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TRANSACTIONS

OF THE

KANSAS STATE HISTORICAL SOCIETY,

EMBRACING THE

FIFTH AND SIXTH BIENNIAL REPORTS,

1886-1888,

TOGETHER WITH COPIES OF OFFICIAL PAPERS DURING A PORTION OF THE ADMINISTRATION OF GOVERNOR WILSON SHANNON, 1856, AND THE EXECUTIVE MINUTES OF GOVERNOR JOHN W. GEARY DURING HIS ADMINISTRATION, BEGINNING SEPTEMBER 9, 1856, AND ENDING MARCH 10, 1857.

COMPILED BY F. G. ADAMS, SECRETARY.

VOL. IV.

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GOVERNOR GEARY'S ADMINISTRATION.

[John W. Geary was the third Governor of Kansas Territory. His predecessors were Andrew H. Reeder and Wilson Shannon. The third volume of the Transactions of this Society contained the official executive minutes of these first two Governors, accompanied by biographical sketches. The papers following in this volume contain a brief biographical sketch of Governor Geary, an extract from the President's message bearing upon the Geary administration, and such of the official correspondence of his predecessor, Governor Shannon, and that of Governor Geary with the departments at Washington, as was published at the time in the Government reports and in the proceedings of Congress. Then follow his executive minutes, which show his official acts, as recorded under his direction and transmitted by him to the President.]

BIOGRAPHY OF GOVERNOR JOHN W. GEARY.

[From Appleton's Cyclopaedia of American Biography.]

GEARY, JOHN WHITE, soldier, born near Mount Pleasant, Westmoreland Co., Pa., 30th December, 1819; died in Harrisburg, Pa., 8th February, 1873. His father was of Scotch-Irish descent. The son entered Jefferson College, but, on account of his father's loss of property and sudden death, was compelled to leave and contribute toward the support of the family. After teaching he became a clerk in a commercial house in Pittsburgh, and afterward studied mathematics, civil engineering, and law. He was admitted to the bar, but never practiced his profession. After some employment as civil engineer in Kentucky, he was appointed assistant superintendent and engineer of the Alleghany Portage Railroad. When war was declared with Mexico in 1846, he became lieutenant-colonel of the Second Regiment of Pennsylvania volunteer infantry, and commanded his regiment at Chapultepec, where he was wounded, but resumed his command the same day at the attack on the Belen gate. For this service he was made first commander of the City of Mexico, and colonel of his regiment. He was appointed in 1849 to be first postmaster of San Francisco, with authority to establish the postal service throughout California. He was the first American alcalde of San Francisco, and a "judge of the first instance." These officers were of Mexican origin, the "alcalde" combining the authority of sheriff and probate judge with that of mayor, and the judge of the first instance presiding over a court with civil and criminal as well as admiralty jurisdiction. Colonel Geary served until the new constitution abolished these offices. In 1850 he became the first mayor of San Francisco. He took a leading part in the formation of the new constitution of California, and was chairman of the Territorial Democratic Committee.

In 1852 he retired to his farm in Westmoreland county, Pa., and remained in private life until 1856, when he was appointed Territorial Governor of Kansas, which office he held one year. He then returned to Pennsylvania, and at the beginning of the civil war raised the Twenty-eighth Pennsylvania volunteers. He commanded in several engagements, and won distinction at Bolivar Heights, where he was wounded. He occupied Leesburg, Va., in March, 1862, and routed General Hill. On 25th April, 1862, he received the commission of Brigadier-General of U. S. volunteers. He was severely wounded in the arm at Cedar Mountain, 9th August, 1862, and in consequence could not take part in the battle of Antietam. At the battles of Chancellorsville and Gettysburg he held the Second Division of the Twelfth Corps. The corps to which General Geary's regiment was attached joined the Army of the Cumberland, under General Hooker's command, to aid in repairing the disaster at Chickamauga, and he took part in the battles of Wauhatchie and Lookout Mountain, in both of which he was distinguished. He commanded the Second Division of the Twentieth Corps in Sherman's march to the sea, and was the first to enter Savannah after its evacuation, 22d December, 1864. In consideration of his services at Fort Jackson he was appointed Military Governor of Savannah, and in 1865 he was promoted to be Major-General by brevet. He was elected Governor of Pennsylvania in 1866, and held this office until two weeks before his death. During his administration the debt of the commonwealth was reduced, an effort to take several millions from the sinking fund of the State bonds was prevented, a disturbance at Williamsport quelled, and a Bureau of Labor Statistics established by the Legislature, 12th April, 1872. Governor Geary possessed great powers of application and perception, force of will and soundness of judgment, and was popular among his troops. In recognition of his service to the State and Nation, the General Assembly erected a monument at his grave in the cemetery at Harrisburg.

PRESIDENT PIERCE'S MESSAGE, 1856.

[The first twelve pages of the Annual Message of President Pierce, December 2d, 1856, contain a commentary by him upon the affairs which transpired in Kansas during the preceding year, and with a discussion of the slavery questions involved in the Kansas controversy. That portion of the message is here given as a fitting introduction to the executive minutes of Governor Geary, and of some correspondence of Governor Shannon which was communicated to Congress with the message, and which here precedes the minutes. The message, correspondence, and a portion of the executive minutes are contained in Ho. Ex. Doc., No. 1, 34th Cong. 3d sess., v. 1, pt. 1, 1855-56.]

MESSAGE.

Fellow-citizens of the Senate and of the House of Representatives: The Constitution requires that the President shall, from time to time, not only

recommend to the consideration of Congress such measures as he may judge necessary and expedient, but also that he shall give information to them of the state of the Union. To do this fully involves exposition of all matters in the actual condition of the country, domestic or foreign, which essentially concern the general welfare. While performing his constitutional duty in this respect, the President does not speak merely to express personal convictions, but as the executive minister of the Government, enabled by his position, and called upon by his official obligations, to scan with an impartial eye the interests of the whole, and of every part of the United States.

Of the condition of the domestic interests of the Union, its agriculture, mines, manufactures, navigation, and commerce, it is necessary only to say that the internal prosperity of the country, its continuous and steady advancement in wealth and population, and in private as well as public well-being, attest the wisdom of our institutions, and the predominant spirit of intelligence and patriotism, which, notwithstanding occasional irregularities of opinion or action resulting from popular freedom, has distinguished and characterized the people of America.

In the brief interval between the termination of the last and the commencement of the present session of Congress, the public mind has been occupied with the care of selecting, for another constitutional term, the President and Vice-President of the United States.

The determination of the persons, who are of right, or contingently, to preside over the administration of the Government, is, under our system, committed to the States and the people. We appeal to them, by their voice pronounced in the forms of law, to call whomsoever they will to the high post of Chief Magistrate.

And thus it is that as the Senators represent the respective States of the Union, and the members of the House of Representatives the several constituencies of each State, so the President represents the aggregate population of the United States. Their election of him is the explicit and solemn act of the sole sovereign authority of the Union.

It is impossible to misapprehend the great principles, which, by their recent political action, the people of the United States have sanctioned and announced.

They have asserted the constitutional equality of each and all of the States of the Union as States; they have affirmed the constitutional equality of each and all the citizens of the United States as citizens, whatever their religion, wherever their birth, or their residence; they have maintained the inviolability of the constitutional rights of the different sections of the Union; and they have proclaimed their devoted and unalterable attachment to the Union and to the Constitution, as objects of interest superior to all subjects of local or sectional controversy, as the safeguard of the rights of all, as the spirit and the essence of the liberty, peace, and greatness of the Republic.

In doing this, they have, at the same time, emphatically condemned the idea of organizing in these United States mere geographical parties; of marshaling in hostile array towards each other the different parts of the country, North or South, East or West.

Schemes of this nature, fraught with incalculable mischief, and which the considerate sense of the people has rejected, could have had countenance in no part of the country, had they not been disguised by suggestions plausible in appearance, acting upon an excited state of the public mind, induced by causes temporary in their character, and it is to be hoped transient in their influence.

Perfect liberty of association for political objects, and the widest scope of discussion, are the received and ordinary conditions of government in our country. Our institutions, framed in the spirit of confidence, in the intelligence and integrity of the people, do not forbid citizens either individually or associated together, to attack by writing, speech, or any other methods short of physical force, the Constitution and the very existence of the Union. Under the shelter of this great liberty, and protected by the laws and usages of the Government they assail, associations have been formed, in some of the States, of individuals, who, pretending to seek only to prevent the spread of the institution of slavery into the present or future inchoate States of the Union, are really inflamed with desire to change the domestic institutions of existing States. To accomplish their objects, they dedicate themselves to the odious task of depreciating the government organization which stands in their way, and of calumniating, with indiscriminate invective, not only the citizens of particular States, with whose laws they find fault, but all others of their fellow-citizens throughout the country who do not participate with them in their assaults upon the Constitution, framed and adopted by our fathers, and claiming for the privileges it has secured, and the blessings it has conferred, the steady support and grateful reverence of their children. They seek an object which they well know to be a revolutionary one. They are perfectly aware that the change in the relative condition of the white and black races in the slaveholding States, which they would promote, is beyond their lawful authority; that to them it is a foreign object; that it cannot be effected by any peaceful instrumentality of theirs; that for them, and the States of which they are citizens, the only path to its accomplishment is through burning cities, and ravaged fields, and slaughtered populations, and all there is most terrible in foreign, complicated with civil and servile war; and that the first step in the attempt is the forcible disruption of a country embracing in its broad bosom a degree of liberty, and an amount of individual and public prosperity, to which there is no parallel in history, and substituting in its place hostile governments, driven at once and inevitably into mutual devastation and fratricidal carnage, transforming the now peaceful and felicitous brotherhood into a vast permanent camp of armed men like the rival monarchies of Europe and Asia. Well knowing

that such, and such only, are the means and the consequences of their plans and purposes, they endeavor to prepare the people of the United States for civil war by doing everything in their power to deprive the Constitution and the laws of moral authority, and to undermine the fabric of the Union by appeals to passion and sectional prejudice, by indoctrinating its people with reciprocal hatred, and by educating them to stand face to face as enemies, rather than shoulder to shoulder as friends.

It is by the agency of such unwarrantable interference, foreign and domestic, that the minds of many, otherwise good citizens, have been so inflamed into the passionate condemnation of the domestic institutions of the Southern States as at length to pass insensibly to almost equally passionate hostility towards their fellow-citizens of those States, and thus finally to fall into temporary fellowship with the avowed and active enemies of the Constitution. Ardently attached to liberty in the abstract, they do not stop to consider practically how the objects they would attain can be accomplished, nor to reflect that, even if the evil were as great as they deem it, they have no remedy to apply, and that it can be only aggravated by their violence and unconstitutional action. A question which is one of the most difficult of all the problems of social institution, political economy and statesmanship, they treat with unreasoning intemperance of thought and language. Extremes beget extremes. Violent attack from the North finds its inevitable consequence in the growth of a spirit of angry defiance at the South. Thus in the progress of events we had reached that consummation, which the voice of the people has now so pointedly rebuked, of the attempt of a portion of the States, by a sectional organization and movement, to usurp the control of the Government of the United States.

I confidently believe that the great body of those who inconsiderately took this fatal step are sincerely attached to the Constitution and the Union. They would, upon deliberation, shrink with unaffected horror from any conscious act of disunion or civil war. But they have entered into a path which leads nowhere, unless it be to civil war and disunion, and which has no other possible outlet. They have proceeded thus far in that direction in consequence of the successive stages of their progress having consisted of a series of secondary issues, each of which professed to be confined within constitutional and peaceful limits, but which attempted indirectly what few men were willing to do directly, that is, to act aggressively against the constitutional rights of nearly one-half of the thirty-one States.

In the long series of acts of indirect aggression, the first was the strenuous agitation, by citizens of the Northern States, in Congress and out of it, of the question of negro emancipation in the Southern States.

The second step in this path of evil consisted of acts of the people of the Northern States, and in several instances of their governments, aimed to facilitate the escape of persons held to service in the Southern States, and to prevent their extradition when reclaimed according to law and in virtue

of express provisions of the Constitution. To promote this object, legislative enactments, and other means, were adopted to take away or defeat rights which the Constitution solemnly guaranteed. In order to nullify the then existing act of Congress, concerning the extradition of fugitives from service, laws were enacted in many States forbidding their officers, under the severest penalties, to participate in the execution of any act of Congress whatever. In this way that system of harmonious coöperation between the authorities of the United States and of the several States, for the maintenance of their common institutions, which existed in the early years of the Republic, was destroyed; conflicts of jurisdiction came to be frequent; and Congress found itself compelled, for the support of the Constitution, and the vindication of its power, to authorize the appointment of new officers charged with the execution of its acts, as if they and the officers of the States were the ministers, respectively, of foreign governments in a state of mutual hostility, rather than fellow-magistrates of a common country, peacefully subsisting under the protection of one well-constituted Union. Thus here, also, aggression was followed by reaction; and the attacks upon the Constitution at this point did but serve to raise up new barriers for its defense and security.

The third stage of this unhappy sectional controversy was in connection with the organization of Territorial governments, and the admission of new States into the Union. When it was proposed to admit the State of Maine, by separation of territory from that of Massachusetts, and the State of Missouri, formed of a portion of the territory ceded by France to the United States, representatives in Congress objected to the admission of the latter, unless with conditions suited to particular views of public policy. The imposition of such a condition was successfully resisted. But, at the same period, the question was presented of imposing restrictions upon the residue of the territory ceded by France. That question was, for the time, disposed of by the adoption of a geographical line of limitation.

In this connection it should not be forgotten that when France, of her own accord, resolved, for considerations of the most far-sighted sagacity, to cede Louisiana to the United States, and that accession was accepted by the United States, the latter expressly engaged that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their *liberty, property*, and the religion which they profess"—that is to say, while it remains in a Territorial condition, its inhabitants are maintained and protected in the free enjoyment of their liberty and property, with a right then to pass into the condition of States on a footing of perfect equality with the original States.

The enactment, which established the restrictive geographical line, was

acquiesced in rather than approved by the States of the Union. It stood on the statute book, however, for a number of years; and the people of the respective States acquiesced in the reënactment of the principle as applied to the State of Texas; and it was proposed to acquiesce in its further application to the Territory acquired by the United States from Mexico. But this proposition was successfully resisted by the representatives from the Northern States, who, regardless of the statute line, insisted upon applying restriction to the new territory generally, whether lying north or south of it, thereby repealing it as a legislative compromise, and on the part of the North, persistently violating the compact, if compact there was.

Thereupon this enactment ceased to have binding virtue in any sense, whether as respects the North or the South; and so in effect it was treated on the occasion of the admission of the State of California, and the organization of the Territories of New Mexico, Utah, and Washington.

Such was the state of this question, when the time arrived for the organization of the Territories of Kansas and Nebraska. In the progress of constitutional inquiry and reflection, it had now at length come to be seen clearly that Congress does not possess constitutional power to impose restrictions of this character upon any present or future State of the Union. In a long series of decisions, on the fullest argument, and after the most deliberate consideration, the Supreme Court of the United States had finally determined this point, in every form under which the question could arise, whether as affecting public or private rights—in questions of the public domain, of religion, of navigation, and of servitude.

The several States of the Union are, by force of the Constitution, coëqual in domestic legislative power. Congress cannot change a law of domestic relation in the State of Maine; no more can it in the State of Missouri. Any statute which proposes to do this is a mere nullity; it takes away no right, it confers none. If it remains on the statute book unrepealed, it remains there only as a monument of error, and a beacon of warning to the legislator and the statesman. To repeal it will be only to remove imperfection from the statutes, without affecting, either in the sense of permission or of prohibition, the action of the States, or of their citizens.

Still, when the nominal restriction of this nature, already a dead letter in law, was in terms repealed by the last Congress, in a clause of the act organizing the Territories of Kansas and Nebraska, that repeal was made the occasion of a widespread and dangerous agitation.

It was alleged that the original enactment being a compact of perpetual moral obligation, its repeal constituted an odious breach of faith.

An act of Congress, while it remains unrepealed, more especially if it be constitutionally valid in the judgment of those public functionaries whose duty it is to pronounce on that point, is undoubtedly binding on the

conscience of each good citizen of the Republic. But in what sense can it be asserted that the enactment in question was invested with perpetuity and entitled to the respect of a solemn compact? Between whom was the compact? No distinct contending powers of the Government, no separate sections of the Union, treating as such, entered into treaty stipulations on the subject. It was a mere clause of an act of Congress, and like any other controverted matter of legislation, received its final shape and was passed by compromise of the conflicting opinions or sentiments of the members of Congress. But if it had moral authority over men's consciences, to whom did this authority attach? Not to those of the North, who had repeatedly refused to confirm it by extension, and who had zealously striven to establish other and incompatible regulations upon the subject. And if, as it thus appears, the supposed compact had no obligatory force as to the North, of course it could not have had any as to the South, for all such compacts must be mutual and of reciprocal obligation.

It has not unfrequently happened that law-givers, with undue estimation of the value of the law they give, or in the view of imparting to it peculiar strength, make it perpetual in terms; but they cannot thus bind the conscience, the judgment, and the will of those who may succeed them, invested with similar responsibilities, and clothed with equal authority. More careful investigation may prove the law to be unsound in principle. Experience may show it to be imperfect in detail and impracticable in execution. And then both reason and right combine not merely to justify, but to require its repeal.

The Constitution, supreme as it is over all the departments of the Government, legislative, executive, and judicial, is open to amendment by its very terms; and Congress or the States may, in their discretion, propose amendment to it, solemn compact though it in truth is between the sovereign States of the Union. In the present instance, a political enactment, which had ceased to have legal power or authority of any kind, was repealed. The position assumed, that Congress had no moral right to enact such repeal, was strange enough, and singularly so in view of the fact that the argument came from those who openly refused obedience to existing laws of the land, having the same popular designation and quality as compromise acts—nay, more, who unequivocally disregarded and condemned the most positive and obligatory injunctions of the Constitution itself, and sought, by every means within their reach, to deprive a portion of their fellow-citizens of the equal enjoyment of those rights and privileges guaranteed alike to all by the fundamental compact of our Union.

This argument against the repeal of the statute line in question, was accompanied by another of congenial character, and equally with the former destitute of foundation in reason and truth. It was imputed that the measure originated in the conception of extending the limits of slave labor be-

yond those previously assigned to it, and that such was its natural as well as intended effect; and these baseless assumptions were made, in the Northern States, the ground of unceasing assault upon constitutional right.

The repeal in terms of a statute which was already obsolete, and also null for unconstitutionality, could have no influence to obstruct or to promote the propagation of conflicting views of political or social institution. When the act organizing the Territories of Kansas and Nebraska was passed, the inherent effect upon that portion of the public domain thus opened to legal settlement, was to admit settlers from all the States of the Union alike, each with his convictions of public policy and private interest, there to found in their discretion, subject to such limitations as the Constitution and acts of Congress might prescribe, new States, hereafter to be admitted into the Union. It was a free field, open alike to all, whether the statute line of assumed restriction was repealed or not. That repeal did not open to free competition of the diverse opinions and domestic institutions a field, which, without such repeal, would have been closed against them: it found that field of competition already opened, in fact and in law. All the repeal did was to relieve the statute book of an objectionable enactment, unconstitutional in effect, and injurious in terms to a large portion of the States.

Is it the fact, that, in all the unsettled regions of the United States, if emigration be left free to act in this respect for itself, without legal prohibitions on either side, slave labor will spontaneously go everywhere, in preference to free labor? Is it the fact, that the peculiar domestic institutions of the Southern States possess relatively so much of vigor, that, where-soever an avenue is freely open to all the world, they will penetrate to the exclusion of those of the Northern States? Is it the fact, that the former enjoy, compared with the latter, such irresistibly superior vitality, independent of climate, soil, and all other accidental circumstances, as to be able to produce the supposed result, in spite of the assumed moral and natural obstacles to its accomplishment, and of the more numerous population of the Northern States?

The argument of those who advocate the enactment of new laws of restriction, and condemn the repeal of old ones, in effect avers that their particular views of government have no self-extending or self-sustaining power of their own, and will go nowhere unless forced by act of Congress. And if Congress do but pause for a moment in the policy of stern coercion; if it venture to try the experiment of leaving men to judge for themselves what institutions will best suit them; if it be not strained up to perpetual legislative exertion on this point; if Congress proceed thus to act in the very spirit of liberty, it is at once charged with aiming to extend slave labor into all the new Territories of the United States.

Of course these imputations on the intentions of Congress in this respect, conceived as they were in prejudice, and disseminated in passion, are utterly

destitute of any justification in the nature of things, and contrary to all the fundamental doctrines and principles of civil liberty and self-government.

While, therefore, in general, the people of the Northern States have never, at any time, arrogated for the Federal Government the power to interfere directly with the domestic condition of persons in the Southern States, but on the contrary have disavowed all such intentions, and have shrunk from conspicuous affiliation with those few who pursue their fanatical objects avowedly through the contemplated means of revolutionary change of the Government, and with acceptance of the necessary consequences—a civil and servile war—yet many citizens have suffered themselves to be drawn into one evanescent political issue of agitation after another, appertaining to the same set of opinions, and which subsided as rapidly as they arose, when it came to be seen, as it uniformly did, that they were incompatible with the compacts of the Constitution and the existence of the Union. Thus, when the acts of some of the States to nullify the existing extradition law imposed upon Congress the duty of passing a new one, the country was invited by agitators to enter into party organization for its repeal; but that agitation speedily ceased by reason of the impracticability of its object. So, when the statute restriction upon the institutions of new States, by a geographical line, had been repealed, the country was urged to demand its restoration, and that project also died almost with its birth. Then followed the cry of alarm from the North against imputed Southern encroachments; which cry sprang in reality from the spirit of revolutionary attack on the domestic institutions of the South, and, after a troubled existence of a few months, has been rebuked by the voice of a patriotic people.

Of this last agitation, one lamentable feature was, that it was carried on at the immediate expense of the peace and happiness of the people of the Territory of Kansas. That was made the battle-field, not so much of opposing factions or interests within itself, as of the conflicting passions of the whole people of the United States. Revolutionary disorder in Kansas had its origin in projects of intervention, deliberately arranged by certain members of that Congress which enacted the law for the organization of the Territory. And when propagandist colonization of Kansas had thus been undertaken in one section of the Union, for the systematic promotion of its peculiar views of policy, there ensued, as a matter of course, a counter-action, with opposite views, in other sections of the Union.

In consequence of these and other incidents, many acts of disorder, it is undeniable, have been perpetrated in Kansas, to the occasional interruption, rather than the permanent suspension of regular government. Aggressive and most reprehensible incursions into the Territory were undertaken, both in the North and the South, and entered it on its northern border by the way of Iowa, as well as on the eastern by way of Missouri; and there has existed within it a state of insurrection against the constituted authorities, not without countenance from inconsiderate persons in each of the great

sections of the Union. But the difficulties in that Territory have been extravagantly exaggerated for purposes of political agitation elsewhere. The number and gravity of the acts of violence have been magnified partly by statements entirely untrue, and partly by reiterated accounts of the same rumors or facts. Thus the Territory has been seemingly filled with extreme violence, when the whole amount of such acts has not been greater than what occasionally passes before us in single cities, to the regret of all good citizens, but without being regarded as of general or permanent political consequence.

Imputed irregularities in the elections had in Kansas, like occasional irregularities of the same description in the States, were beyond the sphere of action of the Executive. But incidents of actual violence or of organized obstruction of law, pertinaciously renewed from time to time, have been met as they occurred, by such means as were available and as the circumstances required; and nothing of this character now remains to affect the general peace of the Union. The attempt of a part of the inhabitants of the Territory to erect a revolutionary government, though sedulously encouraged and supplied with pecuniary aid from active agents of disorder in some of the States, has completely failed. Bodies of armed men, foreign to the Territory, have been prevented from entering or compelled to leave it. Predatory bands, engaged in acts of rapine, under cover of the existing political disturbances, have been arrested or dispersed. And every well-disposed person is now enabled once more to devote himself in peace to the pursuits of prosperous industry, for the prosecution of which he undertook to participate in the settlement of the Territory.

It affords me unmingled satisfaction thus to announce the peaceful condition of things in Kansas, especially considering the means to which it was necessary to have recourse for the attainment of the end, namely, the employment of a part of the military force of the United States. The withdrawal of that force from its proper duty of defending the country against foreign foes or the savages of the frontier, to employ it for the suppression of domestic insurrection, is, when the exigency occurs, a matter of the most earnest solicitude. On this occasion of imperative necessity it has been done with the best results, and my satisfaction in the attainment of such results by such means is greatly enhanced by the consideration, that, through the wisdom and energy of the present Executive of Kansas, and the prudence, firmness and vigilance of the military officers on duty there, tranquility has been restored without one drop of blood having been shed in its accomplishment by the forces of the United States.

The restoration of comparative tranquility in that Territory furnishes the means of observing calmly, and appreciating at their just value, the events which have occurred there, and the discussions of which the government of the Territory has been the subject.

We perceive that controversy concerning its future domestic institutions

was inevitable ; that no human prudence, no form of legislation, no wisdom on the part of Congress, could have prevented this.

It is idle to suppose that the particular provisions of their organic law were the cause of agitation. Those provisions were but the occasion, or the pretext of an agitation, which was inherent in the nature of things. Congress legislated upon the subject in such terms as were most consonant with the principle of popular sovereignty which underlies our Government. It could not have legislated otherwise without doing violence to another great principle of our institutions, the imprescriptible right of equality of the several States.

We perceive, also, that sectional interests and party passions have been the great impediment to the salutary operation of the organic principles adopted, and the chief cause of the successive disturbances in Kansas. The assumption that, because in the organization of the Territories of Nebraska and Kansas, Congress abstained from imposing restraints upon them to which certain other Territories had been subject, therefore disorders occurred in the latter Territory, is emphatically contradicted by the fact that none have occurred in the former. Those disorders were not the consequence, in Kansas, of the freedom of self-government conceded to that Territory by Congress, but of unjust interference on the part of persons not inhabitants of the Territory. Such interference, wherever it has exhibited itself, by acts of insurrectionary character, or of obstruction to process of law, has been repelled or suppressed, by all means which the Constitution and the laws place in the hands of the Executive.

In those parts of the United States where, by reason of the inflamed state of the public mind, false rumors and misrepresentations have the greatest currency, it has been assumed that it was the duty of the Executive not only to suppress insurrectionary movements in Kansas, but also to see to the regularity of local elections. It needs little argument to show that the President has no such power. All government in the United States rests substantially upon popular election. The freedom of elections is liable to be impaired by the intrusion of unlawful votes, or the exclusion of lawful ones, by improper influences, by violence, or by fraud. But the people of the United States are themselves the all-sufficient guardians of their own rights, and to suppose that they will not remedy, in due season, any such incidents of civil freedom, is to suppose them to have ceased to be capable of self-government. The President of the United States has not power to interpose in elections, to see to their freedom, to canvass their votes, or to pass upon their legality in the Territories any more than in the States. If he had such power the Government might be republican in form, but it would be a monarchy in fact ; and if he had undertaken to exercise it in the case of Kansas, he would have been justly subject to the charge of usurpation, and of violation of the dearest rights of the people of the United States.

Unwise laws, equally with irregularities at elections, are, in periods of great excitement, the occasional incidents of even the freest and best political institutions. But all experience demonstrates that in a country like ours, where the right of self-constitution exists in the completest form, the attempt to remedy unwise legislation by resort to revolution is totally out of place, inasmuch as existing legal institutions afford more prompt and efficacious means for the redress of wrong.

I confidently trust that now, when the peaceful condition of Kansas affords opportunity for calm reflection and wise legislation, either the Legislative Assembly of the Territory, or Congress, will see that no act shall remain on its statute book violative of the provisions of the Constitution, or subversive of the great objects for which that was ordained and established, and will take all other necessary steps to assure to its inhabitants the enjoyment, without obstruction or abridgment, of all the constitutional rights, privileges, and immunities of citizens of the United States, as contemplated by the organic law of the Territory.

Full information in relation to recent events in this Territory will be found in the documents communicated herewith from the Departments of State and War.

CORRESPONDENCE OF GOVERNOR WILSON SHANNON.

[Under the above head the following correspondence was communicated to Congress to accompany the President's message at the opening of the 3d session of the 34th Congress, December 2d, 1856, and an extract from which has been here introduced. Besides the correspondence of Governor Shannon there are other papers relating to the period. All these are contained in Ho. Ex. Doc. No. I, 34th Cong., 3d sess., v. I, pt. I, pp. 66-86, and were brought before Congress during Governor Geary's administration.]

GOVERNOR SHANNON TO MR. MARCY.

EXECUTIVE OFFICE,)
LECOMPTON, KANSAS TERRITORY, April 11, 1856.)

SIR: On my return to this Territory I found some excitement among the people growing out of the proposed meeting of the Legislative Assembly under the constitution that had been formed by the Topeka convention. That body met on the 4th of March last, and adjourned to meet again in July next, after a session of about ten days. The legislative action of this body was mainly prospective in its character, and looks forward to the admission of Kansas into the Union as a State, or to future legislation before their enactments are to be enforced as law.

Since the adjournment of this body, all excitement growing out of their meeting has passed away, the laws are being regularly enforced, and order seems to prevail to as great an extent as might be expected, under all the circumstances, throughout the Territory.

The charge made in some of the public papers, and in other quarters, that there existed an armed organization in Missouri for the purpose of making an aggressive movement into this Territory, never had any foundation in truth to rest upon.

The difficulties that occurred at Easton, in January last, have been greatly exaggerated. They grew out of the election held in that month for members of the Legislative Assembly under the proposed constitution, and have ceased some time since to attract any public attention.

The course of policy pursued by the President in relation to Kansas affairs has met with the approbation of the entire law-and-order party of the Territory, and has had a powerful influence in calming the troubled waters.

Arms and munitions of war are still being introduced in a secret way and in small parcels into the Territory, but there is at present no public demonstration of an armed resistance to the execution of the laws. A considerable portion of those who have heretofore been arrayed in opposition to the validity and execution of the laws of the Territory manifest a disposition in future to withdraw their opposition, or at least to confine it to legal and peaceful means.

Notwithstanding the present favorable appearances, I still have my misgivings as to the future. There are factious spirits here who seem to desire a conflict of arms; but the probabilities now are, that they will soon find themselves without a party of sufficient strength to do much mischief.

I have the honor to be yours, with great respect,

WILSON SHANNON.

Hon. William L. Marcy.

GOVERNOR SHANNON TO THE PRESIDENT.

EXECUTIVE OFFICE,
LECOMPTON, K. T., June 17, 1856. }

SIR: The condition of this Territory is still unsettled, especially in this and the adjoining county south. In that portion of the Territory lying north of the Kansas river, and west of this point, both north and south, order and quiet seem to prevail. I send you, herewith, marked No. 1, the report of Captain Woods, received since the date of my last dispatch. He visited the Osawatomie country, the scene of the late murders spoken of in my last, and rendered efficient aid in quieting the disturbed state of the country, and in arresting those charged with crime.

I send you also the report of Captain Newby, in relation to an attack made on a small party of United States troops, marked No. 2.

About the second instant, I received information that Captain Pate, at the head of an unauthorized company of men, numbering about twenty-five or thirty, had come in conflict with a company of the opposite party, under the command of Captain Brown, and numbering some eighty or one hun-

dred men, near the Santa Fé road, some fifteen miles south of Lawrence; and that he had been taken prisoner, with nearly all his men, and that five of his party were badly wounded. On receiving this intelligence, Colonel Sumner, at the head of two companies of dragoons, marched to the scene of difficulty. He took possession of Brown's camp, released Captain Pate and the other prisoners, and ordered Brown and his company to disperse. They apparently did so, but reassembled at another place, some three or four miles distant. Lieutenant McIntosh was ordered to disperse them from their new camp, and succeeded in doing so. At the same time, Major General Coffey, of the southern division of the militia of this Territory, upon hearing of the capture of Captain Pate, and his party, had marched up to within a short distance of Brown's camp, with a command of about three hundred; but on being informed of the release of Captain Pate and party by Colonel Sumner, he retired with his forces. Some irregular bodies of men, who were from without the Territory, had attached themselves to General Coffey's command, but, in returning, passed through the town of Osawatomie, and, in violation of the orders of General Coffey, committed some gross depredations on the property of the citizens of that place. The letter of Mr. Hughes, hereto attached, marked No. 3, will put you in possession of the facts attending this outrage. I have ordered a company of dragoons to be stationed at this place for the protection of the citizens. This transaction illustrates the danger of using the local forces to suppress any of the disorders of this Territory. General Coffey is himself a prudent, discreet man; but these irregular forces are liable at any moment to throw off all restraint, and follow the dictates of their own inflamed and excited feelings.

On the 10th instant I passed down from this place to Westport, in Missouri, to testify before the Congressional Committee, in obedience to a subpoena. In passing down, everything seemed quiet until I came within about three miles of the Territorial line. At this point I found a regular camp of armed men, numbering over one hundred. When I reached Westport, I found the streets crowded with troops that had just arrived from below. On inquiry, I was informed that several had passed over the line into the Territory a few days previous, and that those then in the town were destined for Douglas county, in this Territory. Becoming satisfied that a large body of men had passed into the Territory with all the indications of warlike purposes, I determined at once to go to Fort Leavenworth in person and obtain the whole of Colonel Sumner's command, and to order down that under the command of Colonel Cooke, from Fort Riley, with the view of repelling all aggressive armed parties that had entered, or might enter, the Territory.

On the 13th instant, Colonel Sumner and myself reached the camp near Lawrence with the remainder of his command and three pieces of artillery. At this place I received a dispatch from Lieutenant McIntosh, a copy of which I send you, marked No. 4, which satisfied me of the correctness of

the opinion that a large force had entered the Territory, and was advancing up the country. I immediately wrote to Lieutenant McIntosh, approving what he had done. After leaving a small detachment of men near this place, and a similar one midway between Franklin and Lawrence, Colonel Sumner, with the remainder of his command, proceeded down the Santa Fé road, towards Westport, with the view of warning all these military companies to disband and retire, and, if they refused, to repel them. Colonel Sumner is now engaged in this service, and, although I have no report from him, I have reason to believe that the forces approaching from below have returned, and are returning, peaceably to their homes.

There is no doubt but several murders have been committed near Cedar creek, but I have no further information on this subject than what is contained in the report of Lieutenant McIntosh.

We have rumors here that large bodies of men are collecting on the western borders of Iowa, from the north, with the view of coming down the Missouri river and entering this Territory with hostile views at some point on that stream. It is this outside interference in the affairs of this Territory that is creating nine-tenths of all the difficulties we have to encounter here. The approach of armed bodies of men from Missouri, or the North, furnishes an excuse to the opposing party to collect together their men and keep up their military organization throughout the whole country. The rumored invasion from the North is used as a reason for similar organizations on the other side, as well as for the aggressive movements from Missouri. If the influences outside of the Territory would cease to act, and let us alone to manage our own affairs, I would guarantee order and quiet in the Territory in ten days, through the agency alone of the United States troops. The truth is, that a large majority of the citizens of both parties desire tranquility, and denounce in the strongest terms all outside influences that are seeking to manage and control the affairs of Kansas. But I have no hesitation in believing that there are men in our midst, acting in concert with others at a distance, who desire to bring on a civil war. Strong measures have been adopted to put down every movement of this kind, and stronger yet will be adopted if found necessary. I sent you, at the time, my proclamation of the 4th instant, which indicates the line of policy I have adopted. This, I believe, if rigorously carried out, will be effective, although it is extremely difficult to prevent disorders, where there are so many who seem to desire to produce them. Some ten days since there was a night attack made on the town of Franklin, situated three miles east of Lawrence, by a body of armed men, numbering some forty or fifty, most of whom, it is believed, came from the town of Lawrence. After keeping up a brisk fire for some time, and killing one man, they retired. Since that time I have kept a detachment of men midway between these two hostile towns, with the view of preserving the peace and keeping order. It will be necessary to retain this force at this place for some time to come. I have designated eight different

places in the disturbed district as military posts, at each of which will be stationed the requisite number of troops to preserve order in the vicinity. One great evil to be encountered and overcome is these military organizations outside of the law. They are subject to no orders or control, and assume to themselves the power to take prisoners, press property, and intercept the public highways. Many of these companies had their organization in the East and South, and entered the Territory as organized military bodies, armed and prepared for war. Most of the robberies, murders, and other outrages, which have been committed, are to be traced to these illegal military organizations, or to those who have attached themselves to those companies. I have felt that it was absolutely necessary, for the peace and security of the country, that all these military organizations outside of the law should be broken up and dispersed; and if they reassemble, that they be disarmed, and have issued orders accordingly, which are being successfully carried out.

The good effect of this policy we have already experienced, and we can now sleep in security; when but a short time since we were compelled to stand all night with arms in our hands to defend our homes from threatened attack. These illegal military organizations are very generally broken up and dispersed throughout the Territory; and if all outside pressure is kept away, they will not be likely to reorganize in the presence of the United States troops. Colonel Cooke, with his command, arrived here a few days since, but, from present appearances, they will not be required to remain, or at least only a portion of them. The command of Colonel Sumner, properly distributed in the disturbed district, will probably be sufficient to preserve order. Should the troops be removed, I believe disorder and civil war would be the consequence. Those who are disposed to complicate the affairs of Kansas are now only held in check by the presence of the United States troops. I have already stated my opinion as to the utter impossibility of preserving order or preventing civil war by means of the militia of the Territory. Their use would lead to a contrary result. I hope, therefore, that no portion of Colonel Sumner's command will be placed beyond the reach of the Executive of this Territory. It is due to that distinguished gentleman that I should say that I have found him on all occasions prompt, energetic, and impartial in the discharge of all his official duties connected with the troubles in this Territory.

I have received three telegraphic dispatches from you, all of which I have answered. The two first by mail—the line being out of order. The third I answered from Fort Leavenworth, and gave it to the captain of a boat, with the request to have it sent by telegraph from the first office which was in connection with the East.

Yours, with respect,
His Excellency Franklin Pierce.

WILSON SHANNON.

Captain Woods to Governor Shannon.

[No. 1.]

NEAR PALMYRA, IN CAMP, EN ROUTE TO OSAWATOMIE, }
 May 28, 1856. }

SIR: I marched with my company yesterday, immediately on receipt of your letter, brought to me by Judge Wilson. I supposed, when I marched from Lawrence, that I would reach my destination to-day; but I found so much to do in the vicinity of Palmyra, that I will not be able to reach Osawatomie until noon to-morrow. There were several knots of fifteen to twenty Free-State men in this vicinity threatening the peace and quiet of the country. I have visited two of their resorts to-day, and ordered them to disperse, which they readily consented to do; but they can so readily reassemble that a simple order to that effect seems to be devoid of any effective result towards restoring quiet in this much-disquieted region of the Territory. I will doubtless find an abundance of work for the whole of my company in the vicinity of Osawatomie, and cannot do much towards assisting in preserving the peace just in this neighborhood. Would it not be well to have a detachment of troops in or near Palmyra?

With great respect,

J. J. WOODS, Captain First Cavalry.

To his Excellency Wilson Shannon.

[No. 2.]

CAMP NEAR LAWRENCE, }
 KANSAS TERRITORY, May 31, 1856. }

SIR: I have the honor to report that this morning information reached me that a family living six miles west of Lawrence were attacked and driven from their home. I immediately sent a non-commissioned officer and two privates with instructions to repair to the place and inquire into the state of affairs and report immediately to me. One of the men returned in about three hours, and reported that one of the party sent by myself was badly wounded, and also that two of the horses were wounded. I, on receiving the information, repaired with ten men of my command to the place of conflict. On arriving there I found that a party of men had fired from a house and wounded one of my men and two horses; the men, however, who fired the shots were not to be found. I was enabled, however, before I left, to apprehend one of the party, who, upon examination, confessed that he was engaged in the shooting. I have him in close confinement in camp, waiting your orders in the case.

I have the honor to be, very respectfully, your obedient servant,

E. W. B. NEWBY, Captain First Cavalry.

Hon. W. Shannon.

James Hughes to Governor Shannon.

[No. 3.]

OSAWATOMIE, KANSAS TERRITORY.

SIR: In behalf of the citizens of this place, I am constrained to report to your Excellency that circumstances which have recently occurred at this place make it necessary that at least one company of United States dragoons should be stationed, and permanently stationed, here for the safety and protection of the citizens.

On yesterday, about four o'clock in the afternoon, a band of lawless men, numbering about 150, armed to the teeth, and many of them much intoxicated, entered our town and commenced the work of house-burning and robbery indiscriminately. Houses were plundered and many valuable goods and a considerable quantity of money taken. Buildings were fired, but fortunately extinguished without damage. About fifteen or sixteen horses were taken from before the eyes of the owners, among which were two horses from the United States mail coach running from West-

port to Fort Scott. All the arms that could be found were forcibly taken. The troops had left here on the morning of the disturbance.

For my identity, I refer you to Captain Woods, United States dragoons.

With great respect, I am, &c.,

JAMES HUGHES.

His Excellency Wilson Shannon, Governor of Kansas Territory.

[No. 4.]

CAMP NEAR PALMYRA, June 13, 1856.

SIR: I send inclosed a letter just received from Col. Buford, and respectfully desire your directions in regard to it. It is a notorious fact that some of the band who originally came into this Territory with Col. Buford have committed gross outrages, and I can say with certainty that there are still small parties of his men now in the Territory acting in the most lawless manner. Early on the morning of the 10th instant a party of thirty or forty men came into this town with the avowed intention of burning it. I pursued them fifteen miles on the Westport road, overtook them, and gave them the choice of laying down their arms or leaving the Territory. After much hesitation they determined to leave. I directed the captain to give the order to "saddle up;" and when on the road I placed some of my men in their rear, to follow them to the line and report to me if they crossed it or not. A short time after my arrival in their camp, another company came up, (from Platte county, Missouri, I believe,) to whom I offered the same alternative. They followed the example of the first, and left with them. My men have just returned, and reported to me that they saw these companies enter the town of Westport. They also reported to me that there were at least seven or eight companies encamped on the road between this place and Westport, and that at Cedar creek, about twenty-five miles from here, it was a well-ascertained fact that several men were lying murdered. They saw the body of one who they knew from his dress to be a Mr. Carter, who was taken prisoner from this place a few nights ago. This body was shown to them by a member of one of the companies who was under the influence of liquor, and who told my men that he could point out the other abolitionists if they wished to see them. This second company sent back by me represented themselves as emigrants, and thought it a hard case that they should be sent back. I told them that they had no appearance of emigrants, and, organized and armed as they were, that I felt it an imperative duty to act as I did.

Last evening a company of fifty or sixty men came up from Westport, and are now encamped within three miles of Palmyra. As soon as I heard of their arrival I went to the camp and ordered them to leave the Territory. They also stated that they were emigrants; but as they only had their camp equipage and a carriage with them, I adhered to my demand, and I have no doubt but that they will return to-day. I am about starting on the road to Westport with sixty or seventy men, and will clear it to the line if possible. Great complaints are constantly made to me of the stoppage of wagons and men on the road, and in a great many instances robberies have been committed. Day before yesterday I started with fifty men to a Free-Soil camp, which I was told was in the vicinity, but before my arrival they had dispersed, and so far as I can ascertain they have mostly gone home. If this Missouri movement could be stopped, I would have some hopes of more quiet times. I would respectfully request an answer to the following questions:

What answer shall I return to Colonel Buford?

Does my action in regard to these so-called emigrant parties meet your approbation, and shall I continue it in regard to them?

Unless the most decisive steps are taken in regard to these companies, in a few days there will be a very large force collected in this neighborhood. A few days ago Lieutenant Iverson disarmed a small party of Free-Soil men, and has now in

his possession nine Sharps rifles, which he promised to give up in three days; but in the meantime I ordered him to retain them until further orders, and in consequence he has refused to give them up. I would respectfully ask what disposition to make of them.

I have the honor to be, sir, with great respect, your obedient servant,

JAMES MCINTOSH,
First Lieutenant First Cavalry.

His Excellency Daniel Woodson,
Acting Governor of Kansas Territory.

MEMORIAL TO THE PRESIDENT FROM INHABITANTS OF KANSAS.

To his Excellency Franklin Pierce, President of the United States—SIR: The undersigned, residents of Kansas Territory, and a committee of the citizens of the town of Lawrence and vicinity, appointed to represent to your Excellency the insufferable wrongs which they are called upon to endure at the hands of Territorial officials, and to petition for redress and prevention of the same.

The statements made in this communication are of facts, mostly within our personal knowledge, and all of them we are prepared at any time to substantiate by testimony conclusive and unimpeachable.

The first of the recent great outrages on the town of Lawrence, of which we complain, is the following proclamation of the United States Marshal of Kansas Territory:

PROCLAMATION.

To the People of Kansas Territory: Whereas, certain judicial writs of arrest have been directed to me by the First District Court of the United States, etc., to be executed within the county of Douglas; and, whereas, an attempt to execute them by the United States Deputy Marshal was violently resisted by a large number of citizens of Lawrence; and as there is every reason to believe that any attempt to execute these writs will be resisted by a large body of armed men:

Now, therefore, the law-abiding citizens of the Territory are commanded to be and appear at Lecompton as soon as practicable, and in numbers sufficient for the proper execution of the law.

Given under my hand, this 11th day of May, 1856.

I. B. DONELSON,
United States Marshal for Kansas Territory.

The allegations contained in this proclamation are untrue in fact, as well as grossly unjust in effect to the people of Lawrence.

A demonstration had been made by the Deputy Marshal towards the arrest of ex-Governor Reeder while here in attendance on the Congressional Committee; but as the latter demurred to the legality of the process, and denied the jurisdiction, the attempt was not made. This was a circumstance involving no violence on the part of the citizens of Lawrence; as no posse was called for by the official, it is clear that they can in no way be held accountable for any of its results.

No actual effort to arrest any person in Lawrence had been made by the Marshal previous to this proclamation.

At this time there were in the Territory many hundreds of men who had entered it in organized companies from Southern States, actuated by an avowed political purpose, and proclaiming a deadly hostility to the town of Lawrence. These men were immediately enrolled in the Marshal's posse, and supplied by the Governor with arms belonging to the United States, and intended for the use of the Territorial militia. All the facts warrant the belief that it was the intention of the Marshal, by this proclamation, to justify this misuse of these national arms, and to give, as far as possible, to the outrages being perpetrated by these companies, the sacred sanction of the law. Without this sanction it was known that these outrages would be resisted by any and all means of defense in the power of an indignant, and not yet enslaved, people. This posse of the Marshal was further increased by accessions from the neighboring State of Missouri, and supplied from the same source with several pieces of artillery. Camps were formed at different points along the highways and on the Kansas river, and peaceful travelers subjected to detention, robbery, and insult. Men were stopped in the streets and on the open prairie, and bidden to stand and deliver their purses at the peril of their lives. Cattle, provisions, arms, and other property were taken wherever found, without consent of the owners. Men were choked from their horses, which were seized by the marauders, and houses were broken open and pillaged of their contents.

Resistance to these outrages was followed by further violence, and in some cases by the most wanton and brutal sacrifice of life. The passage of the United States mail was frequently interrupted, and examinations made in defiance of law. In the border counties of Missouri, citizens of Lawrence were seized without warrant, conveyed to the various camps, and there subjected to detention and unlawful trial, accompanied by threats of immediate death.

In the meantime these alarming demonstrations have excited apprehensions in the community, and a letter was sent to the Governor as follows:

LAWRENCE CITY, May 11, 1856.

DEAR SIR: The undersigned are charged with the duty of communicating to your Excellency the following preamble and resolution, adopted at a public meeting of the citizens of this place at 7 o'clock last evening, viz.:

WHEREAS, We have the most reliable information from various parts of the Territory, and the adjoining State of Missouri, of the organization of guerrilla bands, who threaten the destruction of our town and its citizens: therefore,

Resolved, That Messrs. Topliff, Hutchinson, and Roberts, constitute a committee to inform his Excellency Governor Shannon of these facts, and to call upon him, in the name of the people of Lawrence, for protection against such bands by the United States troops at his disposal.

All of which is respectfully submitted.

Very truly, etc.,

C. W. TOPLIFF.

W. Y. ROBERTS.

JOHN HUTCHINSON.

His Excellency Wilson Shannon,
Governor of Kansas Territory.

This letter drew forth the following reply :

EXECUTIVE OFFICE,
LECOMPTON, K. T., May 12, 1856. }

GENTLEMEN: Your note of the 11th instant is received, and, in reply, I have to state that there is no force around or approaching Lawrence except the legally constituted posse of the United States Marshal and Sheriff of Douglas county, each of whom, I am informed, have a number of writs in their hands for execution against persons now in Lawrence. I shall in no way interfere with either of these officers in the discharge of their official duties.

If the citizens of Lawrence submit themselves to the Territorial laws, and aid and assist the Marshal and Sheriff in the execution of process in their hands, as all good citizens are bound to do when called on, they, or all such, will entitle themselves to the protection of the law. But so long as they keep up a military or armed organization to resist the Territorial laws, and the officers charged with their execution, I shall not interpose to save them from the legitimate consequences of their illegal acts.

I have the honor to be, yours, with great respect,

WILSON SHANNON.

Messrs. C. W. Topliff, John Hutchinson, W. Y. Roberts.

In comment upon this letter, we have only to say that the implied charge upon the citizens of Lawrence of keeping up "a military or armed organization to resist the Territorial laws, and the officers charged with their execution," is utterly untrue; and that Governor Shannon must have been fully aware of its falsity, or ignorant to a degree of criminality.

The proclamation of the Marshal was not made public by him in Lawrence; but a copy having, by chance, reached the town, another meeting of citizens was called, on the 13th of May, and the following preamble and resolution adopted:

Whereas, By a proclamation to the people of Kansas Territory, by I. B. Donelson, United States Marshal for said Territory, issued the 11th day of May, 1856, it is alleged that certain "judicial writs of arrest have been directed to him by the First District Court of the United States, &c., to be executed within the county of Douglas, and that an attempt to execute them by the United States Deputy Marshal was violently resisted by a large number of the citizens of Lawrence, and that there is every reason to believe that any attempt to execute these writs will be resisted by a large body of armed men:" therefore,

Resolved, By this public meeting of the citizens of Lawrence, held this 13th day of May, 1856, that the allegations and charges against us, contained in the aforesaid proclamation, are wholly untrue in fact, and the conclusion entirely false which is drawn therefrom. The aforesaid Deputy Marshal was resisted in no manner whatsoever, nor by any person whatever, in the execution of said writs, except by him whose arrest the said Deputy Marshal was seeking to make. And that we now, as we have done heretofore, declare our willingness and determination, without resistance, to acquiesce in the service upon us of any judicial writs against us by the United States Marshal for Kansas Territory, and will furnish him a posse for that purpose, if so requested; but that we are ready to resist, if need be, unto death, the ravages and desolation of an invading mob.

J. A. WAKEFIELD, *President*.

JOHN HUTCHINSON, *Secretary*.

The indications of an intended attack upon the town continuing to increase, on the 14th instant another meeting of citizens was called, of which G. W. Deitzler was president and J. H. Green secretary, and the following letter prepared and sent to the United States Marshal:

LAWRENCE, May 14, 1856.

DEAR SIR: We have seen a proclamation issued by yourself, dated 11th May, instant, and also have reliable information this morning that large bodies of armed men, in pursuance of your proclamation, have assembled in the vicinity of Lawrence.

That there may be no misunderstanding, we beg leave to ask respectfully (that we may be reliably informed) what are the demands against us? We desire to state most truthfully and earnestly that no opposition whatever will now, or at any future time, be offered to the execution of any legal process by yourself, or any person acting for you. We also pledge ourselves to assist you, if called upon, in the execution of any legal process.

We declare ourselves to be order-loving and law abiding citizens; and only await an opportunity to testify our fidelity to the laws of the country, the Constitution, and the Union.

We are informed, also, that those men collecting about Lawrence openly declare that their intention is to destroy the town and drive off the citizens. Of course we do not believe that you give any countenance to such threats; but, in view of the exciting state of the public mind, we ask protection of the constituted authorities of the Government, declaring ourselves in readiness to coöperate with them, for the maintenance of the peace, order, and quiet of the community in which we live.

Very respectfully,

ROBERT MORROW.
LYMAN ALLEN.
JNO. HUTCHINSON.

I. B. Donelson, U. S. Marshal for Kansas Territory.

The following reply was received to this communication:

OFFICE OF THE U. S. MARSHAL,
LECOMPTON, K. T., May 15, 1856. }

On yesterday I received a communication addressed to me, signed by one of you as president and the other as secretary, purporting to have been adopted by a meeting of the citizens of Lawrence, held on yesterday morning. After speaking of a proclamation issued by myself, you state "that there may be no misunderstanding, we beg leave to ask respectfully (that we may be reliably informed) what are the demands against us? We desire most truthfully and earnestly to declare, that no opposition whatever will now, or at any future time, be offered to the execution of any legal process by yourself, or any person acting for you. We also pledge ourselves to assist you, if called upon, in the execution of any legal process," etc.

From your professed ignorance of the demands against you I must conclude that you are strangers, and not citizens of Lawrence, or of recent date, or been absent for some time; more particularly when an attempt was made by my deputy to execute the process of the First District Court of the United States for Kansas Territory against ex-Governor Reeder, when he made a speech in the room and presence of the Congressional Committee, and denied the authority and power of said court, and threatened the life of said deputy if he attempted to execute said process; which speech and defiant threats were loudly applauded by some one or two hundred of the citizens of Lawrence, who had assembled at the room on learning the business of the Marshal, and made such hostile demonstrations that the deputy thought he and his small posse would endanger their lives in executing said process.

Your declaration that you "will truthfully and earnestly offer no opposition now, nor at any future time, to the execution of any legal process," etc., is, indeed, difficult to understand. May I ask, gentlemen, what has produced this wonderful change in the minds of the people of Lawrence? Have their eyes been suddenly opened, so that they are now able to see that there are laws in force in Kansas Territory which should be obeyed? Or is it that just now those for whom I have writs have sought refuge elsewhere? Or it may possibly be, that you now, as heretofore, expect to screen yourselves behind the word "legal," so significantly used by you. How am I to rely on your pledges, when I am well aware that the whole population of Lawrence is armed and drilled, and the town fortified—when I recollect the meetings and resolutions adopted in Lawrence, and elsewhere in the Territory, openly defying the laws and officers thereof, and threatening to resist the same to a bloody issue, and recently verified in the attempted assassination of Sheriff Jones while in the discharge of his official duties in Lawrence? Are you strangers to all these things? Surely you must be strangers at Lawrence! If no outrages have been committed by the citizens of Lawrence against the laws of the land, they need not fear any posse of mine. But I must take the liberty of executing all processes in my hands, as the United States Marshal, in my own time and manner, and shall only use such power as is authorized by law. You say you call upon the constituted authority of the Government for protection. This indeed sounds strange, coming from a large body of men armed with Sharps rifles and other implements of war, bound together by oaths and pledges to resist the laws of the Government they call on for protection. All persons in Kansas Territory, without regard to location, who honestly submit to the constituted authorities, will ever find me ready to aid in protecting them; and all who seek to resist the laws of the land and turn traitors to their country will find me aiding in enforcing the laws, if not as an officer, as a citizen.

Respectfully yours,

I. B. DONELSON,

U. S. Marshal of Kansas Territory.

Messrs. G. W. Deitzler and J. H. Green, Lawrence, K. T.

We should consider this letter entirely unworthy of criticism, were it not official. Its chief misstatements, however, must be corrected, and of these we shall notice the following:

1. That ex-Governor Reeder threatened the life of the Marshal, and was applauded therefor by the people of Lawrence; the fact being that the words used by the former can only by a forced construction be made to imply a threat against the person of the officer; and that the Deputy Marshal had no personal fear of the citizens is proven by the fact that he frequently, during these difficulties, entered the town, and remained during his pleasure, without molestation or insult.

2. His reiteration of the falsehoods that the whole population is armed and drilled, and the town fortified, while he possessed evidence, through his deputies, that such was not the case. That the so-called fortifications, as there existing, were not considered formidable for defense, is proven by his subsequent neglect to demolish them while the town was in the hands of his posse.

3. His wanton misapplication of certain resolutions passed at some other point in the Territory, and having no relation to the officers of the United States.

4. His effort to fasten the attempt on the life of Samuel J. Jones on the citizens of Lawrence, when it is a known fact that said citizens denounced that attempt in a most emphatic manner, and made all practicable effort to detect its author.

5. The compound falsehood that the citizens of Lawrence are a large body of men armed with Sharps rifles, bound together by oaths and pledges to resist the laws of the Government they call on for protection, it being undoubtedly well known to himself, that no such oaths or pledges exist, and that the citizens of Lawrence have never combined to resist the laws of the United States.

From a reply thus disingenuous and partisan in character, the threatened town could derive no hope. Nevertheless, as the movements of the marauding forces grew daily more menacing in their character, the following letter was sent to the Marshal on the 17th instant:

DEAR SIR: We desire to call your attention, as citizens of Kansas, to the fact that a large force of armed men have collected in the vicinity of Lawrence, and are engaged in committing depredations upon our citizens, stopping wagons, arresting, threatening, and robbing unoffending travelers upon the highway — breaking open boxes of merchandise and appropriating their contents — have slaughtered cattle, and terrified many of the women and children.

We have also learned from Governor Shannon that there are no armed forces in the vicinity of this place but the regularly constituted militia of the Territory. This is to ask you if you recognize them as your posse, and feel responsible for their acts. If you do not, we hope and trust you will prevent a repetition of such acts, and give peace to the settlers.

On behalf of the citizens.

C. W. BARCOCK.
LYMAN ALLEN.
J. A. PERRY.

I. B. Donelson, U. S. Marshal, K. T.

To this letter no reply was vouchsafed. The same day a communication was sent to the Governor by Messrs. S. W. and T. B. Eldridge, proprietors of the Eldridge House, asking for its protection against the destruction threatened by the mob in the Marshal's posse. The building itself was the property of the Emigrant Aid Company, but it had been furnished by the Messrs. Eldridge, at heavy expense, and was not yet opened as a public house. A verbal reply was returned by the Governor to this appeal, expressing regret that the proprietors had taken possession, and giving some encouragement for its protection. On the 18th he was visited by the Messrs. Eldridge in person, and a full and truthful representation made of all the facts in the case. At this interview, the Governor, as well as the Marshal, seemed disposed to accord the protection needful. In addition to their own personal appeal, the Messrs. Eldridge presented a communication from the citizens of Lawrence, as follows:

LAWRENCE, K. T., May 17, 1856.

GENTLEMEN: Having learned that your reason for assembling so large a force in the vicinity of our town, to act as a posse in the enforcement of the laws, rests on the supposition that we are armed against the laws and the officers in the exercise of their duties, we would say, that we hold our arms only for our own individual defense

against violence, and not against the laws or the officers in the execution of the same; therefore, having no further use for them when our protection is otherwise secured, we propose to deliver our arms to Colonel Sumner so soon as he shall quarter in our town a body of troops sufficient for our protection, to be retained by him as long as such force shall remain among us.

Very truly &c.,

MANY CITIZENS.

His Excellency Wilson Shannon, Governor, and I. B. Donelson, Esq., U. S. Marshal for Kansas Territory.

Both the Governor and the Marshal expressed satisfaction with this proposition, and agreed to its terms in case a demand should be enforced for the surrender of the arms. If no resistance was offered his force, the Marshal gave a positive promise of protection to the property of the citizens. But it was said that a portion of the posse was clamorous for the destruction of the hotel and the printing offices; and the Messrs. Eldridge were invited to return again on the following day, after time had been afforded for consultation with the captains of the companies.

It is worthy of remark, that all messengers to the Executive and Marshal were under guard during the whole time of their being within the lines of the besieging camp and on the road to Lecompton, and that the following pass was given to the Messrs. Eldridge on their departure this day:

LECOMPTON, May 18, 1856.

The bearers of this, S. W. and T. B. Eldridge, desire to return to Lawrence this evening and return in the morning.

Now, therefore, all persons will permit these gentlemen to go and return without molestation or delay.

WILSON SHANNON,

Governor of Kansas Territory.

I. B. DONELSON,

U. S. Marshal, Kansas Territory.

On the 19th, Messrs. Eldridge renewed their visit according to agreement, but found a great change in the tone of the officials. It appeared that the companies composing the posse would be satisfied with nothing short of some destruction of private property, and this feeling was so strong as to defy the power of the Marshal. The Messrs. Eldridge, on behalf of the citizens of Lawrence, offered the Marshal their services, and proposed, if he would supply them with weapons, to make all necessary pledges to sustain him in the protection of property and the execution of the laws. This offer the Marshal did not see fit to accept, alleging only the excuse of a deficiency of arms. It was evident that a course of violence was resolved upon. One of the captains—a Colonel Titus, of Florida, a member of the late expedition against Cuba—declared boldly, that the printing presses must be destroyed to satisfy the boys from South Carolina. But promises of protection to the hotel were renewed, and the Marshal pledged his word that if no resistance was made he would enter the town with a small posse of unarmed men, and that the remainder should not be admitted. He also further promised not to dismiss them in the vicinity of the town. The incongruities of these various statements it is not for us to reconcile.

Feeling from all these circumstances the necessity to the town of efficient protection, the Messrs. Eldridge made a last effort to secure aid from the Governor. He disclaimed all authority over the force of the Marshal, and stated that he should not interfere with that officer's operations. He was implored to summon to his aid the force of Col. Sumner for the protection of the property of the citizens, but peremptorily refused. It was represented to him that the Marshal's posse had resolved on perpetrating unlawful outrages in Lawrence, and he said the people of Lawrence must take such consequences as should ensue; that he could protect them with the United States troops if he chose, but that he should not do so. When apprehensions were expressed to him that these outrages would finally madden the people to the point of resistance, and precipitate all the horrors of civil war, he turned angrily away and left the room with the expression, "War then it is, by God!"

These were the last words spoken to persons representing the people of Lawrence by the highest officer of the Territory.

During the following day the Deputy Marshal, W. P. Fain, a resident of Calhoun, Georgia, visited the town, and in conversation with a citizen, expressed the belief that the printing presses would be destroyed, but that the Eldridge House would be spared.

On the morning of the 21st inst. a cavalry force was seen stationed on a hill commanding the town. It was soon increased by a company of artillery and another of infantry. A white flag was first displayed, which soon gave place to a red one. This emblem would have incited the citizens to resistance but for the known fact that the force was commanded by a United States officer (whose pledge of protection had been given) and armed with national weapons. Beside the red flag, whose motto was "Southern rights," soon floated that of the Union.

The Deputy Marshal entered the town with less than ten men, and proceeding to the Eldridge House summoned both the proprietors to act on his posse, together with Dr. Garvey, [Garvin?] John A. Perry, C. W. Topliff, and Wm. Jones, all citizens of the town. This summons was promptly obeyed, and all required assistance cheerfully given. Only two arrests were made during the morning, and with these, after dinner, the whole posse repaired to the camp. Colonel Topliff was charged with the delivery to the Marshal of the following communication:

LAWRENCE, K. T., May 21, 1856.

We, the committee of public safety for the citizens of Lawrence, make this statement and declaration to you as Marshal of Kansas Territory:

That we represent citizens of the United States, and of Kansas, who acknowledge the constituted authorities of the Government; that we make no resistance to the execution of the laws, National or Territorial; and that we ask protection of the Government, and claim it as law-abiding American citizens.

For the private property already taken by your posse we ask indemnification,

and what remains to us and our citizens we throw upon you for protection, trusting that under the flag of our Union and within the folds of the Constitution we may obtain safety.

SAMUEL C. POMEROY.
W. Y. ROBERTS.
LYMAN ALLEN.
JOHN A. PEBBY.
C. W. BABCOCK.
S. B. PRENTISS.
A. H. MALLORY.
JOEL GROVER.

I. B. Donaldson, U. S. Marshal, K. T.

It was now hoped that the crisis had passed. On summoning on his posse the proprietors of the Eldridge House, Deputy Marshal Fain had renewed his promise to protect their property. The officials had been treated with every courtesy, and even a generous hospitality. But about 3 o'clock the streets were filled by a company of armed horsemen, headed by Samuel J. Jones, Sheriff of Douglas county, who drew up his force in front of the Eldridge House and demanded of the citizens, in the name of the law, the surrender of their rifles and cannon. He gave five minutes for a reply. He was answered by General Pomeroy that the cannon, and all rifles, not individual property, (if any such there were,) would be given up on his giving an official receipt for the same. General Pomeroy and General Roberts proceeded with him to assist in their delivery. This done, it was announced that the printing offices and the Eldridge House must be destroyed. Remonstrance was in vain.

In the meantime the remainder of the force, comprising several hundred men, with United States muskets and fixed bayonets, were taking position in the town. Men endeavored by argument, and women by tears, to alter the determination of Jones, but in vain. At 3:15 o'clock he announced to Messrs. Eldridge that he would give them till 5 to remove their families and furniture from the house. The work of pillage had already commenced; the contents of the printing offices were scattered in the streets, and the red flag planted on the roof, first of the office of the *Herald of Freedom*, and afterwards of the Eldridge House. The family of Mr. G. W. Brown were driven from their home, and the immediate pillage of the hotel prevented only by the resolute interference of a few citizens, aided by some individuals of the mob, who kept a strict guard at the doors, and insisted that the families of the proprietors should have the time promised by Jones in which to collect their most necessary effects and leave. At last the cannon were placed and ready, and it was announced to Colonel S. W. Eldridge that the bombardment would commence in five minutes. His wife and children, and such personal effects as they had been enabled to collect, were placed in carriages and driven off between files of United States bayonets, and amidst the yells of the impatient mob. As they left the town the first boom of a cannon told that the work of destruction had begun. Soon (as the impression made by the cannon was not great) the building was fired, and with the aid of gunpowder reduced, with its furniture and stores, to a pile of ruins.

The work of pillage spread through the whole town, and continued until after dark. Every house and store which could be entered was ransacked; trunks broken open and money and property taken at will. Where women had not fled, they were in some cases insulted, and even robbed of their clothing. From one house over two thousand dollars in money were carried away. The house of Charles Robinson was pillaged and burned to the ground. The same evening the forces were drawn off to their camp, and the sack of Lawrence was concluded.

Some incidents of this authorized outrage here demand mention. While Messrs. Topliff and Perry were aiding the Marshal in making the arrests, both their houses were broken open and pillaged. Some of the flags which floated beside that of the Union, had for mottoes "Superiority of the white race," "Kansas the outpost," "South Carolina;" while one had the national stripes, with a tiger in place of the union; another had alternated stripes of black and white. While the cannon were being placed for the destruction of the Eldridge House, David R. Atchison, late Vice-President of the United States, was conspicuous amongst the mob. When the final doom of the hotel and printing offices was pronounced, it was said by the officials to be by order of the Government, as the grand jury of Douglas county had ordered them abated as nuisances. The only charge against the Eldridge House was its ownership by the Emigrant Aid Company.

To evade the pledge given by the Marshal that he would not allow his posse to enter Lawrence, they were disbanded by him, after the arrests were made, and enrolled as a sheriff's posse by Samuel J. Jones; the Marshal thus keeping one pledge at the expense of another. On the next day they were again enrolled as the posse of the Marshal.

There are also some facts of another character which we wish to record. We believe that many of the captains of the invading companies exerted themselves to the utmost for the protection of life and property. Some of them protested against these enormous outrages, and endeavored to dissuade Samuel J. Jones from their perpetration. Many used personal effort to remove such property as was possible from the Eldridge House before its destruction. Among these stood prominently Colonel Zadock Jackson, of Georgia, who did not scruple either in Lawrence or his own camp to denounce the outrages in terms such as they deserved. Colonel Buford, of Alabama, also disclaimed having come to Kansas to destroy property, and condemned the course which had been taken. The prosecuting attorney of Douglas county, the legal adviser of the sheriff, used his influence in vain to prevent the destruction of property.

We have thus given an outline of the events which have concluded an unparalleled chapter in the history of our country. That we have dealt mildly with the facts, and fallen short of the real atrocity of the case, will be proven by the testimony which, in time, public opinion will not fail to gather. So gigantic is that official villainy of which we are being made

the victims, that the understanding almost refuses to believe the evidence, however strong. That any set of men in a representative government like ours can be so reckless, and so defiant of right, as to attempt the administration of law on principles of perjury and brigandage, is a combination of fatuity and corruption almost passing belief. Yet the facts spring out with startling boldness on the picture of events; and we see the spectacle of rulers utterly ignoring the oaths they have taken, and perverting the beneficent power of government to the base uses of a ruthless despotism—at will despoiling men of their property and lives—endeavoring to bind fast the hands of the loyal citizens who look to them for protection, and to deliver them over as bondmen to an invading force. We cannot but feel that you will be slow to believe facts such as we have stated here, and for the credit of humanity we cannot otherwise hope; yet we cherish the trust that you will heed the voice, however feeble, that pours its complaint into your ear, and exert the influence of your office to prevent the *possible* occurrence of abuses of power on the parts of those officials who are directly responsible to you for the faithful discharge of their duties; and to institute such a scrutiny into their past conduct as will reveal its true character and inspire a salutary caution in future. In making such a scrutiny it seems to us inevitable that the communications of the Territorial officers of Kansas, as given in this memorial, coupled with the undisputed facts resulting from their action, will show at least a criminal disregard of good faith sufficient of itself to prove their unfitness for the responsibilities they have assumed. And in the meantime we have been driven to the appointment of a committee of protection, whose duty it will be to organize and use all means for the defense of our liberties and property, during such time as we are unable to procure protection from the Government under which we live.

As regards the pecuniary damage sustained by this community at the hand of the Government, as administered by these officials, we cannot doubt but you will see the justice of our claim, and employ the influence of your position to procure for us an adequate compensation. The readiest way to do this would seem to be by an appropriation by Congress, which it is within your province to recommend. It is at present impossible to estimate this damage, as new depredations are continually being made. How long these will be permitted to continue will depend to a great extent upon the pleasure of our rulers. But it is certain that the amount is, even at present, for a community like ours, very great. The loss to the proprietors of the Eldridge House alone is to nearly the full extent of their investments, time being denied them to remove any material portion of the costly furniture and abundant stores provided for its use. The destruction of the printing offices, like that of the hotel, involves not only the cost of the property, but the complete ruin of the business in which it was employed. And then there is scarcely a freeholder in Lawrence, or for many miles around, but

has had costly experience of that depredatory action which the Marshal in his proclamation has called "the proper execution of the law."

Were the destruction of property, however, the gravest result of this mal-administration, it would be shorn of its chief importance. But it must not be forgotten that among its consequences has been loss of life, and it is due to the community that justice be administered upon those who caused it. And surely when we say to your Excellency that our country is still being overrun, and that this very day has brought to our ears the fresh complaints of property taken, and women ravished in their homes, it will not be considered either disrespectful or ill-timed in us to urge, with all the earnestness of men who know the truth of the things whereof they speak, that the facts herein set forth, and the petitions preferred, receive the earliest attention in the power of your Excellency to bestow.

J. M. WINCHELL.
 LYMAN ALLEN.
 S. B. PRENTISS.
 L. G. HINE.
 JOSEPH CRACKLIN.
 JOHN A. PERRY.
 O. E. LEARNARD.
 S. W. ELDRIDGE.
 C. W. BABCOCK.

LAWRENCE, K. T., May 22, 1856.

GOVERNOR SHANNON TO THE PRESIDENT.

EXECUTIVE OFFICE, August 18, 1856.

SIR: Having received unofficial information of my removal from office, and finding myself here without the moral power which official station confers, and being destitute of any adequate military force to preserve the peace of the country, I feel it due to myself, as well as to the Government, to notify you that I am unwilling to perform the duties of Governor of this Territory any longer.

You will therefore consider my official connection with this Territory as at an end.

Yours, with great respect,

WILSON SHANNON.

His Excellency Franklin Pierce.

CORRESPONDENCE OF GOVERNOR GEARY.

[The following correspondence pertains to Governor Shannon's administration. The letters comprise the first twenty-six pages of Senate Ex. Doc. No. 17, v. 6, 35th Cong., 1st sess. The document, though containing correspondence of Governor Shannon, was communicated to the Senate by the President in compliance with a resolution of that body of the 28th of February, 1857, requesting copies of all the correspondence of Governor Geary not theretofore communicated to Congress. It was published in the executive documents of the session, under the title "Correspond-

ence of John W. Geary." The events to which the letters relate are in part the same as some of the events mentioned in the preceding correspondence of Governor Shannon. Following these twenty-six pages of this document are the executive minutes of Governor Geary from October 1st, 1856, to March 11th, 1857, to which are added the Governor's farewell address, and the executive minutes of acting Governor Daniel Woodson to March 31st, 1857, all of which are contained in this volume of Transactions, so placed as to bring all the parts of Governor Geary's executive minutes in order of date, and thus give a connected history of his administration so far as the minutes contain it.]

MESSAGE OF THE PRESIDENT.

To the Senate of the United States: In compliance with the resolution of the Senate of the 28th of February last, requesting a communication of all the correspondence of John W. Geary, late Governor of the Territory of Kansas, not heretofore communicated to Congress, I transmit a report from the Secretary of State and the documents by which it was accompanied.

WASHINGTON, January 6, 1858.

JAMES BUCHANAN.

WASHINGTON, January 6, 1858.

The Secretary of State, to whom was referred the Senate's resolution of the 28th of February last, requesting the President to communicate to the Senate all the correspondence with Governor John W. Geary concerning the affairs of the Territory of Kansas not heretofore communicated to Congress, has the honor to lay before the President the documents mentioned in the subjoined list, which comprise all those on record or on file in this department called for by the resolution.

Respectfully submitted.

LEWIS CASS.

To the President.

List of papers accompanying the report of the Secretary of State to the President, of the 6th of January, 1858.

Governor Shannon to Mr. Marcy, April 27, 1856, with accompaniments, from No. 1 to No. 8, inclusive.

The President to Governor Shannon, May 23, 1856.

Same to same, May 23, 1856.

Governor Shannon to the President, May 31, 1856, with accompaniments, from No. 1 to No. 6, inclusive.

The President to Governor Shannon, June 6, 1856.

Mr. Davis to Mr. Marcy, July 16, 1856, with two accompaniments.

Governor Geary to Mr. Marcy, October 17, 1856, with accompanying executive minutes from the 1st to the 16th of October, 1856, inclusive.

Same to same, December 8, 1856, with accompanying executive minutes from 22d November to 6th December, 1856, inclusive.

Executive minutes from the 8th to the 31st December, 1856, inclusive.

Executive minutes from the 1st to the 19th January, 1857, inclusive.

Executive minutes from the 20th to the 31st of January, 1857, inclusive.

Executive minutes from the 1st to the 20th February, 1857, inclusive.
 Executive minutes from the 21st of February to 12th March, 1857.
 Executive minutes from the 11th to the 31st of March, 1857.

EXECUTIVE OFFICE,
 LECOMPTON, K. T., April 27, 1856. }

SIR: At the date of my last dispatch, order and tranquility prevailed throughout the Territory, and I then cherished the hope that our difficulties had passed away, and that in the future the law would have been permitted to take its regular course. This hope has been disappointed, and there would seem to be at this time a more systematic and dangerous organization to defeat and baffle the due execution of the Territorial laws, than at any former period. To enable the President to understand fully the present difficulties by which we are surrounded, it is important that I should state certain facts with their dates. On the 6th day of July, 1855, a warrant issued from the district court sitting at Tecumseh, in the county of Shawnee, against S. N. Wood, on an indictment found against him by the grand jury of that county for the crime of larceny. This warrant was placed in the hands of the United States Marshal for execution. On the 29th day of November, 1855, a warrant issued against the same S. N. Wood for rescuing Branson out of the custody of Sheriff Jones, and resisting him in the execution of his office. This warrant was issued by Hugh Cameron, a justice of the peace in Douglas county, and placed in the hands of Sheriff Jones, at the time, for execution. Shortly after this writ had been issued and placed in the hands of the sheriff, S. N. Wood fled from the Territory, and during the last winter has been engaged in lecturing in Ohio and elsewhere, on Kansas affairs, and in raising a company of men to accompany him to this Territory. About the 15th instant he returned to Lawrence with his company, variously estimated at from eighty to one hundred and fifty men. I am informed that he and his company were received in Lawrence by a public meeting, at which Governor Reeder, and C. Robinson, who claims to be the Governor of "the State of Kansas," made public addresses denouncing the Territorial laws as void, and encouraging and exciting resistance to the execution of them. On the 13th of January last, a warrant was issued by Samuel Crane, a justice of the peace, against E. Monroe for larceny, and at the same time was placed in the hands of Sheriff Jones for execution. On the 19th instant, Sheriff Jones hearing of the return of S. N. Wood, entered Lawrence with the view of arresting him, as well as the said Monroe. He arrested Wood, who was immediately rescued out of his custody by a large body of men, who denounced the Territorial laws, and openly declared that they should not be enforced, and threatened the sheriff with violence. The sheriff, being overpowered by numbers and his prisoner having been rescued from his custody by the mob, returned to this place and summoned a civil posse of four men to attend him, and returned on the next day to retake Wood and make

additional arrests of others against whom he had obtained warrants for rescuing Wood. He and his posse were again resisted and threatened with violence, all of which he reported to me and requested to be furnished with a military posse to enable him to execute the process in his hands. For a more detailed statement of the facts in relation to these transactions, I beg leave to refer to the communication of Sheriff Jones to me, a copy of which is annexed, and marked No. 1.

I immediately addressed a note to Colonel Sumner, at Fort Leavenworth, requesting him to furnish a small detachment of United States troops to aid the sheriff in the execution of the warrants in his hands, a copy of which is herewith transmitted, and marked No. 2. Colonel Sumner promptly complied with this request, and immediately sent a detachment of ten men under the command of Lieutenant McIntosh. I herewith transmit a copy of his reply to my note, marked No. 3. On the 23d instant, Sheriff Jones, with a military posse under the command of Lieutenant McIntosh, proceeded to Lawrence to execute the warrants in his hands. It is proper that I should state that he was also Deputy Marshal, and as such the United States Marshal had placed the warrant against S. N. Wood for larceny in his hands for execution. On arriving at Lawrence the sheriff made some five or six arrests without any actual resistance, but was unable to find S. N. Wood, Monroe, and some others, who were supposed to be concealed in the town of Lawrence. It being late in the evening, he determined to remain over night, with the view of making further examinations and arrests on the next day. The life of Sheriff Jones had been repeatedly threatened during the day, and late in the evening he was warned by a citizen of Lawrence that a conspiracy had been formed to assassinate him. Mr. Jones, in order to be convenient to his prisoners, remained with Lieutenant McIntosh in his tent, and under his protection, believing, I presume, that under this protection he would be entirely safe. In the course of the evening he passed out of the tent with Lieutenant McIntosh and another gentleman to obtain some water, and while in the act of drawing it he was fired upon without effect, the ball passing through his pantaloons. This shot, it is stated, came from a crowd who were standing at some distance from him. He immediately returned to Lieutenant McIntosh's tent, where he intended to remain during the night. About ten o'clock in the evening he was again fired upon through the back part of the tent, the ball entering his spine between his shoulders. He fell apparently dead. For some days all thought the wound mortal, but information which we have received to-day gives us strong hopes of his recovery. Every effort was made by Lieutenant McIntosh and others, to detect the assassin, but without success. I beg leave to refer to the annexed statement of the civil posse who accompanied the sheriff, marked No. 4, for a more detailed statement of facts touching the proceedings of the sheriff. This posse was composed of gentlemen of high standing and strict integrity and honor, and their statements are entitled to

full confidence. Upon the attempted assassination of Sheriff Jones, Lieutenant McIntosh immediately sent a dispatch, detailing the facts, to Colonel Sumner at Fort Leavenworth, who marched with a portion of his command in the direction of this place, and at the same time addressed me the annexed note, marked No. 5.

On the 25th instant Col. Sumner arrived at this place in advance of his command, and being satisfied that a small posse of United States troops was as available in making arrests as a large one, and having but little hope that any additional arrests could be made, I addressed him a note, a copy of which is annexed, marked No. 6, with which he promptly complied. I send you herewith a copy of a statement made by Messrs. Crocket & Holsey, in relation to a recent attempt made on the house of Major Clarke, marked No. 7. I have no doubt of the fact, from the information which has been communicated to me, that it has been determined to assassinate Major Clarke, and that his life is in danger.

I herewith transmit a certified copy, marked No. 8, of evidence that was elicited by the grand jury of Jefferson county, at their last term, in relation to a secret, oath-bound military organization, which exists in this Territory. It will be perceived that it is different and much more dangerous than the one which was exposed some time since. I have satisfactory information that this secret organization exists in the East, and that by means of the signs and grips the new emigrants from the East are enabled to recognize their fellow-members in this Territory to whom personally they are unknown. I am now able to state, upon reliable information, the whole plan of resistance to the Territorial laws and their execution, which has been adopted by those who pretend to deny their validity. This plan is well understood and supported by a dangerous secret oath-bound organization of men who, it is believed, from the manifestations and threats already made, will be unscrupulous as to the use of means to accomplish their objects. The plan is this: whenever an officer, whether United States Marshal, sheriff, or constable, shall attempt to execute a writ or process issued under any Territorial law, aided and assisted by a posse of United States troops, he is to be evaded, but not openly resisted. Should an attempt be made by any officer to execute any writ or process issued under the laws of this Territory, unaided by a posse of United States troops, he is to be resisted by force at all hazards. There is a determined purpose to carry out this programme, regardless of all consequences, and the country is filled with armed men, the greater portion of whom have recently arrived in the Territory, ready to carry out this plan by force of arms. It will be obvious to the President that, if every officer of the Government charged with the execution of legal process, issued under, and to enforce the Territorial laws, is compelled to call on a military posse of United States troops to aid in executing the law, that the Territorial government will be practically nullified. It will

be impossible to collect the taxes assessed for county or Territorial purposes if this plan of resistance should be successful.

Indeed, the people of the Territory will not submit to it without an attempt at least to enforce the laws against all. There is now in the town of Lawrence an arsenal well supplied with all the munitions of war, which have been purchased in the East and secretly introduced into that place. They have ten pieces of artillery, at least one thousand stand of Sharps rifles, and a large supply of revolvers. There is said to be about five hundred men in the town of Lawrence at this time who refuse to submit to the Territorial laws, and who openly declare that no officer shall execute any process issued under these laws without being resisted by force. A large portion of the country people who took an active part with the citizens of Lawrence in the difficulty last fall seem to hold themselves entirely aloof from the difficulties with which we are now threatened, and are now open in their denunciations of C. Robinson and his party. But the recent emigrants from the East (with some exceptions, of course) seem determined to provoke a civil conflict. The law-and-order party of the Territory so far seem determined, on the other hand, to avoid this calamity. But it is in vain to conceal the fact that we are threatened on all sides with most serious difficulties, and that a dangerous crisis is rapidly approaching. Sheriff Jones had a very extensive acquaintance not only in this Territory but also in the border counties in Missouri, where he formerly resided, and was universally respected and esteemed as a high-minded, honorable, and brave man. The dastardly attempt to assassinate him while in the discharge and for the performance of his official duties, connected with the threats openly made of assassination against others, and the firm conviction in the public mind that this is a part of a settled policy, to be carried out through the agency of a secret order or organization, have already produced a strong feeling of excitement throughout the whole country, which is rapidly on the increase, and it is difficult to see, at this time, where it will end. Large parties, both from the North and South, are daily arriving with preëxisting prejudices and hostile feelings, which will greatly increase the difficulty of preserving the peace of this Territory.

I have the honor to be your obedient servant, WILSON SHANNON.

Hon. W. L. Marcy.

[No. 1.]

LECOMPTON, K. T., April 20, 1856.

SIR: On the 19th instant, I went to the town of Lawrence, in the county of which I am the Sheriff, to execute certain writs, which were issued and placed in my hands to serve by a legal and proper officer, for the arrest of one Samuel N. Wood. After arresting the said Samuel N. Wood, and he being in my custody, he attempted to escape from me, which I prevented. Whereupon a mob, composed of the citizens of Lawrence, came to his rescue, and with violence and force took him from me, and held me until he made his escape. At the same time my assistant was taken by force and prevented from coming to my relief. At the same time that violence was done me, the arms that I had were taken from me and are now in their possession. I was

notified that the laws of the Territory would not be respected by them nor permitted to be enforced by any officer of the Territory. I came back to this place for an additional force, and returned to Lawrence with a posse composed of four men, citizens of this place, to assist me in recovering my prisoner and arresting other persons for theft and other crimes. When there I summoned an additional posse from among the citizens of Lawrence. These latter refused to act, and with my small posse of four men I attempted to make the arrests, and was again repulsed and the prisoners taken from me by force, and most violent threats reiterated against me and the laws of the Territory. I now call upon your Excellency to furnish me with such military force as may be at your disposal.

I have the honor to be your obedient servant,

His Excellency Wilson Shannon,

SAMUEL J. JONES.

Governor of Kansas Territory.

[No. 2.]

EXECUTIVE OFFICE,
LECOMPTON, K. T., April 20, 1856. }

SIR: I have been duly advised by Samuel J. Jones, Sheriff of Douglas county, in this Territory, that, having a warrant in his hands against a man by the name of S. N. Wood, he proceeded to the town of Lawrence on yesterday and arrested him, but that he was immediately rescued out of his hands by some twenty men, and that he was unable to retake him. Having obtained warrants against several of those engaged in said rescue, he proceeded this day again to the town of Lawrence with a civil posse of five men, with a view of recapturing the said Wood and arresting the other parties against whom he had warrants, but was again resisted and unable to recapture Wood, or take any of the parties against whom he held warrants. He has called upon me for a competent posse to enable him to execute the legal process in his hands. Knowing the irritated state of feeling that exists between the two parties in the Territory, growing out of their former difficulties, and being exceedingly desirous to avoid the effusion of blood, or any cause or excuse for further conflict or disturbance, I have thought it most advisable to call on you for an officer and six men to accompany the sheriff, and aid him in the execution of the legal process in his hands. This force will be sufficient to overpower any person or persons against whom the Sheriff holds warrants, and I will not anticipate resistance beyond this at present. To call upon any of the citizens of the county to accompany the Sheriff and aid him in overpowering the resistance on the part of the defendants, that is at this time anticipated, would most probably lead to a conflict, which, when once commenced, it is difficult to foresee where it might end.

But in the use of the United States troops, no personal or party feeling can exist on either side, and their presence, most likely, will command obedience to the laws. I have to ask you, therefore, to detach to this place, immediately, an officer with six men, to aid and assist the sheriff of this county in the execution of the warrants in his hands.

I have the honor to be your most obedient servant,

Col. Sumner.

WILSON SHANNON.

[No. 3.]

HEADQUARTERS FIRST CAVALRY,
FORT LEAVENWORTH, April 21, 1856. }

GOVERNOR: I have the honor to acknowledge the receipt of your letter dated yesterday. In compliance with your requisition, and under the orders of the President, I will send an officer and a small party to aid the Sheriff in executing the laws. I trust it will not be necessary to use violence on this occasion.

I am, sir, with high respect, your obedient servant,

E. V. SUMNER,

Colonel First Cavalry, Commanding.

His Excellency Wilson Shannon, Governor of Kansas.

[No. 4.]

We, the undersigned citizens of Douglas county, Kansas Territory, upon our oaths state, that we were summoned by S. J. Jones, Sheriff of said county, upon the morning of Sunday, April 20, as a posse to assist in the execution of legal process upon persons living in Lawrence; accompanied by the said Sheriff, we proceeded to Lawrence, at which place we arrived about eleven o'clock a. m.

Upon our arrival in said place, said Jones, Sheriff as aforesaid, was proceeding in the direction of the house of one S. N. Wood, against whom he (Jones) stated he had several warrants, one of which was for larceny, when he was surrounded in the street by several hundred men; and he, the said Jones, summoned four or five of them who were present to assist him in the execution of his process. Every man so summoned refused to recognize the legal authority of Kansas Territory. At this juncture the said Sheriff recognized several persons in the mob against whom he held warrants; he arrested one of them, who resisted him and was rescued by the mob. The Sheriff then called upon the bystanders by name to assist in apprehending the said persons. Again he was resisted with threats and curses. After attempting to arrest several other persons, all of whom were rescued by the mob, he again and repeatedly called upon them in the name of the law to assist him in the execution of the legal processes which he held. He was asked by what authority he called upon them; he replied, by the authority of the laws of Kansas Territory; to which answers were made, "Call upon us in the name of hell and we'll obey, but you can never arrest a citizen of Lawrence by virtue of your Territorial laws;" "We don't recognize them;" "We will oppose them with our blood;" "Do not undertake to arrest another man, Jones—if you do, you are a dead man;" "If you ever succeed in arresting a citizen of Lawrence, your life shall pay for it;" "Resign your office, Jones, resign your office—you shall never arrest another man in Lawrence." Very similar threats were made by persons in the mob, in addition to them, all of which were approved by the mob, manifested by shouts of "yes," "yes," "we will never submit," and by other ways, from which manifestations we knew that the resistance was universal and determined. Jones called upon a number of them who assisted in the said rescues, when he was told that they would give him the "muster roll," and the mob cried out "Take the muster roll, Jones; we all resist." We deemed any further attempt to arrest the violators of the law hopeless at this time, and also regarded with anxious apprehension the public execution of threats, which had been made by the people of Lawrence against Jones, and his consequent assassination. Under these circumstances we mounted our horses, and amid the groans, hisses and insults of the mob which had followed, accompanied by said Jones, we left Lawrence.

WM. J. PRESTON.
J. C. ANDEBSON.
W. F. DONALDSON.

Sworn to and subscribed before me, a justice of the peace for Douglas county, Kansas Territory, this twenty-eighth day of April, 1856.

J. W. SHEPARD,

Justice of the Peace for Douglas county.

[No. 5.]

HEADQUARTERS 1ST CAVALRY, }
FORT LEAVENWORTH, April 24, 1856. }

GOVERNOR: I march immediately, with two squadrons, to join you at Lecompton, to be followed at once by the rest of the regiment, if necessary. I would earnestly and respectfully recommend that no call be made upon the militia. We can settle this difficulty without further bloodshed if there is no interference from political partisans.

I am, Governor, with high respect, your obedient servant,

E. V. SUMNER,

His Excellency Wilson Shannon.

Colonel First Cavalry, Commanding.

[No. 6.]

EXECUTIVE OFFICE,
LECOMPTON, K. T., April 25, 1856. }

SIR: I am satisfied that the persons against whom writs have been issued and placed in the hands of the Sheriff of this county, and who have not been taken, have secreted themselves or fled, so that for the present no further arrests can be made. Nevertheless, I deem it prudent to have a military posse or guard of thirty men stationed at this place, and subject to my orders, to act in case of an emergency. I would therefore request you to furnish me with such a guard from your command, to be used as a sheriff's posse and to preserve the peace, as occasion may require.

I have no further requisition to make on you at present, but would respectfully request you to hold your command in readiness to act at a moment's warning if required by me to enforce the laws or preserve the peace.

Yours, with great respect,
WILSON SHANNON.

Col. Sumner.

[No. 8.]

OSAWKEE, March 29, 1856.

The grand jury impaneled in and for Jefferson county, now sitting, would most respectfully represent to your Honor, and, through you, to the Governor of this Territory, and to the people and President of the United States, that after having faithfully and critically examined a number of responsible and credible witnesses, under oath and according to law, that we have elicited a statement of facts which, though they may not directly criminate any individual of any overt act of treason, yet show that such a state of morals and organization of parties exist as to endanger not only the peace, good order, and personal safety of the peaceful citizens of this county, but of the whole Territory as well as the whole Union. Your Honor will perceive from the evidence which we herewith lay before you, and taken under the solemn responsibilities of an oath, that secret societies have been instituted, working under the most solemn and binding oaths and obligations, to resist the execution of — by force of arms, if necessary — all laws or regulations which might not comport with the views entertained by certain agitators of strife and office-seekers throughout this Territory and some of the States of this Union. Military companies have been organized and mustered in our midst, threatening the rescue of any prisoner belonging to their party who might be arrested under the laws, and drawing their arms not from the Government of the Territory or United States, as is lawful, but from the eastern and northern cities of the Union, introduced and furnished them by the aid societies, with the declared intention to control and prevent the people of this Territory from the free exercise of the privilege granted them by the organic act — that of moulding their institutions to suit themselves.

We now, sir, as conservators of the peace and good order of our country, as lovers of our Territory, but more especially as loyal citizens of our great, glorious and dearly beloved country and Union, ask, as the evidence which we have been enabled to obtain has not been sufficient to convict any individual of any crime for which our statute provides adequate punishment, that you will devise some safeguard by which these subverters of good order may be restrained and the threatened dangers warded off.

In conclusion, we herewith submit to your Honor the testimony we have elicited, showing the existence of these dangerous combinations, and praying that your Honor may still be able, as you have done, to preserve the integrity and respect of the laws and the good order, peace and safety of our common country.

We have the honor to subscribe ourselves, most respectfully, your obedient servants,

A. B. CANTWELL, *Foreman*;
 W. H. TEBBS,
 EDWARD SMITH,
 JOHN P. GARDENER,
 FRANKLIN FINCH,
 JEFFERSON FORKNER,
 ADAM CHRISTISON,
 JOHN ATKINSON,
 OWEN CAWFIELD,

A. D. CAWFIELD,
 RICHARD GRANT,
 SQUIRE ROBERTS,
 FINAS SIMMONS,
 JOHN EVANS,
 WM. F. DYER,
 J. A. CHAPMAN,
 WM. BARKER,
 JOHN YORK,

Members of the Grand Jury for Jefferson County.

Hon. Samuel D. Lecompte,

Judge of the First District Court of the United States

for Kansas Territory, now sitting in Jefferson County.

OSAWKEE, KANSAS TERRITORY, }
 March 28, 1856. }

SIR: The undersigned, members of the grand jury impealed for Jefferson county, Kansas Territory, would earnestly request that you communicate to them, in writing, the facts stated by you before the grand jury, under oath, concerning the proceedings, workings and objects of a certain secret association with which you have been made acquainted, in order that the officers of justice and the laws may be able to guard the peaceful and law-abiding citizens of this Territory from the effects of their treasonable and insurrectionary machinations.

We have the honor to be, your obedient servants,

A. B. CANTWELL, *Foreman*.
 FINAS K. SIMMONS.
 JOHN EVANS.
 JOHN ATKINSON.
 ADAM CHRISTISON.
 SQUIRE ROBERTS.
 EDWARD SMITH.
 JAMES A. CHAPMAN.
 FRANKLIN FINCH.

RICHARD GRANT.
 W. H. TEBBS.
 JOHN YORK.
 JEFFERSON FORKNER.
 WM. F. DYER.
 WM. BARKER.
 OWEN CAWFIELD.
 DAVID A. CAWFIELD.
 JOHN P. GARDENER.

C. B. WHITEHEAD,

Dr. A. J. Francis.

Deputy U. S. Marshal, and Bailiff of Grand Jury.

OSAWKEE, K. T., March 28, 1856.

Gentlemen of the Grand Jury—SIRS: In compliance with the request made through your communication to me to state in writing the evidence which I gave under oath before the grand jury, in relation to any secret or other organizations which might exist in this or other counties in this Territory, for the purpose of counteracting the existing laws and regulations of the country, I beg leave to submit the inclosed; but I cannot, in justice to my own character as a man of truth, and as an honorable member of the community, do so without making some explanations with which to satisfy those with whom I have been in some measure associated, that I have not voluntarily betrayed the trust seemingly confided to me. I have ever been averse, knowingly, to committing any act which might conflict with my duties as a law-abiding citizen. I was, in company with others, induced to join an order whose objects I have since been convinced were not in accordance with law or good order, and whose obligations imposed on me duties which, as a lover of my country, I could not for a moment think of performing; therefore, I conceive I have committed no breach of honor or propriety in making the developments which you, in your official capacity, have demanded of me. This much, I trust, will suffice to acquit me of any unworthy design in that which I have been in part compelled to divulge. This association has placed me in a position of much responsibility, and I could not feel that I was acting the part of a loyal citizen to the Government under which I have happily lived, without apprising the proper authorities of these most dangerous combinations. I had expressed my distress of mind to at least one individual, who had been led into this error in company with me. I am aware that the statements which I have made will be denounced as false, and that my motives will be impugned as being most impure. But with a conscience void of offense towards whom I profess to worship, and trusting in the sustaining power of my honest fellow-citizens, and in the protection of the strong arm of the law and government of my country, I am ready to meet the issue.

In conclusion, gentlemen, I subscribe myself your fellow-citizen,

A. J. FRANCIS.

Sometime during the month of September last I went to Lawrence, and while there I received propositions from various persons to become a member of a secret organization which I understood there to be in existence in the above city.

The chief head and front of this order I understood to be Jas. H. Lane and Charles Robinson. Col. Lane acted as one of the officers at my initiation. The following is the ceremony by which a candidate is introduced and initiated: The candidate having been introduced within the room, the instructor (or first lieutenant) addresses the candidate and informs him that he is required to take an obligation which will not interfere with his religious or political sentiments, be they what they may, to which it is necessary that he should assent. The captain or colonel then administers the following obligation:

"I, A. B., of my own free will and accord, in the presence of Almighty God, do solemnly swear that I will always hail, forever conceal, and never reveal any of the secrets of this organization to any person or persons under the canopy of heaven, except it be within the body of a just and legal council, or to a person as worthy and well qualified to receive the same as I am myself. I furthermore promise and swear that I will not write, print, stamp or stain them or any of them on anything movable or immovable under the canopy of heaven, whereby or whereon the secrets of this order may be unlawfully obtained.

"I furthermore promise and swear that I will at all times and under all circumstances hold myself in readiness at a moment's warning to obey all signs, or tokens, or orders given or sent to me by a brother of this order, or a superior officer.

"I furthermore promise and swear that I will at all times, and under all circumstances, resist to the best of my ability any effort that may be made to make Kansas a slave State.

"I furthermore promise and swear that when I hear the grand words of distress or danger given by a member of this order, I will rush to his assistance even when there is a greater probability of losing my life, considering it my duty to die and defend this order and its members even at the risk of life.

"I furthermore promise and swear that I will, at all times and under all circumstances, more especially on election and public days, bear upon myself a weapon of death.

"I furthermore promise and swear that I will at all times wear upon my person the insignia and regalia of the order, so that I may be known without the necessary signs and tokens.

"I furthermore promise and swear that I will support a Free-State man for office in preference to any and all others, and respect them in dealing and business capacities in preference to Pro-Slavery men.

"I furthermore promise and swear that I will hold myself in readiness at all times to bear arms in opposition to slavery and in defense of Free-State principles.

"I furthermore promise and swear that if any part of my oath is at this time omitted, I will consider the same as binding when legally informed of it.

"To all of which I solemnly swear without any equivocation, self-evasion, or mental reservation whatever. So help me God, and keep me steadfast in this my oath or obligation."

After this the colonel or captain addresses the candidate, and informs him that he is now fully enlisted, and he must consider himself as bound to take up arms against the Government itself (if need be) in defense of Free-State principles, and then proclaims the candidate a "Kansas Regulator." He is then informed (or at least I was) that arrangements are being made to place in the hands of every reliable Free-State man a Sharps rifle and a brace of Colt's revolvers, to be used for the purpose above stated. The candidate is then informed in regard to the grip, signs, and passwords, which are as follows: The sign of recognition is given by placing the thumb of the right hand under the chin, and laying the forefinger of the same hand against the right side of the nose, and scratching the nose three or four times. The answering sign is given by taking the lower lip between the first finger and thumb of the left hand, and scratching or rubbing the lip three or four times. The grip is given by closing the two first fingers of each hand over each other; the word accompanying the grip is "Kansas," accenting the last syllable. The signals of danger are as follows: If a member is to bring a gun and pistols, and knife, a red flag is hoisted; if only one of either, a white flag. On giving the grip, the following communication occurs: "Are you in favor of making Kansas a free State?" "I am, if Missouri is willing." At public gatherings, if there is danger, a member or officer rises and asks as follows: "Is Dr. Starr present? If so, he is wanted at ——," (naming the place;) and it is the duty of members to repair to that place without attracting any attention whatever from any other person, in all cases taking their arms with them. The candidate is then informed that he is always to wear on his breast, so that it can be seen, a black ribband, in order to show to the world that it conceals a weapon of death. He is then informed that when he wishes to enter a council he must give two or three raps at the door, and repeat the word "fifty-five." The officers of a subordinate council are captain, three lieutenants, and orderly sergeant; the officers of a grand council are colonel, major, and captain. The regalia was worn at all times; the colonel's was a red sash, the major's a blue, the captain's a white, and the lieutenant's a yellow sash. The object of this society was to establish others of a similar nature in other counties.

TERRITORY OF KANSAS, }
JEFFERSON COUNTY, }

In testimony that the foregoing and within report of the grand jury, impaneled in and for Jefferson county, at the March term, 1856, of the first District Court of the First Judicial District of the Territory of Kansas, is a true copy of the original filed in this office, I have hereunto subscribed
[L. s.] name and affixed the seal of my office, this 20th day of April, A. D. 1856.

D. S. BOYLE, Clerk.

EXECUTIVE OFFICE, May 23, 1856.

Has the United States Marshal proceeded to Lawrence to execute civil process? Has military force been found necessary to maintain civil government in Kansas? If so, have you relied solely upon the troops under the command of Colonels Sumner and Cooke? If otherwise, state the reasons. The laws must be executed; but military force should not be employed until after the Marshal has met with actual resistance in the fulfillment of his duty.

FRANKLIN PIERCE.

Wilson Shannon, Governor of Kansas,
Lecompton, Kansas Territory.

[Telegraph agent in Washington will telegraph to agent at Kansas City, and if not in operation to that point, then to Lexington, Missouri, as follows:

“Forward by special agent, and deliver in person to Governor Shannon, or, in his absence, to Marshal Donaldson, and send by telegraph amount of expenses.”]

EXECUTIVE OFFICE, May 23, 1856.

Since my telegraph of this morning was sent, the Secretary of War has laid before me Colonel Sumner's letter to you of the 12th instant. His suggestion strikes me as wise and prudent. I hope that before this reaches you decisive measures will have been taken to have the process in the hands of the Marshal quietly executed. My knowledge of facts is imperfect; but with the force of Colonel Sumner at hand, I perceive no occasion for the posse, armed or unarmed, which the Marshal is said to have assembled at Lecompton. The instructions issued to yourself and Colonel Sumner during your last visit to this city must be efficiently executed. Sufficient power was committed to you, and you must use it.

Obedience to the laws and consequent security to the citizens of Kansas are the primary objects.

You must repress lawless violence in whatever form it may manifest itself.

FRANKLIN PIERCE.

[Telegraph agent in Washington will telegraph to agent at Kansas City, and if not in operation to that point, then to Lexington, Missouri, as follows:

“Forward by special agent, and deliver in person to Governor Shannon, or, in his absence, to Marshal Donaldson, and send by telegraph amount of expenses.”]

EXECUTIVE OFFICE,
LECOMPTON, K. T., May 31, 1856. }

SIR: I received some time since a detailed report, from Lieut. McIntosh, in relation to the proceedings of Sheriff Jones in making arrests in the town of Lawrence and his attempted assassination. I herewith send you a copy, marked No. 1.

Shortly after the date of my last dispatch, a writ of attachment was issued out of the United States District Court, sitting in this county, against Governor Reeder, for a contempt of court in not obeying a subpoena commanding him to appear before the grand jury then in session. This writ was placed in the hands of the Deputy United States Marshal for execution, who proceeded to Lawrence, where Governor Reeder then was, for the purpose of executing it. My information is that the Deputy Marshal found Governor Reeder in the Congressional Committee room, where there were a large number of the citizens of Lawrence assembled; that he attempted to arrest him, but was resisted, and at the same time informed by Governor Reeder that if he attempted to lay hands on him it would be at the peril of his life; that this declaration was loudly cheered by the citizens of Lawrence then present, and the Deputy Marshal left, satisfied that any further attempt to arrest Governor Reeder would have endangered his life. The United States Marshal became satisfied that the attachment against Governor Reeder, together with some other writs in his hands against persons supposed to be in the town of Lawrence, could not be executed without the aid of a strong body of men sufficiently large to invest the town. Had the Marshal called on me for a posse, I should have felt myself bound to furnish him with one composed entirely of United States troops. Knowing this to be the case, and feeling satisfied that with a posse composed of such troops, the parties to be arrested would evade the service of process, he determined, by virtue of the legal powers vested in him as Marshal, to summon his own posse from the citizens of the Territory. With that view, he issued his proclamation, and on the 21st instant proceeded to the town of Lawrence with a posse, composed of between four and five hundred men, surrounded the place in order to prevent escapes, and, at the head of a small body of men, entered the town and arrested G. W. Smith, G. W. Deitzler, and Gaius Jenkins, on warrants in his hands issued on indictments found against them in the United States District Court, sitting in this county, for the crime of high treason. He had several other warrants, of a similar character, against different individuals; but could not find the parties in Lawrence, nor could he find Governor Reeder. After having made all the arrests that were practicable in that place, he dismissed his posse.

Everything so far had proceeded with the utmost order. As soon as the Marshal had dismissed his posse, Sheriff Jones, who was on the ground with a number of writs in his hands against persons supposed to be in Lawrence, summoned the same body of men, as I am informed, to aid him in executing writs in his hands. This posse, or a large portion of it, entered the town of Lawrence with Sheriff Jones. No armed resistance was offered. Indeed, it is said that nearly all the Sharps rifles, military stores, and artillery, had been removed from the town some days before. The excitement among the people, growing out of the attempted assassination of Sheriff Jones, the threatened assassination of others, and the resistance to the United States

Marshal, could not be restrained. A deep and settled conviction seemed to rest on the public mind that there was no security or safety, while those who refuse obedience to the laws held their Sharps rifles, artillery, and munitions of war, and while the Aid Society Hotel was permitted to stand, this building having, it is said, been used as a fort, arsenal, and barracks for troops. The consequence was, that this building was torn down, four pieces of artillery taken, and a small number of Sharps rifles; the two printing presses were destroyed; and the house lately occupied by C. Robinson, during the night was consumed by fire. It is alleged, but with what correctness I cannot say, that this latter building belonged to the Aid Society. No fighting took place, and no lives were lost. I understand that orders were given to respect private property, except that which I have named above, but, in so much confusion and disturbance, it is probable that these orders were not in all cases obeyed. The United States Marshal, upon getting through making his arrests at Lawrence, immediately came to this place with his prisoners. As soon as I was advised that he had dismissed his posse, and without waiting for further information from Lawrence, I addressed a letter to Colonel Sumner, at Fort Leavenworth, calling on him for three companies of United States troops — one company to be stationed at Lawrence, one at this place, and one at Topeka. This request was promptly complied with, and the troops were stationed accordingly. I send you a copy of this letter, marked No. 2. In consultation with Colonel Sumner, we concurred in opinion that the only way to prevent a civil war between the two contending parties, and protect all in their rights, was to station troops at different points in the Territory, where their presence is most needed.

I send you herewith three communications which I have received — one from General Heiskell, one from General Barbee, and the third from Judge Cato, (Nos. 3, 4, and 5,) detailing the circumstances attending the murder of six men in the county of Franklin, which is the county immediately south of this. Comment is unnecessary. The respectability of the parties and the cruelties attending these murders have produced an extraordinary state of excitement in that portion of the Territory, which has heretofore remained comparatively quiet. As soon as I was advised of these horrid murders I sent an express to Captain Wood, at Lawrence, to move out into that section of country with his whole command, and to protect the people as far as possible from these midnight assassins. He moved with his whole command immediately, but I have received no intelligence from him yet. I hope the offenders may be brought to justice; if so, it may allay to a great extent the excitement; otherwise, I fear the consequences.

Having received information that a band of lawless men had been engaged in driving off peaceable and unoffending citizens from Hickory Point, and that portion of this county lying about fifteen or sixteen miles south of Lawrence, and also that a large force was advancing from Missouri, and had

reached what is known as the Bull creek crossing, on the great Santa Fé road, with the view of attacking them, I addressed a note to Captain Wood, requesting him to send out to the different points where these difficulties were said to exist a detachment of ten men, with the view of examining and reporting the true state of the facts. In conformity with my request, he sent out Lieutenant Church with a small detachment, to whose written report I beg leave to refer for more detailed information, a copy of which is hereto attached, No. 6.

The grand jury, sitting in the United States District Court in this county, at the late term, found bills of indictment for high treason against C. Robinson, A. Reeder, Colonel Lane, George W. Brown, Judge Smith, Gaius Jenkins, and George W. Deitzler. Lane and Reeder have not been taken. The others are in the custody of the United States Marshal at this place. C. Robinson is also in custody, by virtue of a warrant issued on an indictment found in the same court, for usurpation of office. He was brought back from Lexington, Missouri, on my requisition on the Governor of that State.

I have this evening received your two telegraphic dispatches dated May 23d instant. I have already stated the extent to which military force has been resorted to in this Territory in order to maintain civil government. I have relied solely on the forces under the command of Colonel Sumner, in order to maintain peace and good order in the Territory and enforce the execution of the laws. I have furnished no posse to the Marshal, nor have I been called on by that officer to do so. The only posse I have furnished, or been desired to furnish, any officer of the Territory, since my return from Washington city, is the one furnished Sheriff Jones, on his written statement and request, dated April the 20th last, a copy of which I attached to my last dispatch, marked No. 1.

I have already stated, I believe accurately, what was done by the United States Marshal in proceeding to Lawrence to execute the process in his hands. The only process he has attempted to execute in that place, so far as I am informed, since my return from Washington, are the writs of attachment against Governor Reeder, and the several warrants issued on the indictments for high treason, to which I have already alluded.

I ought to state, that, having detached Capt. Wood, with his whole command, from Lawrence, south to the scene of the murders above alluded to, the former place was left without any military protection. I immediately sent a dispatch to Col. Sumner, requesting him to send two additional companies to Lawrence for the protection of that place. He at once did so, and there is now an adequate force there for its protection. I do not know that my instructions, at least in express terms, give me the power to call on Col. Sumner for troops to be located at different points in the Territory for the purposes I have already stated; but the plan met the entire approbation of Col. Sumner, and I was so well satisfied of the policy of it, that I thought

it best, under the emergency, to carry it out at once. If it is not approved, it can easily be corrected; and while it promises the best results, it can do no harm.

At this time affairs seem to wear a favorable aspect, except in the Wakarusa valley and south of Lawrence, in the region of country where the recent murders were perpetrated. But there are so many disturbing causes that it is hard to tell whether we have passed the crisis or not.

I have the honor to be, yours, with great respect and esteem,

His Excellency Franklin Pierce.

WILSON SHANNON.

[No. 1.]

CAMP ON THE WAKARUSA, NEAR LAWRENCE, }
April 30, 1856. }

SIR: I have the honor to report, for your information, that in obedience to your instructions, I left Leecompton about 2 o'clock P.M. on the 23d instant, with a detachment of ten men and a non-commissioned officer, in company with Mr. Samuel J. Jones, Sheriff of Douglas county, for the purpose of arresting certain individuals in the town of Lawrence, who had previously resisted the Sheriff and a civil "posse." Having arrived at Lawrence, about 4 o'clock P.M., I dismounted my detachment, and notified Mr. Jones that I was ready to assist him in the legal discharge of his duty. From that time until sundown he succeeded in arresting six of the offending individuals. While making these arrests a large crowd was assembled in the streets; and, although no resistance was made or violence resorted to, public excitement was great, and Mr. Jones and the Territorial Government were freely and bitterly denounced. About sundown, the Sheriff having pointed out to me a room for the prisoners, I marched them to it, and placed my tents immediately in rear of the house. I at once placed two sentinels in the room with the prisoners, and one walking around outside of the house. Although the excitement among the people of the town continued very great, still their ready obedience to the demands of the General Government, recognizing in me its agent, prompted me to believe that no violence or attempt at rescue need be apprehended; nevertheless, I cautioned Mr. Jones, and advised him to sleep in the bed that had been provided for him in the same house occupied by the prisoners, where he would be under the protection of my guard. Mr. Jones, apparently not apprehending danger, came to my tent during the evening, and after being seated a while, I asked him to give me a drink of water, and I went with him to a barrel near the house for the purpose of getting it, and while standing at the barrel a shot was fired from a crowd of about twenty persons. Mr. Jones immediately said, "I believe that was intended for me;" but having heard several other shots during the evening, which I thought were fired in the air, and believing at the time that this one was aimed in the same manner, I told him I thought he was mistaken; he then returned to my tent, and I walked among the crowd to endeavor to find out what were their intentions. In about five minutes I went to the tent, when Mr. Jones said, "That was intended for me, for here is the hole in my pants." Greatly incensed at this cowardly act, I immediately joined the crowd, and while speaking to them, I heard another shot, and at the same time some of my men exclaimed, "Lieutenant, the Sheriff is dead." I went to the tent immediately, and found Mr. Jones lying upon the floor, and seeing that he was still alive, my men were formed ready for the most active measures; but as soon as they were formed, the citizens instantly dispersed and retired to their houses, and all excitement ceased for the night. The second shot fired at Mr. Jones was, no doubt, the work of a secret assassin, who, in the darkness of night, succeeded in his fanatical design.

