

rest of Hayes was a mere ruse, and every day my suspicions are gaining strength.

It is probable that no proof will be brought against him. They know well the guilty one, but they think that they can as well deceive us with Hayes as with the real murderer, and still save him from merited punishment. Titus will soon leave for Nicaragua or San Salvador; so he will not be injured. Then, as to Clark, as every one here knows, he is out of the way, driven from the Territory by the fear of revenge from the friends of Barber; otherwise, he would never have been indicted. But then they cannot bear even this. They claim that they should be allowed to murder with impunity any man who does not acknowledge the validity of their decrees; and that it is wrong even to admit the injustice of such a course by the finding a sham indictment.

Some of the militiamen in one of the companies here—Capt. Donaldson's—have changed their opinion concerning us considerably, since our imprisonment. Quite a number of them have become earnest Free State men under our tuition. During the last week or two, nearly the whole of this company have expressed their sympathy for us, and acknowledge that our only offence was merely a difference in political views, and often wish we were set at liberty. They are mostly from the more Southern States, while the other company is comprised almost wholly of Missourians. They now hate the pukes, as the people of Missouri are called, about as heartily as we. The greater portion will go back to the South as soon as they receive their discharge—a few, all Free State converts, will remain and labor with us for Free Kansas. When Titus is not about, these treat us with as much kindness as the stringency of their orders will permit; but when he is here, they are almost forced to insult and abuse us, especially since the late kindling of his wrath against us.

The other company need no such compulsion, as inhumanity seems to be a part of their nature; at any rate, it has become habitual with them. Night before last, one of them threw a heavy bone in an open window, hitting one of the prisoners on the temple, and wounding him quite severely. The same guard, shortly afterwards, attempted to throw in a stone, but missed the opening. Four or five of us went to the door and called the Lieutenant, telling him what had been done, and asking him to come in and see the wound while it was yet fresh, and learn the circumstances of the affair. He refused to do so, and he was entreated a second time, but, instead of acceding, ordered us to retire to the further part of the prison. Now was our turn to refuse, and we told him so, frankly and decently. He then called five of the guards, placed them immediately in front of the door, and but five or six feet distant, and again commanded us to retire, informing us that he should fire upon us, unless we obeyed. The other prisoners, hearing the disturbance, all rushed into the passage leading to the door, and told Mr. Ritchey and Mr. Bickerton, who were the principal spokesmen, to stand firm until the request should be granted. They endeavored to reason with the officer, but he commanded them to cease talking. He was told that words could not gag us. At this he became more enraged. His guards cocked their carbines and presented them to our breasts, and we were given to understand that another word from us would send us to eternity. Major Bickerton spoke slowly and calmly: "Shoot just as soon as you please. We have met greater danger than this. We have come quietly to make a reasonable request, and we will die right here unless it is granted." Here the Captain of the guard appeared, and consented to come in; which done, there was no further trouble. He promised to punish the guard who committed the deed, but forgot to do so. Still, we were the conquerors. This serves to show both their arrogance and their cowardice.

Forty-seven of the Hickory Point boys were, yesterday morning, taken to Tecumseh for trial. This was all except one, who failed to get a change of venue by neglecting to give his name to his attorneys for that purpose. He remains here, and I think may as well; for even though those who have gone up there should be acquitted on this charge, as I think will probably be the case, all but a few—perhaps every one—will be brought back, and re-committed to prison on other charges, perhaps all for being at the fight at Titus fort. What chance there will be for getting out before next May, by any process of the courts, I cannot see. I understand, from a consideration of the past, am led to believe it true—that the Supreme Court, which holds a session here in a few weeks, some time in January, I think, will refuse writs of *habeas corpus* to enable us to prove *alibi*, or anything else, to our advantage. I will gather what information I can respecting the trials at Tecumseh, and forward the same to you.

After the forty seven boys were taken away, those remaining were called out for court. About half of the whole number had formed in line, when Col. Titus, who had overheard Capt. Mitchell speaking somewhat independently of the character of him, for which he determined to punish the Captain, he arrogantly ordered him to come into ranks.

