteers. Thomson is known as being one of the most notorious gamblers in Western Missouri. This man busily engaged himself in pointing me out to the mob, who received his remarks and epithets with the most fiendish shouts and execrations I ever heard.

In an hour and a half or so, a man came up to me, and, after considerable hesitation, said, "Well, neighbor, I suppose I shall have to arrest you." I asked him by what authority he did so; and he replied, that "it was said I had been captain of an Abolition company up in Kansas, and it was his duty, as an officer of the city of Weston, to arrest me, and send me to the Marshal of the Territory." This officer then procured of Thomson and of Dr. Stringfellow the names of several persons, which, he said he wished to send to the Marshal, as witnesses against me. Some objected to my being sent to the Territory. Stringfellow was foremost among these. He said I should be hung at once; that such a proceeding would save a great deal of trouble; that there would then be no difficulty with me hereafter. After considerable deliberation, however, it was decided that I should be sent in irons to Leavenworth, to be there given into the charge of the Marshal. Many expressions, which I cannot remember, such as "Hang the God-d—d son of a b—h," and others, too indecent to think of writing, were applied to me during this conference. This particular one was several times used by Dr. Stringfellow. The officer then left me, entirely unprotected and surrounded by the mob, and in a few moments returned with a pair of handcuffs, which he, with others whom he had called to his assistance, placed upon me. A carriage was then procured, in which I was placed, with a guard or deputy, of the name of Owens; another rode beside us, on a mule. Under this escort, I arrived at Leavenworth the same day. I did not come all the way in irons, however—for, before proceeding far out of Weston, Owens addressed me with "Mr. Mitchell, I believe you are a white man and a gentleman; and no man of honor should be treated thus, like a dog," and took the irons off me. At Leavenworth, I was delivered over to U. S. Deputy Marshal McMechan. He talked of taking me to the town of Delaware, to place me in jail there; but on my offering to pay the expenses of the guard, if he would let me remain at Leavenworth, he sent for Donaldson, who consented to my offer.

A guard of two was employed, both in the room with me. Some nights, when all were drunk, they would imagine that Lane—John Lane, they called him—was coming to rescue me; and then they would put on three additional guards—one at the door of my room, which was in the second story, another at the top of the stairs, and another at the foot. Beside this, a large drunken crew were kept around the building below. My expenses for guard and board was eight dollars and fifty cents per day. Several times the crowd came into the room to hang me.

I remained at Leavenworth until Sunday, the 12th, when Marshal Donaldson started with me for this place, where we arrived on the morning of the 13th. I was lodged in prison immediately on my arrival. This morning I was taken before Judge Wood, for examination, and then for the first time saw the warrant under which they say I was arrested. It merely set forth that I "had been seen passing through Osawkie on the first day of the attack at Hickory Point." Three witnesses testified

on examination to the charge in the indictment. Judge Wood then said he should recommit me, to await the action of the grand jury. I asked him if I could be admitted to bail—telling him at the same time that I asked merely out of curiosity; that I did not intend to give bail. At this he retorted, that if I would not give bail, he would not inform me what sum he had fixed; but that I might rest assured that it would be steep enough for all purposes. So I was returned to prison, and here I remain.

To each and every one of these statements I am willing to make oath.

Yours, &c.,                      MARTIN J. MITCHELL.  
*Mr. J. H. Kagi.*