After Mr. Jones had been shot, and apprehensive that a crowd so thoroughly lawless might attempt to rescue my prisoners, I immediately dispatched Mr. E. T. Yates (a citizen) and one of my men to Lieutenant Stockton, who had a detachment of a non-commissioned officer and ten men of the First Cavalry returning to Fort Leavenworth, for his assistance. Lieutenant Stockton promptly obeyed the call, and in the course of two hours and a half was with me. At the same time I sent an express to Colonel Sumner, commanding First Cavalry, at Fort Leavenworth, with a statement of the above facts.

The next morning an express was sent to the neighboring town of Franklin for the Deputy Sheriff of the county, and, upon his arrival, the writs in Mr. Jones's possession having been delivered to him, I continued to assist the deputy in serving them; but only one of the offenders could be found, who was immediately arrested without difficulty.

Very respectfully, I have the honor to be, sir, your obedient servant,

JAMES McINTOSH,

First Lieutenant First Cavalry, commanding detachment.

His Excellency Wilson Shannon,
Governor of Kansas Territory.

[No. 2.]

Mr. Shannon to Colonel Sumner.

EXECUTIVE OFFICE,
LECOMPTON, KANSAS TERRITORY, May 21, 1855. }

SIR: The United States Marshal has made all the arrests in Lawrence that can, in his judgment, now be made, and dismissed his posse. The Sheriff has also got through making arrests on warrants in his hands, and I presume by this time has dismissed his posse. In view of the excitement and present state of feeling in the country, and for the purpose of securing the safety of the citizens, both in person and property, as well as to aid in the execution of the laws and preservation of the peace of the Territory, I think it necessary to have stationed at or near Lawrence one company of United States troops, a like company at or near this place, and a like company at or near Topeka. I have, therefore, to ask you to detach from your command three companies, one to be stationed at or near each place above designated. It is important this should be done with as little delay as possible. Some three or four arrests have been made by the United States Marshal, of persons charged by the grand jury of the United States District Court with the crime of high treason. Bills of a similar character have been found in the same court against others. The armed organization to resist the laws would seem to be broken up for the present, so far as the town of Lawrence is concerned, but there is danger that this formidable organization may show itself at some other point, unless held in check by the presence of a force competent to put it down.

The only force that I feel safe in using, in these civil commotions, is the troops of the United States; and by a prompt and judicious location of these troops in the Territory, I feel confident that order will be restored, the supremacy of the law maintained, and a civil war prevented.

Yours, with great respect and esteem,

WILSON SHANNON.

Colonel Sumner.

[No. 3.]

PAOLA, LYKINS COUNTY, May 27, 1856.

DEAR SIR: You will have learned, perhaps, before this reaches you, that Mr. Allen Wilkinson, Mr. Doyle and two sons, and Mr. Sherman, all of Franklin county, were on Saturday night last most foully and barbarously murdered. There can be no doubt of the fact that such murders have been perpetrated, and that the community,

as I understand, generally suspect that the Browns and Partridges are the guilty parties. I shall do everything in my power to have the matter investigated, and there seems to be a disposition on the part of the Free-State men in Franklin to aid in having the laws enforced. As soon as the proper evidence can be procured, warrants will be issued for the arrest of the parties suspected, and I have promised the officers to whom these warrants will be intrusted all the aid necessary to execute the law. These murders were most foully committed in the night-time by a gang of some twelve or fifteen persons, calling on, and dragging from their houses, defenseless and unsuspecting citizens, and murdering, and, after murdering, mutilating their bodies in a very shocking manner.

As the murders were committed in the night, it has been difficult, so far, in identifying the perpetrators. I hope, however, that sufficient evidence may be procured.

Most respectfully, your obedient servant,
S. G. CATO.

[No. 4.]

CAMP HEADQUARTERS 2D BRIGADE,
SOUTHERN DIVISION, KANSAS MILITIA,
PAOLA, Monday morning, May 26, 1856. }

DEAR SIR: We were all surprised this morning by the sad intelligence that W. Wilkinson, (late member of the Legislature,) was, together with a Mr. Sherman and three Messrs. Doyle, on Saturday night taken from their beds by the abolitionists, and, in the hearing of their families, ruthlessly murdered and hacked to pieces; also, a man found dead at the Pottawatomie. There were some twenty in the gang. All is excitement here; court cannot go on.

I have just had an interview with the bereaved wife and family, that they spared, also a McMinn; all of whom I am acquainted with, so that there can be no doubt as to the correctness of the report. Families are leaving for Missouri. Yankees concentrating at Osawatomie and upon the Pottawatomie, also at Hickory Point, where they have driven off the inhabitants without even provisions or clothing, save what they had on.

We can, perhaps, muster to-day, including the Alabamians, who are now encamped on Bull creek, about 150 men, but will need a force here. I have dispatched to Fort Scott for 100 men. The men will come from Fort Scott under Major Hill. There will be more men in readiness, if needed, at Fort Scott. We are destitute of arms; send by wagons for both my brigade and General Heiskell; we are together; we have scarcely any arms. I await further orders.

Your obedient servant,

WILLIAM BARBEE,

Commanding Second Brigade, S. D. K. M.

Wilson Shannon, Governor, etc.

[No. 5.]

PAOLA, May 26, 1856.

DEAR SIR: All here is excitement and confusion. We have just heard of the murder on Saturday night of Allen Wilkinson, Doyle and his two brothers, and William Sherman; all living in Franklin county, near Pottawatomie creek. The body of another man has been found at the ford of Pottawatomie. These murders, it is supposed, were committed by the abolitionists of Osawatomie, and Pottawatomie creeks, on their return from Lawrence.

How long shall these things continue? How long shall our citizens, unarmed and defenseless, be exposed to this worse than savage cruelty? Wilkinson, it is said, was taken from his bed, leaving a sick wife and children, and butchered in their sight. The two young Doyles were unarmed, and shot down on the prairie like dogs.

We have here but few men, and they wholly unarmed. We shall gather together for our own defense as many men as we can; we hope you will send us as many

arms as possible, and if, under the circumstances, you can do so, send as many men as you may think necessary. General Barbee is here. He has sent to Fort Scott for aid. We must organize such force as we can, but for God's sake send arms. General Coffey is in the neighborhood; I have not yet had an opportunity to see him; he will be here to-day.

We hope to be able to identify some of the murderers, as Mr. Harris, who was in their hands, was released, and will probably know some of them.

Yours truly,

WM. A. HEISKELL.

Gov. Wilson Shannon.

[No. 6.]

CAMP, ONE MILE ABOVE LAWRENCE, May 26, 1856.

SIR: I have the honor to report that, in accordance with your orders, I proceeded from this place with thirteen enlisted men, on yesterday morning, and made my way, by the Wakarusa bridge, toward Hickory Point. During the whole march I made constant inquiries from the settlers on the road, and all, until I arrived within a very short distance of Palmyra, some eighteen miles south of Lawrence, stated that there was no difficulty or alarm anticipated. At this place I came upon a body of men from Osawatomie and the surrounding country, who, as well as I could judge, numbered some seventy or eighty, although they pretended to have about one hundred and thirty. This body was commanded by a Captain Brown, and was evidently a Free-State party. They had been at Palmyra about two days, and had frightened off a number of Pro-Slavery settlers, and forced off, as far as I could learn, two families.

I immediately stated to Captain Brown that the assembly of large parties of armed men, on either side, was illegal, and called upon him to disperse. After considerable talk, he consented to disband his party and return home. On yesterday evening he commenced moving, and early this morning his camp had been vacated.

Reports reached me on yesterday afternoon that a large force (160 men) from Missouri had collected at what is called Bull creek, some fifteen miles below Palmyra, for the purpose of invading the Territory.

I investigated the matter, and, from the testimony of three men who had just crossed at Bull creek, I am convinced that the report was exaggerated and false. As far as I could learn, the only persons at Bull creek were a few families who had been driven from Palmyra, and a Santa Fé train, who were afraid to proceed upon their route. Having only one day's rations, and having been ordered only to investigate, I have this day returned.

JOHN R. CHUBB,

Captain T. J. Wood, First Cavalry.

Second Lieutenant, First Cavalry.

EXECUTIVE OFFICE, June 6, 1856.

Were my dispatches of May 23 received by yourself or Colonel Sumner? If they were, why have they not been acknowledged? Confused and contradictory accounts continue to reach me of scenes of disorder and violence in Kansas. If the civil authorities, sustained by the military force under the command of Colonels Sumner and Cooke, placed at your disposal, are not sufficient to maintain order and afford protection to peaceable and law-abiding citizens, you should have advised me at once. I hardly need repeat the instructions so often given. Maintain the laws firmly and impartially, and take care that no good citizen has just ground to complain of the want of protection.

FRANKLIN PIERCE.

Hon. Wilson Shannon, (care of Colonel Sumner,)
Fort Leavenworth, Kansas Territory.

WAR DEPARTMENT, }
WASHINGTON, July 16, 1856. }

SIR: I have the honor to inclose, herewith, for your information, copies of two letters from Governor Shannon, of Kansas, to Colonel E. V. Sumner, both dated the 23d ultimo.

Very respectfully, your obedient servant,

JEFFERSON DAVIS, *Secretary of War.*

Hon. W. L. Marcy, Secretary of State.

EXECUTIVE OFFICE, }
LECOMPTON, K. T., June 23, 1856. }

SIR: I am compelled to visit St. Louis on official business which can no longer be postponed. I will be absent probably about ten days, but I will return as soon as my official duties will permit. In the meantime I deem it of the utmost importance that the whole of your disposable force should be stationed at suitable points in that portion of the Territory which has been most disturbed and which is still threatened with further disturbance. Your knowledge of the country and the difficulties which have heretofore existed will enable you to dispose of your command so as to be most effective in preserving the peace. It is important, I think, to retain one company midway between Lawrence and Franklin, one near Palmyra or Hickory Point, one in the Osawatomie country, and to station two companies at Topeka previous to the 4th of July next, the time fixed for the reassembling of the Legislature under what is called the Free-State constitution. It is doubtful whether this pretended legislative body will reassemble, as many of the Free-State party are hostile to such a step. But it is true, on the other hand, that there is a number of that party who are zealously urging the members of that body to meet on the 4th proximo, and enact a code of laws to be at once put in force at all hazards. Now, should this policy be adopted in the present excitable state of the country, I have no hesitation in believing that it would produce an outbreak more fearful by far in its consequences than any which we have heretofore witnessed. The peace and quiet which now prevail throughout the whole Territory would be destroyed for the time being, and the whole country greatly agitated. These unfortunate results must be avoided, if possible. I need not say to you that if this legislative body should reassemble on the 4th next, that those within and without the Territory who seem to desire to bring about a conflict of arms between the two parties, would eagerly avail themselves of such an occasion to reorganize their military companies and commence hostilities against their political opponents. Indeed, it is impossible to doubt that, if this body meets, enacts laws, and seeks to enforce them, civil war will be the inevitable result. Two governments cannot exist at one and the same time in this Territory in practical operation; one or the other must be overthrown; and the struggle between the legal government established by Congress and that by the Topeka convention would result in civil war, the fearful consequences of which no one can foresee. Should this body reassemble and enact laws, (and they have no other object in meeting,) they will be an illegal body, threatening the peace of the whole country, and therefore should be dispersed. Their meeting together as legislators and enacting or attempting to enact laws will be in direct violation of an express statute. I beg leave to call your attention to the 23d section, on page 280 of the Territorial statutes. That section prescribes:

"That if any person shall take upon himself any office or public trust in this Territory, and exercise any power to do any act appertaining to such office or trust without a lawful appointment or deputation, he shall, upon conviction, be adjudged guilty of a misdemeanor, and punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year."

It will not be claimed that the members of this so-called Legislative Assembly have any "*lawful appointment or deputation*"—that is, that they were elected or appointed in pursuance to any law. The organic act prescribes the mode by which the members of the Legislative Assembly shall be elected, &c. There is no pretense that the body in question claims its power or its existence from the organic act. These men have therefore no "*lawful appointment*;" and if they exercise the functions of legislators within this Territory, they violate the provisions of the above-recited act. There can be no mistake, therefore, in considering them an illegal body, assuming the office of legislators in this Territory in violation of law; and as such, when the peace and tranquility of the country require it, as they obviously do in this case, they should be dispersed.

Should, therefore, this pretended legislative body meet as proposed, you will disperse them—peacefully if you can, forcibly if necessary. Should they reassemble at some other place, or at the same place, you will take care that they are again dispersed. The civil authorities will be instructed to cooperate with you, if it is found necessary, in order to break up this illegal body, and to institute proceedings against the several members under the above statute. But it is hoped and believed that no such step will be required. If rumor is to be credited, there is danger that armed aggressive parties may enter the northern part of the Territory with the view of sustaining this pretended legislative body and the party who are resisting the execution of the Territorial laws. Instructions heretofore given, and by which you have been governed in dispersing all organized bodies of armed men threatening the peace of the country, are applicable to these armed aggressive parties from the North, which, should they enter the Territory, you will disperse, and, if necessary for the peace and security of the country, disarm.

Should the command of Colonel Cooke be necessary to be called out in my absence, you will notify Colonel Woodson of the fact, and he will promptly issue his requisition, as acting Governor, upon him.

I have the honor to be yours, with great respect,

WILSON SHANNON.

Colonel Sumner.

EXECUTIVE OFFICE,
LECOMPTON, K. T., June 23, 1856. }

SIR: Yours of this instant is received. I am just packing up to start for St. Louis. It is impossible for me at this time to make the new arrangements you suggest before leaving. I do hope it will be in your power to attend in person to this Topeka Legislature. I feel well assured that they will not be able to obtain a quorum to transact business. But should we be disappointed in this, I think it is a matter of the utmost importance that you should be present. You understand the whole matter, and can do more with those people than anyone else. It will be exceeding bad policy to reduce or withdraw either of the regiments in this Territory. It is only the presence of the troops in the country, and the knowledge that they can and will be used, if occasion requires it, that keeps the country quiet at this time. I will write the President and so state. The peace and quiet of this Territory is certainly vastly more important than any object to be accomplished by General Harney. I will certainly be back in ten days; and I hope, at least, that no change will be made in the programme until I return. Should such be the case, it may bring on difficulties from which it will be exceedingly difficult to extricate the country. I beg of you to make no change until I return.

Yours, with great respect,

WILSON SHANNON.

Colonel Sumner.

REPORT OF THE SECRETARY OF WAR.

[The Annual Report of Jefferson Davis, Secretary of War, dated December 1st, 1856, Ho. Ex. Doc. No. 1, 34 Cong., 3d sess., v. 1, pt. 2, p. 26-146, contains much official correspondence of the War Department with the officers of the United States Army in service in Kansas during the year. The correspondence relates to events which occurred partly within the official term of Governor Shannon, and partly within that of Governor Geary. As a part of the documentary history of Kansas Territory, its appropriate place is between the correspondence of Governor Shannon and the executive minutes of Governor Geary. In the concluding portion of the report of the Secretary of War, he refers to the use of troops in Kansas in the following words:]

Since my last annual report, the unhappy condition of affairs in the Territory of Kansas has caused the troops stationed there to be diverted from the campaign in which it was designed to employ them, against the Cheyenne Indians, and devolved upon them the delicate and most ungracious task of intervening to suppress insurrectionary movements by citizens of the United States against the organized government of the Territory. To maintain the supremacy of law, and to sustain the regularly constituted authorities of the Government, they were compelled to take the field against those whom it is their habit to regard not only with feelings of kindness, but with protective care. Energy tempered with forbearance, and firmness directed by more than ordinary judgment, have enabled them to check civil strife, and to restore order and tranquility, without shedding one drop of blood.

In aid of the civil authorities they have arrested violators of the peace; have expelled lawless bands from the Territory; and, vigilantly guarding its borders, have met and disarmed bodies of men organized, armed, equipped, and advancing for aggressive invasion, whilst the actual use of their own weapons has been reserved for the common enemies of the United States.

I concur in the high commendation which the Commanding General of the Department of the West bestows on Lieutenant Colonel Cooke, commanding in the field, and to the officers and men who have thus satisfactorily performed the disagreeable duty which was imposed upon them; and I am sure they could receive no more grateful reward than an exemption from the future performance of such duty, and the assurance that their labors have contributed to the tranquility and prosperity of the country in which they are stationed.

Upon notice from the Executive of the Territory that peace has been restored, the troops have been withdrawn from the field and returned to winter quarters.

I have the honor to be, very respectfully, your obedient servant,

JEFF'N DAVIS, *Secretary of War.*

The President of the United States.

[No. 1.]

LETTERS FROM THE SECRETARY OF WAR AND THE ADJUTANT GENERAL.

Letters from the Secretary of War, to—

Colonel E. V. Sumner, May 23, 1856.

General P. F. Smith, June 22, 1856.

General P. F. Smith, September 3, 1856.

Governors of Kentucky and Illinois, September 3, 1856.

Major W. H. Emory, September 3, 1856.

General P. F. Smith, (telegraph,) September 9, 1856.

WAR DEPARTMENT,
WASHINGTON, May 23, 1856. }

SIR: Your letter of the 12th instant, this day submitted to me by the Adjutant General, has been read, with its inclosures.

You have justly construed your instructions, and your course is approved. The zeal manifested by you to preserve order, and prevent civil strife between our fellow-citizens in Kansas, receives full commendation; but you have properly refused to interpose the military power of the United States, except under the circumstances and conditions contemplated in your instructions, authorized by the laws of the United States, and warranted by the genius of our political institutions. It will be equally within your province to maintain the supremacy of the law and the duly-authorized government of the Territory, from whatever source they may be assailed, whenever the Government shall require your aid in the manner specified in your instructions; and for the great purpose which justifies the employment of military force, it matters not whether the subversion of the law arises from a denial of the existence of the Government, or whether it proceed from a lawless disregard of the rights to protection of persons and property, for the security of which the Government was ordained and established.

Very respectfully, your obedient servant,

JEFF'N DAVIS, *Secretary of War.*

Colonel E. V. Sumner, Commanding First Regiment Cavalry,

Fort Leavenworth, Kansas.

WAR DEPARTMENT,
WASHINGTON, June 27, 1856. }

SIR: You will receive special order No. 67, of this date, assigning you to the command of the Department of the West, and, in addition to the general duties which that position will devolve upon you, your attention is especially directed to the present disturbed condition of the inhabitants of the Territory of Kansas. Inclosed you will find a copy of a proclamation of the President of the United States, and of a letter of instructions directed to the commanding officers of Forts Leavenworth and Riley, to which you are referred for the views of the Executive, and for the govern-

ment of your conduct in the contingencies therein contemplated; and if, in such contingencies, you should be called upon to use any portion of the troops under your command to aid the civil authorities in arresting offenders, a detachment of troops for that purpose will be directed to accompany the civil officer charged with the process, and to aid him in the execution of his duties, both in making the arrests and in conducting prisoners to places where they may be safely kept by the civil authorities.

In discharging the delicate functions arising from the peculiar condition of affairs in Kansas, you will carefully abstain from encroaching in any degree upon the proper sphere of the civil authorities, and will observe the greatest caution to avoid any conflict between the civil and the military power.

You will report directly to this department, and communicate frequently and fully in regard to the progress of events.

Very respectfully, your obedient servant,

JEFF'N DAVIS, *Secretary of War.*

Brevet Brigadier General P. F. Smith, United States Army.

WAR DEPARTMENT, }
WASHINGTON, September 3, 1856. }

SIR: Your dispatch of 22d August, and its inclosures, sufficiently exhibit the inadequacy of the force under your command to perform the duties which have been devolved upon you in the present unhappy condition of Kansas, by the orders and instructions heretofore communicated. To meet this exigency, the President has directed the Governor of the Territory to complete the enrollment and organization of the militia, as you will find fully set forth in the inclosed copy of a letter addressed to him by the Secretary of State; and the President has directed me to say to you, that you are authorized, from time to time, to make requisitions upon the Governor for such military force as you may require to enable you promptly and successfully to execute your orders and suppress insurrection against the government of the Territory of Kansas, and, under the circumstances heretofore set forth in your instructions, to give the requisite aid to the officers of the civil government who may be obstructed in the due execution of the law. Should you not be able to derive from the militia of Kansas the adequate force for these purposes, such additional number of militia as may be necessary will be drawn from the States of Illinois and Kentucky, as shown in the requisition, a copy of which is here inclosed.

The views contained in your instructions to the officers commanding the troops, under date of August 19, are fully appropriate, and accord so entirely with the purpose of the Executive as to leave but little to add in relation to the course which it is desired you should pursue. The position of the insurgents, as shown by your letter and its inclosures, is that of open rebellion against the laws and constitutional authorities, with such manifestation of

a purpose to spread devastation over the land, as no longer justifies further hesitation or indulgence. To you, as to every soldier, whose habitual feeling is to protect the citizens of his own country, and only to use his arms against a public enemy, it cannot be otherwise than deeply painful to be brought into conflict with any portion of his fellow-countrymen. But patriotism and humanity alike require that rebellion should be promptly crushed, and the perpetration of the crimes which now disturb the peace and security of the good people of the Territory of Kansas should be effectually checked. You will, therefore, energetically, employ all the means within your reach to restore the supremacy of the law, always endeavoring to carry out your present purpose to prevent the unnecessary effusion of blood.

In making your requisition for militia force you will be governed by the existing organization of the army and the laws made and provided in such cases. When companies, regiments, brigades, or divisions are presented to be mustered into the service of the United States, you will cause them, before they are received, to be minutely inspected by an officer of your command, appointed for the purpose.

Very respectfully, your obedient servant,

JEFF'N DAVIS,
Secretary of War.

Major General P. F. Smith,
Commanding Department of the West.

WAR DEPARTMENT, }
WASHINGTON, September 3, 1856. }

SIR: You will repair to the Territory of Kansas and deliver the dispatches this day handed to you for General P. F. Smith, commanding Department of the West, and for his Excellency John W. Geary, Governor of that Territory; after which you will communicate to each of them the wish of the department, that you should be fully informed in relation to the condition of affairs in the Territory, and have such facilities to make observations as will enable you, upon your return, to give more full and minute information to the department than it can readily derive through the medium of correspondence. Although you are not restricted as to time, it is desirable that you should return to this city as early as is consistent for the fulfillment of the purpose for which you are sent out.

Very respectfully, your obedient servant,

JEFF'N DAVIS,
Secretary of War.

Major William H. Emory,
United States Army.

WAR DEPARTMENT, }
WASHINGTON, September 3, 1856. }

SIR: To suppress insurrectionary combinations against the constituted government of the Territory of Kansas, and to enforce the due execution

of the law against armed resistance, I am instructed by the President of the United States to make this his requisition upon you for two regiments of foot militia, to be furnished to Major General Persifer F. Smith, of the United States Army, commanding the Military Department of the West, whenever the exigencies of the public service shall induce him to call upon you for the said troops, to be employed for the purpose above indicated within the limits of said Territory. Each regiment to consist of one colonel, one lieutenant colonel, one major, one adjutant, (the last named to be taken from the lieutenants of the regiments,) one sergeant major, and ten companies, each company to consist of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two musicians, and seventy-four privates.

General Smith will be instructed, whenever he may call upon you for these troops, to detail an officer from his command to inspect and muster them into the service of the United States at such points as may be designated by your Excellency.

Very respectfully, your obedient servant,

JEFF'N DAVIS, *Secretary of War.*

His Excellency the Governor of Kentucky.

[The same to the Governor of Illinois.]

[By telegraph.]

WAR DEPARTMENT, September 9, 1856.

Your letter of August 29th received.

Have the dispatches borne by Major Emory reached you? It is the purpose of the President to secure to you all the military force necessary to maintain order and suppress insurrection, and that no military operations shall be carried on in the Territory of Kansas otherwise than under your instructions and orders. You will not permit the employment of militia, or of any armed bodies of men, unless they have been regularly mustered into the service of the United States.

The Governor of the Territory will be instructed on this point.

JEFF'N DAVIS, *Secretary of War.*

General P. F. Smith,

Fort Leavenworth, Kansas Territory.

Letters from the Adjutant General to—

Lieutenant Colonel P. St. George Cooke, July 5, 1856.

Brevet Brigadier General W. S. Harney, July 16, 1856.

Colonel E. V. Sumner, August 28, 1856.

Brevet Major General P. F. Smith, September 26, 1856.

Brevet Major General P. F. Smith, September 29, 1856.

Brevet Major General P. F. Smith, November 13, 1856.

ADJUTANT GENERAL'S OFFICE, }
WASHINGTON, July 5, 1856. }

SIR: Your letter of the 18th ultimo, reporting your march to Leecompton, in compliance with the requisition of Governor Shannon, and subsequent movements, has been laid before the Secretary of War, who approves the course adopted by you on the occasion.

I am, sir, very respectfully, your obedient servant,

S. COOPER, *Adjutant General.*

Lieutenant Colonel P. St. Geo. Cooke,

Second Dragoons, Fort Riley, Kansas Territory.

ADJUTANT GENERAL'S OFFICE, }
WASHINGTON, July 16, 1856. }

GENERAL: Your special order, No. 32, of the 30th ultimo, directing the First Regiment of Cavalry to patrol the Oregon route, has been received and laid before the Secretary of War, by whom I am instructed to say that the state of affairs now existing in Kansas Territory renders it inexpedient to withdraw the First Cavalry therefrom at present.

I am, sir, very respectfully, your obedient servant,

S. COOPER, *Adjutant General.*

Brevet Brigadier General W. S. Harney, United States Army.

ADJUTANT GENERAL'S OFFICE, }
WASHINGTON, August 28, 1856. }

SIR: Your letter of the 11th instant, in relation to the employment by you of the military force under your command to disperse the assembly recently convened at Topeka, Kansas Territory, has been laid before the Secretary of War, and by him returned to this office, with the following indorsement:

The President's proclamation having been sent from this department to Colonel Sumner as a part of his instructions, a general reference to that paper is no compliance with the requirement of the letter addressed to him, dated July 21, 1856. If any portion of that proclamation was understood as directing military officers to use the force under their command for the dispersion of an 'illegal legislative body,' that part of the proclamation should have been specially cited.

"If the 'serious consequences' anticipated by the colonel commanding First Cavalry from the convention of the Free-State Legislature of Kansas had been realized, it might have been necessary for him to use the military force under his command to suppress resistance to the execution of the laws, and he would have had no difficulty in finding his authority, both in the President's proclamation and in the letter of instructions which accompanied it. But if the exigency was only anticipated, it is not perceived how authority is to be drawn from either, or both, to employ a military force to disperse men because they were 'elected and organized without law.'

"The reference to the dissatisfaction of the Missourians seems to be wholly inappropriate to the subject under consideration, and the department is at a loss to understand why that reference was made; the more so, because, in answer to an inquiry from Colonel Sumner, he was distinctly informed, by letter of March 26, 1856,

that the department expected him, in the discharge of his duty, to make no discrimination founded on the section of the country from which persons might or had come.

“JEFF'N DAVIS, *Secretary of War.*”

“WAR DEPARTMENT, August 27, 1856.”

I am, sir, very respectfully, your obedient servant,

S. COOPER, *Adjutant General.*

Colonel E. V. Sumner, First Cavalry, Syracuse, N. Y.

ADJUTANT GENERAL'S OFFICE,
WASHINGTON, September 24, 1856. }

GENERAL: Your letter of the 10th instant, relative to the state of affairs in Kansas Territory, with the accompanying reports and correspondence, has been laid before the Secretary of War, and by him returned to this office with the following indorsement:

“The only distinction of parties which, in a military point of view, it is necessary to note, is that which distinguishes those who respect and maintain the laws and organized government from those who combine for revolutionary resistance to the constituted authorities and laws of the land. The armed combination of the latter class came within the denunciation of the President's proclamation, and are proper subjects upon which to employ the military force.

“Instructions of the Executive for the complete organization of the militia of the Territory, and the authority given to the General commanding to make requisition for such of that militia as he might require, did not look, under the circumstances, to the delay incident to a total disbandment and new organization of the militia. And it is to be feared that with the time thus lost will pass the opportunity for that full protection of unoffending citizens, and for that exemplary vindication of the supremacy of the law which the reputation and dignity of the Government demand.

“The requisition for a heavy field-battery was anticipated, and such a one as within described was some time since ordered to be sent to Fort Leavenworth. The defect of the prairie gun-carriages having been discovered, new carriages of greater strength have been constructed, and will probably soon be received.

“Instructions have been given for the supply of the requisite number of horses, and for the recruits for the mounted regiments, as recommended.

“The address and good conduct of Lieutenant Colonel Cooke is fully appreciated and highly approved.

“The department has unabated confidence in the zeal and singleness of purpose with which the General commanding devotes himself to the delicate duty with which he is charged, and is encouraged by his assurances to hope that his success will be as great as the exigency requires.

JEFF'N DAVIS, *Secretary of War.*

“WAR DEPARTMENT, September 23, 1856.”

I am, sir, very respectfully, your obedient servant,

S. COOPER, *Adjutant General.*

Brevet Maj. Gen. P. F. Smith, United States Army,

Commanding Department of the West, Fort Leavenworth, K. T.

ADJUTANT GENERAL'S OFFICE,
WASHINGTON, September 29, 1856. }

GENERAL: Your letter of the 15th instant, inclosing several communi.

cations relative to the state of affairs in Kansas Territory at that time, has been laid before the Secretary of War, and by him returned to this office, with the following indorsement:

"Authority has been given to cover all the wants which have been communicated in relation to arms and ammunition. The requisitions were not only anticipated, but in some respects exceeded.

"Orders have been given for the purchase of horses and enlisting recruits, as recommended. The horses heretofore purchased under a previous authority, though intended for the mounted riflemen, may be assigned to the dragoon and cavalry regiments, if the wants of the public service should require it. The authority given to make requisitions on the Governor of the Territory for such part of the militia as may be required in military operations was intended to avoid the delay which is represented as the consequence of drawing additional troops from Illinois and Kentucky.

"JEFF'N DAVIS, *Secretary of War.*

"WAR DEPARTMENT, September 27, 1856."

I have the honor to be, sir, very respectfully, your obedient servant,

S. COOPER, *Adjutant General.*

Bvt. Maj. Gen. P. F. Smith, U. S. Army,
Commanding Department of the West,
Fort Leavenworth, K. T.

ADJUTANT GENERAL'S OFFICE,
WASHINGTON, November 13, 1856. }

GENERAL: Your letter of the 14th ultimo, inclosing several communications relative to the state of affairs in Kansas Territory at its date, has been duly laid before the Secretary of War, and by him returned to this office, with the following indorsement:

"*Read.*—The discrimination and good judgment displayed by Lieutenant Colonel Cooke receives unqualified commendation. Embarrassed, as he naturally was, by the seeming conflict between the letter of the Governor, addressed to him on the 28th September, and the circular letter of September 30, the course which Lieutenant Colonel Cooke pursued manifests that energy and great discrimination which, under the circumstances, could alone have prevented a secret armed invasion and further disturbances to the peace and good order of Kansas.

"JEFF'N DAVIS, *Secretary of War.*

"WAR DEPARTMENT, November 8, 1856."

I am, sir, very respectfully, your obedient servant,

S. COOPER, *Adjutant General.*

Bvt. Maj. Gen. P. F. Smith, U. S. Army,
Commanding Department of the West,
Fort Leavenworth, K. T.

[No. 2.]

REPORTS FROM COLONEL E. V. SUMNER.

Colonel E. V. Sumner to Assistant Adjutant General, Department of the West, May 23, 1856.

- Colonel E. V. Sumner to Col. S. Cooper, May 23, 1856, inclosing—
Hon. Wm. A. Howard to Col. E. V. Sumner, May 16, 1856.
Col. E. V. Sumner to Hon. Wm. A. Howard, May 16, 1856.
Hon. Wilson Shannon to Col. E. V. Sumner, May 21, 1856.
Hon. Wilson Shannon to Col. E. V. Sumner, May 21, 1856.
James McIntosh to Col. E. V. Sumner, May 21, 1856.
Col. E. V. Sumner to Major J. Sedgwick, May 22, 1856.
- Colonel E. V. Sumner to Assistant Adjutant General, Department of the West, May 28, 1856.
- Colonel E. V. Sumner to Col. S. Cooper, May 28, 1856, inclosing—
Hon. Wilson Shannon to Col. E. V. Sumner, May 27, 1856.
- Colonel E. V. Sumner to Assistant Adjutant General, Department of the West, June 2, 1856.
- Colonel E. V. Sumner to Col. S. Cooper, June 2, 1856, inclosing—
Hon. Wilson Shannon to Col. E. V. Sumner, June 1, 1856.
Major John Sedgwick to Col. E. V. Sumner, June 1, 1856.
Captain E. W. B. Newby to Hon. Wilson Shannon, May 31, 1856.
- Colonel E. V. Sumner to Col. S. Cooper, June 8, 1856, inclosing—
Hon. Wilson Shannon to Col. E. V. Sumner, June 4, 1856.
Hon. Wilson Shannon to Col. E. V. Sumner, June 4, 1856.
Colonel E. V. Sumner to Hon. W. Shannon, June 4, 1856.
Hon. Wilson Shannon to Col. E. V. Sumner, June 4, 1856.
Proclamation of Hon. Wilson Shannon, Governor of the Territory of Kansas, June 4, 1856.
- Lieutenant Colonel P. St. George Cooke to Col. S. Cooper, June 18, 1856.
- Colonel E. V. Sumner to Assistant Adjutant General, Department of the West, June 23, 1856.
- Colonel E. V. Sumner to Col. S. Cooper, June 23, 1856, inclosing—
Hon. Wilson Shannon to Col. E. V. Sumner, June 14, 1856.
Hon. Wilson Shannon to Col. E. V. Sumner, June 14, 1856.
- Colonel E. V. Sumner to Col. S. Cooper, June 30, 1856, inclosing—
Hon. Wilson Shannon to Col. E. V. Sumner, June 23, 1856.
Hon. Wilson Shannon to Col. E. V. Sumner, June 23, 1856.
Colonel E. V. Sumner to D. Woodson, Esq., Acting Governor of Kansas Territory, June 28, 1856.
- Colonel E. V. Sumner to Col. S. Cooper, July 1, 1856, inclosing—
Colonel E. V. Sumner to D. Woodson, Esq., Acting Governor of Kansas Territory, July 1, 1856.
Daniel Woodson, Esq., to Col. E. V. Sumner, June 30, 1856.
- Colonel E. V. Sumner to Col. S. Cooper, July 7, 1856, inclosing—
Proclamation of Daniel Woodson, Esq., Acting Governor of the Territory of Kansas, July 7, 1856.
- Colonel E. V. Sumner to Adjutant General of the army, with indorsement of Secretary of War, August 11, 1856.
- Colonel E. V. Sumner to Adjutant General of the army, August 31, 1856.

HEADQUARTERS FIRST CAVALRY, }
 FORT LEAVENWORTH, K. T., May 23, 1856. }

SIR: On the requisition of Governor Shannon, I detached Major Sedgwick this morning with four companies, to proceed to Lawrence, Leecompton, and Topeka, to preserve the peace, maintain the laws, and protect peaceable citizens in their persons and property.

I am, very respectfully, your obedient servant, E. V. SUMNER,
Colonel First Cavalry, Commanding.

Assistant Adjutant General, Department of the West.

HEADQUARTERS FIRST CAVALRY, }
 FORT LEAVENWORTH, May 23, 1856. }

COLONEL: I inclose a requisition from Governor Shannon of the 21st instant. Major Sedgwick will march this morning with four companies.

I also forward several letters that I have recently received from the Governor and others, and my instructions to Major Sedgwick.

I am, Colonel, very respectfully, your obedient servant,

E. V. SUMNER,
Colonel First Cavalry.
 Colonel S. Cooper,
 Adjutant General U. S. Army.

FRIDAY MORNING, May 16, 1856.

MY DEAR SIR: I send up a copy of the Marshal's reply to the citizens of Lawrence; also of letter of citizens to me, which left there at 12 o'clock.

We of course cannot go back there; and if we could, it would avail nothing. I feel embarrassed at troubling you so often with communications upon which I suppose you can take no action; but I trust the interests of humanity will suggest a sufficient apology.

With the highest respect, your obedient servant,

WM. A. HOWARD.

Colonel E. V. Sumner, Fort Leavenworth.

HEADQUARTERS, }
 FORT LEAVENWORTH, May 16, 1856. }

SIR: I have just received your note dated this day. The people of Lawrence have never received any encouragement from me that United States troops would be placed in Lawrence to keep the peace, and prevent illegal acts. On the contrary, a committee that called on me to ask for protection were expressly told that the affair was in the hands of the Governor, that he alone had the power to call out the troops, and if they had any application to make it must be made to him.

I am, sir, with much respect, your obedient servant,

E. V. SUMNER,
Colonel First Cavalry, Commanding.
 Honorable Wm. A. Howard, Kansas Commission.

EXECUTIVE OFFICE,
LECOMPTON, K. T., May 21, 1856. }

DEAR COLONEL: The United States Marshal will probably get through serving his process, as far at least as he can, on to-day or to-morrow. The grand jury of the United States District Court had found bills of indictment against some seven or eight for treason in conspiring to overturn the Government of the United States in this Territory.

Several of these persons thus charged are in Lawrence, and will be arrested this day or to-morrow. The Marshal will then dismiss the posse. The moment he does this I desire to make a requisition on you for three companies—one to be stationed at or near Lawrence, one at or near this place, and the third at or near Topeka, in order to preserve the peace, and secure the due execution of the laws.

The more I see, and the more I reflect on the plan that we talked over when you were here for preserving the peace and good order in this Territory, the more I am convinced of its necessity; yet this cannot safely be done until the posse of the United States Marshal is dismissed, which I hope will be to-day or to-morrow. I will send a special dispatch as soon as this takes place. My object in dropping you these hasty lines is to advise you of my intentions, so that you can be prepared to move without delay.

Yours, with great respect, WILSON SHANNON.

Colonel Sumner.

EXECUTIVE OFFICE,
LECOMPTON, K. T., May 21, 1856. }

SIR: The United States Marshal has made all the arrests in Lawrence that can, in his judgment, now be made, and dismissed his posse. The Sheriff has also got through making arrests on warrants in his hands, and I presume by this time has dismissed his posse. In view of the excitement and present state of feeling in the country, and for the purpose of securing the safety of the citizens, both in person and property, as well as to aid in the execution of the laws and preservation of the peace of the Territory, I think it necessary to have stationed at or near Lawrence, one company of United States troops, a like company at or near this place, and a like company at or near Topeka. I have, therefore, to ask you to detach from your command three companies, one to be stationed at or near each place above designated.

It is important that this should be done with as little delay as possible. Some three or four arrests have been made by the United States Marshal, of persons charged by the grand jury of the United States District Court with the crime of high treason. Bills of a similar character have been found in the same court against others. The armed organization to resist the laws would seem to be broken up for the present, so far as the town of Lawrence is concerned; but there is danger that this formidable organization may show itself at some other point, unless held in check by the presence

of a force competent to put it down. The only force that I feel safe in using in these civil commotions is the troops of the United States; and by a prompt and judicious location of these troops at proper points in the Territory, I feel confident that order will be restored, the supremacy of the law maintained, and a civil war prevented.

Yours, with great respect and esteem,
Colonel Sumner.

WILSON SHANNON.

CAMP AT MAJOR CLARKE'S, }
(NEAR LECOMPTON,) K. T., May 21, 1856. }

COLONEL: I have the honor to report, for your information, that I called on the Governor yesterday evening to ascertain if my detachment would be required here beyond the 24th instant, when my rations would be consumed. He told me that it would be necessary for me to remain at present, and said, in addition, that he would either to-day or to-morrow call upon you for three or four companies, to be stationed at different points in the Territory— naming Lawrence, Lecompton, and Topeka. I will give you a brief account of how matters stand at present. There are probably from five to seven hundred armed men on the Pro-Slavery side organized into companies, most of which marched last evening with the United States Marshal of the Territory for Lawrence. For the last two or three days these men have been stationed between Lawrence and Lecompton, stopping and disarming all Free-State men, making some prisoners, and in many cases pressing the horses of Free-State settlers into service.

I have heard also of a good many men of the Pro-Slavery party being stopped near Lawrence, but I do not think they have detained any of them. Night before last two of the Free-State men were killed by some of the Pro-Slavery party; in one instance this result (so far as I can ascertain) was brought about by a party not stopping when challenged by a Pro-Slavery patrol; and in the other instance, it appears a patrol from Lawrence challenged two Pro-Slavery men, when shots were exchanged, and a Free-State man was killed, and a Pro-Slavery man was wounded.

I relate these occurrences as I heard them in Lecompton. With such a class of men as there are in this Territory, excited as they are, and arrayed against each other, great excesses will be committed; and already persons who have taken no interest in the struggle, but quietly living on their claims, have been molested, and their personal property taken away and destroyed. I believe the Governor's intention is, as soon as the Marshal succeeds in making his arrests, (which will probably be by this evening,) to place this portion of the Territory under strict military police, and I think strong measures will have to be taken to prevent outrages. The last rumors from Lawrence were, that a great many persons had left, and that they did not intend to make any resistance. Even if they do not, I think probably that some portion of the town will suffer; for instance, the Free-State Hotel

and the printing office. It is very doubtful if such a body of excited men will go there and be governed and checked by the Marshal.

If my detachment is to remain here beyond the 24th, I would respectfully request you to direct the commissary to send me hard bread instead of flour, and one day in three or four, pork. I can get fresh beef in town daily. In case you send part of the regiment, it is proper for me to add, that they will be able to procure fresh beef daily at Lawrence or Lecompton; of Topeka I know nothing. The boats at Lecompton are miserable, and any body of fifty horsemen would be delayed probably a day in crossing. The road through Lawrence would, therefore, be much the shortest in the end. I send this express to-day, as I understand the roads are very heavy, and that it may possibly take three days to reach here with wagons.

I have the honor to be, Colonel, your obedient servant,

JAMES MCINTOSH,

First Lieut. First Cavalry, Commanding Detachment.

Col. E. V. Sumner,

First Cavalry, Commanding Fort Leavenworth, K. T.

HEADQUARTERS FIRST CAVALRY, }
FORT LEAVENWORTH, K. T., May 22, 1856. }

MAJOR: In compliance with a requisition of Governor Shannon, you will march to-morrow morning at 8 o'clock, with C, E, F, and K companies.

Company C will be stationed near Lawrence, F and K near Lecompton, and E near Topeka. The object of this movement is to preserve peace in the Territory, to maintain the laws, and to protect the persons and property of peaceable citizens.

You will report to the Governor, and receive his orders; but in executing these orders you will bear in mind that, under the orders of the President, you will be held responsible for the manner in which it is done.

You will please use the utmost circumspection, and avoid, if possible, collisions with the people.

Very respectfully, your obedient servant,

E. V. SUMNER,

Colonel First Cavalry, Commanding.

Major J. Sedgwick, First Cavalry.

HEADQUARTERS FIRST CAVALRY, }
FORT LEAVENWORTH, May 28, 1856. }

SIR: I have to report that a requisition was received from Governor Shannon last night for two more companies, and they will march immediately.

No one can say what the end will be.

I am, sir, very respectfully, your obedient servant,

E. V. SUMNER,

Colonel First Cavalry, Commanding.

Assistant Adjutant General, Department of the West.

HEADQUARTERS FIRST CAVALRY, }
 FORT LEAVENWORTH, May 28, 1856. }

COLONEL: I received last night the inclosed requisition from the Governor.

Two more companies will march immediately for Lawrence.

From present appearances, it looks very much like running into a guerilla warfare. If the matter had been taken in hand at an earlier day, as I earnestly advised the Governor, the whole disturbance would have been suppressed without bloodshed.

At that time we held a high moral position in the Territory that would have looked down all opposition from all parties. As the affair now stands, there is great danger of our being compelled to use force. In the event of my receiving General Harney's orders to move before the Governor is willing to have the troops withdrawn from their present stations, what shall be done?

I am, Colonel, very respectfully, your obedient servant,

E. V. SUMNER, *Colonel First Cavalry, Commanding.*

Colonel S. Cooper, Adjutant General U. S. A.

EXECUTIVE OFFICE, }
 LECOMPTON, K. T., May 27, 1856. }

SIR: I received last night, about 12 o'clock, reliable information by a special dispatch from Osawatomie, in the county of Franklin, that on last Saturday night five persons had been taken out of their houses and cruelly murdered; that it seemed to be a regular system of private assassination which the Free-State party had adopted towards their opponents. Under these circumstances, I am compelled to send into that country Captain Weans with his whole command, who is stationed at Lawrence, leaving that place without any force. I have to ask you, therefore, to send me two more companies, with directions for them to camp at or near Lawrence until they receive further orders. Yours, with great respect,

Colonel Sumner.

WILSON SHANNON.

HEADQUARTERS, }
 FORT LEAVENWORTH, June 2, 1856. }

SIR: I have the honor to report that in compliance with a requisition from Governor Shannon, received this morning, two more companies will leave this post this morning.

Very respectfully, your obedient servant,

E. V. SUMNER, *Colonel, Commanding.*

Assistant Adjutant General,

Headquarters Department of the West, St. Louis, Mo.

NOTE.—I leave this morning for the scene of the difficulty. One of my detachments has been fired upon; one man and two horses wounded.

Very respectfully,

E. V. SUMNER, *Colonel, Commanding.*

HEADQUARTERS FIRST CAVALRY,)
FORT LEAVENWORTH, K. T., June 2, 1856. }

COLONEL: I inclose another requisition from the Governor. Two more companies will march immediately.

I shall go out myself to-day to confer with the Governor, and to place the troops where they will have the most influence in repressing these disorders.

If the armed civil posses had not been allowed to act, as I earnestly advised the Governor, these disturbances would not have happened. As the matter now stands, no man can see the end of them.

The firing upon the troops is a very serious affair.

I am, Colonel, very respectfully, your obedient servant,

E. V. SUMNER,

Colonel First Cavalry, Commanding.

Colonel S. Cooper,

Adjutant General, United States Army.

EXECUTIVE OFFICE,)
LECOMPTON, K. T., June 1, 1856. }

SIR: I desire to obtain from you two more companies—one to strengthen Captain Newby, at Lawrence; the other Captain Wood, in Franklin county, south of Lawrence. Both these commands are too weak to deal with the armed bodies of lawless men by which they are surrounded.

Major Sedgwick will communicate to you more detailed information as to what has transpired.

Yours, with great respect,

Colonel Sumner.

WILSON SHANNON.

CAMP NEAR LECOMPTON, K. T., June 1, 1856.

COLONEL: I inclose herewith a copy of a dispatch received last night by the Governor from Captain Newby. I returned from Topeka on the 30th ultimo, and found that the Governor had sent an order for Captain Walker to join him, (with the strongest company,) and, with the Marshal, to proceed to make some arrests, some eight or ten miles from this place, and, after making the arrests, to join us at this camp in the course of the night. If I had been here at the time, I should have ordered Captain Newby up; but as the Governor had given the order, and as Mr. McIntosh had joined him, I concluded to make no change. I saw the Governor this morning. He said he could not dispense with any of the troops here, and should ask you to send him two more companies—one to join Captain Wood, the other Captain Newby.

At Topeka everything was perfectly quiet. No one would suppose that any disturbances existed. Mr. Crittenden and ten men have gone with the Indian agent, to be absent for ten or twelve days. The Governor spoke of ordering Captain Sturgis to Lawrence; but reflecting that court met to-mor-

row at Tecumseh, (five miles from Topeka,) and that the grand jury would probably find bills against some of the citizens, he concluded to leave the company at that place. Considerable alarm was created in town last night by two or three armed parties coming in, supposed for the purpose of burning some of the buildings. They were fired on, and chased out. A patrol was sent out from our camp, but found everything quiet.

Captain Wood reports large armed bands prowling in his vicinity. He ordered them to disperse, which they did; but it is so easy for them to re-assemble, he thinks they may have done so. The Governor says his information reports they are organized with cannon, etc., etc. There are so many rumors afloat, and so little truth in them, that it is difficult to separate them from falsehood. There are, undoubtedly, many outrages committed daily; some of them of the most atrocious character.

There are several cases of measles in companies "F" and "K," and one in "G." With this exception, the health of the troops is good.

I am, sir, very respectfully, your obedient servant,

JOHN SEDGWICK, *Major First Cavalry.*

Colonel E. V. Sumner, Commanding Fort Leavenworth, K. T.

HEADQUARTERS FIRST CAVALRY,
FORT LEAVENWORTH, June 8, 1856. }

COLONEL: I have just returned to this post to prepare the last two companies of my regiment to take the field. On the 5th instant, as soon as I received the inclosed proclamation, I moved from Lecompton with about 50 men to disperse a band of Free-Soilers who were encamped near Prairie City; this band had a fight with the Pro-Slavery party, and had taken 26 prisoners. As I approached them, they sent out to request me to halt; which of course was not done, and the leaders then came out to meet me as I was advancing. They yielded at once, and I ordered them to release all prisoners, and to disperse immediately, which was complied with. While engaged in this camp in seeing my orders carried into effect, I received intelligence that two or three hundred of the Pro-Slavery party, from Missouri and elsewhere, were approaching, and I immediately turned my attention to them. I found them halted at two miles distance, (about 250 strong,) and, to my great surprise, I found Colonel Whitfield, the member of Congress, and General Coffey, of the militia, at their head. I said to these gentlemen that I was there by order of the President, and the proclamation of the Governor, to disperse all armed bodies assembled without authority; and further, that my duty was perfectly plain, and would certainly be done. I then requested General Coffey to assemble his people, and I read to them the President's dispatch and the Governor's proclamation.

The General then said that he should not resist the authority of the General Government, and that his party would disperse, and shortly after-

wards they moved off. Whether this is a final dispersion of these lawless armed bodies, is very doubtful.

If the proclamation of the Governor had been issued six months earlier, and had been rigidly maintained, these difficulties would have been avoided. As the matter now stands, there is great danger of a serious commotion.

I am, Colonel, very respectfully, your obedient servant,

E. V. SUMNER,

Colonel First Cavalry, Commanding,

Colonel S. Cooper,

Adjutant General, U. S. A.

EXECUTIVE OFFICE,)
LECOMPTON, K. T., June 4, 1856. }

SIR: I desire to have carried out the following plan, with the view of preserving the peace and good order of this Territory:

1st. A detachment of troops to be stationed at or near the town of Franklin, to protect that place from attacks which have been repeatedly threatened, and for the purpose of repelling any armed force which may approach from below, with the view of attacking or molesting the citizens of Lawrence.

2d. A similar detachment to be stationed at or near Mr. Tehay's, which is eight miles up the Wakarusa valley from Franklin.

3d. A similar detachment to be stationed at or near Mr. Buckley's, at Hickory Point, about eight miles distant from Blanton's Bridge.

4th. A similar detachment to be stationed at or near St. Bernard, in the southern part of this (Douglas) county.

Directions have already been given to Captain Wood to station a portion of his command at this place.

5th. A detachment of troops to be sent forthwith to Palmyra, or the place where the difficulties occurred the day before yesterday, with orders to disperse all armed bodies of men who are threatening the peace of the country, and who are not organized under the law. They should be compelled to give up to the owners all horses or other property taken or pressed into their service, to discharge and set at liberty all prisoners by them taken and held; and if they refuse to disperse, force should be used to compel them to do so, and they should be deprived of their arms. All armed bodies of men not acting under the law should be dispersed, and, if they reassemble, should be disarmed. This is not applicable to citizens organized into military bodies under the law and legally called out, or to those who, in good faith, have associated themselves together merely to repel a threatened attack on themselves or property, and not for any aggressive act.

6th. All notices given to citizens or persons found in the Territory to leave the country, or their houses, or any particular locality, are to be considered and treated as violations of law, as tending to breaches of the peace, and to excite violence and disorder.

7th. For carrying out the above plan no distinction or inquiry is to be made as to party, but all parties and persons are to be treated alike under like circumstances.

8th. All law-abiding citizens, no matter to what party they may belong, must be protected in their persons and property; and all military organizations to resist the execution of the laws, or to disturb the peace and good order of the Territory, must be dispersed.

Yours, with respect, WILSON SHANNON.
Colonel Sumner.

EXECUTIVE OFFICE, }
LECOMPTON, K. T., June 4, 1856. }

SIR: It is said there are about three hundred Free-State men in Prairie City, fortified and prepared to fight. Captain Pate and some twenty or thirty prisoners are said to be confined at this place.

This place is near Palmyra, and a little south of the Santa Fé road.
Yours, &c., WILSON SHANNON.

Colonel Sumner.

HEADQUARTERS FIRST CAVALRY, }
NEAR LECOMPTON, June 4, 1856. }

GOVERNOR: I will march the moment I receive the proclamation.

Very respectfully, your obedient servant,
E. V. SUMNER,
Colonel First Cavalry, Commanding.

His Excellency W. Shannon.

EXECUTIVE OFFICE, }
LECOMPTON, K. T., June 4, 1856. }

SIR: I have just received reliable information from Franklin that that place was attacked last night by a body of armed men numbering about one hundred and fifty, and that one man in Franklin was mortally wounded, and some five or six taken prisoners.

I have also reliable information that the house of Lakago is to be attacked this night, and a messenger has been sent in for aid.

Unless prompt measures are taken, the citizens of the Wakarusa valley will all be butchered by this lawless band of assassins.

The troops must move at once, or the people will rise in mass to defend themselves and their friends, and Missouri will pour into this Territory her thousands.

I do hope you will adopt prompt measures to put a stop to these outrages—to defend Franklin and Lakago house.

Any delay in planting the military posts at the places I have designated will lead to fearful consequences. A few days' delay will supersede the necessity.

The proclamation is being now set up; I will soon send you a number of copies.

Yours, with respect,

Colonel Sumner.

WILSON SHANNON.

N. B.—The bearer of this will pilot a detachment to Lakago house. This is one of the places where I proposed to station a detachment of troops.

It seems these lawless men attack and shoot down our citizens in view of the United States troops.

PROCLAMATION

By the Governor of the Territory of Kansas.

Whereas, information has been received by us that armed bodies of men exist in different parts of this Territory, who have committed and threatened to commit acts of lawless violence on peaceable and unoffending citizens, taking them prisoners, despoiling them of their property, and threatening great personal violence;

It appearing, also, that armed combinations have been formed for the avowed purpose of resisting the execution of the Territorial laws and preventing the execution of any process by the officers of this Territory;

It appearing, further, that individuals as well as associated bodies of men, have assumed to themselves the power of notifying citizens of the Territory to leave their abodes, and in some cases to quit the country, under threats of inflicting severe penalties on those who do not comply:

Now, therefore, I, Wilson Shannon, Governor of the Territory of Kansas, do issue this my proclamation, to command all persons belonging to military organizations within this Territory, not authorized by the laws thereof, to disperse and retire peaceably to their respective abodes, and to warn all such persons that these military organizations for such purposes are illegal, and, if necessary, will be dispersed by the military force placed by the President of the United States at my disposal for the purpose of preserving the peace and enforcing the laws of the Territory; that steps have been taken to disperse all unlawful military organizations which are threatening the peace of the country and the good order of society, and to disarm them should they reassemble.

All civil officers of the Government are required to be vigilant in enforcing the laws against such offenders, and in protecting the citizens, both in their persons and property, against all violence and wrong.

I further declare that all notices given to citizens, or persons found in the Territory to leave the same, or their houses, or any particular locality, are unauthorized by law and highly reprehensible, as tending to breaches of the peace and violence and disorder.

I further declare that all law-abiding citizens of the Territory, without regard to party names or distinctions, must be protected in their persons and property; and that all military organizations to resist the execution of the

laws of the Territory, or to disturb the peace thereof, must be dispersed. And all aggressing parties from without the Territory must be repelled. That the military force placed under the control of the Executive of this Territory is amply sufficient to enforce the laws, and to protect the citizens in their rights.

I further declare that, in carrying out this proclamation, no distinction or inquiry is to be made as to party, but all persons of all parties are to be treated alike under like circumstances.

Obedience to the laws, and consequent security of the citizens of Kansas, are primary objects; and all lawless violence within the Territory, in whatever form it may manifest itself, must be repressed, and the proclamation of the President of the United States, of the 11th of February last, will be strictly enforced, and a requisition has been made on Colonel Sumner for a sufficient military force to insure obedience to this proclamation.

I call on all good citizens to aid and assist in preserving the peace, repressing violence, and in bringing offenders to justice, and in maintaining the supremacy of the law.

In testimony whereof, I have hereunto set my hand and caused the seal of the Territory to be affixed, this 4th day of June, 1856.

[L. s.]

WILSON SHANNON.

By the Governor:

DANIEL WOODSON, *Secretary.*

HEADQUARTERS DETACHMENT SECOND DRAGOONS, }
CAMP NEAR TECUMSEH, K. T., June 18, 1856. }

SIR: On the 12th instant I received a requisition from Governor Shannon, dated Fort Leavenworth, June 11th, to report to him forthwith at Lecompton with all my disposable force, as large bodies of men were collecting south of the town of Lawrence, threatening the peace of the whole Territory.

On the 13th, I marched from Fort Riley with 134 rank and file, 124 horses (all I had,) and one 6-pounder, and arrived in the vicinity of Lecompton on the 15th, (90 or 95 miles.) I saw on the road no excitement, and no symptoms of disorder. I rode into Lecompton next morning. Governor S. was absent, attending to some private matters in the vicinity. I heard on all sides that the state of affairs was improving; Mr. Secretary Woodson expressed to me his opinion that the military were powerless for good, and stating an example to show that they did *harm* by malefactors taking advantage of the protection of their vicinity to commit midnight outrages. He also stated that there was no doubt that a force of Missourians who had lately crossed into the Territory, and which was the occasion of the call upon me, had retired over the river.

Governor Shannon returned in the afternoon. He informed me that a week or ten days before the Missourians had come over; that Colonel Sum-

ner had taken nearly all his force in their direction, and that he had not received official information of the result, but expected it certainly that night or next morning. I returned to camp and visited him next day (yesterday) at noon. He had no information.

I conversed freely with the Governor on the employment of a large military force, legally so powerless under the usual circumstances, and asked him if he did not think a called session of the District Court, for the trial and prompt punishment of the numerous prisoners, would be more effectual? He agreed with me, and observed that Judge Lecompte had not impaneled a jury in the Territory.

The disorders in the Territory have, in fact, changed their character, and consist now of robberies and assassinations, by a set of bandits whom the excitement of the times has attracted hither.

I told the Governor that from my very long service on the frontiers of Missouri I was well known to its citizens, and that they had trust and confidence in me; that I had a strong conviction that, by reserving myself from the petty embroilments of armed constabulary duty, I should be able, in a real crisis, to exercise a very beneficial moral influence; that I had brought nearly all my officers, and a large detachment of uninstructed recruits had just gone up, which made my return important, to prepare for whatever might be required of me; and that, as it appeared there was nothing for me to do, I should return.

He only replied that he had rather I should not go until he heard further. I told him that I should move my camp, then, less than ten miles that afternoon, and that if anything extraordinary came to light, he could easily inform me before this morning; he assented, and two hours after I marched here, nine or ten miles; and, nothing having occurred, shall proceed to my post. I left a company of First Cavalry near Lecompton.

I will only add that the Secretary of War's letter, of February 15, constitutes the total of my instructions.

Very respectfully, your obedient servant,

P. ST. GEORGE COOKE,

Lieutenant Colonel Commanding Second Dragoons.

Colonel S. Cooper,

Adjutant General U. S. Army, Washington city.

HEADQUARTERS FIRST CAVALRY, }
FORT LEAVENWORTH, June 23, 1856. }

SIR: I returned to this post last night. I have been busily engaged in dispersing armed bodies of both parties, and have been so fortunate as to do it without meeting with resistance.

I have stationed five companies in two camps near Westport, to prevent any further inroads from that part of Missouri.

I do not think there is an armed party in the Territory, with the exception of a few freebooters, who may be together in small numbers.

Very respectfully, your obedient servant,

E. V. SUMNER,

Colonel First Cavalry, Commanding.

Assistant Adjutant General, Department of the West, St. Louis, Mo.

HEADQUARTERS FIRST CAVALRY,)
FORT LEAVENWORTH, June 23, 1856. }

COLONEL: I returned to this post last night. On the 14th instant I concentrated several companies at Palmyra, on the Santa Fé road, and moved down that road, towards the Missouri line. I met two armed parties on their way into the Territory—one from Missouri and one from Alabama, but they both returned into Missouri.

I do not think there is an armed body of either party now in the Territory, with the exception, perhaps, of a few freebooters, who may be together in small numbers. These fellows belong to both parties, and are taking advantage of the political excitement to commit their own rascally acts.

I have stationed five companies near the Missouri line, to indicate plainly to all that the orders of the President and the proclamation of the Governor will be maintained.

I am, Colonel, very respectfully, your obedient servant,

E. V. SUMNER,

Colonel First Cavalry, Commanding.

Col. S. Cooper, Adjutant General.

EXECUTIVE OFFICE,)
LECOMPTON, K. T., June 14, 1856. }

SIR: I received the inclosed by dispatch from the fort, together with a telegraphic dispatch from the President.

The latter is almost verbatim a copy of the one I received on the boat in passing up the river to the fort.

The President evidently expects that the most energetic measures will be adopted to preserve order in the Territory, so that no citizen shall have any just cause to complain.

Yours, with respect,

Colonel Sumner.

WILSON SHANNON.

EXECUTIVE OFFICE, June 14, 1856.

SIR: I send you two copies of the proclamation—all I can find.

The complaints of robberies on the roads near Westport are distressing. I hope you will clear those roads and drive those people back at once.

Yours, etc.,

Col. Sumner.

W. SHANNON.

HEADQUARTERS,
FORT LEAVENWORTH, June 30, 1856. }

COLONEL: I have the honor to forward, herewith, two letters from the Governor, with a copy of my letter to Daniel Woodson, Esq., acting Governor.

Very respectfully, your obedient servant,

E. V. SUMNER,

Colonel First Cavalry, Commanding.

Col. S. Cooper, Adjutant General U. S. Army.

HEADQUARTERS FIRST CAVALRY, }
CAMP ON CEDAR CREEK, June 28, 1856. }

DEAR SIR: I have sent Major Sedgwick with two companies to Topeka to prevent the assembling of the so-called Topeka Legislature.

I am decidedly of opinion that that body of men ought not to be permitted to assemble. It is not too much to say that the peace of the country depends upon it. In this affair it is proper that the civil authorities should take the lead, and I would respectfully suggest whether it will not be better (if you find they are bent on meeting) to have a justice of the peace and the Marshal in person join Major Sedgwick, and have writs drawn and served on every one of them the moment they get together. I suppose it would be a bailable offense. If you think there is a possibility of having any difficulty in carrying out this measure, I will thank you to apprise me of it in time for me to get there; for it is right that I should take all the responsibility whenever we have to use force.

I do not think they will assemble when they find we are determined not to permit it.

Very respectfully, your obedient servant,

E. V. SUMNER,

Colonel First Cavalry, Commanding.

D. Woodson, Esq., Acting Governor of Kansas.

I have reason to expect important orders from Washington in a few days.

E. V. S.

HEADQUARTERS FIRST CAVALRY, }
FORT LEAVENWORTH, K. T., July 1, 1856. }

COLONEL: I inclose a letter from the acting Governor, with my reply thereto. I shall march in a few hours to Topeka. If they persist in assembling as a Legislature, and should be supported by any considerable number of people, it will be a difficult and delicate operation to disperse them. I shall act very warily, and shall require the civil authorities to take the lead in the matter throughout. If it is possible to disperse them without violence it shall be done.

I am, Colonel, very respectfully, your obedient servant,

E. V. SUMNER,

Colonel First Cavalry, Commanding.

Col. S. Cooper, Adjutant General.

HEADQUARTERS FIRST CAVALRY, }
 FORT LEAVENWORTH, K. T., July 1, 1856. }

DEAR SIR: I have received your letter, dated yesterday. I shall march in a few hours for Topeka, with a company of cavalry, and shall have another company march from the camp at Cedar creek, making four companies in all that will be concentrated at Topeka.

I shall move up on the north side of the Kansas river, to intercept any bodies of men that may be coming from the north. I shall be in camp at Topeka on the 3d instant. I deem it very important that the civil authorities should take the lead in this matter, and I will sustain them in all that is right. I should wish Mr. Donaldson, the Marshal, to be there in person.

Very respectfully, your obedient servant, E. V. SUMNER,
Colonel First Cavalry, Commanding.

D. Woodson, Esq., Acting Governor.

EXECUTIVE OFFICE, }
 LECOMPTON, K. T., June 30, 1856. }

DEAR COLONEL: Your dispatch of the 28th came to hand last evening. There is now no ground to doubt that the bogus Legislature will attempt to convene on the 4th proximo at Topeka, and the most extensive preparations are being made for the occasion. The country in the vicinity of Topeka is represented to be filled with strangers, who are making their way towards that point from all directions. Last evening I received information, through a gentleman residing in Lawrence, that a dispatch had been received in that place the night previous, to the effect that General Lane was on his way to Topeka with a very large force, and was then somewhere between that place and the Nebraska line.

Upon receiving this information, I sent a dispatch to Colonel Cooke, requesting him to place all his available forces in the field at once, and scour the country between Fort Riley and the crossing opposite Topeka, placing a detachment at all the principal crossings below Fort Riley and above Topeka, for the purpose of intercepting the invaders and driving them back.

It is deemed important that you should be at Topeka in person with at least two more companies, if they can be spared from other points. Judge Cato will be on the ground, and I have addressed a letter to the United States District Attorney, Colonel Isaacs, requesting him to come over at once, and attend in person to getting out the necessary legal processes.

With sentiments of esteem, I am, very respectfully, yours,

DAN. WOODSON,
Acting Governor Kansas Territory.

Col. E. V. Sumner, First Cavalry,
 Fort Leavenworth, Kansas Territory.

Colonel Sumner will please see that the United States District Attorney, Colonel Isaacs, receives the dispatch forwarded by the messenger who takes this to him.

HEADQUARTERS DEPARTMENT OF THE WEST, }
 ST. LOUIS, July 3, 1856. }

COLONEL: I informed you by telegraph on the 1st instant, of my arrival here, and having assumed command of the department on that day. I go up to Fort Leavenworth to-day, no boat having left yesterday. I do not regret the delay, for I learned, after my dispatch of the 1st to you, that Governor Shannon was still here, and I saw him twice yesterday. He is awaiting the arrival of his family, which he expects in a day or two, and will then return to Kansas.

The persons chosen under the new Constitution as members of the Legislature of the "State of Kansas," were adjourned to meet on the 4th of July, and their assembling, if it takes place, may cause some disorders; but I have no means of knowing what probability there is of it. I presume, if the Governor thought there was anything serious to be apprehended, he would not be absent from the Territory; so that I think there is not much probability of violence on that occasion.

With regard to the general affairs of the department, I can give no information of value before I have the Assistant Adjutant General's books and papers at Fort Leavenworth; everything seems to be well arranged and conducted.

As a new fiscal year has begun without any appropriation, and the entire responsibility of all kinds is placed on the department commanders, especially in the new Quartermaster's Department regulations, I think it proper to say that I shall incur no responsibility for expenditures, no matter how pressing the necessity, that are not fully authorized by law and provided for by appropriations, but will await directions from higher authority.

With the highest respect, your obedient servant.

PERSIFER F. SMITH,

Brevet Major General Commanding Department.

Col. S. Cooper, Adjutant General U. S. Army.

HEADQUARTERS FIRST CAVALRY, }
 FORT LEAVENWORTH, K. T., July 7, 1856. }

COLONEL: I returned from Topeka yesterday, and have the honor to submit the following report:

I concentrated five companies of my regiment at Topeka on the 3d instant, and brought up two pieces of artillery on that night. I was informed on my arrival that the Legislature would not meet if I would give an order forbidding it. I said that that was the province of the Governor, and that he would issue a proclamation to that effect, and that I was particularly anxious that they should yield to it, and not compel me to use force. On the morning of the 4th the proclamation (inclosed) was read to the people by the Marshal, and also that from the President. A part of the members complied with them, and did not assemble; but a number of both houses determined to meet at all hazards, and I was obliged to march my command

into the town, and draw it up in front of the building in which the Legislature was to meet. I then went into the House of Representatives, which had not organized, and said to them that, under the proclamations of the President and the Governor, the Topeka Legislature could not assemble and must disperse. They had the good sense to yield at once, and to say that they should not array themselves against the authorities of the United States. I then went into the upper house, or Council, and made a few remarks to them, and they at once coincided with the lower house; and thus the Topeka government was brought to an end. There were about five hundred men present, and it was a more delicate affair from the fact that it happened amidst the festivities of the 4th of July. I consider myself very fortunate in having accomplished my object without using an angry word, or receiving one in the slightest degree disrespectful.

I have this moment received General Harney's order for my regiment to patrol on the Oregon route till further orders. In my letter to you of the 28th of May last, I asked you what should be done in the event of my receiving orders from General Harney to move before the Kansas difficulties were settled. To this I have received no reply; and if I do not receive orders from your office, that conflict with General Harney's orders, by this day's mail, or that of the 9th instant, I shall feel it to be my duty to disregard at once all Kansas affairs, and concentrate my regiment at this post immediately, to prepare for the march.

I am, Colonel, very respectfully, your obedient servant,

E. V. SUMNER,

Colonel First Cavalry, Commanding.

Col. S. Cooper, Adjutant General U. S. Army.

PROCLAMATION

By the acting Governor of the Territory of Kansas.

Whereas, we have been reliably informed that a number of persons, claiming legislative powers and authority over the people of the Territory of Kansas, are about to assemble in the town of Topeka for the purpose of adopting a code of laws or of exercising other legislative functions, in violation of the act of Congress organizing the Territory, and of the laws adopted in pursuance thereof, and it appearing that a military organization exists in this Territory for the purpose of sustaining this unlawful legislative movement, and "thus, in effect, subvert by violence all present constitutional and legal authority;" and whereas, the President of the United States has, by proclamation bearing date the 11th February, 1856, declared that any "such plan for the determination of the future institutions of the Territory, if carried into action, will constitute the fact of insurrection," and therein commanded "all persons engaged in such unlawful combinations against the constituted authority of the Territory of Kansas, or of the United States, to disperse and retire peaceably to their respective abodes;" and whereas, satis-

factory evidence exists that said proclamation of the President has been and is about to be disregarded by the persons and combinations above referred to:

Now, therefore, I, Daniel Woodson, acting Governor of the Territory of Kansas, by virtue of authority vested in me by law, and in pursuance of the aforesaid proclamation of the President of the United States, and to the end of upholding the legal and constitutional authority of the Territory, and of preserving the public peace and tranquility, do issue this, my proclamation, forbidding all persons claiming legislative powers and authorities as aforesaid, from assembling, organizing, or attempting to organize, or act in any legislative capacity whatever, under the penalties attached to all willful violators of the laws of the land and disturbers of the peace and tranquility of the country.

In testimony whereof, I have hereunto subscribed my hand and caused to be affixed the seal of the Territory, this fourth day of July, in [L. s.] the year of our Lord eighteen hundred and fifty-six, and of the independence of the United States the eightieth.

DANIEL WOODSON,
Acting Governor of Kansas Territory.

The proclamation of the President and the order under it require me to sustain the Executive of the Territory in executing the laws and preserving the peace.

I therefore hereby announce that I shall maintain the proclamation at all hazards.

E. V. SUMNER,
Colonel First Cavalry, Commanding.

FRENCHMAN'S ISLAND, }
ONEIDA LAKE, N. Y., August 11, 1856. }

COLONEL: I see in the proceedings of the Senate a letter addressed to me by yourself, dated July 21, 1856, containing the Secretary of War's remarks on my report of the dispersion of the Topeka Legislature. As it will be some time before that letter will reach me from Fort Leavenworth, I think it better to address the department at once on this subject.

The Free-State Legislature of Kansas, elected and organized without law, was considered by the Governor and myself as "insurrectionary," and under the President's proclamation of February last, we felt bound to suppress it. If it had been suffered to go on it must have led to the most serious consequences. Even if they had not attempted to put their laws in force, the very enactment of them, together with the other proceedings of an organized legislature, would have encouraged the Free-State party in a still more decided resistance to the laws that the President had determined must be maintained. Under these circumstances I felt it to be my duty to maintain the proclamation of acting Governor Woodson. The Marshal was sent into Topeka to read this proclamation, and also the President's, and I had previously informed the people that I was very anxious that they

should comply with them and not compel me to display force on the occasion. When the Marshal returned to my camp he reported to me that the Legislature would assemble in defiance of the proclamations. I knew there was a large body of men there to sustain this act. I was therefore compelled to march a command into the town and say to the members of the Legislature that they could not organize and must disperse. A convention or mass meeting was in session there at the time, and a committee waited upon me to inquire if I intended to disperse them. I said "No, by no means; our citizens have a right to assemble in convention whenever they please. It is only the illegal legislative body with which I have anything to do." I regret that I have been misunderstood by the Government. From beginning to end I have known no party in this affair. My measures have necessarily borne hard against both parties, for both have, in many instances, been more or less wrong. The Missourians were perfectly satisfied so long as the troops were employed exclusively against the Free-State party; but when they found that I would be strictly impartial, that lawless mobs could no longer come from Missouri, and that their interference with the affairs of Kansas was brought to an end, then they immediately raised a hue-and-cry that they were oppressed by the United States troops.

I am, Colonel, very respectfully, your obedient servant,

E. V. SUMNER,
Colonel First Cavalry.

Colonel S. Cooper, Adjutant General.

[Indorsement.]

The President's proclamation having been sent from this department to Colonel Sumner, as a part of his instructions, a general reference to that paper is no compliance with the requirements of the letter addressed to him, dated July 21, 1856. If any portion of that proclamation was understood as directing military officers to use the force under their command for the dispersion of an illegal legislative body, that part of the proclamation should have been specially cited.

If the "serious consequences," anticipated by the Colonel commanding First Cavalry from the convention of the Free-State Legislature of Kansas had been realized, it might have been necessary for him to use the military force under his command to suppress resistance to the execution of the laws, and he would have had no difficulty in finding his authority, both in the President's proclamation and in the letter of instructions which accompanied it. But if the exigency was only anticipated, it is not perceived how authority is to be drawn from either, or both, to employ a military force to disperse men because they were "elected and organized without law."

The reference to the dissatisfaction of the Missourians seems to be wholly inappropriate to the subject under consideration, and the department is at a loss to understand why that reference is made; the more so, because, in

answer to an inquiry from Colonel Sumner, he was distinctly informed, by letter of 26th March, 1856, that the department expected him, in the discharge of his duty, to make no discrimination, founded on the section of the country from which persons might or had come.

JEFF'N DAVIS, *Secretary of War.*

WAR DEPARTMENT, August 27, 1856.

ADJUTANT GENERAL'S OFFICE, }
WASHINGTON, July 21, 1856. }

SIR: Your letter of the 7th instant, reporting your return to Fort Leavenworth and the measures adopted by you, under the proclamation of the acting Governor of Kansas Territory, dated July 4, 1856, has been received and laid before the Secretary of War, by whom it has been returned to this office, with the following indorsement, which is communicated to you for your information and government:

"The communication of Colonel Sumner, and the proclamation inclosed, indicate that circumstances, not disclosed in previous reports, existed to justify him in employing the military force to disperse the assembly at Topeka. Though thus indicated, it is not yet made fully to appear that the case was one in which, by his instructions, he was authorized to act, viz.: that the Governor had found the ordinary course of judicial proceedings, and the powers vested in the United States Marshal, inadequate to effect the purpose which was accomplished by the employment of the troops of the United States. Colonel Sumner will be called upon to communicate upon this point.

JEFF'N DAVIS, *Secretary of War.*

"WAR DEPARTMENT, July 19, 1856."

I am, sir, respectfully, your most obedient servant,

S. COOPER, *Adjutant General.*

Colonel E. V. Sumner, First Cavalry, Fort Leavenworth, K. T.

SYRACUSE, N. Y., August 31, 1856.

COLONEL: I received yesterday your letter of the 28th instant, with the Secretary of War's indorsement on my letter in reference to the dispersion of the Topeka Legislature. In reply, I would respectfully refer to my remark in that letter, that both acting Governor Woodson and I did consider the Topeka Government "insurrectionary" under the proclamation of the President, and under that proclamation we felt bound to suppress it. Surely, were we not bound to consider it so, when the principal officers of the Topeka Government had been arrested for treason by the highest judicial authority in the Territory, and were still held as prisoners under that charge, with the sanction of the Government? It is true we might have waited till the action of this Legislature had led to some overt act of treason; but, as I understood the letter of instructions of February 18, 1856, it was expected that peace would be maintained in the Territory by the moral force of the presence of the troops; and in order to do this, it was necessary to be very vigilant in anticipating combinations that would have become uncontrolla-

ble. When the circumstances arose that compelled Governor Shannon to issue his proclamation placing himself between the two parties, and calling upon me to maintain it, I dispersed immediately several large armed bodies of both parties; and that, too, when they were on the point of coming in collision.

Under that proclamation all things had become quiet, with the exception of a few brigands, belonging to no party, who were prowling about the Territory.

All this was done by the moral influence of the troops alone, for happily not a shot was fired. I supposed that my letter of the 11th instant would be satisfactory; but as it is not, I would respectfully refer to the proclamation of acting Governor Woodson, a copy of which was forwarded to the War Department, and which was issued expressly to prevent the assembling of the Topeka Legislature, declaring, among other things, that this unlawful legislative movement was insurrectionary. He made no written requisition upon me to enforce it to which I can refer; for the reason that he was personally present in my camp desiring the interposition of the troops, as the Marshal had returned, and informed us that he had read the proclamations to the people, and that they would be disregarded. Under these circumstances could I have acted differently without a palpable violation of my letter of instructions of February 18, 1856, which requires the commanding officer to interpose the troops whenever called on by the Governor to do so?

I am, Colonel, very respectfully, your obedient servant,

E. V. SUMNER, *Colonel First Cavalry.*

Col. S. Cooper, Adjutant General U. S. A.

REPORTS FROM THE DEPARTMENT OF THE WEST.

July 14, 1856: From General P. F. Smith.

July 26, 1856: From General P. F. Smith.

August 1, 1856: From General P. F. Smith.

August 1, 1856: From General P. F. Smith.

August 6, 1856: From General P. F. Smith.

August 11, 1856: From General P. F. Smith.

August 22, 1856: From General P. F. Smith, inclosing—

Letter from Governor Shannon to General Smith, August 17, 1856.

Letter from General Smith to Governor Shannon, August 19, 1856.

Letter from Major John Sedgwick to Major George Deas, August 17, 1856.

Letter from Major George Deas to Major John Sedgwick, August 18, 1856.

Letter from Major George Deas to Lieutenant Colonel P. St. George Cooke, August 18, 1856.

Instructions of General Smith, August 19, 1856.

- Letter from W. Richardson to General Smith, August 18, 1856.
Argus, extra, August 18, 1856.
- August 29, 1856: From General P. F. Smith, inclosing —
Letter from Captain D. B. Sacket to Lieutenant Colonel J. E. Johnston, August 24, 1856.
Letter from Dan. Woodson to General Smith, August 26, 1856.
Proclamation of acting Governor of Kansas, August 25, 1856.
- September 10, 1856: From General P. F. Smith, with indorsement of Secretary of War, inclosing —
Letter from Major George Deas to Lieutenant Colonel J. E. Johnston, August 24, 1856.
Letter from Lieutenant Colonel P. St. George Cooke to Major George Deas, August 24, 1856.
Letter from Major George Deas to Lieutenant Colonel P. St. George Cooke, August 28, 1856.
Letter from Lieutenant Colonel P. St. George Cooke to Major George Deas, August 27, 1856.
Letter from Lieutenant Colonel P. St. George Cooke to Major George Deas, August 30, 1856.
Letter from Major H. H. Sibley to Lieutenant Colonel P. St. George Cooke, August 30, 1856.
Letter from Major George Deas to Lieutenant Colonel P. St. George Cooke, August 30, 1856.
Letter from Lieutenant Colonel P. St. George Cooke to Major George Deas, August 31, 1856.
Letter from Lieutenant Colonel P. St. George Cooke to Major George Deas, September 2, 1856.
Letter from Daniel Woodson to Lieutenant Colonel P. St. George Cooke, September 1, 1856.
Letter from Lieutenant Colonel P. St. George Cooke to Daniel Woodson, September 2, 1856.
Letter from Lieutenant Colonel P. St. George Cooke to Daniel Woodson, September 1, 1856.
Letter from Daniel Woodson to Lieutenant Colonel P. St. George Cooke, September 1, 1856.
Letter from Captain D. B. Sacket to Lieutenant Colonel P. St. George Cooke, September 1, 1856.
Letter from Major George Deas to Lieutenant Colonel P. St. George Cooke, September 2, 1856.
Letter from Major George Deas to Lieutenant Colonel P. St. George Cooke, September 3, 1856.
Letter from Lieutenant Colonel P. St. George Cooke to Major George Deas, September 3, 1856.
Letter from H. M. Moore to Lieutenant Colonel P. St. George Cooke, September 3, 1856.

- Letter from chief of Delaware nation to Lieutenant Colonel P. St. George Cooke, September 3, 1856.
- Letter from Major George Deas to Lieutenant Colonel P. St. George Cooke, September 5, 1856.
- Letter from Lieutenant Colonel P. St. George Cooke to Major George Deas, September 4, 1856.
- Letter from Lieutenant Colonel J. E. Johnston to Lieutenant Colonel P. St. George Cooke, September 4, 1856.
- Letter from Major George Deas to Lieutenant Colonel P. St. George Cooke, September 6, 1856.
- Letter from Lieutenant Colonel P. St. George Cooke to Major George Deas, September 5, 1856.
- Letter from Lieutenant Colonel P. St. George Cooke to Major George Deas, September 7, 1856.
- Letter from Captain D. B. Sacket, to Lieutenant Colonel P. St. George Cooke, September 6, 1856.
- Letter from Lieutenant G. B. Anderson to Lieutenant T. J. Wright, September 6, 1856.
- September 10, 1856: From General P. F. Smith, inclosing—
- Letter from Captain G. H. Stewart to Captain H. W. Wharton, September 1, 1856.
- Letter from Captain G. H. Stewart to Captain H. W. Wharton, August 27, 1856.
- Letter from Captain G. H. Stewart to Adjutant General, (extract,) with indorsement of Secretary of War, September 8, 1856.
- Letter from Captain H. W. Wharton to Major George Deas, September 27, 1856.
- September 15, 1856: From General P. F. Smith, with indorsement of Secretary of War, inclosing—
- Letter from Captain D. B. Sacket to Lieutenant T. J. Wright, September 9, 1856.
- Letter from Lieutenant Colonel P. St. George Cooke to Major F. J. Porter, September 13, 1856.
- Letter from Captain W. J. Newton to Lieutenant T. J. Wright, September 10, 1856.
- Letter from Lieutenant Colonel P. St. George Cooke to Major George Deas, September 10, 1856.
- Inaugural address of Governor John W. Geary, September 11, 1856.
- Proclamation of Governor John W. Geary, September 11, 1856.
- September 17, 1856: From General P. F. Smith, with indorsement of Secretary of War, inclosing—
- Letter from Lieutenant Colonel P. St. George Cooke to Major F. J. Porter, September 16, 1856.
- Letter from Lieutenant Colonel P. St. George Cooke to Governor J. W. Geary, September 16, 1856.

- Letter from Captain T. J. Wood to Lieutenant Colonel P. St. George Cooke, September 16, 1856.
- Letter from Lieutenant Colonel P. St. George Cooke to Captain T. J. Wood, September 14, 1856.
- October 14, 1856: From General P. F. Smith, with indorsement of Secretary of War, inclosing—
- No. 1. Letter from General Smith to Governor Geary, September 22, 1856.
 - No. 2. Letter from Major F. J. Porter to Lieutenant Colonel P. St. George Cooke, September 26, 1856.
 - No. 3. Letter from Major F. J. Porter to Lieutenant Colonel J. E. Johnston, September 29, 1856.
 - No. 4. Letter from General Smith to Governor Geary, September 28, 1856.
 - No. 5. Letter from Governor Geary to General Smith, October 4, 1856.
 - No. 5. Letter from Green P. Todd to Captain Sturgis, October 6, 1856.
 - No. 6. Letter from Major F. J. Porter to Lieutenant Colonel P. St. George Cooke, October 5, 1856.
 - No. 7. Letter from Lieutenant Colonel P. St. George Cooke to Major F. J. Porter, September 27, 1856.
- Orders No. 11, September 26, 1856.
- Letter from Lieutenant T. J. Wright to Lieutenant Colonel George Andrews, September 26, 1856.
- No. 8. Letter from Major F. J. Porter to Lieutenant Colonel P. St. George Cooke, October 8, 1856.
 - No. 9. Letter from Major F. J. Porter to Lieutenant Colonel P. St. George Cooke, October 8, 1856.
 - No. 10. Letter from Major F. J. Porter to Lieutenant Colonel P. St. George Cooke, October 10, 1856.
 - No. 11. Letter from Lieutenant Colonel P. St. George Cooke to Major F. J. Porter, September 20, 1856.
 - No. 12. Letter from Lieutenant Colonel P. St. George Cooke to Major F. J. Porter, September 24, 1856.
 - No. 12. Letter from Governor Geary to Lieutenant Colonel P. St. George Cooke, September 23, 1856.
 - No. 13. Letter from Lieutenant Colonel P. St. George Cooke to Major F. J. Porter, September 28, 1856.
 - No. 14. Letter from Lieutenant Colonel P. St. George Cooke to Major F. J. Porter, September 29, 1856.
 - No. 15. Letter from Lieutenant Colonel P. St. George Cooke to Major F. J. Porter, October 3, 1856.
- Proclamation of Governor Geary, September 30, 1856.

- Letter from Governor Geary to Lieutenant Colonel P. St. George Cooke, September 28, 1856.
- No. 16. Letter from Lieutenant Colonel P. St. George Cooke to Major F. J. Porter, October 7, 1856.
- No. 17. Letter from Lieutenant Colonel P. St. George Cooke to Major F. J. Porter, October 8, 1856.
- No. 17. Letter from Lieutenant Colonel P. St. George Cooke to Lieutenant Colonel J. E. Johnston, October 7, 1856.
- No. 18. Letter from Lieutenant Colonel P. St. George Cooke to Major F. J. Porter, October 10, 1856.
- No. 18. Letter from William J. Preston to Lieutenant Colonel P. St. George Cooke, October 10, 1856.
- No. 18. Letter from Lieutenant Colonel P. St. George Cooke to William J. Preston, October 10, 1856.
- November 11, 1856: From General P. F. Smith, inclosing —
 Letter from Governor Geary to General Smith, November 11, 1856.
 Orders No. 14, November 12, 1856.

HEADQUARTERS DEPARTMENT OF THE WEST, }
 FORT LEAVENWORTH, July 14, 1856. }

COLONEL: I arrived here on the evening of the 7th instant. Major Deas, with the office books and papers, has not yet arrived. I delayed writing since my arrival because Colonel Sumner goes on leave to-morrow, and will convey the letters in one-third of the time required by mail.

Colonel Sumner had already dispersed the people assembled at Topeka on the 4th of July to organize a government in opposition to that established by law; he succeeded in his object without resorting to any violence, and since then no active measures have been taken by the opposing parties in the Territory; but lawless people from each are spreading over the country, robbing, and even murdering, and nothing but the display of military force prevents the violent of both sides from resuming their organizations, when most lamentable collisions must follow.

If, however, they are repressed for a few weeks their numbers will dwindle away, and the funds by which they are supported (furnished from without) will be exhausted, and the Territory then left, in a great measure, to those who actually reside in it; but among them the seed lately sown will long produce bitter fruit.

If I hear of any new violence threatened from any quarter, I will take prompt and effective measures to support the civil authority in the suppression of it.

On the 28th of June, at Iowa City, Colonel Lane raised \$2,000 by subscription, and had about two hundred and fifty men, whom he said he would march, with a large reinforcement from Chicago across Iowa to Council

Bluffs. I presume he found more difficulties than he anticipated, for I have not yet heard of his arrival on the Missouri.

With high respect, your obedient servant, PERSIFER F. SMITH,
Brevet Major General, Commanding Department.
 Col. S. Cooper, Adjutant General of the Army.

HEADQUARTERS DEPARTMENT OF THE WEST, }
 FORT LEAVENWORTH, July 26, 1856. }

COLONEL: Everything has been tranquil in the department since I assumed the command. In the Territory of Kansas there have been no disturbances, but emigrants are coming in armed, as though they were prepared to begin again when an opportunity offers.

With high respect, your obedient servant, PERSIFER F. SMITH,
Brevet Major General, Commanding Department.
 Lieut. Col. S. Thomas,
 Assistant Adjutant General, Headquarters of the Army.

[Extract.]

HEADQUARTERS DEPARTMENT OF THE WEST, }
 FORT LEAVENWORTH, August 1, 1856. }

COLONEL: Judge Lecompte, of the United States District Court of this Territory, had heard that a party of men who had come from Iowa with Lane had threatened to prevent his holding a court in Doniphan county, where some indictments of persons accused of usurpation of office in the Territory were to be tried. At his request a company has been sent to take a position convenient to the place of holding the court, (Whitehead, four miles above St. Joseph,) to act under his authority in securing the peaceful administration of justice.

I hear of no disturbance anywhere in the Territory.

With high respect, your obedient servant, PERSIFER F. SMITH,
Brevet Major General, Commanding Department.
 Col. S. Cooper, Adjutant General of the Army.

HEADQUARTERS, DEPARTMENT OF THE WEST, }
 FORT LEAVENWORTH, August 1, 1856. }

COLONEL: Things remain apparently quiet in Kansas Territory, and I hear of no threatened hostilities from Indians.

The judge for the United States court for this Territory (Kansas) had heard that threats were made that a term of his court, to be held at Whitehead, in Doniphan county, near St. Joseph, would be prevented from sitting

by violence from a party of men just conducted by Lane to the Territory, and that the execution of the process of the court would be resisted by the same party. At his request I have detached a company of the First Cavalry to station itself near the place where the court is to be held, and to act under the judge's authority in defending the administration of justice.

Captain T. J. Wood's company marched this morning for this purpose.

With high respect, your obedient servant,

PERSIFER F. SMITH,

Brevet Major General, Commanding Department.

Lieut. Col. L. Thomas,

A. A. General, Headquarters of the Army, New York City.

HEADQUARTERS, DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, August 6, 1856. }

COLONEL: Major Deas arrived here a few hours after my last communication was written. Nothing of interest has happened since. At the instance of Governor Shannon, some change has been made in the position of the troops along the eastern line of the Territory. I did not see the necessity of any change; but as it was made before I heard of it, I would not remove the companies again.

To-day a deputy of the Marshal came with a letter to the chief Marshal from the Governor, directing him to remove the prisoners under the guard of Captain Sacket's company (Robinson and others) to this post. I informed the Marshal that I would not receive them here; it would only give rise to a clamor against the military imprisonment of citizens, and there is no place here to put them without displacing some of the garrison. I told him that if the Governor should procure a house fit for a prison and put the accused there under the charge of a civil officer, I would furnish such a guard as would insure their safe custody. I would not notice reports I see in the papers of committees that have applied to me for protection and my refusal to grant it, and of other such things, if I did not see that the objects for which such reports are circulated are being carried out by members of Congress in resolutions of inquiry. The whole are gross fabrications; there is no foundation for any of them.

The only applications made were by individuals asking me to send a force with them to recover property they alleged to have been illegally taken from them. I referred them to the civil authority for redress; but told them if the civil authority found itself too weak to enforce its writs, assistance would be furnished them. There have been two such applications by individuals, and one for an escort to accompany him to the Judge of the United States Court of the Territory, (about three miles off;) but as he rode by the Judge's door to come to me, I declined, as he evidently was not sincere in his application.

The troops have not done any act since I have been here that looked the least like any attempt to interfere with a citizen, except that of guarding the prisoners charged with treason and in the custody of the Marshal.

With high respect, your obedient servant,

PERSIFER F. SMITH,

Brevet Major General, Commanding Department.

Colonel S. Cooper, Adjutant General of the Army.

HEADQUARTERS, DEPARTMENT OF THE WEST,)
FORT LEAVENWORTH, August 11, 1856. }

COLONEL: I have received a letter from Governor Shannon, asking me to take the field with the whole disposable force in the Territory, to prevent the ingress of "Lane's party" by the northern boundary of the Territory. The information given to the Governor has been so exaggerated, and is, to my knowledge, so incorrect, that I decline making a movement that would introduce as much disorder as existed six weeks ago. Captain T. J. Wood, with his company of First Cavalry, is upon the northern frontier, and I shall depend on his report to govern my action.

Some of the companies along the Kansas were sent by the commanding officer there, at the Governor's request, to break up camps of armed men at several places he designated. On the arrival of the troops at the points designated not only were no camps found, but none had ever existed there, or anywhere else in their neighborhood. I know that each party is trying to engage the action of the troops in expelling their adversaries, and I place no dependence on the reports that do not come from what I consider good authority.

With high respect, your obedient servant,

PERSIFER F. SMITH,

Brevet Major General, Commanding Department.

Colonel S. Cooper, Adjutant General of the Army.

HEADQUARTERS DEPARTMENT OF THE WEST,)
FORT LEAVENWORTH, K. T., August 22, 1856. }

COLONEL: Late in the evening of the 18th instant I received from Major Sedgwick and from Governor Shannon the letters inclosed.

I had heard previously various rumors of outrages committed by bands of armed men about the neighborhood of Lawrence, and had seen handbills published in other towns purporting to give an account of them; and messengers came to me on two occasions to relate what they had *seen* of an attack on Leecompton on the morning of the 16th; but as all this must have happened near some of Major Sedgwick's posts, and I received no information from him, and as much of the information I had received I knew to

be false, I placed no confidence in it whatever, especially learning that up to the 17th no attack at all had even then been made on Lecompton. Major Sedgwick alludes in his dispatch inclosed to an attack on Franklin. This is all the information I have as yet on the subject that is authentic; the date and particulars are yet unknown. But on the assurance of both the Governor and Major Sedgwick that there are eight hundred armed men assembled in Lawrence, who can be increased in twelve hours to twelve hundred, and that it is expected they would attack and destroy the capital of the Territory, Lecompton, I have ordered Lieut. Col. Johnston, Second Cavalry, to go there with all the troops at his post, except a small company, and have ordered all the men from Fort Riley, except a small garrison, to the same place. I have sent down to have all the troops, recruits, or others at Jefferson barracks, to be sent here, and will send them and any companies of the Sixth that may arrive to reinforce the command on the Kansas, if necessary. A large force may prevent any violence; a small one might tempt to the commission of it.

I inclose my instructions to the officer who may command the troops. He is to confine his action to the cases specified in the Constitution and provided for by the acts of Congress of February 28, 1795, and March 3, 1807. I could not tell that Congress had this session restricted the action of the troops — as far as was in their power, that is — to the constitutional provision.

I inclose also a communication from an officer of the militia on the northern border of the Territory, showing how contradictory and inconsistent are the accounts spread over the country; for the party that Lane brought from Iowa is on the northern border and on the Kansas at the same time.

Colonel Sumner's regiment cannot now muster four hundred men, including Captain Stewart's company, on its way to Fort Laramie, and a detachment under Lieutenant Wheaton, *en route* for Fort Kearney with the Sioux prisoners.

Lieut. Col. Cooke's six companies have a little more than one hundred horses.

With high respect, your obedient servant, PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

COL. S. COOPER, Adjutant General of the Army.

EXECUTIVE OFFICE,)
 LECOMPTON, K. T., August 17, 1856. }

SIR: This place is in a most dangerous and critical situation at this moment. We are threatened with utter extermination by a large body of Free-State men.

The report of Major Sedgwick, which will accompany this, will give you the particulars of the various outrages which this body of armed men have perpetrated within the last few days. I have just returned from Lawrence, where I have been this day, with the view of procuring the release of nineteen prisoners that were taken. I saw in that place at least eight hundred men, who manifested a fixed purpose to demolish this town. I know that they intend an attack, and that, too, in a very short time. I have correct information that they have five hundred men over in the Osawatomie country, some forty miles south; about three hundred in the

valley of the Wakarusa, and a large body above this place, variously estimated at from three to six hundred. There can concentrate at this place, in a very short time, some fifteen hundred or two thousand men, well armed, with several pieces of artillery. It would seem that the business of "wiping out," as it is called, of the Pro-Slavery party has been commenced. This heavy force has most unexpectedly sprung into existence, and made its appearance within a few days past. The women and children have been mostly sent across the river, and there is a general panic among the people. The force here is small—say eighty or a hundred dragoons, and some hundred and twenty citizens poorly armed, and badly supplied with ammunition. Under these circumstances, I have to request you to send from the fort all your disposable force. A few companies of infantry would be very desirable, and some light artillery. Permit me to express the hope that whatever force you can dispatch to the relief of this place will be sent as soon as possible. Delay may be ruinous.

General P. F. Smith.

Yours, with great respect,

WILSON SHANNON.

HEADQUARTERS, DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, August 19, 1856. }

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, by Major Sedgwick's express. I have sent Colonel Johnston down to Lecompton with all the troops here, except a small company, and have ordered Colonel Cooke to send from Fort Riley all the men there, except a small garrison. There is no infantry within reach.

I have given to the commanding officer of this force instructions founded on those of the Executive to Colonel Sumner, and since to myself.

It will be necessary that you should make some arrangement for the custody of the prisoners that will take them out of the hands of the troops.

A small guard cannot be left with them safely; a large one cannot be spared, and they cannot be marched with the troops, whose movements they would retard and embarrass.

After the many false reports that have been brought here, under the sanction of the civil officers in the country, I can place no more reliance on such information, and will only act on official reports from officers, or intelligence from persons I know personally to be reliable. And as my own action and responsibility is to depend on the value of all such information as to its truth, I must have it before me before I can judge of the confidence to be placed in it.

With high respect, your obedient servant,

PERSIFER F. SMITH,

Brevet Major General, Commanding Department.

To his Excellency Wilson Shannon,

Governor of the Territory of Kansas.

CAMP NEAR LECOMPTON, K. T., August 17, 1856.

MAJOR: As the Governor wishes to communicate with the General commanding the department, I avail myself of the opportunity to report, that

within the last few days parties of armed men have been assembling in various places, committing many depredations, and have now become so bold as to attack a house within two miles of the troops. After the attack on Franklin by the Free-Soilers they attacked a camp said to contain about forty, who had banded themselves together for protection. After dispersing them and burning the house, they marched on this town. The Governor requested me to move in with all the disposable force I had, which amounted to only thirty men. After remaining in town till after daylight, I returned to my camp, and had just reached it when I heard the report of a 6-pounder, and soon ascertained that the house of Colonel Titus, in which he had twenty men, was the place attacked. I placed my command between the house and town, and, the Governor soon after joining us, we moved in the direction of the place attacked. By this time the house had been destroyed, one man killed, Colonel Titus and one other dangerously wounded, the others carried off prisoners.

This morning I received from the Governor a communication, directing me to proceed to Lawrence and demand the prisoners, and, in case of refusal, to take them by force, firing upon the resisting party. I immediately called upon the Governor, and, at the suggestion of Dr. Rodrigue, a gentleman of high standing, we proceeded to Lawrence, and had an interview with the persons holding the prisoners. After a long consultation, (in which I took no part,) the Governor made an arrangement to exchange some that he held, and some other stipulations.

I believe that there are eight hundred men (armed) in Lawrence, which can be increased in twelve hours to twelve hundred; they are in a state of high excitement, almost uncontrollable, and I believe they will attack this town and destroy it, if every part of the agreement is not carried out, which I fear cannot be done. I think if any troops are needed it will be a larger number than I have at my disposal. At the request of the Governor I have ordered Captain Andrews's company from the Wakarusa, and Captain Newby's from Palmyra, to this camp. They arrived yesterday. This increases my effective force to about ninety.

I should very much like to have the advice of Colonel Johnston for a few days. I would also say that I have received no instructions how to act in a conflict with citizens, or when an officer is authorized to fire upon them, except the President's proclamation of February 16, 1856.

I am, sir, very respectfully, your obedient servant,

JOHN SEDGWICK, *Major First Cavalry.*

Major George Deas,

Adjutant General, Department of the West.

HEADQUARTERS, DEPARTMENT OF THE WEST,)
FORT LEAVENWORTH, August 18, 1856.)

SIR: I have to acknowledge the receipt of your communication of the 17th instant, and to inform you that Captain Howe's company of artillery

and two companies of cavalry will leave this post to-morrow morning to join you, and that all the disposable force at Fort Riley has been directed to proceed without delay to Lecompton.

I am, sir, very respectfully, your obedient servant,

GEORGE DEAS, *Assistant Adjutant General.*

Major John Sedgwick, First Cavalry, Lecompton.

P. S.—Captains De Saussure and Beall have been directed to join you.

HEADQUARTERS, DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, August 18, 1856. }

SIR: The General commanding the department directs that you will, with the utmost dispatch, organize a force of one complete squadron of dragoons, to be selected from the most efficient for mounted service, to proceed to the town of Lecompton, the seat of government in this Territory, now threatened with attack and destruction. The remainder of your command, with the exception of the dismounted men of the two weakest companies, who will be left as the guard to the post, will accompany the squadron on foot as riflemen, the officers to be mounted. On arriving at Lecompton the officer in command will report the presence of the troops to the Executive of the Territory of Kansas, and will then be governed by the instructions which will be sent from these headquarters. The senior officer present with the force to be concentrated at or near Lecompton will command the whole.

I am, Colonel, very respectfully, your obedient servant.

GEORGE DEAS, *Assistant Adjutant General.*

Lieut. Col. P. St. G. Cooke,

Second Dragoons, Fort Riley, K. T.

HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, August 19, 1856. }

Instructions for the officer in command of the detachment of United States troops ordered to assemble in the neighborhood of Lecompton, the capital of Kansas Territory, on the requisition of the Governor thereof, to repress insurrection.

SIR: The whole of the First Regiment of cavalry (except one company at Fort Leavenworth and one at Fort Kearny,) with Captain Howe's company of the artillery, and a squadron of the Second Dragoons, and a detachment of dismounted men of the same regiment, will be assembled under your command, and will be reinforced, if necessary, by such detachments of infantry and recruits as may arrive here in time.

This force you will keep concentrated as much as possible, making no detachments except as scouts and patrols, unless in case of absolute necessity, of which you will be the judge; and all the men, horses, and arms will be kept in a perfect state of readiness for instant action at all times.

The Governor of the Territory has required the presence of these troops

to aid the civil authority in suppressing insurrection, and in protecting the peaceable inhabitants of the Territory from the lawless violence of armed bodies, which he represents as arrayed for that purpose.

That you may have a distinct idea of your powers and duties in this position, the following official instructions from the Executive of the United States are referred to, and you will be governed entirely by the rules therein laid down:

First. The proclamation of the President of the United States, dated the 11th day of February last.

Second. The instructions of the Secretary of War to Colonel E. V. Sumner and Lieut. Col. Cooke, dated the 15th of February.

Third. A letter from the Adjutant General of the Army to Colonel Sumner, dated March 26, 1856, in answer to a request of the latter to know the views of the department in relation to the course to be pursued towards armed bodies coming into the Territory, particularly the following paragraph:

"It is only when an armed resistance is offered to the laws, and against the peace and quiet of the Territory, and when, under such circumstances, a requisition for military force is made upon the commanding officer by the authority specified in his instructions, that he is empowered to act."

And last. To the following extract from the instructions of the Secretary of War to the General commanding the department, dated the 27th of June last:

"Inclosed you will find a copy of a proclamation of the President of the United States, and of a letter of instructions directed to the commanding officers of Forts Leavenworth and Riley, to which you are referred for the views of the Executive, and for the government of your conduct in the contingencies therein contemplated; and if, in such contingencies, you should be called upon to use any portion of the troops under your command to aid the civil authorities in arresting offenders, a detachment of troops for that purpose will be directed to accompany the civil officer charged with the process, and to aid him in the execution of his duties, both in making the arrests, and in conducting prisoners to places where they may be safely kept by the civil authorities. In discharging the delicate functions arising from the peculiar condition of affairs in Kansas, you will carefully abstain from encroaching upon the proper sphere of the civil authorities, and will observe the greatest caution to avoid any conflict between the civil and military power."

As a great responsibility will rest on the officer in command of the troops, he must, in assuming it, act on his own judgment, and on information perfectly satisfactory to his own mind. After the examples we have had daily, of late, of the gross falsehoods, misrepresentations, and exaggerations spread over the country under what was said to be the most reliable authority, it will not be safe to trust to any intelligence the source and channel of which are not satisfactory to yourself.

You have the entire command and control of the troops, and are in no case to commit them to any other than the regular military authority. Send, as soon as your command is assembled, and weekly thereafter, field returns

of its strength, even though the commanding General should be absent from Fort Leavenworth. Send also topographical sketches of the country around you, with distances marked.

To avoid weakening your command you will hire such express men as you may think necessary, and will keep a constant communication with the headquarters.

In conclusion, the General begs and directs you to avoid as long as possible any appeal to arms; use every endeavor in your power to bring those who are in opposition to the law to a sense of their error; especially avoid *small* conflicts, and consider the shedding of a fellow-citizen's blood as the greatest evil that can happen except the overthrow of law and right, which must end in civil war. But when the necessity of action and the employment of force does unhappily arise, employ it at once with all the power and vigor at your command, but continue it only until you have suppressed the insurrection, and then interfere to prevent any cruelty from others. The Governor of the Territory should, if possible, take means to keep the prisoners arrested under his authority, and such as hereafter may be taken. Their custody embarrasses the troops and diminishes their efficiency.

With respect, your obedient servant, PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

HEADQUARTERS, FIRST DIVISION KANSAS MILITIA,)
DONIPHAN COUNTY, KANSAS, August 18.)

SIR: In addition to the extra herewith inclosed, I have received reliable information that a state of actual war exists in Douglas county, and that in other parts of the Territory within this division robberies and other flagrant violations of law are daily occurring by armed bodies of men from the Northern States. In the absence of all information from the Governor of the Territory, I have taken the liberty of exercising the authority in me vested in cases of invasion, by ordering out the entire strength of my division, to rendezvous at various points of the division to receive further orders.

The object of this is to ask of you, as commandant of this district, how far your orders require interference with the militia of the Territory, and whether or not their being thus assembled to repel such invasions is in violation of your instructions.

I am, sir, your most obedient servant,
WILLIAM P. RICHARDSON,
Major General First Division Kansas Militia.

Brigadier General Persifer F. Smith,
Commanding, Leavenworth, K. T.

ARGUS—EXTRA.

Important from Kansas.—Civil war and rebellion.—Women and children flying from their homes for their lives!

WESTON, August 18, 1856.

From sources of unquestioned credit we have learned, and now chronicle, the following highly important and exciting news from Kansas Territory.

The notorious Jim Lane is now at the head of from 600 to 1,000 armed outlaws and robbers, busily engaged in the work of destruction and devastation on the south side of Kaw river, in the neighborhood of Lecompton. Their depredations thus far have resulted in the breaking up and total destruction of the Georgia settlement on the Marais des Cygnes, a large settlement of Alabamians in the same neighborhood, an attack upon the town of Franklin, robbery of the postoffice at that place, and violent abuse of the postmaster and his wife; the burning of the town, or at least the best portion of it; robbery of citizens of everything on which hands could be laid. It seems that these cowardly assassins, in an attack on a log cabin containing fourteen armed men, met with quite a warm reception. With about 200 men they made three assaults, and each time were driven back with a loss of killed, and wounded that have since died, amounting to 26 in number. Failing in the third assault, these chivalrous demons then proceeded to the prairie, loaded a wagon with dry hay, and, pushing it before them to the doomed house, set the hay on fire, which soon fired the house, and compelled its brave occupants to surrender; but without the loss of a man!

Having subdued the defenders of Franklin, the abolitionists then turned their attention to the destruction of isolated houses—residences of Pro-Slavery settlers, whom they have sworn to drive out of the Territory or exterminate. Having found by experience that the inhabitants of these houses are dangerous customers to deal with, they made their assault upon them with cannon, planted at a safe distance, out of rifle-shot. Colonel Titus's house fell first, and it is believed that he fell a bloody sacrifice in its defense. Secretary Woodson's house was bombarded and burnt next; Colonel Clarke's almost simultaneously shared the same fate, the Colonel and his family having just barely made their escape as the inhuman bandits applied the torch. In every direction the black smoke was seen last Saturday night, ascending from private dwellings. Secretary Woodson has either been killed or is a prisoner in the hands of the abolitionists; Colonel Titus is undoubtedly killed, together with many others who bravely fought for their homes and their families.

Colonel Clarke is now here with his family, where he has sought an asylum from the merciless fury of the abolition outlaws. Governor Shannon, when last heard from, had fled from Lecompton, and was wending his way on foot towards the Missouri, to escape the vengeance of his pursuers. To sum up the whole, the facts are these: The whole Pro-Slavery party south of Kaw river have either been killed or have fled to places of safety. All the Pro-Slavery towns in Douglas county have been pillaged and destroyed; women have been violated, and children driven from their homes to make room for bloody monsters. Robinson and the other prisoners in the custody of the law have been rescued, and the reign of terror has been regularly installed. So sudden and unexpected has been the attack of the abolitionists, that the law-and-order party was unprepared to effectually resist them. To-day the bogus Free-State government, we understand, is to assemble at Topeka. The issue is distinctly made up: either the Free-State or Pro-Slavery party is to have Kansas.

Above, fellow-citizens, we have given you the facts, as far as we have learned them, of this recent, unprovoked, inhuman, and unparalleled attack upon the peaceable citizens of Kansas Territory by a band of as arrant traitors as ever cursed the soil of any country; an attack premeditated and planned in the North to destroy your rights, or to dissolve the Union. Even now, while we write, our beloved Union, purchased by the blood of our ancestors, may be no more. Missourians! the war rages upon your borders—at your very thresholds! Your brethren and friends in Kansas are this day being butchered and driven from their homes, and they now

call upon you for succor and protection. The Constitution of your country, and the laws under which you have so long lived, as well as your own rights, menaced by as reckless and abandoned a foe as ever erected its bloody crest to disturb the repose of society, demand that you should rise up as one man and put an instant and effectual quietus to the hired tools of abolition, disunion, and aggression, now roaming rampant over the plains of Kansas with firebrand and sabre.

Citizens of Platte county! the war is upon you, and at your very doors. Arouse yourselves to speedy vengeance, and rub out the bloody traitors. Recollect that, although this unholy and unnatural war is carried on in Kansas, it is against you and your institutions. By a prompt and vigorous action you may put it down and save the Union; but if you lay supinely on your backs and allow the black treason to get a firm hold in Kansas, you will find, when it is too late, that you have allowed the golden moments to pass, and a long and bloody war, involving all the States of the Union, will be inaugurated; and then you will have to fight, not for your rights, but for your very existence; not for the Union and Constitution—for they will have been destroyed in the onset—but for some sort of an existence among the nations, either as slaves or abject dependents of some power, perhaps, of Europe. While you are inert, the powers of the Union, North and South, will be slowly mustering for the mighty conflict that is to follow; and all Europe will look on with satisfaction at the termination of this Republic and the end of liberty. Rouse up, then, and strangle the demon of disunion and destruction. Patriotism and the love of country, law and liberty, demand it at your hands.

Still later.—A dispatch, extra, just received this morning from Independence, signed A. G. Boone and others, corroborates the above statements.

Lecompton is burnt down.

HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, August 29, 1856. }

COLONEL: Lieutenant Colonel Cooke, Second Dragoons, arrived at Lecompton about five days since, and took command of the troops assembled there; their strength is about five hundred men. Since the companies began to be assembled there, all has been quiet in that neighborhood; but armed men have been collecting near the border, and the neighboring State of Missouri has been excited by reports exaggerated to the highest degree, that the men who were conducted to the Territory by Lane, joined to others already in it, and of the same party, were engaged in robbing, murdering, and driving out of the Territory all those who were of different opinions from themselves, and expeditions seem to be preparing on all hands to enter the Territory and revenge the wrongs inflicted on their friends. Exaggerated and false as many of these rumors have been, there is some truth in the foundation of them. A large number of the men brought by Lane from the East have entered Kansas in small parties, and with their arms concealed. They arrived mostly at Lawrence, where they completed their organization. They robbed all the country within their reach of the horses, and finally attacked the house of the postmaster at Franklin, probably with a view of getting possession of some arms issued to the militia, and deposited there. They wounded some and made prisoners of others

defending the house, and set fire to it, having robbed the post-office. A detachment of the opposite party captured some of these, and held them as prisoners. Shortly afterwards a party, regularly organized into three companies, marched from Lawrence and attacked the house of Colonel Titus, near Lecompton—about two and a half miles from it—killed one man, wounded Colonel Titus and another, and took them and 19 others prisoners. Governor Shannon made an exchange of the prisoners taken at Franklin for Colonel Titus and his companions.