Mitchell delayed scarcely a second, when Titus marched forward, and seizing him by the throat, pulled him into line, and ordered him bound, which order was carried out. Mitchell titus of his cowardice and cruelty; and Titus, to prove himself chivalric and brave, drew back to strike him, unarmed and bound as Mitchell was, and would really have done so, had not some outsiders interfered. Perhaps Mitchell was convinced by such a demonstration, and perhaps he was not. Mitchell said to Titus, "I once saw you a prisoner, when you begged like a child for your life; but entreaty is not in my constitution. You may try every muscle, but I will still talk what I think, and throw my wrongs into your teeth; but I will never beg nor ask of you a favor."

Titus then ordered him taken to the guard-room, and directed him to be gagged, as though he had the right to stop the mouths of American citizens, before conviction of any crime. A Pole, who says he fought for liberty in Hungary, begged the privilege of whittling out the gag. I believe his name is Kosko. Mitchell remained bound and gagged until nine o'clock at night—about twelve hours—and was then released by Captain Wallace, upon the condition that he would not treat Titus any worse or more indecently than he had always done. *There had found metal that would not bend.* There is more such here.

Ritchey, of Topeka, and Chester Hays, who have been tried and acquitted on the Hickory Point charge, but held on some other, and Cottingham, one of the bogus convicts, escaped last night. The guard did not miss them until this morning. The officials are greatly frightened concerning Ritchey, as he has great influence, and they think will effect a rescue of those he left behind.

An appeal has been sent to Governor Chase, of Ohio, from those prisoners who were late citizens of that State. This will probably be followed by one to the Governors of each of the free States.

Interesting Items from Kansas.

We gather the following items from late Kansas letters, written at Leavenworth, in the *New York Times*:

Within a few days, ten of the Free State men, who were out of funds, and consequently not able to pay for their lands, have sold out to a Pro-Slavery company from Kentucky. In this way the Southerners are getting possession of Kansas. A Free State man has a claim of 160 acres of land, within three miles of this city. A Kentuckian has offered him \$5,000 for it. Another Free State man sold out yesterday for \$1,000 to a Kentuckian. To-day, the same claim could have been sold for \$2,000—doubled in value in 24 hours.

The Delaware landers have been oppressed by a Board of Commissioners—the lowest at \$1.50 per acre, and from that up to \$10.

The lots in this city are 24 by 125 feet, and range from \$100 to \$1,000 each. The city was claimed by a number of men associated together, and they have disposed of several lots. Gov. Reeder owns forty in this city, purchased of the association.

The Rev. Mr. Metzger, who was threatened with mob law if he did not leave the Territory within a special time, and never come back, has returned, after a visit to the States, and is now here. The Missourians have offered to pay him the amount of money necessary to cover the damage done to his church and church property during the recent war. Russell, of a Pro-Slavery firm, has paid Mr. Graham for the rifles, revolvers, camping utensils, &c., taken from his party some months since; and the Sharpe's rifles taken at Lexington, Mo., last March, are to be returned to the owners, and sent back to the committee at Chicago. It is reported that

Mr. Graham's bill amounted to something near \$7,000, all of which has been paid. Through Gov. Geary's address, many of the most prominent Pro-Slavery and Free State men, who, two months ago, were warring against each other, meet and shake hands, exchange courtesies, and seemed disposed to bury the past and help each other in the future. Let no one blame Geary till his whole policy is developed and understood.

Interesting from Kansas.

Chicago, Nov. 25.—The land sales at Leavenworth are progressing quietly. There are about 2,000 purchasers present, and the bidding is active.

Marshal Donaldson has refused to re-arrest Hayes, the murderer of Buffum. Gov. Geary has suspended Judge Lecompte, and the trials are to proceed before Judge Cato.

The Leavenworth *Herald* publishes the correspondence between Gov. Geary and Marshal Donaldson, in which the latter expresses a determination to resign. The *St. Louis Democrat* says Donaldson has resigned and left Lecompton.

Gov. Geary, after the refusal of Donaldson to re-arrest Hayes, immediately dispatched Col. Titus with six armed men, who captured the murderer, and brought him to Lecompton. The prisoner's counsel immediately applied to Judge Lecompte for a writ of *habeas corpus*. Gov. Geary had definitely suspended the Lecompte trials.

Later from Kansas.