As soon as these facts were made known to me, which was after the capture of Colonel Titus, I ordered all the troops disposable to this neighborhood, and since then there has been no further act of violence; but tranquility is not likely to continue. I do not think it was proper to prevent citizens from the neighboring border of Missouri coming over to aid and protect their relatives and friends from the outrages offered by the parties from Lawrence and Topeka. On the contrary, I should consider it a duty they owed. But many who entered with that view are now preparing for other operations, and just at this juncture Governor Shannon was reported to have resigned his office, and left the executive duties to the Secretary of the Territory, who became acting Governor. Of this I had no official information until yesterday, when a communication from the acting Governor of the Territory, about the keeping of the prisoners under indictment, made me indirectly acquainted with it, and to-day I received from an officer a proclamation of the acting Governor, calling out all the military force of the Territory, which I inclose. In the force thus called out, and which will be acting under the regular government of the Territory, will undoubtedly be incorporated all the parties that come armed from Missouri, raised under the excitement I have already spoken of, and when they feel themselves strong enough they will undoubtedly attack their opponents, who are prepared to resist them. As the army can only act in aid of, and subordinate to, the civil authority, it cannot array itself against the representatives of that very authority, and I see no way in which it can prevent a collision brought about by the government of the Territory itself, and in the exercise of its functions. It is a gross absurdity to pretend that the men brought in here lately are *bona fide* settlers; they are hired and paid to get possession of the country, but the result will be a national calamity. When blood is shed once it will be impossible to say where it is to stop.

In regard to the prisoners under the hands of the troops, placed there for their security by the United States Marshal for the Territory, an embarrassment has arisen in this: the Marshal has not paid for their subsistence, and the persons who contracted to board them refuse to do so any longer. Captain Sacket, in whose charge they are, cannot do it, and unless some provision is made they must be placed again in the hands of the Marshal, who will have no place to keep them, and may be obliged to turn them over to a guard of the Territorial militia. As soon as affairs approach nearer a crisis,

I will move to the seat of the disturbance with all the force I can collect, but I cannot oppose it to the action of the regular Territorial authorities.

With high respect, your obedient servant,

PERSIFER F. SMITH,

Brevet Major General, Commanding Department.

Colonel S. Cooper, Adjutant General of the Army.

IN CAMP, NEAR LECOMPTON, August 24, 1856.

COLONEL: I am requested by Mrs. Gaius Jenkins to address you with respect to the pay for boarding the prisoners now under my charge.

Mrs. Jenkins has been boarding the prisoners since the 26th of May. On the 22d June, Marshal Donaldson paid her sixty dollars; since that date nothing has been paid, and there is now due her the sum of "two hundred and seventy-two dollars."

A letter has been sent to Marshal Donaldson asking for funds; his reply was, to the person who delivered the letter, "that he had no money and could not raise any."

Mrs. Jenkins does not feel willing to board the prisoners much longer, without the least prospect of pay.

Respectfully, your obedient servant.

D. B. SACKET,

Captain First Cavalry, comd'g prisoners in camp.

Lieut. Col. J. E. Johnston, First Cavalry, Commanding.

LECOMPTON, KANSAS TERRITORY, }
EXECUTIVE OFFICE, August 26, 1856. }

SIR: In reply to your letter to Governor Shannon, requesting him to make some provision for keeping the prisoners now in charge of the army near this place, I have to say, that those prisoners are in the custody of the United States Marshal for the Territory, Colonel I. B. Donaldson, and that the Executive has no power to interfere with his duties.

Colonel Donaldson is, I understand, at Leavenworth city at this time.

Very respectfully, yours,

DAN. WOODSON,

Acting Governor Kansas Territory.

Brigadier General Smith, Commanding Army of the West.

PROCLAMATION

By the Acting Governor of the Territory of Kansas.

Whereas, satisfactory evidence exists that the Territory of Kansas is infested with large bodies of armed men, many of whom have just arrived from the States, combined and confederated together, and amply supplied with all the munitions of war, under the direction of a common head, with a thorough military organization; who have been and are still engaged in murdering the law-abiding citizens of the Territory, driving others from their homes and compelling them to flee to the States for protection, captur-

ing and holding others as prisoners of war, plundering them of their property, and in some instances burning down their houses, and robbing United States postoffices and the local militia of the arms furnished them by the Government, in open defiance and contempt of the laws of the Territory and of the Constitution and laws of the United States, and of the civil and military authority thereof; all for the purpose of subverting by force and violence the government established by law of Congress in the Territory:

Now, therefore, I, Daniel Woodson, acting Governor of the Territory of Kansas, do hereby issue my proclamation, declaring the said Territory to be in a state of open insurrection and rebellion; and I do hereby call upon all law-abiding citizens of the Territory to rally to the support of their country and its laws, and require and command all officers, civil and military, and all other citizens of the Territory to aid and assist by all means in their power in putting down the insurrectionists, and bringing to condign punishment all persons engaged with them, to the end of assuring immunity from violence and full protection to the persons, property, and civil rights to all peaceable and law-abiding inhabitants of the Territory.

In testimony whereof, I have hereunto set my hand and caused to be attached the seal of the Territory of Kansas. Done at the city of [L. S.] Leecompton, this 25th day of August, in the year of our Lord eighteen hundred and fifty-six, and of the independence of the United States the eightieth.

DANIEL WOODSON,

Acting Governor Kansas Territory.

HEADQUARTERS, DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, September 10, 1856. }

COLONEL: The events that have transpired in the Territory of Kansas since my last communication, and which are connected with the operations of the army, will be found recited in full in the reports and correspondence inclosed herewith, in documents numbered from one to sixteen, inclusive.

In explanation of the position of affairs lately and now, I may remark that there are more than two opposing parties in the Territory. The citizens of the Territory who formed the majority in the organization of the Territorial Government and in the elections for its Legislature and inferior officers, form one party. The persons who organized a State government and attempted to put it in operation against the authority of that established by Congress, form another. A party, at the head of which is a former Senator from Missouri, and which is composed in a great part of citizens from that State who have come into this Territory armed, under the excitement produced by reports exaggerated in all cases and in many absolutely false, form the third. There is a fourth, composed of idle men congregated from various parts, who assume to arrest, punish, exile and even kill, all those whom they assume to be bad citizens; that is, those who will not join them or contribute to their maintenance. Every one of these

has, in his own peculiar way, (except some few of the first party,) thrown aside all regard to law, and even honesty, and the Territory under their sway is ravaged from one end to the other.

Among those who have entered from Missouri are many who were led by the false report spread among them, and came here hastily, as they supposed, to protect their neighbors from murder. Many of these have returned, having discovered the fraud practiced on them, and that their leaders had motives personal and peculiar to themselves, in which the honor of the Government and the good of the country had no share. Lieutenant Colonel Cooke, you will perceive, thinks they are generally disbanding and going home. But I think some intend remaining, and the most urgent efforts are making by the leaders of this party, by the same means they used at first, to draw in reinforcements to keep up and even augment their strength.

The party organized at Topeka set themselves up openly in opposition to the law and constitution, and you see their last reinforcements are everywhere called "Lane's Regiment" among their own friends and newspapers. Until the day before yesterday I was deficient in force to operate against all these at once; and the acting Governor of the Territory did not seem to me to take a right view of affairs. If Mr. Atchison and his party had had the direction of affairs, they could not have had ordered them more to suit his purpose. I approve, therefore, highly of Colonel Cooke's refusal to send a command to Topeka, which not only would or might have resulted in the death of two or three hundred citizens on the mere vague denunciation of the acting Governor, but would have insured the absence of the troops from the neighborhood of Lawrence at the time when the Missourians and Kansas militia, under the authority of the acting Governor, proposed attacking it. The position of the troops between Lawrence and Lecompton, while concentrated, is such as to keep the main bodies of both parties in check. It could not, however, prevent a detachment from being made from the Missourians to attack a party under Brown, at Osawatomie, where thirteen men of the latter were killed. Though there is nothing to regret as to those who suffered, yet the act was a grossly unlawful act, and deprives those who took part in it of all consideration for the future.

The day before yesterday, the four companies of the Sixth Infantry, under Captain Todd, arrived; this is a fine battalion, nearly full, and enables me to extend the plan of operations. Governor Geary, too, arrived yesterday, and one very great cause of embarrassment is removed, for we shall act *entirely* in concert. Major Emory, First Cavalry, also arrived with him, with the dispatches from the Secretary of War.

After consultation with the Governor, we think it will be unnecessary to call out the militia of other States, and this is to be first reorganized after being entirely disbanded.

The Governor permits me to join his entreaties with mine, that funds be

sent to the quartermaster here to buy horses to mount the Second Dragoons and the First Cavalry, and to fill these regiments with recruits. If the funds are deposited with the quartermaster, I can send officers of the regiments to buy them in Missouri, especially as many are now on the border. And a few officers recruiting for the regiments will soon fill them up at St. Louis and in the Western States. I would urge, too, very earnestly, that a new battery of 12-pounder and 24-pounder howitzers be sent, with full harness and equipments, and the 6-pounder battery now here be turned into the arsenal; it is worn, and in constant need of repairs. A battery of small pieces on prairie-carriages would be of the greatest service, but the axles of the carriage must be double the strength they are now. I do not advert to the hostilities of the Cheyenne Indians here, because *every effort* will be used to settle affairs in this Territory, without reference to other operations. The plan agreed upon by Governor Geary and myself will surely succeed, and, I think, without other force than we have, with 750 additional horses for the two regiments. The ruin of horses in the First Cavalry last fall is greater than could be supposed, and many now here must be condemned.

You will see by the inclosed papers that a party from Lawrence threatened to attack Lecompton, and were prevented by Lieut. Col. Cooke. The embarrassments arising from the combinations of different parties can hardly be estimated away from here; but the arrival of Governor Geary puts an end to them. I approve most fully of Lieut. Col. Cooke's conduct in all these difficult matters, and hope the President will take the same view of it.

I beg to assure the Secretary that I am aware of the importance of the crisis, and shall venture everything to secure the supremacy of the constitution and laws.

There is a fact that has struck me as a coincidence, if nothing else, that the moment it was ascertained in Washington that the army appropriation bill would fail, the outrages and devastations of the party opposed to the laws here began as though they thought they could no longer have the army to interrupt them.

I had ordered Major Deas to St. Louis to inspect some horseshoes, etc., in the Quartermaster's store, reported unserviceable, but I now direct him to proceed to Washington with these dispatches, and one from Governor Geary. I refer to him for many details, and as fully advised of the state of affairs here; he has my views and plans to present to the department. As Major Emory will probably visit Lecompton in a day or two to complete his information, it will still be some days before he can start on his return, and in the meantime the department will be prepared, by Major Deas's information, to see clearly the position of things here. I entertain, myself, not the slightest doubt as to the result. Surely the Governor and myself, animated by the same desire of restoring the dignity of the Constitution and laws, and acting in perfect concert to that end, can, as soon as the requisite force is organized and the plans ready for execution, overcome the temporary reign

of violence and disorder, and restore to the people of this beautiful country the peaceful rule and administration of the laws.

With the highest respect, your obedient servant,

PERSIFER F. SMITH,

Brevet Major General, Commanding Department.

Col. Samuel Cooper, Adjutant General of the Army.

[Indorsed.]

WAR DEPARTMENT, September 23, 1856.

The only distinction of parties which, in a military point of view, it is necessary to note, is that which distinguishes those who respect and maintain the laws and organized government from those who combine for revolutionary resistance to the constitutional authorities and laws of the land. The armed combination of the latter class come within the denunciation of the President's proclamation, and are proper subjects upon which to employ the military force.

Instructions of the Executive for the complete organization of the militia of the Territory, and the authority given to the General commanding to make requisition for such of that militia as he might require, did not look, under the circumstances, to the delay incident to a total disbandment and new organization of the militia; and it is to be feared that with the time thus lost will pass the opportunity for that full protection of unoffending citizens, and for that exemplary vindication of the supremacy of the laws which the reputation and dignity of the Government demand.

The requisition for a heavy field-battery was anticipated, and such a one as within described was, some time since, ordered to be sent to Fort Leavenworth. The defect of the prairie gun-carriages having been discovered, new carriages of greater strength have been constructed, and will probably soon be received.

Instructions have been given for the supply of the requisite number of horses, and for the recruits for the mounted regiments, as recommended.

The address and good conduct of Lieutenant Colonel Cooke are fully appreciated and highly approved.

The department has unabated confidence in the zeal and singleness of purpose with which the General commanding devotes himself to the delicate duty with which he is charged, and is encouraged by his assurances to hope that his success will be as great as the exigency requires.

JEFF'N DAVIS, *Secretary of War.*

[No. 1.]

HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, August 24, 1856. }

SIR: The newspapers received by the boats from St. Louis yesterday evening assert that the President has directed the prosecution against prisoners in the care of Captain Sacket to be discontinued. As their means of receiving intelligence by telegraph are much more prompt than any at our disposition, they may be correct; and if so, the order directing a "*nolle prosequi*" to be entered would reach you through the civil officers of the Territory. Under these circumstances, it will be prudent to retain possession of the prisoners until the time has elapsed in which such order might be received. If received, the General directs that the prisoners should not only be released, but should be protected by a sufficient escort from your command to such place, within a reasonable distance, as the majority of them may indicate, in order to secure them from any violence in the present unsettled state of the country, and to carry out *bona fide* the kind intentions of the President.

By the same papers it is asserted, with great probability, that Congress adjourned

on the 18th instant, without passing the army appropriation bill, and that the President reassembled both houses by proclamation on the 21st.

This communication will be considered as strictly confidential until you shall receive the order to release the prisoners, or further orders from these headquarters; and it will be turned over as such to your successor, if you should be relieved from command.

I have the honor to be, your obedient servant,

GEORGE DEAS,
Assistant Adjutant General.

Lieut. Col. Jos. E. Johnston, First Cavalry,
Commanding troops near Lecompton.

[No. 2.]

HEADQUARTERS, }
CAMP NEAR LECOMPTON, August 24, 1856. }

MAJOR: I have the honor to report my arrival at 8:30 this morning, my detachment having marched from Fort Riley about noon the 20th instant. The march was much retarded by hard rains, and being accommodated to the gait of the dismounted men.

The last company of the First Cavalry arrived in the vicinity about noon. The whole force will be concentrated in one camp at 9 o'clock to-morrow.

The General's instructions, dated August 19th, are received.

I inclose a field return for my command of this afternoon.

I have witnessed no disorders, but there is much uneasiness and apprehension among actual settlers.

Very respectfully, your obedient servant,

P. ST. GEORGE COOKE,
Lieutenant Colonel Second Dragoons.

Major George Deas, Assistant Adjutant General,
Department of the West, Fort Leavenworth, K. T.

[No. 3.]

HEADQUARTERS, DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, August 28, 1856. }

SIR: It has been rumored for several days past that large numbers of persons from the State of Missouri have entered Kansas, at various points, armed, with the intention of attacking the opposite party and driving them from the Territory, the latter being also represented to be in considerable force.

If it should come to your knowledge that either side is moving upon the other with the view to attack, it will become your duty to observe their movements and prevent such hostile collisions. But it will not be within the province of the troops to interfere with persons who may have come from a distance to give protection to their friends or others, and who may be behaving themselves in a peaceable and lawful manner.

The General commanding directs that you will make every exertion in your power, with the force under your orders, to preserve the peace and prevent bloodshed. And you will interfere in all instances, as before directed, without regard to the party from which the hostile movements may emanate.

I have the honor to be, your obedient servant,

GEORGE DEAS, *Assistant Adjutant General.*

Lieut. Col. P. St. George Cooke,
Second Dragoons, Commanding U. S. Troops,
In camp near Lecompton, K. T.

[No. 4.]

HEADQUARTERS, }
CAMP NEAR LECOMPTON, August 27, 1856. }

MAJOR: An express goes chiefly for documents necessary to making muster-rolls in the First Cavalry.

There is little change in the affairs here. I have, however, reason to believe that Lane passed down to Lawrence, within two days, with several hundred men.

Some chief men, amongst others Babcock, postmaster of Lawrence, have been up, endeavoring to sound my objects and intentions. They express apprehension of being starved out, by their supplies being cut off from Missouri.

It is known, I suppose, that the Territorial militia had been ordered out, north and south, by the acting Governor.

I inclose some requisitions to supply losses in crossing the Kansas by Company G, Fourth Artillery, which I request may be sent out.

With great respect, your obedient servant,

P. ST. GEORGE COOKE,

Lieutenant Colonel Second Dragoons.

Major George Deas, Assistant Adjutant General,

Department of the West, Fort Leavenworth.

[No. 5.]

HEADQUARTERS, CAMP NEAR LECOMPTON, August 30, 1856.

MAJOR: Your letter of August 28th was received the same night.

Under my instructions, I could not prevent sudden and partial encounters and outrages, and only by accident collision of main bodies; for with the information of their approach, would come one truth among a hundred false reports.

I received yesterday forenoon a requisition from the acting Governor for assistance to a deputy of Marshal and sheriff to make legal arrests. I sent Brevet Major Sibley with three platoons Second Dragoons, and inclose his report of the result.

I have just returned from Lecompton.

Brigadier General Marshall, from the Blue, has arrived there with two hundred and fifty mounted militia, northern division. I asked Governor Woodson what he was going to do with the militia; he answered, suppress the insurrection, as soon as enough of them were collected. He said that Marshall had reported to him that fully fifteen hundred armed organized men had passed down from the north.

As advised, I cannot interfere with the movements of the Kansas Territory militia. They are called out by the Territorial Executive; if formally or illegally, I am not the judge.

The acting Governor informed me that the Marshal, Donaldson, there present, had called on him for assistance to make another attempt to serve writs to-morrow (Sunday) in Lawrence, including two more men illegally detained. For reasons, I induced a postponement of the call on me until to-morrow for Monday morning early.

My present judgment is, that my whole force should go, if only to prevent probable bloodshed; but this would probably lead to the evasion of the criminals. I should place the main force in a commanding position, and give the immediate assistance of a small party. If this party is resisted, fired on, I see no other than the necessary course of attacking the crowd—the town.

A Mr. Hutchinson, merchant of Lawrence, and two others, called on me yesterday for assistance to go to Leavenworth to recover property, wagons, etc.—drivers believed killed or prisoners. I answered, if they sought redress through the civil authorities, and I was applied to by them for assistance, I should give it, and would not otherwise, under instructions and law.

I hear nothing particularly of the approach of the Missourians, and begin to believe they are not coming; they probably cannot starve out the opposite party, but subject them to great privation, including breadstuffs.

I am, very respectfully, your obedient servant,

P. ST. GEORGE COOKE,

Lieutenant Colonel Second Dragoons, Commanding.

Major George Deas, Assistant Adjutant General,

Department of the West, Fort Leavenworth.

DRAGOON CAMP, NEAR LECOMPTON, August 30, 1856.

COLONEL: Agreeably to your written instructions of yesterday's date "to proceed immediately with seventy-five of my squadron to assist the Deputy Marshal of the Territory and Sheriff of this county in the execution of certain writs," &c., viz., writs of habeas corpus for one Marks, and another, unlawfully detained in the town of Lawrence; and also writs against James H. Lane and Captain Walker, and others, I proceeded to the town of Lawrence.

Forming my command upon the edge of the town, I detached an officer with ten men as a safeguard to the Marshal. They were immediately surrounded by a crowd of men, estimated from 350 to 400, with shouts and groans and denunciations of the Marshal and the laws of Kansas. His authority having been read, as also the writ of habeas corpus, the two men unlawfully detained presented themselves. They stated that they had been set at liberty the moment my command appeared in sight. The Marshal then returned to the main force with the escort and the two persons thus delivered to him, when it was ascertained that the most conspicuous person in the crowd and the one most active in suppressing the excitement—volunteering to hunt up and deliver the horses belonging to the prisoners—was Captain Walker. General Lane was also said to be in the crowd. This information was derived from the men delivered into my hands. The Marshal said he had not recognized either. The Marshal then asked for a larger force to protect him in making a search for those men for whom he had writs. I gave him thirty men, under Lieutenant Green, who had previously accompanied him, and who, having seen Walker in this camp a few days before, now that this name was for the first mentioned as a person against whom a writ had been issued, recognized the person most conspicuous and officious in the crowd, as the same, and proffered to point him out. The second search was unsuccessful. I then marched my whole command through the town, uninterrupted, to water, and back again, Lieutenant Green riding by his (the Marshal's) side to point out Walker, but he did not appear in the street.

Though a stranger in the town, I am satisfied there must be an excess of five or six hundred men over the permanent population. The ruins of a large stone hotel destroyed some months since have been used to construct a rude bastion of four sides, some forty yards in extent, the salients pierced for four guns each. The rubble stone of which this work is constructed would withstand but a shot or two, and the splintered rock would prove more destructive to the occupants than the shot. Besides this, there are two trifling earthworks—one a complete circle, with a shallow ditch—at the head of the main street entering the town.

I have no positive information of the fact, but I have every reason to believe the permanent population would gladly be rid of the adventurers crowding the streets.

I have thus given you an account of the manner in which the duty devolved upon me was executed. I have also endeavored to give you, as requested, an idea of the state of affairs in the town of Lawrence.

I am, sir, very respectfully, your obedient servant,

H. H. SIBLEY.

*Captain, and Brevet Major Second Dragoons,
Commanding Squadron Second Dragoons.*

Lieut. Col. P. St. George Cooke, Second Dragoons, Commanding.

[No. 6.]

HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, August 30, 1856. }

SIR: It appears that the acting Governor of Kansas has called out the militia of the Territory to suppress insurrection, &c., and by virtue of which proclamation it is understood that that description of force is now in the field. I am instructed by the commanding General to say, that the troops under your command will not be used in any manner to interfere with the operations of the militia, whatever they may be, acting as they will be under the constituted authority of the Territory.

The General desires that you will occasionally send out detachments, of at least the strength of a company, to cover a large extent of country, and with a view to gather reliable information as to what movements are taking place by armed bodies of men who are here reported to be in various quarters and in considerable numbers. The people in this vicinity are all in arms, and reports are continually received that they are to be attacked; but in no instance, as yet, have their apprehensions been realized, nor can any reliance be placed on these idle stories. The General expects from you full information in regard to whatever may come under the observation of your command.

I have the honor to be, your obedient servant,

GEO. DEAS,
Assistant Adjutant General.

Lieut. Col. P. St. Geo. Cooke, Second Dragoons,

Commanding U. S. Troops, in camp near Lecompton, K. T.

[No. 7.]

HEADQUARTERS, CAMP NEAR LECOMPTON, }
August 31, 1856—night. }

MAJOR: I have just received yours of yesterday. Mine of yesterday [No. 4] should have been received long before your expressman left Fort Leavenworth. I inclose a copy. I also inclose a field return for the end of the month; also a sketch of the country drawn by Lieutenant E. Gay, Second Dragoons.

A large additional force of militia joined at Lecompton to-day—said to be 400. I have also nearly certain information that some 200 new men from the North crossed the Kansas in the Pottawatomie reservation yesterday, and have gone down towards Lawrence.

I anticipated the last letter of instruction as to the militia, and under disagreeable circumstances a house was ransacked and stable burnt between my camp and Lecompton. I sent a Lieutenant and party of the guard to protect them against a mob. It was reported to have been done by the militia—*certainly* by people from Lecompton surrounding camps. I also sent a hasty note to the Governor in the nature of a remonstrance. The Governor answered, that General Marshall said if done by the militia it was against his orders; that he would inquire into it and correct it. The party was then withdrawn. Soon after, one or two hundred mounted men in martial order appeared on the hill this side of the house, marched off out of sight, and soon after another house was burnt in that vicinity.

I have received no written requisition alluded to in my letter of yesterday. I doubt if it will be made. I doubt, too, the propriety of my complying with it, if now made, under the strong irritation and apparently impending collision.

I suspect that my presence emboldens the militia and *others* to these outrages.

There is a great scarcity of water in all this vicinity, and I expect to-morrow to move my camp to the Wakarusa, at a point about equidistant from here and Lawrence—it must be the point marked Bloomington on the map. There is a road to Lecompton, and also one to Lawrence.

I have established to-day a small hospital in Lecompton, which a competent citizen physician will attend to if my camp becomes too distant.

I am unfortunately suffering from a slight attack of chills, which are becoming rather prevalent.

Very respectfully, your obedient servant,

P. ST. GEO. COOKE,

Lieutenant Colonel Second Dragoons, Commanding.

Major Geo. Deas, A. A. General,

Department of the West, Fort Leavenworth.

[No. 8.]

HEADQUARTERS, }
CAMP NEAR LECOMPTON, September 2, 1856—1 A. M. }

MAJOR: I received last night your letter of the 1st September.

I was in town yesterday, by request. I found the Governor, General Richardson, and all, profoundly regretful at the outrages mentioned in my letter, [No. 5.] Strong orders were issued on the occasion by the acting Governor.

General Richardson told me there were about 300 militia on this, and 400 on the opposite bank of the Kansas, close by; I heard him report to Mr. Woodson that the most of the militia could not be kept here, or long, as nearly every man of the north of his district had come, leaving their homes defenseless.

I received at 8 o'clock last night the inclosed letter from the acting Governor. I have sent to him my answer, a copy of which I inclose.

I also inclose copies of a correspondence with him on another subject. In this case, as with regard to the outrages of the 31st, I, and the representatives here of the army, are likely to be belied in the public prints. My former statement as to the outrages might be more minute, but cannot be connected.

I place in the General's hands the means of our prompt defense, and with entire confidence.

I inclose, for information, the report of a patrol made by Captain Sacket, First Cavalry.

I have reason to believe that the Pro-Slavery citizens of Tecumseh have had to abandon it. Some two days ago they had been about equally divided there in politics.

Very respectfully, your obedient servant, P. ST. GEO. COOKE,
Lieut. Col. Second Dragoons, Commanding.

Major Geo. Deas, Assistant Adjutant General,
Department of the West, Fort Leavenworth.

EXECUTIVE OFFICE,
LECOMPTON, K. T., September 1, 1856. }

SIR: The Marshal of the Territory having officially reported to me that "the ordinary course of judicial proceedings and the powers invested in him as United States Marshal are wholly inadequate for the suppression of the insurrectionary combinations known to exist throughout the whole extent of the Territory," it becomes my duty, as the acting Executive, to make a requisition upon you for your entire command, or such portion of it as may in your judgment be consistently detached from their ordinary duty, to aid me in suppressing these insurrectionary combinations and invasive aggressions against the organized government of the Territory of Kansas.

Your command, or such part of it as may be deemed necessary, will therefore proceed at the earliest practicable moment to invest the town of Topeka, and disarm all the insurrectionists or aggressive invaders against the organized government of the Territory to be found at or near that point, retaining them as prisoners, subject to the order of the Marshal of the Territory.

All their breastworks, forts, or fortifications should be leveled to the ground.

It is very desirable to intercept all aggressive invaders against the Government on the road known as "Lane's trail," leading from the Nebraska line to Topeka. If, therefore, your command is sufficiently large to admit of it, a detachment should be stationed on the road with orders to intercept all such "aggressive invaders" as they may make their appearance.

Very respectfully, your obedient servant,

DANIEL WOODSON, *Acting Governor of Kansas Territory.*

Lieut. Col. P. St. Geo. Cooke, Commanding U. S. Dragoons, near Leocompton.

HEADQUARTERS, CAMP NEAR LECOMPTON, K. T., September 2, 1856—6 A. M.

SIR: I received last night your letter of September 1, informing me that the Marshal of the Territory had officially reported to you that "the ordinary course of judicial proceedings and the powers vested in him as United States Marshal are wholly inadequate for the suppression of insurrectionary combinations known to exist throughout the whole extent of the Territory," and you therefore make requisition to aid you "in suppressing these insurrectionary combinations and invasive aggression" by marching to invest the town of Topeka, "disarming all the insurrectionists or aggressive invaders, retaining them as prisoners, subject to the order of the Marshal," and to level to the ground all breastworks, &c.

Since my instructions from the Secretary of War, (February 15,) I am instructed by a letter from the Adjutant General to Colonel Sumner, dated March 26, 1856, *in relation to the course to be pursued towards armed bodies coming into the Territory*, that "it is only when an armed resistance is offered to the laws and against the peace and quiet of the Territory, and when under such circumstances a requisition for a military force is made upon the commanding officer by the authority specified in his instructions, that he is empowered to act."

I am further instructed by General Smith (August 28, 1856), that if it should come to my knowledge "that either side is moving upon the other with a view of attack, it will become my duty to observe their movements and prevent such hostile collision." But it will not be within the province of the troops to interfere with persons who may have come from a distance to give protection to their friends, or others who may be behaving themselves in a peaceable or lawful manner. And, further, "to make every exertion in my power with the force under my orders to preserve the peace and prevent bloodshed."

It is evident, both under the laws and my instructions, that the last resort—the effusion of the blood of the citizens by the military power—must be induced by a special act of resistance to the civil officer in the execution of his legal duty when assisted by that power. In no case yet has the Marshal of the Territory, thus aided, been resisted. No specification of resistance by the people of Topeka is made in your requisition, nor is my aid asked to assist the Marshal in the execution thereof of any law or the process of any court. It is simply a call upon me to make war upon the town of Topeka, to "invest" it, "make prisoners," level defenses.

Your request that I should station troops on "Lane's trail" to "intercept aggressive invaders," would be clearly inconsistent with my last instructions "not to interfere with persons who have come from a distance," etc., as well as those of March 26.

In my best judgment I cannot comply with your call. If the army be useless in the present unhappy crisis, it is because in our constitution and law civil war was not foreseen, nor the contingency of a systematic resistance by the people to governments of their own creation, and which, at short intervals, they may either correct or change.

Your letter will be forwarded by express to Major General Smith, for his consideration and action.
With great respect, your obedient servant,

P. ST. GEORGE COOKE,
Lieutenant Colonel Second Dragoons.

His Excellency Acting Governor Daniel Woodson, Lecompton, K. T.

HEADQUARTERS, CAMP NEAR LECOMPTON, September 1, 1856.

SIR: August 29th a Mr. Hutchinson and two others, from Lawrence, called on me in the camp, seeking redress or assistance for alleged wrongs on their property and the person of their employed hands in the vicinity of Leavenworth City. I answered (as by memorandum made at the time) that, if they sought redress through the laws, and the civil authority being resisted, and application was made to me by the Executive, I would lend him military assistance.

Something may have been said, by them at least, about "seeing the Governor;" at any rate, it appears they went to Lecompton without my knowledge, and I learn to-day that they are detained.

I beg to know if this is legally done? If not, I feel it, under all the circumstances, my duty to use all my influence for their liberation or safe return to my camp. If it be answered that the people of Lawrence have also prisoners, I respectfully suggest that an example set them of forbearance and obedience to the law from so high a source must have a beneficial effect.

I am, sir, very respectfully, your obedient servant,

P. ST. GEO. COOKE, *Lieutenant Colonel Second Dragoons.*

His Excellency Dan'l Woodson, Acting Governor, Lecompton, K. T.

LECOMPTON, KANSAS TERRITORY, }
EXECUTIVE OFFICE, September 1, 1856. }

SIR: I have just received your letter in reference to the Rev. G. W. Hutchinson, grand general of the secret military organization of outlaws in this Territory.

He applied to me for information in regard to redress for alleged wrongs. I received him with the greatest courtesy, and pointed out to him the legal remedy; assuring him, at the same time, that if the civil officers were resisted, I would call on your command for military assistance.

He was subsequently arrested as a spy, by order of Brigadier General Marshall, who, in the present insurrectionary state of the Territory, has a right to retain him as such. He is well provided for, and is treated with the greatest courtesy and kindness.

I will simply add, that with the wagons, which he alleged to have lost, were found a large number of letters and papers of the most treasonable and insurrectionary character.

Very respectfully, DANIEL WOODSON, *Acting Governor K. T.*

Lieutenant Colonel P. St. Geo. Cooke, Commanding U. S. Dragoons, near Lecompton.

CAMP NEAR LECOMPTON, September 1, 1856.

COLONEL: In pursuance of your instruction, received this morning, I proceeded with my company to McGee's crossing of the Wakarusa, and from thence to the town of Lawrence.

At McGee's I learned that seven wagons containing about five men each had passed along the Bloomington road this morning in the direction of Lawrence.

On arriving near Lawrence, sentinels were to be seen on all the elevated points in the neighborhood of the town. As near as I could learn, there must have been between one hundred and fifty and two hundred men in that town.

On my return from Lawrence I met about one hundred armed Free-State men, escorting some twenty loads of wheat and oats into Lawrence. The grain was the property of a Mr. Wakefield, who was moving in his family and all his property, fearing his house would be burned.

About four miles and a half from this camp, on the California road, I met a party of about twenty Pro-Slavery men going in the direction of Lawrence, and a half mile nearer camp, met a party of some forty Pro-Slavery men in positions on a height near the road. A short time afterwards, I saw a party of men going in the direction of Lecompton, which I supposed to be the last-mentioned party.

I found that nearly every house that I passed, within five or six miles from Lecompton, had been deserted.

Respectfully, your obedient servant,

D. B. SACKET, *Captain First Cavalry.*

Lieutenant Colonel P. St. George Cooke, Second Dragoons, Commanding.

[No. 9.]

HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, September 2, 1856. }

SIR: Your dispatch No. 5, of August 31, with the topographical sketch, was received last night.

There is nothing of importance to communicate to-day, excepting that there exists a very high degree of excitement in the town of Leavenworth, from which place some "Free-State" people have been expelled.

The position of your camp is left to your own discretion, having in consideration only the objects for which the troops have been ordered out.

Judge Lecompte will shortly hold court at Lecompton, and will very probably call upon you for the services of your command. In which event, the commanding General directs that you will comply with the requisitions made according to the legal forms. I am, very respectfully, your obedient servant,

GEORGE DEAS,
Assistant Adjutant General.

Lieutenant Colonel P. St. George Cooke,
Commanding U. S. Troops in camp near Lecompton, K. T.

[No. 10.]

HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, September 3, 1856. }

SIR: Your dispatch [No. 6] of yesterday's date was received by express last evening, and, with its inclosures, submitted to the commanding General, who fully approves of the views expressed in your correspondence with the Executive of the Territory, as well as your course as commander of the troops. I am instructed to reply as follows in regard to the subject of insurrections and other political disturbances which may call for the exercise of military power.

By paragraph fourteen of the 8th section of article 1st of the Constitution of the United States, Congress has power "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;" and by act of Congress approved February 28, 1795, section 1, it is set forth that "in case of an insurrection in any State against the government thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the Executive, (when the Legislature cannot be convened,) to call forth such number of the militia of any other State or States, as may be applied for, as he may judge sufficient to suppress such insurrection;" and section 2 of the same act enacts "that whenever the laws of the United States shall be opposed, or the execution thereof obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such State, or of any of the United States, or States, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of the militia to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress;" "provided always, [section 3,] and be it further enacted, that whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse and return peaceably to their respective abodes within a limited time."

By the act of March 3, 1807, it is defined "that in all cases of insurrection or obstruction to the laws, either of the United States or of any individual State or Territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection or of causing the law to be duly executed, it shall be lawful for him to employ for the same purposes such part of the land or naval force of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect."

It appears from your dispatches that you have been officially informed by the acting Governor of Kansas, in his communication dated the 1st instant, that the ordi-

nary course of judicial proceedings and the powers vested in the United States Marshal are wholly inadequate for the suppression of the insurrectionary combinations known to exist "*throughout the whole extent of the Territory,*" and the Executive then commands you to proceed to invest the town of Topeka, to disarm all the "insurrectionists or aggressive invaders" there to be found, to retain them in custody, subject to the orders of the Marshal, and to level to the ground all their breastworks, forts, or fortifications.

In the opinion of the commanding General, you were perfectly justified in declining to use the force under your command for the purpose of carrying into effect instructions or requisitions of so vague a nature. The prerequisites enjoined on the President of the United States by the act of March 3, 1807, have been observed by him in his proclamation of the 11th February last, and it would be clearly lawful for the military power to be used, under proper instructions, for the suppression of insurrection. But in the instance under consideration, an order is given by the Executive of a Territory to a military commander to lay siege to a town, destroy fortifications, etc., to fire upon indiscriminately and kill people who may be unoffending, and thus to make war upon a community, leaving to him alone to judge of the criminality of the individuals whom it is proposed to arrest. It is manifestly not intended by the laws here quoted that the United States shall act in conformity with such instructions. To proceed to extremities, it would be necessary to receive the direct order of the President himself, after it shall have come to his knowledge and conviction that insurrection really exists. Then it would be well to have the advice and assistance of the Executive of the State or Territory.

If it be considered (which is a fair construction) that this is a continuation of the same insurrection alluded to in the proclamation of the President of February 11th last, the prerequisites of the law have been fulfilled by the President, and the troops are now prepared to act; but they are to act directly under the orders of the President, transmitted to them through the proper channels. As the responsibility finally rests upon the officers who command them or control their movements, they must be satisfied by ample testimony of the necessity for action, and to have pointed out to them who are the offenders, where they are to be sought for, and what are their offenses.

In your correspondence with him, you will impress upon the acting Governor the difference between the cases: first, where the troops may be required to aid the Marshal or his deputy in the arrest of specified individuals, and in the execution of the law when obstructed by combinations too powerful to be suppressed by the ordinary course of judicial proceedings; and, secondly, when they may be called by the President to suppress an insurrection.

The present practice of marching about organized bodies of armed men, except they be the militia, properly called out by the Governor, is strongly presumptive that they are unlawfully engaged. But at present the suggestion of Judge Lecompte—the probable holding of his court at Lecompton—is of paramount importance, and until that is over, it is deemed better to keep the troops together. They are expected to be held in readiness to act at short notice.

For your information and guidance I inclose a copy of a legal opinion, given by Mr. Attorney-General Cushing, relative to the civil disturbances which have taken place in California; wherein, in regard to the use of the army in civil commotions, you will find many points of similarity to the state of things now existing in Kansas.

In the case of Mr. Hutchinson, the commanding General has no control. But the assertion that he was a spy, under which charge he has been arrested and held in confinement at Lecompton, is, under the circumstances, a mere absurdity. No

man can be with justice called a spy who makes his appearance, as in this case, openly and without disguise. His visit to your camp, and his intercourse with you, should of itself have been a presumption in his favor.

I have the honor to be, very respectfully, your obedient servant,

GEORGE DEAS, *Assistant Adjutant General.*

Lieut. Col. P. St. George Cooke,

Com'g U. S. Troops, in Camp near Lecompton, K. T.

[No. 11.]

HEADQUARTERS, CAMP NEAR LECOMPTON, }
September 3, 1856—night. }

MAJOR: I sent yesterday a company to Tecumseh by the *outer* Lawrence road; nothing was observed of importance.

I find I have never mentioned that I found, under orders from Colonel Sumner, that pretty free intercourse was allowed with the political prisoners; hesitating to stop it, your letter of August 24 decided me not to do so. This morning the wife of one who supplies prisoners desired escort to Lawrence; I sent an intelligent corporal, who remained there several hours. He reports that there were about four hundred armed men there, and not Lane. In returning, he met the militia from Lecompton, an advance guard of thirty men, who pursued and drove in the pickets or scouts from the town, and about four hundred men following them, about five miles from Lawrence. He was told that they expected as many more to-night from below; that they did not expect to attack Lawrence to-night.

The Governor, in reply to a note sent in to-night for information to report to you, says, that General Richardson has ordered the militia to encamp to-night about five miles from Lecompton, on the California road, (leading to Lawrence,) to intercept marauding parties, and to move camp in the morning to a point about three miles east of Lecompton. I suspect, from the fact of Marshal Donelson being with them, and his not having applied to me for assistance to make arrests or serve writs, which he was to have done, that the intention was to use the militia at Lawrence, if strong enough, and enforce obedience by arms.

I inclose a letter received this afternoon, (marked A.) I sent it to the Governor for his information. He expresses his "obligations" to me, and says he will answer it, and wishes his answer filed with it, and reported to the "department."

The writer's official signature, as Secretary of "*Kansas State Central Committee*," besides its bitter tone, seems to preclude my answering it, or further than to give the reasons.

I inclose, also, a letter from a Delaware chief, (marked B,) which was handed to my corporal in Lawrence by an Indian. It may be very important, but not knowing the place of the disorders, how far towards Fort Leavenworth, the badness of the ferry here, prevents me from sending a company to-morrow; particularly as I have reason to expect a reinforcement of infantry recruits from Fort Leavenworth, who could attend to them on their route. Second Lieutenant Merrill, who, after being refused for some days, I allow to go on three days' leave in the morning, will be directed to make inquiries, and direct the attention of the officer commanding, if met, to the matter.

The Governor, in his note to-night, also says, incidentally, that intelligence has been received this evening that marauding bands from Topeka have robbed the citizens of Tecumseh of their all.

With great respect, your obedient servant,

P. ST. GEORGE COOKE,

Lieut. Col. Second Dragoons, Commanding.

Major George Deas, Assistant Adjutant General,

Department of the West, Fort Leavenworth, K. T.

[A.]

LAWRENCE, September 3, 1856.

SIR: The Free-State men of Kansas are now in arms for the purpose of protecting their property from destruction, and the lives of themselves and families from the inhuman atrocities of organized bands of assassins from an adjacent State. Appeals to the civil authorities have proved fruitless. As a last resort, and to avert the impending evil, we appeal to the authority you possess. We respectfully represent that our ranks are composed of bona fide citizens of Kansas, and *none* other. To satisfy you of the truth of this avowal, we invite you in person to visit and inspect our ranks.

If any other method of proof of this fact would be more acceptable to you, it will be equally convenient to us. We ask you to assure us protection for our lives and property, and to that end, that you will disperse, or cause to be dispersed, the band of house-burners, horse-thieves, and men-scalpers from Missouri, known as the Kansas militia, now assembled at Indianola, on the Fort Riley road, at Lecompton, near your camp, at some point on the Santa Fé road, at Easton, and other places.

If this shall be done, we will lay down our arms, and thankfully return to our ordinary occupations.

If you do not possess the power to do this, perhaps you might feel at liberty to insist that the war be conducted on principles generally recognized among Christian belligerents as just and honorable, prohibiting the destruction of the property of inoffensive persons, and the assassination of prisoners and defenseless people.

Yours, respectfully. By order of the Kansas State Central Committee:

H. MILES MOORE, *Secretary.*

Col. Cooke, Commander of United States forces at Lecompton.

P. S.—Should we deem it necessary to decide this question by an appeal to arms, would you deem it your duty to interfere in case of a conflict?

Yours, etc.,

H. M. M., *Sec. K. S. C. C.*

[B.]

DELAWARE NATION, September 3, 1856.

DEAR SIR: We ask your immediate protection, as we have been invaded, and our stock taken by force, and our men taken prisoners, and they threaten to lay our houses in ashes. We wish an answer immediately from you to know whether you will protect us, or whether we will have to protect ourselves; for we have had a dispatch from headquarters to remain neutral, but we cannot do it if we are not protected.

Yours, respectfully, from the chief of the nation,

his
CAPTAIN T. SARCOXIE, *of Delaware Nation.*
mark.

Colonel Cooke, Commander of the U. S. troops.

[No. 12.]

HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, September 5, 1856. }

SIR: Your communication of the 3d instant was received last evening.

The commanding General approves of your not answering the letter of Mr. Moore; but the sentiments expressed in the draught of the reply which you at first had it in mind to give him, are considered correct.

The *State of Kansas* is not recognized by any portion of the General Government, and the commanding General could therefore hold no official correspondence with Mr. Moore in his assumed position, or office, as indicated in his communication to you.

To assure yourself of the state of affairs reported by the Delaware chief, you will send a small force under an officer to his neighborhood as a guard to prevent disturbance, and to remain as long as you may deem their services necessary.

I am, respectfully, your obedient servant,

GEORGE DEAS,

Assistant Adjutant General.

Lieut. Col. P. St. Geo. Cooke,

Commanding United States troops,

In camp near Lecompton, K. T.

[No. 13.]

HEADQUARTERS, CAMP NEAR LECOMPTON, }
September 4, 1856—night. }

MAJOR: As I was informed would be the case, the militia camp was moved this forenoon nearer to Lecompton.

Between 10 and 11 o'clock this morning requisition was made on me by the Gov-

error for assistance to the United States Marshal to execute writs and make arrests in Lawrence; 200 men was the number *asked for*, which the Governor and Marshal said was sufficient. This, with the lateness of the hour, caused me reluctantly to forego my intention to break up camp, and march with all the troops, and I sent Colonel Johnston, with six companies of his regiment, which were just returning from drill. He returned at 6 P. M., and I inclose his report, showing the usual failure.

I rode around to-day, and visited town; information had been received, which was manifestly credited by *all*, that a body of Missourians, who, it appears, had approached Lawrence from the other side, had retired to their State; and I found that the militia force in the vicinity, who had numbered about 550, were breaking up and passing the river. General Richardson told me they would all be gone to-morrow. He promised me that Hutchinson and two other prisoners, the subject of my letter to the Governor of September 1, should be released.

I feel uneasy about the Delawares — the moment of militia dispersing being likely to be that of the greatest disorders. I shall send Captain Sacket's company there in the morning through Lawrence; the chief's house is four or five miles beyond. He will have orders to continue his patrol no longer than shall appear necessary.

Very respectfully, your obedient servant, P. ST. GEO. COOKE,

Lieutenant Colonel Second Dragoons.

Major George Deas, Assistant Adjutant General,
Department of the West, Fort Leavenworth.

CAMP NEAR LECOMPTON, September 4, 1856.

SIR: I have the honor to report that, in obedience to your orders, I, with Major Sedgwick and six companies of the First Cavalry, to-day accompanied the Marshal of the Territory to Lawrence to aid him in making certain arrests. On reaching Lawrence my party was halted on the outskirts of the town, and Captain Wood, with his company, was directed to accompany the Marshal in his search for the parties to be arrested. At the end of an hour and a quarter the Marshal expressed himself convinced that the persons in question were not to be found — that the arrests were impracticable; and I immediately set out with my party to return to camp.

Your obedient servant,

J. E. JOHNSTON, *Lieutenant Colonel First Cavalry.*

Lieutenant Colonel P. St. G. Cooke, Second Dragoons, Commanding, etc.

[No. 14.]

HEADQUARTERS DEPARTMENT OF THE WEST,
FORT LEAVENWORTH, September 6, 1856. }

SIR: Your communication of the 4th instant and your note to General Smith were received this morning.

It is not deemed advisable at present to withdraw any considerable number of your force; and the General prefers that you will remain in the field and maintain a reconnoissance of the country until it becomes more evident that the services of the troops may be dispensed with, and especially as difficulties may arise during the term of the court which Judge Lecompte is about to open.

There is nothing in this neighborhood of an important nature to communicate.

I am, respectfully, your obedient servant,

GEORGE DEAS, *Assistant Adjutant General.*

Lieutenant Colonel P. St. George Cooke,
Commanding U. S. troops, Camp near Leocompton.

[No. 15.]

HEADQUARTERS,
CAMP NEAR LECOMPTON, September 5, 1856. }

MAJOR: Captain Sacket marched this morning, at 7 o'clock, for the Delaware district, opposite Lawrence. At 9:30 the express arrived with your dispatches of the 2d and 3d instant and inclosure. At 12 o'clock the acting Governor particularly requested me to send troops to Tecumseh, the people of which he states had been

robbed, and were further threatened, and had petitioned for protection. At 3 o'clock I sent a platoon of Second Dragoons, to return to-morrow.

At 3:30 some citizens entered camp in haste, reporting a large force approaching Lecompton from below. I sounded "boots and saddles." In a few minutes I received a note from the Governor, reporting the same, and asking my protection for the town, etc. I immediately ordered the Sergeant of the guard to be sent, with the relief of the guard kept saddled, to endeavor to interpose between the town and threatening force, (which was well executed by Corporal Batty, Company C, First Cavalry.) At the same time I sent off Captain Anderson with the dismounted dragoons. Some minutes after, I marched in person at the head of a squadron of Second Dragoons, ordering the First Cavalry and Artillery to follow as their preparations were completed.

About a mile from town I joined the dismounted command, and, rising the hill prairie above the town, came upon the flank of about 60 mounted men in line, who remained motionless. Ordering the dragoons to halt nearly in open column, I rode in front of the Lawrence men, and accosted Captain Walker, who was in command, asking what he came after. He answered, that they came to release prisoners, and have their rights. He said they had sent into town to treat with the Governor. I asked him if that was all their men. He said, oh no, there were 700 more close by. I told him it was a very unfortunate move on their part that the prisoners had been ordered to be released; and, among other things, said if they attacked the town, I should attack them. He asked me if I would go with him to the main body. I consented, and sent an order to Colonel Johnston, then arriving on the hill, to remain there in command of the troops until I returned; and taking Lieutenant Riddick, acting Assistant Quartermaster, an orderly, and bugler, rode with him towards the woods, near the town.

Discarding all personal feeling, I had then in mind the instructions of August 28, viz.: "If it should come to your knowledge that either side is moving upon the other with the view to attack, it will become your duty to observe their movements, and to prevent such hostile collision," and to "make every exertion in your power, with the force under your orders, to preserve the peace and prevent bloodshed."

I arrived, with Mr. Walker in rear of the main force, on an abrupt eminence commanding the town, over a wooded and rocky ravine, within long gun-shot; they had two pieces of artillery in position, and their visible numbers might not have been above three hundred men.

I asked Mr. Walker to collect the officers in front of the line, and some twenty or thirty approached me mounted. At the moment there was an altercation with Mr. Cramer, Treasurer of the Territory, whom they had just made prisoner, who appealed to me, stating that he was a United States officer, and that he had been sent to me. I addressed these principal men. I said: "You have made a most unfortunate move for yourselves; the Missourians, you know, have gone, and the militia here are nearly gone, having commenced crossing the river yesterday morning, to my knowledge. As to the prisoners, whilst I will make no *terms* with you, I can *inform* you that they were promised to be released yesterday morning; and the Governor this morning told me he would order the release of all of them, and was to send me word at what hour I should send a guard to escort them to my camp; that, therefore, I could assure their prompt return to their homes; that everything was going in their favor, and that it apparently would be so if they would refrain entirely from reprisals or any outrages, return to their occupations and show moderation." I required the release of the prisoner, Mr. Cramer, and their return to Lawrence.

I was asked if I could promise that affairs would be set right at Leavenworth, and

they have power to go and come? Mentioning several cases of murders or killing, even this morning, I answered, "I could only answer for this vicinity; that things could not be settled in a moment; that General Smith was close to Leavenworth, and that his powers and views, I believed, were the same as mine." I was then asked the ever-recurring question, if I should attack them if they attempted there to redress themselves or defend themselves? I replied, "I give no pledges; that my mission was to preserve the peace."

Great regret was expressed by them that they had not been informed before of these events; said they had waited long; that their messengers were killed or made prisoners, and mentioned that a regiment was then over the river, and apprehended it would lead to bad results, and I was asked to send to them to go back to Lawrence. I suggested that a written order should be sent, and one was afterwards handed me; they then released three prisoners, and marched off to return, whilst I rode over to the town with the released prisoners. I found one or two hundred militia, whom I had previously seen opposite, among the walls of the new capitol, under General Marshall.

I found the Governor, and informed him of my action and its results. He said the prisoners *had* been released, but, in fact, the order had not *yet* been executed. Mention was made of prisoners that had been taken by a Lawrence force over the river; I asked the Governor to send over the order for that force to retire. He found difficulties; when Mr. Riddick volunteered to go, and was instructed also to obtain the release of any prisoners. Lane had evidently been in real or nominal command, but had not presented himself to me. Mr. Sheriff Jones and others now clamored for his arrest; he was then gone with his force about him. The Governor spoke of writing a requisition. I told them, on an impulse, that I should make no arrests this night; but soon after took the Governor aside and, told him I recalled that decision, and said, "If you want him arrested, write your requisition, but I think, on reflection, you will hardly make it." He replied he would not if I advised against it, and the matter dropped. I then galloped over to my troops, and sent a platoon to request the Governor to send to my camp the released prisoners; and they have been sent here.

I arrived in camp a little before sunset, and sent back a company of First Cavalry to encamp close to the town.

Lecompton and its defenders were outnumbered, and evidently in the power of a determined attack. Americans thus stood face to face in hostile array and most earnest of purpose.

As I marched back over these beautiful hills, all crowned with moving troops and armed men, whilst I reflected that my command could easily have overwhelmed any and all that might have defied it, I rejoiced that I had stayed the madness of the hour, and prevented, on almost any terms, the fratricidal onslaught of countrymen and fellow-citizens.

Anxious speedily to inform the General of these important events, I have taken but little time for this report, which I shall send at daylight.

With great respect, your obedient servant,

P. ST. G. COOKE,

Lieut. Col. Second Dragoons, Commanding.

Major George Deas,

A. A. Gen. Dept. of the West, Fort Leavenworth, K. T.

[No. 16.] HEADQUARTERS, CAMP NEAR LECOMPTON, September 7, 1856.

SIR: I received last night your two dispatches dated September 5.

I removed my camp yesterday morning to a fine commanding ground, a long half-mile from the town.

I received in the afternoon reports from Captain Sacket and First Lieutenant Anderson, Second Dragoons, inclosed, marked 1 and 2. I sent an order to the former to return here on the 10th, when his rations will be out, unless circumstances should allow him to leave sooner.

I returned Lieutenant Anderson's messenger with orders to return when his rations were exhausted; he was, or should have been, provided until this forenoon.

The depredations there (Tecumseh) have been exaggerated. I suggested to Adjutant General Strickler—who lives there, and came to see me this morning, and said that the robberies had been committed by citizens of Topeka—that proper steps should be taken for their arrest.

Doctor Prentiss and two other citizens of Lawrence called last afternoon, with a letter to the Governor and myself, on the urgent subject of supplies from Leavenworth, from which, it asserts, they are cut off. I refused to receive it, as signed by officials claiming under the *State* of Kansas. They apologized, as being mere messengers, that had not observed the objectionable feature of the communication.

I sent down yesterday Mr. Hutchinson and friends. He promised me that *all* prisoners should be released, and that the people would return to their occupations.

In town *nine* other prisoners, released by order of General Richardson, were delivered to me. Some had been taken, as teamsters I believe, near Leavenworth, ten or twelve days ago. I sent them with a small escort to Lawrence. General Richardson went with them; he had intended to go without escort. The sergeant of escort reports, that soon after his arrival, he rode out on the Franklin road with General Lane and Captain Walker, perhaps to insure his safety.

A large number of the militia went off undischarged for their homes; others, with some organization, pretending that they would re-supply themselves and *return*. A large company remains in town, which I objected to. General Marshall says they are a company from the Blue.

Last evening a citizen who lives close by reported that four or five horsemen had chased him when he was going to his house. I doubted the accuracy of this, but sent a patrol to arrest any parties lurking about. After dark it returned, bringing five prisoners, who represented themselves as a sergeant and privates of the company in town, hunting a lost horse. I sent them to their captain with the message, that if any parties were found in reach of my patrols, threatening any sort of citizens, that I would make prisoners of them—firing on them, if necessary to do so—and keep them in confinement until the court could try them.

There were at least three hundred militia and citizens in position on the 5th, and quite a number of shots were exchanged between advanced parties. The opposite party, in coming or going, sacked, it is confidently asserted by responsible persons, the house of Mr. Clarke, Indian agent.

I inclose a field return of my command for September 7.

Lieutenant Anderson has returned, and reports that a demonstration was made against Tecumseh, yesterday, from Topeka, by a party with two wagons; which, some pretense being made, were taken back empty.

Very respectfully, your obedient servant,

P. ST. GEORGE COOKE,

Lieutenant Colonel Second Dragoons, etc.

Major George Deas, A. A. Gen., Dept. of the West, Fort Leavenworth.

SARCOXIE, September 6, 1856.

COLONEL: I learn from Sarcoxie, and from others, that small armed parties of horse-thieves are constantly roaming over their lands. These parties have threatened to burn all the Indians' houses in this section.

Few horses have been stolen just about here, but the chief reports that an Indian cannot go near

the town of Delaware without having his horse taken from him; most of this work has been carried on in that neighborhood. Delaware is about ten miles from Fort Leavenworth. I hardly think it was your intention I should go so far in that direction. I leave immediately on a scout in the direction of the Stranger, leaving my camp in charge of a few men.

I learn that the bodies of three men, murdered a few days since a few miles this side of the Stranger, are still unburied. I shall pass that way, and cause them to be interred.

Respectfully submitted.

D. B. SACKET, *Captain First Cavalry.*

Lieut. Col. P. St. George Cooke, Second Dragoons, Commanding.

TECUMSEH, September 6, 1856.

SIR: I have the honor to report that I arrived here yesterday afternoon with my command.

The town has been visited twice by armed parties from Topeka, and a considerable amount of property taken away.

The few citizens who remain are so apprehensive of another robbery, and apparently on such good grounds, that I do not feel at liberty to leave without further orders.

I have the honor, therefore, to ask for orders on the subject from the commanding officer; and, if I am to remain longer, that additional provisions may be sent for my men.

Very respectfully, your obedient servant,

G. B. ANDERSON,

First Lieutenant Second Dragoons.

Lieutenant T. J. Wright, Adjutant Second Dragoons, Camp near Lecompton.

HEADQUARTERS DEPARTMENT OF THE WEST,
FORT LEAVENWORTH, September 10, 1856. }

COLONEL: I have the honor to transmit, herewith, a report of Captain H. W. Wharton, Sixth Infantry, commanding Fort Kearny, accompanied by a report of Captain Geo. H. Stewart, First Cavalry, giving an account of an attack of the Cheyenne Indians on the mail train, and of murders committed by them on a small party of Mormon travelers; of the spirited and successful pursuit and attack of the marauders by Captain Stewart, resulting in his killing ten, wounding eight or ten, and capturing horses, arms, equipments, etc.

I beg to present the conduct of Captain Stewart, Lieutenant Wheaton, and Lieutenant McIntyre, as highly meritorious and honorable to themselves and the service, and to connect with them those non-commissioned officers and men who aided them so effectually.

Captain Stewart's dispositions were skillful, and his execution of them prompt, vigorous, and effectual.

This tribe must be severely punished, and but that the troops most disposable are engaged here, I would instantly march with the whole garrisons of this post and Fort Riley to chastise them; but no trifling or partial punishment will suffice, and as no one can be spared from this neighborhood, I will postpone extensive operations until the spring. In the meantime, if necessary, I can send some of the force from the posts above this to strengthen Fort Kearny and render it secure for the winter, and, by throwing forward forage and provisions there, to prepare for an early movement in force on the springing of the first grass. We could, indeed, hardly count on enough of the season now, (since the winter may be expected in Novem-

ber,) and barely six weeks remain to march several hundred miles, and then seek the Indians.

With the highest respect, your obedient servant,

PERSIFER F. SMITH,

Brevet Major General, Commanding Department.

Colonel Samuel Cooper, Adjutant General of the Army.

FORT KEARNY, N. T., September 1, 1856.

CAPTAIN: I have the honor to report that I proceeded from this post early on the morning of the 28th ult., with my Company K, First Cavalry, and the detachment under Lieutenant Wheaton, (forty-one men in all,) to the place where the depredations were committed on a Mormon trail, on the north side of the Platte. Assistant Surgeon R. H. Alexander, United States Army, First Lieutenant E. G. Marshall, Sixth Infantry, Mr. John Heth, several citizens, the post interpreter, with four of the Sioux Indians as guides and trailers, accompanied the command. A train of six wagons was taken along to bring in the property contained in those attacked. We crossed the different branches and islands of the Platte opposite the post, then struck the road leading to Council Bluffs, followed it across Wood river, thence to a point on the Cottonwood fork of that stream, about thirty-three miles from this point, and found it to be the place where the attack was made. There were found the bodies of two white men and a child slightly covered up. Graves were dug and the bodies properly interred. The wagons and all the property had been removed apparently a short time before; their tracks were found on the road, which had, from appearances of lariats dragging, &c., &c., been passed over by a body of Indians who had come from some distance up the river. The Sioux Indians and parties of men were sent out in every direction in hopes of finding the trail of the attacking party to and from the place, and any traces of the Mormon women said to have been carried off, but without success, as there was no appearance of any trail except the one I before referred to as coming down the Cottonwood fork, thence along the road; and recent rains had washed out any tracks made at the time the attack was committed.

I next followed the trail on the road about five miles, and came upon a camp of Omaha Indians, (ninety-six lodges.) As soon as possible I held a talk with the chiefs and principal men. They stated they had been up the Cottonwood fork, hunting buffalo; on their return the day before had passed the place of attack, when they saw the bodies, felt as grieved as if they had been their own brothers, buried them as well as their means at hand would allow, put all the loose and scattered articles they could find in the wagons, and brought them along in order to restore them to their owner. They had, in fact, caused a notice to be written, fastened to a board, stating what

had happened, and that they would carry the wagons to Bellevue and other places. I said that everything they had done was right and proper, that I would report it to you, that their Great Father would hear of it, etc., etc., etc. They claimed no reward, and turned over the four wagons, property, three yoke of oxen, (four yoke that were wild had broken away.) They saw no other oxen or any of the mules. There were provisions and many loose articles in the wagons, and from all we could see and learn, they had not appropriated any to themselves. The attacking Indians had broken open a box of law books, and opened a roll of carpeting. The Omahas think the train was attacked by six or seven Indians, (Cheyennes,) and we found the wagon-covers to have been perforated with balls. We understand that the party of four men started with only a rifle and a revolver; the rifle was broken and sent back, and another was purchased the day of the attack.

Two of the principal Omaha chiefs were Tecumseh Fontenelle and Soe-La-Fleche.

I returned to this post day before yesterday with the wagons, etc., meeting no other Indians, and seeing no trails or sign of them.

I am, sir, very respectfully, your obedient servant,

G. H. STEWART,

Captain First Cavalry, Commanding Co. K.

Captain H. W. Wharton,

Sixth Infantry, Commanding Fort Kearny.

FORT KEARNY, N. T., August 27, 1856.

SIR: I have the honor to report that, in accordance with post order No. 50, I proceeded on the afternoon of the 24th instant, with a detachment of sixteen men, of Companies E and G, First Cavalry, commanded by First Lieutenant Frank Wheaton, and my Company K, of the same regiment, (forty-one men in all,) in pursuit of a party of Cheyenne Indians, who had fired upon and wounded the conductor of the mail.

The Fort Leavenworth road was followed to the point where the Indians abandoned their pursuit of the mail party. Night coming on, I was compelled to halt here and wait until daylight, when the trail was discovered. We followed it about five miles before crossing a branch of the Platte to Grand Island, and at 11:30 A. M. reached a deserted Indian camp. Buffalo meat was found cooking at several fires, and the camp had evidently been abandoned but a few hours before. We found the frame-work of twelve lodges standing. The Indians, from all appearances, had occupied this hiding place for several days, and left this point to attack the mail party.

Leading from this camp, we continued, on a broad and fresh trail, down the island, and, in the course of fifteen miles, crossed two branches of the Platte.

At 4:30 P. M. we found ourselves within a quarter of a mile from the

Indians, who were encamped on the edge of a thick grove. Dividing my command, Lieutenant Wheaton charged the camp on the right—Lieutenant McIntyre and myself on the left. The Indians were driven from the ground and scattered; about fifteen, who kept together, were pursued six or seven miles. The frequent islands, ridges of timber, and dense undergrowth, rendered further pursuit impracticable. Ten Indians were left dead on the fields; eight or ten, who were badly wounded, effected their escape. Twenty-two horses and two mules were captured, fourteen saddles were destroyed, a number of shields, lances, bridles, buffalo robes, etc., were found. Our Indian guide (Standing Elk) estimated the number of Cheyennes at seventy or eighty. There were about forty-five men in all, and, from some articles of dress taken, there must have been women with the party. I lost no men, and not a wound was received. One man's horse fell, injured his rider slightly, ran off, and could not be recovered. I returned to this post yesterday at 2 P. M., with my horses in tolerable order.

Before closing this report, I cannot speak in too high terms of the gallant manner in which Lieutenants Wheaton and McIntyre led the charge, closely followed by the non-commissioned officers and men, whose praiseworthy conduct deserves special notice. Every man fought well and endeavored to do his best. I feel under obligation to Mr. Edward Dillor, residing at this post, for valuable assistance in the search and pursuit; also to Mr. Alexander Stewart, who, with the released Sioux prisoner, Red Leaf, and Standing Elk, enabled me to keep the trail and come upon the Indians with so little delay.

I am, sir, very respectfully, your obedient servant,

G. H. STEWART,

Captain First Cavalry, Commanding Detachment.

Captain H. W. Wharton,

Sixth Infantry, Commanding Fort Kearny.

[Extract.]

FORT KEARNY, N. T., September 8, 1856.

SIR:

I would likewise state that the Cheyenne Indians have been committing a series of depredations for some months past, the commencement of which I reported in June to the headquarters of the Sioux expedition. On the 24th ultimo they fired upon the mail party when within a few miles of this post, and wounded the conductor of it seriously in the arm. I immediately sent a mounted command in pursuit of them, and they fortunately overtook and punished them. On the 25th ultimo, a small train of four wagons, belonging to Mr. A. W. Babbitt, Secretary of Utah, was attacked during the night, while encamped on the north side of the Platte, about thirty miles below this place, by a party of Cheyennes. They killed two men and one child, wounded one man, and, what is most to be deplored, carried off a Mrs. Wil-

son, from St. Louis, mother of the child killed, and a passenger in the train. They also drove off Mr. Babbitt's mules and destroyed much of his property. Again, on the 30th ultimo, some of the same tribe rode up to a small party of emigrants, about eighty miles above this post. They fired upon them, killed one woman, wounded one man, and carried off a little boy, about four years old; they also drove off all their animals.

These Indians are now openly hostile, and there is no possible safety in traveling through this country, except with a large and well-armed force; all small parties will doubtless be sacrificed. There is a combination of the Cheyennes of the Arkansas with those of the Platte in this matter, and most certainly do they need summary punishment. They are emboldened by its delay. There is an urgent and immediate necessity for a large garrison on the Arkansas, near the old site of Fort Atkinson. The Cheyennes have been troublesome ever since the abandonment of that post. Besides being the location of several bands of this tribe, it is likewise the congregating ground of the Arapahoes, Comanches, and several other troublesome tribes. It is likewise absolutely necessary that this post should be garrisoned by a mounted force; at least three companies of cavalry are needed here, with one company of infantry, for the protection of the public property. Had it not been for the cavalry company now here, I should have been unable to punish the Indians for the recent attack upon the mail party.

The islands where they secrete themselves are inaccessible with wagons, which is the only way of transporting an infantry command in pursuit of them; as they are all well mounted, it would be worse than useless to attempt to overtake them on foot—it would be to them merely an exhibition of our desire to punish them without the ability to do so. If the mounted company now here and "I" Company, Sixth Infantry, be filled up with recruits, I shall then be able to give escorts and protection to the mail until such time as operations shall be commenced against these Indians. I made a full and detailed report of the recent outrages to the commanding General of the department.

I am, very respectfully, your obedient servant,

H. W. WHARTON,

Colonel S. Cooper,

Captain Sixth Infantry, Commanding.

Adjutant General U. S. Army, Washington, D. C.

P. S., SEPTEMBER 9.—A discharged soldier from Fort Laramie came in last evening, and reports that he left there in company with some Mormons, who were returning to the States; that on the 6th instant, he was out hunting buffalo, a short distance from his camp, and on returning to it he found the Indians had killed two men, one woman and a child, and carried off one woman; they also drove off all their animals, and set fire to the wagon. This man is the only one of the party that escaped. A small party is also

reported to have been murdered on the Little Blue. Depredations have for years been frequent in this last-named vicinity; and as it is the grand rendezvous for several tribes, a military post is much needed there; it would have a decided influence in checking these outrages.

H. W. WHARTON,
Captain Sixth Infantry, Commanding.

[Indorsement.]

“WAR DEPARTMENT, October 24, 1856.

“The evils resulting from the hostility of the Cheyennes, as reported within, were anticipated by the department, and, in accordance with the recommendations of General Harney, it was proposed to have sent out last spring the First Regiment of cavalry, with a view to chastise these Indians for past offenses, and otherwise to impress upon them the necessity of future good conduct. The demand for troops arising from the disturbed condition of the Territory of Kansas, deprived the department of the power to execute its plans in relation to the Cheyenne Indians; and it now only remains, in accordance with the long-entertained design, to make a campaign, as soon as it is practicable, against those Indians, that they may be reduced to submission, and be compelled to release the captives held by them, restore the property taken, and deliver up the criminals by whom these offenses were committed.

“The commander of the department will look to the needful arrangements for the execution of this purpose. JEFF'N DAVIS, *Secretary of War.*”

FORT KEARNY, N. T., September 27, 1856.

SIR: Mr. A. W. Babbitt, Secretary of Utah Territory, and owner of the train that was attacked by the Cheyennes, on the 25th ultimo, near this post, left here on the 2d instant, in a light carriage, accompanied only by two men, for Salt Lake. He had with him an amount of public money, and valuable papers. I represented fully to him the great danger of traveling with so small a force, and urged upon him the absolute necessity of remaining a few days, when he would have the advantage of Captain Stewart's escort. He, however, differed with me in opinion, thought my apprehensions groundless, and my suggested caution altogether unnecessary; and accordingly started with his small party. The Salt Lake mail, which arrived here on Sunday last, left Laramie on the 17th instant, up to which date, Mr. Babbitt had not arrived there, although he had more than ample time to do so. Yesterday a train came in from Green river, a point some distance beyond Laramie. Mr. Archambeau, the owner of it, informs me that about one hundred and twenty miles above this post, on the north side of the Platte, he found the place where the Indians came upon Mr. Babbitt, and killed him and all his party. They burned his carriage, and either burned or carried off his trunk, which contained his money, papers, and clothing. Some of the papers were scattered about the prairie, near the spot; all of which were collected by Mr. Archambeau, and delivered to me.

Among them were found some treasury drafts and valuable notes. The Indians took off all Mr. Babbitt's animals.

I am, very respectfully, your obedient servant,

H. W. WHARTON,

Captain Sixth Infantry, Commanding.

Major G. Deas, Assistant Adjutant General,

Headquarters Dept. of the West, Fort Leavenworth.

CAMP NEAR LECOMPTON, September 9, 1856.

SIR: While in the Delaware country I made a trip with my company as far as Stranger creek. I could find nor hear of any armed parties in that direction then. There is no doubt that quite a number of horses have been taken from the Delawares, and that their lives and property have been threatened.

The Indians are very much frightened. All the houses between Sarcoxie and Stranger creek are deserted, and, from appearances, should think the Indians left in a hurry, as they have left their beds, tables, chairs, &c., all exposed. I stated in my last letter that three men had been reported murdered near Singa-rock-sie's. I could find but one. I had him interred.

By instructions from the Lieutenant Colonel commanding, I sent one man of my company as escort to a Mr. Southerland to Colonel Payne's camp on the Little Stranger.

Respectfully, your obedient servant,

D. B. SACKET, *Captain First Cavalry.*

Lieutenant Thos. J. Wright, Adjutant Second Dragoons.

HEADQUARTERS, CAMP NEAR LECOMPTON,)
September 10, 1856.)

SIR: On the 8th instant I sent Captain Newton, Second Dragoons, with his company, on a patrol. I inclose his report.

Yesterday morning Captain Sacket returned with his company from the Delaware nation. I inclose his report also.

I received your communication of the 6th instant the night of the 8th, by Lieutenant Stanley. Captain Sturgis, First Cavalry, who did not cross the Kansas with his company, marched next morning, I understood, to look after the Delawares. Their chief has prevented his young men from defending themselves, on the ground that a contest once begun they would not discriminate between whites, whether friendly or not.

The promises by principal men of Lawrence to refrain from excesses, reported in my last, 7th instant, have not been well kept; possibly owing to excesses reported to the north and east of the Kansas. Some of them came to see me about the liberation of prisoners, (which had been promised them by the authorities, but who were beyond the river.) I informed them

of complaints just made by persons required to leave their claims, and told them that if these things went on, Congress having adjourned without taking part with them, they might expect to see 5,000 troops, or possibly militia from a State, sent into the Territory by the President. I thought, too, that he had not exhausted his powers, but might and would provide that armed bodies be disarmed and imprisoned for punishment, or shot down. I give this as an instance of my custom on proper occasion to make the almost hopeless use of the moral influence of cool remonstrance and advice.

Judge Lecompte has held his court without any trouble. It was not necessary even to send a party into town.

The court has adjourned, and I send an escort of a sergeant's party with the Judge to-morrow morning. The State prisoners have been bailed and released. I have none in camp. I showed to some of them your letter of August 24, provided them with transportation by return train to Lawrence. A small escort, which they at first declined, went with them.

I am, very respectfully, your obedient servant,

P. ST. GEO. COOKE,

Lieutenant Colonel Second Dragoons, Commanding.

Major George Deas, Asst. Adjt. General,
Department West, Fort Leavenworth.

CAMP NEAR LECOMPTON, September 10, 1856.

SIR: On leaving camp on the morning of the 8th I proceeded to Lawrence. While there, in a conversation with Captain Walker, one of the most prominent of the Free-Soil party, he informed me that he had always urged the necessity and justice of not interfering with those of either party who in acts were neutrals; and that so far as he had control or influence, he would protect all such in their rights and homes. Proceeding then to the settlements on the Wakarusa, I found that the numerous farm-houses were deserted, commencing from the suburbs of the town to a considerable distance up the Wakarusa, much higher up than my limited time permitted to go. After making a considerable detour I came again to the Lawrence road.

From our camp, in a distance of seven miles on the Lawrence road, there have been some six or seven houses recently burnt, and a large number on either side of the road are deserted. I understood that the same state of things existed above Lawrence on the river. I found quiet so far restored on this side of Kansas river that many were going out from the town to secure such household property as remained. These persons would return to Lawrence or leave the country.

I have reason to believe that a body of one hundred and fifty Free-Soilers had crossed the river at Lawrence with a view, most probably, of sustaining their party on that side of the river. As regards the main object of my

march, I have the honor to inform you that I neither met with nor heard of any marauding parties in the part of the route traversed by my command.

I am, sir, very respectfully, your obedient servant,

Lieutenant T. J. Wright,

Adjutant Second Dragoons, in camp.

W. J. NEWTON,

Captain Second Dragoons.

HEADQUARTERS, CAMP NEAR LECOMPTON, }
September 13, 1856 — night. }

SIR: My last report was on the 10th instant.

Next morning, the Governor having arrived, I rode into town with the most of the officers and called on him. Yesterday morning he visited my camp while the troops were being exercised, and a salute was fired.

On the 11th, about 100 men passed up by the outer road, two miles off. They were spoken by a patrol — Lane's men well armed.

At 1:45 o'clock this morning I received a letter from Governor Geary, asking me to send or go immediately to Lawrence, to prevent bloodshed; inclosing me a report from an agent he had sent there, representing the town imminently threatened with an attack from large forces. I marched at 2:20 with 400 men, leaving the guards and the dismounted dragoons. The Governor joined me, and we reached Lawrence as the sun rose.

I marched right up to a small fort of rough dry wall, by which they have sought to secure a spur of bluff which commands the town. The Governor talked to the guard of thirty men who had slept there, and I descended the hill, and sent Colonel Johnston to form a line on a ridge swell of the low grounds favorable for all arms, and 400 yards from the town. I rode in with the Governor and some of the staff. He conversed much, and with apparent effect, to the principal men. The town has some ridiculous attempts at defenses, with the two main streets barricaded with earth-work, which I could ride over. The horses were watered at eight o'clock, marched by squadron through the town for that purpose, and at nine o'clock, the Governor having made a short speech, we rode off, with three cheers for the Governor, and three for myself, apparently heartily given.

They represented that a force of some 300 men, who had approached within three or four miles, had retired, or been made to retreat in the night, and there was no apparent apprehension of molestation.

There were not above 200 or 300 men in the town; two cannons in the fort without were all that were visible; few of the people had arms in their hands. They were understood by the Governor to pledge themselves to stop aggressions and conform to the spirit of the address and proclamation; and even to drive out *some* of the "Lane's men" whom they thought a nuisance. The Governor had received in the night a report from "General Heiskill," who was below with 800 or 1,000 militia, whom he represented eager for action, and asked orders.

Osawkee, ten miles north, was robbed two days ago; and even a receipt given Mr. Dyer for some arms taken.

I had a corporal's party above yesterday and to-day, with a deputy marshal. He reports but few people in Topeka or Tecumseh, and nothing stirring, except a small party from Lawrence was a little ahead of him, and he was informed that Lane crossed with them above Topeka to the north side yesterday.

I had determined to arrest him at all hazards, if to be found in Lawrence this morning, the Governor concurring; but all we could learn there confirms the corporal's report.

With high respect, your obedient servant,

P. ST. GEORGE COOKE,

Lieutenant Colonel Second Dragoons.

Major F. J. Porter, Assistant Adjutant General,

Department of the West, Fort Leavenworth.

HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, September 15, 1856. }

COLONEL: I have the honor to inclose the reports received since my last communication, showing the state of affairs in this Territory. A large body of Missourians, variously estimated from 1,000 to 1,600 men, assembled on the 13th, within the limits of the State of Missouri, and on that day entered this Territory, marching towards Lawrence, announcing their intention to attack it. Colonel Cooke's position near it prevented their near approach, and I hope, in conformity with the Governor's proclamation, and his wish and order expressed distinctly to them, they will retire. If they persist, the Kentucky and Illinois regiments will be called in, and much time will be lost, for their presence nails our force to a point where they and the opposing party can be observed and controlled. I cannot decide to pursue one, without leaving the other unchecked; and it will be more than a month before the other regiments of militia can be formed, equipped, and arrive. If the Missourians retire—and the character of many of them leads me to hope they will—it puts an end to all complication, and we can decide and act as may be necessary at once. I refer you to Major Emory for many details, and for information of all my plans.

I received the Secretary's telegraphic dispatch of the 10th. I had fortunately anticipated, in my arrangements with Governor Geary, your directions, which are in a course of execution.

If I receive the authority asked for, I can mount all the men in ten days.

With high respect, your obedient servant,

PERSIFER F. SMITH,

Brevet Major General, Commanding Department.

Colonel Samuel Cooper, Adjutant General of the Army.

WAR DEPARTMENT, September 27, 1856.

Authority has been given to cover all the wants which have been communicated in relation to arms and ammunition. The requisitions were not only anticipated, but in some respects exceeded. Orders have been given for the purchase of horses, and enlisting recruits, as recommended. The horses heretofore purchased under a previous authority, though intended for the mounted riflemen, may be assigned to the dragoon and cavalry regiments, if the wants of the public service should require it. The authority given to make requisition on the Governor of the Territory for such part of the militia as may be required in military operations was intended to avoid the delay which is represented as the consequence of drawing additional troops from Illinois and Kentucky.

JEFF'N DAVIS, *Secretary of War.*

HEADQUARTERS, DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, September 17, 1856. }

COLONEL: I take advantage of the opportunity of a messenger from Governor Geary to Washington to send you copies of Colonel Cooke's and Captain T. J. Wood's reports, which will sufficiently explain themselves. The operations of Captain Wood were very well conducted, as the result shows.

The effect of Colonel Cooke's presence with his force, though so much less than those around him, had no doubt its proper influence.

The good sense and respect for law which has been evinced by the companies from Missouri has made the prompt and energetic action of Governor Geary entirely successful, and the road is now clear for our operations, (already begun,) without waiting for or requiring the presence of other troops. I want now only the horses, recruits, and artillery first asked for. They will, if authorized, arrive about the time they will be most needed; for I shall not wait for them to begin, though they will be here to *finish*. As Mr. Adams (Governor Geary's messenger) expects to leave every minute, I will close this package; but if he be delayed waiting for a boat, I will write more fully.

With high respect, your obedient servant,

PERSIFER F. SMITH,

Brevet Major General Commanding.

Colonel S. Cooper, Adjutant General of the Army.

[Indorsement.]

OCTOBER 3, 1856.

Read with satisfaction, as furnishing better prospects for the restoration of peace and good order in Kansas. The conduct of Captain Wood is very commendable.

JEFF'N DAVIS, *Secretary of War.*

HEADQUARTERS, CAMP NEAR LECOMPTON, K. T., }
September 16, 1856. }

MAJOR: The afternoon of the 14th instant I received a report from Governor Geary that great outrages were being committed by marauders at or

in the vicinity of Osawkee, beyond the Kansas, and making requisition for a military force to accompany the Deputy Marshal. I sent Captain T. J. Wood, commanding a squadron First Cavalry. (A copy of instructions inclosed.)

At sundown same day I received a pressing call from the Governor to march with my whole force to Lawrence to prevent an impending "collision." Being very unwell, I sent Colonel Johnston immediately with the light battery, Fourth Artillery, squadron Second Dragoons, and his five companies First Cavalry, then present. Very early yesterday I waited on the Governor, and rode with him down to Lawrence, arriving at 10 o'clock. I found my force distributed in strong positions near the town; beyond, about two miles on the Franklin road, the advance of a large force was to be seen, banners flying. After a momentary communication with Colonel Johnston, I pushed on with the Governor to meet it. It was a mounted company, uniformed and well armed, which at a word accompanied our carriage as a guard of honor to the main body in Franklin. Here about twenty-five hundred men, armed and organized, were drawn up, horse and foot, and a strong six-pounder battery. The generals and principal officers were collected in a large room, and very ably and effectively addressed by Governor Geary. Eloquent speeches were made by General Atchison and General Reid, and calculated to produce submission to the legal demands made upon them. Some other inflammatory addresses were also made; so that I felt called upon to say some words myself, appealing to these militia officers as an old resident of Kansas and friend to the Missourians to submit to the patriotic demand that they should retire, assuring them of my perfect confidence in the inflexible justice of the Governor, and that it would become my painful duty to sustain him at the cannon's mouth. Authority prevailed, and the militia honorably submitted to march off, to be disbanded at their place of rendezvous.

I returned then to the town of Lawrence, which was in great excitement, and the Governor spoke to the principal men, and thence to the bivouac of the troops, who slept under arms after two night marches with scant provisions.

Captain Wood had reached the river at Lecompton, on his return, as I left yesterday morning with prisoners. Leaving there this morning at sunrise, Colonel Johnston to send out strong patrols and to return to camp this afternoon if possible, I hastened back with the Governor, following on the traces of Colonel Clarkson's regiment, who were marching by the Lecompton crossing, *en route* to Leavenworth. We found little appearance of any depredation, but a man had been shot down for refusing to deliver a horse. We stopped a few moments for Judge Cato to take the affidavit of the man, mortally wounded, I fear.

I found Captain Wood in camp with one hundred and one men, prisoners, horses, arms, property, etc., including a *piece of artillery*, said to belong

to the State of Missouri. (Captain Wood's report inclosed.) I then addressed a letter to the Governor, (copy inclosed,) calling on him to take charge, by the proper civil officer, of these prisoners. Lieut. Col. Johnston returned at 4 P. M., and reports that the main body of militia, or Missourians, having passed the Wakarusa six miles beyond Lawrence yesterday evening, were nowhere to be seen by the patrols this morning, on the other side at that or another point above.

Judge Lecompte arrived this afternoon, with escort; he will probably hold an "adjourned court."

Night.—I have received the dispatches of the 15th and 16th.

A reinforcement of as many infantry as can be spared is now to all appearances important.

Very respectfully, your obedient servant, P. ST. GEORGE COOKE,
Lieut. Col. Second Dragoons, Commanding.

Major F. J. Porter, A. A. Gen.,
Dept. of the West, Fort Leavenworth, K. T.

P. S.—I should have mentioned that Colonel Johnston, as authorized, left Major Sedgwick with a squadron to come to-morrow morning. Captain Wood's report is just received. He deserves great credit for the energy, management, and success with which he conducted his enterprise.

P. ST. G. COOKE, *Lieut. Col. Second Dragoons.*

HEADQUARTERS, CAMP NEAR LECOMPTON, }
September 16, 1856. }

DEAR SIR: Captain T. J. Wood, First Cavalry, commanding a squadron, was sent out on the 14th instant with the Deputy Marshal, to give the military aid for which, on the same date, you had made formal requisition.

Having just returned to camp from important duties near Lawrence, I find that they have brought into camp, as prisoners, 101 men.

I find in my instructions from General Smith, August 19, that "the Governor of the Territory should, if possible, take means to keep the prisoners arrested under his authority, and such as may hereafter be taken. Their custody embarrasses the troops and diminishes their efficiency." This now proves so true that I am forced to ask that the proper civil officer shall take them into his keeping. I should be able, on requisition, founded on necessity, to afford Marshal and Sheriff, temporarily, some aid, supposing that the place of their keeping will not be further than Lecompton.

With high respect, your obedient servant, P. ST. G. COOKE,
His Excellency Col. J. W. Geary, *Lieut. Col. Second Dragoons.*
Governor of Kansas.

HEADQUARTERS, CAMP NEAR LECOMPTON, }
September 14, 1856. }

SIR: Requisition having been duly made on me by the Executive, for aid in the arrest of certain criminals, against whom writs will be placed

into the hands of the Deputy Marshal, and to protect the settlements of peaceable citizens north of the Kansas from robbery and outrage, you will proceed with your squadron to Osawkee and Hickory Point (or "Hardtville") to give such legal aid and protection. I expect it will require two or three days before your return to this camp. You will not remain longer without reporting by express the necessity of the case.

Very respectfully, your obedient servant,

Captain T. J. Wood,
First Cavalry, Present.

P. ST. G. COOKE,
Lieut. Col. Second Dragoons.

IN CAMP NEAR LECOMPTON, September 16, 1856.

SIR: In pursuance with your instructions, dated 14th instant, and handed me at 12 M., to proceed with my squadron (Companies C and H, First Cavalry) to Osawkee and Hickory Point, (or "Hardtville,") to aid in the arrest of certain criminals against whom writs were in the hands of the Deputy Marshal, and to protect the settlements of peaceable citizens north of the Kansas river from robbery and outrage, I marched with my squadron at 1 o'clock P.M. of that day.

I learned at the ferry at Lecompton that a large band of armed marauders, commanded by a person named Harvey, and who is reported to hold the rank of colonel among the organized disturbers of the peace of the Territory, had marched from Lawrence the previous night for the purpose of attacking some settlement or settlements in the district in which I had been ordered to afford protection.

Finding I would be detained some hours in crossing the Kansas river, owing to the very limited ferry arrangements, I desired Mr. Dyer and Dr. Tebbs, who were named in my instructions as guides to my command, to send forward a person to Osawkee and Hickory Point each, with a view to determining the position of Harvey's band, which request was complied with.

After getting my command across the Kansas, I proceeded to the Leavenworth crossing of the Grasshopper, where I halted to await the return of the messengers sent out to gain information. I took advantage of the halt to graze the horses two or three hours, and allow the men to get their suppers. About nightfall the messenger who had been dispatched to Osawkee returned and reported that he had been fired on by four men, and driven back.

About an hour later the messenger who had been sent to Hickory Point returned and reported that Harvey's party had attacked Hickory Point at 11 o'clock in the forenoon, and were probably still somewhere in that vicinity, as the attack, from all the information he had obtained, had been made by a force of some three hundred and fifty men, provided with artillery and baggage wagons.

At 9 o'clock I moved towards Hickory Point, marching very rapidly.

About 11½ o'clock I met an armed party, numbering about twenty-five

men, on the road leading from Hickory Point to Lawrence. I halted them, and asked who they were, whither they had been, and whither they were going.

To these questions they replied that they were "a part of Colonel Harvey's command; that they were returning to Lawrence from Hickory Point, and that they had been engaged in the attack that day on the latter place."

They were well armed with muskets and Sharps carbines, and had with them three wagons, in one of which there was a man who had been wounded in the attack.

The Deputy Marshal arrested them in the name of the United States, and required them to lay down their arms, which requirements I enforced.

After the party had been disarmed, a person who gave his name as Leubler, and who represented himself as a physician, and that he had accompanied Harvey's party in the capacity of surgeon, informed me that he was returning to Lawrence as the medical attendant of the wounded man, and requested to be permitted to go on. He was allowed to do so, and two men were permitted to accompany him to aid in taking care of the wounded man.

Taking the arrested men and two of their wagons with me, I proceeded in the direction of Hickory Point, as they had informed me after the arrest that Harvey was encamped on the road two miles from where the first arrests were made.

After marching some half-mile I met two other men, who acknowledged themselves to be of Harvey's band, and to have been engaged in the attack on Hickory Point. The Deputy Marshal arrested them.

About half a mile from Harvey's camp I detached two parties, one to approach the camp on the right flank and rear, the other on the left flank and rear, while I moved with the greatest portion of my squadron on the front of the camp. By a rapid movement the three parties concentrated on the camp before there was time to make any preparation for resistance or to escape. I immediately rode into the camp, accompanied by the Marshal.

The men in camp acknowledged themselves to belong to Harvey's party, and that they had been engaged in the attack on Hickory Point, which fact was well attested by the presence of several wounded men in the camp; and furthermore, they acknowledged that they had marched from Lawrence the previous night to make the attack.

The Marshal arrested all of them in the name of the United States, and required them to lay down their arms, which I enforced.

They laid down their arms with considerable hesitation, and would perhaps have not done so at all, but that they found themselves entirely surrounded by a force sufficient to enforce the Marshal's orders.

A person who gave his name as Bickerton, and who represented himself to be in immediate command of the camp, reported that Harvey was sleep-

ing in a log cabin a little distance off; a party was dispatched to examine the house, but no one was found.

The marauders were well armed with muskets, and Sharps carbines, hunting rifles, revolving pistols, bowie-knives, etc., and had one piece of artillery, a 4-pounder.

In order that no charge could be made by the persons arrested, that their property had been sacrificed by hurrying them off, ample time was given them to collect all their horses and wagons, and to prepare them for the march.

Having so many prisoners in custody, amounting to a hundred and one, I considered it proper to return hither as soon as possible, and consequently commenced the return march at 2 o'clock in the morning of the 15th.

I reached this camp at 10 o'clock A. M., having been absent twenty-one hours, nineteen of which my command had been in the saddle, and had marched thirty-six miles, including two crossings of the Kansas river.

From all I could learn, Harvey's command was about 200 strong when it marched from Lawrence; the other 150 men of the attacking party came, from the best information I could get, from Topeka.

I would have proceeded to look after this portion of the marauders but for the trammelled condition of my command, charged with the custody of so many persons.

I brought into camp 47 Sharps carbines, 38 muskets, 6 hunting rifles, 2 shot-guns, 20 revolving pistols, 14 bowie-knives, 4 swords, and one piece of artillery, with a large supply of ammunition for all arms.

I also brought in twenty-seven horses in addition to the harness horses.

Doubtless many arms were thrown away by the marauders, as some of those brought in were picked up in the grass by men. The Second Captain of my squadron, Newby, and the Second Lieutenant of my company, Church, were very active and useful in carrying out the dispositions I deemed it proper to make, to enforce the Marshal's arrests.

The men of both companies behaved excellently, obeying all orders promptly but quietly, without noise, disorder or confusion, and abstaining from all violence, when the reverse might so readily have happened in the hurry of rapid movements at night.

I had with me 46 enlisted men of Company C, and 36 of Company H.

Very respectfully, your obedient servant, THOMAS J. WOOD,
Captain First Cavalry, commanding Second Squadron.

Lieut. Col. P. St. George Cooke,
Second Dragoons, Commanding, etc.

HEADQUARTERS, DEPARTMENT OF THE WEST,)
FORT LEAVENWORTH, October 14, 1856.)

COLONEL: I have the honor to inclose, for the information of the Secretary of War, various communications in relation to the affairs of this Terri-

tory, which give the history of what has happened since my last advices to you.

Another armed party, brought to the limits of the Territory by Lane, has entered. They represented themselves as coming with objects entirely peaceful, and on these representations some of them were encouraged by the Governor to enter; but, upon examination, it was found their representations were false. They had no implements of agriculture or other industry, and were provided with a full supply of arms, ammunition, drum, and other implements of war. Colonel Cooke, upon the requisition of the Deputy Marshal, very properly aided him in arresting them, and will have them conducted to the seat of government to be examined by the judicial authority. . . .

No disturbance took place anywhere in the Territory at the late election.

It is announced that the "State party" intend to order an election shortly, at which a member of Congress, &c., are to be chosen.

With high respect, your obedient servant,

PERSIFER F. SMITH,

Brevet Major General, Commanding Department.

Col. S. Cooper, Adjutant General of the Army.

[Indorsement.]

WAR DEPARTMENT, November 8, 1856.

Read. The discrimination and good judgment displayed by Lieut. Colonel Cooke receives unqualified commendation. Embarrassed as he naturally was by the seeming conflict between the letter of the Governor addressed to him on the 28th September and the circular letter of September 30, the course which Lieut. Colonel Cooke pursued manifests that energy and great discrimination which, under the circumstances, could alone have prevented a secret armed invasion, and further disturbances to the peace and good order of Kansas.

JEFF'N DAVIS, *Secretary of War.*

[No. 1.]

HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, September 22, 1856. }

SIR: I return the requisitions signed by John Donaldson, captain, and Colonel Titus, commanding, for provisions and clothing, and those for forty volunteer cavalry.

No corps less than a company can be mustered into service, as the company is the smallest body organized. Each company has one captain, one first lieutenant, and one second lieutenant. If you take a fraction of a company of men, how will the proportion as to a captain be determined? You cannot divide an officer, and a captain or lieutenant cannot be received unless with a company, of which they are component parts.

When a company is mustered into service, it comes immediately under the command of the officer commanding the troops of the army or militia, as the case may be, in the service of the United States; and all requisitions are made, not on the commander of the department, but on the proper officer of the staff, and must be passed through and approved by the commanding officer of the troops, who, in this case, is Lieut. Colonel Cooke.

Colonel Cooke has instructions to dispose of the troops under his command ac-

ording to your wishes and in conformity with the law, and will, accordingly, furnish detachments for any particular purpose you may think necessary for the public service; but all the returns, requisitions, reports, &c., required by orders or regulations, must be made through him. His quartermaster, commissary, and other staff officers, will furnish all the camp and garrison equipage and supplies of ammunition, provisions, &c., that may be needed.

As to the forty mounted men, they cannot be mustered into service unless their number be increased to a full company.

All these are subjects regulated by positive law, which leaves no one any discretion; the law must be exactly complied with or the whole proceeding is illegal and void.

With the highest respect, your obedient servant, PERSIFER F. SMITH,
Brevet Major General, Commanding Dep't.

His Excellency John W. Geary,
Governor of the Territory of Kansas.

[No. 2.] HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, September 26, 1856. }

COLONEL: Your letter of the 24th instant, with its inclosure, was received this morning.

You were right in suspending the execution of special order No. 134 until information and circumstances render the movement necessary.

In order that the commanding General may act entirely in concert with the Governor of the Territory, and that no misunderstanding may arise between you and him, he directs, lest you have not so understood your instructions, that you will conform your movements and those of the troops to the wishes of the Governor.

In regard to supplies, &c., for the militia infantry under your command, the following extract from the General's letter is furnished for your guidance: "All the returns, requisitions, reports, &c., required by orders or regulations, must be made through him, [you.] His [your] quartermaster, commissary, and other staff officers will furnish all the camp and garrison equipage, and supplies of ammunition, provisions, &c., that may be needed."

I am, Colonel, very respectfully, your obedient servant, F. J. PORTER,
Assistant Adjutant General.

Lient. Col. P. St. George Cooke,
Commanding U. S. troops in camp near Lecompton, K. T.

[No. 3.] HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, September 29, 1856. }

COLONEL: Your dispatch of the 27th instant is received, and in reply to your inquiries I have to give you the following instructions from the commanding General:

You will continue to report to Colonel Cooke, receiving from him such instructions as may from time to time be given, and keeping him, as well as the General, constantly informed of all matters of importance connected with your expedition.

The length of time you will remain upon the frontier depends upon circumstances. Instead of your command returning immediately, reports just received, if true, indicate the necessity of prolonging its stay and of increasing its strength. It is very desirable, whatever the time employed, that your expedition may be attended with success, and that all organized armed parties may be secured and disarmed; for which purpose, and to carry out your other instructions, if you find it necessary to pass the boundary of the adjacent Territory, that boundary must not be regarded as an obstacle. The Territory is under the authority of the Federal Government, and forms no part of an independent State.

Arrangements are made for provisioning your command from this post, so that, should you find it probable your journey will be prolonged, a timely notice of the supplies needed, and of their place of destination, will insure their arrival.

I am, Colonel, very respectfully, your obedient servant, F. J. PORTER,
Assistant Adjutant General.

Lieut. Col. J. E. Johnston,
Commanding U. S. Troops en route to northern frontier of Kansas.

[No. 4.] HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, September 28, 1856. }

GOVERNOR: The inclosed letter from W. P. Richardson reached me last night; its envelope was addressed to me, or "the Governor."

I am not acquainted with the persons from whom the information of Lane's movements is derived, and do not know what faith is due to it. When the four companies of cavalry under Lieut. Col. Johnston were ordered, a few days ago, to the northern frontier of the Territory, all the troops that could be spared from this post were sent down to Leocompton, so that all the disposable force is now there, and at your disposition. If you think the information sent is even probable, it seems to me proper to employ every means to capture Lane. The acts he has been guilty of here point out his intentions now, and, connected with his armament of cannon, show those intentions to be in continuation of his former illegal and insurrectionary acts.

With the highest respect, your obedient servant, PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

His Excellency John W. Geary, Governor of the Territory of Kansas.

P. S.—Since writing the foregoing, I have received from Lieutenant Colonel Johnston his report of his departure towards Nebraska City. Please send to Colonel Johnston, through Colonel Cooke, and to me all the information necessary to direct Colonel Johnston's movements; and I beg you will supply him with guides, &c., whom the Quartermaster will pay.

With the highest respect, your obedient servant, PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

[No. 5.] EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 4, 1856. }

DEAR SIR: As there is great reason to believe that disturbances will take place at the election on Monday next, the 6th instant, at the town of Leavenworth, unless precautionary measures are taken to prevent the same, and as it is of the highest importance to endeavor by every possible means to preserve the public peace at every point, and especially on that occasion, I request that you station in Leavenworth city a sufficient force of United States troops to guard the polls and prevent the commission of outrages.

Very respectfully, your obedient servant, JOHN W. GEARY,
Governor of Kansas Territory.

Major General P. F. Smith,
Commanding U. S. Forces, Department of the West.

OCTOBER 6, 1856.

SIR: I apprehend no difficulty here to-day. The election is going off quietly. I do not think I will need any military assistance to carry out the law. Should there be an outbreak I shall certainly call upon you for assistance at the fort.

Very truly yours, GREEN B. TODD.

Captain Sturgis.

By H. D. McMeekin, Deputy Sheriff.

[No. 6.]

HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, October 5, 1856. }

COLONEL: Your letter, with its four inclosures, was received to-day.

This is the first communication received from you since you left Leecompton, and the first official notification of Colonel Johnston's position since he left Indianola. The latter fact has been a matter of surprise to the commanding General, as non-commissioned officers and other persons have been sent from his camp to this station.

It is very desirable that you should be frequently heard from, and therefore every opportunity should be taken advantage of by you and by parties detached from your command to communicate progress, the position of the camp, the number, strength and character of the parties met with, &c., &c.

The General directs you not to trust to the appearance and professions of parties claiming to be peaceable bona fide emigrants, but, by the use of spies and other means which may be at your disposal, to procure all possible information of their character and intentions, and by a careful examination to insure yourself that they form no part of organized armed bodies or of Lane's men. Should they enter the Territory with cannon, or form any portion of Lane's command, you will not believe their professions, but take them prisoners and disarm them.

Your command will probably be needed on the frontier for some time yet, so that the General directs that in sending to Leecompton any portion of your command, you will be guided only by the requisitions of the Governor, or by further orders. Supplies will be forwarded to you to-morrow, and hereafter you are desired to give notice of your wants in time to be supplied at the proper period. Your quartermaster has instructions from the quartermaster here with regard to purchases, &c., &c.

I inclose a copy of a communication to Lieutenant Colonel Johnston, in case it has not reached him.

I am, Colonel, very respectfully, your obedient servant,

F. J. PORTER,

Assistant Adjutant General.

Lieutenant Colonel P. St. G. Cooke,
Commanding U. S. troops, Kansas.

[No. 7.]

HEADQUARTERS, CAMP NEAR LECOMPTON, }
September 27, 1856—night. }

MAJOR: The battalion of Sixth Infantry arrived on the 25th. That afternoon I went to town, at the request of the Governor, to consult on "business of the utmost importance." I found he had information, to which he gave full credit, that a Mr. Redpath was approaching Topeka from the north with 200 men, and it was considered advisable to send Lieutenant Colonel Johnston, with four companies of First Cavalry, to carry out special department orders No. 184. I was also requested to send a company of infantry to Lawrence, with one object—to protect the returning inhabitants of Franklin.

Accordingly, Colonel Johnston marched yesterday morning, by way of Topeka; expressing some doubt and discontent as to his right or power of executing the special order, under the circumstances somewhat changed. I inclose a copy of my order. The Governor had suggested that a force should for some time be stationed at Topeka.

I also inclose a copy of my instructions to Brevet Major Woods, Sixth Infantry, who marched yesterday to Lawrence. After Colonel Johnston had gone a few minutes, a deputy marshal came with a written requisition of the Governor, asking

that 150 cavalry should be sent to carry out the object, expressed somewhat differently, but perhaps substantially the same as the special order. I sent it off to Colonel Johnston with the Marshal, who was to accompany him.

The Governor told me yesterday afternoon that the prospect of returning order was greatly brightening; all will depend upon the power of keeping back the northern invasion. I have received this afternoon a letter from the Governor, communicating information, which he considers important, of the approach of large numbers—1,000 men. I shall consult with him to-morrow, and propose more decided or stronger precautionary measures, if reports receive confirmation.

The first militia company is not yet reported entirely complete.

A sergeant's party returned last night from the north of the river with a deputy marshal, having made eight arrests.

Captain Sacket arrived with his company this afternoon.

Very respectfully, your obedient servant, P. ST. GEORGE COOKE,

Lieutenant Colonel Second Dragoons.

Major F. J. Porter, Assistant Adjutant General,
Department of the West, Fort Leavenworth.

ORDERS No. 11.]

HEADQUARTERS, CAMP NEAR LECOMPTON, }
September 26, 1856. }

Lieutenant Colonel Johnston, First Cavalry, will march to-morrow morning, at 8 o'clock, in command of four companies of his regiment, to carry out special orders No. 134, from headquarters Department of the West, dated September 22, 1856. He will take the route by Topeka, where he will return and make report to these headquarters after the performance of the prescribed duties.

By order of Lieutenant Colonel Cooke:

T. J. WRIGHT,

Lieutenant Second Dragoons, and Adjutant.

HEADQUARTERS, CAMP NEAR LECOMPTON, K. T., }
September 26, 1856. }

SIR: The commanding officer directs that you detail a company to be detached this morning, to march and take post in the vicinity of Lawrence. The officer in command will be instructed to select this camp ground with the double view of repressing the ingress or egress from Lawrence of armed bodies of men, and of affording protection to the inhabitants about to return to the village of Franklin, about three and a half miles below Lawrence. To accomplish this last object, he will, if he finds it absolutely necessary, station in Franklin a small detachment.

The commanding officer of the company will forward a field return for the 30th instant.

Very respectfully, your obedient servant,

T. J. WRIGHT,

Lieutenant Second Dragoons, and Adjutant.

Lieut. Col. George Andrews,

Commanding Battalion Sixth Infantry.

[No. 8.]

HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, October 8, 1856. }

COLONEL: Your letter of the 7th instant was received this morning and presented to the commanding General. He directs me to say to you that the "fort" referred to should be destroyed, and that all parties engaged in fortifying themselves should be arrested. All persons who are inclined to maintain the laws and organized government will be protected by the laws and government they respect, and require no such accessories. Considering the fact that parties have been formed to resist the constituted authorities and laws of the land, such acts as the

erection of forts, &c., only furnish *prima facie* evidence of a league with that class, and come within the denunciation of the President's proclamation, and are proper subjects upon which to employ the military force.

As provisions and forage were forwarded to you on your requisition of the 3d instant, no supplies have been sent to Lecompton to fill your requisition this time. You will, however, find sufficient there to meet your wants till the return of the messenger, by whom be pleased to send your requisition.

I am, Colonel, very respectfully, your obedient servant, F. J. PORTER,
Assistant Adjutant General.
 Lieut. Col. P. St. G. Cooke, Commanding United States Troops, Kansas.

[No. 9.] HEADQUARTERS DEPARTMENT OF THE WEST, }
 FORT LEAVENWORTH, October 10, 1856. }

COLONEL: Your communication of the 8th instant is received.

The commanding General instructs me to say you are at liberty to pursue your route to Lecompton; but he wishes the fort and its defenses destroyed, and those engaged in erecting them taken prisoners. On these points the views of the General are expressed in my letter of the 8th instant, and he wishes Colonel Johnston made aware of them.

I have nothing of importance to communicate. There are rumors at Lawrence of troubles at the south.

I am, Colonel, very respectfully, your obedient servant, F. J. PORTER,
Assistant Adjutant General.
 Lieutenant Colonel P. St. G. Cooke,

Commanding Troops in the Field.

[No. 10.] HEADQUARTERS, CAMP NEAR LECOMPTON, }
 September 20, 1856—night. }

MAJOR: Your dispatches of the 18th and 19th instant are received. At noon the 17th I received a requisition from the Governor for 200 dragoons to accompany him and the United States Marshal to make arrests in Topeka. I was quite unwell, and sent Lieutenant Colonel Johnston with two squadrons—First Cavalry and one of the Second Dragoons—(one squadron First Cavalry, under Major Sedgwick, having just returned from Lawrence, leaving everything quiet.) This command encountered a very severe storm of rain and wind, and reached Topeka the morning of the 17th, where I soon after joined it. *Fourteen* arrests of "captains" and others of the marauding party who robbed Osawkee and others were made, and some property recovered. Colonel Johnston marched back, whilst I crossed the Kansas with a company and made a rapid reconnoissance of the disturbed district beyond. I passed *Indianola*, Osawkee, and Hickory Point, whence I returned, 25 miles, to this camp this morning. I found that in the last week no marauding operations or large parties had passed in any part of it. Lane attacked the assembled neighbors of *both parties*—assembled for protection at Hickory Point—on Saturday, demanding their surrender on pain of no quarter being shown them. His proceedings were cowardly, and he sent to Lawrence for reinforcements; and on Sunday, he probably being gone, one hundred and fifty men from Lawrence, with a four-pounder, fired on some fifty men and some women five hours. A dozen or more cannon balls struck the three log houses. They killed one man, and are all guilty of murder. About one hundred of these men are still in my camp. Witnesses are being assembled, and court will be held on Monday.

At the moment of leaving camp, at sunrise the 18th, I sent a company of First Cavalry to make a reconnoissance on the route of the militia who retired from the Wakarusa. The lieutenant commanding, who returned this afternoon, reports that

he had sent to you a dispatch, as authorized and required if anything of *importance* was observed at that distance; and, further, that no depredation or disorder was observed going or returning, which is creditable in the militia.

The Governor informed me to-day that *one* company of militia was ready, and Major Sedgwick was sent to muster them into the service. I should doubt if another company be offered.

Governor Geary reports to me that matters are improving, and that he had but one important application for redress—some sixteen bandits having robbed some Indian traders at the Sac and Fox agency, about thirty miles to the south, one of them as guide; and a deputy marshal has since called on me with writs. This man informed me that he had tracked them up, being assisted by indignant *Free-Soilers*; and I have dispatched a lieutenant's party to assist in their capture.

Seven of the prisoners escaped from guard last night, and I have insisted on the Marshal taking charge of them to-morrow; and the Governor is making arrangements for a place of more safe keeping. The company of militia will guard them in the edge of the town. My camp was moved to-day two miles for fresh grass.

On Monday the Governor has promised both parties, at several places, that the road should be opened for supplies to Leavenworth; and at his particular request, I have promised a cavalry company to carry it out, and, as it were, to inaugurate this return to peaceful commercial intercourse, so essential to all the inhabitants.

SEPTEMBER 21.—It is a common and probable report that Lane has gone out of the Territory, and some of his men; whether to return with 500 men, as some add, remains to be seen.

I would inquire whether the company of militia are to be necessarily under my orders? I presume, of course, that they are to be rationed by my acting assistant commissary of subsistence.

Shall I, if asked by the Governor, *continue* to issue rations to the citizen prisoners?

Very respectfully, your obedient servant, P. ST. GEO. COOKE,
Lieutenant Colonel Second Dragoons, Commanding.

Major F. J. Porter,
Asst. Adjt. General, Dept. of the West, Fort Leavenworth.

[No. 11.]

HEADQUARTERS CAMP NEAR LECOMPTON, }
September 24, 1856—night. }

MAJOR: Nothing of much importance has occurred since my report of the 21st.

Captain Sacket marched with his company, First Cavalry, on the 22d, to open the road to Leavenworth, for which the Governor made a formal application.

Your dispatch of the 22d, with special department order No. 134, &c., were received at 11 P.M. the same date. Lieutenant Colonel Johnston prepared for the march in the morning—yesterday—whilst I sent a note to Governor Geary informing him, and asking for information which I knew he was expecting. In reply, I received the communication inclosed, when I ordered Colonel Johnston to resume his encampment.

I visited the Governor this morning. His information received indicated that, instead of arriving, there were parties retiring from the Territory by the north; and I understood him to desire that, instead of the special order being carried out, future movements should depend upon his future requisition, according to information and circumstances.

The order appearing to have been issued at his request, and there having been a misunderstanding, as he states, I felt authorized by the new instructions to let it go unexecuted.

The effort to form a second company of foot militia at Lawrence seems likely to fail.

All the prisoners, including many new arrests, were delivered to the keeping of the Marshal on the 22d instant. The militia company, not yet complete, guard them in town.

The battalion, Sixth Infantry, has not yet arrived; it encamped five miles beyond Lawrence last night. At the Governor's request, I shall establish their camp two miles from here, close to the town.

Very respectfully, your obedient servant,
Lieutenant Colonel Second Dragoons, Commanding.

Major F. J. Porter, Asst. Adjt. General,
 Dept. of the West, Fort Leavenworth.

EXECUTIVE DEPARTMENT,
 LECOMPTON, K. T., September 23, 1856. }

SIR: I have received your communication of this morning; also one from General Smith—both relating to the movement of Colonel Johnston, with four companies of cavalry, upon the northern frontier. As this expedition is to be guided entirely by instructions to be obtained from me, I can now merely say, that I have several persons employed in that region of the Territory to obtain and report to me any information concerning operations that might affect the peace of the government; and having as yet received no reports from them, I desire that the departure of Colonel Johnston be deferred until I can receive and communicate to you authentic accounts that will justify the movement of the troops.

Yours, truly,
 JNO. W. GEARY,
Governor of Kansas Territory.

Colonel P. St. George Cooke, Commanding United States Troops.

[No. 12.]

HEADQUARTERS,
 CAMP NEAR LECOMPTON, September 28, 1856. }

MAJOR: Your several communications of the 26th instant and this date are received.

I have a very good understanding with the Governor, being disposed to second him to my utmost in his important and difficult undertaking.

I have received no report from Colonel Johnston, but the Deputy Marshal has returned with Redpath, and reports that the large party met near Topeka are real immigrants. No definite information has been received of the approach of the large armed body, but the Colonel will probably be instructed to remain near the northern boundary until after the election on the 6th proximo.

Many men are reported to be leaving the Territory, and it is believed that the Free-Soil inhabitants will not vote at the election.

I inclose a field return for this week.

With much respect, your obedient servant,
 P. ST. GEORGE COOKE,
Lieutenant Colonel Second Dragoons.

Major F. J. Porter,
 Asst. Adjt. Gen'l, Department of the West, Fort Leavenworth.

P. S.—In relation to your letter of the 19th, last paragraph, I would desire that First Lieutenant John Buford, regimental quartermaster, who is acting commissary of subsistence at Fort Riley, should be one of the inspectors, but apprehend that, unless notified by you, or I receive notice with reference to his distance, he would not appear in convenient season.

Respectfully,
 P. ST. GEORGE COOKE.

[No. 13.]

HEADQUARTERS,
 CAMP NEAR LECOMPTON, September 28, 1856. }

MAJOR: I march to-day for the northern boundary, with about 364 rank and file—artillery, sabres, and muskets—taking one company of infantry. I shall cross at Lecompton, to do which, after an issue of provisions, will consume the day.

I have, in Lieutenant Colonel Andrews' camp, including sick, about 202 men.

The Governor's requisitions did not specify any amount of force, and believing that I have a sufficient force here, including militia—I judge about 500 effective troops, Colonel Johnson's squadrons included—none too large a force to meet “six or seven hundred” invaders, with a battery, particularly as my object is not bloodshed.

Very respectfully, your obedient servant,

P. ST. GEORGE COOKE,

Lieutenant Colonel Second Dragoons.