Chicago, Nov. 27.—Advices from Leavenworth to Friday last report the land sales progressing without disturbance.

Judge Lecompte has issued a process against Gov. Geary for contempt of court.

The Sale of the Delaware Lands in Kansas. The *St. Louis Republican* has obtained the following incidents which attended the sale of the Delaware lands in Kansas last week:

The Squatter Court had been sitting for some days previous to the sale, and each township had completed an organization to counteract the speculators, who had locked to Leavenworth in great numbers. On the morning of the 17th, some two thousand or fifteen hundred squatters mustered at the fort; and, owing to rumors that "by-bidding" would be offered, there was a good deal of subdued excitement, but a thorough determination to prevent the purchase of claims over the heads of the squatters.

The sale commenced at the seventh township, some fractions of which were open to competition, and brought \$2.10. At this time, the crowd became somewhat restless, when Mr. N. Eddy, the Government commissioner, came forward, and having obtained a hearing, stated, in substance, that "he spoke by authority in saying that it was the desire of the Government that the squatter, who had improved the land by the labor of his hands, should have a preference to his claim, at the appraised value." At this point, the crowd cheered vehemently. "But," continued he, "the lands are to be sold at auction to the highest bidder, and I am prepared to accept the highest price." The men composing the township on sale stood round the door from which the sections were sold; and it is needless to add, that no outsider was fool-hardy enough to offer a bid on the claims, which were sold rapidly at \$1.50 to \$1.55 an acre. The sale was adjourned after the seventh township had been about one half sold. On Tuesday, the sale was continued, and part of the eighth township was disposed of. Some difficulty arose between the squatters on "rival" and "jumped claims," but nothing involving loss of life. The fever occasioned among the speculators, by being prevented from bidding, has given large prices to the squatters who felt disposed to sell their claims. One man, living some twenty miles out, asked \$1,000 for his claim; and a gentleman sold some fifty-five acres, lying one and a half miles from town, for \$11,000. From these two items, an average may be inferred.

There is supposed to be three millions of specie on the ground. The place is not only over-crowded, but densely so—every store and boarding house having sleepers on the floor. No party crime have been raised, and the "pro" and "anti" men seem to blend harmoniously for the time; but, after the claims are secured, there may and doubtless will be some individual feuds.

Governor Geary and the Kansas Judiciary.

We notice by the Leavenworth *Herald* that a controversy has arisen between Governor Geary and the judicial officers of Kansas. It appears that Judge Lecompte, (formerly of Baltimore) of the United States District Court for that Territory, admitted to bail a man named Hayes, who had been indicted by the grand jury for murder. The *Herald* says:

The Judge, we understand, assumes it to be the law as well as precedent, in higher cases, that in the United States Courts a Judge, in his discretion, may bail in a case of murder. 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 Hayes, upon the ground that murder is not a bailable offence.

Marshal Donaldson at first made some excuse, but finally objected to make the arrest. The Governor then ordered Colonel 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 Hayes. He proceeded to execute the writ, in obedience to the orders of the Governor. We have learned that Colonel Titus arrested Hayes, and has lodged him in jail at Leavenworth. 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.

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

1. 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.

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

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

The correspondent of the *St. Louis Democrat* says that Governor 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 17th. Some thirty of the prisoners indicted under his instructions have succeeded in obtaining a change of venue to Judge Cato's Court, which opened at Tecumseh.

THE CONVICTS IN KANSAS.—The following is a list of the names of those who have been convicted of manslaughter in Kansas:

Thomas Hankins, William Gordon, George Smith, A. J. Payne, L. Cottingham, C. H. Jacobs, John Laurie, C. L. Preston, A. C. Soule, Henry Herd, H. N. Bent, John Legre, James L. White, I. D. Whipple, Miriam Kinsler, Thomas Varnes, S. Stewart, T. B. Swift, C. H. Jalkins, Alonzo Crawford. These have been sentenced to six years imprisonment, or six years of the chain and ball. Besides these, Ephraim Banister has been sentenced to the same term for shooting with intent to kill, and Elias Bourse for two years.