Major F. J. Porter, Ass't Adj. General,
Department of the West, Fort Leavenworth.

[No. 14.] HEADQUARTERS, CAMP ON NORTHERN ROAD,
THREE MILES NORTH OF THE KEARNY ROAD, October 3, 1856—night. }

MAJOR: I arrived here this afternoon, joining Colonel Johnston. I sent Lieutenant Armstrong with a select party to make reconnoissance to the west of the Soldier creek; he rejoined me to-day, and reports none arriving by that section.

I inclose a copy of the Governor's “requisition,” which may be found rather sweeping; and also of a letter handed me yesterday by two men passing northward, whom I had stopped. It may be thought not to be inconsistent with the first, but gave passport to the bearers of information of my force and motions, which may enable almost any party by management, division, concealment, etc., to pass my ordeal. I hear of a piece of cannon left and concealed a little north of this by Red-path's party, which was allowed passage by Colonel Johnston and Deputy Marshal. I send a spy forward to-morrow.

I thought of sending Colonel Johnston back from here, with his three smaller companies; the Governor wants some cavalry as soon as it can be spared; but have ordered Captain De Saussure's company back to-morrow morning; only sixteen men, and six left sick at Lecompton, who may be recovered by the time he returns. I write to Governor Geary by Captain D.: “I have said I have supplies for about ten days; and can foresee nothing to prevent me from being back to L. in that time. . . . I may very probably find it advisable to leave Colonel Johnson with five or six companies, and probably the artillery, without hearing from you.”

Lane passed here about twelve days ago, and said that he had given the business up.

With great respect, your obedient servant, P. ST. GEO. COOKE,

Lieutenant Colonel Second Dragoons.

Major F. J. Porter, Ass't Adj. General,
Department of the West, Fort Leavenworth.

EXECUTIVE DEPARTMENT,
LECOMPTON, KANSAS TERRITORY, September 30, 1856. }

To all whom it may concern: The bearer of this note, Robert Morrow, represents himself as the agent of certain peaceable *bona fide* immigrants about entering the Territory, through Nebraska, under the escort of Colonel Eldridge, assisted by General Pomeroy and Colonel Perry.

I welcome all such accessions to the population of this Territory, come from whatever quarter; and I request all good citizens to afford shelter and protection to every person entering the Territory for peaceable and lawful purposes.

If the party under Colonel Eldridge come in this way without threats, or in a hostile attitude, I hereby request all military officers in the Territory to give them a safe-conduct, and to permit them to pass without interruption.

JOHN W. GEARY,

Governor of Kansas Territory.

EXECUTIVE DEPARTMENT,
LECOMPTON, KANSAS TERRITORY, September 28, 1856. }

SIR: Having received reliable information that James H. Lane, with a large armed force, with three pieces of cannon, is now about to invade this Territory, he having contracted with the ferryman at Nebraska City for the transit of six or seven hundred men across the Missouri river, commencing on the 26th instant: This is to authorize and request you, with such force as you may deem necessary, to

cause the said James H. Lane to be arrested, if he be found within the limits of this Territory, and to capture his cannon and any other munitions of war, together with any armed body of men entering this Territory, in violation of my proclamation of the 11th of September instant, and to bring the said James H. Lane, with his cannon and munitions of war, together with any other prisoners, before me at this place, to be dealt with according to law. Your obedient servant,

JOHN W. GEARY, *Governor of Kansas.*

P. St. George Cooke, Commanding U. S. Forces near Lecompton.

[No. 15.]

HEADQUARTERS,
CAMP NEAR NEBRASKA BOUNDARY, October 7, 1856. }

MAJOR: I arrived here yesterday, at noon. I just missed the arrest of the notorious Osawatomie outlaw, Brown. The night before, having ascertained that after dark he had stopped for the night at a house six miles from the camp, I sent a party who found at 12 o'clock that he had gone.

From apparently reliable information and appearances, the following is the state of affairs on this frontier: When Lane went out some two weeks ago, he met, and his news stopped, the entrance of smaller parties coming to reinforce him, and they have gathered at Tabor, Iowa, about twenty-five miles beyond Nebraska City, and eighty-five from here. This is Eldridge's party. There were, at most, about five hundred; about one hundred have passed in, or are expected to pass in—in small parties—even by twos and threes, and we have met a number.

The rest, so says an expressman (and they frequently pass up and down from Lawrence and Topeka) met by a spy, are prepared to, and say they will, winter there. Redpath, whom I left in Lecompton, and was present going out, said he did not believe it; but they would not come in as long as there were troops up here. Those that come in say they will build, and pass the winter at different places, from Manhattan down. The whole movement, being of "Lane men" mercenaries, with the primary object now of being at hand to prevent by rescue the hanging of the prisoners at Lecompton, taken near Hickory Point. Lane, himself, they say, is at "Plymouth Head," Iowa, six or seven miles beyond Nebraska City, and doubtful when, if ever, he can safely enter the Territory. It is said that a piece of cannon was taken through, or by Colonel Johnston's camp, in a wagon the day before I joined him; Redpath said there were four small pieces at Tabor. So much for their own confessions, as reported by a spy.

Two men afoot that I met just here, said that they left Tabor last Thursday; that there were about one hundred and fifty there, and saw one piece of artillery.

There are seventeen of these men at a house on the road, about two miles back, but without Sharps rifles or regular armament; they say they are settlers, and are going to build a town here called "Plymouth." They have no families, present at least; and near by there is a small mud redoubt, built, perhaps, some time; but very recent work has been done towards building a block-house at it of very stout hewn logs, and they say they are to be built every fifteen miles down to the Kansas.

I shall put the company of infantry and the dismounted dragoons *en route* to-day for Lecompton, and shall march to-morrow with the Second Dragoons, leaving Lieutenant Colonel Johnston with three squadrons First Cavalry and the company of light artillery. They will remain until further orders. . . .

Colonel Johnston can execute such orders as may be thought proper to send him with regard to this fort.

A party sent eight miles to the west yesterday report no other roads or trails leading to the south.

With much respect, your obedient servant,

P. ST. GEORGE COOKE,

Lieutenant Colonel Second Dragoons, Commanding.

Major F. J. Porter,

Assistant Adjutant General, Department of the West,

Fort Leavenworth, Kansas Territory.

[No. 16.]

HEADQUARTERS,
CAMP NEAR NEBRASKA FRONTIER, K. T., October 8, 1856. }

MAJOR: As indicated in my last dispatch, Company K, Sixth Infantry, and the dismounted dragoons, marched yesterday morning; the latter have been directed to proceed to Topeka, and remain until further orders.

No parties coming in were within ten miles of my camp yesterday.

From observation and information, I consider Lieutenant Colonel Johnston's command, of his six largest companies First Cavalry and the battery, quite equal to the duties required for that station, and in this the Lieutenant Colonel agreed with me.

In my most recent interview with the Governor, I understood him as needing what troops could be spared from the north; he wished some stationed at Topeka; he was anxious for the Osawatomie district; and thence to Council Grove, where recent outrages and robberies had been committed; and he habitually expressed apprehension of an attempted rescue at Leecompton; my last letter indicated some confirmation of this. Under these circumstances, I left Colonel Johnston with his command, this morning, (a copy of his instructions inclosed,) and marched with the squadron of Second Dragoons. At the house mentioned in my last, near the fort, and which I found itself fortified and flanked by rifle-pits, I stopped to assist a deputy marshal to make search for cannon, arms, &c. I found and brought away thirteen muskets, with bayonets, four kegs of powder, and a box of lead; the men were working on the block-house in the redoubt.

I then met, on my march, a sergeant major with your communications of the 5th instant and several orders. At the first suitable spot I have encamped for the day.

An opportunity occurring at the moment, I wrote to Governor Geary informing him that I should probably not return until further orders, or requisition, for I hesitated, but have concluded that your communication is imperative to remain.

Lieutenant Colonel Johnston, to whom I showed my letter of the 7th, misunderstood, as implying censure, my report of information, communicated by a spy, as to a piece of cannon passing his camp concealed; it served to illustrate my apprehension, expressed on the 3d, that almost any party, by management, division, and concealment, "would be able to pass my ordeal," as hitherto my instructions have related to armed "bodies of men," "combined," &c., (in the Governor's proclamation, and his requisition of the 28th September.)

Fifteen men passed my camp to the north this morning.

I have the honor to be, very respectfully,

Your obedient servant,

P. ST. G. COOKE,

Lieut. Col. Second Dragoons, Commanding Forces.

Major F. J. Porter, Asst. Adjt. Gen., Dept. of the West, Fort Leavenworth, K. T.

HEADQUARTERS,
CAMP NEAR NEBRASKA FRONTIER, K. T., October 7, 1856. }

SIR: You will remain in this vicinity until further orders, in command of the three squadrons of First Cavalry present, and light Company G, Fourth Artillery.

It will be your duty to repel invasion of the Territory here, or elsewhere, by the north, within your reach — carrying out the orders or instructions received, copies of which are herewith furnished, to wit:

1st. Proclamation of the Governor of the Territory of September 11, 1856.

2d. Department special order, No. 134, of September 22, 1856.

3d. The requisition of the Governor of the Territory for my march to this point, dated September 28, 1856.

Very respectfully, your obedient servant,

P. ST. G. COOKE,

Lieut. Col. Second Dragoons.

Lieut. Col. J. E. Johnston, First Cavalry — Present.

[No. 17.]

HEADQUARTERS,
CAMP NEAR NEMAHA RIVER, K. T., October 10, 1856. }

MAJOR: I received last night your letter of the 8th instant, &c.

I ascertained yesterday that a large party were at Archer, a town twelve miles north. My camp was very near the "fort" and fortified house. I brought Lieut. Colonel Johnston early this morning with his command, which was three miles north, and the camp of my combined force covered the road. Between 9 and 10 o'clock, the party, with twenty wagons, approached, and were halted by the guard; the troops were all disposed ready for service, First Cavalry near the road, dismounted. I rode to meet the mounted bodies of the party, Colonel Eldridge, General Pomeroy, and several others. Whilst I was questioning them, Colonel Preston, United States Deputy Marshal, who had come up, produced the Governor's proclamation, (of September 10,) and told them it was his duty to search the wagons for arms and munitions of war. There were about five women of marriageable age; and the men in wagons and walking, 240 in number, as reported to me by Colonel Eldridge, a few of them only with arms in their hands. There was at first much temper shown at the search, and some show of a disposition to resist. I forbade trunks or any ordinary packages to be opened. There were *none* of the ordinary baggage of emigrants; not a chair or other furniture; but one tool chest; no agricultural implements. There were, however, boxed, many new saddles, and about 242 percussion muskets, Hall's muskets, and Sharps carbines; 2 officers' and 61 common sabres; about 50 Colt's revolvers, *boxed*; 4 boxes ball-cartridges, &c., &c.

The Deputy Marshal said he recognized a number of former Lane's men and leaders.

At the request of the Deputy Marshal for my opinion, I gave him the inclosed, that they were a combined body, furnished completely with arms and munitions of war. I requested a categorical answer from Lieutenant Colonel Johnston, Major Sedgwick, and Brevet Major Sibley—their opinions if they were "a combined armed party?" The two latter answered *yes*; and Colonel J., "armed; don't know if combined."

Colonel Preston, Deputy Marshal, wished to give the party escort towards their destination, they going voluntarily to meet the Governor, expecting to get the assent and promise of their leaders to conform. I assented; Colonel Eldridge wished it, but consulting with his people, could or would give no definite answer; when the Deputy Marshal arrested them all.

It was late, and had been raining for two hours; so, near 2 o'clock I sent them with a guard into camp, near mine.

I shall send Brevet Major Sibley, Second Dragoons, with his squadron, to conduct them to the Governor, at Leocompton, taking along their arms, agreeably to the requisition on me of September 28.

Before he arrested them, the Deputy Marshal gave me the inclosed requisition for assistance.

I found the Deputy Marshal and some others very much staggered by the Governor's letter as to Eldridge's party, of September 30, which was produced. I considered it, as I have reported, as not bearing on the merits of the question.

The leaders of this party reported to me that from 60 to 75 others were coming several days behind with ox teams.

The officer of the day reports the number of the party 223.

With great respect, your obedient servant,
P. ST. G. COOKE,
Lieutenant Colonel Second Dragoons.

Major F. J. Porter, Assistant Adjutant General,
Department of the West, Fort Leavenworth.

PLYMOUTH, KANSAS TERRITORY, October 10, 1856.

SIR: I wish your assistance, as the officer in command of the United States troops stationed on the northern frontier of the Territory, to assist in taking the arms from a large body of men entering the Territory under the command of Colonel Eldridge and others; and furthermore, to see that in conducting said party before Governor Geary, that I am unmolested, and that they are safely conducted before him.

Your obedient servant, Wm. J. PRESTON, *Deputy U. S. Marshal.*

HEADQUARTERS,
CAMP ON PONY CREEK, K. T., October 10, 1856. }

SIR: I give you my opinion that this party of two hundred and forty men, more or less, under Colonel Eldridge, "General Pomeroy," &c., is a combined party or body, furnished completely with arms and munitions of war.

Very respectfully, your obedient servant,

P. ST. G. COOKE, *Lieutenant Colonel Second Dragoons.*

Colonel W. J. Preston, Deputy Marshal—Present.

HEADQUARTERS DEPARTMENT OF THE WEST,
FORT LEAVENWORTH, November 11, 1856. }

COLONEL: Since my last communication nothing of importance has happened in the department. After the success of the measures taken some weeks since to prevent the gross outrages on the law then threatened, and to suppress the disorders then existing in this Territory, order and tranquility have gradually resumed their legitimate sway, the laws have again been put in operation, and the administration of justice revived. Deserted farms are again occupied, fences rebuilt, fields put under cultivation, and the ruins of houses destroyed by fire replaced by more durable habitations; the roads are covered with travelers unarmed and secure, and the towns thronged with persons selling their produce and purchasing from the stores. All these evidences of restored order have enabled me, with the concurrence of the Governor of the Territory, to recall the troops from the active duty on which they have been employed, and to establish them again at their proper posts where they are to pass the winter. As there are no secure prisons yet built for the Territorial authorities to use in the administration of justice, at his request there will remain at the disposition of the Governor a few men to guard prisoners in the custody of the law, and for other such contingencies.

I am happy, then, to be enabled to announce to the War Department, and through it to the President, the entire success of the measures they directed to be taken for the suppression of insurrection and removal of obstruction to the regular administration of justice, and that this end has been attained without the shedding of blood or the exertion of any force beyond the ordinary arrest of persons accused of crimes. The troops in the field have been under the immediate command of Lieutenant Colonel Philip St. G. Cooke, Second Dragoons; the sound judgment he has displayed, and his promptness, energy, and good management, have had a large share in producing the happy state of affairs at present existing, for there were moments when the want of either of these qualities might have led to the most fatal and extended disasters. And the officers and men of the Second Dragoons, under Brevet Major H. H. Sibley; First Cavalry, under Lieutenant Colonel Joseph E. Johnston and Major John Sedgwick; and of

the battalion of the Sixth Infantry, under Lieutenant Colonel George Andrews, commanding that regiment—all partake of the credit attached to their good conduct and labors in the duty just concluded.

The winter has commenced with severity, much earlier than usual, and it is now too late to send the companies of the Sixth Infantry to the posts further west, their original destination; from necessity they must be crowded into the quarters at Fort Leavenworth; the great reduction in the number of men in the First Cavalry will render this possible now, which it would not be if the latter regiment were full.

Being no longer occupied with the affairs in this Territory which have caused so much uneasiness, undivided attention can be paid to preparations for punishing the Cheyenne Indians. In pursuing them in the spring, the great want will be forage and transportation for supplies; pasturing animals in rapid movements is impossible, nor can horses perform a regular day's work on grass; in short daily journeys grass is sufficient, for there is time to pasture and very little labor to undergo; additional appropriations will therefore be necessary to provide for the expedition, which must be chiefly of mounted men, and ought to be ready by the middle of April. The details of the force and the direction of the operations cannot now be determined, but a general appropriation of an additional sum, much less, however, than that given to the Sioux expedition, will be advisable.

I will again repeat, that I consider tranquility and order entirely restored in Kansas. I foresee nothing in the shape of disorder that the ordinary means in the hands of the civil authority, directed by as able and energetic hands as those of the present Governor, are not amply sufficient to control; and the whole time and efforts of the troops here can henceforward be devoted to the protection of the frontier.

With the highest respect, your obedient servant,

PERSIFER F. SMITH,

Bvt. Maj. Gen'l, Commanding Department.

Col. Samuel Cooper, Adjutant General of the Army.

EXECUTIVE DEPARTMENT, }
LECOMPTON, KANSAS TERRITORY, November 11, 1856. }

SIR: Peace prevails throughout the Territory at this time; and, as the season of the year is now so far advanced into autumn as to make it extremely uncomfortable for the encampment of troops and the picketing of horses, I have the honor to inform you that I can, at present, dispense with all the troops which you have been pleased to place at my disposal for maintaining the peace of the Territory, with the exception of a squadron of dragoons and one company of United States infantry, to be left at Leecompton subject, to my orders.

I cannot forbear, on this occasion, to thank you most cordially for the very efficient aid you have rendered me during the late disturbances, and

for the truly magnanimous conduct of all the officers and soldiers placed by you at my disposal, the services of whom, I trust, will never again be required under similar circumstances.

With high respect, your friend and obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Major General P. F. Smith,
Commanding Department of the West.

ORDERS, No. 14.]

HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, K. T., November 12, 1856. }

The Governor of Kansas has announced to the General commanding the department that peace prevails throughout the Territory at the present time, and that the services of the troops for the maintenance of order can, in a measure, be dispensed with. In consideration, therefore, of this announcement, and in view, also, of the approach of winter, the several commands now in the field will return to their respective permanent stations at once, but by easy marches, with the exception of two companies of the First Regiment of cavalry and one company of the Sixth Regiment of infantry, to be designated by the senior field officer of each corps, under instructions of Lieutenant Colonel P. St. George Cooke, Second Dragoons, commanding the troops in the field, and to be by him reported to Governor Geary. Each company will constitute a distinct and separate command, to be held subject to such orders or requisitions as they may, from time to time, receive from the Executive of the Territory.

By order of Brevet Major General Smith.

GEO. DEAS,
Assistant Adjutant General.

EXECUTIVE MINUTES OF GOVERNOR JOHN W. GEARY.

[Governor Geary received his appointment as Governor of Kansas Territory on the 31st day of July, 1856. He arrived at Fort Leavenworth September 9th, and immediately entered upon the duties of his office. He found the people of Kansas in great political turmoil, and nowhere more so than at Leavenworth city and vicinity. The first entry in his official minutes relates to his work in quieting the tumult there existing. The minutes from September 9th to September 30th, 1856, accompany the annual report of Jefferson Davis, Secretary of War, December 1st, 1856, Ho. Ex. Doc. No. 1, 34th Cong., 3d sess., v. 1, pt. 1, pp. 86-173; those from October 1st to October 16th, 1856, are contained in Senate Ex. Doc. No. 17, 35th Cong., 1st sess., v. 6, pp. 27-65; those from October 17th to November 21st, 1856, are contained in Ho. Ex. Doc. No. 10, 34th Cong., 3d sess., v. 3, pp. 1-36; those from November 21st, 1856, to March 12th, 1857, are contained in Senate Ex. Doc. No. 17, 35th Cong., 1st sess., v. 6, pp. 65-208.]

EXECUTIVE MINUTES.

SEPTEMBER 9, 1856.—The Governor, John W. Geary, arrived at Fort Leavenworth at 8 o'clock A. M., and put up temporarily at the headquarters of Major General Persifer F. Smith, of the United States Army.

At about eleven o'clock information was brought in by a sergeant of the United States Army to the effect that General F. C. [J.?] Marshall had intrusted to his care three persons, who desired to have his services as a safe-guard along the road leading to Fort Leavenworth, and that when within a few miles of Leavenworth city a party of armed and mounted men belonging to the command of Captain Emory, of the Kansas militia, took from him the said three men and carried them as prisoners into Leavenworth city. Captain Emory's men also took possession of the horses, wagons, and other property belonging to their prisoners.

The Governor immediately made a requisition upon General Smith for a force of infantry sufficiently large to rescue the prisoners, and bring them, with Captain Emory and his company, to Fort Leavenworth. A detachment of two hundred men was accordingly detailed upon this service, the commanding officer being instructed to execute the following

ORDER.

FORT LEAVENWORTH, K. T., September 9, 1856.

To whom it may concern: Any officer of the militia now in the service of the government of Kansas Territory, or any other government officer, is hereby directed to comply with the requisition of the United States officer bearing this, concerning the rescue of prisoners from custody this morning.

JOHN W. GEARY,

Governor of Kansas Territory.

This order was promptly fulfilled. Captain Emory and his company, with their three prisoners, were brought to the fort by the troops detailed

for that purpose early in the afternoon. The prisoners were released, and Captain Emory and eight of his men placed under arrest.

Upon arriving at Fort Leavenworth, Governor Geary presented to General Smith for his inspection the following

INSTRUCTIONS.

DEPARTMENT OF STATE, }
WASHINGTON, August 26, 1856. }

SIR: The present condition of the Territory of Kansas renders your duties as Governor highly responsible and delicate.

In the instructions heretofore communicated to your predecessor in February last, in the annual message to Congress of the 24th of the previous December, and in the orders issued from the War Department (printed copies of which are herewith furnished) you will find the policy and purposes of the President fully presented. They are, 1st, to maintain order and quiet in the Territory of Kansas; and 2d, if disturbances occur therein, to bring to punishment the offenders.

Should the force which has been provided to attain these objects prove insufficient, you will promptly make known that fact to the President, that he may take such measures in regard thereto as to him may seem to be demanded by the exigencies of the case.

It is important that the President should be kept well informed as to the state of things in Kansas, and that the source of his information should be such as to insure its accuracy. You are therefore directed by him to communicate constantly with this department; such facts as it is important to have early known here you will cause to be transmitted by telegraph as well as by mail.

The President indulges the hope that by your energy, impartiality, and discretion, the tranquility of the Territory will be restored, and the persons and property of our citizens therein protected.

I am, sir, your obedient servant,

W. L. MARCY.

His Excellency John W. Geary,
Governor of Kansas Territory.

The following was forwarded to the Governor through the hands of Major Emory, of the United States Army:

INSTRUCTIONS.

DEPARTMENT OF STATE, }
WASHINGTON, September 2, 1856. }

SIR: Reliable information having reached the President that armed and organized bodies of men, avowedly in rebellion against the Territorial government, have concentrated in such numbers as to require additional military forces for their dispersion, you will have the militia of the Territory completely enrolled and organized, to the end that they may, on short notice, be brought into the service of the United States. Upon requisition of the commander of the military department in which Kansas is embraced, you will furnish by companies, or regiments, or brigades, or divisions, such number and composition of troops as from time to time you may find in his report to you to be necessary for the suppression of all combinations to resist the laws of the United States, too powerful to be suppressed by the civil authority, and for the maintenance of public order and civil government.

I am, sir, your obedient servant,

W. L. MARCY.

His Excellency John W. Geary,
Governor of the Territory of Kansas, Leecompton.

LETTER TO SECRETARY MARCY.

FORT LEAVENWORTH, KANSAS TERRITORY, September 9, 1856.

SIR: I arrived here this morning, and having passed the day mostly in consultation with General P. F. Smith, in relation to the affairs of the Territory, which, as I am now on the spot, I begin more clearly to understand, it is no exaggeration to say that the existing difficulties are of a more complicated character than I had anticipated.

I find that I have not simply to contend against bands of armed ruffians and brigands, whose sole aim and end is assassination and robbery, infatuated adherents and advocates of conflicting political sentiments and local institutions, and evil-disposed persons actuated by a desire to obtain elevated positions, but, worst of all, against the influence of men who have been placed in authority, and have employed all the destructive agents around them to promote their own personal interests, at the sacrifice of every just, honorable and lawful consideration.

I have barely time to give you a brief statement of facts as I find them. The town of Leavenworth is now in the hands of armed bodies of men, who, having been enrolled as militia, perpetrate outrages of the most atrocious character, under shadow of authority from the Territorial government. Within a few days these men have robbed and driven from their houses unoffending citizens; have fired upon and killed others in their own dwellings, and stolen horses and property under the pretense of employing them in the public service. They have seized persons who had committed no offense, and after stripping them of all their valuables, placed them on steamers and sent them out of the Territory. Some of these bands, who have thus violated the rights and privileges and shamefully and shockingly misused and abused the oldest inhabitants of the Territory, who had settled here with their wives and children, are strangers from distant States, who have no interest in, nor care for the welfare of Kansas, and contemplate remaining here only so long as opportunities for mischief and plunder exist.

The actual Pro-Slavery settlers of the Territory are generally as well disposed persons as are to be found in most communities. But there are among them a few troublesome agitators, chiefly from distant districts, who labor assiduously to keep alive the prevailing excitement.

It is also true, that among the Free-Soil residents are many peaceable and useful citizens, and if uninfluenced by aspiring demagogues would commit no unlawful act. But many of these, too, have been rendered turbulent by officious meddlers from abroad. The chief of these is Lane, now encamped and fortified at Lawrence, with a force, it is said, of fifteen hundred men. They are suffering for provisions, to cut off the supplies of which the opposing faction is extremely watchful and active.

In isolated or country places, no man's life is safe. The roads are filled with armed robbers, and murders for mere plunder are of daily occurrence. Almost every farm-house is deserted, and no traveler has the temerity to venture upon the highways without an escort.

Such is the condition of Kansas faintly pictured. It can be no worse. Yet I feel assured that I shall be able, ere long, to restore it to peace and quiet. To accomplish this, I should have more aid from the General Government. The number of United States troops here is too limited to render the needful services. Immediate reinforcements are essentially necessary, as the excitement is so intense, and the citizens generally are so much influenced by their political prejudices, that members of the two great factions cannot be induced to act in unison, and therefore

cannot be relied upon. As soon, however, as I can succeed in disbanding a portion of those now in service, I will from time to time cause to be enrolled as many of the *bona fide* inhabitants as exigencies may require. In the meantime the presence of additional Government troops will exert a moral influence that cannot be obtained by any militia that can here be called into requisition. In making the foregoing statements, I have endeavored to give the truth and nothing but the truth. I deem it important that you should be apprised of the actual state of the case; and, whatever may be the effect of such revelations, they will be given from time to time without extenuation.

I shall proceed early in the morning to Lecompton, under an escort furnished by General Smith, where I will take charge of the government, and whence I shall again address you at an early moment.

Very respectfully, your obedient servant,

JOHN W. GEARY,

Hon. William L. Marcy.

Governor of Kansas Territory.

SEPTEMBER 10, 1856.—The prisoners rescued from Captain Emory having complained of the loss of their horses and other property, and made application for its restoration, the following letter was addressed to Colonel Clarkson, commander of the Territorial militia at Leavenworth city:

LETTER TO COLONEL CLARKSON.

FORT LEAVENWORTH, K. T., September 10, 1856.

DEAR SIR: It seems necessary that I should address you relative to an unpleasant occurrence that took place yesterday. Not doubting that you are actuated by a desire to maintain the public peace and promote the prosperity of this Territory, I am sure you will at once perceive and properly appreciate the motives which prompt me to call your attention to the fact above hinted at, and the suggestions I am about to offer.

Three men, having a passport from General Marshall, and under a *safeguard* of a sergeant of the United States army, were yesterday seized by a troop of your men and carried as prisoners into Leavenworth city. The only excuse that can be offered for an outrage of this character is the plea of ignorance as to the position of the party to whom reference is made. The men in your militia may not have been satisfied that the person from whom they took their prisoners was, in truth, a United States sergeant. But in this case their plain duty would have been to accompany him to the fort, to ascertain that fact.

You will please guard against errors of this description as far as possible in future. I also request that you will at once take the necessary measures to have returned to the three persons who were seized by Captain Emory's men their horses, wagons, and other property, precisely in the condition in which they were found. You will send these effects to Major General Smith, who will see them duly restored to their proper owners.

Trusting that hereafter the safeguard of the United States Army, and everything else in which the honor of the nation is concerned, will be held by you sacred and inviolable,

Colonel Clarkson.

I am truly yours,

JNO. W. GEARY,

Governor of Kansas Territory.

At 11 o'clock A. M. the Governor proceeded, with a small escort, furnished by General Smith and under command of Lieutenant Drum, for Lecompton, which place was reached a short time before midnight.

SEPTEMBER 11, 1856.—The following address was delivered, printed, and extensively circulated :

INAUGURAL ADDRESS.

FELLOW-CITIZENS : I appear among you a stranger to most of you, and for the first time have the honor to address you as Governor of the Territory of Kansas. The position was not sought by me, but was voluntarily tendered by the present Chief Magistrate of the nation. As an American citizen, deeply conscious of the blessings which ever flow from our beloved Union, I did not consider myself at liberty to shrink from any duties, however delicate and onerous, required of me by my country.

With a full knowledge of all the circumstances surrounding the executive office, I have deliberately accepted it, and, as God may give me strength and ability, I will endeavor faithfully to discharge its varied requirements. When I received my commission I was solemnly sworn to support the Constitution of the United States, and to discharge my duties as Governor of Kansas with fidelity. By reference to the act for the organization of this Territory, passed by Congress on the 30th day of March, 1854, I find my duties more particularly defined ; among other things, I am "to take care that the laws be faithfully executed."

The Constitution of the United States and the organic law of this Territory will be the lights by which I will be guided in my executive career.

A careful and dispassionate examination of our organic act will satisfy any reasonable person that its provisions are eminently just and beneficial. If this act has been distorted to unworthy purposes, it is not the fault of its provisions. The great leading feature of that act is the right therein conferred upon the actual and *bona fide* inhabitants of this Territory "in the exercise of self-government, to determine for themselves what shall be their own domestic institutions, subject only to the Constitution and the laws duly enacted by Congress under it." The people, accustomed to self-government in the States from whence they came, and having removed to this Territory with the *bona fide* intention of making it their future residence, were supposed to be capable of creating their own municipal government, and to be the best judges of their own local necessities and institutions. This is what is termed "popular sovereignty." By this phrase we simply mean the right of the majority of the people of the several States and Territories, being qualified electors, to regulate their own domestic concerns, and to make their own municipal laws. Thus understood, this doctrine underlies the whole system of republican government. It is the great right of self-government, for which our ancestors, in the stormy days of the Revolution, pledged "their lives, their fortunes, and their sacred honor."

A doctrine so eminently just should receive the willing homage of every American citizen. When legitimately expressed and duly ascertained, the will of the majority must be the imperative rule of civil action for every law-abiding citizen. This simple, just rule of action, has brought order out of chaos, and by a progress unparalleled in the history of the world, has made a few feeble, infant colonies a giant confederated republic.

No man conversant with the state of affairs now in Kansas can close his eyes to the fact that much civil disturbance has for a long time past existed in this Territory. Various reasons have been assigned for this unfortunate condition of affairs, and numerous remedies have been proposed.

The House of Representatives of the United States have ignored the claims of both gentlemen claiming the legal right to represent the people

of this Territory in that body. The Topeka constitution, recognized by the House, has been repudiated by the Senate. Various measures, each in the opinion of its respective advocates suggestive of peace to Kansas, have been alternately proposed and rejected. Men *outside of the Territory*, in various sections of the Union, influenced by reasons best known to themselves, have endeavored to stir up internal strife and to array brother against brother.

In this conflict of opinion, and for the promotion of the most unworthy purposes, Kansas is left to suffer, her people to mourn, and her prosperity is endangered.

Is there no remedy for these evils? Cannot the wounds of Kansas be healed and peace be restored to all her borders?

Men of the North—men of the South—of the East and of the West, *in Kansas*—you, and you alone, have the remedy in your own hands. Will you not suspend fratricidal strife? Will you not cease to regard each other as enemies, and look upon one another as the children of a common mother, and come and reason together?

Let us banish all *outside influences* from our deliberations, and assemble around our council board with the Constitution of our country and the organic law of this Territory as the great charts for our guidance and direction. The *bona fide* inhabitants of this Territory *alone* are charged with the solemn duty of enacting her laws, upholding her government, maintaining peace, and laying the foundation for a future commonwealth.

On this point let there be a perfect unity of sentiment. It is the first great step towards the attainment of peace. It will inspire confidence amongst ourselves, and insure the respect of the whole country. Let us show ourselves worthy and capable of self-government.

Do not the inhabitants of this Territory better understand what domestic institutions are suited to their condition—what laws will be most conducive to their prosperity and happiness—than the citizens of distant, or even neighboring States? This great right of regulating our own affairs and attending to our own business, without any interference from others, has been guaranteed to us by the law which Congress has made for the organization of this Territory. This right of self-government—this privilege guaranteed to us by the organic law of our Territory, I will uphold with all my might, and with the entire power committed to me.

In relation to any changes of the laws of the Territory which I may deem desirable, I have no occasion now to speak; but these are subjects to which I shall direct public attention at the proper time.

The Territory of the United States is the common property of the several States, or of the people thereof. This being so, no obstacle should be interposed to the free settlement of this common property, while in a Territorial condition.

I cheerfully admit that the people of this Territory, under the organic act, have the absolute right of making their municipal laws, and from citizens who deem themselves aggrieved by recent legislation I would invoke the utmost forbearance, and point out to them a sure and peaceable remedy. You have the right to ask the next Legislature to revise any and all laws; and in the meantime, as you value the peace of the Territory, and the maintenance of future laws, I would earnestly ask you to refrain from all violations of the present statutes.

I am sure that there is patriotism sufficient in the people of Kansas to lend a willing obedience to law. All the provisions of the Constitution of the United States must be sacredly observed; all the acts of Congress hav-

ing reference to this Territory must be unhesitatingly obeyed, and the decisions of our courts respected. It will be my imperative duty to see that these suggestions are carried into effect. In my official action here I will do justice at all hazards. Influenced by no other considerations than the welfare of the whole people of this Territory, I desire to know no party, no section, no North, no South, no East, no West; nothing but Kansas and my country.

Fully conscious of my great responsibilities in the present condition of things in Kansas, I must invoke your aid and solicit your generous forbearance. Your executive officer can do little without the aid of the people. With a firm reliance upon Divine Providence, to the best of my ability I shall promote the interests of the citizens of the Territory, not merely collectively but individually; and I shall expect from them in return that cordial aid and support, without which the Government of no State or Territory can be administered with beneficent effect.

Let us all begin anew. Let the past be buried in oblivion. Let all strife and bitterness cease. Let us all honestly devote ourselves to the true interests of Kansas; develop her rich agricultural and mineral resources, build up manufacturing enterprises, make public roads and highways, prepare amply for the education of our children, devote ourselves to all the arts of peace, and make our Territory the sanctuary of those cherished principles which protect the inalienable rights of the individual and elevate States in their sovereign capacities. Then shall peaceful industry soon be restored; population and wealth will flow upon us; "the desert will blossom as the rose," and the State of Kansas will soon be admitted into the Union, the peer and pride of her elder sisters.

JOHN W. GEARY.

PROCLAMATION.

Whereas, a large number of volunteer militia have been called into the service of the Territory of Kansas, by authority of the late acting Governor, for the maintenance of order, many of whom have been taken from their occupations or business, and deprived of their ordinary means of support and of their domestic enjoyments; and

Whereas, the employment of militia is not authorized by my instructions from the General Government, except upon requisition of the commander of the military department in which Kansas is embraced; and

Whereas, an authorized regular force has been placed at my disposal, sufficient to insure the execution of the laws that may be obstructed by combinations too powerful to be suppressed by the ordinary course of judicial proceedings:

Now, therefore, I, John W. Geary, Governor of the Territory of Kansas, do issue this my proclamation, declaring that the services of such volunteer militia are no longer required, and hereby order that they be immediately discharged. The Secretary and the Adjutant General of the Territory will muster out of service each command at its place of rendezvous.

And I command all bodies of men, combined, armed and equipped with munitions of war, without authority of the Government, instantly to disband or quit the Territory, as they will answer the contrary at their peril.

In testimony whereof, I have hereunto set my hand and affixed the seal of the Territory of Kansas. Done at Lecompton, this 11th day [L. s.] of September, in the year of our Lord one thousand eight hundred and fifty-six.

JOHN W. GEARY,

Governor of Kansas.

By the Governor:

DANIEL WOODSON, *Secretary.*

PROCLAMATION.

Whereas, it is the true policy of every State or Territory to be prepared for any emergency that may arise from internal dissension or foreign invasion :

Wherefore, I, John W. Geary, Governor of the Territory of Kansas, do issue this my proclamation, ordering all free male citizens, qualified to bear arms, between the ages of eighteen and forty-five years, to enroll themselves, in accordance with the act to organize the militia of the Territory, that they may be completely organized by companies, regiments, brigades, or divisions, and hold themselves in readiness to be mustered, by my order, into the service of the United States, upon requisition of the commander of the military department in which Kansas is embraced, for the suppression of all combinations to resist the laws, and for the maintenance of public order and civil government.

In testimony whereof, I have hereunto set my hand and the seal of the Territory of Kansas. Done at Lecompton, this eleventh day of [L. S.] September, in the year of our Lord one thousand eight hundred and fifty-six.

JOHN W. GEARY, *Governor.*

By the Governor :

DANIEL WOODSON, *Secretary.*

ADJUTANT GENERAL'S ORDER.

In accordance with the foregoing proclamation, the commanding officers will take notice, and in compliance therewith report their enrollments and organization to me at my office at Tecumseh, on or before the first day of October next.

By order of the Governor.

H. J. STRICKLER, *Adjutant General.*

LECOMPTON, September 11, 1856.

REQUISITION FOR A SAFEGUARD.

EXECUTIVE OFFICE,
LECOMPTON, K. T., September 11, 1856. }

DEAR SIR: I am desirous of obtaining a horse from your department to send an agent to Lawrence to-morrow, on *special business*; also, that you will furnish a non-commissioned officer to go with him as a safeguard. Your compliance will much oblige

Your obedient servant,

JOHN W. GEARY.

Colonel P. St. George Cooke, U. S. Army,

Commanding near Lecompton.

MR. GEARY TO MR. MARCY.

EXECUTIVE OFFICE,
LECOMPTON, K. T., September 12, 1856. }

SIR: I arrived here late on the night of the 10th instant, having crossed from Fort Leavenworth with an escort furnished by General Smith. On the road I witnessed numerous evidences of the atrocities that are being committed by the bands of marauders that infest the country. In this place everything is quiet, which is attributable to the presence of a large force of United States troops.

The trial of the United States prisoners was to have taken place on the day of my arrival; but in consequence of the absence of the District Attorney, and the non-appearance of witnesses, it was deferred until the next regular term of the court, Judge Lecompte admitting the prisoners to bail in the sum of five thousand dollars each. They departed on the same day for Lawrence, where Lane still continues in force.

Accompanying this, you will find printed copies of my inaugural address, and my first proclamations, which will exhibit the policy I have thus far thought proper to pursue. I have determined to dismiss the present organized militia, after consultation with, and by advice of General Smith, and for the reasons that they are not enrolled in accordance with the laws; that many of them are not citizens of the Territory; that some of them were committing outrages under pretense of serving the public; and that they were unquestionably perpetrating, rather than diminishing the troubles with which the Territory is agitated.

I have also, as you will see, taken the proper steps to enroll the militia of the Territory, agreeably to the act of Assembly, and to your instructions of September 2. I trust that the militia, thus organized, may be rendered serviceable to the Government. It is probable, also, that these proclamations may have the tendency to disband the Free-State organization at Lawrence.

Nothing of material importance has occurred, or come under my notice, since I last addressed you. I shall continue to keep you apprised of all matters that I may deem of sufficient interest to communicate.

As there is no telegraphic communication nearer than Boonville, I am compelled to trust my dispatches to the mails, which are now, in this region, somewhat uncertain.

Most truly and respectfully, your obedient servant,

JOHN W. GEARY.

Hon. W. L. Marcy, Secretary of State.

At an early hour this morning the following order was placed in the hands of the Adjutant General of the Territory:

ORDER TO THE ADJUTANT GENERAL.

EXECUTIVE DEPARTMENT,
LECOMPTON, KANSAS TERRITORY, September 12, 1856. }

DEAR SIR: You will proceed, without a moment's delay, to disarm and disband the present organized militia of the Territory, in accordance with the instructions of the President and the proclamations which I have issued, copies of which you will find inclosed.

You will also take care to have the arms belonging to the Territory deposited in a place of safety and under proper accountability.

Yours, &c.,

JOHN W. GEARY,
Governor of Kansas Territory.

Adjutant General H. J. Strickler.

By the Governor:

DANIEL WOODSON, *Secretary.*

The following order to take charge of the Territorial arms in possession of the militia was at the same time communicated to the Inspector General:

ORDER TO THE INSPECTOR GENERAL.

EXECUTIVE DEPARTMENT,
LECOMPTON, KANSAS TERRITORY, September 12, 1856. }

SIR: You will take charge of the arms of the Territory of Kansas now in the hands of the militia about to be disbanded and mustered out of the service by the Adjutant General.

You will also carefully preserve the same agreeably to the 13th section of the act of Assembly, to organize, discipline, and govern the militia of the Territory.

Yours, &c.,

JOHN W. GEARY,
Governor of Kansas Territory.

Inspector General Thomas J. B. Cramer.

By the Governor: DANIEL WOODSON, *Secretary.*

At 11:30 o'clock at night, a special messenger arrived from General Heiskell, one of the commanders of the Territorial militia, with the following dispatch:

DISPATCH FROM GENERAL HEISKELL.

HEADQUARTERS, MISSION CREEK, }
KANSAS TERRITORY, September 11, 1856. }

SIR: In obedience to the call of acting Governor Woodson, I have organized a militia force of about 800 men, who are now in the field ready for duty and impatient to act. Hearing of your arrival, I beg leave to report them to you for orders.

Any communication forwarded to us will find us encamped at or near this point.

I have the honor to be, respectfully, your obedient servant,

WILLIAM A. HEISKELL, *Brigadier General,*
Commanding First Brigade, Southern Division Kansas Militia.

To his Excellency J. W. Geary, Governor of Kansas Territory.

By order: H. MACLEAN, *Adjutant.*

SEPTEMBER 13, 1856.—A second messenger arrived this morning at 1:30 o'clock, two hours subsequent to the above, bearing the following:

DISPATCH FROM GENERAL HEISKELL.

HEADQUARTERS, }
MISSION CAMP, September 12, 1856. }

SIR: Yesterday I had the honor to report to you my command of Kansas militia, then about 800 strong, which was dispatched *via* Leavenworth. In case it may not have reached you, I now report 1,000 men as Territorial militia, called into the field by proclamation of acting Governor Woodson, and subject to your orders.

I have the honor to be, respectfully, your obedient servant,

WILLIAM A. HEISKELL, *Brigadier General,*
Commanding First Brigade, Southern Division Kansas Militia.

To his Excellency J. W. Geary, Governor of Kansas Territory.

By order: H. MACLEAN, *Adjutant.*

The following answer was returned to General Heiskell, by the messenger who brought the foregoing dispatch:

LETTER TO GENERAL HEISKELL.

EXECUTIVE OFFICE, }
LECOMPTON, KANSAS TERRITORY, }
September 13, 1856—1:30 o'clock A. M. }

DEAR SIR: Your first and second dispatches have been received. I will communicate with you through the person of either the Secretary of the Territory or the Adjutant General, as soon as he can reach your camp, he starting from this place at an early hour this morning.

Very respectfully, yours,

JOHN W. GEARY, *Governor of Kansas.*

Brigadier General William A. Heiskell,
First Brigade, Southern Division Kansas Militia.

The following letter was received early this morning. The books to

which reference is made also came to hand, and their receipt immediately acknowledged:

DEPARTMENT OF STATE, }
WASHINGTON, D. C., August 30, 1856. }

SIR: The 12th volume, part 1, Executive Documents, 2d session 33d Congress, and the 14th volume, part 1, Senate Documents, of the same session, have this day been deposited in the postoffice in this city, directed to you, the receipt of which you will please acknowledge.

I am, respectfully, your obedient servant, J. A. THOMAS, *Assistant Secretary*.
The Governor of Kansas Territory.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 13, 1856. }

SIR: I have this day received the 12th volume, part 1, Executive Documents, 2d session 33d Congress, and the 14th volume, part 1, Senate Documents, of the same session, forwarded by you from the Department of State at Washington city.

Yours, truly, JNO. W. GEARY, *Governor of Kansas Territory*.

Rumors having reached Lecompton that the citizens of Lawrence were in danger of an attack from a large body of armed men, Mr. Theodore Adams was dispatched to that city as an especial agent, to ascertain the facts and to report at the earliest possible moment. The following communication was received from Mr. Adams early this morning, about one o'clock:

LETTER FROM MR. ADAMS.

LAWRENCE, September 12, 1856.

SIR: I arrived here a few moments ago, and distributed the address and proclamations, and found the people preparing to repel a contemplated attack from the forces coming from Missouri.

Reports are well authenticated, in the opinion of the best men here, that there is within six miles of this place a large number of men. Three hundred have been seen. As you have been well informed of the contemplated attack to-morrow, I think the report can be relied upon.

They say if a sufficient protection be given them, they will disband on the spot.

They say you will not think hard of them for not disbanding to-morrow, with so formidable a force marching against them. I said certainly you would not.

At this moment one of the scouts came in, and reports the forces marching against them at Franklin, three miles off, and all have flown to their arms, to meet them. I have concluded to send this to you at once. I hope that you will come on yourself, as the people want much to see you. I will make no suggestions, but I think action is necessary.

Very respectfully, your obedient servant, THEODORE ADAMS.

His Excellency John W. Geary,
Governor of Kansas Territory.

Upon receipt of the foregoing letter, a requisition as follows was immediately made upon Lieutenant Colonel Cooke, commanding the United States troops stationed near Lecompton:

REQUISITION FOR UNITED STATES TROOPS.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 13, 1856—1:30 o'clock A. M. }

DEAR SIR: The accompanying dispatch, just received from Lawrence, gives sufficient reason to believe that trouble of a serious character is likely to take place

there. Mr. Adams, the writer of the dispatch, is the special agent whom I sent down last evening to ascertain the state of affairs.

I think that you had better send *immediately* to Lawrence a force sufficient to prevent bloodshed, as it is my orders from the President to use every possible means to prevent collisions between belligerent forces. If desirable, I will accompany the troops myself, and should be glad to have you go along.

Truly yours, &c.,

Col. P. St. George Cooke.

JOHN W. GEARY,

Governor of Kansas Territory.

This requisition instantly met the concurrence of Col. Cooke who, at about 2½ o'clock A. M., with about three hundred mounted men and four pieces of artillery, accompanied by the Governor, proceeded to Lawrence, reaching that town at early sunrise. Here all was quiet—no enemy having made its appearance. The citizens speedily assembled, and listened with marked approbation to an address from the Governor, whom they cordially cheered. In the afternoon he returned with Col. Cooke and his command to Lecompton.

SEPTEMBER 14, 1856.—At this date numerous complaints were made at the executive office of outrages that were being committed upon the settlers in the surrounding country by armed bands of mounted men. Among the complainants was Mr. W. F. Dyer, who presented the following affidavit:

TERRITORY OF KANSAS, DOUGLAS COUNTY.

Personally appeared before me, justice in and for Douglas county, Kansas Territory, William F. Dyer, and being duly sworn, says: That Colonel Whipple, at the head of a hundred or more men, among whom were J. Ritchie, Ephraim Bainter, J. O. B. Dunning, Captain Jamison, and others not known to him, did, on Monday, September 8, 1856, rob him of six head of horses and mules, and various articles of merchandise, amounting in value to more than a thousand dollars; and on Tuesday following, it being the 9th of September, 1856, the same men robbed him of various articles of merchandise, amounting in value to over three thousand dollars; and that this day, it being Saturday, September 13, 1856, the same men were assembled at Osawkee, about eight o'clock A. M., as he believed, for the purpose of burning and robbing the town and country round about, and attacking the town of Hardtville this evening.

W. F. DYER.

Subscribed and sworn this 13th day of September, 1856, before me.

R. R. NELSON,

Justice of the Peace.

The facts above narrated being confirmed by reliable witnesses, a dispatch was immediately forwarded to Colonel Cooke for troops to visit the neighborhood designated in the affidavit.

REQUISITION FOR TROOPS.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 14, 1856. }

DEAR SIR: You will perceive, by the accompanying affidavit, and from verbal statements that will be made to you by Dr. Tebbs, who will accompany the bearer of this, that a desperate state of affairs is now existing at Osawkee and its vicinity, which seems to require some action at our hands. I strongly recommend that you send a force, such as you can conveniently spare, to visit that neighborhood at the

earliest moment. If such a force cannot succeed in arresting the perpetrators of the outrages already committed, and of which complaint has been made in due form, it may, at least, tend to disperse and drive off the band or bands of marauders who are threatening the lives and property of peaceable citizens.

A deputy marshal will accompany such troops as you may judge expedient to detail on this service.

Very respectfully and truly yours,

JOHN W. GEARY, *Governor of Kansas Territory.*

Col. P. St. G. Cooke, Commanding U. S. troops.

In compliance with the foregoing, a squadron of dragoons was detailed for the desired service, which, under command of Captain Wood, left Leocompton about six o'clock P. M.

The Adjutant General of the Territory announced his intention to proceed this day to the encampment of the Territorial militia, to execute his order to disband them, and requested an escort for that purpose. The following was forthwith transmitted to Colonel Cooke:

REQUISITION FOR AN ESCORT.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 14, 1856. }

DEAR SIR: The Adjutant General of the Territory is about to proceed to disband the volunteer troops. At this late hour he has informed me that he must have an escort of two soldiers to accompany him. If you can let him have them, you will order them to report to me at once.

The escort is also intended to accompany the Secretary of the Territory and my especial agent, Mr. Adams. They will first proceed to disband the forces that are now reported to be marching towards Lawrence. Yours, truly,

JOHN W. GEARY, *Governor of Kansas Territory.*

Col. Philip St. George Cooke.

Accordingly an escort was furnished, and Secretary Woodson, General Strickler, and Mr. Theodore Adams proceeded, at about three o'clock P. M., for Lawrence. On arriving at that place, they found it threatened with an assault from Generals Reid, Heiskell, Atchison, Stringfellow, Richardson, and others, in command of about twenty-seven hundred men, who had been enrolled as Territorial militia, agreeably to a proclamation of the late acting Governor Woodson, the main body of which were then encamped on the Wakarusa river. An advanced party had taken possession of Franklin, three miles from Lawrence.

Messrs. Woodson, Strickler and Adams hastened to the encampment on the Wakarusa. Mr. Adams, having ascertained the precise condition of things, soon returned to Lawrence and dispatched the following letter, which reached Leocompton at 3 o'clock on the morning of the 15th:

DISPATCH FROM LAWRENCE.

LAWRENCE, September 14, 1856—12 o'clock.

SIR: I went, as directed, to the camp of the militia, and found at the town of Franklin, three miles from this place, encamped three hundred men, with four pieces of artillery. One mile to the right, on the Wakarusa, I found a very large encampment of three hundred tents and wagons. They claim to have two thousand

five hundred men; and from the appearance of the camp, I have no doubt they have that number.

General Reid is in command. I saw and was introduced to General Atchison, Colonel Titus, Sheriff Jones, General Richardson, &c. The proclamations were distributed.

Secretary Woodson and General Strickler had not, up to the time I left, delivered their orders, but were about doing so as soon as they could get the officers together. The outposts of both parties were fighting about an hour before sunset; one man killed of the militia, and one house burned at Franklin. There were but few people at Lawrence, most of them having gone to their homes after your visit here.

I reported these facts to the officers in command here, and your prompt action has undoubtedly been the means of saving the loss of blood and valuable property.

Secretary Woodson thought you had better *come* with the militia on to the camp as soon as you can. I think a prompt visit would have a good effect. I will see you as you come this way, and communicate with you more fully.

Very respectfully, your obedient servant, THEODORE ADAMS.

His Excellency Governor Geary, K. T.

Soon after the departure from Lecompton of Secretary Woodson and his party, several messengers arrived from Lawrence, with intelligence similar to that contained in the foregoing letter, and soliciting the interference of the Executive for the protection of the citizens. Being satisfied that there was sufficient reason for alarm and for prompt and efficient action, the Governor forwarded the following order to the military encampment:

ORDER TO COLONEL COOKE.

DEAR SIR: Proceed at all speed with your command to Lawrence, and prevent a collision, if possible; and leave a portion of your troops there for that purpose.

Yours, &c., JNO. W. GEARY, Governor of Kansas Territory.

Colonel P. St. G. Cooke.

Colonel Cooke immediately marched with about three hundred mounted men and a battery of light artillery, and arrived at Lawrence early in the evening, finding affairs precisely as described above.

DISBANDMENT OF THE MILITIA.

SEPTEMBER 15, 1856.—Early this morning the Governor proceeded to the encampment on the Wakarusa. Here he found twenty-seven hundred men, well armed and accoutred, with all the customary munitions of war, embracing a number of cannon. These were the Territorial militia. They were highly excited, and so eager and impatient for an assault upon Lawrence that it was with difficulty they could be restrained.

The Governor convened a council of the officers, whom he addressed at considerable length, enjoining the duty of obedience to the laws and to the requirements of the Constitution of the United States, and demanding compliance with his proclamation; ordering all armed bodies of men, excepting the troops regularly mustered into the service of the United States, to dis-

band and disarm. This was finally agreed to, and in the afternoon the troops separated and proceeded to depart for their respective homes; but not without some murmurs of disappointment and dissatisfaction. The Government forces returned to their encampment near Lecompton early on the morning of the 16th, leaving Lawrence perfectly safe and quiet.

CAPTURE OF ONE HUNDRED AND ONE PRISONERS.

The squadron of dragoons under command of Captain Wood, after fording the river at Lecompton, took up their line of march toward Hickory Point, about 7 o'clock on the evening of the 14th. When within about five miles of the latter-named place, they met a party of twenty-five men, with wagons, &c. With them was a wounded man, then under the care of a surgeon. Upon examination, it was ascertained that these were a portion of a large force that had left Lawrence on the day before, under the command of one Harvey, and belonging to Lane's "Army of the North." These men were taken prisoners, and the troops resumed their march.

About one mile from Hickory Point a still larger party was discovered encamped upon the prairie. This was surprised about midnight, and most of those comprising it captured without resistance.

This was the main body of the command of Harvey, who was absent when the United States troops appeared.

This party had left Lawrence with the avowed purpose of making an attack upon the settlers at and about Hickory Point, who, hearing of their approach, had taken refuge in three log houses. An assault was commenced upon these houses at 11 o'clock A.M. on Sunday, the 14th instant, and continued until 5 o'clock P.M. A brass four-pounder was chiefly used in the assault, the parties keeping at too great a distance to employ small arms to any advantage. In this battle, which lasted six hours, one man was killed of the party attacked, and another severely wounded. The assailants had six men wounded, neither of them dangerously.

Soon after the troops had secured their prisoners and had proceeded a short distance on their homeward march, a fatal accident resulted from a misunderstanding. A man named Grayson, who had assisted in guiding the United States troops, attempted to pass the outer guards, by whom he was hailed and ordered to stop. The night being dark, he mistook the soldiers for enemies, and fired upon them, wounding one man in the shoulder. This fire was returned from one of the guards, which took effect in the breast, killing him instantly. Captain Wood returned to Lecompton at six o'clock this morning, bringing with him one hundred and one prisoners, a brass cannon, seven wagons, and a large quantity of arms and munitions of war. The prisoners were conveyed to the encampment of the United States troops, where they will be detained until they can have an examination before a legally constituted civil tribunal.

SEPTEMBER 16, 1856.—The following dispatch was telegraphed from Washington to St. Louis, and forwarded thence by railroad, steamboat, and stage coach, to Leocompton, where it was received late this evening:

DISPATCH FROM THE SECRETARY OF STATE.

[Dated Washington, Sept. 9, 1856.]

St. Louis, September 10, 1856.

I presume the orders sent by Colonel Emory on the 3d instant have already reached you. If the militia which those orders made subject to the requisition of General Smith are not sufficient for the emergency, notify me by telegraph. The insurrectionary invasions of the Territory by way of Nebraska, and the subsequent hostile attacks on the postoffice at Franklin, and on the dwellings of Titus and of Clarke, seem to have stimulated to unlawful acts of the same character on the borders of Missouri. The President expects you to maintain the public peace, and bring to punishment all acts of violence and disorder by whomsoever perpetrated, and on whatever pretext; and he relies on your energy and discretion, and the approved capacity, decision, and coolness of character of General Smith, to prevent or suppress all attempts to kindle civil war in the Territory of Kansas. A communication on the same subject has this day been telegraphed to General Smith by the Secretary of War, with positive directions that no parties or bodies of armed men shall be allowed to carry on military operations in the Territory, save such persons as are enrolled by him into the service of the United States.

W. L. MARCY, *Secretary of State.*

To John W. Geary.

The following was this day dispatched to Washington by the hands of Mr. Theodore Adams:

GOVERNOR GEARY TO MR. MARCY.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 16, 1856. }

SIR: My last dispatch was dated the 12th instant, in which I gave you a statement of my operations to that date. Since then, I have had business of the deepest importance to occupy every moment of my attention, and to require the most constant watchfulness and untiring energy. Indeed, so absolutely occupied is all my time, that I scarcely have a minute to devote to the duty of keeping you apprised of the true condition of this Territory. I have this instant returned from an expedition to Lawrence and the vicinity, and am preparing to depart almost immediately for other sections of the Territory, where my presence is demanded.

After having issued my address and proclamations in this city, copies of which have been forwarded to you, I sent them with a special messenger to Lawrence, twelve miles to the eastward, where they were made known to the citizens on the 12th instant. The people of that place were alarmed with a report that a large body of armed men, called out by the proclamation of the late acting Governor Woodson, were threatening them with an attack, and they were making the necessary arrangements for resistance. So well authenticated seemed their information, that my agent forwarded an express by a United States trooper, announcing the fact, and calling upon me to use my power to prevent the impending calamity. This express reached me at 1½ o'clock on the morning of the 13th instant. I immediately made a requisition upon Colonel Cooke, commander of the United States forces stationed at this place, for as many troops as could be made available, and in about an hour was on my way towards Lawrence with three hundred mounted men, including a battery of light artillery.

On arriving at Lawrence, we found the danger had been exaggerated, and that there was no immediate danger for the intervention of the military. The moral effect of our presence, however, was of great avail. The citizens were satisfied that the Government was disposed to render them all needed protection, and I received from them the assurance that they would conduct themselves as law-abiding and peace-loving men. They voluntarily offered to lay down their arms, and enroll themselves as Territorial militia, in accordance with the terms of my proclamation. I returned the same day with the troops, well satisfied with the result of my mission.

During Saturday, the 13th instant, I remained at my office, which was constantly thronged with men uttering complaints concerning outrages that had been and were being committed upon their persons and property. These complaints came in from every direction, and were made by the advocates of all the conflicting political sentiments with which the Territory has been agitated; and they exhibited clearly a moral condition of affairs too lamentable for any language adequately to describe.

The whole country was evidently infested with armed bands of marauders, who set all law at defiance, and traveled from place to place, assailing villages, sacking and burning houses, destroying crops, maltreating women and children, driving off and stealing cattle and horses, and murdering harmless men in their own dwellings, and on the public highways. Many of these grievances needed immediate redress; but unfortunately the law was a dead letter, no magistrate or judge being at hand to take an affidavit or issue a process, and no marshal or sheriff to be found, even had the judges been present to prepare them, to execute the same.

The next day (Sunday) matters grew worse and worse. The most positive evidence reached me that a large body of armed and mounted men were devastating the neighborhood of Osawkee and Hardtville, commonly called "Hickory Point." Being well convinced of this fact, I determined to act upon my own responsibility, and immediately issued an order to Colonel Cooke for a detachment of his forces to visit the scene of disturbance. In answer to this requisition, a squadron of eighty-one men was detached, consisting of Companies C and H, First Cavalry, Captains Wood and Newby, the whole under command of Captain Wood. This detachment left the camp at 2 o'clock p. m., with instructions to proceed to Osawkee and Hickory Point — the former twelve, and the latter eighteen miles to the northward of Lecompton. It was accompanied by a deputy marshal.

In consequence of the want of proper facilities for crossing the Kansas river, it was late in the evening before the force could march. After having proceeded about six miles, intelligence was brought to Captain Wood that a large party of men, under command of a person named Harvey, had come over from Lawrence, and made an attack upon a log house at Hickory Point, in which a number of the settlers had taken refuge. This assault commenced about 11 o'clock in the morning, and continued six hours. The attacking party had charge of a brass six-pounder, the same that was taken by Colonel Doniphan at the battle of Sacramento. This piece had been freely used in the assault, but without affecting any material damage; as far as has yet been ascertained, but one man was killed, and some half-dozen wounded.

About 11 o'clock in the evening Captain Wood's command met a party of twenty-five men with three wagons, one of which contained a wounded man. These he ascertained to be a portion of Harvey's forces who had been engaged in the assault at Hickory Point, and who were returning to Lawrence. They were immediately arrested, without resistance, disarmed, and held as prisoners. Three others were soon after arrested, who also proved to be a portion of Harvey's party.

When within about four miles of Hickory Point, Captain Wood discovered a large encampment upon the prairie, near the road leading to Lawrence. It was the main

body of Harvey's men, then under command of one Bickerton, Harvey having left after the attack on Hickory Point. This party was surprised and captured.

After securing the prisoners, Captain Wood returned to Lecompton, which place he reached about daybreak on Monday, the 15th instant, bringing with him one hundred and one prisoners, one brass field-piece, seven wagons, thirty-eight United States muskets, forty-seven Sharps rifles, six hunting rifles, two shot-guns, twenty revolving pistols, fourteen bowie-knives, four swords, and a large supply of ammunition for artillery and small arms.

Whilst engaged in making preparations for the foregoing expeditions, several messengers reached me from Lawrence, announcing that a powerful army was marching upon that place, it being the main body of the militia called into service by the proclamation of Secretary Woodson, when acting Governor. This information was measurably confirmed by the accompanying dispatches from General Heiskell, (marked A and B,) which had reached me within an hour of each other.

Satisfied that the most prompt and decisive measures were necessary to prevent the sacrifice of many lives, and the destruction of one of the finest and most prosperous towns in the Territory, and avert a state of affairs which must have inevitably involved the country in a most disastrous civil war, I dispatched the following order to Colonel Cooke:

"Proceed at all speed with your command to Lawrence, and prevent a collision if possible, and leave a portion of your troops there for that purpose."

Accordingly, the entire available United States force was put in motion, and reached Lawrence at an early hour in the evening. Here the worst apprehensions of the citizens were discovered to have been well founded. Twenty-seven hundred men, under command of Generals Heiskell, Reid, Atchison, Richardson, Stringfellow, &c., were encamped on the Wakarusa, about four miles from Lawrence, eager and determined to exterminate that place and all its inhabitants. An advanced party of three hundred men had already taken possession of Franklin, one mile from the camp and three miles from Lawrence, and skirmishing parties had begun to engage in deadly conflict.

Fully appreciating the awful calamities that were impending, I hastened with all possible dispatch to the encampment, assembled the officers of the militia, and in the name of the President of the United States demanded a suspension of hostilities. I had sent, in advance, the Secretary and Adjutant General of the Territory, with orders to carry out the letter and spirit of my proclamations; but up to the time of my arrival these orders had been unheeded, and I could discover but little disposition to obey them. I addressed the officers in command at considerable length, setting forth the disastrous consequences of such a demonstration as was contemplated, and the absolute necessity of more lawful and conciliatory measures to restore peace, tranquility, and prosperity to the country. I read my instructions from the President, and convinced them that my whole course of procedure was in accordance therewith, and called upon them to aid me in my efforts, not only to carry out these instructions, but to support and enforce the laws and the constitution of the United States.

I am happy to say that a more ready concurrence in my views was met than I had at first any good reason to expect. It was agreed that the terms of my proclamations should be carried out by the disbandment of the militia; whereupon, the camp was broken up, and the different commands separated, to repair to their respective homes.

The occurrences thus related are already exerting a beneficent influence; and although the work is not yet accomplished, I do not despair of success in my efforts to satisfy the Government that I am worthy of the high trust which has been reposed

in me. As soon as circumstances will permit, I shall visit, in person, every section of the Territory where I feel assured that my presence will tend to give confidence and security to the people.

In closing, I have merely to add, that unless I am more fully sustained hereafter by the civil authorities, and serious difficulties and disturbances continue to agitate the Territory, my only recourse will be to martial law, which I must needs proclaim and enforce.

Most truly and respectfully, your obedient servant,

JOHN W. GEARY, *Governor Kansas Territory.*

Hon. W. L. Marcy, Secretary of State.

The safe keeping of prisoners has been a subject of considerable difficulty. There are no jails in the Territory, nor any other places in which they can be securely confined. Hence those taken at Hickory Point were sent to the encampment of the United States troops; and in regard to their detention there Colonel Cooke wrote as follows:

KEEPING OF THE PRISONERS.

HEADQUARTERS, }
CAMP NEAR LECOMPTON, September 16, 1856. }

DEAR SIR: Captain T. J. Wood, Company I, commanding a squadron, was sent out on the 14th instant, with a deputy marshal, to give the military aid for which on the same date you had made formal requisition.

Having just returned to camp from important duties near Lawrence, I find that they have brought into camp as prisoners one hundred and one men.

I find in my instructions from General Smith, August 19th: "The Governor of the Territory should, if possible, take means to keep the prisoners arrested under his authority, and such as hereafter may be taken. Their custody embarrasses the troops, and diminishes their efficiency."

This now proves so true, that I am forced to ask that the proper civil officer shall take them into his keeping. I should be able, on requisition founded on necessity, to afford marshal or sheriff temporarily some aid, supposing that the place of their keeping will not be further than Lecompton.

With high respect, P. ST. G. COOKE,

Lieut. Col. Second Dragoons, Commanding U. S. Forces.

His Excellency Col. John W. Geary, Governor of Kansas Territory.

SEPTEMBER 17, 1856.—Letter to Adjutant General Strickler, and his reply, on the disbandment of the militia:

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 17, 1856. }

SIR: My first proclamation of September 11th demands that all the militia called into the service of the Territory by proclamation of the late acting Governor Woodson should be immediately disbanded and discharged, in accordance with army regulations.

I also issued an order to you, as the proper officer of the Government, to promptly carry out the requirements of my proclamation.

As I have as yet received no *official information* on the subject, you will without delay report to me whether you have attended to the duty enjoined in my order; and if so, when, where, and in what manner, it has been accomplished.

Yours, &c.,

JOHN W. GEARY,
Governor of Kansas Territory.

Adjutant General H. J. Strickler.

LECOMPTON, K. T., September 17, 1856.

SIR: In reply to your note of this date, I have the honor to report that, in pursuance of your instructions, I proceeded to the camp at Franklin, commanded by Brigadier General Heiskell, and made known to him your proclamations and orders for the disbandment of the Kansas militia, and requested him to publish such general orders as might be necessary to execute your commands; and in compliance the following order was made:

GENERAL ORDER TO COMMANDERS OF REGIMENTS.

HEADQUARTERS,
CAMP OF FRANKLIN, September 15, 1856. }

You are hereby ordered to take the necessary steps to disband your separate commands, which are to be mustered out of the militia service of Kansas Territory this evening at 4 o'clock.

By order of Brigadier General Heiskell.

J. A. MACLEAN, *Adjutant*.

The excitement and confusion became so great in consequence of this intelligence, that it was deemed advisable to request your presence. And I consider it fortunate for myself that you came to the camp; for you must be convinced, from what you saw during your stay, of the utter impossibility to execute your commands.

So soon as your commands were known, and your speech heard, many of these men, respectfully submitting to your will, considered themselves discharged, and departed for their respective homes.

This disorganization could not be prevented by the officers, and I cannot attach any blame to those commanding. Upon the morning of the 16th, I found the whole force dispersed, save those that I enrolled for immediate service. And in connection with this, I can report that, in accordance with your instructions, I enrolled one company of infantry, commanded by John Donelson, numbering sixty-four; one company of cavalry, commanded by Benjamin J. Newsome, numbering twenty-two.

The difficulty of obtaining horses accounts for the failure in enrolling the second company of cavalry. But I have assurance that in a few days the enrollment can be completed.

Very respectfully, your obedient servant,

H. J. STICKLER, *Adjutant General K. M.*

His Excellency Governor John W. Geary.

In consequence of the numerous outrages against which complaints were being made, and the difficulty of executing warrants without military aid, the following applications from the United States Marshal, and requisitions upon the commander of the United States forces, were made:

APPLICATION FOR TROOPS.

LECOMPTON, K. T., September 17, 1856.

SIR: Finding the ordinary course of judicial proceedings, and the powers vested in me as United States Marshal of the Territory, inadequate to execute a warrant placed in my hands, from the Hon. Samuel D. Lecompte, Chief Justice of the Supreme Court of Kansas Territory, for the arrest of one Colonel Whipple and others, I respectfully request that a posse of United States troops be furnished me to assist in making said arrests, and for the due execution of other warrants now in my hands.

Very respectfully, your obedient servant, I. B. DONELSON, *U. S. Marshal K. T.*

His Excellency John W. Geary, Governor of Kansas Territory.

REQUISITION FOR TROOPS.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 17, 1856. }

SIR: I have just been shown sundry warrants from the Chief Justice of this Territory, for the arrest of a number of persons charged with the commission of crime.

The Marshal has also duly certified me that the powers vested in him by the civil authority of the Territory are inadequate to enable him to execute the aforesaid warrants; and he requires the aid of the United States troops to enable him to execute the same.

You will therefore please furnish the Marshal with two hundred dragoons, that being the number desired by him. I will accompany them in person.

Your obedient servant,
JOHN W. GEARY,
Governor of Kansas Territory.

Col. P. St. George Cooke,
Commanding U. S. Dragoons stationed at Lecompton.

APPLICATION FOR TROOPS.

LECOMPTON, K. T., September 17, 1856.

SIR: Finding the ordinary course of judicial proceedings, and the powers vested in me as United States Marshal of the Territory, inadequate to execute a warrant placed in my hands from the Chief Justice of this Territory, I respectfully request that a posse of United States troops be furnished me to assist in making said arrest, and for the due execution of other warrants now in my hands.

Very respectfully, your obedient servant,
I. B. DONELSON, *U. S. Marshal Kansas Territory.*

His Excellency John W. Geary, Governor of Kansas Territory.

REQUISITION FOR TROOPS.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 17, 1856. }

SIR: I have just been shown a warrant from the Chief Justice of this Territory for the arrest of a person charged with the commission of a crime in this Territory. The Marshal has also duly notified me that the power vested in him by the civil authority of the Territory is inadequate to enable him to execute the aforesaid warrant, and he requires the aid of the United States troops to enable him to execute the same.

You will therefore please furnish the Marshal or his deputy with five dragoons, that being the number required by him.

Very truly, your obedient servant,
JNO. W. GEARY, *Governor of Kansas Territory.*

Col. P. St. George Cooke,
Commanding U. S. Dragoons stationed at Lecompton.

SEPTEMBER 18, 1856.—In compliance with a requisition made yesterday, Col. Cooke detailed two hundred dragoons, with which force the Governor, accompanied by Marshal Donelson, left Lecompton at 2½ o'clock P. M., for Topeka, said to be at this time the headquarters of Lane's men and the principal depot of their stolen property. A severe wind and rain storm, which continued during the afternoon and evening, commenced soon after their departure. They consequently were unable to proceed further than Tecumseh that evening. Here they arrested one man against whom a warrant was held.

This morning they proceeded to Topeka, and arrived there about 8 o'clock. Here other warrants were served, and twelve more prisoners secured. A large quantity of stolen property was identified and recovered. The citizens

were disposed to be refractory; but having been addressed by the Governor, they passed resolutions to sustain him in the policy he had adopted and was pursuing. Upon his departure he was heartily cheered. The Governor, with the troops, recovered property, and prisoners, returned to Lecompton at 6½ o'clock P. M.

The following dispatch was received from General Smith:

REQUISITION FOR MILITIA.

HEADQUARTERS DEPARTMENT OF THE WEST,
FORT LEAVENWORTH, September 17, 1856. }

SIR: By virtue of the authority given me by the President of the United States, a copy of which is in your possession, I have the honor to make a requisition on you for two companies of militia, infantry, for the service of the United States.

Each company to consist of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two musicians, and seventy-four privates.

The companies, when ready, will be mustered into the service of the United States, by an officer who will be detailed for that purpose by Lieutenant Colonel Cooke, from his command.

With the highest respect, your obedient servant,
PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

His Excellency J. W. Geary, Governor of Kansas Territory.

After the disbandment of the militia at Wakarusa, some of the detached parties not belonging to the Territory proceeded in different directions toward the frontiers, and to their respective homes. One of these companies took the road leading from Lawrence to Lecompton, and when within four miles, of the latter-named place, one or more persons connected with it brutally murdered a harmless man named Buffum. A warrant was at once obtained for the arrest of the perpetrator of this outrage, but as yet he has neither been detected nor identified. The following, addressed to the Marshal, is a letter of inquiry on this subject:

THE MURDER OF MR. BUFFUM.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 18, 1856. }

SIR: A warrant was issued a day or two since for the arrest of the murderer or murderers of Mr. Buffum, at or near the residence of Mr. Thom. Please report to me whether that warrant has been executed, or whether any attempt has been made to arrest the offenders in this case, and what has been the result.

Yours, &c.,

JOHN W. GEARY,
Governor of Kansas Territory.

Mr. I. B. Donelson, U. S. Marshal, K. T.

The warrant above alluded to was issued by Judge Cato, at the suggestion of the Governor, both of whom were present soon after Mr. Buffum was wounded, and received from himself, when dying, a full statement of the crime.

GEORGIA STATE JOURNALS.

STATE LIBRARY OF GEORGIA,
MILLEDGEVILLE, September 2, 1856. }

SIR: Agreeably to a resolution of the Legislature of this State, I have this day transmitted by mail, directed to your Excellency, the 16th and 17th volumes of the

Supreme Court Reports of Georgia; also the acts of the Legislature of 1855 and 1856, and House and Senate journals of ditto, for the use of the Territory of Kansas, the receipt of which you will please cause to be acknowledged.

I am, very respectfully, your obedient servant,

JOHN F. CONDEN, *State Librarian.*

His Excellency the Governor of Kansas.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 18, 1856. }

SIR: I have received the 16th and 17th volumes of the Supreme Court Reports of Georgia. The acts of the Legislature and House and Senate journals have not yet reached this department.

Yours, &c.,

JOHN W. GEARY,

Governor of Kansas Territory.

John F. Conden, Esq., *State Librarian, Georgia.*

SEPTEMBER 19, 1856.—The following is the reply of the United States Marshal to the letter of inquiry, dated yesterday, in relation to the murder of Mr. Buffum:

U. S. MARSHAL'S OFFICE, }
LECOMPTON, K. T., September 19, 1856. }

SIR: Your note of yesterday has been received; and in answer to your inquiry whether any attempt, &c., had been made to arrest the murderer or murderers of Mr. Buffum, I have to report that upon making inquiry of my deputy, S. Cramer, he informed me that when the militia from the north side of the river were passing through this place on Monday last, (returning to their homes,) he made diligent inquiry, and used all means in his power to ascertain who the murderer or murderers of said Buffum were, with a view to their arrest.

But from the vagueness of the affidavit upon which the warrant was procured, in which no names are mentioned, nor any particular description of their persons given, or any other thing about them, except "six men," in the rear or behind a company, he failed to identify and arrest the murderer or murderers. I am of opinion, however, that I will be able when I return to Leavenworth city, (which I will do as soon as pressing business here will permit,) that by using every diligence in my power I will be able to ferret out and bring to punishment these foul murderers.

Very respectfully, your obedient servant,

I. B. DONELSON, *U. S. Marshal.*

His Excellency John W. Geary, *Governor of Kansas Territory.*

ORDER FOR ELECTION.

EXECUTIVE OFFICE, }
LECOMPTON, K. T., September 19, 1856. }

SIR: You are hereby directed to open the poll-books on the first Monday in October, 1856, the day of the general election in this Territory, for a member of the Territorial Council, in the place of John Donelson, resigned, and to cause returns thereof to be made in the manner prescribed by law, at the time the returns for the general election are made.

For your information, I herewith inclose a copy of the boundaries of the Sixth Council District, being the district in which the vacancy exists. It will be your duty to cause poll-books to be opened in so much of said Council District as may be comprised within the limits of Riley county.

Very respectfully yours,

JNO. W. GEARY,

Governor of Kansas Territory.

By the Governor:

DANIEL WOODSON, *Secretary.*

The Sheriff of Riley County.

Similar directions were forwarded to the sheriffs of Calhoun, Nemaha, and Marshall counties.

ORDER FOR RATIONS.

LECOMPTON, KANSAS TERRITORY, }
EXECUTIVE OFFICE, September 19, 1856. }

SIR: You will issue a week's rations for one hundred and ten men to Colonel H. T. Titus, and take his receipt for the same. Very respectfully,

JNO. W. GEARY, *Governor of Kansas Territory.*

The Commissary of Detachment,

U. S. Dragoons stationed near Lecompton.

The following correspondence, relating to outrages said to have been committed at Leavenworth city, will sufficiently explain itself:

ALLEGED OUTRAGES.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 19, 1856. }

SIR: I have the honor to send you a copy of a letter just received from persons unknown to me, but who claim to be citizens of Leavenworth. You will perceive by their letter that they assert they were forcibly driven from your city. They demand my protection, and desire to return to their homes.

I deem it right to address this communication to you, as the official head of Leavenworth city, desiring to be informed if the statement of the petitioners is true; and if so, why they were expelled from your city; and if any objections exist to their immediate return and secure residence among you, what such objections are.

Your immediate answer is respectfully requested.

Truly yours, JOHN W. GEARY, *Governor of Kansas Territory.*

William Murphy, Esq., Mayor of Leavenworth city.

The following is a copy of the letter to which reference is had in the foregoing:

ST. LOUIS, MISSOURI, September 9, 1856.

DEAR SIR: The undersigned, citizens of Leavenworth city, Kansas Territory, hereby make known to you that they have been peaceable and law-abiding citizens of Leavenworth, and, as such, were engaged in their lawful business until Tuesday, the 2d instant, when they were called on by a certain Captain Emory, with an armed posse under his command, and ordered to leave the city forthwith. Many of us have left large stocks of goods, and our houses and furniture, all at the mercy of our persecutors.

We have committed no crime against the laws of the United States, or those of Kansas Territory.

We now petition you to protect our property, and to give us assurance of your protection, so that we may return peaceably to our homes in Leavenworth. As we are here without means, and on heavy expenses, with our families, we would urge you to give us an answer to this at your earliest convenience, directed to the care of F. A. Hunt, St. Louis.

We are your obedient servants,

S. NORTON, M. D.
M. E. CLARK.
NELSON McCracken.
JOHN KENDALL.
W. HALLER.
J. A. DAVIS.
WM. ENGLESMAN.
F. ENGLESMAN.

His Excellency Governor Geary, Kansas Territory.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 19, 1856. }

GENTLEMEN: Your communication of the 9th instant, dated at St. Louis, has just been received and carefully noted.

You state that you were peaceable, law-abiding citizens, quietly prosecuting your lawful business at Leavenworth city, up to the 2d instant, when you were forcibly driven from your houses. You desire protection to your property, and the privilege of returning.

I have already taken measures to ascertain the truth in the premises, and I will take such action respecting your cases as circumstances may seem to require.

Very truly yours, JOHN W. GEARY, *Governor of K. T.*

Messrs. S. Norton, M. E. Clark, Nelson McCracken, and others.

COMMISSION ISSUED.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 19, 1856. }

SIR: I have appointed you Surgeon of the newly raised battalion of Territorial militia. You will please at once enter upon the discharge of your duties.

Very truly your obedient servant, JOHN W. GEARY,

Samuel Logan, M. D.

Governor of Kansas Territory.

SEPTEMBER 20, 1856. —

APPLICATION FOR TROOPS.

U. S. MARSHAL'S OFFICE, }
LECOMPTON, K. T., September 20, 1856. }

SIR: A warrant has this day been placed in my hands for the arrest of Franklin Federling, Thomas Kemp, John Kemp, Thomas F. Ferguson, William Owens, Robert Nichown, William Fisher, Charles Diggs, J. Thompson, and Orval Thompson, and many other persons whose names are unknown to the affiant, on whose affidavit this warrant was issued by the Hon. S. G. Cato, Associate Justice of the Supreme Court of Kansas. And, whereas, from the known opposition to the laws of this Territory, and the insurrectionary condition of the country, I am unable, by the powers vested in me as United States Marshal, to execute the process in my hands without the aid of a military posse for that purpose, I am, therefore, constrained to ask your Excellency to furnish a posse of ten dragoons for the purpose named in the premises.

The warrant, &c., are herewith submitted for your consideration.

Very respectfully,

I. B. DONELSON,

United States Marshal, Kansas Territory.

His Excellency John W. Geary, Governor of Kansas Territory.

REQUISITION FOR TROOPS.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 20, 1856. }

SIR: Having been shown a warrant executed by Associate Justice Cato for the arrest of Thomas Kemp and others, charged with crime committed in this Territory, and being also duly notified by the United States Marshal that he is unable to execute said warrant by the use of the civil powers vested in him, &c.—

This, therefore, is to request you to furnish the said Marshal with a posse of ten dragoons (that being the number required by him) to aid in the execution of said warrant.

Yours, respectfully,

JOHN W. GEARY,

Governor of Kansas Territory.

Colonel P. St. George Cooke.

APPLICATION FOR TROOPS.

U. S. MARSHAL'S OFFICE, }
LECOMPTON, K. T., September 20, 1856. }

SIR: A warrant has this day been placed in my hands, issued by the Hon. S. G. Cato, one of the Associate Judges of the Supreme Court of Kansas Territory, upon the affidavit of George W. Randall, of the county of Atchison, for the arrest of John H. Stringfellow, Ira Norris, James A. Headley, William Martin, William Simons, and one Captain Palmer, all of the said county of Atchison, Kansas Territory.

And whereas, from the disturbed and insurrectionary condition of the country, I am unable to execute the said warrant of arrest, by virtue of powers vested in me, as United States Marshal, without the aid of a military posse to aid me therein, I have, therefore, to request your Excellency to furnish me a posse of dragoons to aid me in making the arrest of the offenders against the law herein above stated.

Very respectfully, I. B. DONELSON, *U. S. Marshal, Kansas Territory.*

His Excellency John W. Geary, Governor of the Territory of Kansas.

REQUISITION FOR TROOPS.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 20, 1856. }

SIR: Having been shown a warrant from the Hon. S. G. Cato, one of the Associate Justices of the Supreme Court of the Territory, for the arrest of John H. Stringfellow and others, charged with crimes committed in this Territory; and having been duly certified by the United States Marshal that he is unable to execute the said warrant by virtue of the power vested in him as United States Marshal, by the civil authority, you are, therefore, respectfully requested to furnish the said Marshal, or his deputy, such a posse of United States dragoons as in your opinion will be sufficient to enable said Marshal and his deputy to execute said writ.

Very respectfully, your obedient servant,

JOHN W. GEARY, *Governor of Kansas Territory.*

Gen. Persifer F. Smith, Com'g Dept. of the West.

REQUISITION FOR TROOPS.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 20, 1856. }

SIR: The Marshal will show you a warrant, obtained in consequence of certain affidavits, to arrest a party of marauders who have lately been committing depredations in this Territory; and as he will require a strong military force to execute the same, you will please furnish him with twenty dragoons for that purpose.

Truly yours, JOHN W. GEARY, *Governor of Kansas Territory.*

Col. P. St. George Cooke, encampment near Lecompton.

EXAMINATION OF PRISONERS.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 20, 1856. }

DEAR SIR: You will oblige me by fixing an early day for the examination of the prisoners now held at the encampment of the United States troops in this district, and give proper and sufficient notice of the same. It is essential to the peace of the community and the due execution of the law, that this be effected at the earliest possible moment. Some of those men have already been detained as prisoners six days without even a preliminary hearing. If at the time appointed and legally notified, no prosecutor appears, the alleged criminals should be discharged and permitted to repair to their homes and lawful pursuits.

Truly yours, &c.,

JOHN W. GEARY,
Governor of Kansas Territory.

Judge S. G. Cato.

LETTER FROM THE GOVERNOR OF MISSOURI.

EXECUTIVE DEPARTMENT, }
JEFFERSON CITY, Mo., September 9, 1856. }

MY DEAR SIR: Your esteemed favor of the 7th instant has been received, and the request of your Excellency considered with that deliberation which its importance demands. I am still of the opinion that the course suggested by me in our last interview is the most prudent for me to pursue, and that which will be the most acceptable to the people of Missouri. I cannot for a moment believe that any portion of the people of Missouri will remain in arms an hour longer than is necessary for their own safety on their return to their respective homes in Missouri, after the arrival of your Excellency in the Territory, and an intimation from you that you wish them to disband. I trust, my dear sir, that you will not deny me and them the pleasure of showing to the country their promptness and willingness to submit to the proper constituted authorities of the country. I feel every confidence that they will readily and cheerfully obey every order you may give them; that they will in no wise mar the harmony of your administration, and that they will give to your Excellency, and all others interested, the best evidence that their only desire has been and is, to protect their friends and relatives in Kansas from the murderer, the incendiary, and the robber; that they are a Union-loving and law-abiding people. If, however, I should unfortunately be mistaken in the estimate which I place upon the virtue, patriotism, and obedience to the laws of the people of Missouri, I beg leave to assure your Excellency, in quelling the disturbances now so unfortunately existing in Kansas, should the Missourians now in Kansas not disperse immediately upon your orders to that effect being received by them, I must ask the favor of your Excellency to inform me of that fact, and all that I can do to aid you will be promptly and cheerfully done.

I am, very respectfully, your obedient servant,
His Excellency John W. Geary, Governor of Kansas.

STERLING PRICE.

REPLY TO THE GOVERNOR OF MISSOURI.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 20, 1856. }

MY DEAR SIR: Your esteemed favor of the 9th instant has just been received by due course of mail, and I am deeply grateful for the very obliging manner your Excellency enters into my views.

Your estimate of the patriotism and honorable bearing of the good citizens of Missouri is by no means too exalted, as was fully demonstrated by their conduct when recently assembled in great force before the town of Lawrence.

They came there with a fixed determination to destroy that town, in retaliation, as they said, for wrongs which their fellow-citizens from Missouri had experienced at the hands of the citizens of Lawrence.

My presence there was indeed most opportune; and your Excellency cannot imagine my emotions of gratitude, when, in response to my appeal, the army of Missourians most gracefully resolved to disband, return to their respective homes, and trust to my efforts for the protection of their friends here.

I trust that your Excellency will, in some way, do me the favor to communicate to those of your citizens who upon that occasion so honorably responded to my appeal, my heartfelt thanks and my sincere obligations.

If the Missourians had executed their purpose of burning Lawrence and massacring its inhabitants, it would have been a stain upon the escutcheon of your noble conservative State which time could scarcely have effaced. Having burned Lawrence and destroyed its inhabitants, excited by the contest, and rendered more fierce by

their loss of blood, they would have marched upon Topeka, and it would have met the fate of Lawrence, and the Free-State men would have been literally exterminated.

Such a catastrophe would have excited so great a horror, and stirred up so fierce an indignation throughout the entire North, that all my efforts to preserve the peace of the Territory would have been utterly impotent and futile. We would have been literally overrun by a Northern army, and the flames of civil war would have been kindled throughout the country.

It is, therefore, a source of hearty gratulation that the good citizens of Missouri have had the good sense to place themselves in a correct position, and thus render such essential service to the cause of good order.

I trust that the same courtesy will be extended towards me by your citizens, and that the most cordial relations may forever exist between the two governments.

I shall in every way reciprocate your friendly intentions, and it will afford me much pleasure to have an opportunity to serve you.

While thus doing ample justice to the *bona fide* citizens of Missouri, it is my duty to inform you that roving bands of murderers, incendiaries, and robbers, have been in the habit of stealing the horses, burning the houses, and murdering the citizens of this Territory, and then returning with their spoils and crimes into your State. Much complaint has been made to me on this subject, and I take this method of calling your attention to the matter, knowing that you will aid me in every way to suppress this great evil.

The complaints are made to me on oath by deputations of citizens residing in the vicinities of Pottawatomie, Sugar, and Middle creeks, and the Osage river.

It is further stated by these complainants, that besides plundering and burning various places, and committing depredations too numerous to particularize, "those Missouri robbers have carried off as captive the son of O. C. Brown, a lad of twelve years of age, and Bainbridge Fuller, from a sick bed; others are missing, and supposed to be held by them."

Your Excellency will readily perceive from the above the causes of grievance; and you will much aid my efforts to restore order in this distracted Territory by issuing a proclamation forbidding all robbers, incendiaries and murderers now infesting this Territory, to take refuge upon your soil, upon pain of being declared outlaws and bandits; and making such other suggestions as you may deem advisable to aid the cause I have so much at heart.

I also desire your Excellency to cause to be released from captivity the son of O. C. Brown, Bainbridge Fuller, and any other persons, if there be any such, who have been forcibly carried from this Territory into the State of Missouri.

With sentiments of profound respect, I have the honor to be, your Excellency's very obedient servant,

JOHN W. GEARY, *Governor of Kansas Territory.*

His Excellency Sterling Price, Governor of Missouri.

SEPTEMBER 21, 1856.—

THE NEW MILITIA.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 21, 1856. }

DEAR SIR: In accordance with your requisition, I have mustered into the service of the United States, for three months, one company of infantry, and in the early part of this week shall probably muster in another company.

I have also found it necessary to muster in a company of cavalry, consisting of forty good men, which I find essential to have at command, to assist the Marshal to make arrests, without being compelled constantly to call upon the regular United States dragoons.

You will oblige me by making a requisition at your earliest convenience for this latter-named company, in order that the act may be strictly in accordance with instructions.

The men I have mustered are reliable, and are a part of those which constituted the late command of Colonel Titus.

Accompanying this you will find several requisitions, which you will do me the favor to refer to the proper officers attached to your command.

With my sincerest regards, I am, truly, your obedient servant,

JOHN W. GEARY, *Governor of Kansas Territory.*

Major General Persifer F. Smith.

KEEPING OF THE PRISONERS.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 21, 1856. }

SIR: I have been informed that one hundred and twelve prisoners, duly arrested by warrants issued by the Judges of the Supreme Court of this Territory, are now in the custody of the United States troops stationed near this place.

As the efficiency of these troops is materially impaired by this inactive service, I deem it essential to the public interest that they should be relieved.

You are, therefore, directed to take charge of these prisoners, make every necessary arrangement for their safe custody and support, and I will furnish you a sufficient guard from the Territorial militia, which have just been mustered into the service of the United States.

Very respectfully yours,

JOHN W. GEARY, *Governor of Kansas Territory.*

I. B. Donelson, Esq., United States Marshal of Kansas Territory.

In accordance with the above directions, a house was rented and fitted up as well as circumstances would permit, for the reception and care of the prisoners. The following letter on the subject was addressed to Colonel Cooke:

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 21, 1856. }

DEAR SIR: In answer to your letter of the 16th instant, I am happy to say that I have at length succeeded in making arrangements for relieving you of the custody of the prisoners taken at Hickory Point and elsewhere, and will give instructions to the United States Marshal to take them in charge to-morrow.

The impossibility of obtaining means for their safe keeping compelled me to leave them in your hands till this late period.

Very respectfully yours,

JOHN W. GEARY,

Col. P. St. George Cooke.

Governor of Kansas Territory.

RECEIPT FOR BOOKS.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 21, 1856. }

SIR: The acts of the Georgia Legislature of 1855-56, and House and Senate journals, have at length come to hand.

Yours, &c.,

JOHN W. GEARY,

Governor of Kansas Territory.

John F. Conden, Esq., State Librarian, Georgia.

REQUISITION FOR AN ESCORT.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 21, 1856. }

SIR: In consequence of petitions from Tecumseh, Topeka, Lecompton, Lawrence, and other places, setting forth that the people in their respective neighborhoods

were suffering for want of provisions, and that they are cut off from market, on account of the robbers and plunderers infesting the country, I have concluded to afford all citizens desiring to avail themselves of it, a sufficient military escort to the nearest market.

Will you, therefore, please detail a company of dragoons to accompany the citizens aforesaid to the city of Leavenworth and return.

The train will start to-morrow.

Very truly yours,

JOHN W. GEARY,

Governor of Kansas Territory.

Col. P. St. George Cooke, Commanding near Lecompton.

SEPTEMBER 22, 1856.—

ELECTION PROCLAMATION.

Whereas, a vacancy exists in the office of Delegate to the House of Representatives of the United States from the Territory of Kansas —

Now, therefore, I, John W. Geary, Governor of the Territory of Kansas, do hereby issue this my proclamation, requiring the sheriff of each county in said Territory to cause a poll to be opened on the first Monday in October, 1856, the day of the general election, for a Delegate to the second session of the thirty-fourth Congress of the United States, and to cause a return thereof to be made to the office of the Secretary of the Territory, in the manner prescribed by law, at the same time that the returns of the general election are made.

In testimony whereof, I have hereunto subscribed my hand, and caused to be affixed the seal of the Territory. Done at Lecompton, this 22d day of September, A. D. 1856.

JNO. W. GEARY,

Governor of Kansas Territory.

By the Governor:

DANIEL WOODSON, *Secretary.*

APPLICATION FOR TROOPS.

UNITED STATES MARSHAL'S OFFICE,
LECOMPTON, KANSAS TERRITORY, September 22, 1856. }

SIR: A writ of arrest has been placed in my hands, issued by the Hon. S. G. Cato, one of the Associate Justices of the Supreme Court of Kansas Territory, upon the affidavit of James B. Lopton, of Douglas county.

In consequence of the insurrectionary and disturbed condition of the Territory, I am unable, by virtue of the powers vested in me as United States Marshal, to make the arrest commanded in said warrant without the aid of a military posse. I am, therefore, under the necessity of asking your Excellency to furnish me a posse of six dragoons to aid me in executing said warrant.

Very respectfully, your obedient servant,
His Excellency John W. Geary,

Governor of Kansas Territory.

I. B. DONELSON,
United States Marshal, K. T.

REQUISITION FOR TROOPS.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 22, 1856. }

SIR: Having been shown a warrant issued by the Hon. S. G. Cato, one of the Associate Justices of the Supreme Court of this Territory, and being duly certified by the United States Marshal that, owing to the disturbed state of the country, he is unable, by the use of the civil powers vested in him, to execute said warrant, you

will therefore please furnish said United States Marshal with six dragoons (that being the number required by him) to enable him to execute said writ.

Very truly, your obedient servant,

JOHN W. GEARY, *Governor of Kansas Territory.*

Col. P. St. George Cooke, Commanding U. S. Troops near Lecompton.

On the morning of this day, the Governor, accompanied by Major Sedgwick, of the United States Army, visited Lawrence for the purpose of mustering into the service of the United States a company of militia, which the citizens, after the dispersion of the Missouri volunteers, had promised to enroll. Upon reaching Lawrence, it was ascertained that no action had been taken in the premises. A spirit of dissatisfaction, without any assignable reason, had already again sprung up among the people, and a determination most evidently existed among the leading men to oppose any and every measure that the Executive might suggest to accomplish a speedy and permanent peace to the Territory.

As numerous complaints were this day made by certain parties claiming to be Free-Soil men, that a warrant had been procured against John H. Stringfellow, and other prominent members of the Pro-Slavery party, the following letter of inquiry was addressed to the United States Marshal of the Territory:

LETTER TO MARSHAL DONELSON.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 22, 1856. }

SIR: A warrant was issued on Saturday, the 20th instant, by Judge Cato, for the arrest of John H. Stringfellow, Ira Norris, James A. Headley, William Martin, William Simons, and one Captain Palmer; and a requisition was made by me on General P. F. Smith for a sufficient force of United States troops to assist you to execute the same. You will inform me, without delay, what disposition has been made of the above-named warrant, and what measures you have taken, if any, for its execution.

Yours, &c.,

JOHN W. GEARY, *Governor of Kansas Territory.*

I. B. Donelson, Esq., U. S. Marshal, K. T.

REPLY OF MARSHAL DONELSON.

UNITED STATES MARSHAL'S OFFICE,
LECOMPTON, K. T., September 22, 1856. }

SIR: Your note of to-day was received late this evening. I beg leave to reply that immediately after the requisition was made by you, which was after sunset of Saturday, the 20th instant, I placed all the papers in the hands of the person on whose affidavit the warrant was issued, with directions to deliver it without unnecessary delay to my regularly appointed deputy, E. C. Mason, residing in the town of Atchison, for immediate execution, with directions to him to return all the papers and prisoners before the Hon. Judge Lecompte, who resides near Leavenworth city. This direction was given with a view to the convenience of all the parties concerned, and in compliance with the warrant also. Considering the distance from here to Atchison, (nearly or quite fifty miles,) and from the time the warrant started from here, it could scarcely have reached my deputy before Sunday evening, and then the requisition would have to be sent to General Smith. It is not probable that the service will be made before to-morrow, the 23d instant.

As soon as any information reaches me in relation to this matter, I will take the

earliest opportunity to advise you of it; for I assure you I am determined (so far as it depends on me) to enforce the law without regard to whom it may concern.

Very respectfully, your obedient servant,

I. B. DONELSON,

U. S. Marshal, Kansas Territory.

His Excellency John W. Geary, Governor of Kansas Territory.

REPORT OF LIEUTENANT MERRILL,

Having command of a body of United States dragoons, on an expedition to arrest sundry persons charged with the commission of crime.

LECOMPTON, K. T., September 22, 1856.

SIR: In compliance with your request, I make the following report of the circumstances of a tour of a detached service on which I was ordered for the protection of a deputy United States marshal in making certain arrests. When I arrived at Lecompton, I found that Mr. Fulton, who had the warrants, and was instructed to await me, had left without seeing or waiting for me, and was not to be found. Dr. Tebbs, who was also an acting marshal, was sent with me, and, in consequence of no one of the party knowing the road, we lost our way, and finally arrived about one mile from Calhoun, where we were compelled to remain for the night on account of the lateness of the hour and the rain.

The next morning we went on to Calhoun, and were compelled there to await the Marshal for some four hours, who finally arrived, without any papers to show me for his authority to act as marshal. I was sufficiently satisfied, however, that he had authority, by the statements of persons I knew.

From Calhoun we proceeded to Indianola, where the Marshal served his warrants on six men, one of whom was so ill that he could not be brought along. Another would have been arrested had the Marshal not sent on ahead of him one or two men, who, by their approach, warned the man whom he was after.

He told me, after making the fifth arrest, that he would go out of the way a little and arrest another and bring him in, and shortly after sent me word that he had made the arrest and was coming. I sent him word back that I would go along the road, and if he did not catch up with me before I got to Calhoun, that I would await him there.

At Calhoun I waited about an hour for him, and was then compelled to come on without him, as he had not come up. My men had had nothing to eat since breakfast; my horses had been under the saddle all day, and were fagged down; and it was after sunset before I left, and I did not consider it my duty to await him any longer, and accordingly came on.

I reached Lecompton with the prisoners under my charge without any accident, except losing the way again once. No transportation could be found for the prisoners, and they were compelled to walk.

Not the slightest evidence was shown anywhere that there would have been any resistance to the civil officer under any circumstances; and I think that if he had been an efficient, energetic man, who had not by his former conduct made himself obnoxious to these people, the arrests would have been made of all the warrants called for, and without any show of resistance under any circumstances.

With this, sir, I have the honor to be, very respectfully, your most obedient servant,

LEWIS MERRILL,

Second Lieut. Second Dragoons, U. S. A.

His Excellency J. W. Geary, Governor of Kansas Territory.

The following letter to the honorable Secretary of State was forwarded to the State Department, at Washington, by the hands of John A. W. Jones, Esq., who was appointed a special messenger for that service:

LETTER TO THE SECRETARY OF STATE.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 22, 1856. }

SIR: Since the 16th instant, when I last addressed you, the affairs of the Territory have assumed a more peaceful aspect. The arrest of Harvey's party, after the assault at Hickory Point, on Sunday night, and the disbandment of the Missouri militia on Monday following, seem to have caused at least a temporary suspension of hostilities, and in a measure restored confidence to the well-disposed people of the country. The principal and perhaps only difficulties that have since occurred, have been occasioned by strolling bands of marauders, for the detection and punishment of whom I am now employing, and somewhat effectively, all the means I have at command. Robberies and murders are still rife in various sections, and will continue until some of the worst of the desperate characters that infest the Territory are brought to condign punishment.

The most determined enemy that now remains to the peace of Kansas is, beyond all question, the notorious Lane, who, while he studiously avoids all personal danger, is untiring in his endeavors to keep alive a spirit of disaffection, and to plot mischief; and it is a source of deep regret that he still continues to exercise an unholy influence over a large class of men, who, if left to themselves, would refrain from lawless acts, and become comparatively good and useful citizens. Having found Lawrence to be no longer a safe place of refuge, Lane some time since removed his headquarters to Topeka, which became not only the rendezvous of his associates, but the depot for their ill-gotten plunder; whence they sally in small parties to commit depredations upon settlers in the surrounding country. The last authentic reports give the assurance that Lane has proceeded beyond the northern frontier to escort fresh supplies of troops and munitions of war into the Territory. I have employed numerous agents to ascertain and watch his movements, and have reason to believe, that unless he desists from his incendiary purposes, he will, ere long, fall into my hands, and receive the recompense that his persistence in disregarding the rights of our people, and violating the laws of the Territory, so justly merits.

On Wednesday, the 17th instant, a number of citizens from Big Springs, Washington, Tecumseh, and Topeka, visited me at Lecompton, with complaints against outrages that were being committed at those places, and in their immediate vicinities. These complaints were made under oath, and affidavits were filed with Judge Cato, who issued warrants against sundry accused persons, and for the recovery, if possible, of large quantities of stolen property. Determined to leave no effort un-employed to execute these warrants, and put an end to the alleged atrocities, I made an immediate requisition upon Colonel Cooke for two hundred mounted men, with whom, under command of Colonel Johnston, and accompanied by the United States Marshal, I started early in the afternoon for the neighborhoods of the aggressors. Soon after our departure from Lecompton, one of the most severe storms of wind and rain arose that I have ever encountered, which, notwithstanding my desire to use all possible dispatch, compelled us to stop for the night at Tecumseh. Here we succeeded in arresting one man, against whom we had a warrant, and early on the following morning we proceeded to Topeka.

Upon arriving at this place, I found the people as little disposed to regard my

authority and the wishes of the Government as the worst representations had given me reason to expect. There seemed to be but one idea prevalent, and that in determined opposition to the established laws of the Territory. The Government officials and their acts were repudiated, and a dogged resolution maintained to wage a destructive warfare against them. No sooner was my presence made known, than a general assembly of the citizens took place. I addressed them at length, declaring the objects of my visit, and explaining so much of my policy as I thought it expedient they should understand. My remarks were at first met with caviling objections, and some who appeared to be leaders informed me that they were not bound to obey my instructions, as there was another government, and another Governor in Kansas, to whom only they owed fealty; and propositions were made to enter into a treaty, as they had been permitted to do on former occasions. I promptly assured them that I alone was Governor, and that my object in coming there was not to treat with, but to govern them; to offer my protection to all good and peace-loving citizens, and to bring the guilty to punishment. My remarks had the desired effect, and the majority acquiesced in my views; and resolutions were passed, somewhat enthusiastically, promising to submit to and support the Government, and to maintain me in my endeavors to restore order and peace to the Territory.

I remained during the greater part of the day, and was joined by Colonel Cooke with another party of dragoons. After consultation with the Colonel, it was determined that he should proceed at once with his command to scour the country for some fifty miles further to the westward; which he did, returning on Saturday afternoon, the 20th instant, by way of Hickory Point and Osawkee, having found everything quiet in the entire line of his march. He confirms the report already furnished you of the assault on Hickory Point, on Sunday, the 14th instant, and its results. On that occasion, one man of the party assailed was killed, and another shot in the leg, which has since been amputated. Of the attacking forces, who were the followers of Lane, then under command of a man named Harvey, one hundred and one of whom were taken prisoners, about six were wounded, neither of them mortally.

At Topeka we arrested fourteen men, and recovered a number of buggies, wagons, and other stolen property; all of which, with the prisoners, we brought to Lecompton. When about leaving Topeka, and after the troops had retired, I again addressed the assembled citizens, who listened with most respectful attention, and then hailed me with six unanimous and most enthusiastic cheers.

Since my return from this expedition, I have remained at Lecompton, where my time has been constantly occupied in adjusting the affairs of the Government, and furthering my plans for the future prosperity of the Territory. Warrants have been issued, upon affidavits, for the arrest of certain unlawful parties in different sections; and small parties of troops have been sent out, some of which have not yet returned, to secure the offenders. One of these detachments has gone to the neighborhood of the confluence of the Osage and Pottawatomie rivers, near the town of Osawatomie, and another to the vicinity of Easton, on the Stranger river.

On Saturday, in accordance with the instructions of the President, and in compliance with a requisition from Major General Smith, I had mustered into the service of the United States two companies of militia, one being cavalry and the other infantry. These were indispensable; the latter to guard the prisoners, for the safe-keeping of whom we have no jails; and the former to assist the Marshal and his deputies to arrest the parties against whom warrants are legally issued. Until this time, the prisoners have been held at the United States encampment, where their presence tended to embarrass the troops and impair their efficiency, while the con-

stant draughts upon the commanding officer for men to assist the Marshal in executing his writs were alike annoying to Colonel Cooke and myself.

One of the greatest, if not *the* greatest, obstacle to overcome in the production of peace and harmony in the Territory, is the unsettled condition of the claims to the public lands. These lands are very considerably covered by settlers, many of whom have expended much labor and money in the improvement of their claims, to which, as yet, they have no legal title. These improved claims have excited the cupidity of lawless men; many of whom, under pretense of being actuated by either anti-slavery or pro-slavery proclivities, drive off the settlers and take possession of their property. The persons thus driven off, having no legal title to their claims, have no redress at the hands of the law, and in many instances have patiently and quietly submitted to their wrongs, and left the country; while others, and a still greater portion, have retreated to the towns, combined together, and prepared themselves to defend and maintain what they justly conceive to be their rights, by meeting violence with violence. There is an easy remedy for this great and growing evil, and this remedy consists in the immediate opening of the land office, that settlers may record their claims (and have them legally confirmed) to the public lands on which they have settled and made improvements. This done, incendiariisms will be far less frequent, and the original settlers may return with comparative safety to their homes. Hence, the opening of the land office, at the earliest possible moment, is of incalculable importance to the well-being of the Territory.

Much trouble will, doubtless, grow out of the sale, next month, of the Delaware trust lands. Many of these are handsomely improved, and some of them in a high state of cultivation. The settlers imagine that they have a right in equity, if not in law, to obtain a fee-simple deed to their claims by paying to the Government the valuation fixed by the United States appraisers. The arrangements made for the public sale place the actual settler, whose money and labor have enhanced the value of the land, upon an equality with, or, in other words, give him no advantage over, any competitor who may feel disposed to bid against him. This fact has produced much dissatisfaction, which, I have reason to believe, will result in more violence and bloodshed. Combinations of settlers have already been formed against any persons who may attempt to purchase their claims; and attempts will assuredly be made to prevent possession being taken by actual purchasers, other than the present occupants, at the public sale.

There is still another subject to which it is proper that I should call your attention. The postal arrangements of the Territory are lamentably inefficient. Complaints on this subject are loud and universal, and my own experience has convinced me that these are not without sufficient cause. Every package addressed to me through the mail is broken and inspected before it reaches my hands. It is entirely unsafe to send information through the postoffice, and more especially so to use that medium to forward anything of pecuniary value. Postmasters are either ignorant of their duty and obligations, or, being acquainted with these, act in violation of both. Indeed, I have been credibly informed that in some places, persons not connected with the offices are permitted to enter and overhaul the mails previous to their distribution. This is a serious evil, upon which some prompt action is needed. The appointment of a special mail agent, exclusively for this Territory, to visit in person the different postoffices, would perhaps lead to a proper exposure of the defective postmasters and mail-carriers, and suggest measures to secure to our citizens the absolute certainty of being able to transmit and receive letters and other documents by mail, without having them subject to being broken open, destroyed, and stolen.

The erection of a Territorial prison is indispensable. Without this, it is impossible to administer justice. Having arrested and convicted culprits, we have no place for their confinement, or means for their punishment. This fact renders judges inactive, the courts inoperative, the law a nullity, and enables criminals to commit outrages with impunity. With the permission of the Government, a temporary establishment for the confinement of those convicted of crimes might soon be erected, which would answer the purpose until such time as a permanent prison, of as great magnitude as the Territory demands, can be properly constructed. The ends of justice will then be subserved, and an additional guaranty of permanent peace be given.

I cannot close this dispatch without expressing my acknowledgments and thanks for the promptness and willingness with which Major General Persifer F. Smith and Lieutenant Colonels Cooke and Johnston, as well as the officers under their command, have answered all my requisitions, and otherwise assisted in carrying out my orders.

Very respectfully and truly, your obedient servant,

JNO. W. GEARY, *Governor of Kansas Territory.*

Hon. Wm. L. Marcy, Secretary of State, Washington, D. C.

COMMISSIONS ISSUED.

SEPTEMBER 23, 1856.—To Andrew H. McFadden, as probate judge of Lykins county, vice Isaac Jacob, removed from the county.

Joseph B. Goodwin, as sheriff of said county, vice B. P. Campbell, resigned.

Warren D. Hoover, as coroner of the same county, in place of Andrew H. McFadden, who declined the office.

Wm. B. Ewbanks, Samuel P. Boone, Henry L. Lyon, Thomas C. Warren, James Hughes, Henry Tuley, William Honeywell, and Henry W. Peck, as justices of the peace of Lykins county.

J. P. Tuley and Archibald Oliver as constables of same county.

Eugene H. Tharpe, of Philadelphia, and George Whitman, of Washington city, as commissioners of deeds for the Territory of Kansas.

REQUISITION FOR MEDICINES.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 23, 1856. }

SIR: I have appointed Samuel Logan, M. D., surgeon of the newly raised battalion of Territorial militia. Will you please furnish him with a medicine chest and such instruments as he may require, and oblige your obedient servant,

JNO. W. GEARY, *Governor of Kansas Territory.*

Colonel P. St. George Cooke.

A copy of the following letter was forwarded to each of the Supreme Judges of Kansas Territory, viz., Chief Justice Lecompte, and Associate Justices Cato and Burrell:

INQUIRIES OF SUPREME JUDGES.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 23, 1856. }

SIR: Upon my arrival here, I found this Territory in a state of insurrection, business paralyzed, the operation of the courts suspended, and the civil administra-

tion of the government inoperative and seemingly useless. Much complaint has been made to me against the Territorial officers for alleged neglect of duty, party bias, and criminal complicity with a state of affairs which resulted in a contempt of all authority.

I have, therefore, deemed it proper to address circulars to all Territorial officers in order that, being informed of the complaints against them, they may have an opportunity to vindicate themselves through my department. The efficiency of the Executive will be much impaired or strengthened by the manner in which his subordinates in office discharge their respective duties. As it is my sworn duty to see that the laws are faithfully executed, I need offer no apology for requesting categorical answers to the following interrogatories:

- 1st. When did you assume the discharge of the duties of your judicial office?
- 2d. What counties compose your judicial district, and how frequently have you held courts in each county, or in your district?
- 3d. How many bills have been presented? How many ignored in your courts? How many indictments have been tried before you, and how many convictions had, and for what offenses?

With a brief statement of other facts and circumstances, showing the manner in which you have discharged your duties, which you may be pleased to communicate.

Very truly, your obedient servant,

JNO. W. GEARY,

Governor of Kansas Territory.

The Hon. ———,

One of the U. S. Judges of the Supreme Court of Kansas Territory.

INQUIRIES OF ARCHITECT OF PUBLIC BUILDINGS.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 23, 1856. }

SIR: Having learned that you are the architect of the public buildings in process of erection at this place, I take the liberty to request your answers to the following interrogatories:

1. What connection have you had with the erection of the public buildings, and by whom were you employed?
2. How much money has already been paid out and expended—how much is due and unpaid—and what sum will be required for the completion of the public buildings?
3. State your knowledge of the history of the location, progress, and when, in your opinion, if vigorously prosecuted, the public buildings will be completed.

With any other suggestions and information you may be pleased to communicate.

Very truly, your obedient servant,

JNO. W. GEARY,

Governor of Kansas Territory.

William Rumboldt, Esq., Architect of Public Buildings.

INQUIRIES OF THE SUPERINTENDENT OF PUBLIC BUILDINGS.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 23, 1856. }

SIR: Since my arrival, I have been informed that you are the superintendent for the erection of the public buildings at this place. If so, I desire the following information:

1. A copy of your appointment, showing by what authority you act.
2. A statement as to how the public buildings are to be erected—whether by contract or otherwise; and if by contract, a copy of the same.
3. An accurate and detailed account of all moneys heretofore paid and expended, with the amount now due for materials furnished and work done.