FURTHER FROM KANSAS.—Chicago, Dec. 1.—Kansas dates to the 24th have been received. Thirty nine Free State prisoners at Leavenworth escaped on the night of the 22d. No violence was used by them. The report that Judge Lecompte had issued a process against Governor Geary is not confirmed. It is stated that he had granted a writ of *habeas corpus* in the case of Hayes.

AFFAIRS IN KANSAS.

WHOLESALE PRISON, LEAVENWORTH,
Tuesday, November 18, 1856.

To the Editor of the National Era:

Last Wednesday evening, news was received at Leavenworth that Buchanan had carried all the Southern States except Maryland, and also that he had been successful in Pennsylvania, Indiana, and Illinois, by majorities ranging from eight to forty thousand. The militia had a grand jubilee over this, in which they were joined by most of the citizens, all getting demagogically drunk. While the guards were at the climax of their justification, one of the convicted prisoners—Charles Collins—threw his blanket over his shoulder, and walked out unnoticed by any except his friends. I learn that a reward has been offered for his apprehension. This will be of no use; for no one, who has once escaped from Leavenworth prison, will ever be seen within its walls again, but choose rather, a thousand deaths instead. Jones demanded that the others should all be immediately chained, but Captain Hamplden—who has received the appointment of Prison Warden, and who appears to be a somewhat conservative Pro-Slavery man, and admits that the Free State men could, at a fair election, cast seven eighths of the legal and rightful votes in Kansas—refused to obey Jones, declaring that the time had not arrived for such a proceeding, which, if carried out, would inevitably result in the rescue of every prisoner here before another week should have passed. Hamplden will probably be removed for a more supple tool. Secretary Woodson declares that we shall be chained, and I learn from the best of authority that he is now engaged in contracting for the shackles. If relief comes not soon, do not be surprised to learn in a few weeks, perhaps days, that CHAINS are clanking about the best blood and sinews in Kansas. In this, of course do not pretend to include myself; and even had I the lack of modesty necessary to do so, I would not, for I do not intend to remain here long. I have had many chances to escape since I have been here, and especially during the past few weeks; but I have preferred to remain as long as it was endurable, and chronicle the wrongs of my friends. I can endure it now no longer. Besides, my life is every day in danger; if I should remain, and by failing to get a change of venue to some other district, be brought up for trial in this place, any imaginable amount of proof on my side would not save me. Even taking the chances of a rescue into consideration, the increased failing of my health admonishes me not to wait.

Some difficulties occurred several days ago, between Governor Geary on the one side, and Lecompte and Donaldson on the other. They arose out of the release of Hayes, charged with the murder of Buffum. It is said that when the Governor heard of that transaction, he indignantly pronounced it a great act of injustice, inasmuch as Free State men had not been allowed admission to bail, when charged only with inferior crimes; and that he directed Donaldson to re-arrest Hayes, which he refused to do. Titus was then ordered to perform the arrest, and I understood at the time did so; but Hayes is now here in this town, entirely unrestrained; and, what is more, yesterday, as a fire broke out on the roof of the prison, the militia were called out in front of the building, the citizens also armed, and all drawn out in battle array—among them Hayes, with revolver and drawn sword, to guard innocent men. Although this might seem to some a small matter, it was to us the most galling and in-ulting act of tyranny I have ever witnessed. The Governor threatened to suspend Marshal Donaldson, which has called down upon his head showers of wrath from the leading Pro-Slavery men here. In this connection I may mention that the grand jury has of late become quite obnoxious to the officials and Pro-Slavery party generally, since it has become known that that body has indicted several of their men, among others General Clark, the principal murderer of Barber. It is also rumored that an indictment was found against Titus. A mass meeting of the people of Leavenworth was held Saturday night, at which they indignantly rather loudly. They claimed what we have always held, but what the People of the States have been slow to believe—I may say, refuse to believe, for I suppose there is no doubt concerning Buchanan's success in Pennsylvania, which will at least defeat I remount—that the Shawnee Mission "laws" were made only for the punishment of Free State men. The meeting declared the indicting of Pro-Slavery men for crimes which they had committed upon Free State men was treasonable, unlawful, and tyrannical, and finally determined to repudiate their authority. Is not this rich? The fools cannot understand their own game. The grand jury intended to make a show of sacrifice, in order to satisfy the Free State party. I have suspected all along that the indictment and ac-