4. An estimate of the money required to complete the public buildings, with the necessary appurtenances, according to the present plans; with any other information in any way calculated to give me an insight into the history of the location, progress, and contemplated completion of the public buildings now in process of erection at this place.

Very truly, your obedient servant, JNO. W. GEARY,
Owen C. Stewart, Esq. Governor of Kansas Territory.

REPLY OF THE SUPERINTENDENT.

LECOMPTON, September 23, 1856.

SIR: In obedience to your official request, I shall proceed to give you the required information, as far as my position gave me an opportunity of ascertaining the facts, as it respects the erection and expenditures of the capitol building for Kansas Territory, located at Lecompton, Douglas county.

1st Question.—I received my appointment from Wilson Shannon, then acting Governor for the Territory. A copy of the article of agreement is herewith transmitted.

2d Question.—It was the understanding that the building was to be let in separate contracts, a portion of which has been let to A. Rodrigue. The different portions will be explained by the accompanying article of agreement between Governor Shannon and A. Rodrigue. In the absence of the whole being let, it became necessary to let out the framing of the first tier of joist, which was let to A. Rodrigue; also, a portion of the basement frames have been completed, and are ready for the building. The remainder of said frames have been delayed, in order to give the lumber an opportunity to season.

3d Question.—Amount of money paid to A. Rodrigue, as shown by monthly estimates:

April 10, amount of estimate.....	\$959 75
May 10, " " "	2,600 25
June 10, " " "	3,897 11
July 10, " " "	2,401 14
August 10, " " "	2,916 13
	\$12,774 38

Amount paid for sundry articles of Tyres and Larimore, account.....	\$171 35
Crowther and Overfelt.....	110 40
O. C. Stewart, superintendent.....	1,000 00
	\$14,056 13

Amount of expenditures not yet paid:

September—estimate in favor of A. Rodrigue.....	\$2,421 94
Account of J. R. Shepardson.....	18 31
Bill of basement frames.....	156 00
Cash paid by superintendent for sundries.....	34 50
Balance of salary due superintendent 20th of October.....	200 00
Whole amount.....	\$16,886 88
Amount not paid, \$2,830.75.	

I am unable to give you the amount of the bill of castings and window frames for the first and second stories; also the cost of the amount of lumber that it will require to complete the building, for the want of various sub-drawings which have not as yet been placed into my hands (the job not requiring them).

Your fourth question can be answered more satisfactorily by Mr. Wm. Rumboldt, architect, St. Louis.

The contract for delivering the materials, bought at St. Louis, for the building, was let to General F. T. [J.?] Marshall, but I am unable to say at what price. Neither

am I able to state at what time the same was to have been delivered at this point; a portion of it has been delivered, and, owing to damage, a portion of it has not been received. I condemned the same, and so receipted for it as superintendent; but that portion of the castings needed first is yet behind, and unless delivered within ten days the work will have to stop for the want of the bases and window-frames.

In the original plan and specifications the building above basement was to have been of brick; but finding it impracticable, the contract was changed, (all parties agreeing, as I so understood it,) and the first and second stories are to be of rubble masonry, plastered with Roman cement, which will be extra of the present contract. For further information as it respects the change in contract, I would refer you to Dr. A. Rodrigue, the contractor.

As it respects the present condition of the building, I feel satisfied that it would have been much farther advanced had it not been for a continuation of the difficulties in the Territory, which have at times rendered it almost impossible for the present contractor to procure the services of such men as he needed.

If the above is not sufficiently full and satisfactory, you will confer a favor by letting me know.

With sentiments of respect, I am, yours truly, and obedient servant,

OWEN C. STEWART,

Superintendent of Capitol Building.

His Excellency J. W. Geary, Governor of Kansas Territory.

ORDER FOR MILITIA GUARDS.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 23, 1856. }

DEAR SIR: You will furnish, from time to time, such guards to the United States Marshal as he may require, taking care to report to me whether the force under your command is sufficient for the purposes intended.

Yours, &c.,

JOHN W. GEARY,

Governor of Kansas Territory.

Colonel H. T. Titus.

It having been reported to Major General Smith, as well as to the Executive, that large bodies of armed men were preparing to invade the Territory through the northern frontiers, especial attention was directed to that quarter. The following correspondence relates to that subject:

DISPATCH FROM COLONEL COOKE.

CAMP, September 23, 1856 — 7½ A. M.

DEAR SIR: I send you dispatches, &c., &c., received late in the night. Colonel Johnston is under orders for the "northern frontier," to repel invasion, with four companies First Cavalry. Can you give us new information? Otherwise, doubtless, his route should be through Topeka, and he would soon meet all bad news. I have anticipated Colonel Johnston's moving in an hour or two.

In great haste, I am, yours truly,

P. ST. GEORGE COOKE, *Commanding.*

His Excellency Governor John W. Geary, Kansas Territory, Leocompton.

REPLY TO COLONEL COOKE.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 23, 1856. }

SIR: I have received your communication of this morning, also one from General Smith, both relating to the movement of Colonel Johnston, with four companies of cavalry, upon the northern frontier. As this expedition is to be guided entirely by instructions to be obtained from me, I can now merely say that I have several per-

sons employed in that region of the Territory to obtain and report to me any information concerning operations that might affect the peace of the government; and having yet received no reports from them, I desire that the departure of Colonel Johnston be deferred until I can receive and communicate to you authentic accounts that will justify the movement of the troops.

Yours, truly, JOHN W. GEARY, *Governor of Kansas Territory.*

Colonel P. St. George Cooke,
Commanding United States troops.

LETTER TO GENERAL SMITH.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 23, 1856. }

MY DEAR SIR: I received your official and private letters of yesterday's date, and their contents were duly noted, and disposed of as directed by you.

I have not yet obtained sufficient information concerning the movements of Lane's party in the north, to justify the marching of the troops in that direction. I have two men in search of correct information, and as soon as I obtain it in a sufficiently reliable shape to authorize a movement in that direction, it shall be done, and I will accompany it in person.

The foot companies, to fill your requisition, will be full in a few days. I have need for one company of cavalry. I trust you will give me a requisition for it, in addition to the two of infantry.

Everything is apparently quiet in this part of the Territory. Mechanics and laborers are resuming their business. All the arts of peace are once more beginning to be cultivated, and I trust its benign influences may be permanently planted. Yet I cannot put implicit confidence in the present calm. It seems impossible that, after a few bold strokes only, a continuous peace could be established, after so long and serious a conflict. I feel that it is infinitely better to maintain a few additional troops than to run the risk of outbreaks hereafter. Every poll where difficulty is likely to occur should be guarded on the election day.

With high respect, your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Major General P. F. Smith.

SEPTEMBER 24, 1856.—For the purpose of obtaining information which was considered of great value to the Territory, the Governor invited to Leecompton Captain Walker, of Lawrence, one of the most celebrated and daring leaders of the Anti-Slavery party, promising him a safe-conduct to Leecompton and back again to Lawrence. During Walker's visit at the Executive office, Colonel Titus entered, whose house was, a short time since, destroyed by a large force under the command of Walker—an offense which was subsequently retaliated by the burning of the residence of the latter. These men were, perhaps, the most determined enemies in the Territory. Through the Governor's intervention, a pacific meeting occurred, a better understanding took place, mutual concessions were made, and pledges of friendship were passed; and, late in the afternoon, Colonel Walker left Leecompton in company with, and under the safeguard of Colonel Titus. Both these men have volunteered to enter the service of the United States as leaders of companies of Territorial militia.

SEPTEMBER 25, 1856.—

APPLICATION FOR TROOPS.

UNITED STATES MARSHAL'S OFFICE, }
LECOMPTON, K. T., September 25, 1856. }

SIR: A warrant has been in my hands, issued by the honorable Judge Lecompte, Chief Justice of the Supreme Court of Kansas Territory, bearing date 17th September, instant, for the arrest of Colonel Whipple and many other persons; upon which warrant I have arrested fourteen persons at Topeka, on the 18th instant.

And whereas, a great number mentioned in said warrant are not yet arrested, and, in consequence of the excited condition of the people of the Territory, and the opposition to the execution of the laws, I am unable, by the power vested in me as United States Marshal, to execute the process in my hands, as commanded by said writ, without the aid of a military posse to assist me in the discharge of said duty, I am therefore under the necessity of requesting your Excellency to furnish me a posse of ten dragoons, to aid me in making the arrests of the persons mentioned in said writ of arrest.

Very respectfully, your obedient servant, I. B. DONELSON,
United States Marshal of Kansas Territory.

His Excellency John W. Geary, Governor of Kansas Territory.

REQUISITION FOR TROOPS.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 25, 1856. }

SIR: Having been shown a warrant issued by the honorable the Chief Justice of this Territory, for the arrest of Colonel Whipple and others, for crimes committed in this Territory, and being duly certified by the United States Marshal that he is unable, by virtue of the civil power vested in him, to execute said warrant, and requesting military aid, you are therefore respectfully requested to detail a posse of ten mounted troops (that being the number required by the Marshal), to aid him in the execution of said writ.

Very truly, your obedient servant, JOHN W. GEARY,
Governor of Kansas Territory.

Colonel P. St. George Cooke,
Commanding U. S. troops near Lecompton.

INQUIRIES CONCERNING REQUISITIONS.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 25, 1856. }

SIR: You have at sundry times made application to me for requisitions upon Colonel Cooke, commanding the United States troops stationed near this place, for men to assist you in the execution of warrants upon persons charged with offenses against the peace of the Territory. These requisitions were made as follows:

On the 17th instant, for 200 dragoons, to serve a writ upon one Colonel Whipple and others.

On the same day, for five dragoons, to arrest certain parties not named in your application.

On the 20th instant, for ten dragoons, to execute a warrant upon Thomas Kemp and others.

And on the 22d instant, for six dragoons, to aid in securing sundry persons charged upon the complaint of James B. Lofton.

As I have received no official information respecting the result of the above-named requisitions, you will oblige me by reporting at once, in writing, whether they were

complied with; and if so, whether the objects for which they were made have been accomplished; and all other information relative to the subject that you have the means to communicate.

Yours, &c.,

JOHN W. GEARY,

Governor of Kansas Territory.

I. B. Donelson, Esq., U. S. Marshal, K. T.

REPLY OF MARSHAL DONELSON.

U. S. MARSHAL'S OFFICE, }
LECOMPTON, K. T., September 25, 1856. }

SIR: In answer to your interrogatories, contained in your note of to-day, as to the results of requisitions made on your Excellency for military possses to aid in making arrests of persons charged with offenses against the peace of the Territory, to wit, "A requisition on the 17th instant, for two hundred dragoons, to serve writs on Colonel Whipple and others:" This requisition, under command of Colonel Johnston, marched from near Lecompton at two o'clock on the 18th instant, for Topeka, where Colonel Whipple and a large number of others, commanded by the warrants in my hands to be arrested, were supposed to be. The troops reached Topeka early on the morning of the 19th instant, where I made arrests of fourteen persons, identified as being of the party of Colonel Whipple, in the robbery of Osawkee, one of whom was too unwell to be removed; another, through mistake, was left. Twelve persons were brought to this place and put under guard of the United States troops, until Monday, the 22d instant, at which time eight were turned over to Colonel H. T. Titus, of the Territorial militia, to guard, four of the twelve having made their escape while in charge of the United States troops. The remaining eight, namely, John Ritchie, John H. Kagi, Wm. Fisher, Charles Diggs, Charles Sexton, John W. Kemble, B. W. Atwood, and John Brown, were on the 24th instant brought before the Hon. Sterling G. Cato, Associate Justice of the Supreme Court of this Territory, for examination; who, after the evidence, committed John Ritchie, John H. Kagi, Charles Sexton, and Charles Diggs, for highway robbery, and discharged James Kemble, John Brown, Wm. Fisher, and B. W. Atwood.

The requisition made on the same day, (the 17th instant,) for five dragoons, upon which no arrests were made.

The requisition made on the 20th instant, for the dragoons to aid in arresting Thomas Kemp and others for robbery, resulted in the arrest of Thomas Kemp, Robert Inchown, J. W. Thompson, Orval Thompson, and William Owens, who are now before the court upon examination.

The requisition made on the 22d instant, for six dragoons to aid me in arresting certain persons for horse-stealing, on the affidavit of James B. Lofton, resulted in the arrest of George Leonard and — Tabor, who were brought before the court to-day for hearing, and the case continued until to-morrow.

Another requisition for a posse of (number not mentioned in your communication) dragoons, were sent with Deputy Marshal Cramer, on a warrant issued by the Hon. Sterling G. Cato, Associate Justice, &c., on the 20th instant, upon an affidavit by Isaac G. Baker, for the arrest of a company of marauders and robbers (whose names were unknown to said Baker), in the county of Franklin. The posse proceeded by way of Lawrence and Blanton's bridge to Hickory Point, where they ascertained that these marauders had returned the day previous by way of Blanton's bridge. No arrest was made.

The objects for which the requisitions were made have been partially accomplished. On the requisition for two hundred dragoons, on the 17th instant, a large number implicated in the warrant have not yet been arrested, on account of the difficulties in finding their whereabouts. That for the five on the same day proved

abortive. That of the 20th instant, for ten dragoons, was accomplished, or nearly so. That of the 22d instant, for six dragoons, succeeded in arresting two of the offenders, one more of whom has since been arrested, and one still cannot be found.

No resistance has been made to the execution of any of these writs; nor is it probable that any will be made when the Marshal is accompanied by a military posse.

I have now in my hands a large number of writs not executed, on account of the press of business before the examining court now sitting in this place.

All of which is respectfully submitted.

Very respectfully, your obedient servant,

I. B. DONELSON, *United States Marshal, K. T.*

His Excellency J. W. Geary, Governor of Kansas Territory.

REQUISITION FOR TROOPS.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 25, 1856. }

SIR: Having received reliable information that about 200 armed men, in defiance of my recent proclamation, under command of a certain Redpath, have entered the Territory through Nemaha county, in the Territory of Nebraska, on their way to Topeka, which they expect to reach to-morrow night, I desire you to send a force of about one hundred and fifty mounted troops, with instructions to disperse said armed body of men, and to assist the United States Marshal, or his deputy, to execute any writs in his possession, and to make any arrests which circumstances may seem to require.

I have also to request that you send one company of infantry to the neighborhood of Lawrence, to be there stationed, for the purpose of maintaining the peace of the neighborhood, including the town of Franklin.

Your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Colonel P. St. George Cooke,
Commanding U. S. Troops near Leocompton.

The following letter was this day received from General John W. Reid, late a commander of the Kansas militia, called into the service of the Territory by Secretary Woodson, when acting Governor:

LETTER FROM GENERAL REID.

INDEPENDENCE, MO., September 20, 1856.

SIR: The expedition which was disbanded by your order at Franklin, the other day, was put on foot at a time when it seemed the Government was, by the factious action of Congress, about to be deprived of power to enforce order in the Territory, and in the belief amongst our people that they were driven to the sword to maintain and protect their rights in the Territory against violation by a band of freebooters.

As soon, however, as I read your proclamation, and saw the instructions of the Government to you, and your power and determination to enforce them, I determined, though against the consent of some who were more zealous than judicious, to do no act which would bring our forces into conflict with you, or which would in any way increase the embarrassments of your position. The result, you know, transpired at Franklin, and was as as gratifying to me as to yourself. But, like all other men who take positions when they are responsible for the acts of an organized mob of militia, I am maligned and assailed for the manner of terminating the affair.

I am sorry to say we had too many men who were actuated by no higher motive than pillage and plunder; and, also, others who went to avenge real or supposed wrongs, and who are greatly *outraged* that they were not permitted to enter Lawrence and plunder it, and hence are busy in attributing to me every motive but the true one for the result of affairs. And hence I trouble you with this note, and will take it as a favor if you will answer the following queries:

1st. Had you not, the day before our arrival, visited Lawrence with United States dragoons and disbanded Lane's forces, then there?

2d. Was not Lawrence at the time of our approach in an almost *defenseless* condition? And would not the taking and sacking of it, under the circumstances, have been dishonorable to the attacking party?

3d. Were you not compelled by official duty, having disbanded their forces, to interpose with the United States troops to prevent our entry into Lawrence?

4th. Was not the flag on the Blue Mound a signal to advise you of our approach, so that you might start for the relief of the town in time? (I so understood you at Franklin.)

5th. Could Lawrence have been taken by us on Sunday evening before the troops or yourself came to its succor? And did not the people advise you, by runners, of our approach?

6th. Could the town of Lawrence have been attacked and taken by us on Sunday, the 14th instant, except in violation of your authority, and in opposition to your power and that of the United States forces at your command being present and resisting such attack?

By answering the above you will confer a personal favor upon one who entertains a high respect for yourself and for the manner in which you performed the functions of your difficult position.

I will add that, when twenty miles from Lawrence, I learned from the stage-driver and the passengers that the armed force in the town had been disbanded by you the day before, and that I *then* determined not to allow it to be entered if contrary to your wish; and I have only one regret connected with the affair, and that is, that some bad men who were with us did commit some outrages, only too much resembling those of which I hope you will believe was beyond my control or power to prevent.

Very respectfully, sir, your very humble and obedient servant,

JOHN W. REID.

His Excellency John W. Geary, Governor of Kansas Territory.

REPLY TO GENERAL REID.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 25, 1856. }

DEAR SIR: Your favor of the 20th instant was received by last night's mail, and, although pressed by official business, I hasten to give an immediate response to your friendly letter.

In order to make my reply entirely lucid and satisfactory, I will first answer your interrogatories in their order.

In reply to your first, I have to state that on the day before the arrival of your forces, I had visited Lawrence in person, accompanied by about three hundred dragoons; that I caused my printed proclamations to be circulated there, commanding "*all bodies of men, combined, armed, and equipped with munitions of war, without authority of the Government, instantly to disband or quit the Territory, as they will answer the contrary at their peril.*" At Lawrence I neither saw Lane, nor any body of armed forces; nor have I seen Lane since.

In reply to your second interrogatory, I answer that I was at Lawrence at the

time of your approach, and that so far as its inhabitants were concerned, the place was "almost in a defenseless condition, and that the sacking and taking of it under the circumstances would have reflected no honor upon the attacking party."

In reply to your third interrogatory, I say that I was "compelled by official duty to prevent your entry into Lawrence by the interposition of the United States troops," and that I would have done so.

In reply to your fourth interrogatory, I have to state, that I knew nothing of the purpose of the "flag on the Blue Mound" until it was pointed out to me in the camp at Franklin, and I was there told that it was to signal the *people of Lawrence* of the approach of your forces.

In reply to your last interrogatory, I say that the town of Lawrence "could not have been attacked and taken by the forces under your command, on Sunday the 14th instant, except in violation of my authority, in opposition to my power, and in defiance of the United State troops, being present, and under my command."

In reply to other portions of your letter, I have the honor to submit to you an extract from a letter which I addressed to the Governor of Missouri on the 20th instant:

"Your estimate of the patriotism and honorable bearing of the good citizens of Missouri is by no means too exalted, as was fully demonstrated by their conduct when recently assembled in great force before the town of Lawrence.

"They came there with a fixed determination to destroy that town, in retaliation, as they said, for wrongs which their fellow-citizens from Missouri had experienced at the hands of the citizens of Lawrence.

"My presence there was indeed most opportune; and your Excellency cannot imagine my emotions of gratitude, when, in response to my appeal, the army of Missourians most gracefully resolved to disband, return to their respective homes, and trust to my efforts for the protection of their friends here.

"I trust that your Excellency will in some way do me the favor to communicate to those of your citizens who, upon that occasion, so honorably responded to my appeal, my heartfelt thanks and my sincere obligations.

"If the Missourians had executed their purpose to destroy Lawrence and massacre its inhabitants, it would have been a stain upon the escutcheon of your noble, conservative State, which time could scarcely have effaced. Having burned Lawrence and destroyed its inhabitants, excited by the contest, and rendered more fierce by their work of blood, they would have marched upon Topeka, and it would have met the fate of Lawrence, and the Free-State men would have been utterly exterminated.

"Such a catastrophe would have excited so great a horror, and stirred up so fierce an indignation throughout the entire North, that all my efforts to preserve the peace of the Territory would have been utterly impotent and futile. We would have been literally overrun by a Northern army, and the flames of civil war would have been kindled throughout the country.

"It is, therefore, a source of hearty gratulation that the citizens of Missouri have had the good sense to place themselves in a correct position, and thus render such essential service to the cause of good order.

"I trust that, for the future, the same courtesy will be extended towards me by your citizens, and that the most cordial relations may forever exist between the two governments."

In conclusion, I have to unite with you in the earnest expression of regret "that some bad men connected with your expedition did, upon their retirement, commit outrages which all good men should deplore."

I cannot, however, close this hasty letter without expressing my warm thanks to you, individually, for your manly and generous conduct on the occasion referred to, and your prompt compliance with my wishes.

Very truly, your obedient servant,
General John W. Reid.

JOHN W. GEARY,
Governor of Kansas Territory.

SEPTEMBER 26, 1856.—Numerous applications have been made at the executive office, by parties residing in different sections of the Territory,

for the privilege of organizing armed bodies of men, ostensibly for the purpose of protection to the neighborhoods in which the applicants reside. As the granting of such a privilege would be in direct opposition to the proclamations of the 11th instant, and be the means of reëstablishing partisan bands over the Territory, it has invariably been refused. The following letter and reply exhibit the policy of the Governor on this subject:

LETTER FROM H. CLAY PATE.

WESTPORT, September 25, 1856.

DEAR SIR: Judge Wilson, of Franklin county, of whom I spoke in a letter some days since, asking your attention to the election in that county and Lykins, desires that I should organize the settlers of those two counties into a company for mutual protection during the election excitement.

I have told him I would do so, provided you would give me a commission. There will certainly be a disturbance if no sufficient force is there. Some of our own party are going, who are themselves imprudent, and, in some cases, disorganizers, and should be under restraint. If not, they will do more harm than good.

The presence of a body of men is necessary; but I will not consent to command them without such authority from you as will enable me to enforce rules and prevent all kinds of violence.

Please answer at once. I refer you to Secretary Woodson, Colonel Titus, Sheriff Jones, and Doctor Rodrigue.

Your servant,

H. CLAY PATE.

Governor John W. Geary.

REPLY TO THE FOREGOING.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 26, 1856. }

DEAR SIR: I have just received your favor of yesterday, suggesting anticipated difficulties in the counties of Franklin and Lykins, in this Territory, at the approaching election, and volunteering your services to raise a company to preserve the peace of those counties, and prevent disturbance at the polls.

While thanking you most kindly for your suggestions and for your very friendly offer, I have to say that I have made every arrangement necessary to protect the *bona fide* citizens of this Territory in the exercise of their right of suffrage. The order has already issued to secure the attendance of United States troops at points where I have any reason to anticipate trouble.

I am especially determined and sensitive on this point, and will punish with the utmost severity any interference with the legitimate exercise of the sacred right of suffrage.

I trust that you and all other good men will aid me in this matter, which I have so much at heart.

Very truly, your obedient servant,

JOHN W. GEARY, Governor of Kansas Territory.

H. Clay Pate, Esq.

SEPTEMBER 27, 1856.—

REQUISITION FOR TROOPS TO GUARD THE PRISONERS.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 27, 1856. }

SIR: I am under the necessity of making a requisition upon you for thirty infantry, to perform guard duty over the United States prisoners in Lecompton. The

infantry guard to go on duty to-morrow (Sunday) at 9 o'clock A.M., and to serve one day.

This requisition is made for the purpose of relieving the volunteer guard, who have been on duty, night and day, since their enlistment.

Your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

To Colonel P. St. George Cooke,

Commanding United States forces near Leocompton.

APPLICATION FOR TROOPS.

UNITED STATES MARSHAL'S OFFICE, }
LECOMPTON, K. T., September 27, 1856. }

SIR: Sundry warrants or writs of arrest have been placed in my hands, issued by the Hon. Sterling G. Cato, Associate Justice of the Supreme Court for this Territory, upon the following affidavits, to wit:

The affidavit of L. B. Stateler, dated 17th September, instant; warrants were issued for one Harvey Moore and others, dated same as affidavit.

The affidavit of William A. M. Vaughan, dated 17th September, instant; warrants were issued for the arrest of Charles Moffat and Marion J. Mitchell, and others, dated same as affidavit.

The affidavit of Benjamin D. Castleman, dated the 24th September, instant; warrants were issued for the arrest of Martin Stowell, Jamison, Cleveland, and others, date same as affidavit.

The affiants all live in and near Tecumseh, Shawnee county, Kansas Territory; the offenders, many who are here named, live in the neighborhood of Tecumseh and Topeka.

In consequence of the known opposition of these offenders to the execution of the laws, I am unable by virtue of the authority vested in me as United States Marshal for the Territory of Kansas, to make arrest of said offenders. I therefore request your Excellency to furnish me a military posse of twenty United States dragoons to aid me in making the arrests commanded by said writs.

Very respectfully, your obedient servant, I. B. DONELSON,

United States Marshal for the Territory of Kansas.

His Excellency John W. Geary, Governor of Kansas Territory.

THE FOREGOING APPLICATION DECLINED.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 27, 1856. }

SIR: I have just received your requisition for a posse of twenty United States dragoons, to aid you in the execution of certain warrants in the neighborhood of Tecumseh and Topeka.

In reply, I have to say that there are now one hundred and fifty United States mounted troops in the vicinity referred to, and my advices are that peace and quiet reign there, and I believe you will have no difficulty in the discharge of your duty.

I must therefore decline acceding to your request until I am clearly satisfied that you cannot execute your warrants by virtue of the civil authority already vested in you.

I am very averse to the employment of the military to execute civil process, and will only do so in cases of imperative necessity.

Very truly, your obedient servant,

JNO. W. GEARY, *Governor of Kansas Territory.*

I. B. Donelson, Esq., United States Marshal for the Territory of Kansas.

REPORT OF MARSHAL DONELSON.

UNITED STATES MARSHAL'S OFFICE, }
LECOMPTON, K. T., September 27, 1856. }

SIR: A requisition was made by me on the 23d of September, instant, for a posse of ten dragoons, to aid me in arresting certain persons implicated in a writ issued by the Honorable Samuel D. Lecompte, Chief Justice of the Supreme Court of the Territory of Kansas, on the 17th of September, instant, for Colonel Whipple and others.

This posse granted by you proceeded on the 24th of September, instant, accompanied by my deputy, William H. Tebbs, to Osawkee, in Jefferson county, Kansas Territory, and arrested in that neighborhood the following persons named and implicated in said warrant, to wit: Ephraim Bainter, Doctor Cole, Absalom Vickers, Henry Hoover, Henry Bowles, Nathan Griffiths, Jacob Fisher, and French Lewis.

The posse arrived here on yesterday evening with the prisoners, who were turned over to Colonel H. T. Titus, commanding the Territorial militia, for safe keeping.

Very respectfully, your obedient servant, I. B. DONELSON,

United States Marshal of the Territory of Kansas.

His Excellency John W. Geary, Governor of Kansas Territory.

REPORT OF DEPUTY MARSHAL TEBBS.

UNITED STATES MARSHAL'S OFFICE, }
LECOMPTON, K. T., September 27, 1856. }

SIR: It is with pleasure that I submit the following statement of occurrences under my observation in the performance of certain official duties devolving upon me as Deputy United States Marshal, in Jefferson county, Territory of Kansas. A requisition for ten United States dragoons having been placed under my direction, I left Lecompton at 12 o'clock *m.*, on the 25th of September, instant, and proceeded to the neighborhood of Osawkee, and by 12 o'clock of that night succeeded in arresting six persons upon a warrant issued by his Honor Samuel D. Lecompte, Chief Justice of the Supreme Court of Kansas Territory, and on the next morning two others upon the same writ, all of whom were safely delivered into the hands of the United States Marshal, I. B. Donelson, on the evening of the 26th inst. I have further to state that no resistance was made to my authority, except in words by one of the persons, who was quickly silenced without violence.

I take pleasure, also, in stating to your Excellency, that so far as I have heard an expression of feelings on the part of the people of that county, with nearly all of whom I have an intimate acquaintance, they were delighted with the course pursued and adopted by you, and feel confident in the hope of a rapid restoration of the country to peace and prosperity.

I ascertained from reliable authority that General James H. Lane, on the day after leading the attack on Hickory Point, made a speech to his men, after first reading your proclamation which directed them to disperse. He then dispersed them, and declared his intention of leaving the country.

I could hear of no armed bodies of men anywhere in that section of the country.

Very respectfully, your obedient servant,

WILLIAM H. TEBBS,
Deputy U. S. Marshal, K. T.

His Excellency John W. Geary, Governor of Kansas Territory.

On the evening of the 26th instant, Judge S. G. Cato was accidentally shot in the ankle by the discharge of a pistol in the hands of another person. The wound, though not mortal, is sufficiently severe to prevent his attend-

ing for some time to his official duties. Under the present pressing necessities for his services, this calamity is peculiarly unfortunate. A number of prisoners are awaiting a preliminary examination on sundry charges, and it is important that they should immediately be heard. The accident to Judge Cato, and the continued absence from the Territory of Judge Burrell, rendered necessary the instant dispatch of the following communication to Chief Justice Lecompte, now at Leavenworth city:

TRIAL OF PRISONERS.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., September 27, 1856. }

DEAR SIR: An accident having occurred last night to Judge Cato, he is rendered incapable of prosecuting his official duties. This is peculiarly unfortunate at this particular time. A number of persons recently arrested, charged with crime, are awaiting an examination, and it is absolutely necessary that a hearing should be given to them at the earliest possible moment. I would, therefore, urge the importance of your immediate return to Lecompton. A number of witnesses who have been summoned will be here on Monday next, to attend preliminary examinations of the prisoners.

There are now here over one hundred persons who have already been heard by Judge Cato, and committed for trial on charges of murder, robbery, &c. It is indispensable that the court should be held in this place for the trial of these men, as the difficulties attending their conveyance to Leavenworth, and collecting the witnesses at that place, are insurmountable. You will therefore please make arrangements for holding the court at Lecompton.

Respectfully, your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Honorable Samuel D. Lecompte, Chief Justice of Kansas Territory.

On the 19th instant a communication was received at this office, dated the 9th instant at St. Louis, Missouri, and signed by Dr. S. Norton and seven others, who claimed to have been citizens of Leavenworth, and to have been driven from their homes in that city by force, exercised by an armed body of men under command of Captain Emory, of the Territorial militia. The following letter from the Mayor of Leavenworth city is in reply to inquiries addressed to him on this subject:

LETTER FROM THE MAYOR OF LEAVENWORTH CITY.

LEAVENWORTH CITY, KANSAS TERRITORY, }
September 23, 1856. }

RESPECTED SIR: Your favor of the 19th instant has been duly received, and I hasten to reply thereto. The petitioners referred to in your letter, it is true, were citizens of this city; and it is equally true that they were opposed in principle and sentiment to the statute laws of this Territory, and on all and every occasion were found in opposition to the law-and-order party of this city. At the time they left this city there existed a very high state of excitement. The Pro-Slavery, or law-and-order party, were hourly expecting an attack to be made on them from a portion of the notorious Colonel Lane's party. Large numbers of them had removed their wives and children away from the town. Others were on guard at the edge of town, and engaged in erecting barricades to defend their persons and property against attack

from a body of men whom they looked upon as enemies to the laws of Kansas Territory, and as outlaws and traitors to our common country. For two or three days previous to the time that these men state to your Excellency that they were forced to leave, appeals had been made to every citizen of Leavenworth city, who was in favor of sustaining the Kansas laws, and resisting an attack from Lane's men, to shoulder their guns and come to the defense of the city. Those men put a deaf ear to any such appeals; and on Tuesday, the 2d instant, the leading military men of the city requested Captain Emory to detail a guard from his company to go around the city and notify all persons who were not in favor of the laws, and unwilling to fight in defense of the city, that they had better leave. I cannot state to you as a fact that the petitioners alluded to in your letter received any orders from Captain Emory; but if they did, I am convinced that they were as above stated.

Your Excellency is aware of the fact that at the time spoken of the civil arm of the law was completely paralyzed. Now that peace is restored, and the officers of the law have determined to act strictly in accordance with your proclamation, I believe those men have nothing to fear in returning here. If they will act as law-abiding citizens, they shall receive from me that protection which the law demands.

I hope, sir, you will permit me to add that I have, as Mayor of this city, endeavored on all occasions to prevent bloodshed, and have the city ordinances and laws of the Territory obeyed and respected; and when it was out of my power to enforce them, as in the last excitement, I went around, and by persuasive language allayed excitement as far as possible.

I am, respectfully, your obedient servant,

WILLIAM E. MURPHY.

Honorable John W. Geary, Governor of Kansas Territory.

REPORTED INVASION IN THE NORTH.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 27, 1856. }

SIR: You will perceive by the accompanying letter from a respectable citizen of Chicago, of the 16th instant, and indorsed by the postmaster at Westport on the 25th instant, and just received by me, that "one thousand *armed* men were about to start from Chicago to help Lane at Lawrence, and that they expect to enter Kansas through the State of Iowa and Territory of Nebraska."

I deem it important to communicate this information, in order that you may communicate with Colonel Johnston on the subject, that he may take such precautionary measures as under the circumstances may be deemed advisable to prevent the ingress of any armed force, in violation of my proclamation, along the northern frontier.

Your obedient servant,

JOHN W. GEARY, Governor of Kansas Territory.

Colonel P. St. George Cooke, Commanding U. S. forces near Lecompton.

COMMISSIONS ISSUED.

To William A. Cardwell, as justice of the peace for Lecompton township, Douglas county.

John Spicer, as county commissioner for Douglas county, *vice* — Johnson, removed from said county.

Henry Carmichael and William Jordan, as justices of the peace for Tecumseh township, Shawnee county.

William F. Johnson, as justice of the peace for Wakarusa township, Shawnee county.

Nolan Rice, as justice of the peace for Council City township, Richardson county.

William P. Hicklin, as public administrator for Shawnee county.

William M. Harniss, as constable for Council City township, Richardson county.

Joseph Dearman, as constable of Wakarusa township, Shawnee county.

Harvey Spurlock, as constable for Lecompton township, Douglas county.

SEPTEMBER 28, 1856.—

REQUISITION TO ARREST JAMES H. LANE.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 28, 1856. }

SIR: Having received reliable information that James H. Lane, with a large armed force, with three pieces of cannon, is now about to invade this Territory, he having contracted with the ferryman at Nebraska City for the transit of six or seven hundred men across the Missouri river, commencing on the 26th instant, this is to authorize and request you, with such force as you may deem necessary, to cause the said James H. Lane to be arrested, if he be found within the limits of this Territory, and to capture his cannon and any other munitions of war, together with any armed body of men entering this Territory in violation of my proclamation of the 11th of September, instant, and to bring the said James H. Lane, with his cannon and munitions of war, together with any other prisoners, before me at this place, to be dealt with according to law.

Your obedient servant,

JOHN W. GEARY, *Governor of Kansas Territory.*

P. St. George Cooke, Commanding U. S. forces near Lecompton.

THE SAME SUBJECT.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 29, 1856. }

DEAR SIR: I have just received dispatches from General Smith, inclosing evidence sufficient, in my judgment, to justify the within requisition.

I am now of the opinion that Redpath's party is but the advance guard of Lane's command. I think you will meet him upon the same route traveled by Redpath.

It now seems to me proper to employ every means to capture Lane. The acts he has been guilty of in Kansas point out his intentions now, and, connected with his armament of cannon, show his intentions to be in continuation of his former illegal and revolutionary acts.

I hope you will lose no time in carrying out this order, and, if possible, secure the principal object.

If you think Colonel Johnston's command sufficient, and he is *en route* for the north, please communicate the fact to me to-night, and send a messenger to communicate my wishes, &c. Very truly, yours, &c.,

JOHN W. GEARY,
Governor of Kansas Territory.

Colonel P. St. George Cooke,

Commanding United States forces near Lecompton.

ABOUT SELLING LIQUOR TO THE TROOPS.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 29, 1856. }

SIR: Whereas, great complaints have been made to me that much drunkenness prevails among the United States forces stationed near this place, by reason of the

indiscriminate and unrestrained sale of liquor to the soldiers by the various liquor establishments located here; and, whereas, such a state of things is highly demoralizing to the troops, and is calculated to unfit them for a proper discharge of the delicate and responsible duties devolving upon them, I deem it proper to bring the fact to your notice, as the head of the municipal government, in order that you may take such measures as in your opinion will remedy the existing evil.

Your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Owen C. Stewart, Esq., Mayor of Leocompton.

REQUISITION FOR MOUNTED MILITIA.

HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, September 28, 1856. }

GOVERNOR: I have the honor to inclose a requisition for a company of militia of the Territory, mounted, in addition to the two companies of foot already required for the service of the United States.

This company, which you desire me to have called into service, will be mustered into the service of the United States by an officer to be detailed for that purpose by Lieutenant Colonel Cooke.

The law and regulations on the subject require the mustering officer to be very strict in inspecting the horses and equipments of the mounted men; and I mention it now, that they may provide themselves accordingly.

With the highest respect, your obedient servant, PERSIFER F. SMITH,
Bvt. Major General Com'g Department.

His Excellency John W. Geary, Governor of the Territory of Kansas.

THE SAME SUBJECT.

HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, September 28, 1856. }

SIR: In addition to the companies of militia called into the service of the United States, I have the honor to make a requisition on you for one company of cavalry, to consist of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, one farrier and blacksmith, and seventy-four privates.

With the highest respect, your obedient servant, PERSIFER F. SMITH,
Bvt. Major General Com'g Department.

His Excellency John W. Geary, Governor of the Territory of Kansas.

SEPTEMBER 29, 1856.—Every other means to secure the person or persons who murdered Mr. Buffum on the road between Lawrence and Leocompton, on the 15th instant, having failed, the following proclamation, offering a reward of five hundred dollars, was this day issued:

PROCLAMATION.

\$500.]

LECOMPTON, September 29, 1856.

A reward of five hundred dollars is hereby offered for the arrest and conviction of the murderer or murderers of David C. Buffum, of Douglas county, in the Territory of Kansas.

This reward will be paid by me immediately upon the conviction of the author of this great outrage.

JOHN W. GEARY,
Governor of Kansas Territory.

SEPTEMBER 30, 1856.—The following letter to the honorable Secretary of State was forwarded by mail to St. Louis, to be dispatched thence to Washington city by telegraph:

TO THE SECRETARY OF STATE.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., September 30, 1856. }

SIR: Peace now reigns in Kansas. Confidence is gradually being restored. Citizens are returning to their claims. Men are resuming their ordinary pursuits, and a general gladness pervades the entire community.

When I arrived here, everything was at the lowest point of depression. Opposing parties saw no hope of peace, save in mutual extermination, and they were taking the most effectual means to produce that terrible result.

I will shortly issue a proclamation announcing the fact that tranquility prevails, and inviting the return of all citizens who have been ejected from the Territory either by fraud or force.

In a day or two I will transmit you a full account of my proceedings.

Your obedient servant,

JOHN W. GEARY,

Governor of Kansas Territory.

Hon. Wm. L. Marcy, Secretary of State.

LECOMPTON, KANSAS TERRITORY, October 1, 1856.

The foregoing is a true copy of the executive minutes of the Territory of Kansas, from the 9th to the 30th September, 1856, inclusive.

JOHN H. GIHON, *Secretary to the Governor.*

CORRESPONDENCE OF MR. MARCY AND GOVERNOR GEARY.

DEPARTMENT OF STATE,
WASHINGTON, September 23, 1856. }

SIR: Your letter of the 9th instant, from Fort Leavenworth, has been received and laid before the President. He is much gratified with your assurance that you shall be able ere long to restore peace and quiet to the Territory of Kansas. Such aid as he can give toward accomplishing this most desirable result will be promptly afforded.

In General Smith's dispatch to the Secretary of War, of the same date with that of your letter, he expresses a decided opinion that the military force which he now has under his command, together with that which can be organized in the Territory, will be sufficient for all the purposes for which such a force is needed, and that he shall have no occasion to use the authority given to him to call for any additional force from the States of Kentucky and Illinois.

The President indulges the hope that, by the judicious measures which he does not doubt will be adopted by you, and the concerted action between yourself and General Smith, outrages will cease, order be restored,

and the civil authority reëstablished and found competent to preserve peace and afford complete protection to the settlers, both in their persons and property. Those who have committed crimes within the Territory should not be permitted to escape punishment, and there can be no ground for any discrimination between offenders acting individually and those acting as members of organized or associated bands. Your prompt and vigorous attention will be directed towards those who meditate further mischief and are disposed to obstruct your efforts to restore the supremacy of the civil authority.

The President relies upon your energy and discretion to overcome the difficulties which surround you, and to restore tranquility to Kansas. The exigencies of affairs, as they shall be presented to you on the spot, will indicate the course of proceeding in particular cases calculated to lead to such results better than any definite instructions emanating from this department.

The President directs you to keep the Government here constantly advised of the state of things in Kansas, and the measures you may take in carrying out the general instructions you have received.

I am, &c.,

W. L. MARCY.

His Excellency John W. Geary,

Governor of Kansas Territory, Lecompton.

MR. MARCY TO GOVERNOR GEARY.

[By telegraph.]

DEPARTMENT OF STATE, }
WASHINGTON, September 27, 1856. }

Your dispatch, 16th instant, received. Your course is fully approved. To the troops in service, military law can properly be applied, but you have not power to proclaim martial law; you must get along without doing so.

W. L. MARCY.

John W. Geary, Esq.,

Governor of Kansas Territory, Lecompton, K. T.

GOVERNOR GEARY TO MR. MARCY.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 1, 1856. }

SIR: I herewith transmit you a copy of the record in the case of the Territory of Kansas *vs.* the eighty-nine prisoners committed upon a charge of murder in the first degree, growing out of their attack upon "Hickory Point."

As this trial will excite much public interest, from the number of prisoners and the nature of the charge, I have deemed it important to send you a copy of the preliminary examination, with the opinion of Judge Cato.

The attorneys for the prisoners refused to make any defense, because, as I afterwards learned, they feared it might "damage the general cause," as they term it.

I told them of my purpose to transmit the record to Washington, and requested them, if they had any extenuating circumstances to offer, showing the reasons why the attack was made in defiance of my proclamation, to reduce such statement to writing, and that I would take pleasure to send it to Washington with the record.

Up to this time there has been no response to my request, and I therefore send you the record as it has been furnished me.

Very respectfully, your obedient servant,
 JOHN W. GEARY,
Governor Kansas Territory.

Hon. William L. Marcy, Secretary of State.

TRIAL OF HICKORY POINT PRISONERS.

Examination of the case of The Territory of Kansas vs. Thomas Bickerton et als.

TERRITORY OF KANSAS, }
 Douglas County. } TERRITORY OF KANSAS vs. THOMAS BICKERTON ET ALS.

SEPTEMBER 20, 1856.

The defendants having been brought before me, the undersigned, Associate Judge of the Supreme Court of the said Territory, charged with the offense of murder, and being informed of the nature of the charge, moved an adjournment till the 22d instant, to procure the aid of counsel and the attendance of witnesses; which motion was sustained, and in the meantime the said parties were committed to the custody of the Marshal.

SEPTEMBER 22, A. D. 1856.

The court met pursuant to adjournment, and the defendants were brought into court; and the defendants not being ready, moved an adjournment till to-morrow morning, nine o'clock; which motion was granted, and the defendants remanded to custody.

SEPTEMBER 23, A. D. 1856.

Court met pursuant to adjournment, and the parties were brought into court; and the defendants not being ready for trial, the court adjourned until twelve o'clock same day, at the request of the defendants.

12 O'CLOCK M.—The court met pursuant to adjournment, and commenced the examination of witnesses.

DEPOSITION OF DR. WILLIAM H. TEBBS.

Being duly sworn, deposes and saith, that I was with the Deputy Marshal when he arrested a number of persons; those persons are now before me; the first party was about five miles from Hickory Point, traveling towards Lawrence; the arrest was made about eleven o'clock P. M. I have seen some of the prisoners before. I saw one man who told me his name was Eli Lyman. I was taken prisoner by a party of men a few days before at the mouth of Walnut creek. My horse was taken from me. I heard one Thomas Bickerton say he had been pegging at those persons at Hickory Point since eleven o'clock Sunday, the 14th instant, to get those persons out of their dens. I recognize these persons that are now held as prisoners as the same body that were arrested by the Marshal, before alluded to. When this party was arrested by the Marshal, he brought them to Lecompton; I saw them while guarded by the United States troops; I have since seen them while guarded by the

militia. When these persons were taken prisoners, they were principally armed with muskets, Sharps rifles, pistols, and one piece of artillery; and also other muskets with the wagons. I saw and recognized the six horses, of eight that were taken from us at Walnut creek, in the company there arrested. I saw quite a number of cannon-ball and canister when the Marshal arrested these persons in their camp.

(*Cross-examined.*) The first company I met were traveling towards Lawrence; the second party were some asleep, some walking about. I saw a number of men standing about the cannon; I heard one person say, "Come on, you border ruffians." I saw no act of hostility or resistance to the Marshal.

When at Walnut creek, where there were eight men with me, we suddenly came down the trail, and came up to the camp; one gun was fired at us, and we were ordered to halt by a number of men squatted along the creek. Some of our party turned as if to retreat; they fired upon us. We were taken into the camp and ordered to dismount; they took our horses, eight in number, three guns, two pistols, and some butcher-knives. Mr. Lyman, William Porter, and Isaac Grey, were of these men; there are a number of persons here whose faces are familiar, who might or might not have been there; cannot swear positively that they were there. We only talked with a few of these persons.

Until a short time before, in my particular locality, on the north side of Kansas river, there had been perfect peace and quietness. The day before I was warned by a Free-State man that I had better leave, which I did the same night—the same day Mr. Dyer's and Mr. Raley's stores had been robbed of the goods they contained, and the same night my own house was robbed. At this time, report said that there was much disturbance on the south side of said river.

I understand that a number of persons had been sent from Leavenworth, who had been premeditating an attack upon the town. At the time of my arrest at Walnut creek, I do not know whether the Territory was declared in a state of rebellion by the Governor. I bore instructions to General Coffey from the Governor, and from General Coffey to General Richardson. I saw General Richardson's command, and this time all I recognized were citizens of the Territory of Kansas. I heard Thomas Bickerton say, when the party before alluded to was arrested as before mentioned, that he "came to Kansas as a Free-State man, and now he was an abolitionist, and, thank God, in two years there would not be one negro in Missouri." When these persons were arrested by the Marshal, I recognized the horses taken from us at Walnut creek in the possession of the same persons who took them; both these companies were commanded by a person called Captain Harvey. There was peace through the entire county, so far as I know, until General James H. Lane had arrived in the Territory with his command. At the time of the arrest before alluded to, Dr. Cutler said he came there as surgeon for Captain Harvey's command.

W. H. TRUBBS.

Sworn and subscribed to before me, this 23d day of September, A. D. 1856.

S. G. CATO, *Associate Justice.*

Thomas D. Childs, being duly sworn, deposeth and saith:

I was at Hickory Point during both days of the attack. I do not recognize them as being there on Saturday, as I was not near them. I recognize their faces as being familiar, and being there on Sunday, the second day of attack. The attack that was made on Hickory Point on Saturday was made by a number of persons, numbering about 150 men, marching around and firing upon us.

There were about fifty or sixty men defending Hickory Point. One horse was killed, and one wounded, by the besiegers. The party attacked at this place was Captain Lowe's—several of the neighbors; some thirty men from Atchison. We had

information that we would be attacked at this place. We assembled in this house at Hickory Point, for the defense of our persons and property; it was from threats that we heard that evening that caused us to fear the attack. They attacked us about 10 A. M., and drew off about 3 o'clock P. M. I recognized the appearance of a goodly number generally, and some individually. Charles Granville Newhall was killed on Sunday, the 14th day of this instant. Hickory Point is in Jefferson county, known as Shields' postoffice; said Newhall was shot by the men under Colonel Harvey's command, in the neck. His command numbered about 200 men; were armed with Sharps rifles, muskets, and one piece of cannon. They fired the cannon repeatedly at the shop and house; some eight holes were shot through the shop, and three holes through the house. One of Lane's command bore a white flag on Saturday, and demanded the unconditional surrender of the assemblage, or they would all be put to death, upon which Captain Lowe replied he would not surrender. The persons I recognize as being present in this fight are Thomas W. Porterfield, John I. Howell, Aaron D. Roye, Resolve Fuller. In the engagement there was one man killed and four wounded; Captain Lowe slightly; John Evans also. Captain Robinson was severely wounded, being shot through the hips; Mr. Peace also severely, and has since had his leg amputated. Captain Robinson was not in the house at the time he was wounded, but was walking about encouraging his men. John Evans was also out of doors. Mr. Peace was in the shop, and was wounded with a cannon ball.

(*Cross-examined.*) The party in the houses at Hickory Point were our neighbors and Captain Robinson's company, from Atchison. There had been some disturbances in the country, but deponent is uninformed as to who were the perpetrators.

We were assembled in these houses on Monday, having been informed that a force was within four or five miles of the place. We had two men as prisoners, whom we supposed to be spies, but released them previous to the attack. We took no property from these prisoners. We had a black flag raised upon the blacksmith's shop; it was raised by the Atchison company. I recognize some of these men individually, and others by their general appearance. Colonel Harvey made the attack; the first gun I heard was the cannon. After the fight, there seemed to be no hostility existing between the parties; they mixed freely with each other, and, so far as I could judge, there was good feeling existing.

(*Re-examined.*) The black flag was raised after the fight on Saturday, and before the fight on Sunday. There never was any prisoner murdered in our camp or wronged in any way. We left immediately after the terms were agreed upon, because we supposed they intended to go away or behave themselves. In our neighborhood there had been peace and quiet up to the time of the attack. The neighborhood consisted of Pro-Slavery men and Free-State men alike. THOS. D. CHILDS.

Captain T. J. Wood sworn and examined in behalf of the Territory:

I was with the deputy United States Marshal, and commanded the troops when a great many of these people were arrested. I arrested one hundred and one, and allowed two persons, with a surgeon, by permission of the Marshal, to go to Lawrence with a wounded man. I had a little conversation in regard to the attack, the sum of which was, they went from Lawrence to attack Hickory Point, and that they had fought there, and the wounded man, spoken of before, received his wounds during the attack. This I learned from a surgeon, who was arrested along with some twenty-five persons some two miles from where I arrested the last-named parties on their way to Lawrence. The doctor, who was acting in the capacity of surgeon, gave his name, as I then understood it to be, Dr. Cutler; since learned it was Cutter. I then proceeded to Colonel Harvey's camp; at my own order I was conducted there

and called for Colonel Harvey, and was told by Mr. Bickerton that he was in a log house some distance off. I enforced the Marshal's order of arrest, and also of disarming these men. There seemed to me to be no concealment of their purpose or what they had been about.

I recognize in the prisoners, many of them, as those the Marshal arrested. I can identify many of them as the persons there present. All, nearly, were in groups around when Mr. Bickerton told me what their purpose was, with the exception of those first arrested, who were some sixty yards off, though they all confessed to belong to the same party, under Colonel Harvey.

(*Cross-examined.*) No resistance was made to my orders, as a body; but a few individuals hesitated a little, though I did not have to speak more than once or twice — some, perhaps, sharply to. They knew the party I commanded were United States troops. Mr. Bickerton ordered those who hesitated to lay down their arms. He represented himself as second in command, and when they knew that we were troops Mr. Bickerton told us to "come in — all right."

(*Re-examined.*) I know nothing in regard to these prisoners being placed under charge of Colonel Titus.

TH. J. WOOD, *Captain First Cavalry.*

Captain H. A. Lowe sworn and examined:

On Friday evening, September 12, 1856, I received information that I would be attacked by the abolitionists, who said they must have the post, as it was on their way from Lawrence to Iowa. I had sixty men of my own company with me that night; Captain Robinson, with a company of thirty, from Atchison, was encamped there. On the next morning thirty of my company left to go home to their families living around me, leaving about sixty men. Between ten and eleven o'clock Saturday, a body of men on horseback, and a small party on foot and in wagons, made their appearance in front of the place five hundred yards distant. (My company was composed of men of both parties, both Free-State and Pro-Slavery, organized for self-defense.) Fifteen of these men here formed on the left of the house at five hundred yards' distant. Being uncertain whether they were friends or foes, I sent out a white flag by a man under my employ desiring to know their object. They answered by my man that they were abolitionists to the backbone, and unless I surrendered in five minutes I should have no quarter. They sent in a flag at the same time with a like message. We refused to surrender, and they commenced firing upon us, mostly with Sharps rifles. Captain Robinson's reply was, "Tell them to go to hell"; and my reply, that I was like General Taylor — I knew no such word as surrender. After firing upon us some three hours, they left, having done no damage, save killing one horse and wounding another. Captain Robinson then sent three of his men to Atchison, and two were taken prisoners, being out as scouts, leaving us, altogether, about fifty men there. These were divided into four squads and placed in four buildings, each in charge of an officer. About eleven and a half o'clock A. M., the 14th, they appeared again with a piece of artillery. No messages passed between us. About ten minutes after they arrived they commenced firing their cannon. The first shot struck the blacksmith's shop, the next my house. They shot wildly, as a general thing, save at the blacksmith's shop. They fired some twenty-eight or nine rounds from the cannon, (round balls, slugs, scraps of old iron, etc., being used as ammunition on the occasion.) They kept up a continual fire with their rifles. The orders to our men were not to fire till they got within sixty yards. They continued the attack till about five and a half P. M. At that time they sent in a flag from the right, saying that they had the Governor's proclamation. Lieutenant Randolph came past where I was stationed, and said they proposed terms. We went to Captain Robinson and consulted, and agreed that Randolph and myself should go out

and see Colonel Harvey. Colonel Harvey said that we were brave men, and could name our own terms; we agreed on terms, and took drinks around. The black flag was not hoisted till Saturday evening, after they demanded an unconditional surrender and no quarter; it being considered at the time as a token that we would not surrender. One man was killed on our side, the ball entering in the back and coming out on the breast. Four of our men were wounded. John Evans was considered by myself as seriously wounded; Captain Robinson also, who was shot through the hips; also, a man by the name of Peace, who had to have his leg amputated from the effects of the wound. I was also slightly wounded from a spent rifle-ball. I never saw the men who attacked me distinctly enough to recognize them by their faces. Colonel Harvey and myself drank together, and I did not conceive of any very intimate friendship between us. I did not see the prisoners after they were arrested till I came here, as they left immediately, according to the terms. Captain Robinson stopped with me, being on his way to Lecompton, when I informed him that I was going to be attacked.

(*Cross-examined.*) The parties left, according to the terms, immediately, and no subsequent marauding or attack was made. No man was arrested there by any parties. I do not know whether Captain Robinson's company had been down to Grasshopper Falls. I have no knowledge of any marauding going on, except from rumor.

H. A. LOWE.

B. A. Easley sworn and examined:

Saturday, September 13, 1856, a party came up, some four hundred yards from where we were, and Captain Lowe asked for some one to go and carry a flag, and see who they were and what they wanted. I volunteered and went. They said they were abolitionists to the backbone. They asked who we were; I answered pro-slavery. They then demanded a surrender. I asked how many men they had; they said over a hundred. They also wished to know what company we were—if we were the Kickapoo Rangers; I told them they were not the Rangers, and I did not know what company was there at Captain Lowe's. They said if we did not surrender in five minutes after I returned there should be no quarter. Some five minutes after I returned they commenced firing, and continued to do so some three or four hours.

They returned the next morning; about half-past eleven o'clock they commenced firing. They killed one of our men, a Mr. Newhall. I did not see many of the attacking party, as I was distant some four hundred yards. I saw one Colonel Harvey, who had command, after the firing was over, on Sunday. BENJ'N A. EASLEY.

William C. Staggs sworn and examined:

A party of men passed my house, on Slough creek, on Sunday morning. I do not know how many there were exactly—a hundred, more or less. They were marching northward, towards Hickory Point; it was about nine o'clock. I saw one piece of artillery. They had some wagons. They did not go more than one hundred and fifty yards from my house. I saw a gentleman they called Colonel Harvey. Colonel Harvey was in my house, and I suppose these men were under him. I do not recognize any of the men.

(*Cross-examined.*) My neighborhood is a peaceable one; know nothing of any difficulties between parties.

W. C. STAGG.

D. A. Cawfield sworn and examined:

I was present at the attack on Hickory Point, on Saturday and Sunday. I only recognize two as there present—a Mr. Fuller and a Mr. Porterfield. I was not in the room where Mr. Newhall was shot. But few came up close enough to the houses to be recognized. They were all strangers, and I therefore did not take notice of them particularly.

(*Cross-examined.*) Some dozen or two came up after the terms were agreed on, but I do not recognize any of them as here present. DAVID A. CAWLFIELD.

Wm. E. Stagg sworn and examined:

I was at my father's house, (W. C. Stagg's,) when a body of men passed by on Sunday morning. I talked with several of them that morning. I recognize here one Calvin C. Hyde. I saw one piece of artillery. I saw them fighting at Hickory Point, being on the prairie a mile and a half off. I was informed that Colonel Harvey commanded them by those I talked with on Sunday morning, who I do not recognize.

(*Cross-examined.*) I belonged to Captain Lowe's company. Never heard anything in regard to the destruction of Mr. Newhall's property.

(*Re-examined.*) Mr. Hyde told me that they had had one fight, and they intended to have another; and if those fellows at Hickory Point wanted to live, they had better leave there. W. E. STAGG.

Squire Roberts sworn and examined:

I was at Hickory Point on Saturday and Sunday, September 13 and 14, 1856, during the attack; I do not know whether the parties present on the different days were the same or not. I saw Mr. Newhall after he was shot, and then again after he was dead. SQUIRE ROBERTS.

Marion Gardiner sworn and examined:

I was taken prisoner by a party under one Colonel Harvey, on Sunday, September 14, about 1 o'clock; while they were fighting I was a prisoner. I recognize a portion of the defendants as present there. I have seen some of the men before.

(*Cross-examined.*) I was a member of Captain Robinson's company; I was not at Grasshopper Falls; the company had not been, to my knowledge, at the Falls. MARION GARDINER.

I. B. Donelson sworn and examined:

I received from the custody of the United States troops the defendants as the prisoners taken at or near Hickory Point, and by my direction and in my presence, they were turned over to the custody of Colonel Titus, on Monday, September 22, 1856. S. J. Cramer was the deputy who arrested the party. Captain Newby, of the troops, turned them over. There were some other prisoners in the hands of the troops, but they are not present here. I. B. DONELSON.

Samuel J. Cramer sworn and examined:

I arrested some of the prisoners at a mill, some four miles from Hickory Point. I have heard the testimony of Captain T. J. Wood, United States cavalry, who accompanied me in assisting in making the arrest, and I subscribe to it as true. I recognize the prisoners here as the same I arrested, they having been in my custody ever since, under charge of the United States troops, until they were turned over on Monday to the Marshal, I. B. Donelson. SAMUEL J. CRAMER,

Deputy United States Marshal.

The court adjourned till to-morrow, at 8½ o'clock.

WEDNESDAY, September 24, 1856.

The court met pursuant to adjournment, and proceeded in the examination.

George W. House sworn and examined:

I was at Hickory Point on Saturday and Sunday, September 13 and 14, when it was attacked. I was taken prisoner on Sunday by Colonel Harvey's men, and was under arrest during the attack on Sunday. I had some conversation with the men. I was told by Mr. R. Fuller that he was sent out there by the Governor to disband us; that he had carried a hatful of proclamations to Lawrence as an express, and

that unless we surrendered we would be hung; also, that a company of United States troops was coming to disband us. I recognize these as the men who took me prisoner. Mr. Fuller asked me if I would take an oath to leave the Territory if they let me loose; they threatened to massacre me if I did not tell how many men there were of us. One man threatened to take me out in the brush, drawing at the same time his rifle on me, if I did not tell him. I belonged to Captain Robinson's company, and we were on our way to Lecompton.

(*Cross-examined.*) I was in the house on Saturday evening; they came from towards Osawkee; the party on Sunday came from towards Lecompton; I do not know whether they were of the same party or not. I told Mr. Fuller that I was apprehensive of some threats and mistreatment, and then he told me I was safe if I would swear to leave the Territory. Colonel Harvey released me; no one that I know of said anything in my behalf to Colonel Harvey. I was liberated a few moments before the terms were made, and carried a flag of truce in; after the terms were made every thing was quiet; some thirty or forty of the party came into the house of Captain Lowe and mixed with us in drinking. Mr. Fuller was present with a gun, near the artillery.

(*Re-examined.*) I was carried to Mr. Fuller, who took charge of me and took me to Colonel Harvey.

GEORGE W. HOUSE.

The testimony for the prosecution here closed.

FOR THE DEFENSE — CASE OF R. FULLER.

Josiah A. Green sworn and examined:

I was with Mr. Resolve Fuller, on Sunday, during the attack on Hickory Point. I was on Slough creek when Colonel Harvey's men came along and told us we must go to Hickory Point. I told them I did not want to go; but we were placed under arrest and placed in a team. Mr. Fuller was in another team. He had a gun, and was with the team in the early part of the attack. He said he intended to have a gun for his day's work. He did not go with the wagon. Some one ordered us to back the wagon up; and if the men did not surrender who were in the blacksmith's shop, or attempted to escape to the other houses, they were to be cut off. Saw Mr. Fuller shoot once, perhaps twice. Colonel Harvey rode up after the wagon was loaded with hay and brought on the ground, and said he wanted us to cut off the men who were in the blacksmith's shop, in case they attempted to escape to other houses. Mr. Fuller, ever since I knew him, has been a non-combatant. I have lived with him some three months, and before that knew him.

(*Cross-examined.*) I saw Mr. Fuller on Sunday morning about a quarter of a mile from home. I saw him at home for three or four days previous. I had no information from Mr. Fuller in regard to the attack on Hickory Point previous to Saturday. Mr. Fuller had no guard over him, to my knowledge, while in charge of Colonel Harvey's men, except when he was taken prisoner four miles from Hickory Point. He did not go about, while he was in charge, as he desired. I did not see him any more after we were taken, until after the attack was made, when the teams were driven some half a mile off; he was in a team along with some eight men. I saw him once by himself, sitting on the grass. Had a rifle. He was there some three-quarters of an hour. He shot once towards the houses. No one ordered him to shoot that I know of. He had a Sharps rifle. He carried it on his shoulder, as anyone else would. He took it home with him. He did not have the rifle with him when he was taken. He went home that night. I went with him. I did not see him when he went back to Colonel Harvey's camp, before he was arrested by the United States Marshal. I do not know whether he shot more than once. Some of the men hunted round to get me arms, though no one brought arms to me. The wagon of hay was

not backed up as directed. I saw him afterwards where the cannon was, and no one seemed to guard him. The wagon was backed down within seventy-five yards of the blacksmith's shop, and set fire to. I did not see Mr. Fuller in the crowd who backed the wagon down. The cannon was between me and the shop. After the order was given to back the wagon down from where I saw Mr. Fuller, I saw him afterwards, as stated, near the cannon. The cannon was nearer me than the house.

(*Re-examined.*) Mr. Fuller was not immediately near me when the order was given to back the hay and wagon up. I was with Mr. Fuller when he was arrested yesterday. A prisoner could not make his escape from the men who had us in charge unless noticed. The teams were moved about during the attack, which lasted some six hours. I do not know who commenced the firing on Sunday. As Harvey's men were surrounding the town, some of his men said they were firing from the blacksmith's shop.

J. A. GREEN.

Marion Gardiner sworn and examined for the prosecution:

I saw Mr. Fuller in the camp when I was taken prisoner; he had a gun when I saw him; I do not know whether there was a guard over him or not; he guarded me out of camp when I was released; he seemed to act as though he was under Colonel Harvey; he brought Colonel Harvey to me; he told me he would bring Colonel Harvey and have me released; he had no difficulty in finding Colonel Harvey. I heard him say that he was at Leocompton that morning about two o'clock; that he had gone there to see the Governor in regard to the men who were at Hickory Point; that the Governor told him to tell Colonel Harvey that, if he wished them disbanded, to go and do it himself; that he gave him a hatful of proclamations; that as soon as he got to Lawrence, Colonel Harvey got up his men and went out to disband the men; he told me this himself. I heard the first shot fired that morning; it was from Colonel Harvey's company; it was some ten minutes before the cannon was fired. Mr. Fuller was not with the party who backed the wagon down. I saw no compulsion used towards Mr. Fuller to induce me to believe he was a prisoner. I did not see anyone else with the proclamations but Mr. Fuller.

MARION GARDINER.

Winslow L. Dyer sworn and examined:

I was one of seventeen placed in the blacksmith's shop on Sunday morning, and from where I was I had an opportunity to judge. The attack was made by Colonel Harvey's men; also from the fact that our orders were not to fire till they got within sixty yards, because our ammunition was short; I was out of the shop when the first shots were fired, and they were fired at me by Colonel Harvey's men.

(*Cross-examined.*) The fires were from the horsemen, some four hundred yards distant; some fifteen horsemen were around the house, and they were scattered around. I only speak of what occurred at the blacksmith's shop. W. L. DYER.

Squire Roberts sworn and examined:

I heard Mr. Fuller say that if he had hurt or shot anybody, it was through a window, as he had shot three shots at the window.

(*Cross-examined.*) This was said on Sunday evening, September 14, about half an hour of sunset.

SQUIRE ROBERTS.

The court adjourned till 3 o'clock, previous to delivering its opinion.

Evening.—Court met pursuant to adjournment.

DECISION.

Territory of Kansas vs. Alfred J. Payne, Charles H. Calkins, James H. York, Francis B. Swift, Charles L. Preston, William Breyman, John B. Sughrue, William S. Ware, John W. White, Thomas Aless, Horatio N. Bent, Oliver Langworthey, Jo-

seph B. Gaines, Richard D. Nickold, Thomas Hawkins, William Kline, William G. Porter, Jochin T. Yunker, John J. Howe, Isaac Gray, Edward Cottingham, Thomas P. Brown, William R. Bowles, Josiah G. Fuller, Roswell Hutchins, Theodore Dickins, Dwight H. Montague, Henry H. Eastor, Hiram Kinsler, Chester Hay, Lyman D. Colman, John W. Stone, Ezekiel D. Whipple, Samuel Stewart, Edward A. Jacobs, William Kerr, Oliver C. Jenkins, Thomas Bowen, Gustavus A. Eberhart, James Cowley, Aaron D. Roy, Jesse F. Pyle, Henry Hurd, Henry Preston, Artemas W. Dole, Jeremiah Jordan, Phineas Stephens, Jared Carter, Cyrus S. Gleason, Joseph Kinch, John Lawrie, Alpheus S. Gates, Atwell S. Wood, Joseph J. Boyer, Martin Jackson, Edwin R. Falley, Gilbert Tower, Albert F. Bucan, William H. Gill, Joseph Hicks, Stafford J. Pratt, Thomas W. Porterfield, George H. Powers, Aaron M. Humphrey, Thomas Warner, Otis Mason, Calvin C. Hyde, Walter Florentine, Howard York, Albert G. Patrick, John L. King, William Butler, Sanford Vogelsong, George N. Neff, Charles J. Anchinvole, Justus G. Ketchum, Adam Bowers, George R. Pruney, Thos. Leeson, Eli Lyman, James Black, Alonzo Crawford, Giles Smith, Artemas Parker, Abram Cutler, David Patrick, Thomas Bickerton, Resolve Fuller.

The defendants having been brought before me, the undersigned, Associate Justice of the Supreme Court of the Territory of Kansas, and the case having, at the instance of said defendants, been continued from day to day till Tuesday, the 23d instant, when both the Territory and the defendants announced themselves ready; whereupon Joseph C. Anderson, Esq., conducted the prosecution, and Messrs. Parrott and H. Miles Moore appeared for the defendants.

The testimony of the witnesses examined in behalf of the Territory is herewith filed; no testimony having been adduced in behalf of the accused, except Resolve Fuller.

The case was argued by the counsel of both the Territory and the defendants, and the court delivers the following opinion in writing:

The defendants are charged with having made an attack, together with a number of other persons, amounting in all to some one hundred and fifty or two hundred men, commanded by one Col. Harvey, and armed with artillery and small arms, on Hickory Point, and in said attack having murdered Charles Grauville Newhall, and wounded four other persons.

The evidence in the case abundantly shows that an attack was made on Hickory Point on Sunday, the 14th of this present month of September, in the county of Jefferson and Territory of Kansas, and that in said attack said Newhall received a gun-shot wound, from which he shortly afterwards died.

In many cases of general riot, the lines of distinction between the offenses of treason and murder fade almost imperceptibly into each other, and can be traced only with difficulty; and for this reason, as well as for the reason that it may now be considered the policy of our Government, even when the offense is susceptible of double construction, to select that offense which is most simple in its nature, and the least political in its associations, I dismiss from consideration the question so far as treason is concerned. (See Wharton's Am. Law, Hom. 345.)

Then how stands the case as involving the law, as it is laid down by the most authoritative writers, looking at the charge of murder alone?

The same writer just cited, on the same page says, (quoting from Hawkins:)

"When divers persons resolve generally to resist all officers in the commission of a breach of the peace, and to execute it in such manner as naturally tends to raise tumults and affrays, and in so doing happen to kill a man, they are all guilty of murder; for they must, at their peril, abide the event of their actions who unlawfully engage in such bold disturbances of the public peace, in opposition to and in defiance of the justice of the nation."

It is not pretended that the parties now under examination had any shadow of

authority, or any warrant in law, to justify them in their expedition on Hickory Point; it was an unlawful assemblage, aiding in a riot, and resulted in bloodshed, and the parties engaged in it must be held criminally responsible for the consequences.

The evidence in this case satisfies my mind that the attack on Hickory Point was made after mature deliberation, and that there was ample time for the reason and judgment of the defendants to have their full operation. They sent in a flag of truce and demanded an unconditional surrender, without showing or pretending to have any authority for such demand, and stated that unless this demand was complied with in five minutes, the parties in possession of Hickory Point would all be put to death; and the attack was planned and the defendants set out from Lawrence, as is admitted by their counsel, on the evening before for the purpose of making it.

In relation to the grade of offense of which there is reasonable ground to suspect these defendants to be guilty, it must be recollected that our statutes divide murder into two degrees: that murder in the first degree is a willful, deliberate, and premeditated killing; and that murder in the second degree is any other killing with malice which would be murder at common law.

Then what is a willful, deliberate, and premeditated killing? This question I will answer in the language of Judge King, of Pennsylvania, where there is a statute precisely similar to our own, and indeed, from which ours is copied. Judge King says, (see page 475, American law of Hom., by Wharton:)

"An easy and safe criterion of the intent with which the act is done, may be found in the means by which the homicide was committed. If the means of death is a deadly weapon used in an undisguised manner, the inquiring mind can come to no other conclusion but that the death of the victim was intended. Thus if one shoot another through the head with a musket or pistol ball; stab him in a vital part with a sword or dagger; cleave his skull with an ax or the like, the intelligent mind can come to no other conclusion than that he intended to kill. It is true the act says the killing must be willful, deliberate, and premeditated. But every intentional act is of course a willful one; and deliberation and premeditation simply means that the act was done with reflection — was conceived beforehand. No specific length of time is required for such deliberation."

It may not be easily comprehended by some that so large a number should be committed for the alleged murder of one man; but on this point I cite the opinion of Mr. Justice Rogers, of Pennsylvania, who says, in page 482 of Wharton's American Law, Hom.:

"In such a conflict, [meaning a conflict between parties engaged in riot,] if death ensue, all parties are guilty of murder at common law. They are engaged in an unlawful design, which is the first ingredient of murder, and it is only necessary to consummate the offense that death should ensue. It is not necessary, in order to charge a particular offender, that he should be proved to have fired the particular gun, or discharged the particular missile, that caused the fatal wound. In the contemplation of the common law, when a mob of ten thousand is engaged in an unlawful design, and one of them, not out of special malice, but a general design to do harm, fires a gun, they are all to be considered as having pulled the trigger."

I therefore feel it to be my duty in this case, in the discharge of which I feel no hesitation, to commit all these defendants to answer the charge of murder in the first degree.

S. G. CATO, *Associate Justice, &c.*

A copy — Test:

THOMAS M. CROWDERS, *Acting Clerk Examining Courts.*

GOVERNOR GEARY TO MR. MARCY.

EXECUTIVE DEPARTMENT,)
LECOMPTON, K. T., October 15, 1856. }

SIR: Colonel William J. Preston, Deputy United States Marshal, who had accompanied Colonel P. St. G. Cooke and his command to the northern

frontier to look after a large party of professed immigrants who were reported to be about invading the Territory in that quarter, in warlike array and for hostile purposes, returned to Lecompton on the 12th instant. He informed me that he had caused to be arrested an organized band, consisting of about two hundred and forty persons, among whom were a very few women and children, comprising some seven families.

This party was regularly formed in military order, and was under the command of General Pomeroy, Colonels Eldridge, Perry, and others. They had with them twenty wagons, in which was a supply of new arms, mostly muskets with bayonets and sabres, and a lot of saddles, &c., sufficient to equip a battalion, consisting one-fourth of cavalry and the remainder of infantry. Besides these arms, which were evidently intended for military purposes and none other, and which were in the wagons, a search of which was strongly objected to, the immigrants were provided with shot-guns, rifles, pistols, knives, &c., sufficient for the ordinary uses of persons traveling in Kansas or any other of the Western Territories. From the reports of the officers I learn they had with them neither oxen, household furniture, mechanics' tools, agricultural implements, nor any of the necessary appurtenances of peaceful settlers.

These persons entered the Territory on the morning of the 10th instant, and met Colonel Cooke's command a few miles south of the Territorial line. Here the Deputy Marshal questioned them as to their intentions, the contents of their wagons, and such other matters as he considered necessary in the exercise of his official duties. Not satisfied with their answers, and being refused the privilege of searching their effects, he felt justified in considering them a party armed and organized in violation or defiance of my proclamation of the 11th September. After consultation with Colonel Cooke and other officers of the army, who agreed with him in regard to the character of the immigrants, he directed a search to be made, which resulted in the discovery of the arms already mentioned.

An escort was then tendered them to Lecompton, in order that I might examine them in person and decide as to their intentions, which they refused to accept. Their superfluous arms were then taken in charge of the troops, and the entire party put under arrest, the families and all others, individually, being permitted to retire from the organization if so disposed. Few, however, availed themselves of this privilege.

But little delay, and less annoyance, was occasioned them by these proceedings. Everything that circumstances required or permitted was done for the comfort and convenience of the prisoners. Their journey was facilitated rather than retarded. They were accompanied by a squadron of United States dragoons, in command of Maj. H. H. Sibley; a day's rations were dealt out to them, and they were allowed to pursue the route themselves had chosen.

Being apprised of the time at which they would probably arrive at To-

peka, I forwarded orders for their detention on the northern side of the river, near that place, where, as I promised, I met them on the morning of the 14th instant.

I found them precisely as they had been represented to me in official reports; and whilst I felt disposed and anxious to extend to them all the leniency I could, consistent with propriety, duty and justice, I determined, at the same time, to enforce in their case, as well as that of every similar organization, the spirit and intent of my proclamation of the 11th instant, which commands "all bodies of men, combined, armed and equipped with munitions of war, without authority of the Government, instantly to disband or quit the Territory, as they will answer the contrary at their peril." This I had done but a short time previous with a smaller body, who entered Kansas as this had done, from an entirely different quarter, and who, upon learning my purposes, not only submitted willingly to be searched, but by my order, without a murmur, and even with cheerfulness, disbanded and dispersed.

I addressed these people in their encampment in regard to the present condition of the Territory, the suspicious position they occupied, and the reprehensible attitude they had assumed. I reminded them that there was no possible necessity or excuse for the existence of large armed combinations at present in this Territory. Everything was quiet and peaceful. And the very appearance of such an unauthorized and injudicious array as they presented, while it could do no possible good, was only calculated, if it was not intended, to spread anew distrust and consternation through the Territory, and rekindle the fires of discord and strife that had swept over the land, ravaging and desolating everything that lay in their destructive way.

Their apology for their evident and undeniable disregard to my proclamation, though somewhat plausible, was far from being satisfactory. They had made their arrangements, they said, to emigrate to Kansas at a time when the Territory was not only disturbed by antagonistic political parties, armed for each other's destruction, but when numerous bands of marauders, whose business was plunder and assassination, infested all the highways, rendering travel extremely hazardous, even though every possible means for self-protection were employed.

This excuse loses all its pertinency when it is understood that before the party crossed the Territorial line they were apprised, through a deputation that had visited me, that the condition of things above described had ceased to exist, and that such was the true state of affairs that any persons could then travel the route they proposed taking without molestation or the slightest cause for apprehension. I informed them through their messengers that I heartily welcomed all immigrants, from every section of the Union, who came with peaceful attitude and apparently good intentions, and that to all such I would afford ample protection; while, on the other hand, I assured them that I would positively enforce my proclamation, and suffer

no party of men, no matter whence they came, or what their political bias, to enter and travel through the Territory with hostile or warlike appearance, to the terror of peaceable citizens, and the danger of renewing the disgraceful and alarming scenes through which we had recently passed. It was quite evident that this party did thus enter the Territory, in defiance not only of my proclamation, but my own verbal cautions; and I therefore fully approve of the action taken by Colonel Cooke, Major Sibley, and the Deputy Marshal, as well as all the officers of the army who assisted in their detention, search, and guard.

After showing them the necessity of so doing, I insisted upon the immediate disbandment of this combination, which was agreed to with great alacrity. The majority of the men were evidently gratified to learn that they had been deceived in relation to Kansas affairs, and that peace and quiet, instead of strife and contention, were reigning here.

My remarks, which were listened to with marked attention, were received with frequent demonstrations of approbation, and at their close the organization was broken up, its members dispersing in various directions. After they had been dismissed from custody, and the fact was announced to them by Major Sibley, they testified their thankfulness for his kind treatment towards them during the time he held them under arrest, by giving him three hearty and enthusiastic cheers.

In concluding this hastily written letter, I must express my sincere regrets that societies exist in some of the States, whose object is to fit out such parties as the one herein described, and send them to this Territory to their own injury and the destruction of the general welfare of the country. Very many persons are induced to come out here under flattering promises which are never fulfilled; and having neither money to purchase food or clothing, nor trades or occupations at which to earn an honest livelihood, are driven to the necessity of becoming either paupers or thieves; and such are the unfortunate men who have aided materially in filling up the measure of crimes that have so seriously affected the prosperity of Kansas. It is high time that this fact should be clearly and generally understood. This Territory, at the present season of the year, and especially under existing circumstances, offers no inducements for the immigration of the poor tradesman or laborer. The country is overrun with hundreds who are unable to obtain employment, who live upon charity, and who are exposed to all the evils of privation, destitution, and want.

By the next mail I will forward you the reports of Colonel Cooke, Major Sibley, and Deputy Marshal Preston, in relation to the arrest of the party to which reference is herein made, together with such other matters of interest as may in the meantime transpire.

With assurances of the highest respect, I am, truly, your obedient servant,
JOHN W. GEARY, *Governor of Kansas Territory.*

Hon. W. L. Marcy, Secretary of State, Washington, D. C.

[By telegraph.]

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., November 7, 1856. }

SIR: I have just returned to this place, after an extended tour of observation through a large portion of this Territory. I left Lecompton on the 17th ultimo, via Lawrence, Franklin, Wakarusa creek, Hickory Point, Ottawa creek, Osawatomie, Marais des Cygnes creek, Bull creek, Paola, Pottawatomie creek, North and South Middle creeks, Big and Little Sugar creek, and Sugar Mound; thence westward along the California and Santa Fé road to Fort Riley; thence down the Kansas river, via Pawnee, Riley City, Manhattan, Wabaunsee, Baptist Mission, Topeka, Tecumseh, and other places. I also visited, at their houses, as many citizens as I conveniently could, addressing various bodies of people, as I have reason to believe with beneficial results. During this tour, I have obtained much valuable information relative to affairs in Kansas, made myself familiar with the wants and grievances of the people, which will enable me to make such representations to the next Legislature and the Government at Washington as will be most conducive to the public interests. The general peace of the Territory remains unimpaired, confidence is being generally restored, business is resuming its ordinary channels, citizens are preparing for winter, and there is a readiness among the good people of all parties to sustain my administration. In a few days I will write you at length respecting various matters connected with my recent tour, and other things relative to the Territory. Very respectfully, your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Hon. W. L. Marcy, Secretary of State.

CONTINUATION OF EXECUTIVE MINUTES.

[The following is a continuation of Governor Geary's executive minutes in S. Ex. Doc. No. 17, v. 6, 35th Cong., 1st Sess., as explained on p. 520.]

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., October 17, 1856. }

SIR: I have the honor to transmit you herewith a copy of my Executive Minutes, containing a full and truthful history of events in Kansas Territory, and the official documents of my department, from the 1st to the 16th of October, 1856, inclusive.

Very respectfully, your obedient servant,

JOHN W. GEARY, *Governor of Kansas Territory.*

Hon. Wm. L. Marcy, Secretary of State, Washington, D. C.

OCTOBER 1, 1856.—The following letters, together with the executive

minutes, from the 9th to the 30th of September, were this day dispatched to Washington, by the hands of Mr. James Bailey :

LETTER TO THE SECRETARY OF STATE.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 1, 1856. }

SIR: Herewith I have the honor to transmit you a copy of my executive minutes. They contain a truthful history of events in Kansas, from the 9th to the 30th day of September, inclusive.

So much misrepresentation of Kansas affairs has been palmed upon the public, and so little reliance is to be placed upon any information coming from here through the ordinary channels, that I have deemed it a matter of the highest importance that the administration should have a correct and reliable exposition of events.

I would most respectfully suggest, as a matter of justice to the administration, the public and myself, the propriety, especially at this time, of the immediate publication of my executive minutes in the *Washington Union*, in an official form, for the purpose of correcting erroneous impressions, allaying public excitement, and vindicating the truth.

Very respectfully, your obedient servant,

JOHN W. GEARY, *Governor of Kansas Territory.*

Hon. Wm. L. Marcy, Secretary of State.

LETTER TO THE SECRETARY OF STATE.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 1, 1856. }

SIR: I herewith transmit you a copy of the record in the case of *The Territory of Kansas vs. The eighty-nine prisoners committed upon a charge of murder in the first degree, growing out of their attack upon Hickory Point.*

As this trial will excite much public interest from the number of prisoners and the nature of the charge, I have deemed it important to send you a copy of the preliminary examination, with the opinion of Judge Cato.

The attorneys of the prisoners refused to make any defense, because, as I afterwards learned, they feared it might damage "the general cause," as they term it. I told them of my purpose to transmit the record to Washington, and requested them, if they had any extenuating circumstances to offer, showing the reasons why the attack was made, in defiance of my proclamation, to reduce such statement to writing, and that I would take pleasure to send it to Washington with the record.

Up to this time there has been no response to my request, and I therefore send you the record as it has been furnished me.

Very respectfully, your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Hon. William L. Marcy, Secretary of State.

CLOTHING FOR THE MILITIA.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 1, 1856. }

SIR: The company of cavalry and one of the companies of infantry, authorized by your requisitions, have been duly mustered into the United States service.

Requisitions for clothing, &c., have been duly made and forwarded to you.

The men composing the two companies are in great need of clothing, and I trust you will, if possible, grant the amount required, as their efficiency will be so greatly impaired by the want of it as to render them almost useless.

I am, sir, truly, your friend and obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Major General P. F. Smith, Commanding Department of the West.

SALE OF ARDENT SPIRITS.

LECOMPTON, September 28, 1856.

Your communication of yesterday has been received, and its contents duly considered. The request has been complied with. I have seen each individual, in person, engaged in the sale of ardent spirits, and they have promised me that they would not permit any soldier to have liquor at their establishments. If they are faithful to their promise, I feel satisfied that no further trouble will arise from the evil of selling or drinking. If they prove recreant, I shall be under the necessity of reporting their names to you. Respectfully, your obedient servant,

OWEN C. STEWART, *Mayor of Lecompton.*

His Excellency John W. Geary.

The foregoing letter, in reply to one from this office dated September 28, although bearing the same date, was not received until to-day.

THE "REGULATORS" OF LEAVENWORTH CITY.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., October 1, 1856. }

SIR: Your esteemed favor of the 23d instant was duly received, and perused with much satisfaction. Your earnest assurance that you will cooperate with me in preserving the peace and good order of your city, which I esteem the metropolis of this Territory, and as such has a large share of my solicitude, has filled my heart with gratitude.

My policy is to charge each community with the peace and good order of its own neighborhood, and I desire in no case to intervene, unless I am clearly satisfied of a want of integrity or ability on the part of the local authorities.

I regret to inform you that since the receipt of your last letter I have received numerous complaints from persons claiming to be your citizens. It is said that there exists in your city an irresponsible body of persons, unknown to the law, calling themselves "regulators"; that these persons prowl about your streets at night and warn peaceable citizens "to leave the Territory, never to return, or they may be removed when least expected."

This thing, Mr. Mayor, will never do, and cannot be tolerated for a single moment. These "regulators" must disband, and leave the government of the city to yourself and the authorities known to the law.

Such a state of things is a burning disgrace upon the fair fame of your beautiful city, and will have a direct tendency to injure your trade, destroy your business, and degrade you in the eyes of all civilized nations. I am sensitive on this subject, and am very anxious that you should stand right before the world.

In case you have not the *requisite power to protect the rights* of your citizens, I will thank you to make a requisition upon me for such number of troops as in your opinion will be sufficient to expel your self-constituted guardians, calling themselves "regulators," and guarantee to every American citizen, choosing to make Leavenworth his home, those inalienable rights so dear to all.

I shall be glad to hear from you immediately.

Very respectfully, your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Hon. Wm. E. Murphy, Mayor of Leavenworth city.

IMMIGRATION FROM THE NORTH.

A deputation, consisting of Major Morrow, Colonel Winchell, William Hutchinson, and Colonel G. Jenkins, called upon the Governor to-day, stat-

ing that they were sent by Colonel Eldridge, General Pomeroy, and Colonel Perry, and others, who were escorting three hundred immigrants into the Territory by way of Nebraska; that they did not come for warlike purposes, nor as disturbers of the public peace, but as *bona fide* settlers, with agricultural implements, and some guns to protect themselves and shoot game for their families, &c.; that in the present disturbed state of affairs they did not wish to enter the Territory under any circumstances of suspicion, without notice to the Governor, &c., &c.

The Governor asked the deputation if they were in any manner connected with Lane's so-called "army of the north."

Upon their giving him a decided negative answer, he said that he was determined that all the highways leading to this Territory should be free and safe to every American citizen coming here for lawful and peaceful purposes; that he would welcome all such with his whole heart; that armed bands of men with cannon and munitions of war, with hostile attitude, should not visit the Territory to the terror of peaceable citizens; that there was no further occasion for any such demonstrations; that he did not want men in future to come here in armed bodies; that he had the will and the power to protect all persons coming here; and that if a single American citizen was obstructed or prevented from entering this Territory in any quarter, upon notice to him he would furnish such person with protection and a safe escort if it required a thousand troops to do so; that he was sensitive on the subject, and was fully resolved that the doctrine of "popular sovereignty" should be fairly tried and fully vindicated under his administration.

The Governor gave the deputation a letter incorporating the above idea, stating that they had called upon him with their purpose, and commanding all military authorities in this Territory to give the party under Colonel Eldridge and others a safe escort into this Territory, in case the immigrants were what they represented themselves to be.

The deputation left, expressing much gratification with the Governor's position.

VISIT TO LAWRENCE.

OCTOBER 2, 1856.—This morning the Governor, with his secretary and a solitary orderly, made a visit to Lawrence on official business. Two weeks since, this journey could not have been made with safety without a strong force of United States dragoons. The change in the aspect of things along the road can more readily be imagined than described. No prowling bands of marauders could be seen watching for prey upon the distant hills, or flying for safety through the ravines; nor travelers, fearing all who approached them to be enemies, dashing from the main roads into the extensive prairies. On the contrary, everything was indicative of peace, confidence, and returning prosperity. Females rode alone on horseback from settlement to settle-

ment, and wagons, unattended, loaded with household goods, and men, women, and children, traversed the roads in perfect safety.

Workmen were everywhere employed in rebuilding their burned houses, and in taking in and securing their ripened crops. Upon reaching Lawrence the happy influences of restored peace were most conspicuously displayed. No guards surrounded the town, nor were there mounted spies to watch its several avenues. Squads of idlers no longer hung about the streets. The stores were all open, and business had been actively resumed. Gloom had forsaken the countenances of the people, and cheerfulness seemed to pervade the entire community.

The Governor was received with the utmost cordiality, and his visit, which continued through the day, rendered especially agreeable. The company of militia, about being enrolled, was nearly full, and a general determination seemed to have been formed to cultivate a spirit of industry, peace and good order.

On his return to Lecompton, the Governor stopped at various of the settlements, and in every instance he found the families entirely free from all apprehensions of further disturbance, and in the enjoyment of the fullest contentment.

In Lawrence, and along the road, the citizens generally acknowledged a feeling of thankfulness and joy that Lane and other meddling agitators had departed from the country, and all expressed the hope that they would never be permitted to return. The opinion among the real inhabitants is universally entertained that the men brought into the Territory by these agitators, ostensibly to protect its injured citizens, brought with them all the elements of indolence, and vice, and crime; and that now, their leaders having deserted them, they are left a burden upon the Territory and a curse to its prosperity. We want no more recruits furnished by Northern aid societies; nor yet from the purlieus of the Southern towns. These are the men who have filled the Territory with brigands, incendiaries, and assassins. We have industry, virtue, and patriotism enough among our own inhabitants to guard our own interests; and the only immigrants we now desire or need are those who come to settle and cultivate our lands, prosecute mechanical labors, establish manufactories, drive grist and saw-mills, and give a fresh and vigorous impetus to our commerce.

ORDER FOR AN ESCORT.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 2, 1856. }

SIR: You will please furnish an escort of four dragoons for Judge Lecompte, to proceed to Leavenworth, or as far on the way as he may desire their services.

Let them report at my office at 12 o'clock m. this day.

Yours respectfully,

JOHN W. GEARY, *Governor of Kansas Territory.*

Colonel Andrews, Commanding United States troops near Lecompton.

THE TERRITORIAL ARMS.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 2, 1856. }

SIR: On the 12th ultimo I addressed you a communication relative to the Territorial arms, to which I have received no reply.

You will please report to me immediately what you have done in the premises, and what arms are now in your custody subject to requisition.

Your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Thomas J. B. Cramer, Esq., Inspector General of Kansas Militia.

INSPECTOR GENERAL'S OFFICE, }
LECOMPTON, K. T., October 2, 1856. }

SIR: Yours of the 12th ultimo was received, and answer delayed in order to afford me time to hear from Brigadier Eastin, of the northern division, who was empowered by the late Governor, Wilson Shannon, to take and distribute the arms sent by the order of Governor Shannon to the quartermaster at Fort Leavenworth, to whom I sent a communication, asking him to report to me the disposition made of them, and from whom I have not yet heard.

Accompanying this you will find the papers communicated to my office. Accompanying you will find a requisition from Major General Coffey, with the order indorsed of Governor Shannon to me to fill the same, which was done.

As I have stated to your Excellency a short time since, the arms were received here upon the eve of an outbreak, and were furnished the different corps of the militia in a hurried and informal manner, and the captains of the different companies never appeared at my office to give bond according to law.

I herewith send the bonds of Captains Donaldson, Clarke, Stringfellow, Martin, and Saunders, and hold in my hands receipts for smaller quotas of arms furnished different detachments of militiamen, appearing here under the requisition of the Marshal of the Territory during the outbreak of June last.

I have in my hands eight or ten boxes of muskets, and several hundred stand are deposited in the houses of the citizens, where they were kept charged during the late threatening state of affairs here.

A large portion of the arms issued to the militia have been captured by the insurgents, though what number I have not been able to ascertain. I have probably five hundred stand at your disposal, in the hands of the enrolled militia and in store, of the southern division's quota, and hope to be able to furnish you some account of the disposition made of the quota ordered to the upper division.

Having no arsenal, I find it impracticable to keep the arms properly together, but hope to get the department in better order some future day.

Hoping the above may be satisfactory under present circumstances, I respectfully submit it.

THOMAS J. B. CRAMER,

Inspector General, Kansas Militia.

His Excellency John W. Geary.

CLOSING THE DRINKING-HOUSES.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 2, 1856. }

SIR: Since my former communication to you on the subject of the liquor establishments of this place, and your report to me on the same subject, I have received such information as makes it essential to the public safety that the entire sale of liquor in this place should be suspended during the incarceration of the large number of prisoners now here, for whose safe-keeping I am responsible.

You are, therefore, requested to take the most summary and immediate measures to cause an entire suspension of the sale of liquor in this place until further notice from me; and in case you have not sufficient power, you will please make requisition upon me for the necessary military force.

Very truly, your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Owen C. Stewart, Esq., Mayor of Lecompton.

THE MUNICIPAL AUTHORITIES.

Notwithstanding that a general peace has been restored to the Territory by the disbandment and dispersion of all large and belligerent parties, there are yet many evils to be corrected in various localities. Letters from numerous citizens, and frequent deputations appointed for the purpose, are constantly reaching the Executive office, complaining of personal grievances, and appealing for their redress. Were but the tithe of these to receive the especial attention of the Governor, he would have no time for the discharge of more important duties. It has therefore been his settled and uniform policy to refer all such complaints to the municipal authorities of the neighborhoods whence they emanate, with instructions that justice be done as far as possible to all citizens wrongfully oppressed, and that the laws be faithfully enforced; at the same time declining, in every instance, to interpose his own authority until the powers vested in the heads of the various municipalities have been fully employed and exhausted without the desired effect. This policy has infused a new life into some of the corporations, and aroused the prostrated officials to prompt and healthy action. They have been encouraged by the assurance of strong and efficient support, should actual necessity demand it, to maintain and enforce law, which has been despised, condemned, and virtually trampled under foot; and a disposition is growing on every hand to uphold and execute justice in all its power and majesty. This new condition of things is infusing a refreshing and invigorating influence through all the ramifications of society, and is giving the promise of future and permanent prosperity to every portion of the Territory.

The following proclamations are responsive to letters from the Executive Department, referring subjects of complaint to the mayors of Leavenworth city and Lecompton:

PROCLAMATION OF THE MAYOR OF LEAVENWORTH.

Whereas, information has been received by me that various citizens of the city of Leavenworth have received anonymous communications requesting them to leave the Territory of Kansas forthwith; and

Whereas, such conduct is contrary to law and good order, and subversive of the true interests of the law-and-order party, not only of this city, but of the Territory; and

Whereas, it is the bounden duty of every citizen, and particularly of every executive officer, to comply strictly with the requirements of the late proclamation of Governor Geary:

Now, therefore, I, William E. Murphy, Mayor of the city aforesaid, by virtue of the power and authority in me vested, do make known and proclaim that I will rigidly enforce the law against each and every violator thereof; and I hereby call upon all good and law-abiding citizens of this city to frown down any secret conspiracy against law, and to give me, as their chief executive officer, that aid necessary to maintain the supremacy of the law.

In testimony whereof, I have hereunto subscribed my name, and caused to be affixed the seal of the city aforesaid. Done at my office, this 29th day of September, A. D. 1856.

[Seal.]

WM. E. MURPHY, *Mayor.*

PROCLAMATION OF THE MAYOR OF LECOMPTON.

Whereas, the use and sale of ardent spirits at this time has a tendency to disturb the court, which is now in session in this city; and

Whereas, there are a large number of prisoners under guard, whose safety is rendered insecure by the frequent use of intoxicating liquors by irresponsible persons interrupting and distracting said guard; and

Whereas, the sentinels themselves may become intoxicated, and neglect to discharge their duty, and fail to prevent the escape of the prisoners, by being unfitted by the use of ardent spirits; and

Whereas, there are a large number of troops stationed at this point, some of whom have too frequently indulged, and thereby unfitted themselves for duty, and are in the habit of conducting themselves in such a manner as to disturb the peace and quietude of the citizens; and

Whereas, the following communication has been received from his Excellency John W. Geary:

“EXECUTIVE DEPARTMENT, }
“LECOMPTON, K. T., October 2, 1856. }

“SIR: Since my former communication to you on the subject of the liquor establishments of this place, and your report to me on the same subject, I have received such information as makes it essential to the public safety, that the entire sale of liquor in this place should be suspended during the incarceration of the large number of prisoners here, for whose safe-keeping I am responsible.

“You are therefore requested to take the most summary and immediate measures to cause an entire suspension of the sale of liquor in this place until further notice from me; and in case you have not sufficient power, you will please make requisition on me for the necessary military force.

“Very truly, your obedient servant, JOHN W. GEARY, *Governor of Kansas Territory.*

“Owen C. Stewart, Esq., Mayor of Lecompton.”

And whereas, it is the duty of all good citizens to render all the assistance in their power to aid and assist in preserving a course that will assist the executive and Territorial officers in the successful discharge of their various duties:

Now, therefore, I, Owen C. Stewart, Mayor of the city of Lecompton, do issue this my proclamation, and hereby call upon all good citizens to abstain from the use and sale of ardent spirits as an intoxicating drink from this date until such time as the causes which have impelled me to make this proclamation shall cease; and in case the foregoing should be disregarded, effective measures will be taken to remove the evil.

In testimony whereof, I have hereunto subscribed my hand, and caused to be affixed the seal of said city. Done at my office, in Lecompton, this 2d day of October, A. D. 1856.

[Seal.]

OWEN C. STEWART, *Mayor.*

The foregoing proclamation, together with the following letter from the Mayor of Lecompton, was handed by him in person to the Governor. The latter assured the Mayor that the mere issuing of his proclamation was not

“the last civil resort;” that he had yet to enforce its execution; and he was peremptorily ordered to employ all the means in his power to that end; and when these failed, the Executive would interpose his authority, and give him such aid as would not be resisted.

LECOMPTON, October 2, 1856.

SIR: Inclosed please find proclamation, which I have issued as the last civil resort; and in case it should prove ineffectual, as the Executive of the Territory you will have to take the matter into your own hands, as I have no law to justify me in destroying the liquor of persons selling under law.

Respectfully yours,

O. C. STEWART, *Mayor of LeCompton.*

His Excellency J. W. Geary.

APPLICATION FOR TROOPS.

UNITED STATES MARSHAL'S OFFICE,
LECOMPTON, K. T., October 3, 1856. }

SIR: A warrant has been placed in my hands, issued by the honorable Judge Cato, one of the Associate Justices of the Supreme Court of the Territory of Kansas, (upon the affidavit of John Ernst,) for the arrest of certain persons, whose names are unknown to said affiant, for stealing several head of horses belonging to him, the said Ernst, and also to search the neighborhood of Atchison, Kansas Territory, for said property and offenders against the law.

In consequence of the disturbed condition of this Territory, and lawless bands of men roving through the country, I am of the opinion that I will be unable, by virtue of the powers vested in me as United States Marshal, to execute said warrant.

I am therefore constrained to ask your Excellency to furnish me a posse of twenty-five United States dragoons to enable me to execute said writ.

Very respectfully, your obedient servant,

I. B. DONELSON,

United States Marshal, Kansas Territory.

His Excellency John W. Geary, Governor of Kansas Territory.

REQUISITION FOR TROOPS.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., October 3, 1856. }

SIR: Having been shown a warrant issued by Honorable S. G. Cato, one of the Judges of the Supreme Court of this Territory, for the arrest of certain persons, whose names are unknown, for crimes committed in this Territory, in the neighborhood of Atchison, and having been duly certified by the United States Marshal that he is unable to execute said warrant by means of the civil authority vested in him, you are therefore respectfully requested to furnish the said Marshal or his deputy with twenty-five dragoons (that being the number required) to execute said writ.

Very respectfully, your obedient servant,

JOHN W. GEARY,

Governor of Kansas Territory.

General Persifer F. Smith, Commanding Department of the West.

UNITED STATES TROOPS TO GUARD THE POLLS.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., October 4, 1856. }

SIR: As there is great reason to believe that disturbances will take place at the election on Monday next, the 6th instant, at the town of Leavenworth, unless precautionary measures are taken to prevent the same; and as it is of the highest importance to endeavor by every possible means to preserve the public peace at every

point, and especially on that occasion, I request that you station in Leavenworth city a sufficient force of United States troops to guard the polls and prevent the commission of outrage.

Very respectfully, your obedient servant, JOHN W. GEARY,
Governor of Kansas Territory.

Major General P. F. Smith,
Commanding United States forces, Department of the West.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 4, 1856. }

SIR: To prevent disturbances at the approaching election, you will do me the favor to send one company of United States troops to Tecumseh, and a force of twenty-five men to Willow Springs, to report themselves to the inspectors of election, on Monday morning, the 6th instant, at 7 o'clock, and remain during the polling and counting of the votes; after which they can return to their encampment.

Very respectfully, your obedient servant, JOHN W. GEARY,
Governor of Kansas Territory.

Lieutenant Colonel Andrews,
Commanding United States forces near Lecompton.

UNITED STATES TROOPS TO GUARD THE POLLS.

EXECUTIVE DEPARTMENT, }
LECOMPTON, KANSAS TERRITORY, October 5, 1856. }

SIR: Please furnish a guard of twenty men, from Major Wood's command, at Lawrence, to report to Sheriff Jones, at 8 o'clock A. M. to-morrow, at the latter place, to act as a posse for the maintenance of order at the election.

Yours, &c., &c., JOHN W. GEARY,
Governor of Kansas Territory.

Lieutenant Colonel Andrews,
Commanding United States Troops near Lecompton.

COMMISSIONS ISSUED.

To John Wallis, as captain; George W. Miller, as first lieutenant; and George A. Cole, as second lieutenant, of Company A, mounted riflemen, Kansas militia.

John Donaldson, as captain; James M. Pelot, as first lieutenant; and William Franklin, as second lieutenant, of Company A, infantry, Kansas militia; and Joseph E. Anderson, as commissary and quartermaster of Kansas militia.

All of the above to take effect on and after September 15, 1856.

LETTER FROM THE MAYOR OF LEAVENWORTH.

LEAVENWORTH CITY, K. T., October 3, 1856.

SIR: Your favor of the 1st instant was duly received, and I was pleased to see, from the contents thereof, that my letter of the 23d ultimo was perused by you with much satisfaction. You, respected sir, should feel under no obligations to me for assuring you that I will cheerfully cooperate with you in preserving the peace and good order of Leavenworth city, for, as Mayor, I am bound to do so by a solemn oath.

Permit me to make a plain statement of facts to you in regard to those complaints to which you allude. On Sunday morning last I was visited by Dr. Norton,

Dr. Park, J. E. Gould, and A. M. Sattig, each one of whom handed me a note which they had received, signed "Regulators," requesting them to leave the Territory, never to return. I remarked to those gentlemen that I was surprised at their receiving such notice, and that I could not believe that it was in accordance with the wish of any considerable number of our citizens; but be that as it may, they might rely upon my discharging my duty as Mayor, and that I would render them that protection which I believed the law to demand at my hands. In conjunction with the City Marshal and his deputy, I endeavored, though unsuccessfully, to ascertain who those persons styling themselves "Regulators" were, in order that I might have them arrested and held amenable to the law.

Investigation convinced me that my first opinion was correct; that was, that the feeling to remove those men prevailed to a very inconsiderable extent. I then assured them that they need feel no uneasiness; that I knew my means of preserving the quiet of the city was amply sufficient without (doing as some of them suggested) sending to General Smith for troops.

On the following day, Monday, September 29, 1856, I issued the proclamation which I have the honor herein to inclose, which I think will meet your approbation, and which has had the desired effect. I regret extremely that you should be annoyed at this particular busy time with you by complaints from any of the citizens of this city. It looks as if they had not that confidence in me to which I think I am, by my whole course as Mayor, entitled. God knows that in times of high excitement here I have, on more occasions than one, prevented the destruction of the lives and property of some of those open and avowed opponents of law and order; and I believe it to be the true policy of the law-and-order party of Kansas Territory, at this time, to give even those men who denounce our laws their protection, and at the same time make them yield obedience thereto. When I see men aiming direct blows at the glorious Constitution of our common country, and hear them denouncing that statesman and true patriot, Franklin Pierce, and abusing such a man as Stephen A. Douglas, and all other true Northern Democrats, for upholding the constitutional rights of every section of our Union, I am not surprised to hear them express themselves in opposition to the statute laws of Kansas, and I feel forced to view them as maniacs, and look upon them more in sorrow than in anger. Notwithstanding all the troubles we have had in Kansas, and gloomy as the political horizon in the States now appears, I have an abiding confidence in the success of that glorious old constitutional, Union-loving Democratic party, to which we are all indebted for the liberties we now enjoy; and, as a member of that party by birth, by education, and from principle, your Excellency may rest assured that no official act of mine, as Mayor of Leavenworth city, shall ever be held up before the world to mar its beauties.

Permit me, Governor, to repeat the assurance given you before, that I will heartily cooperate with you in maintaining peace and good order in this city.

I am, respectfully, your most obedient servant,

WILLIAM E. MURPHY, *Mayor of Leavenworth City.*

Hon. John W. Geary, Governor of Kansas Territory.

REPLY TO THE FOREGOING.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 6, 1856. }

SIR: Your obliging letter of the 3d instant is just received. When I last wrote you, I had not read a copy of your very excellent proclamation.

I shall now securely repose in your assurance that the rights of all persons choosing to settle in your city shall be sacredly guarded.

At a very early day I hope to visit Leavenworth city, when I will do myself the pleasure of thanking you in person for your earnest and cordial coöperation in restoring peace to this distracted Territory.

Very respectfully, your obedient servant, JOHN W. GEARY.
Hon. Wm. E. Murphy, Mayor of Leavenworth City.

OCTOBER 7.—The following letter was forwarded by mail to St. Louis, and thence dispatched to Washington by telegraph:

TO THE SECRETARY OF STATE.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 7, 1856. }

SIR: The election yesterday for Delegate to Congress and members of the Territorial Legislature passed off quietly. No disturbance occurred in any part of the Territory, so far as heard from. General Whitfield is doubtlessly elected.

The continued peace and tranquility which reign here are sources of much satisfaction. The result of yesterday's election is an especial cause of gratulation.

Although I do not anticipate any further extraordinary disturbances, yet I deem it prudent to be well prepared for any emergency. The presence of the United States troops here is a powerful auxiliary to moral suasion, and they are excellent "peace-makers."

Your obedient servant, JOHN W. GEARY,
Governor of Kansas Territory.

Hon. William L. Marcy, Secretary of State.

FUGITIVE FROM JUSTICE.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 7, 1856. }

SIR: Yours of 23d ultimo, desiring a requisition for one Thomas Ward, an alleged fugitive from justice, was received by last night's mail.

Before I can comply with your request, you must forward me an authenticated copy of the record in the case, and otherwise comply with the act of Congress relating to fugitives from justice. Your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

A. G. Boyd, Esq., Utica, Livingston county, Missouri.

ENROLLMENT OF MILITIA.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 7, 1856. }

SIR: I have received your communication tendering me a company of mounted riflemen enrolled in the Territorial militia agreeably to my proclamation.

So soon as I have occasion for your services, I will take the proper steps to muster you into the service.

I have my eye upon your section of the country, and it shall receive my personal attention when some persons least expect me. Yours, very truly,

JOHN W. GEARY.

Captain Martin White, Paola, Lykins county, K. T.

THE SAME SUBJECT.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 7, 1856. }

SIR: Your favor of 1st instant, in relation to the company of mounted riflemen, under Captain Martin White, together with communications from Captain White on the same subject, were received by last night's mail.

I have written to Captain White, and expect soon to visit your section of the country, when I will take measures to afford ample protection to your citizens.

The enrollment under my proclamation is to include all citizens between the ages of eighteen and forty-five.

So soon as I have occasion for the services of any of the enrolled militia, I will take measures to have them mustered into service.

Very respectfully, your obedient servant, **JOHN W. GEARY,**
Governor of Kansas Territory.

Brigadier General William A. Heiskell,
First Brigade, Southern Division, K. M.

THE SAME SUBJECT.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 7, 1856. }

SIR: I am in receipt of your communications of 27th ultimo, inclosing me the enrollment of your militia. In reply, I must thank you for the alacrity with which your good citizens have responded to my proclamation.

In case you have not enrolled *all* your citizens between the ages of eighteen and forty-five, you will please do so, and return me a full and accurate list.

So soon as I have occasion for your services, I will send you a proper officer to muster you into the service, who will see that you are furnished with the necessary equipments.

I expect soon to visit your section of the Territory, when I will make every arrangement for the protection of your citizens.

Your obedient servant, **JOHN W. GEARY,**
Governor of Kansas Territory.

Captain Allen Crocker, Hampden, Kansas Territory.

[Entry and acknowledgment of the receipt of vol. 18, Howard's Reports, from the State Department at Washington.]

TO THE MAYOR OF LEAVENWORTH CITY.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 9, 1856. }

SIR: I have received a letter from H. G. Sickil, of Philadelphia, making inquiry relative to Addison Rodgers, a citizen of Philadelphia, who is said to have been killed in Leavenworth city during the recent disturbances there.

Will you please give me any information you may possess on the subject, and oblige
Your obedient servant, **JOHN W. GEARY,**

Governor of Kansas Territory.

Hon. Wm. E. Murphy, Mayor of Leavenworth city.

TO THE SAME.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 9, 1856. }

SIR: I have just received a communication from O. B. Holman, written at the instance of Mr. M. J. Mitchell, who is said to be "now staying at the Leavenworth City Hotel, closely guarded by two men," and soliciting my interference.

Will you do me the favor to write me the cause of Mr. Mitchell's detention, and please see to it that no *illegal* restraint is placed upon his liberty.

Very truly, your obedient servant, **JOHN W. GEARY,**
Governor of Kansas Territory.

Hon. Wm. E. Murphy, Mayor of Leavenworth city.

RELIEVING MILITIA FROM GUARD DUTY.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 10, 1856. }

SIR: In order to preserve the health, spirits and usefulness of the militia stationed at this place, it is necessary that they should be relieved from the severe duties that have for some time past been imposed upon them.

You will therefore oblige me by furnishing a detachment of twenty-three men, consisting of one commissioned officer, two sergeants, two corporals, and eighteen privates, to guard the prisoners in this city.

This number of troops will be required for forty-eight hours, relieved at proper intervals, from 8 o'clock to-morrow morning, the 11th instant, at which time please have them report to Colonel Titus.

Very respectfully, your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Col. Andrews, Commanding United States forces near Lecompton.

COMMISSIONS ISSUED.

To Thomas J. Thompson, as constable of Walnut township, Atchison county, *vice* A. R. Baily, resigned; and

To C. B. Buist, as probate judge of Marshall county, *vice* James Doniphan, removed.

TO THE SECRETARY OF STATE.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 10, 1856. }

SIR: Your letter of the 23d ultimo, in reply to mine of the 9th, and your telegraphic dispatch of the 27th ultimo, in reply to my letter of the 16th, were both received on the evening of the 8th instant.

Dispatches forwarded since the dates of those acknowledged have informed you that peace and quiet have been restored to this Territory. Not only have all large armed bodies of men been dispersed, but the smaller bands of marauders have been driven off. The roads are traveled with safety, and dwellings are secure from intrusion. For upwards of two weeks no outrages have been authentically reported. Many notorious and troublesome agitators, claiming to belong to all parties, have left the Territory, and the beneficent influence of their absence is being already very sensibly felt.

The troops sent to the north have not yet returned. It is my purpose to leave on the northern frontier a sufficient force for its protection, and the remainder of the troops will be employed to guard such other points as may seem to require it. I shall shortly proceed, in person, with a small body of men, to the southern portion of the Territory, in pursuit of a gang of thieves who are said to be pillaging in that region.

Very respectfully, your obedient servant, JOHN W. GEARY,

Governor of Kansas Territory.

Hon. Wm. L. Marcy, Secretary of State, Washington, D. C.

ORDER TO STATION TROOPS AT TOPEKA.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 10, 1856. }

SIR: I desire you to send orders to the company of infantry returning from the north to station themselves at or near Topeka.

Colonel Cooke writes me that they will reach Topeka by the 12th instant, and desires you to send them rations to meet them there.

The officer in command of the infantry at Topeka will see that the peace of that vicinity is preserved, and report any circumstances of suspicion, or breaches of the peace, without delay.

Yours, truly,

JOHN W. GEARY,

Governor of Kansas Territory.

Col. Andrews, Commanding near Lecompton.

REQUISITION FOR TROOPS.

EXECUTIVE DEPARTMENT, }
LECOMPTON, October 10, 1856. }

SIR: Having been shown a warrant issued by J. N. O. P. Wood, Esq., United States Commissioner, for the arrest of a certain — Waterman, charged with the larceny of a horse, and a certain other person named E. Chapman, charged with murder, and having been duly certified by the Deputy United States Marshal that he is unable to execute said writ by virtue of the civil authority vested in him, and requiring military aid, this is to request you to furnish the officer bearing this requisition a posse of twenty mounted men (that being the number required) to aid him in the execution of said writ.

Truly yours,

JOHN W. GEARY,

Governor of Kansas Territory.

Col. Andrews, Commanding near Lecompton.

COMMISSION ISSUED.

OCTOBER 11, 1856.—To Henry T. Titus, as special aide-de-camp to the Governor, with the rank, title and emoluments of colonel, to take effect from and after the fifteenth day of September, 1856.

SEIZURE OF LIQUOR.

LECOMPTON, October 11, 1856.

SIR: You will please furnish me four regular troops for the purpose of seizing upon a lot of ardent spirits deposited at a house within the city limits for the express purpose of selling it to the soldiers. It arrived here last evening.

O. C. STEWART, *Mayor.*

His Excellency J. W. Geary.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 11, 1856. }

SIR: Please furnish to O. C. Stewart, Mayor of this city, four soldiers for a short time, for the purpose of aiding him to carry out an ordinance relative to the sale of spirituous liquors.

Very truly, yours,

JOHN W. GEARY,

Governor of Kansas Territory.

The Officer commanding the Guard at Lecompton.

FROM THE MAYOR OF LEAVENWORTH CITY.

LEAVENWORTH CITY, K. T., October 11, 1856.

SIR: Your favors of the 9th instant have just been handed to me by Joseph Anderson, Esq., and it is with pleasure that I give you all the information I am in possession of relative to the subject-matter of your inquiries.

In relation to the death of Addison Rodgers, allow me to state that, although it occurred during the recent troubles here, those troubles had no connection whatever with it. Rodgers kept a dramshop here on the levee, and was in the habit of gambling. He was shot by a gambler named Brush. Said Brush was tried for the offense before R. R. Rees, Esq., a justice of the peace in this city, and acquitted. Mr. Rees told me that it was a perfectly justifiable case of self-defense. The evidence, in compliance with the statute laws of Kansas, was written down, and is now in the possession of Mr. Whitehead, clerk of our first district court, who will be in Lecompton on Monday next.

In regard to the detention of Mr. M. J. Mitchell here, it is in accordance with a writ in the hands of the United States Marshal, Major Donelson, who will start to Lecompton with Mr. Mitchell to-morrow morning, for the purpose of having him tried there before the Hon. Samuel D. Lecompte. I was not aware, until yesterday, that Mr. Mitchell was in this city under guard; since which time I have not seen Major Donelson, and therefore do not know the particulars of the charge. From investigation to-day, however, I know that Major Donelson has in his possession the writ before alluded to.

With sentiments of high esteem, I am, respectfully, your obedient servant,

WILLIAM E. MURPHY.

Hon. John W. Geary, Governor of Kansas Territory.

COMMISSIONS ISSUED.

OCTOBER 13, 1856.—To John H. Tate, as sheriff of Linn county, *vice* John E. Brown, resigned.

To John Veteto, as captain, and Charles Vandiver, as first lieutenant of a company of militia, in Leroy, Coffey county, and named the Leroy Guards.

THE JUDICIARY.

The following was this day received from Chief Justice Samuel D. Lecompte. It is in reply to a letter of inquiries addressed to each of the Judges of the Supreme Court of the Territory. As yet, neither of the Judges has made any response:

FROM CHIEF JUSTICE S. D. LECOMPTE.

NEAR LEAVENWORTH CITY, K. T., October 6, 1856.

SIR: Your favor of the 23d September did not come to hand until after my return from Lecompton. Since that time I have been more or less indisposed, and besides, have not been able to furnish replies to your questions without some examination. Indeed, I am not now able to do so, except as to Leavenworth county, because the records of the other courts are in the several counties.

My official engagements in holding courts here on Wednesday, and on Monday next at Lecompton, will disable me from giving the matter more attention than I have done. The result of that, I proceed with great pleasure to submit to you; remarking, as to the other counties, that the criminal and other business has borne about a fair ratio, regarding population, wealth, &c., to this, if indeed in several of them there has not been more in proportion to these elements. This is certainly true of Doniphan county, if no other. It is not true as to Douglas; nor is it true of this county that there has been even a fair proportion of business. The reason of this is too notorious to need to be particularly pointed out.

The first court provided to be holden there was last fall, and about the time when the first great excitement occurred, being the time when Sheriff Jones found it necessary to summon a posse to execute process. The next held was in April last, when, by the resistance of process by ex-Governor A. H. Reeder, the Marshal was driven to a like course of summoning a posse to enforce its execution. This, as you are aware, stirred the elements of strife in the Territory to the very acme, and necessarily suspended, unless they had been vigorously sustained by the Territorial Executive, judicial proceedings.

The next term for this county was fixed for the second Monday of September last, just before which had occurred the outbreak which, more serious than any before, brought about the condition of things alluded to in the opening of your letter.

As to the complaints made to you "for alleged neglect of duty," the charge, like the others mentioned, is too general to be responded to otherwise than by a general denial, and a reference to the responses which follow to your inquiries.

As to the charge of "party bias," if it means simply the fact of such bias, I regard it as ridiculous; because I suppose every man in this country, with very few exceptions, indeed, entitled to respect either for his abilities, his intelligence, or his virtue, has a "party bias." I am proud of mine. It has, from my first manhood to this day, placed me in the ranks of the Democratic party. It has taught me to regard that party as the one, *par excellence*, to which the destinies of this country are particularly intrusted for preservation.

If it be intended to reach beyond that general application, and to charge a pro-slavery bias, I am proud, too, of this. I am the steady friend of Southern rights under the Constitution of the United States. I have been reared where slavery was recognized by the constitution of my State. I love the institution as entwining around all my early and late associations; because I have seen as much of the nobility of the human heart in the relation of master and servant, and on the part of the one as well as of the other, as I have seen elsewhere. I have with me now an old woman who left all to come with me when it was purely at her discretion. Another who did the same have I lost, and buried with care and decency at Fort Leavenworth. An old man has come to me, under the care of a youthful nephew, within a few days, all the way from Maryland, and passing through every intervening free State, with a perfect knowledge of the fact, and making his way through various interferences by his own ingenuity.

If it means more than the fact, and to intimate that this "party bias" has affected the integrity of my official action, in any solitary case, I have but to say that it is false—basely false.

In relation to the other charge, of "criminal complicity with a state of affairs which terminated in a contempt of all authority," I will content myself with saying that it, too, is false—basely false—if made in relation to me, and to defy the slanderer to the proofs of a solitary act to justify the deepest villain in such an aspersion.

In regard to all of them, I take the liberty of accompanying this communication with a letter lately written by me to a friend in Maryland, in which, at more length than I can here indulge, I have replied to similar charges by men in higher places. I shall regard it as a favor that it be considered as part of this letter.*

I proceed to answer your interrogatories. To the first:

I was commissioned by the President, on less than a week's notice of my name being presented to him, on the 3d of October, 1854. Early in November I left Maryland for the Territory, with my family. After a tedious trip, a week of which was given to a duty mentioned in the letter accompanying this, I arrived in the Territory early in December. Within a few days thereafter, (the particular day will appear in the files of your department—December 5th, I think,) I entered upon the duties of my office as far as depended upon me.

By the 35th section of the organic act, the duty was devolved upon the Governor of defining "the judicial districts" and assigning the judges "to the several districts," and also of appointing "the time and places for holding the courts," &c.

The Governor issued his proclamation on the 26th of February, 1855, assigning me to the "first judicial district," which did not then embrace Douglas county, but

*The extreme length of the letter here alluded to, which was addressed to a private individual and has been published in one or more of the daily newspapers, and the irrelevancy of a great portion of it, must preclude the propriety of its insertion in the executive minutes.

was bounded by the Kansas river on the south and the Nebraska line on the north, and fixing the regular terms for the third Mondays of April and October, and fixing also a preliminary term for Monday, the 19th of March, then next.

The first court holden by me was, therefore, on Monday, the 19th of March. I deemed it proper on that occasion to present in an address my views, which were put upon record, and also furnished for publication at the request of the members of the bar. I have caused a copy of this address to be made, and take the liberty of accompanying this letter with it, that you may see the sentiments with which I entered upon the discharge of my "judicial office." By these sentiments I have been steadily governed.

To your second:

The counties of Doniphan, Atchison, Leavenworth, Jefferson, Calhoun and Douglas have comprised my district since the session of the Legislative Assembly. Before that time it embraced nearly the same extent of territory, with the exception of Douglas county.

I have holden courts as follows: First, under the proclamation of the Governor, a preliminary term, March 19, 1855.

Regular term, third Monday of April following, to which juries were summoned. Court was holden nine days.

Regular term, third Monday of October, when court sat six days and adjourned to 12th November, when it sat twelve days; when it adjourned for some special business to January 7, 1856.

The next regular term was, under the statute, chapter 41, on the third Monday of March adjourned to the fifth Monday, when it sat six days.

The next, the third Monday of August last, when it sat six days, the time limited as you will see by the statute referred to, and adjourned, business being unfinished, to the second Wednesday of October, instant.

There were no other courts holden at any other place in the district than Leavenworth, under the proclamation of the Governor.

By chapter 41 of the acts of the Legislative Assembly, section 4, courts were required to be held for the year 1855 "in Leavenworth county on the third Monday of September; in Atchison on the fourth; in Doniphan on the first Tuesday of October; in Jefferson on the second Monday of October; in Calhoun on the third Monday of October; in Douglas on the fourth Monday of October."

These were all holden except that for Doniphan, which I was not able to reach by failure of the boats. I got up to St. Joseph, but so late that to have gone to Doniphan would derange all my other terms. I therefore had the organization effected and regular adjournment by the clerk, having myself to return so as to meet my other engagements. All of these courts were simply in effect for organization. The statutes not having been published, the grand juries could make and did make no presentments. It was so late in the season, and the coming out of the statutes so uncertain, that no adjourned terms could be announced.

The same statute, in its first section, designates as the times of holding courts in my district, "in the county of Doniphan on the first Mondays of March and August; in the county of Atchison on the second Mondays of March and August; in the county of Leavenworth on the third Monday of March and August; in the county of Jefferson on the fourth Mondays of March and August; in the county of Calhoun on the first Mondays of April and September," for the year 1856, and afterwards. Douglas county is omitted, but in the enrolled bill it follows Calhoun, and the terms are fixed for "the second Monday of April and September."

All of these I have holden, except the last term for Jefferson county and for Cal-

houn. These I did not hold, because the recent commotions had just then arisen. It was considered utterly useless to hold court at either Osawkee, the county seat of Jefferson, or Calhoun, the county seat of Calhoun, as neither juries nor witnesses nor suitors could be in attendance.

I should, nevertheless, have gone to those courts, but for the severe and dangerous illness of my wife and the sickness of three of my children. I felt under no obligation to incur the great sacrifice of leaving home when it was so apparent that no good could result from it.

To your third:

I cannot say, for reasons heretofore given, how many indictments have been found, except as to Leavenworth county. I cannot at all answer your question as to the number of bills presented and the number ignored, because by section 25 of article 3 of the acts of the Legislative Assembly, chapter 129, it is not necessary "to present a presentment prior to the presentation of an indictment."

The consequence of this provision is that the court has no means of knowing anything about the bills presented and ignored. All that I can know of is such as are presented in the form of indictments, as a general thing.

At the first regular term, April, 1855, there were 16 indictments; at October term following there were 21. The statutes not being out at September term, there were none but 22 civil suits. At November, an adjourned term for October, there were 14 indictments. At March term, 1856, there were 17 appeals; 25 original civil suits; attachments and habeas corpus, 15; indictments, 79. At August term, 1856, there were, appeals, 28; original suits, 43; trial cases, 29.

The excitement heretofore alluded to was then reviving, the consequence of which was that there could scarcely be retained a grand jury. And I believe that for want of witnesses, which it was almost impossible to get, they found no bills. There were pending, I ought to have added, 25 chancery cases.

In almost all of the criminal cases presented, anterior to the publication of the statutes, nolle prosequies were entered by direction of the District Attorney of the United States for the Territory, upon the ground taken by him that there was no law in force in the Territory to punish them. The consequence is that few trials arose. The case of McCrea was removed, on his affidavit, to another district. Another case of murder, against Burgess and others, was tried, and the party acquitted on the testimony of the physician, that he died not of wounds received, but of disease. A point was raised of want of jurisdiction, arising from the fact that the wound was given in this Territory, and the death occurred in Missouri. Upon full examination of the subject, I sustained the point.

These cases, first presented and dismissed by order of the District Attorney, left nothing of the criminal calendar for trial but the recent cases—those presented in April last. Few of these have been ready for trial, and very few have been tried; while in nearly all of them the parties are under bonds for their appearance at the next terms of the courts.

A trial for arson; one for manslaughter; one for selling liquor to Indians; one for keeping a gaming-house, are the principal criminal trials in the county. They were all acquitted.

The only convictions I remember are: one for horse-stealing in Doniphan, and some three or four for assuming office; one for maliciously killing a horse in Atchison county; one in Jefferson county for selling liquor to Indians; and perhaps some eight or ten, in different counties, for selling liquor without license.

With an earnest desire to see the criminal code properly enforced, the difficulties growing out of the want of jails, and the frequent excitements, during which it has

been difficult, if not impossible, to procure the attendance of witnesses, the judicial department, unsupported by a vigorous Executive, has not been able to do much.

All that I have seen it in my power to do I have done; and, sustained by the law-executing power, I can see how we can do all that is necessary to maintain the supremacy of law, and to repress disorder, and to extirpate crime.

The principal business done has been of a civil and a quasi-criminal character. By this latter, I have reference to forcible entry and detainer. Perhaps I might add, as partaking somewhat of the same quality, the chancery process of injunction to restrain the commission of wrongs. Of these there has been a pretty large amount. Beside, I have had before me, at chambers, a number of cases of threatened violence and injury, which have been prevented by putting the parties under bonds to keep the peace.

I have thus, sir, as fully as my engagements and the means of information within my reach and my memory serve me, answered your interrogatories.

I have done so because of my high respect for your Excellency; my earnest desire to maintain, in the exercise of my functions, your department in the performance of yours; of my readiness, for the purpose of advancing the great cause of restoration of order in the Territory, to waive points of right; and of my anxious solicitude to gratify both my high respect for the power from which I hold my office, and his desire to be informed of the real state of affairs here, by accounting to him, in frankness and fullness, for the mode of the performance of my duty.

Having stated why I have responded to your interrogatories, it is due to myself, that my position may not be misunderstood, to express my unequivocal dissent from the doctrine of the following language, in your letter to me: "The efficiency of the Executive will be much impaired or strengthened by the manner in which his subordinates in office discharge their respective duties. And as it is my sworn duty to see that the laws are faithfully executed, I need offer no apology for requesting categorical answers to the following interrogatories."

The doctrine that the judiciary is in any sense subordinate to the Executive of this Territory, and that because the Executive is sworn to see to the faithful execution of the law he has a right to catechise those equally sworn to its administration, is the doctrine from which I dissent.

The Constitution of the Union and the Kansas organic act vest in the Executive the executive power, in Congress and the Legislative Assembly the legislative power, with a power of veto to the Executive, in certain judges and courts the judicial power.

These are independent and coördinate, not subordinate, departments of the government; and, as I understand the theory, and under the theory perform my duties, they act each within their sphere, but without subordination.

I have the honor to be, with great respect, your obedient servant,

SAMUEL D. LECOMPTE,

Chief Justice Supreme Court, and Judge of First District Court, Kansas Territory.

Hon. John W. Geary, Governor of Kansas Territory.

P. S.—It occurs to me as proper to add something in relation to the last term of court in Douglas county. I have already stated that this occurred soon after the late serious disturbances in the Territory, the most serious part of which existed, as always, in this county. It seemed perfectly certain to me before I left home that there was no probability of being able to dispose of any business. I deemed it my duty, nevertheless, in view of the peculiar importance of those cases pending under indictments for treason, to attend, the more particularly as the persons so indicted were held in confinement. As I went I met large numbers of persons coming from

Lecompton towards Leavenworth, and when I reached Lecompton I found it almost deserted. No full jury, either grand or petit, was in attendance; indeed, not enough of both to constitute one. The county, it was well understood, was equally abandoned by all those law-and-order men from whom a jury could be selected. Under these circumstances it was perfectly clear that no business could be done.

The cases of Robinson and others, indicted for treason, were called. They tendered themselves ready for trial. The Government was not ready, nor was there any officer to represent the Government on trial. A motion was made by a gentleman deputed for that purpose simply, to continue the causes. I saw no alternative but a trial which, without readiness on the part of the Government, under the most peculiar circumstances, and yet scarcely amounting to legal cause of continuance, would have amounted to an acquittal, almost to a farce; and on the other hand, a continuance. The latter ultimatum was adopted. The question then remained, what was to be done with the prisoners? As they tendered themselves ready for trial, I believed that to continue them in confinement would be oppression; I therefore discharged them on bail.

I have but to say in conclusion, to your Excellency, that if more full information is desired in regard to the other counties, the records of which are not now accessible, it will afford me pleasure to give it hereafter, when those records are brought, as they will be, under an order of the court holding its sessions under the act of Congress of the last session, from the several counties to the place of its sessions.

REPORTED INVASION OF THE NORTHERN FRONTIER.

In consequence of numerous well-authenticated reports having been brought to the Executive Department that large bodies of organized men, armed and provided with munitions of war, were about to enter the Territory from Nebraska with no peaceful intentions, a requisition was made upon the commander of the United States forces stationed here for a sufficient number of troops to repel or disperse the intruders. Accordingly, a large force, under command of Colonel Cooke, and accompanied by a United States Deputy Marshal, left Lecompton for the north on the 28th ultimo. The following is the Marshal's report:

LECOMPTON, KANSAS TERRITORY, October 12, 1856.

SIR: In accordance with your orders "to accompany the United States troops to the northern frontier, and to see that your proclamation was carried into effect," I have the honor to state that I have been located for the past two weeks at or in the vicinity of a place called Fort Plymouth, some five or six miles south of the line dividing Kansas from Nebraska.

On the evening of the 9th instant, I was informed by some United States officers that there was a body of 250 men, with wagons, &c., at a little place in Nebraska called Archer, some five miles north of the Territorial line, and that they proposed entering Kansas. On the morning of the 10th instant Colonel Cooke, commanding the United States troops, sent for me. I obeyed his summons, and found him engaged in conversation with General Pomeroy and Colonels Eldridge and Perry, who were in command of this party of 240, more or less, represented as immigrants. I introduced myself to the parties in command, and asked if they had seen your proclamation, &c. They replied in the affirmative, and showed me a letter from your Excellency, in which you advise your officials of the coming of this party, and in which you command your officers to allow them to pass unmolested, *if they come as bona fide settlers, and for lawful and peaceful purposes, and not in violation of your proclamation.*

There was nothing in the appearance of this party indicating that they were peaceable immigrants. They had no stock of any kind, except those of draught. There were only some seven families among them, and no visible furniture, agricultural implements, or mechanical tools; but, on the contrary, they were amply supplied with all the requisite articles for camping and campaigning purposes. These were seen protruding from their vehicles.

Considering their appearance antagonistic to the spirit of your proclamation, fifth paragraph: "And I command all *bodies of men, combined, armed and equipped with munitions of war*, without authority of the government, *instantly to disband or quit the Territory, as they will answer the contrary at their peril,*" I requested Col. Eldridge, who appeared to be in command, to satisfy me as to the peaceful mission of the party, by showing me the contents of the wagons, &c. He declined in such a manner as to induce me to suppose that the wagons (some twenty in number) were loaded with *munitions of war*. Everything went to show that they were *organized*, and they *acknowledged this fact themselves*.

I then requested Col. Cooke, commander of the United States forces, to examine and to give me a written report of how the party was furnished. The following is his reply and accompanying report:

HEADQUARTERS, CAMP ON PONY CREEK, }
KANSAS TERRITORY, October 10, 1856. }

SIR: I give you my opinion that this party of two hundred and forty men, more or less, under Col. Eldridge, Gen. Pomeroy, &c., is a combined party or body, furnished completely with arms and munitions of war.

Very respectfully, your obedient servant,

P. ST. GEO. COOKE,

Lieut. Col. Second Dragoons.

Colonel W. J. Preston, Deputy Marshal—Present.

Report of arms discovered.—Three boxes of navy-revolver pistols, all new, viz.: 6 six- and 5 five-shooters; 12 Colt's, navy size; 24 Colt's, navy size; 4 boxes fixed ball cartridges; 1 bag caps; a small lot rifle cartridges; 1 box, 10 Sharps rifles; 145 breech-loading muskets; 85 percussion muskets; 115 bayonets; 61 common sabres; 2 officers' sabres; 1½ kegs of powder; 61 dragoon saddles; 1 drum.

The recent troubled state of the Territory, and your proclamation and Colonel Cooke's reply, authorized me to consider the party as one entering our midst for no peaceful purposes. Thence, in accordance with your orders—regarding your letter as giving me some margin for discretion—I took the arms into my possession and delivered them to Colonel Cooke, subject to your order. The party retained their side-arms, some rifles (common and Sharps patent), and guns.

The party then complained, and expressed some fear in traveling with what arms they retained. I consequently requested Colonel Cooke to give them an escort to their place of destination. He acquiesced; but the immigrants (as they styled themselves), after consultation, declined accepting the escort, but persisted in going as an organized body. Whereupon, after promising to suit their convenience in traveling, and as regards route, I arrested them, *as a body*, allowing individuals to go where they pleased and when they pleased.

In arresting them, I had nothing to do with the families, offering them the liberty which you guarantee to all, of traveling through or settling in any part of the Territory which they might think proper. This privilege they refused to accept, replying that "the party to which they were attached was an *organized* one, and they would not leave their comrades, as some of their property was in every wagon." I also took into consideration their personal convenience, doing every thing in consonance with my position for their comfort, and promising them that I would use my endeavors with your Excellency to have you meet them on the route, that you might satisfy yourself as to the character and objects of their mission, and if you should regard it as warlike, I would be subject to your further order, and if of a peaceful and colonization tendency, my interruption would be light as possible.

They were detained three-quarters of a day when first stopped, and, by my request, Colonel Cooke issued a day's rations to them. They have met with no further delay. It was raining on the day of the arrest, which subjected us all to a drenching. It was to be regretted, but could not be prevented.

Very respectfully, your Excellency's obedient servant,

WM. J. PRESTON, *Deputy U. S. Marshal.*

His Excellency J. W. Geary, Governor of Kansas Territory.

P. S.—No private arms were taken, or, if so, by the personal application of the owners they were returned. I mean rifles, shotguns, some few sabres, &c. No one claimed the muskets. I would also call your attention to the following note, handed me by Colonel Cooke. Truly yours, &c.,

WILLIAM J. PRESTON.

"No trunks or ordinary packages were opened. A large quantity of new saddles were found in boxes, supposed to match the sabres. Sixty or seventy-five others of the party are several days behind, with ox-teams. P. ST. GEO. COOKE."

REPORT OF COLONEL P. ST. GEORGE COOKE.

HEADQUARTERS,
CAMP NEAR NEMAH RIVER, K. T., October 10, 1856. }

SIR: Colonel Preston, Deputy Marshal, has arrested, with my assistance, and disarmed, a large party of professed immigrants, being entirely provided with arms and munitions of war; amongst which two officers' and sixty-one privates' sabres, and many boxes of new saddles. Agreeably to your requisition of September 28, 1856, I send an escort to conduct them—men, arms, and munitions of war—to appear at the capital. Colonel Preston will give you the details.

I have the honor to be, with high respect, your obedient servant,

P. ST. GEORGE COOKE,

Lieut. Col. Second Dragoons, commanding in the field.

His Excellency John W. Geary, Governor of Kansas Territory.

OCTOBER 13.—The following was forwarded by mail to St. Louis, and thence dispatched by telegraph to Washington city:

TO THE SECRETARY OF STATE.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., October 13, 1856. }

SIR: An official report has just reached me that the troops sent to guard the northern frontier have arrested a party of two hundred and forty men, organized in military order, and liberally supplied with munitions of war. They entered Kansas by way of Nebraska. They brought with them no household furniture, agricultural implements, nor anything to indicate that their intentions were otherwise than hostile. I am now about to proceed to Indianola, where I expect to meet them, and make of them such disposition as circumstances may seem to require. By the next mail I will forward you a full account of the affair.

Your obedient servant,

JOHN W. GEARY, *Governor of Kansas Territory.*

Hon. William L. Marcy, Secretary of State, Washington, D. C.

OCTOBER 14.—

REPORT OF IMMIGRANTS.

KANSAS TERRITORY, }
TOPEKA, October 14, 1856. }

SIR: We, the undersigned, conductors of an emigrant train, who entered the Territory on the 10th instant, beg leave to make the following statement of facts, which, if required, we will attest upon our oaths:

1st. Our party numbered from 200 to 300 persons, in two separate companies, the rear company (which has not yet arrived) being principally composed of families with children, who left Mount Pleasant, Iowa, three days after this train which has arrived to-day.

2d. We are all actual, *bona fide* settlers, intending, so far as we know, to become permanent inhabitants.

3d. The blockading of the Missouri river to Free-State emigrants, and the reports which reached us in the early part of September, to the effect that armed men were infesting and marauding the northern portion of Kansas, were the sole reasons why we came in a company and were armed.

4th. We were stopped near the northern line of the Territory by the United States troops, acting, as we understood, under the orders of one Preston, Deputy United States Marshal; and after stating to the officers who we were and what we had, they commenced searching our wagons, (in some instances breaking open trunks and throwing bedding and wearing apparel upon the ground in the rain.) taking arms from the wagons, wresting some private arms from the hands of men, carrying away a lot of sabers belonging to a gentleman in the Territory, as also one and one-half kegs of powder, percussion caps and some cartridges; in consequence of which we were detained about two-thirds of a day, taken prisoners, and are now presented to you.

All that we have to say is, that our mission to this Territory is entirely peaceful. We have no organization, save a police organization for our own regulation and defense on the way. And coming in that spirit to this Territory, we claim the rights of American citizens to bear arms, and to be exempt from unlawful search or seizure.

Trusting to your integrity and impartiality, we have confidence to believe that our property will be restored to us, and that all that has been wrong will be righted.

We here subscribe ourselves, cordially and truly, your friends and fellow-citizens.

S. W. ELDRIDGE, *Conductor*.
SAMUEL C. POMEROY.
JOHN A. PERRY.
ROBERT MORROW.
EDWARD DANIELS.
RICHARD REALF.

His Excellency John W. Geary, Governor of Kansas Territory.

REPORT OF MAJOR SIBLEY.

IN CAMP NEAR TOPEKA, KANSAS TERRITORY, October 14, 1856.

SIR: I have the honor to report, that agreeably to the written order of Lieutenant Colonel Cooke, commanding the troops on the northern frontier of this Territory, of which the following is a copy, viz.:

"ORDERS No. 14.]

HEADQUARTERS, }
CAMP NEAR THE NEBRASKA FRONTIER, October 10, 1856. }

"Brevet Major H. H. Sibley will march to-morrow, in command of the Second Dragoons, for Leecompton, Kansas Territory, and will conduct there and deliver to the Governor of the Territory the prisoners this day arrested as invaders of the Territory, together with the arms and munitions of war found in their possession, and seized.

"Major S. will await further orders at camp near Leecompton.

"By order of Lieutenant Colonel Cooke.

J. J. WRIGHT.
Lieutenant, and Adjutant Second Dragoons.

"His Excellency J. W. Geary, Governor of Kansas Territory."

I took charge of the prisoners (223) referred to in order, together with the arms, munitions of war, &c., and marched the morning of the 11th.

Being accompanied by Deputy Marshal Preston, I discovered very soon that the relative position of the prisoners, the Marshal and myself was not distinctly under-

stood, the former being under the impression that they were not *bona fide* prisoners, but merely under military surveillance. This impression I took the earliest occasion to correct by reading to the conductors of the party Lieutenant Colonel Cooke's order.

It was then demanded of me that the Government should subsidize the whole party and forage their animals. I acknowledged the justice of their demand, but informed them that as an equivalent for one day's detention in Colonel Cooke's camp, and at their own suggestion, he had furnished me with one day's provision for them, which I would deliver in camp at night; that I had no more, and not a grain of forage, but that I would pay both for provision and forage if either could be procured along the route. I gave them to understand distinctly that I would not suffer myself to be embarrassed on my march by their assertions of scarcity of provisions; I knew they had abundance in their wagons; that they must use them, and make their claims upon the Government afterwards; my orders were imperative to take them before the Governor, and they should be obeyed. With this general understanding and a better acquaintance with the conductors, every disposition to cavil ceased. I imposed no restraint upon them whatever along the route. Their sick and foot-sore (many of them driven from their own wagons) were permitted to ride in mine. They were assisted in crossing streams, and were permitted to select their own camp-grounds, within reasonable distance of mine. Upon one occasion I consented to their continuing their route three miles further than the point I had selected. The proposition, however, seemed to have been voted down, for they took the ground I had indicated as the best, and I paid for forage for their animals for two nights out of my own pocket, having no public funds at my disposal.

These trifling circumstances are merely adverted to in order that your Excellency may fully understand the position of my command with respect to the immigrant party, and that you may understand that they were never for one moment made to feel the restraint of military discipline, but were, on the contrary, relieved from the onerous duty and necessity of nightly guards, and assisted rather than retarded in their journey.

My first impression, upon a cursory view of the party, their outfit, arms, munitions, &c., &c., and the absence of a proper proportion of families, there being only seven women to two hundred and forty men (less than half the number allowed to the same number of soldiers), the total absence of farming implements, household furniture, &c., naturally and necessarily pertaining to *bona fide* immigrants, that it could be regarded in no other light than as an organized armed party entering the Territory for any other than peaceful purposes, and, in view of the excitement which prevailed in the Territory at the probable moment of its organization, invasion and war was its original intent. Learning, however, as they approached the line, the true state of affairs (the happy results of a few weeks of vigorous administration of justice), and that instead of war, peace and quiet and protection reigned throughout the land, their character changed. The arms, provided for rebellion and opposition to the laws, were never unpacked, and but for their discovery in the wagons the party would have entered the Territory unmolested.

Agreeably to your Excellency's instructions, I have restored such of the arms as have been claimed as individual property. The balance I have turned over to the officer in command of the troops stationed at this point.

I am, sir, very respectfully, your obedient servant,

H. H. SIBLEY,

Captain, Brevet Major Second Dragoons.

OCTOBER 15.—

REPORT OF COLONEL P. ST. G. COOKE.

HEADQUARTERS, CAMP NEAR LECOMPTON, October 15, 1856.

The morning after my last communication, on the 8th instant, I marched back with the dragoons, and encamped close to the fortified house and "fort." I caused the vicinity to be again searched. Some dry goods which I heard were found the day before, and marked "Grasshopper Falls," had been removed. They were still working on the house within the redoubt. This they have commenced to pull down.

Ascertaining, the night of the 9th inst., that a large body had come by the north within twelve miles, I concentrated the troops early the 10th, and soon after a large force, with twenty wagons, approached.

Their leaders, well mounted, approached me, and announced themselves as "Colonel Eldridge," "General Pomeroy," &c.; said they were immigrants, &c. Soon Colonel Preston, Deputy Marshal, approached; produced the Governor's proclamation of September 11, and said it was necessary to search the wagons for arms and munitions of war. They refusing consent, I immediately caused it to be done, my display of force being such that no resistance was offered.

It was found that there was, with the horses in the wagons, a complete armament for the whole number of men, one-fourth as cavalry, the rest as infantry. A good deal of threat and irritating language was used on their part, unanswered and unnoticed.

I gave the Deputy Marshal my written opinion that they were a "combined party or body furnished completely with arms and munitions of war."

With some hesitation, I consented to an arrangement being made by the Marshal, by which *escort* would be given to them, to conduct them to the Governor. He found they would not consent, and arrested them. I therefore put them under guard, and sent them next morning, in charge of Brevet Major Sibley, commanding a squadron of Second Dragoons, to be brought before you.

"Colonel Eldridge," in his explanations to me, said there was a part of them of from "fifty to seventy-five," coming several days behind, with ox-teams; but he did not claim that they were bringing property belonging to those in advance; not to me, certainly. This party had no stock, furniture, &c., invariably carried by emigrants.

Nothing new had occurred for two days, when, on the morning of the 12th, I left Col. Johnston with First Cavalry and light artillery company, to remain, until further orders, on that frontier.

I have just arrived, and hasten to give you this information of the affairs of the north.

With high respect, your obedient servant, P. ST. GEORGE COOKE,
Lieut. Col. Second Dragoons, Commanding Forces in the Field.
His Excellency John W. Geary, Governor of Kansas Territory.

REQUISITION FOR A GUARD.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., October 15, 1856. }

SIR: You will please furnish a guard of twenty-three men, including the usual officers, to guard the Territorial prisoners at Lecompton, to report to-morrow at 8 o'clock A. M., and to continue for twenty-four hours.

Your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Colonel Andrews, Commanding near Lecompton.

COMMISSIONS ISSUED.

To G. W. Freeman, as justice of the peace for Reynolds township; Louis Wilson, for Rock township; G. W. Gillespie and S. D. Dyer, for Dyer township; all of Riley county.

Spartan F. Rhea, as justice of the peace for Kickapoo township, Leavenworth county.

G. F. Gordon, and Robert Reynolds, and Nathan Gilbert, as justices of the peace for Douglas township, Davis county.

R. A. Hammon, as constable for Douglas township, Davis county, and J. C. Woods, for Rock township, Riley county.

CORRESPONDENCE AND EXECUTIVE MINUTES.

[A letter from Governor Geary and a portion of his executive minutes were transmitted by the President to Congress, with the message which here follows.]

To the Senate and House of Representatives: I transmit to Congress an extract from a letter of the 22d ultimo from the Governor of the Territory of Kansas to the Secretary of State, with a copy of the executive minutes to which it refers. These documents have been received since the date of my message at the opening of the present session. FRANKLIN PIERCE.

WASHINGTON, December 15, 1856.

GOVERNOR GEARY TO MR. MARCY.

[Extract.]

EXECUTIVE DEPARTMENT,
LECOMPTON, KANSAS TERRITORY, November 22, 1856. }

SIR: I herewith transmit you, by the hands of Brevet Major H. H. Sibley, a copy of my executive minutes from the 17th day of October to the 21st day of November, inclusive.

The minutes will furnish you a truthful history of Kansas affairs. They embrace a daily record of all my official transactions, and a full statement of any matters requiring explanation.

Fully appreciating the delicate and responsible mission confided to me by the generous partiality of the President, and knowing how liable, amid the strife and prejudice which seemed to hold undisturbed sway here, a person with the most patriotic intentions might be to misrepresentation and abuse, I adopted the custom of keeping an hourly record of all events in a manner connected with my official action, which, from time to time, I might send to you as my best vindication to the administration and the country.

Properly to keep my executive minutes, to answer the heavy correspondence with this Department, to prepare official dispatches, to execute missions requiring secrecy and intelligence, and perform the multifarious

duties devolving upon me, owing to the anomalous condition of affairs, has occupied my whole time, assisted by industrious and intelligent secretaries, whom the public exigencies required me to employ.

As occasion arose, I did not pause to enter into any refined analysis of the nature and extent of my authority, nor to inquire where the money would come from to reimburse necessary and imperative expenditures, but at once adopted the means best calculated to secure the desired end, and paid all expenses out of my own private resources, confiding in the justice of the administration and Congress for reimbursement and support.

Your general instructions have been the lights by which my official action has been governed, and where the letter of the instructions did not meet the crisis, I have based my action on that portion of your comprehensive dispatch of 23d of September, in which you say :

“Your prompt and vigorous attention will be directed towards those who *meditate* further mischief, and are *disposed to obstruct* your efforts to restore the supremacy of the civil authority.

“The President *relies upon your energy and discretion* to overcome the difficulties which surround you, and to restore tranquility to Kansas. *The exigencies of the affairs, as they shall be presented to you on the spot*, will indicate the course of proceeding, in particular cases calculated to such results, better than any definite instructions emanating from this Department.”

At so great a distance from the General Government, and so inaccessible to speedy communications from Washington, it is absolutely indispensable, for the preservation of order and the protection of life, liberty and property, that the Governor of this Territory should be clothed with large discretionary powers.

When I arrived here, the entire Territory was declared by the acting Governor to be in a state of insurrection; the civil authority was powerless, and so complicated by partisan affiliations as to be without capacity to vindicate the majesty of the law and restore the broken peace.

In this state of affairs, the most vigorous and determined action on my part seemed the only remedy for the growing evils.

Impartial justice will ever commend itself to every American citizen worthy to bear the name.

To disband armed bodies of men assembled under color of law, and disperse others brought into antagonistic existence without authority—both inflamed by the most exciting questions, and both committing outrages which all good men must deplore—required neither hesitation nor fear.

I am most happy to inform you, that in order to calm these disturbing elements and bring the people back to sober reason, I have not been obliged to resort to any measures unknown to the law and not covered by the spirit and letter of my instructions.

It is also a matter of special gratification to be able to say that, since my advent here, peace has been restored, and the fierce passions of men soothed without the shedding of one drop of fratricidal blood.

The peace of the Territory is now placed upon a permanent basis; all parties having at length relinquished the idea of a resort to arms, and agreeing to refer the adjustment of all political disputes to the ballot-box or other lawful expedients.

Since my last dispatch to you, making a hasty reference to my southern and western tour—full particulars of which you will find in my executive minutes, from the 17th of October to the 6th of November, inclusive—I deemed it advisable, from what I saw on the spot, to send a United States Commissioner and Deputy Marshal, accompanied by a squadron of United States dragoons, to make inquisition of certain matters demanding attention along the southern and eastern portions of the Territory.

While there is profound peace here, so far as political causes are concerned, there is still a roving band of marauders, not exceeding seven, in the southern part of the Territory, who occasionally steal horses and rob families.

For the purpose of exterminating these thieves and robbers, and of affording that protection to good citizens which the Government is bound to afford, I have issued proclamations offering reasonable rewards for the apprehension and conviction of the offenders, and have also sent the squadron with the itinerating preliminary court, in order that summary justice might at once be effected.

Nothing but the most vigorous and decided measures can have the effect of restoring confidence, by expelling the bandit and robber and making the citizens feel secure in their isolated homes.

A collision between Judge Lecompte and myself has occurred, the occasion of which is a source of regret to me.

A full account of the matter will be found in my minutes, to which I beg your attention.

The injudicious action of the judge endangered the peace of the Territory and the equilibrium I was laboring night and day to preserve.

All my efforts "to restore the supremacy of the civil authority," to establish confidence in the impartial administration of justice, are fruitless and unavailing so long as the Chief Justice is permitted to "obstruct" my policy and give so just an occasion for the charge of partiality.

Public justice, and the peace and good order of this Territory, require the position of *Chief Justice* to be filled by some impartial person, not complicated with past disturbances, and who will, without prejudice or favor, dispense justice and punish crime.

The subject of the sale of the "Delaware trust lands" has, for some time past, been a source of much anxiety to me, as intense feeling has been generated among the settlers on account of the uncertainty of their tenures and the danger of their being ousted from their homes.

Justice to the *actual bona fide settler* and the *Indians* seemed so clearly

the legitimate policy of the Government, that I was most anxious to see such measures adopted as would most effectively secure these objects.

Solicitude for the preservation of the public peace induced me to visit Leavenworth city at the opening of the land sales, and upon invitation from the municipal authorities, I suggested such views in a public speech for the consideration of the large concourse of people assembled there from every quarter of the Union, as I thought would best effect my purpose, consistently with the policy of the Government.

My remarks were kindly received by the people; and I am happy to inform you that no disturbance has occurred, and I have no reason to anticipate any trouble during the progress of the sales.

Nothing will so much aid the cause of peace and order, and so materially advance the substantial prosperity of this Territory, as the sale of the public lands to intelligent, industrious and patriotic citizens. . . .

With high consideration, I have the honor to be your obedient servant,

JOHN W. GEARY,
Governor of Kansas.

Hon. W. L. Marcy, Secretary of State.

EXECUTIVE MINUTES OF KANSAS TERRITORY, FROM OCTOBER 17 TO NOVEMBER
21, 1856, INCLUSIVE.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., October 17, 1856. }

SIR: In consequence of the multiplicity of business that has been constantly pressing upon me since the receipt of your circular of the 8th ultimo, it has been absolutely impossible for me to give it proper attention until the present moment.

In reply to your inquiries relative to estimates for the fiscal year ending June 30, 1858, I have the honor to report:

Governor's salary, per annum.....	\$2,500 00
Three judges of the United States court, each \$2,000.....	6,000 00
Secretary of the Territory.....	2,000 00
Ordinary expenses of executive office.....	1,500 00
Extraordinary expenses of executive office.....	6,000 00
Total.....	\$18,000 00

The extraordinary expenses here alluded to arise from the unhappy and distracted condition of the Territory, requiring the performance of a vast amount of extra labor, demanding the services of no less than two clerks of superior qualifications, who cannot be obtained at salaries less than \$1,500 each per annum. It is also incumbent upon the Executive to visit in person every portion of the Territory, and to use every available means to procure reliable information, often from a distance, in time for the most *prompt* and *efficient* action.

These important and indispensable requisites, when taken into consideration with the vast extent of the Territory, with every portion of which constant communication must be had, the difficulty and great cost of travel, and the extravagant prices of living, necessarily involve a large expenditure of money, which the sum of \$3,000 will scarcely, if at all, cover, thus exhausting the amount above named of \$6,000, for extraordinary contingent expenses.

If the foregoing does not embrace a sufficient reply to your inquiries, please communicate with me on the subject, and I will forward at once such further information as may be required.

Very respectfully, your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

F. Bigger, Esq., Register of the Treasury.

The Governor and suite left Lecompton, designing to make a tour of observation through the southern and western portions of the Territory. His escort consisted of a squadron of United States dragoons, under command of Brevet Major H. H. Sibley.

After visiting several persons on the way, and transacting much official business, he reached Lawrence in the afternoon, when he encamped for the night near the town. He inspected and reviewed the company of newly-raised Territorial troops stationed there; he was very cordially received, and agreeably entertained by the citizens.

OCTOBER 18, 1856.—The escort proceeded through the Wakarusa valley, via Blanton's bridge, a place made celebrated by its rifle-pits and natural fortifications, to Hickory Point. The Governor, accompanied by his secretary and orderly, went round by Franklin, the place so noted in the origin of Kansas troubles, and the point where he had, a few weeks before, disbanded the militia, under General Reid and others. Here the people were assembled, and addressed by the Governor with happy effect. He joined the squadron at Hickory Point, after visiting on the way all the points of interest. He found the people there highly intelligent and peaceable, and determined to support his policy. In this neighborhood he encamped for the night, and was visited by a large number of citizens.

OCTOBER 19.—While in encampment he was informed that recent depredations had been committed in this vicinity, and upon complaint being duly made, the Governor dispatched the Deputy Marshal, escorted by a few dragoons, and promptly arrested the depredators and sent them to Lecompton. After spending some time in the neighborhood of Prairie City, reached the residence of John T. Jones, commonly called "Ottawa Jones," the interpreter of the tribe, a half-breed civilized Indian, residing on the Ottawa creek. The Governor and suite dined with Mr. Jones and lady, an intelligent white woman from the State of Maine, who came out a missionary a number of years since. Mr. Jones formerly kept a hotel of considerable dimensions and excellent accommodations, which, on the 29th of August last, was burned at night by a company of about forty men, because of Mr. Jones's alleged Free-State proclivities. He has 300 acres of land under excellent fence, raises 4,000 bushels of grain, has 100 head of cattle and 14 horses, preaches every Sunday at the Baptist Mission, and was educated at

Hamilton College, New York. The Ottawa reserve is on a creek of same name; is ten by twelve miles square, and the tribe consists of 325 souls.

Four miles from Mr. Jones's, passed the Baptist Mission, which consists of several houses and a church—about sixty children are educated here; crossed the Marais de Cygnes (Mary de Zene), sometimes called Osage river; seven miles further encamped for the night, in the valley of North Middle creek.

OCTOBER 20.—After traveling through a beautiful country, arrived at Osawatomie. The people here were in apprehension of some undefined danger, and they welcomed the Governor's arrival as the guaranty of future security. At Osawatomie the Governor met all the citizens, without distinction of party, heard their individual complaints, gave them salutary advice, told them as far as possible to bury the past, and cultivate kind relations for the future. The people promised compliance with the Governor's wishes. Osawatomie is situated about one mile above the confluence of the Pottawatomie and Marais des Cygnes rivers, upon an extensive plain of unsurpassed fertility. It formerly contained about two hundred souls, many having left during the recent troubles. The following facts were ascertained in relation to several attacks on this place: On the 6th of June last a number of men, estimated to be one hundred and fifty, under the command of General Reid, of Missouri, approached Osawatomie. A man named Lowry led the party into town; they took sixteen horses, disarmed the entire population, and stripped the place of much valuable property. The neighborhood of this place was the seat of operations of John Brown, sen., who is absent from the Territory. On the 30th day of August last, the second attack upon Osawatomie occurred. From two hundred and fifty to three hundred men, with one piece of artillery, under command of General Reid, attacked the town (as it is alleged) for the wrongs the Free-State men had done the Pro-Slavery men. This was subsequent to the murder of the five Pro-Slavery men on the Pottawatomie. When General Reid's force had reached Mr. Adair's, a clergyman residing about two miles from Osawatomie, Frederick Brown, a son of John Brown, sen., was shot dead. Garrison was found in the woods, and killed; Cutler was wounded. The force then entered the town, when a Free-State man fired, and a man was seen to fall from his horse. About one hundred guns were fired at a Free-State man named Holmes, who escaped unscathed.

The Free-State men, numbering about thirty, retired to the woods, when the other party discharged their cannon at them three or four times. No person killed by this firing. The Free-State men were surrounded, and forced to take to the creek, (Marais des Cygnes.) Partridge was the only man killed in the creek; Collins and Updegraff wounded. Powers, having secreted himself on the bank of the creek, was found and shot dead. A

portion of the party then returned to Osawatomie, and burned the town—destroying fourteen dwelling-houses with their contents; one grocery, one store, and four out-buildings—spoiled the place of horses, cattle and wagons. Williams, a Pro-Slavery man residing at Osawatomie, was killed by mistake by the attacking party. Out of twenty-five families in Osawatomie, but five or six were Pro-Slavery.

The property of both parties shared the same fate. Four Free-State and one Pro-Slavery man, as above described, were killed. The postoffice was rifled of about three hundred letters. This account of the affair at Osawatomie is taken from the testimony of several witnesses on the battle-ground.

Leaving Osawatomie, crossing the Marais des Cynges, traveling nine miles, crossing Bull creek, encamped at the town of Paola, the seat of government of Lykins county. Paola is situated on Bull creek, a tributary of the Marais des Cynges; contains thirteen houses and hotel. The land on which the town is located belongs to an intelligent Indian, of the Peoria tribe, named Baptiste, who resides here, and who is the interpreter for the Peorias, Kaskaskias, Piankeshaws, and Weas, recently united under treaty by the name of the Weas. These tribes now consist of about three hundred souls, fifty of whom reside at Paola. The land is apportioned among the Indians by treaty, according to the number of each family, Baptiste having received two entire sections for special services. The Baptist mission school, under the charge of Dr. Lykins, assisted by three white teachers, is about one mile and a half from Paola. The school is for the education of Indian children, thirty of whom are in daily attendance.

OCTOBER 21.—Before leaving Paola, notice having been circulated the night previous, a large number of people were assembled, whom the Governor addressed in a speech of considerable length, after which he commissioned a justice of the peace and several other officers, thus affording the citizens the immediate means of settling their own disputes and difficulties. Leaving Paola, returned via Osawatomie, crossing the Pottawatomie; proceeded up the valley of that creek about eight miles—the scene of many past disturbances, and especially notorious for the so-called Pottawatomie murders—and encamped. Here the Governor took occasion to inquire into the circumstances connected with the Pottawatomie murders, and received the following information from several witnesses:

That Mr. Doyle and two sons, Wilkinson and William Sherman, were attacked at night and brutally murdered by a person or persons yet unknown.

OCTOBER 22.—Left camp early, in a drenching rain, on way to Sugar Mound, marching all day in the rain; the Governor and suite, on horseback, suffered in common the inclemency of the day; crossing South Middle creek and Big Sugar creek, encamped at night south of Big Sugar creek,

near Squire Means's house. Here, notwithstanding the rain which still continued, a large number of people assembled, whom the Governor addressed at the house of Squire Means.

OCTOBER 23.—Leaving camp early, traveled ten miles over a beautiful country, meeting deputations of citizens on the way, who joined the Governor's party and accompanied him to Sugar Mound, where about 100 persons awaited his arrival. The Governor proceeded to address the people in a speech of considerable length, fully explaining his policy and intentions. After concluding his speech, the Governor invited any person present to propose interrogatories to him upon any subject requiring explanation, proposing impromptu answers; several persons availed themselves of the suggestion, and the interview terminated very pleasantly.

The Governor and suite were invited to dine at Squire Turner's, where many of the citizens met him. After a pleasant time spent here, amid the kind wishes of the people, left Sugar Mound and proceeded south toward the Neosho, and encamped on Little Sugar creek, near the house of Temple Wayne, three miles south of Sugar Mound. Many visited the camp, stated their grievances, had interviews with the Governor, and had their minds satisfied upon questions of interest to themselves.

OCTOBER 24.—This morning, as we were about to march toward Fort Scott, messengers entered the camp in hot haste, and stated that a robbery had been committed on Big Sugar creek by a band of seven or eight robbers. This was an impudent outrage committed in his rear, and he immediately gave an order for a countermarch. At a brisk trot the ten intervening miles were traversed, and by the aid of a skillful guide the troops were brought to the house of Judge Davis—the scene of the outrage. The Governor took immediate measures to ferret out the scoundrels; sent out numerous detachments in various directions, with instructions to seize every suspicious person and meet in camp upon the Pottawatomie, near the California road, in the evening. The detachment scoured the country, and met at night in the designated camp. No prisoners were taken, but from the information obtained the Governor was enabled to designate the guilty parties, and he immediately issued the following—

PROCLAMATION.

EXECUTIVE DEPARTMENT, (IN THE SADDLE,) }
SUGAR CREEK, KANSAS TERRITORY. }

A reward of two hundred dollars is hereby offered for the apprehension and conviction of the person or persons who committed the robbery upon the defenseless females at the house of Judge Davis, in Linn county.

[L. s.] Given under my hand and seal, this 24th day of October, at the place aforesaid.

JNO. W. GRABY,
Governor of Kansas Territory.

OCTOBER 25.—Left camp in a heavy rain; proceeded up the Pottawat-

omie valley; recrossed the Marais de Cygnes; passed the Baptist Mission; traveled the California road; recrossing South Middle creek, reached Eight-Mile creek, at Centropolis, where, finding plenty of wood and water, an encampment was made. The entire day was occupied in meeting and conversing with citizens at various points, though the rain made traveling disagreeable. The community here seemed quiet, no disturbance having occurred for four weeks previous.

OCTOBER 26.—Proceeded to-day toward "110," on the California and Santa Fé road; marched rapidly over a dull, monotonous country, consisting of high, rolling prairie—not a shrub or tree to relieve the monotony, and no sign of human habitations until we reached "110," the great California stopping-place. There quite a number of citizens called on the Governor, and the interview was mutually agreeable. Leaving "110," marched a northwest direction on the Fort Riley road; reached the headwaters of the Wakarusa, and encamped.

OCTOBER 27.—Leave camp at 8 o'clock and travel briskly towards Fort Riley, as rations are getting short in proportion to the distance yet to be traveled. The road keeps a high divide between the waters of the Neosho and the Wakarusa, the banks of which are skirted with timber, both in full view from the road. Encamped on the headwaters of the Neosho.

OCTOBER 28.—Proceeded along same divide. Immense quarries of white limestone on each side; country uninhabited, except at the crossing of Clark's creek, where a number of settlements are made. Passed through Riley City, and crossed the Kansas, which was very high from a freshet from Smoky Hill Fork, to Pawnee City, and went on to Fort Riley, where an appropriate salute was fired, and other honors of the most marked and gratifying character were rendered.

OCTOBER 29, 30, and 31.—Remained at Fort Riley to recruit the horses, equip the troops, and prepare them for winter campaign. During this time everything was done to make the Governor's visit agreeable. In company with the officers, he visited all the various places of interest at the fort and in its vicinity. Numerous entertainments given. Much valuable information acquired.

NOVEMBER 1.—Returning to Lecompton down the valley of the Kansas, found ferry-boat aground; detained several hours at Pawnee; crossed the river and encamped at Riley City, where numerous citizens visited the Governor; same escort as before.

NOVEMBER 2.—Weather cold and lowering, indicating rain; anticipations

realized; rode in cold rain all day; after crossing Clark's creek, traveled down the rich, beautiful valley bordering on the Kansas river, skirted with timber; fine claims; valley adapted to the easy construction of a railroad; for miles, little occasion for grading, plenty of timber and stone; visited many persons, and encamped on south side of river opposite Manhattan. A deputation, consisting of Rev. Charles Blood and eight other leading citizens, visited the camp, and, in behalf of the citizens of Manhattan, tendered the hospitalities of the place, and invited the Governor to meet and address the people. He accompanied the deputation to Manhattan, crossing the Kansas river in a small boat. A large number of citizens were assembled at the hotel; Rev. Mr. Blood addressed the Governor, stating that he had postponed a religious meeting (it being Sabbath day) to unite with his fellow-citizens in these troublous times in receiving and encouraging the chief magistrate in the discharge of his onerous duties; that the obligations of religion could not be discharged unless peace and order were first permanently restored. The Governor made a lengthy reply, and in conclusion invited interrogatories upon any subject of interest to them. Many very intelligent questions were propounded, and immediate and satisfactory answers given; the meeting had an excellent effect. An entertainment was given to the Governor, and he was quartered for the night with John Pipher, Esq.

Manhattan is situated at the junction of the Big Blue with the Kansas river, sixteen miles below Fort Riley, on an extensive plain. The town company owns about 1,400 acres of land of exceeding fertility. The town contains about 150 inhabitants, an intelligent, moral, industrious, and well-disposed people, who, during the past exciting scenes in this Territory, have quietly attended to their own business. The great feature of the place is the Blue river, fifty yards wide and fifteen feet deep; its clear, limpid water is delightfully refreshing. The military road from Fort Leavenworth to Fort Riley and Laramie passes through this place.

NOVEMBER 3.—Snow storm; snow three inches deep—first in Kansas this season; recrossed the river with the committee to camp; owing to the extreme inclemency, spent the day in camp.

The citizens of the surrounding country visited the Governor, and much useful business transacted.

NOVEMBER 4.—Weather cold and windy; continuing down the valley, the Governor frequently leaving the head of the column to visit the hardy pioneer settlers along the road. At Wabaunsee met numerous citizens, with whom he had an agreeable interview. Country peaceable; every person attending to his accustomed business. Encamped for the night on an old Indian camping-ground, upon Mulberry creek, where there is an abundance of wood, water, and grass.

NOVEMBER 5.—Governor called upon a number of persons to-day by the roadside, and gave them much satisfaction from his conversation and the interest he manifested in the peace of the country and in their individual prosperity. Entered the Pottawatomie Reserve, and traveled rapidly through it, crossing Mill creek, a beautiful clear stream, abounding in fish. Stopped at Jude Bourassa's, an enterprising Indian, having a good mill, and cultivating a rich farm. The Pottawatomie Reserve comprises a fertile district of country thirty miles square. The tribe, it is said, numbers 3,600 persons. They have quite a thriving town called "Uniontown," and two missions—St. Mary's, the Catholic, on the north side of the river, and the Baptist mission, on the south side. Late in the evening, after crossing Mission creek, encamped near the Baptist Mission, which, being the last camp previous to the return to Lecompton, in commemoration of the safe return and the general peace prevailing, was called "Camp Gracias á Dios."

NOVEMBER 6.—The Governor issued the following

PROCLAMATION.

EXECUTIVE DEPARTMENT, "CAMP GRACIAS Á DIOS," }
 BAPTIST MISSION, POTTAWATOMIE RESERVE, KANSAS TERRITORY. }

Having reached this point, after an extended tour of observation through this Territory, and being now fully satisfied that the benign influences of peace reign throughout all her borders, in consonance with general custom and my own feelings I hereby specially set apart the 20th day of November, instant, to be observed by all the good citizens of this Territory as a day of general thanksgiving and praise to Almighty God for the blessings vouchsafed us as a people.

Given under my hand, at the place aforesaid, this 6th day of November, A. D. 1856.

JOHN W. GEARY, *Governor of Kansas Territory.*

Visited the Baptist Mission, under the superintendence of Mr. Fox; found about 30 children in daily attendance; many bright-eyed, intelligent-looking Indian children exhibiting great aptness in learning. Reached Topeka, where the Governor was detained some time to transact official business; found the people quiet; town giving evidence of prosperity; 80 new buildings in process of erection; all kinds of business in a natural and healthy condition, and citizens attending to their ordinary pursuits. The company of United States soldiers stationed here ordered to winter quarters at Fort Riley. Passing through Tecumseh, Big Springs, Washington, and other places, and visiting the United States troops encamped near Lecompton, the Governor returned to his residence, after an absence of twenty days.

NOVEMBER 7.—The following letter was received from the superintendent of the Capitol buildings, upon which all work was suspended prior to the late difficulties, and still continues in that condition:

LETTER OF THE SUPERINTENDENT.

LECOMPTON, November 3, 1856.

SIR: As I shall be absent a short time, you will please delay taking any action upon

any subject touching the Capitol buildings until my return, which will be by the middle of next week, and oblige your respectful and obedient servant,

OWEN C. STEWART, *Superintendent.*

His Excellency John W. Geary.

REPLY OF THE GOVERNOR.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., November 7, 1856. }

SIR: Your note of the 3d instant was received by me last night upon my return to this place. As your services as superintendent of the Capitol buildings are no longer required, you are hereby notified that your appointment is revoked from this date. Very truly, your obedient servant,

JOHN W. GEARY,

Governor of Kansas Territory.

Owen C. Stewart, Superintendent of Capitol buildings.

R. R. Nelson, a justice of the peace, residing in the city of Lecompton, came into the Executive office, and stated to the Governor that, during his absence, while he was holding his court for the preliminary hearing on a charge of larceny against a soldier of the Territorial militia, the captain of the company to which the soldier belonged came into the justice's court with six men, and forcibly released the prisoner and broke up the court; whereupon the Governor requested the justice to reduce his charge to writing.

JUSTICE'S COMPLAINT.

LECOMPTON, November 7, 1856.

SIR: I was duly appointed by the Probate Court of Douglas county, in this Territory, a justice of the peace in and for said county, and I was duly commissioned and sworn, and in the full exercise of the duties of my magisterial office. That upon the fifth day of November, during your absence, Hon. J. N. O. P. Wood made an affidavit before me for larceny against A. G. Fisher, a private of Captain John Donelson's company of United States Territorial militia; whereupon I issued my warrant for the arrest of the said Fisher, and placed it in the hands of City Marshal Caldwell, who brought the prisoner before me; and while I had cognizance of the case, and actually examining witnesses, Capt. John Donelson came into my court with six men, told the prisoner he came to release him, ordered him out of court, took the prisoner away, and dismissed the court. Yours, most respectfully,

R. R. NELSON, J. P.

His Excellency John W. Geary, Governor of Kansas Territory.

Whereupon the Governor instantly addressed the following note to Colonel Cooke:

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., November 7, 1856. }

SIR: You will please cause Capt. John Donelson, of the Territorial militia, recently mustered into the United States service, to be placed under arrest.

The charges and specifications will be furnished you in due time.

Your obedient servant,

JOHN W. GEARY,

Governor of Kansas Territory.

Colonel P. St. George Cooke, Commanding U. S. troops near Lecompton.

Capt. John Donelson was accordingly arrested, and will be tried by court-martial.

[Entry and acknowledgment of the receipt of copies of certain laws and journals of Vermont.]

For the purpose of acquiring valuable information respecting that portion of Kansas between Fort Riley and the Rocky Mountains, the Governor addressed a copy of the following letter to Lieutenant Bryan and Major Armistead, who have just returned from an expedition to the Rocky Mountains, under the auspices of the United States Government:

LETTER TO LIEUTENANT BRYAN AND MAJOR ARMISTEAD.

SIR: Understanding that in your official capacity, under instructions from the United States Government, you have recently made a trip to the Rocky Mountains through a considerable portion of this Territory, I take the liberty to address you a line to acquire certain information which may, through my department, be advantageously communicated to the country. Will you, therefore, please give me brief answers to the following interrogatories:

Through what portion of this Territory did you pass?

State the character of the soil; its agricultural and animal productions; minerals, plants, streams and rivers, with any other information respecting your journey which you may be pleased to communicate.

Very truly, your obedient servant,

JOHN W. GEARY,

Governor of Kansas Territory.

Lieutenant Bryan, Fort Riley.

[Entry and acknowledgment of the receipts of copies of certain laws and journals of Oregon.]

Probate Judge J. N. O. P. Wood and Deputy Marshal Tebbs called upon the Governor, and stated that a warrant had been issued for the arrest of Captain Samuel Walker, of the Lawrence Territorial militia, recently mustered into the service of the United States, and desiring to know the Governor's views on the subject. He remarked that it was the duty of the proper officer to arrest every person charged with crime, and that he would screen no person, be he high, low, rich, or poor; that it was the Marshal's duty to arrest Walker at once, and if he would furnish him with the usual requisition for military aid, he would give him any amount of force to enable the Marshal to discharge the duty required of him by law. Upon the suggestion being made to the Governor that Walker had promised him to appear to answer any charge upon his simple summons, with the request that he would write to Walker to redeem his pledge, the Governor handed to Judge Wood the following letter to Walker:

EXECUTIVE DEPARTMENT, }
LECOMPTON, November 7, 1856. }

SIR: I am informed that at their recent sitting the grand jury for this district found an indictment against you. Occupying the position you do, it will be necessary for you to meet this charge. If you are innocent, you cannot too soon demonstrate that fact. You pledged yourself to me to come forward and meet any charge which should be preferred against you, upon notice from me. I accordingly notify you of the charge, and advise you manfully to meet it.

Your obedient servant,

JOHN W. GEARY,

Governor of Kansas Territory.

Captain Samuel Walker, Commanding Territorial militia at Lawrence.

LETTER TO THE SECRETARY OF STATE.

EXECUTIVE DEPARTMENT,
LECOMPTON, November 7, 1856. }

SIR: I have just returned to this place after an extended tour of observation through a large portion of this Territory.

I left Leocompton on the 17th ultimo, via Lawrence, Franklin, Wakarusa creek, Hickory Point, Ottawa creek, Osawatomie, Marais de Cygnes, Bull creek, Paola, Pottawatomie, North and South Middle creeks, Big and Little Sugar creeks, and Sugar Mound, passing westward along the California and Santa Fé road to Fort Riley; thence down the Kansas river, via Pawnee, Riley City, Manhattan, Wabaunsee, Baptist Mission, Topeka, Tecumseh, and other places. I also visited at their houses as many citizens as I conveniently could, and addressed various bodies of people, as I have reason to believe with beneficial results.

During this tour I have acquired much valuable information relative to affairs in Kansas, made myself familiar with the wants and grievances of the people, which will enable me to make such representations to the next Legislature and the Government at Washington as will be most conducive to the public interests.

The general peace of the Territory remains unimpaired, confidence is being gradually and surely restored, business is resuming its ordinary channels, citizens are preparing for winter, and there is a readiness among the good people of all parties to sustain my administration. In a few days I will write you at length respecting various matters connected with my recent tour, and other things relative to the Territory.

Very respectfully, your obedient servant,

JOHN W. GEARY,

Governor of Kansas Territory.

Hon. William L. Marcy, Secretary of State.

[Entry and acknowledgment of the receipt of various legal works from Texas, and of the Acts of the First Session of the Thirty-Fourth Congress.]

LETTER FROM M. McCASLIN, INDIAN AGENT.

OBAGE RIVER AGENCY, K. T., October 18, 1856.

SIR: In a few days I will have in charge large sums of money, which is to be paid to several Indian tribes in this region; and as matters of this kind cannot be concealed from the public, and as the country here is infested with hordes of horse-thieves and dangerous bands of plunderers, I have deemed it my duty to take such measures as may be most likely to secure the public funds until they pass legally out of my hands.

I therefore request your Excellency, as the common guardian of all the lives and valuables within this Territory, to cause to be detailed for the above service at least twenty-five dragoons, with competent officers, and subsistence for at least ten days, and to rendezvous at Paola, Lykins county, on or about the first day of November next.

With great respect, I am your obedient servant,

M. McCASLIN, *United States Indian Agent.*

His Excellency John W. Geary, Governor of Kansas.

In accordance with Mr. McCaslin's request, the required number of troops were accordingly detailed and sent.

NOVEMBER 8, 1856.—During his recent tour through the southern portion of the Territory, the Governor was impressed with the necessity of affording the people of that region additional protection during the coming

winter; and as there are few magistrates in that quarter whose authority is respected, after mature deliberation the Governor determined to send to that quarter a squadron of United States mounted troops, accompanied by a commissioner and deputy marshal, in order that proper arrests might be made, a preliminary hearing given on the spot, and justice brought to the doors of the people.

In accordance with his determination, the Governor made upon Colonel Cooke the following requisition:

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., November 8, 1856. }

SIR: I have the honor to make a requisition upon you for a squadron of United States mounted troops, to proceed as far south as Fort Scott, in this Territory, with the following instructions:

The squadron is sent to preserve the general peace of the Territory along the eastern border, and will be accompanied by a United States commissioner and United States marshal, whom they are to assist in the discharge of their respective functions.

The officer in command will report as soon as possible to Mr. McCaslin, Indian Agent at Paola, Lykins county, and render him the necessary assistance in making his Indian payments. The squadron, or portions of it, as the case may be, will scour the southeastern portion of the Territory, and visit any districts in that region where there is any well-grounded apprehension of disturbance, or where it may be necessary to afford protection to peaceable citizens.

The squadron will finally make their headquarters at such point in the region of country to be the seat of their operations as in the opinion of the officer in command will best promote the public interests, and at the same time secure comfortable quarters for the men and their horses.

With high respect, I am your obedient servant,

JOHN W. GEARY,
Governor of Kansas.

Col. P. St. George Cooke, commanding near Leocompton.

Commission issued to David Caulfield, esquire, as justice of the peace for Jefferson county, Kansas Territory.

Commission issued to James M. Churchill, esquire, as justice of the peace for Delaware township, Leavenworth county.

Commission issued to Wilson H. Fox, esquire, as justice of the peace for Delaware township, Leavenworth county.

Commission issued to John N. Hall, as a constable for Delaware township, Leavenworth county.

Commission issued to James R. Willis, as a justice of the peace for Washington township, Doniphan county.

Commission issued to Daniel Miller, as a constable for Washington township, Doniphan county.

Writs to the sheriffs of Bourbon and Allen counties, directing them to hold certain elections, were issued as follows:

EXECUTIVE DEPARTMENT, }
LECOMPTON, November 8, 1856. }

SIR: You are hereby directed to hold an election, according to law, on the second

Monday in December, 1856, for a member of the Council, to supply the place of William Barbee, deceased.

Your obedient servant,

JOHN W. GEARY,

Governor of Kansas.

To the Sheriff of Bourbon county.

EXECUTIVE DEPARTMENT, }
LECOMPTON, November 8, 1856. }

SIR: You are hereby directed to hold an election, according to law, on the second Monday in December, 1856, for a member of the Council, to supply the place of William Barbee, deceased; and for the purpose of electing two members of the House of Representatives of the Territorial Legislature, one to represent the county of Allen, and one to represent jointly the counties of Bourbon and Allen, there having been no election in that county at the general election on the first Monday in October, 1856. Your obedient servant,

JOHN W. GEARY, *Governor of Kansas.*

To the Sheriff of Allen county.

NOVEMBER 10, 1856—Request for the appointment of a master of convicts, in pursuance of the 7th section of the 22d chapter Kansas statutes, p. 166:

LECOMPTON, November 9, 1856.

SIR: I have in my custody, as Sheriff of Douglas county, two convicts, sentenced to the penitentiary of this Territory, and I request that you will appoint a master of convicts as provided by the statutes.

Very respectfully, your obedient servant,

SAMUEL J. JONES.

His Excellency John W. Geary, Governor of Kansas.

Whereupon the Governor appointed Levi J. Hampton, Esq., of Kentucky township, Jefferson county, as master of convicts for the First Judicial District of Kansas Territory; and upon Mr. Hampton's compliance with the requirements of the 7th section of the 22d chapter of the statutes, the Governor issued a commission to him as master of convicts, Mr. Hampton having first duly taken the oath as prescribed by the 1st section of the 117th chapter of the statutes, and which oath was duly indorsed upon his commission.

REQUISITION, BY MASTER OF CONVICTS, FOR GUARD.

LECOMPTON, November 10, 1856.

SIR: Having been appointed by you master of convicts, and having accepted the appointment, there will come into my charge this day some twenty-two convicts, convicted of various offenses. There being no prison accommodations in this Territory, I will be under the necessity of guarding them well.

I therefore respectfully request your Excellency to furnish me with one company of United States troops, to enable me properly to discharge my duties.

Yours, most respectfully,

L. J. HAMPTON, *Master, &c.*

His Excellency John W. Geary, Governor of Kansas.

REQUISITION FOR GUARD.

EXECUTIVE DEPARTMENT, }
LECOMPTON, November 10, 1856. }

SIR: You will please furnish L. J. Hampton, master of convicts, a sufficient number of men to enable him to guard any convicts placed under his charge in pursuance of the laws of this Territory. Your obedient servant,

JOHN W. GEARY, *Governor of Kansas.*

Captain Wallace, Commanding Territory Cavalry.

[Entry and acknowledgment of the receipt of the Colonial Records of Rhode Island, vol. 1.]

Several persons of the Free-State party were in the Executive office complaining to the Governor that none but Free-State men had thus far been arrested, and that when a Pro-Slavery man chanced to be arrested, no matter for what crime, he was immediately discharged upon bail, while the Free-State men were permitted to languish in prison, and all attempts to bail them were coldly repulsed by Judge Lecompte and other Pro-Slavery magistrates.

The Governor was indicating his policy and the impartial and independent action of the grand jury, as evinced by their recent action at Lecompton. They had found bills against a number of prominent Pro-Slavery men, among whom was Charles Hays, for the cruel and horrid murder of David C. Buffum. The men indicted, remarked the Governor, are Pro-Slavery men, and have position and influence in the community, and yet their position has not been so exalted as to screen them from the searching scrutiny of an independent grand jury.

The Governor was peculiarly emphatic in his commendation of the arrest of the murderer of Buffum; said that he was killed almost in his immediate presence by some person or persons connected with the disbanded army, when retiring from Lawrence to their homes.

That Buffum was a quiet, inoffensive man; that he was in his field laboring with his horses, and because he would not immediately give up his horse, some fiend in human shape deliberately shot him, stole his horse, and fled; that coming along the road almost immediately afterward, in company with Judge Cato, his attention was called to the dying man; he found him in a dying condition, suffering the greatest agony, and weltering in his gore. He said: "I am about to die and enter the presence of my God; this is a cold blooded murder; he shot me because I asked him not to take away my horse." The Governor said he directed Judge Cato to receive his dying declarations, which he kindly did; that the dying man, writhing in mortal agony, turned his eyes to him, and most imploringly entreated his kindness. The Governor then remarked that the dying man's look and entreaty made a deep and lasting impression upon him, so much so, that he solemnly vowed that the horrid crime should be expiated in the punishment of the murderer.

He said it was a cause of great gratulation to him that the grand jury had so promptly done their duty in this matter, and that the officers had been so vigilant in making the arrest; that he had spent \$200 out of his own purse to ferret out this murder, and that he had in addition offered a reward of \$500 for the arrest and conviction of the murderer. "Now," said the Governor, addressing himself to the Free-State men, "you perceive that your charge of partiality is groundless; here you see that Free-State and Pro-Slavery men are weighed in the even scales of justice."

At this moment some persons came in and remarked that Judge Lecompte had discharged Charles Hays, the murderer of Buffum, upon bail.

The Free-State men then remarked, "Now, Governor, you see how it is; are not all our statements confirmed? Did not Judge Lecompte absolutely refuse to entertain a motion to hear evidence in the cases of the Free-State men charged with the Hickory Point murder, to ascertain whether the offense wasailable, as it afterwards turned out to be by the verdict of the jury finding only manslaughter? In the cases of the Free-State men," continued the objectors, "the motion to admit to bail was made *before bill found*, when the right was unquestionable; but in the case of Buffum, after the grand jury had maturely considered the matter, and found a *true bill* against Charles Hays for the murder of Buffum, which the whole country esteems a murder in the first degree, this murderer is immediately bailed, and, without authority or precedent for so glaring an act, is set at large. The Free-State men," continued these gentlemen, "can scarcely expect even-handed justice, and their only hope must be in physical force."

The Governor said that he was sworn to discharge his duty faithfully; that he was conscientious upon the subject, and would at all hazards discharge his duty as he understood it; that he fearlessly pronounced the act of the Chief Justice, Lecompte, in discharging the murderer of Buffum, *after the grand jury had found a bill of indictment against him for murder in the first degree*, as a judicial outrage without precedent; as highly discourteous to himself, as he had been the means of arresting Hays, and he should have been consulted; that the act *was greatly calculated to endanger the public peace*, and to destroy the entire influence of the policy he was laboring day and night to inaugurate here, and to bring the court and the judiciary into entire contempt; that he would treat the decision of Judge Lecompte as a nullity, and proceed, upon the indictment for murder, to re-arrest Hays as if he had merely escaped, and would submit the matter to the President, being well assured that he would permit no judicial officer here to forget his duty and trifle with the public peace by making decisions abhorrent to public justice and grossly steeped in partiality. Whereupon the Governor issued the following warrant:

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., November 10, 1856. }

SIR: An indictment for murder in the first degree having been duly found by the grand jury of the Territory against Charles Hays, for the murder of a certain David C. Buffum, in the county of Douglas, in this Territory, and the said Charles Hays having been discharged upon bail, as I consider in violation of law, and *greatly to the endangering of the peace of the Territory*:

This is, therefore, to authorize and command you to re-arrest the said Charles Hays, if he be found within the limits of this Territory, and safely to keep him until he is duly discharged by a jury of his country, according to law.

Given under my hand and seal, at the city of Lecompton, the day and year first above written.

[Seal.]

JOHN W. GEARY, Governor of Kansas.

I. B. Donelson, Esq., Marshal of Kansas Territory.

The above warrant was handed to Marshal Donelson, who was in the Executive office, which he declined to execute, but said he would take time to consider the matter, and would give the Governor his answer in writing.

The Marshal retired, and the Governor immediately made out a duplicate warrant and placed it in the hands of his special aid-de-camp, Colonel H. T. Titus, with directions to take a file of men and execute the warrant without delay, *as while the Marshal was considering the matter* Hays would escape.

Colonel Titus promptly obeyed the order and departed on his mission.

MARSHAL DONELSON'S ANSWER.

UNITED STATES MARSHAL'S OFFICE,
LECOMPTON, November 10, 1856. }

SIR: Your order bearing date of to-day, for the re-arrest and committal to jail of Charles Hays, who has been indicted by the grand jury of the United States District Court for the murder of David C. Buffum, and discharged upon bail by the honorable Samuel D. Lecompte, Chief Justice of Kansas Territory, has been maturely considered by me, and after such consideration, I respectfully decline executing your order, for the following reasons:

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 the acts of such a 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 such an act on my part would be in violation of the law I had sworn to support and execute.

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

The foregoing reasons, and my convictions of duty as a law officer, have inevitably impelled me to this decision.

I must be permitted to say to your Excellency that I regret exceedingly that my convictions of duty have constrained me to decline the execution of your warrant.

I had hoped that my diligence in making the arrest of C. Hays and others would have shielded me from the imputation which your remarks this evening seemed to imply. As proof of this, I beg leave to state, that the warrant issued for his arrest on the 29th of October was put in my hands the next day, and although four hundred miles had to be traveled. in four days afterwards he was in prison.

Your determination, as expressed this evening, (if I refused to execute your order,) to suspend me, or procure my removal by the President, induces me to say, that I had some days since determined to discontinue my present official relation with this Territory; and I now desire the favor of you to assure the President of my gratitude for his confidence and kindness, and ask him to relieve me from my present position as soon as may be convenient.

Very respectfully, your obedient servant,

I. B. DONELSON, *U. S. Marshal of Kansas.*

His Excellency John W. Geary, Governor of Kansas.

REPLY OF HON. S. G. CATO, U. S. DISTRICT JUDGE, TO COMMUNICATION OF 23D SEPTEMBER.

TECUMSEH, K. T., October 29, 1856.

SIR: Your letter of the 23d ult. was duly received, and would have been answered some time since, but an accident with which I unfortunately met has prevented an earlier reply.

My commission as Associate Justice of the Supreme Court of Kansas bears date September 13, 1855, and as soon as I could conveniently do, after receiving it, I proceeded at once to the Territory; arrived here the latter part of October last. By reference to the Kansas statutes, it will be seen that the courts in my district commenced their session on the first Monday of November, and ended on the fourth Monday of December, 1855. The office had been vacant for some short time before my appointment, hence there were no writs of venire for grand or petit jurors, and there was not sufficient time after my arrival here to have them issued and served.

I held court in each one of the counties, however, composing the district, but they were necessarily preliminary only. All that could be done was to make the necessary preparation for the ensuing courts. This was done, and venires were issued for grand and petit jurors for the next term, and regularly served for each county in the district.

The Second Judicial District is composed of the following eight counties, to-wit: Franklin, Anderson, Allen, Linn, Lykins, Johnson, Shawnee, and Bourbon. Besides the preliminary terms above spoken of, I held court in each of said counties, except Linn, last spring and summer, beginning at Franklin on the third Monday of April, and ending at Shawnee on the second Monday of June last. These were the regular sessions fixed by statute; and, independently of these, I held an adjourned session of one week in the county of Bourbon, and one also, of one week, in the county of Shawnee, to dispose of as much unfinished business of these two counties as possible.

In the county of Franklin the grand jury found two bills of indictment; in the county of Anderson five; in the county of Allen nine; in the county of Lykins ten; in the county of Bourbon nineteen; in the county of Shawnee twenty. Johnson county has not as yet had a sufficient white population to make either a grand or petit jury, and no business requiring a jury has been done in that county.

No court was held in Linn county this spring, on account of the excessive rains and high water, which rendered it impossible for me to reach the county in time. I appointed a special term for that county; but, on examination of the statute, became satisfied that I had no power to do so, and let the court pass over to the regular term.

None of the above indictments originated in any of the disturbances which have unfortunately prevailed in the Territory, but are altogether outside of them; these disturbances did not reach my district until after the last courts.

The adjourned term of the court before spoken of, for Bourbon county, was held to dispose of cases on the criminal docket, and the week was occupied in the trial of one case for murder and two for assaults with intent to kill. The case for murder resulted in an acquittal; one of those with assault with intent resulted in acquittal, and the other in a mis-trial. These are the only trials of criminal cases held in my district.

The adjourned term of court for Shawnee was occupied in disposing of unfinished civil business, no criminal cases being ready for trial.

The above, I believe, contains all the information sought by your note of the 23d ultimo; and trusting that your Excellency may be perfectly successful in enforcing the laws and preserving the good order and peace of the Territory, and promising a faithful coöperation therein, to the utmost of my ability,

I remain, most respectfully, your obedient servant,

S. G. CARO.

His Excellency John W. Geary.

The Governor left to-day on a visit to General Smith, at Fort Leavenworth, to be absent for three days.

LETTER FROM GOVERNOR GEARY TO GENERAL SMITH.

FORT LEAVENWORTH, K. T., November 11, 1856.

SIR: Peace prevails throughout the Territory, and the season of the year is now so far advanced into autumn as to make it extremely uncomfortable for the encampment of troops and the picketing of horses.

I therefore deem it advisable to inform you that I can dispense with all the troops which you have placed at my disposal for maintaining the peace of this Territory, with the exception of a squadron of dragoons and one company of United States infantry, to be left at Leecompton, subject to my orders.

I cannot forbear on this occasion thanking you most cordially for the very efficient aid you have rendered me during the late disturbances, and for the truly magnanimous conduct of all the officers and soldiers placed by you at my disposal, whose services, I trust, will never again be required under similar circumstances.

With high respect, your friend and obedient servant,

JOHN W. GEARY, *Governor of Kansas Territory.*

Major General P. F. Smith, commanding Department of the West.

NOVEMBER 12, 1856.—The Governor returned, via Leavenworth City and Lawrence, to Leecompton, forty miles.

RETURN OF H. T. TITUS TO WRIT FOR THE RE-ARREST OF CHARLES HAYS.

LECOMPTON, November 12, 1856.

SIR: In pursuance of your warrant of the 10th instant, I proceeded to the residence of Charles Hays and arrested him, brought him to this place, and now hold him subject to your further order. Your obedient servant, H. T. TITUS.

His Excellency John W. Geary, Governor of Kansas.

NOVEMBER 13, 1856.—The Governor executed a bond in the sum of \$10,000 for the purpose of receiving the \$5,000 appropriated to purchase a Territorial library; also, executed a power of attorney to his private secretary, authorizing him to draw the money and to make the purchase.

The special mail agent for this Territory, William A. Davis, visited the Governor and had an interview respecting the postal affairs of the Territory. Sundry measures were devised to remedy many of the evils heretofore complained of. The propriety of a daily mail from Kansas City to Leecompton was agreed upon; whereupon the Governor addressed the following

LETTER TO THE POSTMASTER GENERAL.

EXECUTIVE DEPARTMENT, }
LECOMPTON, November 13, 1856. }

SIR: Your mail agent, Wm. A. Davis, Esq., visited me to-day, and we had an interview respecting the postal affairs of this Territory. Sundry measures were devised to remedy many of the evils heretofore complained of. The necessity of a daily mail from Kansas City to this place was discussed and agreed upon. All which will be duly reported to you by your agent.

I have also to call your attention to the fact that the Eastern mail is delayed nearly one day at St. Louis, and that it requires eleven days for a letter to reach this place from Washington city, when a person traveling with expedition can accomplish the same distance in six days.

I am credibly informed that the Eastern mail arrives in St. Louis at 8:30 in the evening, and leaves at 1:30 *next day*; arrives in Jefferson City same evening at 8:30, leaves again at 5 next morning; arrives at 5 same day at Boonville, leaves next morning at 5; arrives in Lexington next night about midnight; arrives at Independence next evening at 6; goes on to Westport same evening, twelve miles, and starts to Leavenworth next day at 8; arrives same evening. The mail for this place leaves Westport simultaneously with the Leavenworth mail.

The Eastern correspondence with this department is very large, and I trust you will use your best efforts to afford regular and prompt mail facilities for this growing Territory.

Very respectfully, your obedient servant,

JNO. W. GEARY, *Governor of Kansas.*

Hon. James Campbell, Postmaster General.

LETTER FROM THE ARCHITECT OF THE CAPITOL BUILDINGS, IN REPLY TO THE GOVERNOR'S NOTE OF SEPTEMBER 28, ASKING CERTAIN INFORMATION.

LECOMPTON CITY, November 11, 1856.

HONORED SIR: I here write you a few lines to inform your Excellency that I am in this place, and been at your call. I received your letter in Omaha, and would have answered it there and then; but not being in possession of the facts required by you, I deferred the matter until I should arrive there.

But upon arriving at St. Louis, I found that Dr. A. Rodrigue was very desirous to see me in relation to business of the capitol; I have come, and find all things stopped.

Now, sir, I am at your disposal. I will return to Leavenworth City to attend the land sales; but if you should desire to see me before they are over, I will appear, but would like to see some land that I own, close to Leavenworth, sold, so that there may be no difficulty.

The receipts for the cast-iron and galvanized iron cornices, I suppose, are on file. They come to about seventeen thousand dollars (\$17,000). What is spent here I cannot answer for, having no charge of the same.

My contract with Governor Shannon is also on file, I suppose. It demands of me to appear before and on the capitol building whenever you may desire. *My compensation is four per cent. on the cost of building.*

I can be found at Leavenworth City till after the land sales, and will wait on any call you may name. I have the honor to remain, your obedient servant,

His Excellency Governor Geary.

WM. RUMBOLD.

LETTER FROM SECRETARY MARCY RELATIVE TO THE EXTRAORDINARY CONTINGENT EXPENSES OF THE EXECUTIVE DEPARTMENT.

DEPARTMENT OF STATE, }
WASHINGTON, October 30, 1856. }

SIR: I have received your letter of the 6th instant, in which you ask to be furnished with a draft for \$2,000, for meeting the contingent expenses of the government of Kansas.

The President does not doubt the necessity that you should be put in possession of the means you have asked for, and he has gone into a careful examination of the authority he has under the laws to comply with your request. He regrets to be obliged to state that this examination has resulted in a conviction on his part that he has no authority to advance for the contingent expenses of the government of Kansas Territory any amount whatever beyond the sum appropriated by Congress for that purpose. The appropriation, which was an inconsiderable sum, has been exhausted; and there is no power in the executive government of the United States to furnish you with any more. This state of things is most seriously regretted; for, situated as you are, the sum provided by Congress for the contingent expenses of

the Territory must fall far short of that required for the public service. The subject will, of course, occupy the attention of Congress at the approaching session; but what will be its decision on it cannot be foretold. I should think there could be no doubt that the next Congress will provide the means for paying all the expenses which may be, or have been, properly incurred in administering the affairs of the Territorial government. I am, sir, very respectfully, your obedient servant,

W. L. MARCY.

John W. Geary, Esq., Governor of the Territory of Kansas.

NOVEMBER 14, 1856.—In consequence of the original commissions failing to reach their destination, duplicate commissions were issued and forwarded to Andrew H. McFadden, Probate Judge of Lykins county; Joseph B. Goodin, sheriff; Warren D. Hoover, coroner; William B. Ewbanks, Samuel P. Boone, Henry S. Lynn, Thomas C. Warren, James Hughes, Henry Tuley, Wm. Honeywell, and Henry M. Peck, justices of the peace; and J. P. Tuley and Archibald Oliver, constables—all for said county.

REQUISITION UPON THE COMMANDING OFFICER FOR MARSHAL AND COMMISSIONER
DISPATCHED ON SPECIAL MISSION.

EXECUTIVE DEPARTMENT, }
LECOMPTON, November 14, 1856. }

SIR: Will you please furnish a means of conveyance for United States Commissioner E. Hoogland, and John A. W. Jones, Esq., who will proceed south to join the Squadron dispatched there to preserve the general peace of that portion of the Territory.

Your obedient servant,

JOHN W. GEARY,

Governor of Kansas.

Col. Andrews, commanding near Lecompton.

NOVEMBER 15, 1856.—

[Entry and acknowledgment of the receipt of vol. 22, Missouri Reports.]

REQUISITION FOR TROOPS TO GUARD PRISONERS.

EXECUTIVE DEPARTMENT, }
LECOMPTON, November 15, 1856. }

SIR: You will please hold yourself in readiness to escort a body of prisoners, some forty in number, from this place to Tecumseh, on to-morrow.

You are also detailed as a guard for the prisoners while undergoing trial, and for the protection of the court.

As this duty may detain you for two weeks, you will prepare yourself accordingly, and procure the best quarters for yourself and men which can be obtained.

You will leave a sufficient detail from your company to guard the public property in your charge.

Should you require any further instructions, you will please report to me from time to time, and I will furnish such as may be necessary.

Your obedient servant,

JOHN W. GEARY,

Governor of Kansas.

Lieutenant Higgins, Commanding Company A, near Lecompton.

The escort was accordingly furnished, and the prisoners conducted to Tecumseh, where they are lodged in safe and comfortable quarters.

REQUISITION FOR MILITARY AID TO SERVE CIVIL PROCESS.

LECOMPTON, November 15, 1856.

SIR: I have had placed in my hands warrants for the arrest of Thomas Addis, jr., and — Addis, sr., in the vicinity of Franklin, in this county, and, as resistance is anticipated, I request that you will furnish my deputy, Mr. Thompson, with two United States dragoons to assist in the arrest.

Very respectfully, your obedient servant,

SAMUEL J. JONES,
Sheriff of Douglas County.

His Excellency Governor Geary, &c.

REQUISITION GRANTED.

EXECUTIVE DEPARTMENT, }
LECOMPTON, November 15, 1856. }

SIR: You will please furnish Deputy Sheriff Thompson with two mounted men to assist him in making the arrest of Thomas and Joseph Addis, at the town of Franklin, in Douglas county, as warrants have been duly issued against them.

Your obedient servant,

JOHN W. GEARY,

Governor of Kansas.

Captain John Wallace, Commanding Company A, near Lecompton.

The escort was furnished. Thomas Addis, jr., peaceably arrested and brought here, had a preliminary hearing and was discharged.

ESCAPE OF A PRISONER.

LECOMPTON, November 15, 1856.

SIR: As master of convicts, it becomes my duty to inform you that, owing to the imperfect arrangements now existing for the safe-keeping of prisoners, Charles H. Calkins, a convict, has escaped from the custody of the officers and soldiers in whose charge he had been placed. Said Calkins probably eluded his keepers on Tuesday or Wednesday night last.

Respectfully, your obedient servant,

M. J. HAMPTON,

Master of Convicts, Kansas Territory.

His Excellency John W. Geary, Governor of Kansas.

PROCLAMATION FOR THE RECAPTURE.

EXECUTIVE DEPARTMENT, }
LECOMPTON, November 15, 1856. }

Having this day been duly notified by the master of convicts of the escape of the escape from prison of Charles H. Calkins, I hereby offer a reward of one hundred dollars for the recapture and return of said convict.

Given under my hand and the seal of the Territory, the day and year aforesaid.

[Seal.]

JOHN W. GEARY, *Governor of Kansas.*

By the Governor:

DANIEL WOODSON, *Secretary.*

COPY OF AN ORDER ISSUED BY GENERAL SMITH, IN RESPONSE TO GOVERNOR GEARY'S
ANNOUNCEMENT TO HIM OF PEACE IN KANSAS.

HEADQUARTERS, DEPARTMENT OF THE WEST, }
ORDERS No. 14.] FORT LEAVENWORTH, K. T., November 12, 1856. }

The Governor of Kansas has announced to the General commanding the department that peace prevails throughout the Territory at the present time and that the services of the troops for the maintenance of order can in a measure be dispensed with. In consideration, therefore, of this announcement, and in view also of the approach of winter, the several commands now in the field will return to their re-

spective permanent stations at once; but by easy marches—with the exception of two companies of the First Regiment of cavalry and one company of the Sixth Regiment of infantry—to be designated by the senior field officer of each corps, under instructions of Lieutenant Colonel P. St. George Cooke, Second Dragoons, commanding the troops in the field, and to be by him reported to Governor Geary. Each company will constitute a distinct and separate command, to be held subject to such orders or regulations as they may from time to time receive from the Executive of the Territory.

By order of Brevet Major General Smith.

GEORGE DEAS, A. A. G.

ORDER OF COLONEL ANDREWS, IN RESPONSE.

HEADQUARTERS SIXTH REGIMENT OF INFANTRY,
LECOMPTON, K. T., November 15, 1856. }

GOVERNOR: In compliance with order No. 14, Headquarters West Department, I have the honor to report to you that I have detailed Company A, Sixth Infantry, to remain subject to your disposition.

I am, sir, very respectfully, your obedient servant,

GEORGE ANDREWS,

Lieut. Col. Sixth Infantry, Commanding Regiment.

Governor J. W. Geary, Leocompton, K. T.

NOVEMBER 16, 1856.—

MARSHAL'S REQUISITION FOR TROOPS TO ESCORT PRISONERS TO TECUMSEH FOR TRIAL.

UNITED STATES MARSHAL'S OFFICE,
LECOMPTON, November 16, 1856. }

SIR: My duty requires me to remove about 46 prisoners from this place to Tecumseh for trial, in consequence of a change of venue, and it will be necessary for me to have military aid.

I therefore respectfully make a requisition for such force as you may deem sufficient as an escort and guard for the prisoners.

Your obedient servant,

I. B. DONELSON,

United States Marshal.

His Excellency John W. Geary, Governor of Kansas.

EXECUTIVE DEPARTMENT,
LECOMPTON, November 16, 1856. }

SIR: You will please report to I. B. Donelson, United States Marshal, to-morrow morning at 9 o'clock, to aid him in the escort of the prisoners to Tecumseh, and their custody there. Your obedient servant,

JOHN W. GEARY,

Governor of Kansas.

Lieutenant Higgins, commanding Company A, near Leocompton.

REQUISITION BY INDIAN AGENT FOR TROOPS.

LECOMPTON, K. T., November 16, 1856.

SIR: I am about to start to Uniontown to pay out to the Pottawatomie Indians, and in the present condition of things in the Territory, think it is my duty to ask you, if you can spare the troops, to furnish me an escort for my funds, and to aid me in enforcing the intercourse law in the Indian country.

I have the honor to be, your obedient servant,

GEORGE W. CLARKE,

His Excellency Governor Geary.

Indian Agent.

REQUISITION GRANTED.

EXECUTIVE DEPARTMENT,
LECOMPTON, November 16, 1856. }

SIR: Please furnish George W. Clarke, agent for the Pottawatomie Indians, with a platoon of mounted men as an escort, to aid him in making his Indian payments, to return and report to you so soon as their mission shall be accomplished.

Your obedient servant,

JOHN W. GEARY,

Governor of Kansas.

Colonel Andrews, Commanding near Leocompton.

NOVEMBER 16, 1856.—A copy of the charges and specifications against Captain John Donaldson was furnished him by the hands of Lieutenant Wm. Franklin. Captain Donaldson called upon the Governor, and, upon his making the proper explanation and apology, the charge was dismissed, Captain Donaldson reinstated in his command, and the matter was left to the action of the civil authorities.

LETTER TO THE REGISTER OF THE TREASURY.

LECOMPTON, KANSAS TERRITORY,
EXECUTIVE DEPARTMENT, November 16, 1856. }

SIR: In my letter of 17th October, the estimated amount of extraordinary "contingent expenses" of the Executive office, for the fiscal year ending 30th of June, 1858, is stated to be \$6,000.

I have now to request that a like appropriation of \$6,000 be made for the present fiscal year, ending 30th June, 1857.

The reasons for making this request, under the extraordinary state of things that has existed in this Territory, are so obvious that I deem it unnecessary to say anything more upon the subject.

Very respectfully, your obedient servant,

JOHN W. GEARY,

Governor of Kansas.

Hon. F. Bigger, Register of the Treasury, Washington City.

The Governor left Leocompton this afternoon for the purpose of attending the Government sales of the "Delaware trust lands." A casualty occurring to his ambulance, he was prevented from proceeding further than Lawrence, where he remained during the night.

NOVEMBER 17, 1856.—This day was occupied principally in performing the journey to Fort Leavenworth, via the Delaware Reserve; dined with one of the Delaware chiefs—Tonganoxie—who entertained him very handsomely. This reserve is forty miles long by ten wide; is exuberantly fertile; well timbered and watered. The tribe numbers about 1,000. After receiving the proceeds of the sale of the "trust lands," they will be the wealthiest people in the world. At Fort Leavenworth the Governor was the guest of Major General P. F. Smith.

NOVEMBER 18, 1856.—The Governor was waited upon by a committee of gentlemen from the city of Leavenworth, who invited him to visit that

city. The invitation was accepted, and in the afternoon, accompanied by the committee in a carriage, he proceeded to the city, where he was met by a very large concourse of citizens, not only of Kansas, but from almost every part of the Union. He was warmly welcomed in a patriotic speech by the mayor of the city, and the Governor, in reply, addressed the people upon the all-absorbing subject of the land sales, and upon various matters of general and local interest.

NOVEMBER 19, 1856.—Spent most of the day in the city, meeting many of its inhabitants socially, and visiting every point of interest within its limits. In the evening returned to Fort Leavenworth.

NOVEMBER 20, 1856.—

GOVERNOR GEARY TO GENERAL SMITH.

EXECUTIVE DEPARTMENT,
FORT LEAVENWORTH, November 20, 1856. }

SIR: Since my last communication to you, I have the pleasure of confirming the pleasing intelligence then given of the general peace which pervades this Territory.

I have, therefore, the honor to inform you that the services of the Territorial militia, two months since mustered into the service of the United States, can now be dispensed with; and I therefore respectfully suggest to you the propriety of mustering them out of the service, in order that they may retire to their homes and gratify their desires in the pursuits of peace.

In communicating this note, I must again thank you for the very important aid that you, as commanding General, have rendered me in the delicate and onerous duties which devolved upon me. With high respect, your obedient servant,

JOHN W. GEARY,

Governor of Kansas.

Major General P. F. Smith, commanding Department of the West.

Returned part of the way to Lecompton; encamped for the night on Stranger creek.

NOVEMBER 21, 1856.—Arrived at Lecompton.

COMMUNICATION FROM COLONEL TITUS.

LECOMPTON, November 21, 1856.

SIR: I have the honor to state that during your recent absence from this place, a writ of habeas corpus issued by Chief Justice Lecompte was served upon me, by which I was commanded to produce the body of Charles Hays before him, with the cause of his detainer.

That in obedience to the writ, I caused the body of Hays to be produced before Judge Lecompte, and returned as the cause of his detention the finding by the grand jury of a true bill of indictment against him for murder in the first degree, committed upon the person of one David C. Buffum, together with your warrant commanding the re-arrest of the said Hays and his detention until discharged by a jury of his country according to law.

I have further to state, that Judge Lecompte discharged the said Hays from my custody, notwithstanding my return, and that he is now at large.

I have the honor to remain your obedient servant,

H. T. TITUS.

His Excellency John W. Geary, Governor of Kansas.

LETTER FROM SHERIFF JONES.

LECOMPTON, November 17, 1856.

SIR: It is indispensably necessary that balls and chains should be furnished for the safety of the convicts under my charge; and understanding that the same can be procured by your application to General Smith, I will request that you will procure and have them sent over at the earliest day possible.

Very respectfully, your obedient servant,

SAMUEL J. JONES, *Sheriff D. C.*

His Excellency Governor Geary, Fort Leavenworth.

EXECUTIVE DEPARTMENT,
LECOMPTON, KANSAS TERRITORY, November 21, 1856. }

SIR: In reply to yours of 17th instant, received by me while at Fort Leavenworth, I have to remark, that the master of convicts, (a just and humane man,) with the aid of such guard as he may require, will take care of the convicts who are or may be placed under his charge, in such manner as may be deemed most advisable for the public interests.

General Smith has no balls and chains for the purpose indicated in your request, nor is it desirable to procure any while the trial of the remainder of the Hickory Point prisoners is unfinished. Most respectfully, your obedient servant,

JOHN W. GEARY, *Governor of Kansas.*

Samuel J. Jones, Esq., Sheriff of D. C.

Upon the request of the prosecutor, who had a warrant to arrest certain persons having recently stolen horses in the State of Missouri, the Governor issued the following order:

EXECUTIVE DEPARTMENT,
LECOMPTON, November 21, 1856. }

SIR: Eight horses having been stolen from citizens of Missouri, and the thieves, with their plunder, having been traced into this Territory, and requisition having been made upon me for their capture, and the restoration of the property; being very desirous to reciprocate the courtesy extended toward me by the Governor and good people of Missouri, this is to request you to furnish Deputy Marshal Preston with five mounted men, with rations for four days, to aid him in the arrest of these horse-thieves.

Your obedient servant,
JOHN W. GEARY,
Governor of Kansas.

Captain John Wallace,
Commanding Company A, Territorial Cavalry, near Leecompton.

MAJOR ARMISTEAD'S REPLY TO NOTE OF 7TH INSTANT.

FORT RILEY, KANSAS TERRITORY, November 15, 1856.

SIR: In answer to your letter of the 7th instant I have to state, that the greater portion of my recent trip was in Nebraska, but of this Territory much was seen of a very interesting character, principally along the Republican river, which empties into the Kansas at this place.

The Republican commences its flow in this Territory, about 120 miles from here, through one of the most beautiful alluvial valleys I have ever seen, watered by innumerable streams of clear, good water, which are heavily wooded with elm, ash, and box-elder — you occasionally find oak, and in the bluffs, cedar — but of what would be called timber in one of the Eastern States there is scarcely any, until you descend to within some thirty or forty miles from this place; the growth along the river is almost entirely cottonwood. Limestone of fine quality crops out here and there along the line of bluffs, and is sometimes found on the river. The soil is alluvial.

The valley will average about three miles in width. The entire length of the river is about 300 miles. With great regard, yours, &c.,

LEWIS A. ARMISTEAD.

Governor John W. Geary, Lecompton, Kansas Territory.

I certify the foregoing to be a true copy of the minutes on record in Executive Department, Kansas Territory.

Witness my hand, this 22d day of November, A. D. 1856.

RICHARD MCALLISTER,
Deputy Secretary to the Governor.

EXECUTIVE MINUTES FROM NOV. 22 TO DEC. 6, INCLUSIVE.

DISPATCH TO THE SECRETARY OF STATE.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., December 8, 1856. }

SIR: I herewith transmit you a copy of my executive minutes from November 22 to December 6, inclusive.

They faithfully chronicle matters of public interest connected with my department.

Since my dispatch of 22d ultimo, the United States troops have retired to winter quarters, and the Territorial militia have been mustered out of service, as before indicated.

To be discharged in mid-winter, without means of support, seemed so cruel and unjust that, at very considerable inconvenience to myself, I raised the money and paid off the disbanded militia.

I therefore request that an order be made by the proper department authorizing the payment of the amount due to the *three* militia companies for two and a half months' service. This I think could be done from the general army appropriation, and I could be reimbursed at an early day.

The commission alluded to in my former dispatch, as sent to the southern portion of the Territory with a squadron of United States dragoons, have returned, having succeeded in breaking up, as far as I can learn, the only party of robbers *infesting* the Territory, capturing several of them, and succeeding in arresting one man charged with participation in the murders committed on the Pottawatomie in May last, upon the Doyles, Wilkinson, and Sherman.

The result of this commission has fully equaled my anticipations; much has been accomplished in a brief time, and the squadron accompanying it has retired to Fort Leavenworth for winter quarters. A full report of their proceedings will be found in the minutes of my office.

I have to call the attention of the Government to a matter which, if not corrected, may lead to serious inconvenience.

In this Territory there are numerous Indian reserves under the government of Indian agents, as entirely independent of the Executive of this Territory as one State is of another. Questions of jurisdiction, calculated to produce bad feelings, are constantly arising, and collisions between the agents and the citizens of the Territory have ensued. This matter should be remedied.

On the 5th instant, a deputation representing citizens of Wise county, residing near Council Grove, called upon me in behalf of numerous citizens in that vicinity,

stating that the agent of the Kansas Indians had notified them to leave their claims within three days, at the peril of being forcibly ousted by United States soldiers.

The petition (a copy of which, together with my reply, will be found in the executive minutes) states the petitioners made settlements and valuable improvements, commencing in 1854, by virtue of a map issued under the authority of the Indian Department, excluding the land settled from the Kansas reserve, with the assurance of the Indian agent himself that the land was open for settlement, and that they have since been living there with their families.

The statements of the petitioners seemed so equitable and reasonable, and the season of the year so inclement for their removal, that I advised the Indian agent to permit the settlers (who claim my protection as citizens of Kansas) to remain undisturbed until I could lay the matter before the Government; having satisfactory assurances from the settlers that they would peacefully acquiesce in a decision from that quarter.

I desire to bring this particular case, together with the general subject of Indian affairs, as now regulated in this Territory, to the special attention of the Government, with the earnest suggestion that some system may be devised to relieve us from our present anomalous position.

The general peace of the Territory remains undisturbed; confidence is daily becoming more and more universal and permanent, and if Congress will give us that fostering care which it should ever be ready to render, this Territory will enter upon a career of unparalleled prosperity.

With high consideration, I remain your obedient servant,

JOHN W. GEARY, *Governor of Kansas.*

Hon. William L. Marcy, Secretary of State.

INSTRUCTIONS TO MASTER OF CONVICTS IN RELATION TO THE CONVICTS UNDER HIS CHARGE, AND REMISSION OF A PORTION OF THEIR SENTENCE.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., November 22, 1856. }

SIR: I have been requested by Sheriff Jones to procure "balls and chains," in accordance with 2d section, 22d chapter, Kansas Statutes, for the safety of the prisoners recently convicted of manslaughter for participation in the Hickory Point fight.

Reposing special trust and confidence in your integrity, humanity, and discretion, in pursuance of the statutes I have appointed you "master of convicts," and placed them under your supervision.

By the organic act I am authorized to grant pardons and reprieves "for all offenses against the laws of the Territory," and esteeming the punishment as described in the said section as "cruel and unusual," and especially inappropriate to the prisoners alluded to, I hereby remit that portion of their sentence requiring the use of "balls and chains," and desire you to treat the prisoners with every humanity consistent with their safe keeping.

Your obedient servant,

JOHN W. GEARY, *Governor of Kansas.*

M. J. Hampton, Esq., Master of Convicts.

ESCAPE OF PRISONERS.

TECUMSEH, K. T., November 23, 1856.

SIR: The unpleasant duty devolves upon me of informing you that thirty-one of the forty-seven prisoners placed in my charge escaped last night about 10 o'clock,

by making holes through the walls of the prison building, and taking advantage of the extreme darkness of the night.

I am convinced that they were not assisted by outsiders.

Thinking these men might make their way to Topeka, I hastened with my company to that point. I do not think they went in that direction, as I reached there by 2 o'clock and found all perfectly quiet. I will make a fuller report at some future time.

I am, Governor, very respectfully, your obedient servant,

H. S. P. HIGGINS,

Lieutenant Sixth Infantry.

His Excellency John W. Geary, Governor Kansas Territory.

INQUIRY OF MARSHAL RELATIVE TO ESCAPE.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., November 24, 1856. }

SIR: I am informed that a large number of prisoners confided to your care, and charged with various crimes, have recently escaped from the custody of the guards.

You will please inform me what are the facts, how many prisoners, if any, have escaped, with their names, and what measures, if any, have been taken for their recapture.

Your obedient servant,

JOHN W. GEARY,

Governor of Kansas.

I. B. Donelson, Esq., Marshal of Kansas Territory.

COMMISSIONS ISSUED.

To Stephen L. Hays, justice of the peace for Scott township.

To Phineas T. Glover, commissioner.

To William Blankenbecker, justice of the peace for Johnson township.

To Richard Ballard, justice of the peace for Richland township.

To James A. Kennedy, as county clerk.

To John Case, justice of the peace for Richland township.

To J. B. Ford, a justice of the peace for Johnson township.

All for Linn county.

LETTER FROM CAPTAIN WALLIS.

CAMP NEAR LECOMPTON, November 24, 1856.

The men under my command, (Company A, Second Regiment Cavalry, Kansas militia,) mustered into service by your order on the 15th day of September, 1856, are willing to be disbanded, if agreeable to your wishes, provided they can be paid from the time of their enlistment (the 15th September, 1856) to the day on which they are disbanded.

I am, very respectfully, your obedient servant,

JOHN WALLIS,

Captain Company A, Second Regiment Cavalry, Kansas Militia.

His Excellency John W. Geary, Governor of Kansas.

GOVERNOR'S REPLY.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., November 24, 1856. }

SIR: In reply to your note of to-day, I have to say, that I will make arrangements to pay your company immediately upon their disbandment, from the time of their enlistment. Your obedient servant,

JOHN W. GEARY, *Governor of Kansas.*

Captain John Wallis, Company A, Second Regiment Cavalry, Kansas Militia.

REQUISITION OF MARSHAL FOR TROOPS TO AID IN THE EXECUTION OF CERTAIN WRITS.

TECUMSEH, K. T., November 22, 1856.

SIR: Twenty-three writs of arrest, issued by the clerk of the 2d district court of the United States, now in session at this place, and returnable to said court at its present term, commanding me to take the bodies of the persons named in said writs, and have them forthwith before the court; and whereas, from reliable information, (and the inclosed affidavit,) I am of the opinion that I cannot, by virtue of the power vested in me as United States Marshal of Kansas Territory, execute said writs of arrest without military aid, I have, therefore, to request your Excellency will furnish me with ten United States dragoons, or such number as you may deem desirable, to aid me in making the arrests commanded in said writs.

Very respectfully, your obedient servant, I. B. DONELSON,

United States Marshal of K. T.

His Excellency John W. Geary, Governor of the Territory of Kansas.

REPLY OF THE GOVERNOR.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., November 25, 1856. }

SIR: In reply to your requisition of the 24th, I have to say that there is a squadron of dragoons in that portion of the Territory designated. Should necessity require it, they can be used. It is my sincere desire, however, that all arrests in future should be made by the Marshal or his deputies, without the presence of the military. No United States marshal or deputy, so far as I can learn, has ever been injured or molested in the proper discharge of his duty; and I sincerely trust you will endeavor to make the arrests in question without the aid of soldiers.

The sooner you commence this practice the better—it will be much less objectionable to the people.

Yours, &c.,

JOHN W. GEARY,

Governor of Kansas Territory.

I. B. Donelson, U. S. Marshal.

LECOMPTON, Nov. 25, 1856.

To His Excellency John W. Geary, Governor of Kansas and Commander-in-Chief—
SIR: We, the undersigned officers and members of Company A, Second Regiment Infantry, Kansas militia, believing that our services are no longer needed; that the policy adopted by your Excellency, which has been so rigidly carried out, has produced such happy results; we in our humble capacity appreciate and admire that peace and quiet which has been restored once more by your noble efforts; and fully

believing that we can serve you no longer to any advantage, we respectfully ask to be discharged honorably from the service.

John Donaldson,	captain.	B. F. Barbee,	private.
Jas. M. Pilot,	1st lieutenant.	S. C. Barbee,	"
Wm. Franklin,	2d "	James Banks,	"
W. H. Stansell,	1st sergeant.	B. L. Blow,	"
Alex. Martin,	2d "	S. Bailey,	"
T. J. Watson,	3d "	J. W. Buckley,	"
Chas. M. Fisher,	4th "	T. Belt,	"
H. B. Rodgers,	1st corporal.	J. A. Coleman,	"
Jas. A. Ward,	2d "	W. P. Corbin,	"
J. A. Kelley,	3d "	J. H. Crockett,	"
J. J. Kitchen,	4th "	Jno. Cotten,	musician.
John Nish,	musician.	James Day,	private.
D. M. Allen,	private.	Charles Duvall,	"
Isaac Arrington,	"	M. H. Dosier,	"
W. T. Drummond,	"	John McNalley,	"
Charles L. English,	"	Solomon Odell,	"
Richard English,	"	John O'Neill,	"
J. B. Freeman,	"	Warren Owens,	"
A. B. Fisher,	"	J. M. Porter,	"
G. W. Gist,	"	J. J. Peake,	"
H. Gorham,	"	W. B. Parker,	"
Thomas S. Hunt,	"	Henry Queener,	"
J. F. Hunt,	"	John Rentford,	"
Samuel Hart,	"	W. H. Ryan,	"
Hiram D. Hill,	"	T. C. Sewell,	"
Richard Hymen,	"	John Spence,	"
N. D. Jitt,	"	M. V. Singleton,	"
H. W. Jennings,	"	Thos. W. Todd,	"
A. Justice,	"	O. M. Townsend,	"
L. C. Laney,	"	T. O. Wells,	"
R. W. Lacey,	"	John Wells,	"
Thos. D. Leddy,	"	Thomas Maloy,	"
J. D. Lomanite,	"	Mark Westmoreland,	"
Robert Malone,	"	John S. Winsatt,	"
S. McShane,	"	Michael Kelly,	"
Thomas F. Montport,	"	Richard Winsate,	"
F. E. Mussett,	"	James Watkins,	"
John Murphy,	"	Calvin Young,	"
Chas. Murphy,	"	Benj. Davis,	"

PETITION FROM CAPTAIN WALLIS'S COMPANY.

CAMP NEAR LECOMPTON, November 25, 1856.

Our term of service being about at an end, and the general peace pervading the Territory indicating that the object for which we (the Kansas militia) were called into the service has been accomplished, should it meet your approbation, we are now desirous of quitting the tented field and returning to our homes, our families and friends, where we hope, under your wise and effective administration, to be permitted peaceably and safely to attend our varied vocations.

These hopes are inspired by what we have seen of your success in quelling the disturbances by which our Territory has been so sadly distressed.

Confiding in your integrity and ability, with the most devout wishes that peace may attend your administration, and that the reward of patriotism may be yours, we are, most respectfully,

John Wallis, captain.	Wm. Saunders.
G. W. Miller, jr., 1st lieutenant.	J. B. Stockton.
Geo. A. Cole, 2d lieutenant.	Dan. Stewart.
Wm. B. Newman.	W. H. T. Parker.
J. A. McCulloch.	S. W. Brumfield.
John Williams.	L. M. Frost.
A. J. Orans.	Gramil Brightwell.
R. J. Morris.	H. H. Wilson.
A. F. Osborn.	S. B. Ford.
John J. Owens.	John Jones.
J. K. Catlett.	J. D. B. Evans.
R. K. Shuck.	J. J. Grigsby.
Jas. H. Irvine.	W. T. Jacks.
Matthew Wakefield.	Jesse Harris.
John M. Roberts.	H. Cooper.
Alfred M. Windsor.	Chas. W. Otey.
J. G. F. Kendall.	E. Kryskey.
W. G. Carson.	J. J. Caulfield.
J. W. Ruysdale.	Benj. N. Wallis.
A. E. Hughes.	Robert Tate.
John Hudgpath.	Wm. Ellege.
Huey O'Conner.	M. B. Lockman.
Henry Tillery.	H. Beckham.
Wm. Everett.	H. Marshal.
Alex'r. Everett.	S. Jones.
Jno. Burton.	A. H. Haynie.
Abr. Pemberton.	W. S. D. Berry.
J. T. Suttle.	F. M. Gardner.
S. B. Stagg.	S. K. Brown.
B. W. Thompson.	W. T. Jones.
Henry Butcher.	W. R. Hall.
A. Gregg.	O. H. Browne.
W. Tattson.	Wm. Caldwell.
Chas. W. Embree.	

His Excellency Jno. W. Geary, Governor of Kansas Territory.

PETITIONS OF KANSAS MILITIA TO BE MUSTERED OUT OF SERVICE—GRANTED.

EXECUTIVE DEPARTMENT,
LECOMPTON, KANSAS TERRITORY, November 25, 1856. }

The petitions from your respective companies, asking to be mustered out of the service of the United States, in consequence of the restoration to peace and order in this Territory, have been received and considered with that attention which their importance demands.

I most cheerfully grant your requests, for the reasons embraced in your petitions; and your respective companies will proceed on to-morrow, Wednesday, morning by easy marches to Fort Leavenworth, there to be paid and mustered out of service.

I will avail myself of this occasion to ask you to convey my thanks to the officers and members of your respective commands for their kind expressions of esteem, which I heartily reciprocate, while I cannot too highly commend your respective commands for their soldier-like bearing and good conduct, and wish you all a happy

return to your respective homes and families, trusting that there may be never again occasion to call you from the more congenial pursuits of peace; and I will always be proud to retain your hearty coöperation while in the faithful discharge of my official duties.

With great respect, I remain your obedient servant, JNO. W. GEARY,
Governor of Kansas.

To the officers commanding Company A, Second Regiment Infantry, and Company A, Second Regiment Cavalry, K. M., stationed near Leecompton.

LETTER TO GENERAL SMITH.

EXECUTIVE DEPARTMENT,
LECOMPTON, KANSAS TERRITORY, November 25, 1856. }

SIR: I have the honor to inform you that the two volunteer companies, under command of Captain Wallis and Captain Donelson, rendering service from the 15th September, 1856, are entitled to their pay and emoluments, including that date, although they were not mustered into the service of the United States for some days afterwards. I ask that the proper allowance may be made.

In discharging the numerous duties which devolved upon me during the recent difficulties in Kansas, I found it necessary to appoint H. T. Titus my "special aide-camp," with the rank, pay and emoluments of colonel.

This position he has filled since the 15th September last. I ask, also, that you confirm this appointment, that he be paid accordingly, and duly mustered out of the service.

The two companies before named will take up their line of march from this place to-morrow morning for Fort Leavenworth, at which place it is my desire that they be mustered out, according to your order No. 18, designating the 1st day of December for that purpose.

I desire, however, that you will so far modify your order as to muster them out sooner than the time fixed, if practicable, so that there need be no delay.

Brevet Major S. Woods, captain Sixth Infantry, the person charged with the execution of your order, is here, and will return to Fort Leavenworth for the purposes indicated.

I send by him a warrant of my own private funds, payable to your order, for fifteen hundred dollars, to be handed over to the paymaster, to be applied to the purpose of paying the privates and non-commissioned officers.

The paymaster will keep the rolls, and when the amount is ordered to be paid by the department at Washington, he can refund the same to me.

It appears to me that if application be made to the department, payment would be ordered to the volunteers, and I would immediately be reimbursed.

Captain Newby is here, and will remain two or three days, till a proper disposition be made of the prisoners.

With high respect, your obedient servant, JOHN W. GEARY,
Governor of Kansas.

Major General Smith, commanding Department of the West.

NOVEMBER 26.—

LETTER TO SECRETARY MARCY.

EXECUTIVE DEPARTMENT,
LECOMPTON, KANSAS TERRITORY, November 26, 1856. }

SIR: Some questions having arisen here in relation to the accuracy of the organic act of this Territory as printed in the Kansas Statutes, I have to ask you to send me a certified copy from the records on file in your department.

Please forward me a copy of the Statutes at Large, United States, for session 1853-54. Very respectfully, your obedient servant, JOHN W. GEARY,
Hon. Wm. L. Marcy, Secretary of State. Governor of Kansas.

ORDER FROM GENERAL SMITH RELATIVE TO MUSTERING THE KANSAS MILITIA OUT OF SERVICE.

HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, November 24, 1856. }

SIR: I am directed by General Smith to reply to your communication, dated yesterday, on the subject of mustering the Kansas militia for discharge.

Major Woods left this post to-day with instructions to confer with you upon that point, and he has been appointed to perform the duty of mustering officer. The companies can be mustered out of service here, if you prefer it. The rolls will be prepared by the paymaster at these headquarters, and it will be necessary for you to appoint an agent to pay the men upon those rolls.

Very respectfully, your obedient servant, GEORGE DEAS,
Assistant Adjutant General.

Governor John W. Geary, Leocompton, Kansas Territory.

P. S.—If you should determine to have the militia mustered out at this place, it will be necessary to order in also the company at Lawrence. Please send an answer to this by the bearer.

REPLY OF THE GOVERNOR.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., November 26, 1856. }

SIR: In reply to your dispatch of the 24th instant, I have to state that I have ordered the two Leocompton companies to proceed this day to Fort Leavenworth, to be mustered out of service there, and the Lawrence company to remain until further orders.

Every dictate of prudence demands that the company at Lawrence, where the members generally reside, should be mustered out at that place, thus preventing the possibility of any collision. I ask this as a personal favor, that you make an order to that effect.

I ask also, through you, that Major Andrews (paymaster) will, *ex officio*, do me the favor to make the payments designated in my letter of yesterday.

With high respect, your obedient servant, JOHN W. GEARY,
General Persifer F. Smith, Governor of Kansas.
Commanding Department of the West.

[Entry and acknowledgment of the receipt of Laws and Journals of California, 1856.]

NOVEMBER 27.—

PETITION FROM CAPTAIN WALKER'S COMPANY, DESIRING TO BE MUSTERED OUT OF THE UNITED STATES SERVICE.

LAWRENCE, KANSAS TERRITORY, November 19, 1856.

SIR: The undersigned, members of a company of Kansas militia, mustered into the service of the United States at Lawrence, Kansas Territory, in obedience to your call, respectfully submit, that when our services were required the Territory was distracted with internal feuds, and threatened with invasion by those from abroad who had no residence in the country then, since, or prospectively.

We were ready to give assistance in staying the hand of violence which had laid this country waste, to some extent depopulated it, and made life insecure.

We trusted you were sincere in your profession to act justly towards the settlers, and we cheerfully left our ordinary occupations to aid, so far as we could, in restoring peace and quiet to this unfortunate Territory.

We have watched your course, since your arrival amongst us as our Executive, with much anxiety; and, although we have wished to see you do what you have not done, still we are sensible, and bear it in grateful remembrance, that by your activity and energy you have done much towards the restoration of that feeling of protection that all who live under organized governments have a right to expect.

We thank you for it, and expect confidently that you may not forget that we are part and parcel of this great republic, although we may differ from our neighboring State on some political subjects.

We now feel that you have the power and will to protect the citizens of the country, and that, therefore, our services are not required. If you should think such was the case, we would request that we be permitted to return to our several occupations, with the assurance that, should you require our assistance in the future, you may be sure that right and justice to all will always be the object of our best efforts, and if you should call for them, they will be given to you with unreserved zeal and fidelity.

Respectfully,

S. Walker, Captain.

A. W. Spicer.

A. V. Thompson.

S. S. Soule.

S. K. Forsyth.

A. H. Hanacom.

James L. Smith.

Solomon Kaufman.

W. G. Hill.

L. N. Fieldes.

J. T. Musser.

David Evans.

Lemuel Evans.

B. D. Benedict.

J. M. Smith.

F. W. Hovey.

B. Smith.

Thomas Nichols.

Thomas Archibald.

Lewis J. Ebrohart.

J. Hickman.

D. H. Thompson.

Joseph Clarke.

James Toft.

C. J. Farley.

D. D. Smith.

Christian Fingerle.

To his Excellency John W. Geary, Governor of Kansas Territory.

REPLY.

EXECUTIVE DEPARTMENT,
KANSAS TERRITORY, November 27, 1856. }

SIR: The petition of yourself and command, desiring to be mustered out of service because the purposes of your enlistment have been accomplished in the restoration of peace and order to this Territory, has just been received. I take pleasure in granting the petition for the reasons therein mentioned, and will have an officer detailed to muster you out of service one day this week.

You will please convey to your command my thanks for their kind expressions of regard, and assure them that I highly appreciate the service they have rendered, by their example and soldier-like conduct, to the cause of peace and order, and should I again have occasion for their services I will unhesitatingly accept their generous offer, and rely upon their hearty and energetic cooperation.

Wishing you all a happy return to your homes and families, and to the more agreeable and congenial pursuits of peace, I remain, with great respect, your obedient servant,

JOHN W. GEARY, *Governor of Kansas.*

Captain S. Walker, Commanding Company Kansas Militia,

Mustered into United States service at Lawrence.

At the time these troops were mustered into service, the Governor administered the following oath :

"You, and each of you, do solemnly swear by Almighty God, the searcher of all hearts, that you will support the Constitution of the United States, faithfully obey all the orders of your superior officers, and discharge all your duties as soldiers with fidelity."

LETTER FROM GEN. P. F. SMITH.

HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, November 27, 1856. }

GOVERNOR: I received your communication by Brevet Major Woods to-day, inclosing a treasury draft for \$1,500, to be applied to the payment of the volunteers. Col. Andrews is now paying off the companies of the Sixth Infantry, and then will have to go to Fort Riley to pay the Second Dragoons.

I cannot order him to pay except with funds furnished from the pay department. He will have the rolls made correctly, so that the payment may be made in form.

There is no law for mustering Col. Titus, and I must conform myself strictly to law; indeed, my order would be of no avail or force.

I will, in every respect in my power, conform to your wishes, and will have the two companies mustered out here, and one at Lawrence; but there is now very little time left to make any change. The land sales go on very quietly, but I am afraid some of your discharged militia may interfere and get into trouble.

With the highest respect, your obedient servant, PERSIFER F. SMITH,
Brevet Major General, Commanding Department.

His Excellency John W. Geary, Governor of Kansas.

P. S.—Major Deas, Assistant Adjutant General, will communicate to you all orders in relation to the volunteers.

Your obedient servant, PERSIFER F. SMITH,
Brevet Major General, Commanding.

LETTER AND ORDERS FROM MAJOR DEAS.

HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, November 27, 1856. }

SIR: I am directed by General Smith to acknowledge the receipt of your two communications dated the 25th and 26th instant, the former inclosing a treasury draft for \$1,500.

By the special order, herewith inclosed, you will perceive that the manner of discharging the three companies of Territorial militia has been modified so as to meet with your request upon the subject; but, in regard to the payment of these men, no instructions can be given, for they are not entitled to pay until an appropriation for that purpose is made by Congress.

The paymaster, however, will certify the rolls, and the fifteen hundred dollars in specie can be procured here on the draft which you have forwarded; but it will be necessary for you to make arrangements with some individual to disburse this money to the men to be discharged.

The military position of Mr. H. T. Titus is not recognized by law under the circumstances to which you refer, consequently he cannot be regarded as having been in the service of the United States, and he is not entitled to pay or emoluments as an officer.

I have the honor to be, very respectfully, your obedient servant,
GEORGE DEAS, *Assistant Adjutant General.*
Governor John W. Geary, Leecompton, Kansas Territory.

SPECIAL ORDERS NO. 171.

HEADQUARTERS DEPARTMENT OF THE WEST, }
 FORT LEAVENWORTH, November 27, 1856. }

The two companies of Territorial militia commanded by Captains Wallis and Donaldson will be mustered for discharge at Fort Leavenworth on the last day of this month by Brevet Major F. Woods, Captain Sixth Infantry.

The third company, under Captain Walker, will, in like manner, be mustered for discharge at the town of Lawrence on the same day by Brevet Major E. Johnson, Captain Sixth Infantry.

The special order No. 18 is thus modified to the wishes of the Governor of the Territory.

By order of Brevet Major General Smith.
 Governor John W. Geary.

GEORGE DEAS,
Assistant Adjutant General.

NOVEMBER 28.—

REPLY TO GENERAL SMITH.

EXECUTIVE DEPARTMENT, }
 LECOMPTON, KANSAS TERRITORY, November 28, 1856. }

DEAR SIR: Your communication of yesterday's date, and special order No. 171, have been duly received. I thank you for your very prompt compliance with my wishes.

After the pay-rolls are duly made out, please order them to be placed in the hands of Secretary Woodson, who has volunteered to go over and make the payment for me. Should anything require explanation, I will thank Major Deas to give Mr. Woodson any necessary instructions with regard to the signatures of the men, &c.

Captain Newby's company is here; I would be pleased to retain it for service in place of the two companies of cavalry which I asked of you some time ago.

The company consists of 1 commanding officer, 3 sergeants, 3 corporals, 2 buglers, 1 farrier, and 22 privates, and is quite adequate to any purposes I have on hand at present. Captain Newby authorizes me to say to you that he is quite satisfied to remain here, and that he has good and sufficient accommodations for himself and men. *I trust this will be sanctioned by you.*

I have just succeeded in breaking up and arresting a banditti who have infested the southern portion of the Territory. Everything south is now in the best possible condition.

Do me the favor to furnish me as soon as you can with an ambulance, if you can possibly spare me one.

With the highest regard, your obedient servant,
 Major General Persifer F. Smith,
 Commanding Department of the West.

JOHN W. GEARY,
Governor of Kansas.

NOVEMBER 29.—Upon receiving a lengthy communication from United States Commissioner Hoogland, from Tecumseh, by the hands of a special messenger, the Governor immediately dispatched the following reply:

EXECUTIVE DEPARTMENT, }
 LECOMPTON, K. T., November 29, 1856. }

DEAR SIR: Your dispatch of yesterday in relation to the supposed unlawful and forcible extradition of a man named Holmes from this Territory, by a band of Missourians, under the cloak of United States authority, and in the uniform of United

States soldiers, and of the apprehended danger in consequence of so flagrant an act to the peace of the Territory, and of the danger of impairing the efficiency of the military, &c., &c., has just been received.

In reply I have to state that the supposed soldiers *were real soldiers*, sent by me on the due requisition of peaceable citizens of Missouri, accompanied by Deputy Marshal Preston, to arrest certain horse-thieves (Holmes among the number) who had lately been plundering the citizens of Missouri; that they did arrest Holmes, and afterwards permitted him to escape, very much to my regret; that thus far "the efficiency of the military is impaired" and no further, and that the peace of the Territory still remains on a solid basis, as I have the most gratifying reports from all quarters.

And I desire all good citizens so to consider it, until I, as the center of communications, by almost hourly information of the most reliable character, *shall make the announcement* in an efficient form that the country is in danger.

Present my compliments to the Marshal for his tendered assistance, and assure him that I will avail myself of his offer the moment his services are required.

With high respect, your obedient servant,
Edward Hoogland, Esq.

JOHN W. GEARY,
Governor of Kansas.

REPORT OF THE COMMISSION DISPATCHED TO THE SOUTHERN PART OF THE TERRITORY.

LECOMPTON, November 29, 1856.

The undersigned respectfully report that pursuant to your directions they left Leecompton November 15th, and joined Captain De Saussure's command of First Cavalry at Paola on Sunday evening, November 17th. The 18th was spent in making inquiries and obtaining information concerning the past and the present condition of affairs in that vicinity. November 19th we passed through Osawatomie with the squadron and encamped near the residence of Judge Davis, in Linn county, about 20 miles south of Osawatomie, the same evening. November 20th, a large number of depositions were taken concerning outrages and felonies that had been committed in that vicinity during the past summer and fall, and warrants were issued for the arrest of a number of persons so charged. November 21st, William Partridge was arrested. November 22d, James Townsley, Carmi B. Vaughan, William Kilburn, Samuel W. Kilburn, Hugh Kilburn, and Henry Kilburn were arrested. During the night Hugh Kilburn made his escape. November 23d, sundry prisoners brought into main camp. November 24th, James Townsley examined, and committed on a charge of murder—participating in the massacre of Wilkinson, Sherman, and three Doyles, on Pottawatomie creek, in May last. William Partridge examined, and committed for felony. Carmi B. Vaughan examined and discharged, and the three Kilburns examined, and committed for felony.

During a search of three days a considerable amount of stolen property was recovered, identified, proven, and restored to the owners, consisting of horses, cattle, clothing, bedding, fire-arms, and a wagon.

The undersigned had but fairly commenced the business with which they were charged in that section of the Territory, when Captain De Saussure informed us that he had been ordered into winter quarters at Fort Leavenworth with his command, and that no further assistance could be rendered by him. Without a military escort no arrests could be made with certainty and safety, and further operations were therefore suspended.

On Tuesday, November the 25th, the five prisoners committed were placed under escort, and taken to Tecumseh and committed to prison to await the action of the grand jury for the Second Judicial District, then in session. Although but little was accomplished in comparison with the number of complaints made, and the

amount of business brought to our notice in the vicinity of Pottawatomie and Sugar creeks, we are confident that the moral effect will be beneficial.

Good citizens of both parties afforded us much assistance, and many vicious and suspicious persons were taught a lesson that will have a tendency to restore public confidence in that section and secure unity of action hereafter for the public peace and welfare.

The citizens in the southeastern portion of the Territory desire, and we believe it would be desirable to have, a few United States troops stationed in that vicinity. Their presence would aid in restoring confidence.

In conclusion, we beg permission to thank Captains De Saussure and Walker, First Cavalry, for their courtesy and promptness; to the family of Judge Davis and other citizens for assistance, and especially to Isaiah H. Jackson for his services as guide.

Respectfully, your servants,

EDWARD HOOGLAND,

United States Commissioner of Kansas Territory.

JOHN A. W. JONES,

Deputy United States Marshal.

His Excellency Hon. John W. Geary, Governor of Kansas Territory.

DECEMBER 2.—

PROCEEDINGS OF THE CITIZENS OF TECUMSEH AND THE GRAND JURY, DIRECTED TO BE FURNISHED TO THE GOVERNOR.

At a meeting of the citizens of Tecumseh and vicinity, held at Tecumseh on Wednesday evening, November 26, 1856, Caleb B. Clements was called to the chair, and A. W. Pardee appointed secretary.

The chairman stated the object of the meeting to be for the appointment of delegates to attend the convention, to be held at Leavenworth city, to consult upon and propose a policy upon which the citizens of Kansas, without distinction of party, may unite for the preservation of peace and a general reconciliation, based upon acquiescence in existing legislation and impartial administration of justice, and opposition to external intervention in the affairs of the Territory.

Colonel Johnson of Leavenworth, Mr. Bennett of the Lecompton *Union*, Mr. Lamb of Atchison, and Mr. Hoogland of Tecumseh, being severally called upon, addressed the meeting in *favor of the stated objects* of the convention, and urged the appointment of delegates.

Mr. Hoogland offered the following resolutions, which were unanimously adopted:

Resolved, That we cordially approve any and all measures that may have a tendency to restore peace and harmony among the citizens of Kansas.

That, in view of the past, and impressed with the importance of the present, we earnestly implore our fellow-citizens, without distinction of party, to aid in the preservation of peace and order by adopting a policy of conciliation.

Resolved, That, whatever differences of opinion may prevail touching the circumstances that resulted in the adoption of existing laws, we deem it the duty of every man to support and sustain those laws, in preference to having no laws at all and continuing the anarchy that has so long prevailed.

Resolved, That we believe the existing Territorial laws contain provisions that should be repealed, and we have confidence that the Legislature at the next session will, with a spirit of justice and moderation, correct oppressive legislation.

Resolved, That we have confidence in the patriotic desire and ability of Governor Geary to faithfully administer the laws, and protect and enforce the rights of all the citizens of Kansas, and we cordially approve the policy that he has adopted, and which, thus far, has been attended with the happiest results towards the restoration of law and order, equality and justice.

The meeting then appointed as delegates to the Leavenworth convention, B. Castleman, A. W. Pardee, Judge Yager, W. A. M. Vaughan, John Dolman, Henry Carmichael, L. McArthur, E. Hoogland, George Osburn, Bennett A. Murphy, H. W. Martin, Judge Elmore.

Ordered, that the secretary furnish copies of the proceedings of this meeting to the Leavenworth, Lawrence, and Lecompton newspapers, with a request to publish the same. Adjourned.

A. W. PARDEE, *Secretary.*

C. B. CLEMENTS, *Chairman.*

UNITED STATES DISTRICT COURT, }
Second Judicial District. }

TECUMSEH, K. T., November 29, 1856.

Resolved, That we, the undersigned, grand jury for the Second Judicial District, do heartily approve the foregoing resolutions, and recommend them to the citizens of Kansas Territory.

J. F. For, foreman, Paris, Linn county, Kansas Territory.

J. M. Bernard, St. Bernard, Franklin county.

Samuel D. Boone, Paola, Lykins county.

James M. Heren, Tecumseh.

C. B. Wingfield, Pawnee, Bourbon county.

Jesse Davis, Linn county.

M. P. McDaniel, Linn county.

Samuel F. Graham, Tecumseh.

Ransom E. Elliott, Linn county.

Phineas Glover, Linn county.

B. F. Hill, Fort Scott, Bourbon county.

J. H. Arbuckle, Lykins county.

F. E. Means, Linn county.

Wm. M. Sutton, Linn county.

F. M. Cook, Fort Scott.

Henry W. Morton, clerk, Tecumseh, Shawnee county.

The proceedings of the grand jury upon the above resolutions were ordered to be published, and presented to the Governor.

LETTER FROM THE TREASURY DEPARTMENT.

TREASURY DEPARTMENT, }
COMPTROLLER'S OFFICE, November 4, 1856. }

SIR: Referring to my letter to you of the 31st October, in which I gave, in brief, a statement of the appropriations for public buildings in Kansas, showing the amount of said appropriations remaining in the treasury subject to draft, I remarked as follows: "The balance of the appropriation will be made, I suppose, on your requisition upon the Secretary of the Treasury." Owing to the pressure of business, I omitted to advise you that a bond would be required before the amount asked for in your requisition would be sent to you from the treasury, in conformity to law.

I now inclose you a blank form of a bond, which you will please execute and return to this office, that no delay may occur in duly honoring such requisitions as you may draw upon the treasury on the balance of the appropriation for public buildings in Kansas now remaining subject to draft.

Respectfully yours,

ELISHA WHITTLESEY, *Comptroller.*

His Excellency John W. Geary, Governor of Kansas Territory.

In accordance with the suggestions contained in the preceding letter, the Governor executed the requisite bond, with approved sureties, and sent the same to the proper department.

He also drew for the sum of ten thousand dollars, that being the sum re-

maining in the treasury as applicable to the construction of the capitol buildings.

DECEMBER 4.—

LETTER FROM CAPTAIN NEWBY.

CAMP EAST SIDE KANSAS RIVER, December 4, 1856.

GOVERNOR: I have the honor to report that I am encamped this side of the river, and I find it very difficult to find forage for my animals. My men are constantly employed in cutting wood to keep up fires; my horses and mules are suffering for want of stables. I am afraid, if I continue here without sheds and stables for my animals, that the weather may change so as to cause the loss of a part or all of them; I would therefore suggest that the convicts be sent over to assist in the construction of sheds, &c., as my men are constantly employed on other duty. I have to send eight or ten miles for forage every day.

If you have received no notice from the fort, I should be glad to hear, as I think a sufficient time has elapsed since your last dispatch; and if I am retained, I should be glad to have your official order in writing.

I have the honor to be, very respectfully, your obedient servant,

E. W. NEWBY, *Captain First Cavalry.*

REPLY.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., December 4, 1856. }

SIR: I have up to this time received no communication from General Smith in reply to my last dispatch.

You had better proceed without delay to make the necessary sheds, &c., for the protection of your men and horses.

I will send the convicts according to your request.

Your obedient servant,

JOHN W. GEARY, *Governor of Kansas.*

Captain Newby, First Cavalry.

DECEMBER 5.—

PETITION FROM CITIZENS OF WISE COUNTY.

To his Excellency John W. Geary, Governor of Kansas Territory: We, the undersigned petitioners, acting in behalf of numerous citizens of Wise county, in said Territory, respectfully represent that they, in company with about twenty families, emigrated to the said Territory about the year 1854; that they made settlement on what they supposed to be Government land open for settlers, which supposition they based on a map issued in the year 1854, and certified by the Commissioner of Indian Affairs to be correct as regards the Indian reservations; that on credit of said map they proceeded to build houses, cultivate the land, make fences, and make various improvements; that at the time of said settlements and improvements, the lands reserved for the benefit of the Kansas Indians were situated fifteen miles further west and ten miles further south than at the present time; that subsequent to their settlement, and after the completion of valuable improvements, a change was made in the position of the said reserve, which threw their claims within the boundary of the said reserve; that the agent of the said Kansas Indians had informed your petitioners that the lands upon which they had located were open for settlement, and not within the boundary of said reservation; that during the month of November, 1856, the following notice was served on your petitioners, to wit:

KANSAS AGENCY, November 28, 1856.

SIR: All authority or permission that you have had heretofore to remain in the *Kansas Agency* is hereby revoked, and you are hereby required to retire from the Indian-agency country within three days

from the date hereof; and you are also notified to remove your goods, implements and furniture from Council Grove without the least possible delay. Respectfully, your obedient servant,
C. Columbia, Esq. JOHN MONTGOMERY, *Indian Agent.*

That your petitioners, to be compelled to remove all their goods and chattels at this inclement season of the year, would suffer great loss and be exposed to unnecessary inconvenience.

Your petitioners would therefore pray your Excellency to intercede in their behalf, and stay proceedings of said Indian agent until the circumstances of the case may be inquired into and determined in a just and lawful manner. And your petitioners will ever pray.
C. COLUMBIA.
GEORGE M. REIS.

REPLY.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., December 5, 1856. }

DEAR SIR: The foregoing is the copy of a petition this day presented to me. The prayer of the petitioners is so eminently reasonable that you can have no difficulty in granting it.

I will send the petition to Washington, with a strong recommendation to leave the settlers in the undisturbed possession of their claims, and make other provisions for the Indians. To eject them during the inclemency of the winter would be harsh and inhumane, and before spring the matter can be duly determined by the Government at Washington, whose decision will be promptly acquiesced in by the settlers.

Your obedient servant,

JOHN W. GEARY,
Governor of Kansas.

John Montgomery, Esq., Agent for the Kansas Indians.

DECEMBER 8, 1856.

I hereby certify that the within and foregoing is a true copy of the executive minutes of Kansas Territory, from November 22 to December 6, inclusive.

RICHARD MCALISTER,
Deputy Secretary to the Governor.

EXECUTIVE MINUTES OF KANSAS TERRITORY, FROM DECEMBER 8, 1856, TO DECEMBER 31, 1856, INCLUSIVE.

ELECTION PROCLAMATION.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., December 8, 1856. }

SIR: You are hereby directed to hold an election, according to law, on the fourth Monday in December, 1856, for a member of the Territorial House of Representatives, and for one member to represent jointly the counties of Anderson and Franklin; there having been no election in said county at the general election on the first Monday in October, 1856.

Due notice should be given by posting written notices at all public places in the county, naming the times and places of election.

The Sheriff of Anderson county.

JOHN W. GEARY,
Governor of Kansas.

DECEMBER 10.—

COMMISSIONS ISSUED.

To Jerome Franklin and Willis Frakes, as justices of the peace of Jefferson county.

Martin T. Bailey, as county commissioner of Atchison county.
 E. H. King, as constable of Doniphan county.
 Edward Beauchamp, as justice of the peace for Doniphan county.
 George E. Brown and John A. W. Jones, as notaries public for Lecompton, Douglas county.

LETTER FROM THE COMPTROLLER OF THE TREASURY.

TREASURY DEPARTMENT,
 COMPTROLLER'S OFFICE, November 27, 1856. }

SIR: Your favor of the 13th was received yesterday, with the following papers:

1. Your bond in the penal sum of ten thousand dollars, conditioned for the faithful expenditure of five thousand dollars appropriated for a library for Kansas Territory, to be expended by the Governor thereof.

2. A requisition drawn on the Secretary of the Treasury for said appropriation of five thousand dollars, to be paid to John H. Gihon.

3. A power of attorney, executed by you on the 13th of this month, authorizing John H. Gihon to receive said money, and to purchase the library for the Territory.

The bond has been approved; and if the Secretary of the Treasury should return from the President's in season, the warrant will be passed, and a draft sent to John H. Gihon, at Philadelphia, to-day.

I have a letter from Mr. Gihon this morning wishing the remittance. I sent, by telegraph, that I expected to make it to-day.

Most sincerely yours, ELISHA WHITTLESEY.

His Excellency John W. Geary, Lecompton, Kansas Territory.

Mr. Bittinger, a special messenger from the President and Department of the Interior, arrived from Washington, bearing dispatches to the Governor, containing two documents for William Spencer, Esq.—one to "either of the Justices of the Supreme Court of Kansas Territory," and one to Israel B. Donaldson, Esq.; also a dispatch to Gen'l G. W. Clarke, for which the Governor receipted and delivered to him personally within an hour after its receipt.

The Governor was also favored with a visit from Mr. Hyatt, of New York city, President of the National Kansas Committee, who came to make certain inquiries as to the Governor's policy and official acts. The executive minutes of any acts to which Mr. Hyatt referred were spread before him, affording a satisfactory explanation of all subjects of inquiry. The Governor also informed him that he would make no change in his policy. Mr. Hyatt left with expressions of entire satisfaction respecting the position occupied by the Governor.

DECEMBER 12.—Having received petitions and letters from the Mayor and leading citizens of Leavenworth city, urgently entreating his presence there, in anticipation of disturbances occurring at the sale of that city, the Governor departed for that place, stopping during the night at Butler's, a distance of twenty miles from Lecompton.

DECEMBER 13.—The Governor proceeded from Butler's to Leavenworth city, where he met Dr. Eddy, the commissioner for the sale of the Delaware

trust lands, General Brindle, the receiver, and other gentlemen, to whom he advocated the immediate sale of the city lots, at their appraised value, to the town company, for the use of the equitable owners.

SALE OF LEAVENWORTH CITY.

DECEMBER 15.—Another meeting of the gentlemen officially connected with the land sales was held at Leavenworth, when, after a mutual interchange of opinion, it was deemed advisable that Dr. Eddy and Col. W. H. Russell should proceed to Washington to lay the whole subject before the Government, and obtain such instructions governing the sales as would be satisfactory to the interests of the citizens.

The Governor addressed the following letters to the Commissioner and the President, as expressive of his views:

LEAVENWORTH CITY, K. T., December 15, 1856.

SIR: In consequence of the impossibility of effecting the sale of the city of Leavenworth, under the recent instructions from the Commissioner of Indian Affairs, without jeopardizing the interests of the citizens and the peace of the Territory, the further pleasure of the Government should be ascertained without delay.

Your obedient servant,

JOHN W. GEARY,

Norman Eddy, Esq.

Governor of Kansas.

LEAVENWORTH CITY, K. T., December 15, 1856.

DEAR SIR: In response to the letter of the Mayor, and accompanying petition of leading citizens of Leavenworth city, I came here for the purpose of aiding, with my counsel and presence, in averting the threatened disturbance.

I find the public mind here greatly excited, in consequence of some recent instructions from the Commissioner of Indian Affairs, entirely changing the policy which has thus far governed the land sales, with the results so entirely satisfactory to all interests.

Solicitude for the peace of the Territory brought me here on the 17th of November, at the beginning of the sales. Many purchasers were here from every part of the country, (invited by your proclamation,) and great apprehension of difficulty between them and the squatters was feared. The lands had been previously appraised at from \$1.25 to \$12 per acre. In accordance with his instructions, the Commissioner announced that the actual *bona fide* settler would be permitted to take his land at its appraised value, and that only vacant quarter-sections would be open for competition.

This arrangement met with universal favor. The speculators themselves, (the only parties really aggrieved,) having come here hundreds of miles at heavy expense, on the invitation of the Government, not only acquiesced in the decision, but actually lauded its justice; whilst the Indians, on the other hand, were satisfied with the price they were getting for lands only made valuable by the industry, skill and capital of the pioneers, who had braved everything to improve them.

Such of the speculators as desired farms made satisfactory arrangements with the settlers, while others, on the faith of the policy established by the Government, and acquiesced in by the Indian agent, made large investments in the lots of the city.

In pursuance of the policy and understanding adopted at the opening of the sales, all the Delaware lands advertised for sale, including the environs of this city, (also South Leavenworth,) with the exception of the city itself, have been sold. The large

sum of nearly \$440,000 has been realized, which, together with the proceeds of sales of this city, will make over \$450,000 to be disbursed among about 900 Indians, who have yet a magnificent reserve, more than quadrupled in value by the sale and settlement of the trust lands.

The city of Leavenworth has been appraised by lots, making its average thirty dollars per acre. The people here are desirous that it may be sold to the original town company, by the lot, at the appraised value, which would be a much more stringent rule than that which has been applied to the rural claims.

This city, containing a population of over 2,000, consists of 320 acres, or two claims, which, by the original settlers, was thrown into a town company and divided into shares.

It seems clear to me that every principle of justice requires that the same rule should be applied to the claims upon which this city has been founded, as that which has been applied to other portions of the trust lands, with the additional reason in favor of this city that, on the faith of the policy previously announced by the Government, large investments have been made here, and it would be a violation of public faith not to secure them.

What has induced the Commissioner of Indian Affairs to send the new and special instructions for this city alone, I am at a loss to conceive; but I am clear on the point that, if carried into effect, they will destroy the peace of the community, and for years impair the prosperity of this growing metropolis of Kansas.

A meeting of the gentlemen officially connected with the subject has been held. I strongly advised that this city should be sold to the town company, by lots or blocks, at their appraised value, in accordance with the rule that has governed the previous sales, thus giving entire satisfaction to the Indians, the original settlers, and the recent purchasers, in order that the exciting question might at once be settled, and the minds of the people relieved from a heavy load of anxiety; but in this matter I have been overruled, and it was deemed advisable to send Mr. Commissioner Eddy and Colonel Russell to Washington to lay the whole matter before the Government, in order to procure more satisfactory instructions.

This subject is difficult to comprehend by any person not on the spot and not conversant with it in all its bearings. I have given much thought and examination to the question, and have come to the deliberate conclusion that the peace of the Territory (which I regard as of much greater importance to the country than the entire value of the lands) cannot easily be maintained unless some policy be adopted which will be satisfactory to the people, the original settlers, and the recent purchasers.

I cannot too strongly commend this subject to your attention.

Your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

His Excellency Franklin Pierce, President of the United States.

The Governor then went to Fort Leavenworth, where he was the guest of General Smith.

DECEMBER 16.—The Governor proceeded *en route* to Lecompton as far as Lawrence, where he passed the night.

DECEMBER 17.—After a considerable conversation with a number of the prominent citizens of Lawrence respecting the condition and prospects of the Territory, the Governor repaired to Lecompton.

LETTER FROM THE DEPARTMENT OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, December 2, 1856. }

SIR: In view of the relations subsisting between this department and the several Territories, the means of constant reference to their local laws is absolutely required.

In order to afford the necessary facilities for this purpose, I deem it proper to request that your Excellency will cause two sets of the laws of Kansas to be forwarded to this department. Very respectfully, your obedient servant,

R. McCLELLAND, *Secretary.*

His Excellency J. W. Geary, Governor of Kansas Territory.

REPLY.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., December 18, 1856. }

SIR: In accordance with your request as contained in your letter of the 2d instant, I have this day placed in the mail at this place two copies of Kansas Statutes, directed to you at Washington, for the use of your department.

Very respectfully, your obedient servant, JOHN W. GEARY,

Governor of Kansas Territory.

Hon. R. McClelland, Secretary of the Interior.

[Entry and acknowledgment of the receipt of copies of certain law reports of New Hampshire; also, of copies of the Laws of 1856, same State.]

REQUISITION FOR UNITED STATES TROOPS.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., December 20, 1856. }

DEAR SIR: Please send me two mounted men as early this morning as possible. They are to act as messengers for a distance not exceeding ten miles.

Your most obedient servant, JOHN W. GEARY,

Captain Newby.

Governor of Kansas.

LETTER TO MR. TUTEN.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., December 20, 1856. }

DEAR SIR: The Lecompton *Union* informs me that an outrage has recently been committed upon you. Will you *write me* a statement of the facts, and suggest what measures, if any, you desire taken for your protection.

Your obedient servant,

JOHN W. GEARY,

Mr. Tuten.

Governor of Kansas.

In reply to the above note, Mr. Tuten called upon the Governor and made a statement of the assault committed upon him, when prompt measures were taken to redress the outrage and bring the offenders to justice.

LETTER TO MR. SPOEER.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., December 20, 1856. }

DEAR SIR: I am informed by the Lecompton *Union* that a body of men called "Regulators" recently came to your house and notified you to leave the country in ten days. If such a thing has been done, I will esteem it an unmitigated outrage; and before proceeding further in the matter, I desire you to inform me, in writing, whether such an occurrence took place, and, if so, what measures you suggest for your protection.

Please send me a copy of the notice, with the names of the parties you can identify.

John Spicer, Esq.

Your obedient servant,

JOHN W. GEARY,

Governor of Kansas Territory.

REPLY.

WHEATLAND, DOUGLAS COUNTY, K. T., December 20, 1856.

DEAR SIR: I this day received your letter of even date, and its contents have been observed. In answer, I have to state that I have received no notice from the "Regulators," or anyone else, to leave the Territory, and have no fears of such a notice, as I know no provocation to provoke it. The people about this part of the Territory are quiet and moral, and I feel perfectly secure.

Respectfully yours,

JOHN SPICER.

Hon. John W. Geary, Governor of Kansas Territory.

LETTER TO THE SECRETARY OF STATE.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., December 22, 1856. }

SIR: Since my dispatch of the 9th instant nothing of any special importance has occurred. Having received the petition of the Mayor and leading citizens of Leavenworth city, stating that, in consequence of the change of policy governing the sale of the trust lands by the new instructions from the Commissioner of Indian Affairs, great apprehension was entertained of a breach of the peace, and a violent outbreak upon the occasion of the sale of Leavenworth city, I accordingly repaired to that place to aid with my presence and counsel in averting the threatened disturbance.

I found the public mind greatly excited, and the statements of the petitioners in no wise exaggerated.

In my dispatch of 22d ultimo, and in my letter to the President of the 15th instant, I expressed my views at some length in relation to this question, and time and reflection have only served to strengthen my convictions of their justice.

I have received Mr. Spencer's appointment as Marshal of this Territory. He is at his former residence, in the State of Ohio. It is indispensable that he should be here soon. Judge Cunningham has not yet arrived. There is not a prison in this Territory in which a prisoner can be safely secured for a single hour; where crime has been so abundant, the necessity for a penitentiary is too evident to require elaboration from me. An appropriation for this purpose should immediately be made by Congress.

The appropriation to build the capitol at this place has been nearly exhausted, and is entirely inadequate to complete the building upon the plan which has been adopted. The architect informs me that an additional appropriation of at least fifty thousand dollars will be required.

In order that the Government may fully understand my position here, and guard against rumors and reports studiously set in motion by certain parties whose political interests most strongly commit them against the policy which has been established here, it seems proper that I should make certain developments.

Because I will not cooperate with certain efforts to establish a State government, and lend myself to carry out views which are outside of the constitution and the laws, I am misrepresented by a few ultra men of one party.

Because I will not enter upon a *crusade* in support of *one idea*, and indorse the following resolves, passed on the night of the last session of the Kansas Legislature, I am equally the subject of misrepresentation by a few violent men on the other side.

The following are the resolutions alluded to:

"Whereas, the signs of the times indicate that a measure is now on foot, fraught with more danger to the interests of the Pro-Slavery party and to the Union than any which has been agitated, to wit, the proposition to organize a National Democratic party; and whereas, some of our friends have already been misled by it; and whereas, the result will be to divide Pro-Slavery Whigs from Democrats, thus weakening our party one-half; and whereas, we believe that on the success of our party depends the perpetuity of the Union: therefore,

"Be it resolved by the House of Representatives, the Council concurring therein, That it is the duty of the Pro-Slavery party, the Union-loving men of Kansas Territory, to know but one issue, slavery; and that any party making or attempting to make any other is, and should be, held as an ally of abolitionism and disunion."

This platform makes but a single issue in Kansas, to wit, the introduction of slavery; emphatically denounces the National Democratic party, from which I have the honor to hold my appointment, and brands as abolitionists or disunionists all persons not agreeing with the principles set forth in it.

To all objectors I have but one reply, to wit, that my position here shall not be prostituted to advance partisan ends; it being my simple duty to administer the government, and leave the people free to settle and regulate their own affairs.

You will therefore most readily perceive the signal justification of that portion of my inaugural address in which I pledge myself to know "no party, no North, no South, no East, no West; nothing but Kansas and my country."

The Territorial officers, with scarcely an exception, were warm partisans of the last-named party organization, so much so as to deprive themselves of all ability to act as mediators between the contending factions.

The development of my policy and its happy results has produced considerable agitation among some ultra men, and various rumors, as unfounded as they are desperate, have been put in circulation here, and exaggerated statements forwarded to Washington directly calculated to disturb the peace of the Territory, and studiously intended to produce that result.

The whipping of Mr. Tuten, and the threatening of Mr. John Spicer have been greatly exaggerated. Mr. Tuten was whipped for the reason, as it is alleged, that he was treacherous to his former associates; but he was not seriously injured, and proper measures have been taken to redress the outrage.

In reply to my note, Mr. John Spicer informs me that he has not been threatened; that he lives in a peaceable community, and feels entirely secure.

In the *Herald of Freedom* a notice appeared signed by "C. Robinson, Governor of the State of Kansas," authorizing the election of a member of the State Legislature, to meet at Topeka in January next. I have addressed a letter to C. Robinson, desiring to know distinctly and definitely from him the purposes and objects of this movement, whose reply I will transmit you when received.

Several of the leading members of the Free-State party have written me letters on the subject—one of which, from G. W. Brown, editor of the *Herald of Freedom*, embracing the views of all, I inclose for your consideration.

As soon as I am fully informed on the subject, I will take such action in relation to the matter as circumstances and the peace of the country may seem to require. At present, however, I have not the slightest reason to anticipate any difficulty arising therefrom. I must presume nothing contrary to men's express declarations, unless I am clearly satisfied that they "meditate" mischief, when I will probably give them my attention.

A party of some ninety men, mostly disbanded militia, have gone, in charge of Mr. Thaddeus Hyatt, with provisions and necessary tools, to found the town of Hyattville, on the south branch of the Pottawatomie creek, and make settlements there. These persons were out of employment, likely to become a charge upon the

town of Lawrence, and Mr. Hyatt projected this scheme to furnish them with useful employment, and prevent them from falling into habits of indolence and vice. He fully explained the matter to me previous to putting it into execution, and it met my approval.

I am exceedingly gratified to inform you that since the withdrawal of the military, the people seem to be impressed with the importance of maintaining peace for themselves.

Peace can and will be maintained, notwithstanding the croaking of monomaniacs on either side, whose wish for disturbance seems to give paternity to their declarations.

With high respect, I remain your obedient servant,

JOHN W. GEARY, *Governor of Kansas.*

Hon. Wm. L. Marcy, Secretary of State.

LETTER TO THE UNITED STATES TERRITORIAL ATTORNEY.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., December 23, 1856. }

SIR: My attention has been called to chapter 10, Kansas Statutes, establishing the office of district attorney, in connection with your appointment and duties under the organic act.

At your earliest convenience please furnish me with your written opinion as to whether chapter 10 conflicts with the organic act and embarrasses you in the discharge of your proper duties.

Your obedient servant,

JOHN W. GEARY,
Governor of Kansas.

Col. A. J. Isaacks, United States Territorial Attorney.

LETTER TO THE TERRITORIAL AUDITOR.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., December 23, 1856. }

SIR: Will you please furnish me with your annual report, containing a statement of all matters of public interest connected with your department, as it will be necessary for me to communicate such information to the Legislature.

Your obedient servant,

JOHN W. GEARY,
Governor of Kansas.

Captain John Donaldson, Auditor.

LETTER TO THE INSPECTOR GENERAL.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., December 23, 1856. }

SIR: Will you please furnish me as soon as possible with your annual report as to the quantity and condition of the public arms, and any other matters of interest connected with your department, as it will be necessary for me to furnish such information to the Legislature.

Your obedient servant,

JOHN W. GEARY,
Governor of Kansas.

General Cramer, Inspector General.

LETTER TO THE ADJUTANT GENERAL.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., December 23, 1856. }

SIR: Will you please furnish me as soon as possible with your annual report, giving me a full statement of all matters of public interest connected with your department, as it will be necessary for me to communicate such information to the Legislature.

Your obedient servant,

JOHN W. GEARY,
Governor of Kansas.

H. J. Strickler, Adjutant General Kansas Militia.

LETTER FROM THE ASSISTANT SECRETARY OF STATE.

DEPARTMENT OF STATE, }
 WASHINGTON, December 9, 1856. }

SIR: Your letter, dated November 26, was received this day.

The act to "organize the Territory of Nebraska and Kansas," approved May 30, 1854, as published in the pamphlet edition of the laws of the first session of the 33d Congress, has been carefully collated with the original roll, and is a true copy.

In compliance with your request, the pamphlet containing the act is herewith transmitted to you.

I am, respectfully, your obedient servant,

J. A. THOMAS, *Assistant Secretary.*

Hon. John W. Geary, Governor of Kansas.

LETTER TO POSTMASTER GENERAL.

EXECUTIVE DEPARTMENT, }
 LECOMPTON, K. T., December 24, 1856. }

Mr. Benjamin F. Jennings, your special mail agent, visited me to-day, and after a mutual interchange of opinion the following conclusions were arrived at:

That the public interest imperatively demands a daily mail from Westport, via Franklin and Lawrence, to Leecompton; also, a daily mail from Kansas City, via Wyandotte, Quindaro, and Delaware, to Leavenworth city.

A tri-weekly mail from Quindaro, on the Missouri river, to Lawrence is also desired. A good road between these two last-named places will be completed early in the spring, when a daily line of stages will be placed upon it. For the purpose of accommodating these communities, the stage company propose to carry the tri-weekly mail between Quindaro and Lawrence for the small sum of five hundred dollars. I am informed that the stage company will forward a petition to this effect.

It affords me pleasure to bear testimony to the prompt and efficient action of Mr. Jennings, and I will most heartily coöperate with him in all measures appertaining to your department. Very truly, your obedient servant,

JOHN W. GEARY, *Governor of Kansas.*

Hon. James Campbell, Postmaster General.

DECEMBER 26.—Hon. Thomas Cunningham, the newly-appointed Associate Judge of the Supreme Court of the Territory, arrived to-day at Leecompton, and called upon the Governor.

REPORT OF THE ADJUTANT GENERAL.

ADJUTANT GENERAL'S OFFICE, }
 TECUMSEH, K. T., December 25, 1856. }

SIR: In reply to your note of the 23d instant, I have to state that up to this time I have not received a report of a commanding officer of the Kansas militia (except Col. Yager's of the First Regiment) as provided by the statutes, and in consequence of which I am unable to give full and reliable information in regard to the state and condition of the militia of the Territory. I have delayed making out my report, hoping that the requirements of the statutes would be complied with by the commanding officers of the different divisions, brigades and regiments, &c., and thereby enable me to give a satisfactory report of the arms, accoutrements, and the condition and quality of the same. I shall however report to you the enrollment and all information I possess as early as possible.

Very respectfully,

H. J. STRICKLER,

His Excellency John W. Geary.

Adjutant General, Kansas Territory.

Commissions were issued to Garrett L. Carzorie, as justice of the peace, and Isaac T. Hyatt, as constable, for the township of Atchison, Calhoun county. Nathaniel Boyleston, as justice of the peace, and Sanders W. McComas, as constable, for Franklin, Calhoun county.

J. M. Galligher, as justice of the peace, and S. G. Pierson, as constable for Stranger township, county of Leavenworth.

Martin C. Willis, as justice of the peace for Kennebuck township, Brown county.

S. W. Tunnel, as sheriff of Leavenworth county, vice Green D. Todd, resigned.

Dr. J. D. M. Bird, as surgeon of the Third Regiment of Kansas militia.

Joseph B. Nones, as commissioner of deeds in and for the State of New York, and F. J. Thibault, as commissioner of deeds in and for the State of California.

[Entry and acknowledgment of the receipt of a copy of the "Journal of the Constitutional Convention of the District of Maine."]

INSPECTOR GENERAL'S REPORT.

INSPECTOR GENERAL'S OFFICE,
LECOMPTON, K. T., December 29, 1856. }

SIR: Your communication of the 23d instant is before me, and would have been answered sooner but for circumstances over which I have no control.

In my communication addressed you soon after your arrival in the Territory, I sent you all the documents pertaining to my office as Inspector General which have been received, and have now before me little or no additional data to build a report upon.

In that report I stated to your Excellency the amount of arms received and the disposition made of them, which report would now apply, as I know of no changes which have taken place. I took occasion in that to report to your Excellency the fact that there had been no arsenal furnished for the reception of the arms belonging to the Territory, and that *consequently* I had found it impossible to get them together or keep them safe; and have now to urge upon your notice the great necessity for the construction of some such place.

Accompanying this I send you the report of Colonel Payne, of the northern division of the militia, which ought to have been made to Adjutant General Strickler, but which I send you as it contains the only information which I possess of that division. I would have renewed the report made you last September, but my papers are still in your office and I did not deem it necessary to renew it. If it should be your Excellency's wish to have it done, it will give me pleasure to receive your instructions to that effect.

Hoping this may prove satisfactory under the circumstances, I remain your Excellency's obedient servant,

THOMAS J. B. CRAMER.

Hon. John W. Geary, Governor of Kansas.

REPORT OF THE TERRITORIAL TREASURER.

TREASURER'S OFFICE,
LECOMPTON, K. T., December 31, 1856. }

SIR: Having understood that you had requested of the Auditor of Territorial

Accounts some report from our offices, I take this opportunity to inclose you an abstract of the receipts of my office for the year ending August 29, 1856:

Received of the sheriff of Doniphan county.....	\$187 06
Received of the sheriff of Leavenworth county.....	994 60
Received of the sheriff of Douglas county.....	245 56
Received of the sheriff of Atchison county.....	205 40
Making total receipts.....	\$1,632 62

All of which has been paid out to various claimants upon the treasury for services rendered the Territory, as shown by warrants in this office.

In many of the counties there was no revenue collected, and in many more the collections did not cover expenses.

From what I can now learn, the prospects for the present year are but little more flattering, and my impression at present is that less revenue will be collected in this year than the previous, as the officers of the laws, in their past experience, have found that the different offices have brought nothing but danger and loss to them; nor is the prospect brightening for a more peaceful or efficient discharge of their duties.

Being required by the statute law of the Territory to report to the Legislature, upon its convening, I have yet deemed it proper to accede to your Excellency's request, and send in this abstract of the state of my department.

Wishing that I could make a more favorable showing, I remain your obedient servant,

THOMAS J. B. CRAMER, *Treasurer of Kansas Territory.*

Hon. John W. Geary, Governor of Kansas.

LETTER TO THE SECRETARY OF STATE.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., December 31, 1856. }

SIR: In reviewing, on this the last evening of the year, the events of the past four months, and contrasting the agitated and disturbed condition of affairs upon my advent with the present tranquil and happy state of things, which has held its sway for the last three months, I must congratulate the administration and the country upon the auspicious result. Crime, so rife and daring at the period of my arrival, is almost entirely banished. I can truthfully assure you that, in proportion to her population and extent, less crime is now being committed in Kansas than in any other portion of the United States.

Tendering you the usual compliments of the season, and renewed assurances of my personal regard, I am truly yours,

JOHN W. GEARY,

Governor of Kansas Territory.

Hon. W. L. Marcy, Secretary of State, Washington, D. C.

LECOMPTON, K. T., January 1, 1857.

The foregoing is a correct copy of the executive minutes of Kansas Territory, from the 8th to the 31st of December, 1856, inclusive.

JOHN H. GIBON, *Secretary to the Governor.*

EXECUTIVE MINUTES OF KANSAS TERRITORY, FROM JANUARY 1, 1857,
TO JANUARY 19, 1857, INCLUSIVE.

WRIT OF ELECTION.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., January 1, 1857. }

SIR: You are hereby directed to hold an election in Johnson county, according to law, on Saturday, the 10th day of January, 1857, for one member of the House of

Representatives of the Legislative Assembly, to supply the vacancy occasioned by the resignation of J. T. Barton, the member elect.

Due notice should be given at *all* the public places in the county, by printed or written advertisements, of the time and places of holding the election.

JOHN W. GEARY, *Governor of Kansas Territory.*

By the Governor:

DANIEL WOODSON, *Secretary.*

The Sheriff of Johnson county.

VISIT TO FORT LEAVENWORTH.

The Governor and his private secretary left Lecompton on the morning of January 1 for Fort Leavenworth, on official business. The weather was exceedingly cold and stormy, and the roads so cut up and frozen as to render the travel not only difficult but dangerous. They reached Middletown, a town recently established, about twenty-four miles from Lecompton, at a place heretofore known as Butler's, early in the evening, and remained there until the following morning, (the 2d,) when they proceeded on the journey, and arrived at the fort before sundown; having stopped several hours at Leavenworth city. During the 3d they stopped at the headquarters of General P. F. Smith, as his guests; and on the 4th returned to Lecompton.

Commissions were issued to James M. Tuton, as county commissioner of Douglas county, in place of John W. Banks, removed from the Territory.

To Richard Scouten, as justice of the peace, in and for Deer creek township, Douglas county.

Willis Frakes and Jerome Franklin, as justices of the peace for Falls township, Jefferson county.

John S. Hamilton, as constable of Lecompton township, Douglas county, in place of J. E. Thompson, resigned.

Joseph C. Lawrence, as commissioner of deeds for the State of New York.

JANUARY 6.—

LETTER TO HON. JOHN W. WHITFIELD.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., January 6, 1857. }

DEAR SIR: Soon after your admission to Congress as our representative, I wrote you a letter of congratulation, and referred you to my communications with the Government for some suggestions relative to Kansas affairs, but as yet have received no reply.

I am happy, however, to perceive by the papers that you have already introduced several important bills deeply involving our interests. I do not know the provisions of your bill relative to damages, but some time since I specially pressed that subject upon the attention of the Government. I trust that Congress will not fail to pass some equitable and comprehensive bill upon this subject.

We certainly require two or more additional land offices, and the want of them will seriously impair the prosperity of the Territory. Many persons have suggested the propriety of locating one of them at Manhattan, and, from my knowledge of that portion of the Territory, I believe that would be a suitable place.

I will send you a copy of my forthcoming message as soon as it is printed. I make various suggestions relative to the substantial interests of Kansas, in which the assistance of Congress is invited. I trust they will meet your approbation, and shall be glad to have your energetic coöperation. I also inclose you two petitions, numerously signed by citizens of Kansas, praying for relief for damages sustained during the recent disturbances, which I will thank you to present to Congress.

I have forwarded a petition to the Postmaster General, asking for the establishment of a postoffice at a new place, equidistant between Lecompton and Leavenworth, called "Middletown," and desiring the appointment of Mr. William Butler as the postmaster.

I shall be happy to hear from you occasionally, and always pleased to coöperate with you in all matters affecting the interests of Kansas.

As ever, very truly your friend and obedient servant, JOHN W. GEARY,
Hon. John W. Whitfield. *Governor of Kansas Territory.*

LETTER FROM LIEUTENANT BRYAN.

The following letter was this day received from Lieutenant Francis T. Bryan, and is in reply to one addressed to him on November 7th by the Governor, requesting information respecting certain portions of the Territory visited officially by the Lieutenant as a member of the United States corps of engineers:

ST. LOUIS, MISSOURI, December 27, 1856.

SIR: Your letter of the 7th November has been lying on my table for some days; but as I have been quite busy since my return in making up my accounts for the past year, I have delayed answering to the present time.

My route can easily be followed on the map accompanying Stansbury's report, or, indeed, any other reliable map of the Territory. Leaving Fort Riley, I went up the Republican river 105 miles. This valley is fertile, and is cut by many creeks with wooded banks. Out of the valley, or bottom of the river, the country is high and covered with short buffalo grass; the stone of the country is limestone. Leaving the Republican, the route led over the high prairie thirty-five miles to the Little Blue river, crossing several small creeks with wooded banks. This country, I think, would be too dry for agricultural purposes. Crossing the Little Blue, the route lies along its bank for about fifteen miles, and then leaving the river goes to the Platte, touching several water-holes. From the point where the road first touches the Platte to Fort Kearny is about fifteen miles, and along the valley of the Platte. The distance from Fort Riley to Fort Kearny we make 193 miles. From Fort Kearny the route lay along the valley of the Platte for about 200 miles. This valley is too well known to need any description. There is little or no wood, and the soil is sandy; any attempt at agriculture, I think, would prove a failure. Crossing the South Platte below the mouth of Pole creek, we followed the creek to its head in the Black Hills. The country is generally high; grass mostly short, and no wood for most of the distance. Buffalo chips are used for fuel. Pole creek breaks through two ranges of hills, which are called Pine Bluffs and Cedar Bluffs; these are the only points where wood can be obtained along the creek until the Black Hills are reached. Grass can be had in spots. The route then crossed the Black Hills, where was plenty of fuel and water, but very little grass. Leaving these hills, we found ourselves on the plains of Laramie, and crossed the east branch of the Laramie river at about five miles from the foot of the hills. About four miles further appears the east fork of the Laramie river; both of these streams have good water and good grass, but little fuel. We then struck the emigrant road near the Medicine Bow mount-

ains, and followed it to the crossing of the South Platte, having wood, water and grass at convenient distances. The road is over a gravelly soil, and is generally very good and hard; hard stone is found in this part, such as granite, &c. Crossing the South Platte, we struck for the head of Sage creek, over a most barren and desolate looking country. Very little fuel or grass; water was in abundance, and small patches of grass and clumps of trees were found in the hills. Coal was found on the South Platte a few miles from where we crossed it, and in a situation where it could easily be worked. Buffaloes were seen in large numbers from the Republican over to the Platte, and for some days up the Platte; then the game consisted almost entirely of deer. In the Black Hills, and through the plains of Laramie, antelopes, wolves and elks, were seen and killed, besides prairie dogs, hares, sage chickens, &c., &c. The country through which we had passed on the outward route was, with little exception, sterile, being too high, dry and stony to possess much value in an agricultural point of view; along the creek were some small strips of good land.

The return route was over the same country as the outward route, until we reached the east fork of Laramie river. Then turning to the south we followed the Cache la Poudre to its mouth in the South Platte, passing over several very pretty valleys, and having plenty of wood and grass. Following down the South Platte for several days, we came to where the river turns to go north. The country is the same as elsewhere on the Platte. Then sixty miles across a barren region of land and hills, with little water or grass, to a creek emptying into the Republican. For the first hundred miles down the Republican the country is barren and sandy, with little wood; it then improves, the soil is better, and there are numerous creeks with wooded banks. The river bottom is of good soil, furnishes excellent grass in large quantity, which affords pasturage to immense numbers of buffaloes. This kind of country continues on to Fort Riley. Along the main streams of the Platte, Republican, and Solomon's Fork, the wood is almost entirely cottonwood. On the creeks which empty into them it is generally hard wood, such as ash, elm, walnut, &c., &c. On the Solomon's Fork the soil of the bottom lands appears even better than that on the Republican, and the wooded creeks quite as numerous. These bottoms are very wide in places, and covered with excellent grass. Buffaloes and elk are found in this region also, and in great numbers.

I have thus given you, sir, a hasty view of the country over which we have passed. That along the lower part of the Republican and Solomon's Fork appears to be by far the best that we saw, though there are some very pretty spots on the creeks in the mountains, but there is no good land in large bodies in that region.

Being pleased at having it in my power to communicate any intelligence respecting the unknown parts of Kansas, I remain your obedient servant,

FRANCIS T. BRYAN, *Lieutenant Engineers.*

Governor John W. Geary, Lecompton, Kansas Territory.

THE TERRITORIAL PRISONERS.

The following letter, in relation to the prisoners taken in the attack upon Hickory Point, was this day received from Governor S. P. Chase, of Ohio:

LETTER FROM THE GOVERNOR OF OHIO.

EXECUTIVE DEPARTMENT, STATE OF OHIO, }
COLUMBUS, December 3, 1856. }

SIR: A very deep concern pervades the minds of the citizens of this State in respect to the condition of the emigrants from the free States, and especially from Ohio, into the Territory of Kansas. A large majority of the people entertain a clear conviction that the enactments of a body which assembled last year at the Shawnee

Mission and assumed the functions of a Territorial Legislature, were acts of usurpation, and therefore of no validity. I am myself of this opinion. There are others who do not concur in this view, and yet feel a deep sympathy with those emigrants who have been subjected to cruel wrongs either under the color of those enactments or in open violation of all law. The popular feeling on this subject is very earnest and very equal, and involves, unless appeased, serious danger to the general harmony and peace of the country.

Very recently I received an affidavit subscribed by Thomas W. Porterfield, J. H. Kagi, Josiah G. Fuller, Jason T. Yunkers, E. R. Falley, Edward Cottingham, William S. Ware, S. Voglesong, C. A. Sexton, G. Smith, and Alfred J. Payne, who, having lately been or being now citizens of Ohio, appeal to me as the Governor of the State, to exert whatever influence I may, to procure their release from the imprisonment in which they are held in Kansas.

From this affidavit I gather these statements: All the affiants except Thomas W. Porterfield are actual settlers in Kansas, having emigrated from Ohio, with the honest and praiseworthy purpose of improving their own condition, and of extending westward the civilization and policy which has converted the northwestern wilderness into an empire of free States.

Thomas W. Porterfield, an aged man of seventy years, the trembling lines of whose signature remind me of that of Stephen Hopkins to the Declaration of Independence, is not an actual settler, but was at the time of his arrest on a visit to his friends at Lawrence.

In September last, when the Territory was convulsed with civil war, and a large body of men were gathered near Lawrence, meditating its destruction, a party of citizens, with whom the old man Porterfield volunteered, attacked and dispersed a band of men, coöperating with the assailants and displaying the usual sign of hostility to the Free-State men, a black flag.

For being engaged in this act, if not of absolute defense, yet, under the circumstances, of reasonable precaution and prevention, Porterfield, Fuller, Yunkers, Falley, Cottingham, Voglesong, Ware, Smith and Payne, with others, were seized by United States troops, marched to their camp and confined as prisoners.

The next day a party of those who had engaged in the hostile demonstration against Lawrence, fresh from the unprovoked murder of an inoffensive citizen named Buffum, marched with absolute impunity, under a black flag, by the very place where these prisoners were held in durance.

To the same confinement in which these prisoners were held two other emigrants from Ohio were consigned a few days later. These were the two other affiants, Sexton and Kagi. These citizens had been seized without process by the Marshal of the United States, while pursuing their lawful vocations at or near Topeka, where they resided.

After a week's detention, the settlers from Lawrence were all formally committed on a charge of murder in the first degree, and the settlers from Topeka on a charge of robbery at Osawkee. Indictments for these alleged offenses were subsequently found against all except Sexton, who, so far as he or his fellow-prisoners are aware, is still detained on a naked charge.

E. R. Falley, and fourteen fellow-prisoners, not from Ohio, but in every other respect in similar circumstances with himself, were afterward put upon trial and acquitted, but he was immediately rearrested upon another charge of murder, founded on his alleged participation in an attack upon a fort or house occupied as a military position by a band of Pro-Slavery men, principally, at least, non-residents, under the command of a leader named Titus.

A. J. Payne and E. Cottingham were also tried under indictments for murder, and convicted of manslaughter, and sentenced to imprisonment for five years. These emigrants are now confined under the charge of a person named Jones, who claims the office of sheriff under an appointment by the Shawnee Mission Assembly.

The affiants represent their sufferings in confinement as indescribable. Their food has been poor and scanty—one week it was horse feed. For clothing and bedding they have been dependent on the charity of their friends, themselves impoverished by the rapine which has desolated the Territory; of their friends few have dared to visit them, fearing arrest. Their witnesses, when they have appeared in court, have been themselves arrested, seized in a body for an alleged homicide, which, if committed at all, was committed by one person only. They have witnessed the impunity of the band by a member of which Buffum was murdered in cold blood. Denied bail themselves, they have witnessed the immediate discharge on bail of the member of that band by whom that murder was perpetrated. Aggrieved by this odious and unjust discrimination, they find the evils of their situation further aggravated by the character of the custody to which they are subjected. Their guard is composed for the most part of hostile residents of other States, under the command of that same Titus who commanded in the Pro-Slavery fort, to the destruction of which I have already referred. Some of this guard have acknowledged and boasted of killing Free-State men. They sometimes have threatened to shoot their prisoners, and have been known to declare that particular individuals among them shall be hung, whether convicted or not.

It is impossible to read statements like these without deep feeling. That they are substantially true, the representations made to me of the character of the affiants forbids me to doubt. To redress lighter wrongs than these our fathers appealed to arms. If that dread remedy be not now invoked, it is because the hope of peaceful redress is not yet exhausted.

I do not disguise my conviction that the seizure and imprisonment of these citizens is not more illegal than it is cruel. The Shawnee Mission Assembly, in my judgment, had no more authority to legislate for Kansas than the San Francisco Committee of Vigilance had to govern California. If the members of that committee are responsible to citizens wronged by its action, much more, it seems to me, are all those who attempt to administer the edicts of that Assembly responsible to citizens who have suffered or may suffer injury in person or property through such proceedings.

I trust, however, that the citizens in whose behalf I now write may obtain at your hands readier and speedier redress. By the organic law, it is made your duty to take care that the laws be faithfully executed; and you are clothed with full power to grant pardons and reprieves for offenses against the laws of the Territory. The duty thus imposed includes, doubtless, the obligation to protect the people against wrongs committed under color of pretended laws. The people of Ohio would greatly rejoice if, concurring in opinion with a majority of them, that the enactments under which these citizens have been arrested are void, you should feel yourself warranted in exercising the powers vested in you for their protection. If this may not be expected, in consequence of your opinion in favor of the legality of the proceedings against them, I yet trust that you will not hesitate to exercise your prerogative of pardon in their behalf. Even if the validity of the acts of the Shawnee Mission Assembly be conceded, it will not be pretended, I apprehend, that these citizens are morally guilty of crime. Their offenses, at most, are technical. They are not felons—not enemies of society—but fellow-citizens, who sought to perform what seemed to them, and seems to millions of their countrymen, a duty, not a crime.

Surely you cannot permit such men to be subjected to ignominious punishment. Surely you cannot believe it just or expedient to suffer such punishments to be inflicted on such men, while partisans of the slavery side, who have committed more numerous and less justifiable acts of violence, go altogether unvisited of justice.

I beg leave to commend to your favorable regard my friend, James Walker, Esq., of Rhode Island, who has kindly consented to be the bearer of this letter, and who has been requested by me to ascertain the condition of emigrants from Ohio in Kansas and report to me whatever information he may be able to obtain. Any facilities you may afford him will be properly acknowledged by

Yours, very respectfully,

S. P. CHASE.

His Excellency John W. Geary, Governor of Kansas Territory.

The following, on the same subject, accompanied the foregoing letter:

LETTER FROM THE GOVERNOR OF OHIO.

EXECUTIVE DEPARTMENT, STATE OF OHIO, }
COLUMBUS, December 15, 1856. }

DEAR SIR: The inclosed letter was written and sent by Mr. Walker, of Rhode Island, who proceeded to Jefferson City, and there purchased a mule and advanced nearly one hundred miles further, when his mule, which he had been obliged to purchase as the only obtainable conveyance, broke down, and he was compelled by the limitations upon his time to return. I now send it by mail, and trust that your Excellency will consider kindly what is said in it. It is reported that a large number of prisoners have made their escape. Possibly the Ohio men may be of this number. If any of them remain, please consider the letter as written in their behalf.

Opposed always to the repeal of the Missouri prohibition, and believing always that it is the clear duty of the National Government to protect every inhabitant of national territory of life, liberty, and property, and therefore against enslavement, I have yet ever regarded the submission to the unbiased decision of the people of a Territory of every question relating to personal rights as the next best thing to securing those rights against all invasion at the outset by the impartial provisions of the organic law.

I observe with pleasure the testimony borne by Free-State men in Kansas to your Excellency's disposition to use the powers confided to you so as to secure to the actual settlers of the Territory a real freedom of decision in regard to the exclusion of slavery. While I cannot help regarding your consent to the seizure and confinement of the Lecompton prisoners as a departure from the rule of impartiality, I feel myself authorized by these expressions of confidence in your purposes to indulge the hope that you will either terminate the confinement at once, or, at least, provide against the longer continuance of the hardships which the prisoners have been compelled to endure, and protect them by your authority from unjust punishment.

With sincere respect, I have the honor to be, yours truly,

S. P. CHASE.

His Excellency John W. Geary, Governor of Kansas.

REPLY TO THE GOVERNOR OF OHIO.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., January 6, 1857. }

DEAR SIR: Your communication of the 15th ultimo, inclosing another of the 3d, has been received, and their suggestions considered with the attention due to their importance.

Your temperate appeal in behalf of the Territorial prisoners from Ohio is assuredly worthy of my careful and serious notice.

The attack upon Hickory Point by the Free-State men from Lawrence, after the publication of my proclamation, commanding all armed bodies to disperse, left no alternative for me, as the Executive of the Territory, but to command their arrest. Their subsequent imprisonment was but the consequence of their own unlawful acts committed in defiance of my warnings. A party from Topeka, who went to attack the same place, desisted from their purpose and retired when they received my proclamation. They were afterwards surprised to learn that their Lawrence friends, in violation of my express prohibition, had deliberately attacked a body of men at the place above named, one of whom was killed, and several others wounded.

The precise condition of things existing here at the time of my advent cannot be fully appreciated by a person who was not on the spot and conversant with the extraordinary difficulties and complications attending the discharge of the executive functions. The animosity and excitement which pervaded the population were most forcibly manifested in their persevering determination to distress and destroy each other.

Coming into the midst of so fearful a state of affairs I at once perceived that the only remedy was an impartial, independent, and vigorous administration.

With a determination to do right, I adopted and prosecuted such measures as I deemed most expedient and effective to restore peace and order to the troubled Territory.

The result is before the country, and whatever may be the opinions entertained by others, I am permitted to enjoy what all men should endeavor to attain, the unqualified approbation of my own conscience.

After the prisoners were sentenced I remitted the *ball-and-chain* penalty, and paid especial regard to their proper treatment; no formal application has been made to me for their pardon, though I learn that petitions are in circulation for that purpose, and that the usual records will be presented, to which I will give respectful attention.

With unfeigned regard, I have the honor to remain your obedient servant,

JOHN W. GEARY.

His Excellency S. P. Chase, Governor of Ohio.

APPROPRIATION OF THE VERMONT LEGISLATURE.

JANUARY 7.—The Legislature of the State of Vermont having passed an act appropriating the sum of \$20,000 to aid the suffering poor of Kansas, the Secretary of that State addressed the Governor of this Territory as follows:

STATE OF VERMONT, EXECUTIVE DEPARTMENT, }
BURLINGTON, December 22, 1856. }

SIR: I am directed by his Excellency Governor Fletcher to transmit to you the accompanying copy of an act passed by the Legislature of this State at its recent session in October and November last, entitled "An act for the relief of the suffering poor of Kansas," and to inform you that the Governor stands ready to extend to the suffering poor of Kansas such relief as said act contemplates, upon full and satisfactory proof of the necessity of their condition.

The report is now that the wants of the poor of Kansas have been very much, if not entirely, alleviated by the large contributions of provisions and clothing which have recently poured in from private sources; and the peace and good order which have resulted from your own energetic and equitable administration of the government of the Territory are considered as an earnest that the sufferings and misfortune of the people of Kansas have at last reached a termination.

Any communication from your Excellency upon this subject will be received with pleasure by Governor Fletcher, who desires me to express to you the assurances of his high respect and esteem.

I have the honor to be, very respectfully, your obedient servant,

WILLIAM G. SHAW,

Secretary of Civil and Military Affairs.

His Excellency, John W. Geary, Governor of Kansas, Leecompton, K. T.

The following is the act referred to in the foregoing communication :

"ACT OF THE VERMONT LEGISLATURE NO. 59.—AN ACT FOR THE BELIEF OF THE POOR OF KANSAS.

"It is hereby enacted by the General Assembly of the State of Vermont, as follows :

"SECTION 1. The sum of twenty thousand dollars is hereby appropriated and placed at the disposal of the Governor of this State, to be by him used (if necessary) for the purpose hereinafter stated.

"SECTION 2. The Governor, if in his judgment the suffering poor in Kansas need assistance, is hereby authorized to draw on the treasurer, from time to time, for such sum or sums, not exceeding twenty thousand dollars, for the purpose of furnishing food and clothing to such of the inhabitants of Kansas as may be in a suffering condition for the want thereof.

"SECTION 3. This act shall take effect from its passage.

"Approved November 18, 1856."

LETTER TO THE GOVERNOR OF VERMONT.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., January 7, 1857. }

DEAR SIR: Your favor of the 22d ultimo, with a copy of an act of the Legislature of Vermont, entitled "An act for the relief of the poor of Kansas," has been received.

I am happy to inform you that I am not aware of the existence of any condition of things in this Territory that will render necessary the employment of the money you have so liberally placed at our disposal.

There is doubtless some suffering within our limits, consequent upon past disturbances and the present extremely cold weather, but probably no more than exists in other Territories, or in either of the States of the Union.

No man who is able and willing to work need be destitute of the means of a comfortable livelihood in Kansas. Laborers and mechanics are in demand, and cannot be obtained at wages ranging from \$1.50 to \$3 per day. Indeed, so far as my observation has extended, the deserving and industrious portions of our population are in the full enjoyment of more than an ordinary degree of contentment and prosperity.

Should any contrary facts hereafter come to my notice, such as to require the aid you have so kindly offered, I will assuredly make, at the earliest moment, the application you suggest.

With assurance of the highest regard, I have the honor to subscribe myself your obedient servant,

JOHN W. GEARY.

His Excellency, Governor Fletcher, Burlington, Vermont.

Commissions were issued to William Woolman, as probate judge; Richard Burr and Samuel Locke, as county commissioners; Turner Locke, as constable; and J. B. Scott, as justice of the peace—all in and for the county of Coffey.

LEAVENWORTH, PAWNEE & WESTERN RAILROAD.

LEAVENWORTH, K. T., January 5, 1857.

DEAR SIR: I have the honor to inform you, by the resolution of the board of directors of the Leavenworth, Pawnee & Western Railroad Company, that the necessary amount of stock to perfect an organization has been subscribed, and the said company have completed a perfect organization under the law incorporating them.

Very truly, your obedient servant, J. MARION ALEXANDER, *Secretary.*

His Excellency John W. Geary.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., January 9, 1857. }

DEAR SIR: It is with much pleasure that I acknowledge the receipt of your communication, informing me of the perfect organization of the Leavenworth, Pawnee & Western Railroad Company. Please assure your president and directors of my most hearty cooperation in their laudable enterprise.

Very truly, your obedient servant, JNO. W. GEARY.

J. Marion Alexander, Esq., Secretary L. P. & W. R. R. Co.

REQUISITION FOR UNITED STATES TROOPS.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., January 10, 1857. }

SIR: United States Deputy Marshal Fane having made due requisition upon me for two United States mounted men, with one day's rations, and to report at Captain Hampton's office in this place, at 8 o'clock, to-morrow morning, to aid him in executing certain civil process, this is to request you to have two United States mounted men to report accordingly. Very truly, your obedient servant,

JOHN W. GEARY, *Governor of Kansas.*

Captain Newby, Commanding near Leecompton.

[Entry and acknowledgment of the receipt of vol. 39, Maine Reports.]

THE LEGISLATIVE ASSEMBLY.

JANUARY 12.—This being the first day of the meeting of the Legislative Assembly, and also of a convention embracing members from all parts of the Territory, the town was crowded with strangers, very many of whom constantly thronged the Executive office to pay their respects to the Governor.

The Council of the Legislature was organized by the election of Rev. Thomas Johnson as President, and the House of Representatives by the election of W. G. Mathias, Speaker.

A convention composed of delegates from various sections of the Territory, the precise character and objects of which had not been clearly defined, and were but imperfectly understood even by its members themselves, also met in the evening. The principal business transacted was the appointment of a committee on delegation.

LEGISLATIVE COMMITTEE.

JANUARY 13.—A committee from the Legislative Assembly called upon the Governor at 10 o'clock A. M., and announced that they had been ap-

pointed to inform him of the organization of the Council and House of Representatives, and were ready to receive from him any communication he might have to make to those bodies. To a neat address from Col. Joseph Anderson, the Governor responded, and informed the committee that he would send up at once his annual message. Accordingly the following document was sent, and read to the Legislature:

MESSAGE OF GOVERNOR JOHN W. GEARY, TO THE LEGISLATIVE ASSEMBLY OF KANSAS TERRITORY.

Gentlemen of the Council and of the House of Representatives: The Allwise and Beneficent Being, who controls alike the destinies of individuals and of nations, has permitted you to convene this day, charged with grave responsibilities. The eyes, not only of the people of Kansas, but of the entire Union, are upon you, watching with anxiety the result of your deliberations, and of our joint action in the execution of the delicate and important duties devolving upon us.

Selected at a critical period in the history of the country to discharge the executive functions of this Territory, the obligations I was required to assume were of the most weighty importance. And when I came seriously to contemplate their magnitude, I would have shrunk from the responsibility were it not for an implicit reliance upon Divine aid, and a full confidence in the virtue, zeal and patriotism of the citizens, without which the wisest executive suggestions must be futile and inoperative.

To you, legislators, invested with sovereign authority, I look for that hearty cooperation which will enable us successfully to guide the ship of state through the troubled waters into the haven of safety.

It is with feelings of profound gratitude to Almighty God, the bounteous giver of all good, I have the pleasure of announcing that, after the bitter contest of opinion through which we have recently passed, and which has unfortunately led to fratricidal strife, that peace, which I have every reason to believe to be permanent, now reigns throughout the Territory, and gladdens with its genial influences homes and hearts which but lately were sad and desolate; that the robber and the murderer have been driven from our soil; that burned cabins have been replaced by substantial dwellings; that a feeling of confidence and kindness has taken the place of distrust and hate; that all good citizens are disposed to deplore the errors and excesses of the past, and unite with fraternal zeal in repairing its injuries; and that this Territory, unsurpassed by any portion of the continent for the salubrity of its climate, the fertility of its soil, its mineral and agricultural wealth, its timber-fringed streams, and fine quarries of building stone, has entered upon a career of unparalleled prosperity.

To maintain the advance we have made, and realize the bright anticipations of the future; to build up a model commonwealth, enriched with all the treasures of learning, of virtue and religion, and make it a choice heritage for our children and generations yet unborn, let me, not only as your Executive, but as a Kansan, devoted to the interests of Kansas, and animated solely by patriotic purposes, with all earnestness invoke you, with one heart and soul, to pursue so high and lofty a course in your deliberations as by its moderation and justice will commend itself to the approbation of the country, and command the respect of the people.

This being the first occasion afforded me to speak to the Legislative Assembly, it is but proper and in accordance with general usage that I should declare the principles which shall give shape and tone to my administration. These principles, without elaboration, I will condense into the narrowest compass.

"Equal and exact justice" to all men, of whatever political or religious persuasion; peace, comity and friendship with neighboring States and Territories, with a sacred regard for State rights, and reverential respect for the integrity and perpetuity of the Union; a reverence for the Federal Constitution as the concentrated wisdom of the fathers of the republic, and the very ark of our political safety; the cultivation of a pure and energetic nationality, and the development of an excellent and intensely vital patriotism; a jealous regard for the elective franchise, and the entire security and sanctity of the ballot-box; a firm determination to adhere to the doctrines of self-government and popular sovereignty as guaranteed by the organic law; unqualified submission to the will of the majority; the election of all officers by the people themselves; the supremacy of the civil over the military; strict economy in public expenditures, with a rigid accountability of all public officers; the preservation of the public faith, and a currency based upon and equal to gold and silver; free and safe immigration from every quarter of the country; the cultivation of the proper Territorial pride, with a firm determination to submit to no invasion of our sovereignty; the fostering care of agriculture, manufactures, mechanic arts, and all works of internal improvement; the liberal and free education of all the children of the Territory; entire religious freedom; a free press, free speech, and the peaceable right to assemble and discuss all questions of public interest; trial by jurors impartially selected; the sanctity of the habeas corpus; the repeal of all laws inconsistent with the Constitution of the United States and the organic act, and the steady administration of the government so as best to secure the general welfare.

These sterling maxims, sanctioned by the wisdom and experience of the past, and the observance of which has brought our country to so exalted a position among the nations of the earth, will be steady lights by which my administration shall be guided.

A summary view of the state of the Territory upon my advent, with an allusion to some of my official acts, may not be inappropriate to this occasion, and may serve to inspire your counsels with that wisdom and prudence, by a contemplation of the frightful excesses of the past, so essential to the adoption of measures to prevent their recurrence, and enable you to lay the broad and solid foundations of a future commonwealth which may give protection and happiness to millions of freemen.

It accords not with my policy or intentions to do the least injustice to any citizen or party of men in this Territory or elsewhere. Pledged to do "equal and exact justice" in my executive capacity, I am inclined to throw the veil of oblivion over the errors and outrages of the period antecedent to my arrival, except so far as reference to them may be necessary for substantial justice, and to explain and develop the policy which has shed the benign influences of peace upon Kansas, and which, if responded to by the Legislature in a spirit of kindness and conciliation, will contribute much to soothe those feelings of bitterness and contention which, in the past, brought upon us such untold evils.

I arrived at Fort Leavenworth on the ninth day of September last, and immediately assumed the executive functions. On the eleventh I issued my inaugural address, declaring the general principles upon which I intended to administer the government. In this address I solemnly pledged myself to support the Constitution of the United States, and to discharge my duties as Governor of Kansas with fidelity; to sustain all the provisions of the organic act, which I pronounced to be "eminently just and beneficial;" to stand by the doctrine of popular sovereignty, or the will of the majority of the actual *bona fide* inhabitants, when legitimately expressed, which I characterized "the imperative will of civil action for every law-abiding cit-

izen." The gigantic evils under which this Territory was groaning were attributed to outside influences, and the people of Kansas were earnestly invoked to suspend unnatural strife; to banish all extraneous and improper influences from their deliberations; and in the spirit of reason and mutual conciliation to adjust their own differences. Such suggestions in relation to modifications of the present statutes as I deemed for the public interests were promised at the proper time. It was declared that this Territory was the common property of the people of the several States, and that no obstacle should be interposed to its free settlement, while in a Territorial condition, by the citizens of every State of the Union. A just Territorial pride was sought to be infused; a pledge was solemnly given to know no party, no section, nothing but Kansas and the Union; and the people were earnestly invoked to bury the past in oblivion, to suspend hostilities, and refrain from the indulgence of bitter feeling; to begin anew; to devote themselves to the true and substantial interests of Kansas; develop her rich agricultural resources; build up manufactures; make public roads and other works of internal improvement; prepare amply for the education of their children; devote themselves to all the arts of peace, and make this Territory the sanctuary of those cherished principles which protect the inalienable rights of the individual, and elevate States in their sovereign capacities.

The foregoing is a brief summary of the principles upon which my administration was commenced. I have steadily adhered to them, and time and trial have but served to strengthen my convictions of their justice.

Coincident with my inaugural were issued two proclamations: the one, disbanding the Territorial militia, composed of a mixed force of citizens and others, and commanding "all bodies of men, combined, armed and equipped with munitions of war, without authority of the government, instantly to disband or quit the Territory, as they would answer the contrary at their peril;" the other, ordering "all free male citizens qualified to bear arms, between the ages of eighteen and forty-five years, to enroll themselves, that they might be completely organized by companies, regiments, brigades and divisions, and hold themselves in readiness to be mustered, by my order, into the service of the United States, upon a requisition of the commander of the military department in which Kansas is embraced, for the suppression of all unlawful combinations, and for the maintenance of public order and civil government."

The policy of these proclamations is so evident, and their beneficial effects have been so apparent, as to require no vindication.

The Territory was declared by the acting Governor to be in a state of insurrection; the civil authority was powerless, entirely without capacity to vindicate the majesty of the law and restore the broken peace; the existing difficulties were of a far more complicated character than I had anticipated; predatory bands, whose sole aim, unrelieved by the mitigation of political causes, was assassination, arson, plunder and rapine, had undisturbed possession of some portions of the Territory, while every part of it was kept in constant alarm and terror by the advocates of political sentiments, uniting, according to their respective sympathies, in formidable bodies of armed men, completely equipped with munitions of war, and resolved upon mutual extermination as the only hope of peace; unoffending and peaceable citizens were driven from their homes; others murdered in their own dwellings, which were given to the flames; that sacred respect for woman, which has characterized all civilized nations, seemed, in the hour of mad excitement, to be forgotten; partisan feeling, on all sides, intensely excited by a question which inflamed the entire nation, almost closed the minds of the people against me; idle and mendacious

rumors, well calculated to produce exasperation and destroy confidence, were everywhere rife; the most unfortunate suspicions prevailed; in isolated country places no man's life was safe; robberies and murders were of daily occurrence; nearly every farm-house was deserted; and no traveler could safely venture on the highway without an escort. This state of affairs was greatly aggravated by the interference of prominent politicians outside of the Territory.

The foregoing is but a faint outline of the fearful condition of things which ruled Kansas and convulsed the nation. The full picture will be drawn by the iron pen of impartial history, and the actors in the various scenes will be assigned their true positions.

I came here a stranger to your difficulties, without prejudice, with a solemn sense of my official obligations, and with a lofty resolution to put a speedy termination to events so fraught with evil, and which, if unchecked, would have floated the country into the most bloody civil war.

Hesitation, or partisan affiliations, would have resulted in certain failure, and only served further to complicate affairs. To restore peace and order, and relieve the people from the evils under which they were laboring, it was necessary that an impartial, independent and just policy should be adopted, which would embrace in its protection all good citizens, without distinction of party, and sternly punish all bad men who continued to disturb the public tranquility. Accordingly, my inaugural address and proclamations were immediately circulated among the people, in order that they might have early notice of my intentions.

On the fourteenth day of September reliable information was received that a large body of armed men were marching to attack Hickory Point, on the north side of the Kansas river. I immediately dispatched a squadron of United States dragoons, with instructions to capture and bring to this place any persons whom they might find acting in violation of my proclamation. In pursuance of these instructions, one hundred and one prisoners were taken, brought here, and committed for trial.

While a portion of the army was performing this duty, I was advised that a large body of men were approaching the town of Lawrence, determined upon its destruction. I at once ordered three hundred United States troops to that place, and repaired there in person. Within four miles of Lawrence I found a force of twenty-seven hundred men, consisting of citizens of this Territory and other places, organized as Territorial militia, under a proclamation of the late acting Governor. I disbanded this force, ordering the various companies composing it to repair to their respective places of rendezvous, there to be mustered out of service. My orders were obeyed; the militia retired to their homes; the effusion of blood was prevented; the preservation of Lawrence effected; and a great step made towards the restoration of peace and confidence.

To recount my various official acts, following each other in quick succession under your immediate observation, would be a work of supererogation, and would occupy more space than the limits of an executive message would justify. My executive minutes, containing a truthful history of my official transactions, with the policy which dictated them, have been forwarded to the General Government, and are open to the inspection of the country.

In relation to any alterations or modifications of the Territorial statutes which I might deem advisable, I promised in my inaugural address to direct public attention at the proper time. In the progress of events that time has arrived, and you are the tribunal to which my suggestions must be submitted. On this subject I bespeak your candid attention, as it has an inseparable connection with the prosperity and happiness of the people.

It has already been remarked that the Territories of the United States are the common property of the citizens of the several States. It may be likened to a joint ownership in an estate, and no conditions should be imposed or restrictions placed upon the equal enjoyment of the benefits arising therefrom which will do the least injustice to any of the owners, or which is not contemplated in the tenure by which it is held, which is no less than the Constitution of the United States, the sole bond of the American Union. This being the true position, no obstacle should be interposed to the free, speedy, and general settlement of this Territory.

The durability and imperative authority of a State constitution, when the interests of the people require a State government, and a direct popular vote is necessary to give it sanction and effect, will be the popular occasion, once for all, to decide the grave political questions which underlie a well-regulated commonwealth.

Let this, then, be the touchstone of your deliberations. Enact no law which will not clearly bear the constitutional test; and if any laws have been passed which do not come up to this standard, it is your solemn duty to sweep them from the statute book.

The Territorial government should abstain from the exercise of authority not clearly delegated to it, and should permit all doubtful questions to remain in abeyance until the formation of a State constitution.

On the delicate and exciting question of slavery, a subject which so peculiarly engaged the attention of Congress at the passage of our organic act, I cannot too earnestly invoke you to permit it to remain where the Constitution of the United States and that act place it—subject to the decision of the courts upon all points arising during our present infant condition.

The repeal of the Missouri line, which was a restriction on popular sovereignty, anew consecrated the great doctrine of self-government, and restored to the people their full control over every question of interest to themselves, both north and south of that line.

Justice to the country, and the dictates of sound policy, require that the Legislature should confine itself to such subjects as will preserve the basis of entire equality; and when a sufficient population is here, and they choose to adopt a State government, that they shall be "perfectly free," without let or hindrance, to form all their domestic institutions "in their own way," and to dictate that form of government which, in their deliberate judgment, may be deemed proper.

Any attempt to incite servile insurrection, and to interfere with the domestic institutions of sovereign States, is extremely reprehensible, and shall receive no countenance from me. Such intervention can result in no good, but is pregnant with untold disasters. Murder, arson, rapine, and death follow in its wake, while not one link in the fetters of the slave is weakened or broken, or any amelioration in his condition secured. Such interference is a direct invasion of State rights, only calculated to produce irritation and estrangement.

Every dictate of self-respect; every consideration of State equality, the glories of the past and the hopes of the future—all, with soul-stirring eloquence, constrain us to cultivate a reverential awe for the Constitution as the sheet-anchor of our safety, and bid us in good faith to carry out all its provisions.

Many of the statutes are excellent, and suited to our wants and condition; but in order that they may receive that respect and sanction which is the vital principle of all law, let such be abolished as are not eminently just and will not receive the fullest approbation of the people. I trust you will test them all by the light of the general and fundamental principles of our Government, and that all that will not bear this ordeal be revised, amended, or repealed. To some of them which strike my mind as objectionable your candid and special attention is respectfully invited.

By carefully comparing the organic act as printed in the statutes, with a certified copy of the same from the Department of State, important discrepancies, omissions and additions will be discovered. I therefore recommend the appointment of a committee to compare the printed statutes with the original rolls on file in the Secretary's office, to ascertain whether the same liberty has been taken with the act under which they were made.

Of the numerous errors discovered by me in the copy of the organic act as printed in the statutes, I will refer to one in illustration of my meaning. In the 29th section, defining the executive authority, will be found the following striking omission: "against the laws of said Territory, and reprieves for offenses." This omission impairs the executive authority, and deprives the Governor of the pardoning power for offenses committed against the laws of the Territory, which Congress, for the wisest and most humane reasons, has conferred upon him.

The organic act requires every bill to be presented to the Governor, and demands his signature as the evidence of his approval, before it can become a law. The statutes are defective in this respect, as they do not contain the date of approval, nor the proper evidence of that fact, by having the Governor's signature.

Your attention is invited to chapter 30, in relation to county boundaries. The boundary of Douglas county is imperfect, and, in connection with Shawnee county, is an absurdity for both counties. The boundary lines of all the counties should be absolutely established.

Chapter 44, establishing the probate court, also requires attention. The act is good generally, so far as it relates to the organization and duties of the court; but all provisions in this and other acts, vesting the appointment of probate judges, county commissioners and other public officers in the Legislative Assembly, should at once be repealed, and the unqualified right of election conferred upon the people, whose interests are immediately affected by the acts of those officials. The free and unrestricted right of the people to select all their own agents, is a maxim so well settled in political ethics, and springs so legitimately from the doctrines of self-government, that I need only allude to the question to satisfy every one of its justice. The "people must be perfectly free" to regulate their own business in their own way; and when the voice of the majority is fairly expressed, all will bow to it as the voice of God. Let the people, then, rule in everything. I have every confidence in the virtue, intelligence and "sober thought" of the toiling millions. The deliberate popular judgment is never wrong. When, in times of excitement, the popular mind may be temporarily obscured, from the dearth of correct information or the mists of passion, the day of retribution and justice speedily follows, and a summary reversal is the certain result. Just and patriotic sentiment is a sure reliance for every honest public servant. The sovereignty of the people must be maintained.

Section 15th of this act allows writs of habeas corpus to be issued by the probate judge, but leaves him no authority to hear the case and grant justice, but refers the matter to the "next term of the district court." The several terms of the district court are at stated periods, and the provision alluded to amounts to a denial of justice and a virtual suspension of "the great writ of liberty," contrary to the letter and spirit of the Constitution of the United States.

Many provisions of chapter 66, entitled "Elections," are objectionable. Section 11th, requiring certain "test oaths" as prerequisites to the right of suffrage, is wrong, unfair, and unequal upon citizens of different sections of the Union. It is exceedingly invidious to require obedience to any special enactment. The peculiar features of these test oaths should be abolished, and all citizens presumed to be law-abiding and patriotic until the contrary clearly appears. Sworn obedience to par-

ticular statutes has seldom secured that object. Justice will ever commend itself to the support of all honest men; and the surest means of insuring the ready execution of law is, to make it so preëminently just, equal and impartial as to command the respect of those whom it is intended to affect.

Section 36 deprives electors of the great safeguard of the purity and independence of the elective franchise—I mean the right to vote by ballot—and after the first day of November, 1856, requires all voting to be *viva voce*. This provision, taken in connection with section 9, which provides that “if all the votes offered cannot be taken before the hour appointed for closing the polls, the judges shall, by public proclamation, adjourn such election until the following day, when the polls shall again be opened, and the election continued as before,” &c., offers great room for fraud and corruption. Voting *viva voce*, the condition of the poll can be ascertained at any moment. If the parties having the election of officers are likely to be defeated, they have the option of adjourning, for the purpose of drumming up votes; or, in the insane desire for victory, may be tempted to resort to other means even more reprehensible. The right of voting by ballot is now incorporated into the constitutions of nearly all the States, and is classed with the privileges deemed sacred. The arguments in its favor are so numerous and overwhelming, that I have no hesitation in recommending its adoption. The election law should be carefully examined, and such guards thrown around it as will most effectively secure the sanctity of the ballot-box and preserve it from the taint of a single illegal vote. The man who will deliberately tamper with the elective franchise and dare to offer an illegal vote, strikes at the foundation of justice, undermines the pillars of society, applies the torch to the temple of our liberties, and should receive severe punishment. As a qualification for voting, a definite period of actual inhabitancy in the Territory, to the exclusion of a home elsewhere, should be rigidly prescribed. No man should be permitted to vote upon a floating residence. He should have resided within the Territory for a period of not less than ninety days, and in the district where he offers to vote at least ten days immediately preceding such election. All the voters should be registered and published for a certain time previous to the election. False voting should be severely punished, and false swearing to receive a vote visited with the pains and penalties of perjury.

In this connection, your attention is also invited to chapter 92, entitled “Jurors.” This chapter leaves the selection of jurors to the absolute discretion of the marshal, sheriff, or constable, as the case may be, and affords great room for partiality and corruption. The names of all properly qualified citizens, without party distinction, should be thrown into a wheel or box, and at stated periods, under the order of the courts, jurors should be publicly drawn by responsible persons. Too many safeguards cannot be thrown around the right of trial by jury, in order that it may still continue to occupy that cherished place in the affections of the people so essential to its preservation and sanctity.

Some portions of chapter 110, “Militia,” infringe the executive prerogative, impair the Governor’s usefulness, and clearly conflict with the organic act. This act requires the Executive to reside in the Territory, and makes him “commander-in-chief of the militia.” This power must be vested some place, and is always conferred upon the chief magistrate. Section 26 virtually confers this almost sovereign prerogative “upon any commissioned officer,” and permits him “whenever, and as often as any invasion or danger may come to his knowledge, to order out the militia or volunteer corps, or any part thereof, under his command, for the defense of the Territory,” &c.; thus almost giving “any commissioned officer” whatever, at his option, the power to involve the Territory in war.

Section 12 provides for a general militia training on the first Monday of October,

the day fixed for the general election. This is wrong, and is well calculated to incite to terrorism. The silent ballots of the people, unawed by military display, should quietly and definitely determine all questions of public interest.

The other sections of the law, requiring the appointment of field and commissioned officers, should be repealed. All officers should derive their authority directly from their respective commands, by election. To make the military system complete and effective, there must be entire subordination and unity running from the commander-in-chief to the humblest soldier, and one spirit must animate the entire system.

The 122d chapter, in relation to "Patrols," is unnecessary. It renders all other property liable to heavy taxation for the protection of slave property; thus operating unequally upon citizens, and is liable to the odious charge of being a system of espionage, as it authorizes the patrols, an indefinite number of whom may be appointed, to visit not only negro quarters, but any other places suspected of unlawful assemblages of slaves.

Chapter 131, "Preëmption," squanders the school fund by appropriating the school sections contrary to the organic act, which provides "that sections numbered sixteen and thirty-six in each township in Kansas Territory shall be and the same are hereby reserved for the purpose of being applied to schools in said Territory, and in the States and Territories to be erected out of the same;" contravenes the United States preëmption laws, which forbid trafficking in claims, and holding more than one claim; and directs the Governor to grant patents for lands belonging to the United States, and only conditionally granted to the Territory. This act is directly calculated to destroy the effect of a munificent grant of land by Congress for educational purposes. The Territory is the trustee of this valuable gift, and posterity has a right to demand of us that this sacred trust shall remain unimpaired in order that the blessings of free education may be shed upon our children.

Every State should have the best educational system which an intelligent government can provide. The physical, moral and mental faculties should be cultivated in harmonious unison, and that system of education is the best which will effect these objects. Congress has already provided for the support of common schools. In addition to this, I would recommend the Legislature to ask Congress to donate land lying in this Territory for the establishment of a university, embracing a normal, agricultural and mechanical school. A university thus endowed would be a blessing to our people; disseminate useful and scientific intelligence; provide competent teachers for our primary schools; and furnish a complete system of education adequate to our wants in all the departments of life.

The subject of roads, bridges and highways merits your especial attention. Nothing adds more to comfort, convenience, prosperity and happiness, and more greatly promotes social intercourse and kind feeling, than easy and convenient intercommunication. Roads should be wide and straight, and the various rivers and ravines substantially bridged.

Railroads should be encouraged; and in granting charters, the Legislature should have in view the interests of the whole people. The prosperity of the Territory is intimately connected with the early and general construction of the rapid and satisfactory means of transit.

While on the subject of internal improvement, I would call to your notice, and solicit for it your serious consideration, the opening, at the earliest period, of a more easy means of communication with the seaboard than any we at present enjoy. One great obstacle to our prosperity is the immense distance we occupy from all the great maritime depots of the country by any of the routes now traveled.

This can be removed by the construction of a railway, commencing at an appropriate place in this Territory, and running southwardly through the Indian Territory and Texas, to the most eligible point on the Gulf of Mexico. The entire length of such a road would not exceed six hundred miles, much less than half the distance to the Atlantic, and at an ordinary speed of railroad travel could be traversed in less than twenty-four hours. It would pass through a country remarkable for beauty of scenery, fertility of soil, and salubrity of climate, and which has properly been styled "the Eden of the world," and would open up new sources of wealth superior to any that have yet been discovered on the eastern division of the continent. It would place Kansas, isolated as she now is, in as favorable a position for commercial enterprise as very many of the most populous States in the Union, and furnish her a sure, easy, and profitable market for her products, as well as a safe, expeditious and economical means of obtaining all her needed supplies at every season of the year. You will not fail at once to perceive the importance of this suggestion; not only Kansas and Nebraska, but the entire country west of the Mississippi, will be vastly benefited by its adoption. The advantages to Texas would be incalculable. And should you be favorably impressed with the feasibility of the plan, I would advise that you communicate, in your legislative capacity, with the Legislature of the State, and that also of the Territory of Nebraska, in regard to the most effectual measures for its speedy accomplishment.

Chapter 149, permitting settlers to hold three hundred and twenty acres of land, is in violation of the præemption laws, and leads to contention and litigation.

Chapter 151, relating to "Slaves," attacks the equality which underlies the theory of our Territorial government, and destroys the freedom of speech and the privileges of public discussion, so essential to uncloak error, and enable the people properly to mould their institutions in their own way. The freedom of speech and the press, and the right of public discussion upon all matters affecting the interests of the people, are the great constitutional safeguards of popular rights, liberty, and happiness.

The act in relation to a Territorial library, makes the Auditor *ex officio* librarian, and gives him authority to audit his own accounts. These offices should be distinct, as their duties conflict.

The Congressional appropriation for a Territorial library has been expended in the purchase of a very valuable collection of books.

Time and space will not permit me to point out all the inconsistencies and incongruities found in the Kansas statutes. Passed as they were, under the influence of excitement, and in too brief a period to secure mature deliberation, many of them are open to criticism and censure, and should pass under your careful revision, with a view to modification or repeal. Some which have been most loudly complained of have never been enforced. It is a bad principle to suffer dead-letter laws to deface the statute book. It impairs salutary reverence for law, and excites in the popular mind a questioning of all law, which leads to anarchy and confusion. The best way is to leave no law on the statute book which is not uniformly and promptly to be administered with the authority and power of the government.

In traveling through the Territory, I have discovered great anxiety in relation to the damages sustained during the past civil disturbances, and everywhere the question has been asked as to whom they should look for indemnity. These injuries — burning houses, plundering fields, and stealing horses and other property — have been a fruitful source of irritation and trouble, and have impoverished many good citizens. They cannot be considered as springing from purely local causes, and, as such, the subjects of Territorial redress. Their exciting cause has been

outside of this Territory, and the agents in their perpetration have been the citizens of nearly every State in the Union. It has been a species of national warfare waged upon the soil of Kansas; and it should not be forgotten that both parties were composed of men rushing here from various sections of the Union; that both committed acts which no law can justify; and the peaceable citizens of Kansas have been the victims. In adjusting the question of damages, it appears proper that a broad and comprehensive view of the subject should be taken; and I have accordingly suggested to the General Government the propriety of recommending to Congress the passage of an act providing for the appointment of a commissioner, to take testimony and report to Congress for final action, at as early a day as possible.

There is not a single officer in the Territory amenable to the people or to the Governor, all having been appointed by the Legislature, and holding their offices until 1857. This system of depriving the people of the just exercise of their rights cannot be too strongly condemned.

A faithful performance of duty should be exacted from all public officers.

As the Executive, I desire that the most cordial relations may exist between myself and all other departments of the government.

Homesteads should be held sacred. Nothing so much strengthens a government as giving its citizens a solid stake in the country. I am in favor of assuring to every industrious citizen one hundred and sixty acres of land.

The money appropriated by Congress for the erection of our capitol has been nearly expended. I have asked for an additional appropriation of fifty thousand dollars, which will scarcely be sufficient to complete the building upon the plan adopted by the architect.

Where crime has been so abundant, the necessity for a Territorial penitentiary is too evident to require elaboration, and I have therefore suggested a Congressional appropriation for this purpose.

The Kansas river, the natural channel to the West, which runs through a valley of unparalleled fertility, can be made navigable as far as Fort Riley—a distance of over one hundred miles—and Congress should be petitioned for aid to accomplish this laudable purpose. Fort Riley has been built, at an expense exceeding five hundred thousand dollars, with the expectation that the river was navigable to that place, and doubtless the General Government will readily unite with this Territory to secure this object.

A geological survey developing the great mineral resources of this Territory is so necessary as merely to require notice. Provision for this useful work should immediately be made.

The early disposal of the public lands and their settlement will materially advance our substantial prosperity. Great anxiety prevails among the settlers to secure titles to their lands. The facilities for this purpose, by but one land office in the Territory, are inadequate to the public wants, and I have consequently recommended the establishment of two or more additional land offices in such positions as will best accommodate the people.

After mature consideration, and from a thorough conviction of its propriety, I have suggested large Congressional appropriations. The coming immigration, attracted by our unrivaled soil and climate, will speedily furnish the requisite population to make a sovereign State. Other Territories have been for years the recipients of Congressional bounty, and a similar amount of money and land bestowed upon them during a long period should at once be given to Kansas, as, like the Eureka State, she will spring into full life, and the prosperity of the Territory, and the welfare and protection of the people coming here from every State of the Union, to

test anew the experiment of republican government, require ample and munificent appropriations.

As citizens of a Territory, we are peculiarly and immediately under the protecting influence of the Union, and, like the inhabitants of the States comprising it, feel a lively interest in all that concerns its welfare and prosperity. Within the last few years sundry conflicting questions have been agitated throughout the country, and discussed in a spirit calculated to impair confidence in its strength and perpetuity, and furnish abundant cause for apprehension and alarm. These questions have mostly been of a local or sectional character, and, as such, should never have acquired general significance or importance. All American citizens should divest themselves of selfish considerations in relation to public affairs, and in the spirit of patriotism make dispassionate inquisition into the causes which have produced much alienation and bitterness among men whom the highest considerations require should be united in the bonds of fraternal fellowship. All Union-loving men should unite upon a platform of reason, equality, and patriotism. All sectionalism should be annihilated. All sections of the Union should be harmonized under a national, conservative government, as during the early days of the republic. The value of the Union is beyond computation, and no respect is due to those who will even dare to calculate its value. One of our ablest statesmen has wisely and eloquently said:

“Who shall assign limits to the achievements of free minds and free hands under the protection of this glorious Union? No treason to mankind since the organization of society would be equal in atrocity to that of him who would lift his hand to destroy it. He would overthrow the noblest structure of human wisdom which protects himself and his fellow-man. He would stop the progress of free government, and involve his country either in anarchy or despotism. He would extinguish the fire of liberty which warms and animates the hearts of happy millions, and invites all the nations of the earth to imitate our example.”

That soldier-President, whose exploits in the field were only equaled by his wisdom in the cabinet, with that singular sagacity which has stamped with the seal of prophecy all his foreshadowings, has repudiated, as morbid and unwise, that philanthropy which looks to the amalgamation of the American with any inferior race. The white man, with his intellectual energy, far-reaching science, and indomitable perseverance, is the peculiar object of my sympathy, and should receive the especial protection and support of government. In this Territory there are numerous “Indian reserves,” of magnificent extent and choice fertility, capable of sustaining a dense civilized population, now held unimproved by numerous Indian tribes. These tribes are governed by Indian agents, entirely independent of the Executive of this Territory, and are, indeed, governments within a government. Frequent aggressions upon these reserves are occurring, which have produced collisions between the Indian agents and the settlers, who appeal to me for protection. Seeing so much land unoccupied and unimproved, these enterprising pioneers naturally question the policy which excludes them from soil devoted to no useful or legitimate purpose. Impressed with the conviction that the large Indian reserves, if permitted to remain in their present condition, cannot fail to exercise a blighting influence on the prosperity of Kansas, and result in great injury to the Indians themselves, I shall be pleased to unite with the Legislature in any measures deemed advisable, looking to the speedy extinguishment of the Indian title to all surplus land lying in this Territory, so as to throw it open for settlement and improvement.

For official action, I know no better rule than a conscientious conviction of duty — none more variable than the vain attempt to conciliate temporary prejudice. Principles and justice are eternal; and if tampered with, sooner or later the sure and indignant verdict of popular condemnation against those who are untrue to

their leadings will be rendered. Let us not be false to our country, our duty, and our constituents. The triumph of truth and principle, not of partisan and selfish objects, should be our steady purpose; the general welfare, and not the interests of the few, are our sole aim. Let the past, which few men can review with satisfaction, be forgotten. Let us not deal in criminations and recriminations; but, as far as possible, let us make restitution, and offer regrets for past excesses. The dead, whom the madness of partisan fury has consigned to premature graves, cannot be recalled to life; the insults, the outrages, the robberies and murders, "enough to stir a fever in the blood of age" in this world of imperfection and guilt, can never be fully atoned for or justly punished. The innocent blood, however, shall not cry in vain for redress, as we are promised by the great Executive of the Universe, whose power is almighty and whose knowledge is perfect, that He "will repay."

"To fight in a just cause, and for our country's glory, is the best office of the best of men." Let "justice be the laurel" which crowns your deliberations; let your aims be purely patriotic, and your sole purpose the general welfare and the substantial interests of the whole people. If we fix our steady gaze upon the Constitution and the organic act as "the cloud by day and the pillar of fire by night," our footsteps will never wander into any unknown or forbidden paths. Then will this Legislative Assembly be as a beacon light, placed high in the pages of our history, shedding its luminous and benign influence to the most remote generations; its members will be remembered with veneration and respect as among the early fathers of the magnificent commonwealth, which in the not distant future will overshadow with its protection a population of freemen unsurpassed by any State in this beloved Union for intelligence, wealth, religion, and all the elements which make and insure the true greatness of a nation; the present citizens of Kansas will rejoice in the benefits conferred; the mourning and gloom, which too long like a pall have covered the people, will be dispersed by the sunshine of joy with which they will hail the advent of peace founded upon justice; we will enter upon a career of unprecedented prosperity; good feeling and confidence will prevail; the just rule of action which you are about to establish will be recognized; the entire country, now watching your deliberations with momentous interest, will award you their enthusiastic applause; and, above and over all, you will have the sanction of your own consciences, enjoy self-respect, and meet with divine approbation, without which all human praise is worthless and unavailing.

JNO. W. GEARY.

LECOMPTON, KANSAS TERRITORY, JANUARY 12, 1857.

VISITS OF COMMITTEES.

A committee from the convention named in yesterday's minutes called upon the Governor, inviting him, agreeably to a resolution to that effect, to a seat in their meetings, and to take part in their deliberations.

A committee from the Council of the Legislative Assembly also visited the Executive, asking information respecting the resignation of Edward Chapman, a member of the Council, who stands accused before the legal tribunals of the charge of murder in the first degree, committed in the town of Lawrence. The Governor communicated to this committee certain information touching the charge against Chapman, and placed in their hands papers upon the subject, which they embodied in a report to the Council, which proving satisfactory to that body, the seat of Chapman was declared vacant. Whereupon the Governor issued the following:

WRIT OF ELECTION.

EXECUTIVE OFFICE, }
LECOMPTON, K. T., January 13, 1857. }

To the Sheriff of Douglas County—SIR: You are hereby directed to hold an election, according to law, on Monday, the 26th January, 1857, in that portion of Douglas county embraced within the limits of the first election district, for one member of the Council, to supply the vacancy occasioned by the adoption of a resolution by the Council on the 13th January instant, declaring the seat held by Edward Chapman to be vacant.

You will, of course, give due notice at all the public places in the county, by written or printed advertisement, of the time and places of said election.

JOHN W. GEARY,
Governor of Kansas Territory.

A copy of the foregoing writ was served on the sheriff of Johnson county.

JANUARY 14.—Commissions were issued to Andrew Updegraff and Lorange D. Williams, as justices of the peace, and James Black, as constable of Lykins county.

JANUARY 15.—Commissions were issued to P. R. King, as county commissioner for the county of Atchison, to fill a vacancy occasioned by the resignation of William Young; and Thomas J. Thompson, as assessor of Atchison county.

JANUARY 16.—

REQUISITION FOR SOLDIERS.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., January 16, 1857. }

DEAR SIR: Please send two dragoons, (mounted,) with two days' rations, immediately to report to Deputy Marshal Pardee, and oblige,

Yours, &c.,

JNO. W. GEARY,
Governor of Kansas Territory.

Captain Newby, commanding near Lecompton.

JANUARY 17.—Commissions were issued to Joshua Sporing, of Philadelphia, as commissioner of deeds for the State of Pennsylvania; Calvin C. Burt, as commissioner of deeds at St. Louis, for the State of Missouri; and Joseph Abraham, of Cincinnati, as commissioner of deeds for the State of Ohio.

JANUARY 19.—

LETTER TO THE SECRETARY OF STATE.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., January 19, 1857. }

SIR: You will receive by the mail which carries this, a transcript of my executive minutes from December 8 to 31, inclusive.

Tuesday, the 5th inst., being the time appointed for the assembling of the so-called "State Legislature," some of its members met on that day at Topeka; but as the number was not sufficiently large to form a quorum, as required by their con-

stitution, no organization was effected. The only business therefore transacted was the adoption of a memorial to Congress, which has doubtless reached that body.

As some apprehensions had been entertained in regard to the probable results of this meeting, I had taken every necessary precaution to guard against any unlawful or evil consequences. I had received from Dr. Robinson the assurance that it was his purpose to abandon his pretensions to the office of Governor of Kansas by sending his resignation to that Legislature; and also the assurance that Mr. Roberts, the "Lieutenant Governor," would not be present at the meeting. I was therefore fully convinced that the Topeka State organization would be dissolved on that occasion. Yet, notwithstanding this, I had a confidential agent at hand to give me timely notice of everything that transpired, and was prepared to act as circumstances might require.

Certain parties, however, seemed unwilling to leave this subject in my hands and trust its management to my discretion. Hence, plans were adopted without my knowledge, well calculated had they not been frustrated, to thwart my peaceful intentions and excite renewed bitterness between the opposing political parties of the Territory. A writ for the arrest of the Topeka legislators had been issued by Judge Cato, on the oath of Sheriff Jones, which was served by Deputy Marshal Pardee on the persons assembled, who, without resistance or hesitation, yielded themselves as prisoners. Judge Cato was apprised of this fact, and on the following morning repaired to Topeka, to which place the prisoners had been conveyed, where he gave them a hearing and liberated them on bail, in their own recognizance, of five hundred dollars each. Thus has ended, I presume, the Topeka Legislature, which has so long been troubling the minds of the excitable citizens of the Territory.

Notwithstanding the vaporing of certain disaffected persons, too few and insignificant to merit particular attention, you may rest assured that we are still in the enjoyment of uninterrupted peace, and that everything around us gives the certain indication of its continuance and perpetuity.

Lecompton has for the last week or two been the scene of more than usual activity. The Legislative Assembly, and a convention to be held on Monday last, the 12th instant, crowded the city with delegates and other strangers. The extraordinary severity of the weather (the thermometer having fallen some thirty degrees below zero) and the sparsity of proper accommodations have been sensibly felt by many of the visitors.

Both branches of the Legislative Assembly were duly organized on the day appointed, and have been in session more than a week. Very little business has yet been transacted, and none that requires special notice.

The convention, composed of delegates from various sections of the Territory, also met and organized on the same day as the Legislature. The purposes of this convention were not clearly defined, and appeared to be very imperfectly understood even by its members. It seemed, however, that none but Pro-Slavery men were to be admitted to its deliberations, which were to be governed by their peculiar proclivities. It remained in session several days, when it adjourned *sine die*, having transacted no other business than the adoption of a series of resolutions, the especial objects of which appear to have been the assumption of the name of "National Democracy," and the denunciation of some of my official acts. But few persons took part in this meeting; and should no material benefit arise from it, there is satisfaction in knowing that it can produce no serious harm.

Copies of my annual message to the Legislative Assembly were forwarded to you by the last mail, the matter and spirit of which I trust will meet your approbation.

With sentiments of sincere regard, I am, very truly, your obedient servant,

JNO. W. GEARY, Governor of Kansas.

Hon. W. L. Marcy, Secretary of State, Washington, D. C.

The foregoing is a true copy of the executive minutes of Kansas Territory, from the 1st to the 19th of January, 1857, inclusive.

JOHN H. GIBON, *Secretary to the Governor.*

EXECUTIVE MINUTES OF KANSAS TERRITORY, FROM JANUARY 20,
1857, TO JANUARY 31, 1857.

COUNCIL BILLS.

JANUARY 20.—The Clerk of the Council presented two bills to the Governor for his approval, they having passed both branches of the Legislative Assembly. They were entitled "An act to authorize courts and judges to admit to bail in certain cases," and "An act regulating marks and brands."

JANUARY 21.—

REPORT OF THE ADJUTANT GENERAL.

ADJUTANT GENERAL'S OFFICE,
TECUMSEH, K. T., December 31, 1856. }

SIR: It is made my duty, by the statutes, to report to you annually, and previous to the meeting of the Legislative Assembly, the strength and condition of the different corps, and the number and quality of the arms and accoutrements of the Kansas militia; and, in order to enable me to do so, it is made the duty of the captains of volunteer companies, and the colonels or commandants of regiments, to consolidate the reports of their captains and make a return thereof to this office, twenty days previous to the meeting of the Legislative Assembly. They shall at the same time give a local description, and the bounds of company districts composing the regimental district which they command. Having delayed as long as possible to make my report, hoping the requirements of the law would be fulfilled by the officers commanding, I am pained to report their almost entire neglect to do so, having only received at this office the return of one full regiment, one regiment partially organized, and the report of Colonel Yager, which contains such information as may be satisfactory, and is hereto subjoined. Also the report of five volunteer companies, and these returns I consolidate and herewith transmit.

I will take occasion to report to your Excellency that the enrollment of the militia, authorized by your proclamation September 11, has, from unknown cause, been neglected. It may possibly be the fault of the law governing and organizing the militia, or the neglect of the superior officers. Upon careful examination, I can but adhere to the opinion that the provisions are ample and sufficient for the enrollment, and if complied with, there would have been a thorough organization of the militia. The statutes contemplate that the major general of each division, and brigadier general of each brigade, and colonel of each regiment, shall in like manner define the boundaries of the several regimental districts; the colonel or commandant of each regiment shall likewise define the boundaries of the company districts within its regimental district.

Complaints, from various quarters of the Territory, have been made to me about the failure on the part of the general officers to locate and define the boundaries of their respective commands. The next important step towards organization is the appointment of the subordinates of each regiment, by the brigadiers general and colonel commanding.

After having taken these preliminary steps, I can conceive no great difficulty in

enrolling the militia, as the captains are empowered and required to enroll all free male citizens between the ages of eighteen and forty-five years, residing within the bounds of their respective company districts. Indeed, unless there is a complete enrollment of all able-bodied men, capable of bearing arms, nothing can be done towards the organization or discipline of the militia. No system of public defense can be sustained which is based upon an organization *politico-militaire*. It is mischievous in its tendency, and is calculated to exasperate the prejudices heretofore existing, and thus render it impracticable and futile. It is hopeless to expect that men will muster without some compulsory enactment, when such duty is exacted of all, irrespective of party or person. It is to be hoped that public spirit and patriotism will prompt every citizen to cheerfully render such service for the country. It is not presumed that the militia will become thoroughly disciplined, but a complete organization should be effected and sustained, without, however, subjecting the people to any great inconvenience. Some system, applicable to our circumstances, should be adopted, establishing musters; a uniform course of tactical instructions should be strictly observed; active and patriotic officers commissioned, who are qualified to discipline and command the militia when required.

But before concluding, I would respectfully recommend a thorough organization of the militia, and to express the importance of this I will use the words of your proclamation, "It is the true policy of every State or Territory to be prepared for any emergency that may arise from internal dissensions or foreign invasion;" and although under your prompt and energetic administration every one may reasonably expect that peace and good order will prevail in Kansas, yet, in what condition are we to oppose insurrection, aggression, or invasion? We are at this time as ill-prepared to meet any great emergency as we were twelve months ago. We then flattered ourselves that we reposed in peace and security. But if the late unhappy troubles should be renewed, and the ordinary courses of law be found insufficient, the fearful alternative of arms resorted to, with a well-organized militia the Executive can suppress combinations to resist the government, and at all times maintain public order and law.

Very respectfully, your obedient servant,

H. J. STRICKLER,

Adjutant General, Kansas Militia.

His Excellency John W. Geary, Governor of Kansas.

CONSOLIDATED RETURNS OF THE MILITIA OF KANSAS TERRITORY, FOR THE YEAR 1856.

	Major generals.....	Brigadier generals.....	Adjutant generals.....	Inspector general.....	Aids-de-camp.....	Colonels.....	Lieutenant colonels.....	Majors.....	Adjutants.....	Quartermasters.....	Paymasters.....	Surgeons.....	Surgeons' mates.....	Captains.....	Lieutenants.....	Sergeant majors.....	Musicians.....	Sergeants.....	Corporals.....	Privates.....	Total commissioned.....	Total non-commissioned.....	Aggregate.....	No. of companies of dragoons.....	No. of companies of artillery.....	No. of companies of infantry.....	No. of companies of riflemen.....		
General officers.....	2	4	1	1																	8		8						
<i>Aids-de-camp to general officers.</i>																													
First reg't 1st brigade southern division.....						1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	100	2	0	102			1	0	0
Second brigade southern division.....						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Third and 2d brigades southern division.....						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fourth brigade southern division.....						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
First reg't 1st brigade northern division.....						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Second brigade northern division.....						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Third and 2d brigades northern division.....						1	0	0	0	0	0	0	0	3	6	0	0	12	12	305	10	24	339	0	0	0	0	0	
Fourth brigade northern division.....						1	0	0	0	0	0	0	0	0	0	0	0	0	0	620	0	0	621	4	1	2	0	2	
Aggregate of southern division.....	1	2				1	0	0	0	0	0	0	0	1	0					100	8		110						
Aggregate of northern division.....	1	2				2	0	0	0	0	0	0	0	3	6			12	12	925	14	24	101						
Aggregate.....	2	4	1	1		3	0	0	0	0	0	0	0	4	6			12	12	1,025	19	24	1,113						

(0) No official report received at this office.
 Not able to make any report of the arms and accoutrements in the hands of the militia, or "the condition or quality of the same," as I have received no report from the commanding officers.

TECUMSEH, December 5, 1856.

SIR: The statutes require me to make a return to you, annually, twenty days previous to the meeting of the Legislative Assembly, of the returns made to me by the captains of this regiment.

I have to state that this regiment has not been organized. In March last I received an order from Brigadier General Heiskell, commanding me to attend a meeting of the officers of this brigade at Paola, for the purpose of organizing the regiments composing his brigade. I made an effort to obey this order, but was prevented by sickness. Nevertheless I immediately wrote to General Heiskell, naming and recommending persons suitable for the several commissions in this regiment and required by statute to be appointed by the brigadier general and colonels for each brigade. Suffice it to say that if these recommendations were made known to the Governor, the persons were never commissioned, and hence refused to act.

I received also in September last an order from General Heiskell commanding me to report to him at Palmyra, in Douglas county, with such force as I could gather. This order it was impossible for me to obey under the then existing circumstances, from the fact that at the time I was absent from the district by *compulsion*. So also were all the law-and-order men, (with few exceptions,) from like cause. They had gone to Lecompton and placed themselves under General Richardson.

The "northern army" had overrun the district and driven off the law-and-order settlers; and further, there having been no enrollment previous, every one felt free to act or not, as he pleased, and under whom he pleased.

Nor can I give the local description and bounds of the several company districts composing the regimental district, required by the statute, because the brigadier general (whose duty I presume it is) has never defined to me the limits of this regimental district.

Respectfully submitted.

WM. O. YAGEE,

Colonel First Regiment, S. D. K. M.

Hiram J. Strickler, Adjutant General, K. M.

P. S.—Find inclosed the return of John Martin of a partial enrollment of the militia in this vicinity made by him. Mr. Martin has been heretofore recommended by me for the commission of captain of Company A in this regiment, and upon the faith of this recommendation this return has been made.

Respectfully,

W. O. YAGEE,

Colonel First Regiment, S. D. K. M.

REPORT OF THE AUDITOR.

AUDITOR'S OFFICE,
LECOMPTON, January 14, 1857. }

SIR: Agreeably to request, I transmit you a brief statement of the condition of my office. I would say that the receipts from the different counties are as follows:

Leavenworth county roll tax, collected in the year 1855.....	\$1,109 00
Doniphan county.....	332 00
Douglas.....	264 00
Atchison.....	205 40
Total.....	\$1,910 40
Amount of mileage and percentage allowed collectors, say.....	302 00
Amount paid to treasurer.....	\$1,608 40

The counties of Bourbon, Shawnee, Jefferson and Riley have made no settlements with the auditor, but at different times sent the respective amounts collected by them for poll tax, but have not made a settlement with the treasurer.

The counties of Allen, Anderson, Breckinridge, Calhoun, Franklin, Lykins, Linn,

Madison, Marshall and Nemaha have not paid a dollar in the treasury. The other counties that have made partial payments have not paid one-third of what my department have them charged.

Hence your Excellency will see, by the abstract herein contained, the Territory has been practically without revenue, owing to causes unnecessary to bring to your notice, as you are already well acquainted with them.

In regard to the performance of the duty imposed by the law organizing my office, I scarcely find within the scope of my comprehension a reliable suggestion to make. It would seem that if we could have, on the part of the people of this Territory generally, a cordial acquiescence in the execution of law, that a respectable revenue would at once be secured, quite sufficient to meet the wants of the Territory. But I need not call your Excellency's attention to the fact, which is apparent, that hitherto the assessors have found it impossible to ascertain the amount of taxable property in many of the counties, and the sheriffs of the same dare not attempt the collection of revenue.

In several of the counties in which the assessments had been completed, the people have been so harassed by the many evils under which they have suffered, that they beg the indulgence of the collectors, and even refuse compliance with the law.

For these evils there would seem to be no remedy but the gradual change which is to be looked for in the people's circumstances and opinions, for which I may hope from a cordial coöperation between your Excellency and the Legislature now in session.

Being required by law to report the condition of my office to the Legislature, I have yet deemed it proper to send you this "abstract" of its present and prospective status; and, hoping it may be satisfactory, I have the honor to be your Excellency's obedient servant,

JOHN DONALDSON,

Acting Treasurer's Accounts.

His Excellency John W. Geary, Governor of Kansas.

REPORT OF THE MASTER OF CONVICTS.

LECOMPTON, KANSAS TERRITORY, January 10, 1857.

SIR: Having had the honor of receiving at your hands, on the 10th day of November, 1856, a commission as master of convicts in and for the Territory of Kansas, it now becomes my duty, in advance of the meeting of the Legislature of the Territory, to report to your Excellency how the duties pertaining to my appointment have been discharged.

On entering upon the duties of my office, there were reported to me twenty-two convicts, in charge of Colonel Titus, then in command of the Territorial militia. They remained in that position up to the 25th of November, at which time eighteen were handed over to me, four having previously escaped from prison. One of the eighteen has since escaped from my custody. He has not yet been recaptured, although every effort has been made to retake him.

There has recently been added to the number another prisoner, convicted of murder in the second degree, who is now held as provided by law.

The fact of there being no place of safe confinement, or means placed at my disposal for their security, as the law requires, these prisoners are, to some extent, at large. I have endeavored to have them properly guarded. It is, however, a matter beyond all controversy, that the proper punishment for crime, and the consequent protection of life and property, demand the speedy erection of a penitentiary. There is now every prospect, (indeed, a certainty,) that, in a very short period, a large additional number of prisoners will be placed under the charge of the master of convicts. How will it be possible to secure the ends of justice unless the proper

authority immediately provides for their safe-keeping? The great interests of the Territory, arising from a *reliable* security of person and property, indeed, an absolute necessity, demands that an appropriation be promptly made for the erection of a penitentiary. Until this be effected, there can be no freedom from apprehensions on the part of the community.

Since the 25th of November I have endeavored to have the prisoners legally and profitably employed at manual labor. For three weeks nearly the entire force was engaged, in accordance with the directions of your Excellency, in the erection of comfortable quarters for the troops of the United States in the vicinity of the capital. A very short time has remained to use them in other employments; even during this time I could not take advantage of the opportunity presented of making their labor profitable, and of realizing therefrom a fund that might, under other circumstances, have gone far towards defraying the expenses of keeping and providing for them as directed by law. One of the principal difficulties in the way of the accomplishment of this desirable end has been a want of the necessary implements for labor. They could not be obtained from any point within my reach; even if they could have been, there was no fund provided for their purchase.

Again, the season has been so inclement that for many days the prisoners could not be employed, the principal labor having to be performed outside of any shelter to protect them. For these and other reasons the proceeds from convict labor have been comparatively trifling. The amount, however, will be duly accounted for and paid into the treasury of the Territory.

Having had no money placed at my disposal for the payment of the required expenses, I have, to some extent, used my own means in procuring the necessary place of confinement, bedding, clothing, provisions, &c. For the balance I have used the credit of the Territory.

The liquidated amount of the indebtedness incurred is \$535.20, and the unpaid portion of the same is \$1,122.27, making a total indebtedness of \$1,657.47 to be provided for by the representatives about to assemble. That this appropriation will be promptly made I have not the most distant doubt, and that the financial credit of the Territory will be fully and honorably sustained.

All of which is respectfully submitted.

L. J. HAMPTON,

Master of Convicts, Kansas Territory.

His Excellency John W. Geary, Governor of Kansas Territory.

The foregoing reports, with those of the Territorial Treasurer and Inspector General, were this day sent to the House of Representatives of the Legislative Assembly, with the following message:

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., January 21, 1857. }

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY: I herewith send you reports, received at my department, of the Adjutant General and Inspector General of the Territory, the Territorial Treasurer and Auditor, and of the Master of Convicts.

JOHN W. GEARY.

The following resolution, passed by the House of Representatives of the Legislative Assembly, was this day handed to the Governor by the clerk of that body:

RESOLUTION.

HOUSE OF REPRESENTATIVES, January 19, 1857.

Resolved, That his Excellency the Governor of the Territory of Kansas be respect-

fully requested to furnish this House with a statement of his reasons for not commissioning William T. Sherrard as sheriff of Douglas county.

R. C. BISHOP, *Chief Clerk.*

THE GOVERNOR'S REPLY.

EXECUTIVE DEPARTMENT,)
LECOMPTON, K. T., January 21, 1857. }

GENTLEMEN: In reply to your resolution of the 19th instant, which was received late on the 20th, requesting me to furnish your body with a statement of my reasons for not commissioning William T. Sherrard, Esq., as sheriff of Douglas county, I have the honor to state that, while I am disposed to accede to any reasonable request from the Legislature, I regard that matter as a subject of inquiry only from the Territorial courts.

Prior to its announcement to me, the appointment of Mr. Sherrard was protested against by many good citizens of Lecompton, and of Douglas county, as his habits and passions rendered him entirely unfit for the proper performance of the duties of that office.

There was no intention, however, on my part to withhold his commission, but, in consequence of the absence of the Secretary of the Territory, it was delayed for several days, during which time I was informed by many respectable gentlemen, among whom were those of the county tribunal from which he derived his appointment, that Mr. Sherrard had been engaged in several drunken broils—fighting and shooting at persons with pistols, and threatening others. I have since been informed that these facts are notorious to the citizens of the place, and can easily be substantiated by proof. Should the contrary be made clearly to appear, no one will rejoice more heartily than myself.

But it is my desire to be distinctly understood that I will commission no one laboring under such charges as would impair, if not entirely destroy, his usefulness, or whose passions and habits would render him unfit for the proper discharge of his duties, or which might in any manner endanger the peace of the Territory.

I am instructed from the source from whence I derive my appointment to pursue this course of policy. The true interests of the people of the Territory require it, and it is sanctioned and approved by my own judgment.

JOHN W. GEARY,
Governor of Kansas Territory.

To the House of Representatives, Kansas Territory.

COUNCIL BILL.

The Clerk of the Council of the Legislative Assembly handed a bill to the Governor for his approval, entitled "An act establishing the office of superintendent of public printing."

LETTER FROM THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,)
WASHINGTON, JANUARY 2, 1857. }

SIR: I have the honor to acknowledge the receipt this day of two copies of Kansas Statutes, for the use of this department, and to tender my thanks for your attention in transmitting them.

I am, with great respect, your obedient servant,
His Excellency John W. Geary, Governor of Kansas. C. McCLELLAND,
Secretary.

JANUARY 22.—The following bill was this day returned to the Council of the Legislature, with the Governor's objections to its becoming a law :

COUNCIL BILL.—AN ACT TO AUTHORIZE COURTS AND JUDGES TO ADMIT TO BAIL IN CERTAIN CASES.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. The district court, or any judge thereof, in vacation, shall have power and authority to admit to bail any prisoner on charge, or under indictment for any crime or offense, of any character whatever, whether such crime or offense shall have been heretofore bailable or not; such court or judge, on every such application for bail, exercising a sound discretion in the premises. This act to take effect from and after its passage.

VETO MESSAGE.

To the Council and House of Representatives of Kansas Territory: The bill "to authorize courts and judges to admit to bail in certain cases" has been carefully examined, and notwithstanding my earnest desire to agree with the Legislature in regard to all matters of public policy, I am compelled to return it without approval, for the following reasons:

The doctrine that the more certain the punishment of crime is made, the greater will be the restraints upon the evil passions of wicked men, has been established in all civilized communities and approved by the wisdom and experience of every age of the world; and had we no other evidence of its truth, more than sufficient has been furnished in the disturbances and outrages which have so recently occurred in the Territory of Kansas; for no one can be insensible of the fact that the impunity which has here been given to crime has been the primary cause of most of the offenses which have been committed. Had but a few of the early agitators and defiants of law been brought to condign punishment, the subsequent events, which every good citizen must most heartily deplore and condemn, would never have occurred.

It is of the utmost importance to the safety of society that the laws should be rendered as stringent, and their execution as certain as possible, especially as regards the crime of willful and deliberate murder. Such an offense should be guarded against with the utmost care; no door whatever should be opened for the escape of the criminal. Once in the hands of the proper authorities, he should there be secured until the ends of justice are effected. The man whose life has been forfeited to the law will stop at no means within the range of human possibility to accomplish his escape; for what will a man not "give in exchange for his life?"

The act under consideration makes it comparatively easy for the most notorious criminal to escape the punishment his crimes have merited. Any judge of a district court is allowed thereby to set him at liberty upon bail. The bill does not even establish the amount of bail required. This, as well as the propriety of bailing the person accused of murder, is left entirely at the discretion of the court or district judge. Were the bill passed with the express purpose of tampering with and corrupting the judiciary, it could not have been more effectual. All human beings are fallible, and it is a sound principle to throw as few temptations as possible in their way to err. No judge who has a proper regard for his own reputation can desire the passage of a law the execution of which will render him liable to invidious imputations. If this bill becomes a law, appeals will be made to the district judge to bail every person charged with the crime of murder, and the strongest possible inducement will be offered to influence his action. Should he refuse to accede to the wishes of the individual accused, or his importunate friends, he will subject himself to the charge of being actuated by unjust motives; while on the other hand, should he yield to such importunities, he renders himself liable to the accusation of being biased by

peculiar circumstances, if not of bribery and corruption, and violence toward himself might ensue in either case. The judge, himself, would therefore prefer to avoid the additional responsibility which this bill imposes. But apart from this, one tendency of the act is to corrupt the judiciary. It will not do to affirm that this is impossible. It has frequently been accomplished to so lamentable an extent as not only to endanger the safety of communities, but incite to anarchy with all its fearful consequences. The intentions of the laws have been so entirely disregarded that the people, in self-defense, have repudiated the courts, and in opposition to all legislative enactments have taken upon themselves the execution of justice. Indeed, in every instance where "lynch law" has been resorted to, the excuse given by the people has been founded upon the laxity of the courts, or the inefficiency or corruption of the judiciary.

This want of confidence in the authorities regularly constituted for the administration of justice upon persons charged with the heinous crime of murder, (for which abundant cause was given,) produced those most terrible excitements in California consequent upon the organization of the memorable "Vigilant Committee."

It is to be hoped that a similar condition of things may never transpire in Kansas, though it may well be anticipated if murder is permitted by the courts to be perpetrated with impunity. The murmurings on this subject are even now loud and almost universal. Some of our best citizens have been stricken down by the hand of the assassin, whose blood has cried in vain upon the legal tribunals for justice, and although many have fallen victims to the atrocious crime of murder, not one of its numerous perpetrators has yet suffered the just penalty of the law. The murderer, his hands still reeking with human gore, walks unmolested in our midst, laughing to scorn the laws which condemn him to an ignominious death.

Let the law contemplated in the bill under consideration be adopted, this evil, which is already sufficiently deplorable, will be rendered far worse. The slight restraints now held upon the vicious will be almost entirely removed. No good citizen can venture in the streets or upon the highways with a proper feeling of security. The personal safety of all who are well disposed will be constantly endangered. The odious practice of bearing concealed weapons for self-defense will become general, and the most disastrous results will follow. Every man, conscious of the uncertainty of punishment by the courts, will take the law in his own hand, and the slayer of one individual will immediately fall a victim to the retaliatory vengeance of another; or, should he be brought before a judge or court, and liberated upon bail, an offended people will rise in their majesty and prevent his escape by the infliction of summary punishment.

The fact that bail has been given will have no tendency to prevent these calamitous results; for no one can have the slightest confidence in the security furnished by such bail as a deliberate murderer can obtain. The person who will step in between such an one and the execution of justice must himself be destitute of those feelings and sentiments which render him worthy of the confidence of peace-loving and good citizens; or, even were it otherwise, and the murderer is substantially bailed by a wealthy relative or friend, the only object in the whole transaction is the criminal's escape, for any amount of property, under such circumstances, will be forfeited to preserve his life. But in the majority of cases the bail is entirely worthless, and its being admitted by a court or judge is equivalent to the murderer's discharge, for no one who is conscious of a conviction that will condemn him to death will ever present himself for trial. If he has wealth he can purchase sureties, and if he has not he may obtain the aid of those who are worthless; or, if possessed of the property to which they swear, may dispose of it at pleasure, and thus defraud

the Territory as well as justice. Bail bonds, as now given, are of little value even in trivial cases, for when forfeited the amount is seldom, if ever collected. To make them of any avail a lien should immediately be created on the lands of the persons acknowledging them, "and the execution issued by virtue of a judgment thereon may rightly command the taking and sale of the lands of which defendant was seized at the time the recognizance was acknowledged." Were this rule of law adopted there would be some value in a bail bond, and fewer persons would be found willing to execute it. But as the law now rests in this Territory, a criminal may be bailed to-day, upon what is apparently tangible security, and to-morrow both himself and sureties dispose of all their property, and unmolested and quietly depart to another region; and thus the matter ends. In the majority of instances, therefore, the taking of bail in criminal cases only tends to defeat the ends of justice, and in every case of absolute premeditated murder, where the proof is clear, or sufficient to convict, is tantamount to an acquittal of the criminal.

The fact that we have no sufficient prisons for the safe-keeping of the murderer, affords no argument for the passage of the bill. This want can soon be supplied, and it will be better to commence that work at once than to adopt a law which must necessarily remove the almost only restraint that now exists upon murderous inclinations and passions. There is no necessity for deliberate murderers to be set free on bail or otherwise for want of a prison to keep them in lengthy confinement. Frequent sessions of the courts, early trials and speedy executions will dispose of such cases, and give to the people confidence in the judiciary and the laws, and a sense of security, of which they so long have been deprived.

Remove or weaken any of the safeguards we now possess against criminals and crime, and the peace we enjoy must measurably be shaken. Hence it becomes a subject of the utmost importance not only to guard against such a result, but to adopt, if possible, laws which will strengthen the general confidence by making the barrier to the escape of the criminal even more firm and impassable.

Let it be established and universally known that "though hand join in hand, the guilty shall not go unpunished," that the blood-stained murderer, once in the power of the authorities, shall have no possibility or even hope of escape; that he who willfully and deliberately sheds the blood of his fellow-man shall surely suffer the penalty by which his life is forfeit, and our laws will be more respected, fewer crimes will be committed, and the community will repose in far greater security and peace.

The bills entitled "An act regulating marks and brands," and "An act establishing the office of superintendency of public printing," are herewith returned, with my approval.

JOHN W. GEARY.

EXECUTIVE DEPARTMENT,

LECOMPTON, KANSAS TERRITORY, JANUARY 22, 1857.

JANUARY 23.—Commissions were issued to George L. Davis, of Elmira, as commissioner of deeds for the State of New York; and Benjamin F. Graves, of Lexington, as commissioner of deeds for the State of Kentucky.

LETTER FROM THE SECRETARY OF STATE.

DEPARTMENT OF STATE, January 8, 1857.

SIR: I learn, with regret, from your dispatch of the 22d ultimo, that a body of men, calling themselves a Legislature, are about to assemble at Topeka. The President's views in relation to the origin and purpose of such an assemblage; assuming the name and function of a legislative body, are fully set forth in his message to

Congress of the 24th of January, 1856, a copy of which accompanied your instructions. The title used is in itself an unwarrantable assumption; there can be but one legal Legislative Assembly in Kansas, and that the one organized under the law of Congress. The assembling of the body to which you refer, under the name and in the character of a legislature, is a procedure which ought to receive no countenance, whatever may be the assurances of any individual or individuals as to the acts which it will or will not do.

You will, I have no doubt, take care that restless and evil-minded men are not permitted again to stir up civil strife in the Territory. I return herewith the letter which accompanied your dispatch, because, as it is an original, and not a copy, and as it contains no information which could influence either your action or that of the Executive here, I take it for granted that it was not your intention to have it placed upon the files of the department.

The President is much gratified by your accounts of the peaceful condition of affairs in Kansas, and trusts that by aiming to observe perfect impartiality toward all citizens, from whatever quarter of the country they may have emigrated, or whatever opinions they may entertain, you will be enabled to continue the same state of public tranquility, and thus insure the permanent prosperity of the Territory.

I am, sir, your obedient servant, W. L. MARCY.

John W. Geary, Esq., Governor of the Territory of Kansas.

SETTLERS ON INDIAN LANDS.

LECOMPTON, KANSAS TERRITORY, January 12, 1857.

SIR: We have been requested by some of our constituents residing on the Iowa trust lands in Doniphan county, to take the earliest opportunity of bringing to your notice the extremity to which they have been reduced, by an order lately issued by the Commissioner of Indian Affairs to Agent Vanderslice, requiring him to expel them from those lands, and, if necessary, to use military force for that purpose.

We will state, as facts susceptible of conclusive proof, that very soon after the treaty was made with those Indians, when the first attempt to settle upon those lands was made, the settlers were informed by Agent Vanderslice that such settlement would not be permitted; that on such warning being given they desisted, but held a public meeting, which resulted in the drawing up and signing a petition to the Indian department praying that those lands might be surveyed and sold at the earliest practicable day; that in answer to said petition a letter was received from the Commissioner of Indian Affairs assuring them that their wishes should be complied with. With this assurance most of them were satisfied to suspend their action, until the long delay in making the surveys made it manifest that much time would elapse before they could possibly be sold. Under these circumstances, and in view too of the fact that the Delaware trust lands had been in like manner occupied by settlers, they entered upon their claims and held them until the late sales of the Delaware lands. The result of these sales induced the belief that no obstacles would be interposed to prevent the actual settlers from getting their claims at the valuation price, and, with this belief, a large number of emigrants, some of whom had previously erected houses, moved on to the lands, thereby greatly increasing the actual number of settlers. In this state of affairs it is needless for us to say that a peremptory order to leave their homes and turn their families out in the midst of winter, exposed to the storms and snow-drifts of Kansas, was at once as unexpected as it was unwelcome.

On behalf, then, of those settlers, our constituents, we respectfully ask you to interfere in any and all practicable forms extended to the settlers on the Delaware

lands; and, if this be impracticable, at least permit them to remain until the opening of spring will enable them to remove without endangering the lives of their families.

Most respectfully, your obedient servants,

JOHN W. FORMAN,
Council Seventh District.
 WM. P. RICHARDSON,
Council Eighth District.
 B. O'DRISCOLL,
 T. W. WATERSON,
 X. K. STOUT,
Representatives.

John W. Geary, Governor of Kansas Territory.

EXECUTIVE DEPARTMENT, }
 LECOMPTON, KANSAS TERRITORY, January 19, 1857. }

GENTLEMEN: Your communication of the 12th instant, soliciting my intervention in favor of certain of your constituents threatened with forcible removal from the Iowa trust lands, in the county of Doniphan, in this Territory, by order of the Commissioner of Indian Affairs, has been received.

You state that these lands were held by the same tenure, and their settlement made under similar circumstances to those attending the Delaware trust lands, and that the settlers have, without objection, made valuable improvements, and that, therefore, the actual settlers should be permitted to take their claims at their appraised value, and soliciting my views on the subject.

In my speech at Leavenworth city, my various dispatches to the Government, and in my recent message, my opinions have been so elaborately expressed that I will now content myself by simply giving the conclusions then arrived at after much reflection.

First: The settlers should not, under any circumstances, be ejected at this inclement season of the year.

Second: I concur with you in the opinion that the actual, *bona fide* settlers should have the land at its valuation, under similar instructions to those governing the sales of the Delaware trust lands.

Hoping that these views may be satisfactory to yourselves and your constituents, I have the honor to remain your friend and obedient servant,

JNO. W. GEARY, *Governor of Kansas.*

To John W. Forman, Wm. P. Richardson, of the Council; B. O'Driscoll, Tho. W. Waterson, X. K. Stout, House of Representatives.

LETTER TO THE SECRETARY OF STATE.

EXECUTIVE DEPARTMENT, }
 LECOMPTON, KANSAS TERRITORY, January 26, 1857. }

SIR: Since my dispatch of 19th instant nothing worthy of note has occurred.

The Legislature, as yet, has done nothing of importance, and it is impossible to predict what will be done.

The peace of the country remains unimpaired, and I have daily the most gratifying evidences of the general feeling of security which pervades all classes of the community, notwithstanding there are some among us who cannot exist much longer without commotion. I am closely watching their movements, and am determined to maintain peace at every hazard.

I have on former occasions urged the necessity of affording additional facilities to the citizens for the purpose of preëmpting their lands, and securing their titles

as a prerequisite to the substantial progress of the Territory. The single land office in Kansas, not yet in operation, is entirely inadequate to the wants of the people, and, in my opinion, at least three more should be established. I cannot urge this subject too strongly upon the Government.

The residue of the Delaware trust lands should be sold early in the spring to meet the wants of the coming immigration, in order to remove every temptation to aggressions upon the extensive Indian reserves, which are sparsely peopled and but little improved.

I have to acknowledge the receipt of your dispatch of the 8th instant, and would be pleased to receive the acknowledgment of my various dispatches, and especially those of the last two months.

I have the honor to remain, very truly, your obedient servant,

JOHN W. GEARY,

Governor of Kansas.

Hon. W. L. Marcy, Secretary of State.

JANUARY 27.—Commissions were issued to William McNeil Clough, of Parkville, as commissioner of deeds for the State of Missouri; David B. Birney, of Philadelphia, as commissioner of deeds for the State of Pennsylvania; Elias Hughes, as sheriff of Lykins county, in place of Joseph B. Goodin, who refused to accept the appointment; William S. Wills, as justice of the peace, and Randal Burton, as constable, for Willow Springs township, in the county of Douglas; Enoch Reed, as justice of the peace, and S. B. Collett, as constable, for Washington creek township, in Douglas county; John Phlemingster, as constable for Deer creek township, Douglas county; and Wesley Garrett, as coroner of the county of Douglas, in place of Samuel J. Cramer, resigned.

JANUARY 28.—

LEGISLATIVE ACTS APPROVED.

The Clerk of the House of Representatives yesterday afternoon presented the Governor with a bill from that body, which was returned this morning with the following message:

To the House of Representatives of Kansas Territory—GENTLEMEN: I have the honor herewith to return "An act to incorporate the National Hotel Company," with my approval.

JOHN W. GEARY,

Governor of Kansas Territory.

LECOMPTON, KANSAS TERRITORY, January 28, 1857.

MESSAGE.

To the gentlemen of the House of Representatives of the Territory of Kansas: I have the honor to return to you, with my approval, the following bills, originating in your body, and handed to me this morning by General Eastin, of the Council, viz.:

An act to incorporate the Leavenworth Town Association.

An act to establish and charter a ferry at the mouth of Big Sugar creek, on the Marais des Cygnes, in the Territory of Kansas.

An act to incorporate the city of Roseport.

An act to establish a Territorial road from Atchison, via Mount Pleasant, to a point on the Kansas river opposite the town of Lecompton.

JOHN W. GEARY, *Governor of Kansas Territory.*

LECOMPTON, K. T., January 28, 1857.

REQUISITION FROM THE GOVERNOR OF VIRGINIA.

The Commonwealth of Virginia to the executive authority of the Territory of Kansas:

Whereas, it appears by the annexed document, duly authenticated according to the laws of our State, that Joseph L. McCubbin is charged with fraudulently converting to his own use certain personal property, of the value of nine hundred dollars, in the county of Gilmer, in this commonwealth, the property of Charles P. Arnold, the said property having been intrusted to him, the said McCubbin, on the sixth day of November, 1856, and it has been represented to me that the said Joseph L. McCubbin has fled from the justice of this State and has taken refuge in the Territory of Kansas:

Now, therefore, pursuant to the provisions of the Constitution and laws of the United States, I do hereby require that the said Joseph L. McCubbin be apprehended and delivered to Charles P. Arnold, who is hereby duly authorized to receive and convey him to the State of Virginia, there to be dealt with according to law.

In witness whereof, I have hereunto signed my name, as Governor of Virginia, and caused the great seal of the commonwealth to be affixed, this third day of January, A. D. 1857, and in the eighty-first year of the commonwealth.

[Seal.]

HENRY A. WISE.

By the Governor:

GEORGE W. MUNFORD, *Secretary of the Commonwealth.*

WARRANT FOR ARREST.

The Territory of Kansas to Charles P. Arnold, Esq., or any sheriff, coroner, constable, or any other officer within this Territory, greeting: Whereas, I have satisfactory evidence that a certain Joseph L. McCubbin is charged with fraudulently converting to his own use certain personal property of the value of nine hundred dollars, in the county of Gilmer, in the commonwealth of Virginia, the property of Charles P. Arnold, said property having been intrusted to said McCubbin on the sixth day of November, 1856; and it has been duly certified to me by the Governor of the commonwealth of Virginia that the said McCubbin has fled from the justice of the State of Virginia and has taken refuge in this Territory; and being further satisfied that all the provisions of the acts of Congress in such case made and provided have been fully complied with:

Now, therefore, pursuant to the provisions of the Constitution and laws of the United States, and the laws of this Territory, I do hereby authorize and require you to arrest said fugitive anywhere within the limits of this Territory and convey him before the nearest probate or district judge, or justice of the peace, to be delivered to Charles P. Arnold, Esq., the agent of the commonwealth of Virginia; and all sheriffs, coroners, constables, and other officers to whom this warrant may be shown, are hereby commanded to assist in the execution thereof.

In witness whereof, I have hereunto signed my name, as Governor of Kansas, and caused the seal of the Territory to be affixed, this twenty-eighth day of January, A. D. 1857.

JNO. W. GEARY,

Governor of Kansas.

[Seal.]

By the Governor:

DANIEL WOODSON, *Secretary.*

JANUARY 29.—

ACTS APPROVED.

Gentlemen of the House of Representatives of Kansas Territory: I have the honor to return to you, approved, a bill entitled "An act to locate the county seat of Linn county permanently."

JNO. W. GEARY, *Governor of Kansas Territory.*

LECOMPTON, KANSAS TERRITORY, January 29, 1857.

Gentlemen of the Council of Kansas Territory: I have the honor to return to you, with my approval, the following bills, to wit:

An act declaring certain banking associations unlawful.

An act to incorporate the Iowa Point Town Company.

An act to authorize Mary Elizabeth Spratt to sue for divorce.

JNO. W. GEARY, *Governor of Kansas Territory.*

LECOMPTON, KANSAS TERRITORY, January 29, 1857.

EXECUTIVE OFFICE,
LECOMPTON, K. T., January 31, 1857. }

The foregoing is a correct copy of the executive minutes of Kansas Territory from the 20th to the 31st of January, 1857, inclusive.

JOHN H. GIBON, *Secretary to the Governor.*

EXECUTIVE MINUTES OF KANSAS TERRITORY, FROM FEBRUARY 1,
1857, TO FEBRUARY 20, 1857, INCLUSIVE.

REQUISITION FOR SOLDIERS.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., February 2, 1857. }

SIR: Please furnish one non-commissioned officer and two men, to report to Captain Hampton at 8 o'clock A. M. to-morrow.

They are intended for a service of about ten miles.

JOHN W. GEARY, *Governor of Kansas Territory.*

Captain Newby, Commanding U. S. troops near Lecompton.

LETTER TO THE SECRETARY OF STATE.

EXECUTIVE DEPARTMENT,
LECOMPTON, KANSAS TERRITORY, February 2, 1857. }

SIR: I have thought proper to avail myself of the mail which closes to-night to drop you a line, simply to prevent any misapprehensions that might arise in your mind respecting an altercation that has recently taken place in this vicinity. The circumstance itself is of but little moment; but rumor will doubtless magnify it into some considerable importance by the time it reaches Washington.

The facts to which I allude are briefly these:

Some few days since a communication appeared in the *Topeka Tribune*, purporting to be a report of the proceedings of the late "convention" held in Lecompton, in which the name of Judge Elmore (formerly one of the Associate Justices of the Supreme Court of this Territory) was used in a manner offensive to that gentleman. The Judge, on Saturday last, met the author, a man named Kagi, at Tecumseh, and commenced an assault upon him with a cane, striking him a blow over the head. Whereupon Kagi drew a pistol and fired, the ball passing through the fleshy part of Judge Elmore's thigh, producing a troublesome though not dangerous wound. The Judge, who was also armed with a revolver, then fired three times at Kagi, who was running off, one of the balls lodging in his side, just beneath the skin. This was shortly afterwards removed, leaving no serious consequences. Some considerable excitement occurred. The principals in the transaction were of the Free-State and Pro-Slavery parties, and each had friends to sympathize with him, and for the time being to espouse his quarrel. But this feeling has already subsided, and no further breach of the peace is anticipated.

Very truly yours,

JOHN W. GEARY, *Governor of Kansas Territory.*

Hon. William L. Marcy, Secretary of State, Washington, D. C.

FEBRUARY 3.—Commissions were issued to William P. Converse, as commissioner of deeds for the State of New York; James M. Tatum, as sheriff of Jefferson county, in place of George M. Dyer, resigned; and Joseph J. Thomas, as constable of the same county, in place of John R. Beezle, resigned.

FEBRUARY 4.—Commissions were issued to R. H. Davis, as justice of the peace for Iowa township, Doniphan county; James B. Bradwell, of Chicago, as commissioner of deeds for the State of Illinois; Charles DeSelding, of Washington, as commissioner of deeds for the District of Columbia; and Charles J. Bushnell, as commissioner of deeds for the State of New York.

FEBRUARY 5.—

ACTS APPROVED.

Gentlemen of the House of Representatives of Kansas Territory: I have the honor to return, with my approval, the following bills, to wit:

An act to locate a Territorial road from the town of Lecompton via Paola, via Paris, via Miami to Barnesville, on Little Osage, in Bourbon county.

An act to incorporate the Roseport Town Company.

An act to incorporate the Palmetto Town Company.

An act to incorporate a Territorial road from Council City to the town of Columbia, in Breckinridge county.

An act to establish a Territorial road from Saint Mary's Mission to Fort Riley.

An act repealing the twelfth section of "An act to punish offenses against slave property."

An act to view and locate a Territorial road from Lecompton to Roseport, in Doniphan county.

An act to declare the military road from Fort Riley northwest to the Nebraska line a Territorial road.

An act to incorporate the Kansas Locating Association.

An act to locate and establish a Territorial road from Doniphan to the Kansas and Nebraska line opposite Roy's ferry, via Iowa Point, Kansas Territory.

An act to establish a Territorial road and highway along the valley of the Big Blue river.

An act to authorize Hugh Cameron to keep a ferry.

Missouri and Rocky Mountain Railroad charter.

JOHN W. GEARY,

Governor of Kansas Territory.

LECOMPTON, KANSAS TERRITORY, February 5, 1857.

Gentlemen of the Council of Kansas Territory: I have the honor to return, with my approval, a bill entitled "An act to amend an act entitled 'An act to provide for the recovery of debts by attachment.'"

JOHN W. GEARY,

Governor of Kansas Territory.

LECOMPTON, KANSAS TERRITORY, February 5, 1857.

LETTER TO THE SECRETARY OF STATE.

EXECUTIVE DEPARTMENT,
LECOMPTON, KANSAS TERRITORY, February 6, 1857. }

SIR: Nothing of material importance has occurred in the Territory since my last dispatch; still I esteem it a duty to communicate with you at short intervals, in order to keep you fully apprised of the existing state of affairs.

The Legislature has been in session two-thirds of the time allowed by the organic act, and you will learn from my executive minutes the amount of business that has been transacted by that body.

The "Act to authorize courts and judges to admit to bail in certain cases," was passed by both branches of the Legislative Assembly, notwithstanding my objections to the bill.

The first action under this new law was the admission to bail, in the sum of ten thousand dollars, ex-Indian Agent George W. Clarke, indicted for the murder of a man named Barber. The sureties in this case were Sheriff Samuel J. Jones and Probate Judge and United States Commissioner Dr. J. N. O. P. Wood.

The peace and quiet of the Territory remain unimpaired.

Very truly, your obedient servant, JOHN W. GEARY,
Governor of Kansas Territory.

Hon. William L. Marcy, Secretary of State, Washington, D. C.

THE PRISONERS AT TECUMSEH.

The following petition from George F. Putnam, one of the prisoners at Tecumseh, in behalf of himself and others, having this day been received by the Governor, the subjoined letters were forthwith addressed to Judge Cato and Marshal Donaldson:

PETITION.

PRISON, TECUMSEH, February 3, 1857.

SIR: As one of the prisoner held here awaiting trial, in behalf of them as well as myself, I beg leave to make a few statements in relation to our situation, and if possible to have it changed.

The prisoners, consisting of six untried and one (Kilburn) sentenced to one year's imprisonment, have been for the past week without rations of any description except some few small stores; and have, more or less, since their confinement, been, in consequence of the deficiency in their rations furnished, obliged to procure, at their own expense, a proper quantity to be even comfortable.

For the past four days we, having determined not to use the few remaining dollars we have, from the fact that as long as we do so nothing will be done for us, have had nothing but coffee, without a single article else for our subsistence. The reasons assigned us are: that the Marshal, who is absent, has already advanced more than is prudent; and although the deputy, Mr. Pardee, has used his exertions to furnish us, we remain in the position of being under guard of his troops without food. Mr. Castleman, an official of the Territory, I believe, has the contract from the Marshal here to furnish us subsistence. He and his partner, when conversing with us, say the Marshal already owes them one thousand dollars or so, and they will not furnish us, and when the Marshal sees them they are willing to do so, and, between the precious pair, we are most superbly humbugged. The real fact is, Castleman has already credited Donaldson all he wishes to, but still does not like to say so to him, and by furnishing us with small things, such as a paper of sugar or so, he still hangs on to the Marshal, while we get nothing. There has not been a single blanket, or bedding of any description, furnished the prisoners here, (with the exception of myself,) and, in fact, nothing tending to their comfort. They would long ere this have called your attention to these facts, but, trusting that they would have been tried ere this, preferred suffering a short time than trouble you with their complaints. But hungry men can endure this no longer.

In relation to the time of our trial, I am well aware that, by a suggestion from you, we could have a call term of court, if you deemed it of sufficient importance,

and we could be liberated. Most of those here are held on the Titus affair. Myself, for acting at Hickory Point against the very persons who are now convicts at Lecompton, and most likely from the fact that I was one of the counsel in their behalf. If the court does not sit until June, it seems a long time to be confined, as all are prepared for an immediate trial.

Hoping to receive an answer, and desiring your pardon for troubling you, I am, very respectfully, your obedient servant,

GEORGE F. PUTNAM.

His Excellency John W. Geary, Governor of Kansas Territory.

LETTER TO JUDGE CATO.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., February 6, 1857. }

SIR: I have received a very respectful petition from the prisoners awaiting trial at Tecumseh, stating that they are ready for trial, and desiring an early disposition of their cases.

As this matter is not in my department, I will content myself by earnestly recommending the subject to your immediate attention, trusting that you can devise some plan to afford the prisoners speedy justice.

Very truly, your obedient servant,

JOHN W. GEARY,

Hon. S. G. Cato.

Governor of Kansas Territory.

LETTER TO MARSHAL DONALDSON.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., February 6, 1857. }

SIR: I have received a communication from the Tecumseh prisoners, stating that they have a limited and uncertain supply of provisions, and are otherwise deprived of necessary comforts.

Will you please look into the matter, and see that there is no well-founded ground of complaint.

Very truly, your obedient servant,

JOHN W. GEARY,

Governor of Kansas Territory.

I. B. Donaldson, Esq., Marshal of Kansas Territory.

No mails were received at or departed from Lecompton to-day, in consequence of the breaking-up of the ice in the Kansas river and its numerous tributaries, rendering the roads impassable. A heavy storm of rain, accompanied with thunder and lightning, commenced early last evening, and continued through the night and all this morning without intermission. The river rose rapidly, and the ice began to move about 4 o'clock P. M. Many of the citizens congregated upon the levee, and but little business was transacted.

ARREST OF A FUGITIVE.

FEBRUARY 7.—Messrs. Charles P. Arnold and John McGee arrived at Lecompton on the 28th of January, bearing a requisition from Governor Wise, of Virginia, for the arrest of a man named Joseph L. McCubbin, a fugitive from justice in that State, being charged with the embezzlement of nine hundred dollars, the property of the said Charles P. Arnold, and other moneys. Governor Geary immediately furnished them with a posse of United States dragoons, and dispatched them in several directions in

pursuit of the fugitive, who was captured and carried back to Virginia, as will be seen from the following communication from Mr. McGee :

KANSAS CITY, MISSOURI, February 3, 1857.

SIR: Upon leaving Lecompton we proceeded directly to St. Bernard, where we had been informed we would find the man of whom we were in pursuit. Upon arriving there, we learned that he had left for Pottawatomie creek. We hastened there, and succeeded in making the arrest. We brought him immediately to this place, your troops accompanying me, as I thought it best to retain them until I could be joined by Mr. Arnold.

I feel under many obligations to you for your kindness to us when at Lecompton, and for the prompt and efficient means you afforded us to capture the fugitive; which facts I shall take great pleasure to communicate to Governor Wise upon our return to Virginia.

I also wish to communicate to you my gratitude for the kindness and prompt action and cheerful coöperation of the troops you furnished for our assistance.

I left with you a warrant from Governor Wise appointing Mr. Arnold his agent to convey McCubbin from Kansas to Virginia. Would you please inclose it to me at Weston, Lewis county, Virginia. Your obedient servant,

JOHN MCGEE.
His Excellency John W. Geary, Governor of Kansas.

CERTIFICATE OF OATH.

The following certificate of the oath of office of Judge Cunningham was this day presented for record on the executive minutes:

EXECUTIVE DEPARTMENT, KANSAS TERRITORY.

I, John W. Geary, Governor of said Territory, do hereby certify that Thomas Cunningham, who has been appointed an Associate Judge of the Supreme Court of said Territory, personally came this day before me and was duly sworn to support the Constitution of the United States and faithfully discharge the duties of said office.

Witness my hand, at Lecompton, this tenth day of January, in the year of our Lord one thousand eight hundred and fifty-seven.

JOHN W. GEARY,
Governor of Kansas Territory.

ATTEMPT AT ASSASSINATION.

FEBRUARY 9.—About eleven o'clock this morning, the Governor, accompanied by Dr. John H. Gihon and Richard McAllister, Esq., both attached to the Executive office, visited the Supreme Court, the Council, and the House of Representatives, the Legislature being then in session.

After the Governor and his companions had taken their seats in the House, William T. Sherrard, the individual whom, on a protest of a large number of citizens, the Governor had declined to commission as sheriff of Douglas county, suddenly arose and left the hall. His appearance and manner were so peculiar as to elicit especial notice. The Governor, however, against whom he was known to have uttered threats for several weeks, was not aware either of his presence or departure.

After remaining some half an hour or more, the Governor left the hall, his companions immediately following. As he was passing from the hall

of the House into the ante-room, and while yet in the door, he was accosted with opprobrious epithets by Sherrard, who stood in the ante-room, and who had, after leaving the hall, prepared himself with two navy revolvers and a large bowie-knife, which he wore conspicuously in a belt, on the outside of all his clothing. His hand was upon the handle of a pistol, in order that, upon the shadow of a pretense, he might be enabled instantly to use it. The Governor passed on, as though unconscious of his presence. Mr. McAllister immediately succeeded him, and, as Sherrard followed the Governor towards the outer door, interposed himself between them, thus preventing the accomplishment of an evident preconcerted plan for assassination. The Governor and Mr. McAllister then reached the platform of a flight of stairs, upon the outside of the building, leading to the ground, the legislative hall being in the second story. As they were descending, Dr. Gihon was passing through the ante-room, and observing Sherrard, who, enraged at being frustrated, was then on the platform, spitting after the Governor, and muttering oaths, defiance, and threats, of all of which the Governor was unconscious, as he was then some distance ahead.

When the Governor's party all reached the foot of the steps, Sherrard followed, still grasping his pistol and uttering offensive epithets. After following along one side of the building, he took a different direction, and in a few moments after was in close conversation with several prominent men of the place, boasting of what he had done, and of more than he actually did, and expressing his regrets that no provocation could be forced from the Governor sufficient to enable him (Sherrard) with a show of propriety or palliation, to effect his purpose. In this attempt upon the Governor, it has since been ascertained that several other persons were in complicity with Sherrard.

In the afternoon, a resolution, severely condemnatory of this insult to the Executive, was introduced by Mr. Martin White, in the House of Representatives; but it met with such a decided opposition that he was induced to withdraw it. Considerable excitement prevails among the people. While a few defend Sherrard, the community generally denounce him in the severest terms. All are satisfied that he is but the instrument of others occupying prominent positions, who seem determined to disturb the peace of the Territory.

A few days previous to the transaction above narrated, Sherrard met a young and quiet man named Jones, whom he violently assaulted for no other imaginable reason than that Mr. Jones was connected with the household of the Executive, and who was without weapons, and otherwise incapable of defending himself against a strong and well-armed man.

Failing to create a disturbance by this outrage, another, equally unprovoked, was attempted on the following day. Meeting the Governor's private secretary, who was just recovering from a protracted indisposition, and was still quite feeble, Sherrard attempted to provoke a quarrel with

him, and not succeeding by the use of offensive words, pushed him from him with one hand, at the same time striking him upon the face with the other, having his pistol ready, as usual, for use in case of resistance or retaliation. In this instance, serious consequences were prevented by the interference of bystanders. Several other breaches of the peace have also been made, within a short period, by this same individual.

DISPATCH TO GENERAL SMITH.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., February 9, 1857. }

SIR: There are certain persons present in Lecompton who are determined, if within the bounds of possibility, to bring about a breach of the peace. During the last few days a number of persons have been grossly insulted; and to-day an insult was offered to myself. A fellow named Sherrard had some days ago been appointed sheriff of Douglas county, which appointment was strongly protested against by a respectable number of citizens of the county, and I had deferred commissioning him. This, it appears, gave mortal offense to Sherrard, and he has made up his mind to *assassinate* me. This may lead to *trouble*. It must be prevented, and that, too, by immediate action. I require, therefore, two additional companies of dragoons, to report to me with the least possible delay; I think this is absolutely necessary, and I trust you will immediately comply with my request.

I write in great haste, as the messenger is about leaving.

I wish you would keep an eye upon Leavenworth city, as I hear of troublesome indications there. I am confident that there is a conspiracy on foot to disturb the peace, and various pretexts *will*, and have been, used to accomplish this fell purpose.

I am perfectly cool, and intend to keep so; but I am also more vigilant than ever.

Very truly, your friend,

JOHN W. GEARY.

Major General Persifer F. Smith, Commanding Department of the West.

ACTS APPROVED.

FEBRUARY 10.—

Gentlemen of the Council of Kansas Territory: I have the honor herewith to return you the following-named bills, with my approval:

An act to incorporate a ferry at Ogden, Kansas Territory, on the Kansas river.

An act to incorporate the Leavenworth Lyceum.

An act to declare a military road a public highway and a Territorial road.

An act to punish horse-stealing.

An act to incorporate the inhabitants of the town of Doniphan, in Doniphan county.

An act to amend an act entitled "An act concerning forcible entry and detainers."

An act to incorporate the Ogden Town Company.

An act to incorporate the town of Bloomington.

An act to declare the military road from Fort Leavenworth to Fort Laramie a Territorial road.

An act to establish a Territorial road.

An act to amend an act entitled "An act concerning the plats of towns and villages."

JOHN W. GEARY,

Governor of Kansas Territory.

LECOMPTON, K. T., February 10, 1857.

Commissions were issued to John Evans, as assessor; E. C. Austin, as coroner; Alexander Hamilton, as clerk of the board of county commissioners; Thomas Crabtree, as county treasurer; and M. E. Grimes, as sheriff; all of Coffey county, Kansas Territory.

ACTS APPROVED.

To the Members of the Council of Kansas Territory—GENTLEMEN: I have the honor to return, with my approval, the following bills, viz.:

An act supplemental to an act entitled "An act to incorporate the city of Leavenworth, Kansas Territory."

An act to establish a Territorial road from Paola, to intersect the Territorial road from Lecompton to Cofachique, at the town of Pierce.

An act to establish a Territorial road from the city of Kickapoo to the city of Lecompton.

An act to incorporate the Planter's Hotel Company.

An act to change the name of Jennette S. H. Martin to Jennette S. H. Burriss.

An act to incorporate the St. George Bridge Company.

An act to establish a Territorial road from Leavenworth to Lecompton, diverging to Lawrence.

JOHN W. GEARY, *Governor of Kansas Territory.*

EXECUTIVE DEPARTMENT, LECOMPTON, K. T., February 10, 1857.

FEBRUARY 11.—

ACTS APPROVED.

Gentlemen of the Council of Kansas Territory: I have the honor herewith to return you, with my approval, a bill entitled "An act to define the several judicial districts of Kansas Territory, and another entitled "An act to incorporate the Buffalo Town Association of Kansas Territory."

JOHN W. GEARY,

Governor of Kansas Territory.

LECOMPTON, K. T., February 11, 1857.

LETTER FROM JUDGE CATO.

LECOMPTON, KANSAS TERRITORY, February 6, 1857.

SIR: Yours of this date is just received, and, in answer to which, I have to state that I shall take pleasure in holding a special term of court for the trial of the prisoners at Tecumseh at the earliest possible opportunity. I had intended to prevail on the Legislature, if I could, to allow special terms of court whenever the Judges, in their opinion, deemed the public good required it, and shall present the subject of your note as showing the necessity of the thing; and doubt not that an act will be passed, and that I shall be enabled to hold court one day of the next week for the trial of which you speak.

Most respectfully, your obedient servant,

S. G. CATO.

His Excellency John W. Geary.

Commissions were issued to Owen A. Bassett, as notary public for Leavenworth county.

Nathaniel Boydston, as justice of the peace for Franklin township, Calhoun county.

Churchhill Fulton, as constable for the township of Half-Day, Calhoun county.

REQUISITION FOR UNITED STATES TROOPS.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., February 11, 1857. }

SIR: The occurrences of the last few days seem to render a considerable force necessary at this place. Please send me twelve of your most reliable men, to remain here a few days, or until the river falls sufficiently for troops to cross. Send them to reach here to-night.

Yours truly,

JOHN W. GEARY,

Governor of Kansas Territory.

Captain Flint, Commanding United States Troops at Tecumseh.

PROCEEDINGS OF A MEETING AT BIG SPRINGS.

FEBRUARY 12.—The following copy of the proceedings of a public meeting of the citizens of Big Springs and vicinity, held on the night of the 11th instant, in consequence of the recent attack upon the Governor, was this day presented by a committee appointed for that purpose:

BIG SPRINGS, K. T., February 12, 1857.

In view of the late gross insult offered to the Governor of the Territory; and in view of the action taken by the House of Representatives, virtually approving the deed; and in view of the general course and policy of the Legislature in opposing the measures recommended by Governor Geary: We, the citizens of Big Springs, in a public meeting called for the purpose, and held on the night of February 11th, do most heartily—

Resolve, That we regard the late insult upon the person of the Governor, its indorsement by the House, and the continued indignities heaped upon him and his officials by the Legislature, as well as by certain individuals, as most gross and ruffianly, and worthy of the denunciation of every honorable, high-minded citizen in the Territory. And we do further

Resolve, That Governor Geary, in his general course of policy, has our hearty approval; and in carrying out the tone and spirit of his late message he will have our earnest support and cooperation.

Resolved, also, That we denounce the present Legislature as insurrectionary, and its spirit as detrimental to the true interests of Kansas, not by any means overlooking many good men associated with that body who labor hard to effect a beneficent legislation. These men have our gratitude; while we regard the majority as false to the Union and false to the Governor, whom it is their duty to support and aid in the settlement of the difficulties of their Territory. And

Resolved, finally, That we tender to Governor Geary our sympathies, as well as our support and cooperation, and pledge him, to the extent of our power, all the assistance in this emergency that he may ask of us, feeling very confident that the honest heart and powerful arm of every freeman in Kansas will be ready at once to respond most cheerfully to these our sentiments.

Resolved, That a copy of these resolutions be sent to the Governor as soon as practicable.

R. W. CUSTARD, *President.*

P. H. TOWNSEND, *Secretary.*

FEBRUARY 14.—

ACTS APPROVED.

Gentlemen of the Council of Kansas Territory: I have the honor to return you, with my approval, the following-named bills:

An act for the relief of John W. Smith.

An act to incorporate the town of Shawnee.

An act authorizing N. B. Blanton to receive tolls.

An act to amend an act to provide for the pay of officers and others.

An act to incorporate Breckinridge College.

An act to incorporate the inhabitants of the town of Delaware, in Leavenworth county.

An act to incorporate the Buchanan Town Company.

An act regulating actions.

JOHN W. GEARY,

LECOMPTON, K. T., February 14, 1857.

Governor of Kansas Territory.

ACTS APPROVED.

Gentlemen of the House of Representatives of Kansas Territory: I have the honor to return you, with my approval, the following bills, to wit:

An act to locate and establish a Territorial road from the city of Lecompton to the county seat of Allen.

An act to amend an act concerning strays.

An act to incorporate the Manhattan Institute.

An act to incorporate the city of Atchison.

An act to amend an act entitled "An act to incorporate the city of Lecompton."

An act to incorporate the Town Company of Eureka.

An act to incorporate the town of Shannon.

An act to incorporate the Manhattan Town Association.

An act to charter a ferry across the Kansas river at Calhoun, in the Territory of Kansas.

An act to incorporate the Brownville Town Company, in Shawnee county.

An act to incorporate the Newcastle Town Company.

An act supplemental to an act to provide for the location of Territorial roads in the Territory of Kansas.

An act to incorporate the Town Company of Vermilion City.

An act to legalize the acts of the board of county commissioners of the county of Anderson.

An act to regulate hedging on roads and highways.

An act to incorporate the Topeka Bridge Company.

An act to authorize William F. and G. M. Dyer to establish a bridge across Grass-hopper creek, at the town of Osawkee, in Jefferson county.

An act to incorporate the Sprattsville Town Company, in Bourbon county.

An act to incorporate the Atchison Hotel Company.

An act incorporating Manhattan City, Kansas Territory.

An act incorporating the Woodson Town Company.

An act to incorporate the town of Mount Pleasant.

An act to incorporate the town of St. Bernard.

An act to incorporate the Greenwood Town Company, Brown county.

An act to incorporate the Palmetto Town Company.

An act to incorporate the city of Palermo, Kansas Territory.

An act to incorporate the Tarromee Town Company.

An act to incorporate the Big Springs Town Association, near the county line, between the counties of Shawnee and Douglas.

An act to incorporate the Town Company of Wyola.

An act to incorporate the Town Company of America.

An act to incorporate the Town Company of Pierce.

An act to incorporate the city of Topeka.

An act to detach the county of Brown from the county of Doniphan, and to organize Brown county.

An act incorporating the city of Iowa Point.

An act to establish a Territorial road from the town of Atchison to Vermilion City.

An act to incorporate the town of Paris, in the county of Linn.

An act to incorporate the Missouri River & Nemaha Railroad Company.

An act to locate and establish a Territorial road from the Missouri State line at or near Fail's store, via Barnesville, via Miller's store, in Bourbon county, to Cof-achique, in Allen county, Kansas Territory.

- An act to incorporate the New Castle Coal and General Mining Company.
 An act for the relief of the collectors of the public revenue.
 An act to establish a ferry on the Kansas river, at the crossing of the Territorial road, running from Bernard's store to Leavenworth city.

JOHN W. GEARY, *Governor of Kansas Territory.*

EXECUTIVE DEPARTMENT, LECOMPTON, KANSAS TERRITORY, February 14, 1857.

FEBRUARY 16.—

LETTER TO THE ARCHITECT OF THE CAPITOL.

EXECUTIVE DEPARTMENT,
 LECOMPTON, KANSAS TERRITORY, February 16, 1857. }

SIR: In order that I may be able to make out a final estimate on the capitol building at this place in favor of Dr. Rodrigue, it is absolutely necessary that you come here without delay.

I trust you will not hesitate, but will come up at once, as I am anxious to close the affair.

Yours, very truly,

JOHN W. GEARY.

William Rumbold, Esq., St. Louis, Mo.

Commissions were issued to Thomas Hill, as sheriff; Miles Morris, as assessor; Samuel McDaniels, James McGee, and —— Sutton, as justices of the peace; Thomas Owens, John H. Rockus, Joshua Griffith, and John Anderson, as constables; and John McDaniels, as county commissioner, *vice* John Waterman, removed from the county—all in and for the county of Anderson.

FEBRUARY 17.—

ACTS APPROVED.

Gentlemen of the Council of Kansas Territory: I have the honor to return, with my approval, sundry bills, entitled:

- An act entitled "An act in relation to railroad companies."
 An act to define the duties of sheriffs and collectors of the revenue.
 An act to incorporate the Palmetto Hotel Company.
 An act to incorporate the county of Breckinridge.
 An act to incorporate the Wakarusa City Company.
 An act to incorporate the Town Company of Charlotteville.
 An act to incorporate the Prairie City Coal Mining Company.
 An act to incorporate the Wakarusa City Seminary.
 An act to locate the penitentiary.
 An act in relation to resignations.
 An act to encourage the navigation of Kansas river.
 An act to incorporate the St. George & St. Joseph Railroad Company.
 An act to authorize the formation of railroad associations, and to regulate the same.
 An act to incorporate the Nicaragua Town Company.
 An act to incorporate the Midway Town Association, Johnson county, Kansas Territory.
 An act to incorporate the Madison Town Company.
 An act to organize the county of Coffey.
 An act to amend certain parts of an act entitled "An act concerning corporations."

- An act to locate a Territorial road from Prairie City to the town of Lecompton.
- An act to incorporate the Sonora Town Association.
- An act for the better protection of Luther M. Carter, and the Tecumseh Town Association.
- An act to incorporate the Powhattan Town Company.
- An act in relation to associations.
- An act in relation to incorporations.
- An act to authorize judges of the probate court to take the acknowledgment and proof of deeds and other instruments, and to confirm certain acts of the same.
- An act legalizing the acts of probate judge and county commissioners of Shawnee county.
- An act concerning tender and confession.
- An act to amend an act to establish and regulate justices' courts.
- An act to incorporate the Tecumseh Cemetery Association.
- An act amendatory of an act entitled "An act to provide for the location of Territorial roads in the Territory of Kansas."
- An act to incorporate the Carolina Town Company.
- An act supplemental to an act entitled "An act to incorporate the Lecompton Bridge Company."
- An act to incorporate the Lecompton Improvement Association.
- An act to incorporate the town of Hiawatha.
- An act to incorporate the Lawrence Bridge Company.
- An act to authorize the city of Leavenworth to borrow money.
- An act to incorporate the Prairie City and Missouri State Line Railroad Company.
- An act to incorporate the Claytonville Town Company.
- An act to establish a Territorial road from opposite St. Joseph, Missouri, to St. George, in Kansas Territory.
- An act entitled "An act to locate a Territorial road from Marysville, in Marshall county, Kansas Territory, to Council Grove, in the county of Wise."
- An act prescribing the compensation of county treasurer.
- An act to incorporate the Central Railroad Company of Kansas Territory.
- An act to punish rebellion.
- An act to incorporate the Ottawa Town Company.
- An act to incorporate the Marysville or Palmetto & Roseport Railroad Company.
- An act supplemental to an act entitled "An act to incorporate the Kansas River Bridge Company."
- An act to establish a ferry at Wyandotte city, in the Territory of Kansas.
- An act supplemental to an act entitled "An act to regulate proceedings upon writs of mandamus."
- An act supplemental to an act entitled "An act to fix the time of holding the Supreme Court."

JOHN W. GEARY,

Governor of Kansas Territory.

EXECUTIVE DEPARTMENT,

LECOMPTON, KANSAS TERRITORY, February 17, 1857.

FEBRUARY 18.—Commission issued to E. C. K. Garvey, as notary public, at Topeka, Shawnee county; Fielding Burns, as notary public, at Quindaro, Leavenworth county; D. A. N. Grover, as notary public, at Leavenworth city, Leavenworth county.

RESOLUTION OF HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES, February 17, 1857.

I am instructed by the House to inform you of the passage of the following resolution by that body, on Monday, 9th February:

"Resolved, That the Governor be respectfully requested to inform the House with as little delay as possible whether he has appointed any county officers in the Territory; and if any, who and to what office; whether he has commissioned the same; and under what authority of law said appointments were made."

Respectfully yours, R. C. BISHOP, *Chief Clerk of House.*

John W. Geary, Governor of Kansas Territory.

REPLY.

Gentlemen of the House of Representatives of Kansas Territory: In reply to your resolution of the 9th instant, I have the honor to inform you that on the 8th of January last I issued commissions to William Woolman as probate judge, Richard Burr and Samuel Locke as county commissioners, Turner Locke as constable, and J. B. Scott as justice of the peace, all of Coffey county.

At the time these commissions were issued, Coffey county was not organized, and the citizens were without legal means of transacting the necessary business of the county; and it was represented to me, and the fact substantiated to my satisfaction, that proper authority must somewhere be vested to prevent threatened breaches of the peace, and a resort to mob violence or lynch law, such being the necessity of the case.

The citizens, for their own protection and safety, had held an election *viva voce*, for the county officers above named, and the gentlemen commissioned, I am informed, were thus elected by at least four-fifths of the *bona fide* residents or legal voters of the county.

Upon their application to me for commissions, I consulted with Hon. Sterling G. Cato, the United States District Judge of the judicial district of which Coffey county formed a part, who advised the issuing of the commissions.

The Judge concurred with me in the opinion, that as there seemed to be no law intervening between me and the organic act, and in the absence of any legislative action on the subject, and in view of the absolute necessities of the case, as expressed by so large a vote of the actual citizens, the required provisions should at once be made to meet the contingencies which the peculiar condition of Coffey county presented.

JOHN W. GEARY,

Governor of Kansas Territory.

EXECUTIVE DEPARTMENT, LECOMPTON, K. T., February 18, 1857.

ACTS APPROVED.

Gentlemen of the House of Representatives of Kansas Territory: I have the honor to return, with my approval, the following-named bills:

An act to incorporate the Willow Spring Town Company.

An act to incorporate the Franklin Town Company.

An act to incorporate the town of Agnes City, in Breckinridge county.

An act to amend an act entitled "An act to prevent the firing of woods, marshes and prairies."

An act establishing a Territorial road from the city of Lecompton to the town of Richmond, in the county of Nemaha, and to other points.

An act to locate a Territorial road from Palermo to Fort Riley.

An act to incorporate the Atchison & Fort Riley Railroad Company.

An act to incorporate the Atchison & Lecompton Railroad Company.

An act to authorize the city of Lecompton to borrow money.

An act to establish a Territorial road from Lodiana to a point opposite St. Joseph, Missouri, by way of the city of Palermo.

An act prescribing oaths for officers and others in the Territory of Kansas.

An act to declare the military road from Fort Riley to Bent's Fort a Territorial road.

An act to establish a Territorial road from Doniphan to Claytonville, in Brown county.

An act to incorporate the Kansas Valley Bank.

An act to incorporate the Sebastian Town Association.

JOHN W. GEARY, *Governor of Kansas Territory.*

LECOMPTON, KANSAS TERRITORY, February 18, 1857.

VETO MESSAGE.

Gentlemen of the Council of Kansas Territory: After mature consideration of the bill entitled "An act to provide for the taking of a census, and election for delegates to convention," I am constrained to return the same without my approval.

Passing over other objections, I desire to call your serious attention to a material omission in the bill.

I refer to the fact that the Legislature has failed to make any provision to submit the constitution, when framed, to the consideration of the people for their ratification or rejection.

The position that a convention can do no wrong, and ought to be invested with sovereign power, and that its constituents have no right to judge of its acts, is extraordinary and untenable.

The history of State constitutions, with scarcely an exception, will exhibit a uniform and sacred adherence to the salutary rule of popular ratification.

The practice of the Federal and State governments, in the adoption of their respective constitutions, exhibiting the wisdom of the past, will furnish us with a safe and reliable rule of action.

The Federal Constitution was first proposed by a convention of delegates from twelve States, assembled in Philadelphia. This constitution derived no authority from the first convention. It was submitted to the various States, fully discussed in all its features, and concurred in by the people of the States in conventions assembled; and that concurrence armed it with power and invested it with dignity. Article 7th of the constitution makes the ratification of nine States, three-fourths of the number represented in the convention, essential to its adoption.

In the adoption, not only of the Federal Constitution but of nearly all the State constitutions, the popular ratification was made essential, and all amendments to those of most of the States are required to pass two Legislatures, and then be submitted to the people for their approval.

In Kentucky, especially, all amendments to the constitution must pass two Legislatures, and for two years be submitted to the vote of the people, upon the question of convention or no convention, on the specific amendments proposed.

Treaties made by ambassadors are not binding until duly ratified by their respective governments, whose agents they are.

Members of the Legislature or of conventions are but the agents of the people, who have an inherent right to judge of the acts of their agents, and to condemn or approve them as in their deliberate judgment they may deem proper.

The fundamental law of a commonwealth, so inseparably connected with the happiness and prosperity of the citizens, cannot be too well discussed, and cannot pass through too many ordeals of popular scrutiny.

What delegates to conventions may do or what omit cannot be known until they have assembled and developed their action. If the whole power be vested in them without recourse over to the people, there is no guaranty that the popular wishes will be fairly and fully expressed.

Although the people may have voted for a convention to form a State constitution, yet they have, by no just rule of construction, voted away the usual and universal right of ratification.

Special instructions, covering every point arising in the formation of a constitution, cannot be given in the elections preliminary to a convention; and it is, therefore, proper that the action of the convention, necessarily covering new ground, should be submitted to the people for their consideration.

The practical right of the people to ordain and establish governments is found in the expressive and beautiful preamble to the Federal Constitution, "We, the people," &c., "do ordain and establish this constitution."

Let the Constitution of Kansas be ratified and established by the solemn vote of the people, surrounded by such safeguards as will insure a fair and unbiased expression of the actual, *bona fide* citizens, and it will remain inviolably fixed in the affections of the people.

In his report upon the Toombs bill, its distinguished author thus logically enumerates the various steps in the formation of a constitution: "The preliminary meetings; the calling of the convention; the appointment of delegates; the assembling of the convention; the formation of the constitution; *the voting on its ratification*; the election of officers under it."

In the same report the author most justly remarks: "Whenever a constitution shall be formed in any Territory, preparatory to its admission into the Union as a State, justice, the genius of our institutions, the whole theory of our republican system, imperatively demands that *the voice of the people shall be fairly expressed and their will embodied in that fundamental law*, without fraud or violence or intimidation, or any other improper or unlawful influence, and subject to no other restrictions than those imposed by the Constitution of the United States."

The voice of the people fairly expressed, and its embodiment in the fundamental law, should be the earnest desire of every citizen of a republic.

But how can the voice of the people be fairly expressed, and their will be embodied in the organic law, unless that law, when made, be submitted to them to determine whether it is their will which the convention has proclaimed?

The leading idea and fundamental principle of our organic act, as expressed in the law itself, was to leave the actual, *bona fide* inhabitants of the Territory "perfectly free to form and regulate their domestic institutions in their own way." The act confers almost unlimited power upon the people, and the only restriction imposed upon its exercise is the Constitution of the United States.

The great principle, then, upon which our free institutions rest, is the unqualified and absolute sovereignty of the people; and constituting, as that principle does, the most positive and essential feature in the great charter of our liberties, so is it better calculated than any other to give elevation to our hopes and dignity to our actions. So long as the people feel that the power to alter the form or change the character of the government abides in them, so long will they be impressed with that sense of security and of dignity which must ever spring from the consciousness that they hold within their own hands a remedy for every political evil, a corrective for every governmental abuse and usurpation.

"This principle must be upheld and maintained at all hazards and at every sacrifice—maintained in all the power and fullness, in all the breadth and depth, of

its utmost capacity and signification. It is not sufficient that it be acknowledged as a mere abstraction, or theory, or doctrine, but as a practical, substantial, living reality, vital in every part."

The idea of surrendering the sovereignty of the Territories, the common property of the people of the several States, into the hands of the few who first chance to wander into them, is to me a political novelty. Is it just that the Territories should exercise the rights of sovereign States until their condition and numbers become such as to entitle them to be admitted into the Union on an equality with the original States?

In speaking of the proper construction of the organic act, its distinguished author remarks: "The act recognizes the right of the people thereof, while a Territory, to form and regulate their own domestic institutions in their own way, subject only to the Constitution of the United States, and to be received into the Union, *so soon as they should attain the requisite number of inhabitants, on an equal footing with the original States* in all respects whatever."

In the report before alluded to the author says: "The point upon which your committee have entertained the most serious and grave doubts, in regard to the propriety of indorsing this proposition, relates to the fact that, in the absence of any census of the inhabitants, there is reason to apprehend that the Territory does not contain sufficient population to entitle them to demand admission under the treaty with France, if we take the ratio of representation for a member of Congress as the rule."

In accordance with the foregoing views, I remarked, in my first message to your body, that "the durability and imperative authority of a State constitution, when the interests of the people require a State government, *and a direct popular vote is necessary to give it sanction and effect*, will be the proper occasion, once for all, to decide the grave political questions which underlie a well-regulated commonwealth." And, in another portion of the same message, I said: "Justice to the country and the dictates of sound policy require that the Legislature should confine itself to such subjects as will preserve the basis of entire equality; *and, when a sufficient population is here*, and they choose to adopt a State government, that they shall be 'perfectly free,' without let or hindrance, to form all their domestic institutions in their own way, and to dictate that form of government which, in their deliberate judgment, may be deemed proper."

The expressions "requisite number of inhabitants," "sufficient population," and others, of similar import, can have no other meaning than that given them by our leading statesmen, and by the common judgment of the country, to wit, "the ratio of representation for a member of Congress."

The present ratio for a member of Congress is 93,420 inhabitants. What, then, is the present population of Kansas? or what will it be on the 15th of March next? as after that time no person arriving in the Territory can vote for a member of the convention under the provisions of this bill.

At the last October election the whole vote polled for Delegate to Congress was four thousand two hundred and seventy-six (4,276), while the vote in favor of a convention to frame a State constitution was but two thousand six hundred and seventy (2,670).

It is a well-known fact to every person at all conversant with the circumstances attending the last election, that the question of a State government entered but little into the canvass, and the small vote polled for a convention is significantly indicative of the popular indifference on the subject.

No one will claim that 2,670 is a majority of the voters of the Territory, though

it is a majority of those voting, and it is conceded that those not voting are bound by the act of those who did.

The bill under consideration seems to be drawn from the bill known as the Toombs bill; but in several respects it differs from that bill; and in these particulars it does not furnish equal guarantees for fairness and impartiality. The former secured the appointment of five impartial commissioners to take and correct the census, to make a proper apportionment among the several counties, and generally to superintend all the preliminaries so as to secure a fair election; while, by the present bill, all these important duties are to be performed by probate judges and sheriffs, elected by and owing allegiance to a party. It differs in other important particulars. The bill of Mr. Toombs conferred valuable rights and privileges upon this Territory, and provided means to pay the expenses of the convention; while this bill does neither.

If we are disposed to avail ourselves of the wisdom of the past, we will pause some time before we throw off our Territorial condition, under present circumstances, by the adoption of a State government.

The State of Michigan remained a Territory for five years after she had the requisite population, and so with other States; and when they were admitted, they were strong enough in all the elements of material wealth to be self-supporting. And hence they knocked at the door of the Union with that manly confidence which spoke of equality and self-reliance.

California was admitted under peculiar and extraordinary circumstances. Her rich mines of the precious metals attracted a teeming population to her shores, and her isolated position from the parent government, with her superabundant wealth, at once suggested the experiment of self-government; and at the time of her State constitution, ratified by the vote of the people, the population of California entitled her to two Representatives in Congress.

I observe by the message of the Governor of Minnesota that the population of that thriving Territory exceeds 180,000. The taxable property amounts to between thirty and thirty-five millions of dollars. And in view of these facts, and of the large increase of agricultural products, cash, capital, &c., the Governor favors a change from a Territorial to a State government. To this end he suggests that a convention be called to form a constitution; that an act be passed for the taking of a census in April, and for such other preliminary steps as are necessary; and that if the constitution be "*ratified by the people*" at the next October election, it shall be presented to Congress in December following.

These facts furnish an additional argument why the constitution should be submitted to the people, as the majority, preferring a Territorial government, and thinking a State government premature, may desire to avail themselves of that opportunity to vote against any State constitution whatever.

Burdened with heavy liabilities, without titles to our lands, our public buildings unfinished, our jails and court-houses not erected, without money even to pay the expenses of a convention; and just emerging from the disastrous effects of a most bitter civil feud, it seems unwise for a few thousand people, scarcely sufficient to make a good county, to discard the protecting and fostering care of a government, ready to assist us with her treasures, and to protect us with her armies.

JOHN W. GEARY, *Governor of Kansas Territory.*

LECOMPTON, KANSAS TERRITORY, February 18, 1857.

REQUISITION FOR TROOPS.

EXECUTIVE OFFICE,
LECOMPTON, K. T., February 18, 1857. }

SIR: In consequence of a serious disturbance of the peace of this city, just oc-

curred, I hereby request the aid of ten United States troops to assist in preserving order.

OWEN C. STEWART, *Mayor of Leocompton.*

His Excellency Governor Geary.

REQUISITION FOR TROOPS.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., February 18, 1857. }

SIR: You and your entire command are requested to report on foot, immediately, to me at this place. There is difficulty here. Two or three men have been shot. There is not a moment to be lost. Bring musketry ammunition.

Yours, &c., JOHN W. GEARY, *Governor of Kansas Territory.*

Captain Newby, Commanding troops near Leocompton.

FEBRUARY 19.—

ACTS APPROVED.

Gentlemen of the Council of Kansas Territory: The following-named bills are herewith returned, with my approval:

An act to incorporate the Monique Town Company.

An act to incorporate the Palermo & St. Joseph Railroad Company.

An act to incorporate the Virginia Town Company.

An act to establish a Territorial road from the city of Lawrence to the town of Burlington, in Coffey county.

An act to establish a Territorial road from Wakarusa city to Council Grove.

An act to locate a Territorial road from the town of Palermo westward to the town of Claytonville, in Brown county.

A bill to incorporate the Toronto Town Company.

An act to incorporate the Buchanan University.

An act to incorporate the Kansas Female Collegiate Institute.

JOHN W. GEARY, *Governor of Kansas Territory.*

LECOMPTON, KANSAS TERRITORY, February 19, 1857.

VETO MESSAGE.

Gentlemen of the House of Representatives of Kansas Territory: I have carefully examined an act supplementary to an act entitled "An act to grant preëmptions to school lands in certain cases;" and having compared with it the acts of Congress relative to school lands, I am constrained to believe that, as the school lands embraced in sections 16 and 36 have been reserved by a clause in the organic act, the disposal of them requires an enabling act of Congress.

JOHN W. GEARY, *Governor of Kansas Territory.*

LECOMPTON, KANSAS TERRITORY, February 19, 1857.

FEBRUARY 20.—

ACTS APPROVED.

To the House of Representatives of Kansas Territory—GENTLEMEN: I have the honor herewith to return you, with my approval, the following-named bills:

An act to incorporate the Springfield Town Company.

An act to incorporate the Missouri City Town Company.

An act to incorporate the Hamilton Town Company.

An act to incorporate the Centropolis Town Company.

An act to incorporate the Potosi Town Company.

An act to incorporate the Neoma Town Association.

An act to incorporate the Versailles Town Company.

An act to incorporate the Valley Town Company.

- An act to incorporate the Spartanburg Town Company.
 An act to incorporate the Marshall Town Company.
 An act to incorporate the Louisville Town Company, in Kansas Territory.
 An act to incorporate the Kansas College Association.
 An act to incorporate the Atchison Mill Company.
 An act to incorporate the Leavenworth Fire and Marine Insurance Company.
 An act to incorporate the Doniphan Coal and Mining Company.
 An act to incorporate the Wansoppea Town Company.
 An act to incorporate the Wheatland Town Company.
 An act to incorporate the town of Olathe.
 An act in relation to trespass on school lands.
 A bill to be entitled "An act to incorporate the Delaware & Lecompton Railroad Company."
 An act to amend an act relating to injunctions.
 An act to locate permanently the seat of justice of Leavenworth county.
 An act to locate a Territorial road.
 An act to establish a Territorial road from Leavenworth City to Peoria.
 An act to establish a Territorial road from Marysville via Richmond and Claytonville to the town of Troy.
 An act to amend an act for securing liens to mechanics and others.
 An act to establish a ferry at the city of Palermo, Doniphan county.
 An act to amend an act entitled "An act to provide for the collection of revenue."
 An act defining the powers and duties of county commissioners and other county officers in certain cases.
 An act to establish a Territorial road from the town of Atchison to the city of Lecompton via Wigglesworth's Ford, on Stranger creek.
 An act to establish a road from the town of Olathe, on the Santa Fé road, to the crossing of the Wakarusa, at Blue Jacket's.
 An act to incorporate the Missouri River Bridge Company.
 An act to provide for the location of the county seat of Davis county.
 An act to incorporate the Mine Hill Railroad and Mining Company.

JOHN W. GEARY, *Governor of Kansas Territory.*

LECOMPTON, KANSAS TERRITORY, February 20, 1857.

ACTS APPROVED.

Gentlemen of the House of Representatives of Kansas Territory: I herewith return, with my approval, the following bills:

- An act to borrow money for Territorial purposes.
 An act to incorporate the Coahoma Town Company.
 An act to incorporate the Westphalia Town Company.
 An act more particularly to define the boundaries of the several counties in Kansas Territory.
 An act to establish a ferry on the Kansas river.
 An act to amend an act entitled "An act providing for the establishment of common schools."
 An act for the relief of William J. Preston.

JOHN W. GEARY, *Governor of Kansas Territory.*

LECOMPTON, KANSAS TERRITORY, February 20, 1857.

APPOINTMENTS.

EXECUTIVE DEPARTMENT, }
 Lecompton, K. T., February 20, 1857. }

GENTLEMEN: I hereby nominate and appoint the following-named gentlemen to the following positions:

F. J. Marshall, of Marshall county, as major general, in place of William P. Richardson, deceased.

H. J. Strickler, of Shawnee county, comptroller of the treasury.

L. J. Hampton, of Jefferson county, as master of convicts.

JOHN W. GEARY, *Governor of Kansas.*

To the Council of Kansas Territory.

ACTS APPROVED.

Gentlemen of the Council of Kansas Territory: I have the honor to return, with my approval, the following bills, viz.:

An act to incorporate the St. George Town Company, and for other purposes.

A resolution to allow the clerks of Council and House of Representatives additional compensation.

A resolution in regard to the colonial records of Pennsylvania.

An act to prohibit the circulation of paper currency of a less denomination than three dollars.

An act to prevent civil officers from speculating in Territorial or county warrants.

An act to incorporate the Wewoka Town Company.

An act to amend the eleventh article of an act entitled "An act concerning costs."

An act to incorporate the Petrea Town Company.

An act to establish a Territorial road from the city of Leocompton, in Douglas county, by way of the town of Clinton, in said county, to the Sac and Fox agency, in Weller county.

An act to incorporate the Clinton Town Association, in Douglas county.

An act to incorporate the Stranger Bridge Company.

An act to incorporate the Lexington Town Association.

An act to provide for the pay of clerks.

An act to incorporate the Kansas Water Power and Manufacturing Company.

An act to lay out and establish a Territorial road from Paola and Centerville.

An act more definitely to define the eastern boundary of Leavenworth county.

An act to organize the county of Dickinson.

An act to incorporate the Tacoah Town Company.

An act to locate a Territorial road from the town of Shannon, the county seat of Anderson, to the town of Hampden, in Coffey county.

An act to incorporate the Rising Sun Town Association.

An act to incorporate the Eastern Kansas & Gulf Railroad Company.

An act to incorporate the Laurel Hill Cemetery Association.

An act to incorporate the Chaumiery Town Association.

An act to incorporate the St. Joseph & Topeka Railroad Company.

An act entitled "An act to incorporate the Kansas River Navigating Company."

An act to authorize certain persons to locate a ferry on the Missouri river between Kansas City and Wyandotte.

An act to incorporate the town of Burlington.

An act to incorporate the Geary City Association.

An act amendatory to an act entitled "An act attaching certain territory to the county of Madison."

An act to incorporate the St. Leander Town Company.

An act to incorporate the Cherokee Town Company.

An act to incorporate the Shenandoah Town Company.

An act to incorporate the Centropolis College.

An act to incorporate the county of Davis, in the Territory of Kansas.

An act making appropriations for the expenses of the Territory of Kansas for the year 1857.

An act to abolish the office of auditor of public accounts, and to create the office of comptroller of the treasury.

An act making appropriations for the years 1855 and 1856.

An act to incorporate the Eudora Town Association.

Council concurrent resolution petitioning Congress for the right of preëmption in a certain case.

An act authorizing certain persons to execute a trust, and convey title of W. H. R. Lykins to property received from the United States Government, upon the site occupied by the town of Lawrence.

An act to incorporate the Haskell College.

JOHN W. GEARY,

Governor of Kansas Territory.

LECOMPTON, KANSAS TERRITORY, February 20, 1857.

Gentlemen of the Council of Kansas Territory: I have the honor to return, with my approval, the following bills:

An act to authorize the Governor to sign certain laws.

An act supplemental to an act entitled "An act to incorporate the Lawrence Bridge Company."

An act to incorporate the Emporia Town Company, and to incorporate the city of Emporia, with a Territorial road thereto.

I shall have no further communication to make during the present session.

JOHN W. GEARY, *Governor of Kansas Territory.*

LECOMPTON, K. T., February 20, 1857.

Gentlemen of the House of Representatives of Kansas Territory: I have the honor to return, with my approval, bills entitled—

An act to amend an act entitled "An act to incorporate the city of Leavenworth."

An act entitled "An act to authorize a company to build a bridge across the Grasshopper creek, in the Territory of Kansas."

An act to incorporate the Grand Central Gulf Railroad Company.

An act to define and establish the Council and Representative districts for the second Legislative Assembly, and for other purposes.

An act to provide for the location of the county seat of Riley county.

An act to incorporate the Palermo Insurance Company.

An act to incorporate a ferry at the town of Quindaro, across the Missouri river.

I shall have no further communication to make during the present session.

JOHN W. GEARY, *Governor of Kansas Territory.*

LECOMPTON, K. T., February 20, 1857.

The foregoing is a correct copy of the executive minutes of Kansas Territory, from the 1st to the 20th of February, 1857, inclusive.

JOHN H. GIBON, *Secretary to the Governor.*

LECOMPTON, K. T., February 21, 1857.

EXECUTIVE MINUTES OF KANSAS TERRITORY, FROM FEBRUARY 21, 1857, TO MARCH 11, 1857, INCLUSIVE.

ADJOURNMENT OF THE LEGISLATURE.

FEBRUARY 21, 1857.—At 12 o'clock, midnight, both branches of the Legislative Assembly having just adjourned, all the members, together with the

clerks, doorkeepers, and other attachés, with a number of citizens, visited the Governor in a body at his residence. Upon their reception the Governor addressed them at length upon the past, present, and future of the Territory, and on the agreeable termination of the labors of the Legislature. He was happily responded to by the President of the Council, the Speaker of the House of Representatives, and several prominent members and others; after which a universal interchange of kindly sentiments took place. Most of the members departed early this morning for their various homes.

LETTER TO THE SECRETARY OF STATE.

EXECUTIVE DEPARTMENT,
LECOMPTON, KANSAS TERRITORY, February 21, 1857. }

SIR: Since my last dispatch nothing of much importance has transpired here.

The Legislature has passed a bill calling a convention to frame a State constitution, the delegates to be elected in June, three months' previous residence being required for voters. Convention to meet in September next. As the bill contained no provision to submit the constitution, when framed, to the people for ratification or rejection, I esteemed it my duty to return it without my signature. My message on this subject will be found in my executive minutes, herewith transmitted. The Legislature passed the bill, notwithstanding my objections.

As there will be a number of popular elections during the present year which will create excitement, it will be necessary for the Executive to be well sustained by United States troops, who are not affected by partisan considerations, in order that any breach of the peace from any quarter be promptly suppressed. I would, therefore, suggest that a sufficient force of dragoons be stationed at Fort Leavenworth to respond to any call of the Executive in cases of emergency.

Some disturbances occurred at this place on Wednesday last, at a public meeting held by the citizens of this and the adjoining counties, without distinction of party, over which the mayor of the city presided.

The assemblage were up on Capitol square, for the purpose of expressing their views relative to the recent assault upon the Executive, and of declaring their sentiments relative to his official actions. A committee to draught the customary resolutions were appointed, and while this committee were engaged in the discharge of their duty several addresses were made.

Upon the resolutions being read, William T. Sherrard, who had previously made an attack upon myself and my private secretary and another member of my household, took the stand, and pronounced the committee who reported the resolutions, and all who indorsed them, as liars, cowards, and scoundrels. Mr. Sheppard, a citizen present, remarked that he was neither, and that he indorsed the resolutions; whereupon Sherrard drew a pistol, (he having provided himself with two six-shooters and a bowie-knife expressly for the occasion,) and fired upon Sheppard, wounding him twice. Several shots were fired, and in the affray Sherrard was shot in the head. Both Sheppard and Sherrard were seriously wounded, but there is every chance that both will recover.

From all the circumstances, I am satisfied that there was a predetermination on the part of Sherrard and his friends to disturb and break up the meeting by violence, and it is very fortunate that much more injury was not done.

Since the meeting of the Legislature in this place there has been considerable agitation here, and it is to be hoped that the explosion of Wednesday last will have the effect of calming the agitated elements.

I do not think it necessary to refer to other subjects, as they are particularly noted in my executive minutes. Your obedient servant, JOHN W. GEARY.

Hon. William L. Marcy, Secretary of State, Washington, D. C.

N. B.—William T. Sherrard, the person alluded to in the foregoing letter, died on the morning of Saturday, the 21st instant, a few hours after the letter was dispatched for Washington.

PARDONS GRANTED.

Upon the petition of members of the Legislature and numerous citizens of Doniphan county, pardons were granted to F. M. Mahan, Augustus Morques, Francis Yocum, and Daniel Fulton, Messrs. Beeler & Co., and William Pœpyes, severally convicted at the last August term of the first district court, held at Whitehead, in Doniphan county, for selling liquor without license, it having been shown that the parties named were ignorant of the existence of any law, or the means to ascertain that fact, making the offense of which they were convicted criminal and punishable.

LETTER FROM THE SECRETARY OF STATE.

DEPARTMENT OF STATE, }
WASHINGTON, February 4, 1857. }

SIR: The original letter, of which the inclosed is a copy, was brought to the notice of the President a few days since by Hon. James A. Pearce, of the United States Senate. The discrepancies between the statements of this letter and those contained in your official communication of the 19th of September last are such that the President directs me to inclose you the copy for explanation.

I am, sir, respectfully, your obedient servant,

W. L. MARCY.

John W. Geary, Esq., Governor of Kansas, Leocompton.

LETTER OF JUDGE LECOMPTE.

LEAVENWORTH CITY, KANSAS TERRITORY, December 23, 1856.

MY DEAR SIR: I take pleasure in furnishing you the facts in the case of Hayes, which I see by your letter, as well as by newspaper items, has obtained a notoriety vastly disproportioned to its real consequence.

On the last day of the term of my court, held at Leocompton, for the First District, application was made by the counsel of Hayes for bail. Understanding that he was indicted for murder, I observed that I could not admit to bail, unless testimony was offered tending to acquit him of the charge. I was asked by his counsel whether I would hear such testimony, the term of the court being limited, and that being the last day of the session. I said I would. A witness was called, who stated that he was with the prisoner on the day named in the indictment, and that they were coming in company from Leocompton to Leavenworth. I inquired for and had called the witnesses on the part of the Territory. They were not in attendance. The matter being submitted upon this evidence, and some observations by his counsel, who claimed to have thus furnished proof of an alibi, I declined to admit him to bail, stating as my reason that I did not consider the day named as an averment material to be proved, and that, while the proof exonerated him from the charge on that day, it was possible, and consistent with the evidence offered, that he was guilty of the crime on another day, before or after, and committed him to the custody of the Marshal. In the afternoon, by his counsel, he asked permission to offer other and additional testimony to have a further hearing upon his application. I granted; some two or three (three, I think) other witnesses were sworn, who concurred in saying that they were with Hayes in the ranks of the militia, returning from Lawrence to Leocompton, on the day of the murder and that he was in the ranks during the day, and that they frequently saw him. I again had the witnesses for the Government called. They not being forthcoming, I stated that I was not fully satisfied to bail. At this moment the District Attorney, prosecuting on behalf of the Government, arose and stated that he knew Hayes well; that he was a neighbor of his; and that he had full confidence that Mr. Hayes could give good bail, and would be forthcoming to answer the charge if bail were allowed; and that he had no objection to his being admitted to bail.

I immediately replied, that being the case, if he can give sufficient security in the sum of ten thou-

sand dollars, I will take it. It was immediately given, and he was discharged. But for subsequent occurrences, I know not that I should have thought of the matter again from that day to this. It attracted no more of my attention than any other case upon which I have acted. I never heard the matter mentioned, as I now recollect, except as I have detailed it. I had never seen Hayes before, to my knowledge, and should not now know him, but for the same subsequent occurrences. I cared neither more nor less for him than any other person arraigned before me. I saw Governor Geary that evening, and received from him the same courtesy which had marked all our intercourse, neither knowing nor thinking whether he knew or cared anything about Hayes. He politely asked me, when I stated that I was going home in the morning (this was Saturday), to remain and take a seat with him to Leavenworth on Monday. I declined, stating that, having been so long (a month) from my family, I was very anxious to get home.

I saw him again in the morning, when he repeated the invitation, which I again, for the same reason, declined, and in a few minutes started, in company with a number of friends, for home.

To my infinite surprise, I learned from the Marshal, who, passing my house, called to see me the next Wednesday, that the Governor had ordered him to rearrest Hayes, and that upon his refusal Colonel Titus had been ordered to rearrest him, and had left Leecompton for that purpose.

A day or two afterwards application was made to me by Hayes for an *habeas corpus*. This I issued. Being brought before me on the return-day, and the matter being submitted, I discharged him. I trouble you with copies of the application, the *habeas corpus*, &c., &c.

Thus the matter ended here, but to be renewed, as it seems, throughout the country. While I much regret that so unexpected a notoriety should have been given to an ordinary official act, I have the consolation to know that it has not been by any act of aggression on my part, and, as I think, by no unwarranted assumption of power.

That I had a right to bail Hayes, is as clear to my mind as any legal proposition.

It follows, I suppose, from the legislative adoption of the common law, (see 3 East, page 167, *King vs. Marks*), and is given in the most ample terms by the large jurisdiction conferred by the Kansas act upon the district courts of the Territory, in connection with the judiciary act of 1789.

I have exercised the same power at the fall term of my court preceding that above mentioned, in favor of Robinson, Brown, and others, indicted for high treason. I had bailed them on the ground that they tendered themselves ready for trial and the Government was not ready, but asked a continuance, and that upon grounds which, though not strictly legal, seemed to me to entitle them to it, but yet grounds—namely, the public disturbances—for which I could not regard the prisoners as responsible. I felt that it would be oppressive, under those circumstances, to hold them in custody, and, against the argument of the representative of the Government, bailed them. In Hayes's case I exercised the same power, but with the acquiescence of the District Attorney, as I have stated.

Besides this acquiescence, however, and the testimony as mentioned, I had the following additional reasons for doing so:

The statutes, ch. 129, art. 5, sec. 1, entitled him to demand a trial. This presupposed the Government to be ready; and when its witnesses were called, it was its laches, and not Hayes's, that they were not in attendance. I presumed again, from the acquiescence of the District Attorney, that there was no case against him which would make it at all imperative that he should be holden in custody. This presumption I based upon the provisions of statutes, 131 and 129, art. 3, secs. 6, 7, and 8. Moreover, I was well satisfied that the great purpose alike of bail and of commitment, the having the party forthcoming to answer the charge, was more likely to be obtained by bail than by commitment.

There had been no instance in which I had committed criminals for murder for their appearance for trial. McCrea, committed, had escaped. Wilson, committed for the murder of his wife, had escaped. True, the prisoners then in custody had been so for a while, but it was evident as any fact that, with such means of security as existed, they could get out at any time. The late escape of thirty or more (I think) of their number shows this; and I know well it was nightly expected, while I was holding court, that they would escape. I believe, in common with almost everybody else, that they did not, only because they did not seriously apprehend that the law would be strictly enforced against them. I am far from intending by these suggestions to intimate that the Executive was not performing his duties. I simply mean that there was not, as there never has been, and now is not, any such thing as a place of secure imprisonment in the Territory. Without adding further on this point, I will but say that, feeling perfectly satisfied of my authority, and that I exercised my discretion honestly, I have nothing to recant, as I have nothing to excuse.

As to the reports that I had refused to bail others (Free-State men) for less offenses, believe me, sir, they are as false as if the devil told them, come from what source they may, as all reports are that represent me as having, in any solitary case, made the slightest distinction between suitors of one party and another. On the contrary, I name Boyles and Bainter, charged with robbery and assault with intent to murder, who were on bail up to the time of their trial; Brook, charged with assault with intent to murder, of whom I agreed to take bail, but committed him only for want of sufficient security; and well remember another case, though not the name, of one who was released either a day or two before Hayes, and is now at large on bail for his appearance at the next term, precisely as Hayes is,

charged with assault with intent to murder. The prosecutor I saw in court, one eye being shot out in the assault. These were released by precisely the same preliminary steps that Hayes was. Besides these cases, at the same term, I had heard testimony in the case of Brown and others at my spring term with the same view, but had declined to admit them to bail, because the evidence was totally unsatisfactory; and, after I had come home, agreed to take testimony, with the same view, in Robinson's case, he having been subsequently arrested, as they were, on the charge of treason, and being under indictment. More than this, after having fixed a day to go into Leavenworth for this purpose, he was taken up to Leecompton. I was then applied to by his counsel to go up there, and consented to do it, and started for the purpose, but was excused by him by the following note:

"LEAVENWORTH CITY, Saturday evening, March 31, 1856.

"DEAR SIR: On returning to town from your house this evening, I reflected very seriously on the inconvenience to which I was about to subject you in insisting upon your accompanying me to Leecompton in the morning, and, in view of the very little I had to hope from that troublesome ride, I have made up my mind not further to insist upon it. You will, therefore, my dear sir, so far as my deliberate judgment, as counsel for the prisoners at Leecompton, can excuse you from any neglect of duty in not going there, plead it in bar, for I do not require it. With my sincere thanks, therefore, for the very courteous manner in which you received me, and for the obliging consent to accompany me on a long and tedious journey, I beg leave to assure you of my most respectful consideration, and subscribe myself your obedient servant,

WM. H. BURSSELL.

"Hon. S. D. Leecompton, U. S. District Judge, K. T."

The only cases that occur to me having the semblance of refusal to bail are: one of Ritchie, and another of one of the number of men charged with murder at Hickory Point.

These were as follows: Ritchie was indicted in not less than six, perhaps eight, cases of robbery. On application for bail, about a week before the adjournment, I said to his counsel that I did not think I ought to allow bail in such a case; the presumption, from so many indictments, being all against the possibility of hasty action by the grand jury. It was then expected daily that the cases, or some of them, would be ready for trial. As the term approached a close, and it became inevitable that the cases should be continued, application was again made, and I consented to take bail. Being asked by his counsel to fix the amount in each case, when I was about to do so the District Attorney stated that he was also included in the indictment for murder in the attack upon Titus's house. This closed the application, his counsel not proposing to offer any exculpatory evidence, and the subject ended, not by a repeal, but under the very rule which I had applied in the case of Hayes, and of Robinson, Brown, &c., at the preceding terms, and which I had announced in all other similar cases.

In this case, it is true, I would have required, as I conceived my duty, a very strong case to be made, indicted, as he was, in so many aggravated cases, and himself manifesting no little destitution of principle, and an utter disregard of the laws.

The other was a case, called to my notice informally, upon which no action was had, of one of some eighty or more who had been committed by Judge Cato for murder at Hickory Point. The matter was called to my attention by some friend of the party, who bore a letter from Governor Geary, stating that he had called on him, and he had referred him to me.

I stated to him that I scarcely knew whether it would be worth while to make a formal application in the matter; that it was but a very short time before the matter would come before the grand jury, and that I was not satisfied as to the propriety of a rehearing of the matter by me, as he had been committed for trial by Judge Cato, who had as much authority in the premises as I had; that it was a pity that any peculiar circumstances of his case that would justify bail had not been presented to Judge Cato at the hearing by him; that, nevertheless, I would hear an application if one were made, though I much doubted, under the circumstances, whether I could do anything in the matter at any rate before the session of court; (my impression is that this occurred in vacation, between the hearing of the preliminary examination before Judge Cato and the term.) Being at the Governor's room at that day, he mentioned the subject, and I stated to him, in substance, as above, what I had said; with all of which he concurred. No application was made, nor did I hear more of the matter. I supposed that it was not thought of sufficient interest, as it was not more than a week or two before the probable disposal of the matter, to justify any further thought or action.

If either of these cases had been represented at Washington as a refusal by me to take bail in the case of "Free-State men," I pronounce such representation false.

While I cannot know certainly the motive, it is but a reasonable supposition that it was a malignant one. However this may be, the falsity of the statement is certain; and if any representation has been there made to the effect that in any single instance I have administered the law with any reference to the political opinions of suitors, it is basely false, no matter by whom made, to whom, or for what purpose.

I have thus, I fear at an unparadonable length, my dear sir, answered your questions. I have but to add that, entertaining for the President a high admiration, and for his position the profoundest respect, and for the Governor the most friendly feelings, and in his executive qualities great confidence, I yield to neither in integrity of purpose or official qualification; and while I have made to you these statements, I have to neither the one nor the other any explanations to make, otherwise than in court-
 esy, of my official action.

As they have sworn to see to the faithful execution, so have I sworn to see to the faithful administration, of the laws. If the President, conceiving himself empowered constitutionally so to do, shall remove me, very well.

While I hold the office I will exercise its functions as I have done, according to my best judgment and conscience, without ever thinking to inquire whether I please him, or the Governor, or anybody else.

If thus I shall, as hitherto I have done, enjoy the confidence and respect of those who know me — well, and thank God for it; but if otherwise, I shall submit with great cheerfulness rather to suffer under injustice than to excite, for future remorse, the bitter consciousness of sycophantic infidelity to duty.

Allow me, my dear sir, to assure you of my most sincere thanks for the friendliness which prompted your letter, and, while submitting to you this reply, for any use, without restriction, which you may be pleased to make of it, of the unqualified respect with which I have the honor to be,

Your obedient servant,

SAMUEL D. LECOMPTÉ.

Hon. J. A. Pearce.

LETTER TO THE SECRETARY OF STATE, IN REPLY.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., February 20, 1857. }

SIR: Your dispatch of the 4th instant, inclosing me a copy of Judge Lecompte's letter on the Hayes case, and calling my attention "to the discrepancies between the statements of that letter and those contained in your [my] official communication of the 19th of September last, and requesting 'explanation,'" was received by last mail.

In reply, I have simply to state that "what I have written I have written," and I have nothing further to add, alter, or amend on this subject.

My executive minutes, faithfully chronicling my official actions and the policy which dictated them at the time they occurred, and my various dispatches to the Government, contain but the simple truth, told without fear, favor, or affection; and I will esteem it a favor to have them all published for the inspection of the country.

Your obedient servant,

JNO. W. GEARY,

Governor of Kansas Territory.

Hon. Wm. L. Marcy, Secretary of State.

[Entry and acknowledgment of the receipt of vol. 28, Alabama Reports.]

ACTS APPROVED.

FEBRUARY 23.—Agreeably to an act of the recent Legislative Assembly, the following-named bills were this day approved by the Governor:

An act to incorporate the Emporia Town Company, and to incorporate the city of Emporia, with a Territorial road thereto.

An act supplemental to an act entitled "An act to incorporate the Lawrence Bridge Company."

An act to authorize the Governor to sign certain laws.

An act entitled "An act to authorize the Auditor to settle with the Comptroller of the Treasury."

An act to incorporate the Wepeahm Town Company.

A resolution recommending a manuscript book of forms.

An act supplemental to an act entitled "An act to provide for the auditing claims."

Joint resolution concerning the laws.

An act to authorize the payment of one hundred and twenty-nine dollars and eighty cents to George Matney.

An act to provide for the auditing of claims.

An act to regulate conflict of prosecutions in incorporated towns and cities.

An act to amend an act entitled "An act to incorporate the city of Leavenworth, Kansas Territory."

An act to organize the county of Franklin.

An act concerning conveyances.

An act supplemental to an act entitled "An act to incorporate the Leavenworth, Pawnee & Western Railroad Company."

An act to charter the city of Lawrence.

COMMISSIONS ISSUED.

Commissions were issued to A. I. Baker as probate judge, C. Columbia and Aaron Dow as county commissioners, and Elisha Goddard as sheriff, all in and for the county of Breckinridge.

Joseph Moon as probate judge, Uriah Humphrey and R. L. Elliott as county commissioners, and Jefferson Pigman as sheriff, all in and for Madison county.

A. J. Hoob and James P. Sanders as county commissioners in and for the county of Douglas.

John Randolph as probate judge and S. N. Silly and S. B. White as county commissioners in and for Riley county.

Robert Reynolds as probate judge, N. B. White and C. L. Sanford as county commissioners, and H. N. Williams as sheriff, all in and for the county of Davis.

Robert Wilson as probate judge, Chas. Jenkins and G. W. Gillespie as county commissioners, and — Wilson as sheriff, all in and for Pottawatomie county.

John B. Boyce as notary public for the county of Doniphan.

CIRCULAR FROM THE COLONEL OF ORDNANCE.

ORDNANCE OFFICE,
WASHINGTON, JANUARY 22, 1857. }

SIR: In order that arrangements may be made to answer the calls of the States and Territories for arms to be used during this year, under the laws for arming and equipping the militia, you are respectfully requested to inform this office what description of arms will be required by the Territory for 1857.

The quota assigned to the Territory for this year amounts to 137 muskets, to which being added $\frac{1}{3}$ of a musket due on last year's quota, there are now in all due $137\frac{1}{3}$ muskets.

The States and Territories are credited with their annual quota in terms of muskets. If other descriptions of small-arms or field artillery are required, they are charged at their cost, by their equivalent in muskets, as per accompanying statement.

Requisitions for arms should be transmitted direct to this office, and should state particularly whether the appropriate accoutrements, harness, &c., will be required, with the kind of arms that may be designated, and also the place where, and the person to whom, they are to be delivered.

No other arms or equipments will be issued but those of the patterns regularly adopted for the United States troops.

By the existing regulations, the arms will be delivered at any place within the

Territory situated upon navigable waters, or otherwise easily accessible, which may be designated by the Governor, or other authorized officer of the Territory.

The United States cannot, however, incur any extraordinary expense for transporting the arms to the interior by land.

Respectfully, your obedient servant,

H. K. CRAIG,
Colonel of Ordnance.

His Excellency the Governor of Kansas Territory.

COMMISSIONS ISSUED.

FEBRUARY 25.—Commissions were issued to John W. Russell, as notary public for Leavenworth county, Kansas Territory.

Lawrence Waldo, of Indianapolis, as commissioner of deeds for the State of Indiana.

E. D. Ladd, of Lawrence, as notary public for Douglas county, Kansas Territory.

William L. McMath, of Wyandotte city, as notary public for Leavenworth county, Kansas Territory.

John T. Scott, as surveyor of Anderson county, to fill the vacancy occasioned by the resignation of F. G. Palmer.

Thomas Dayarmond, as constable for the township of Kickapoo, in the county of Leavenworth, in place of S. W. Tunnell, resigned.

LETTER FROM GENERAL SMITH.

The following letter from General Persifer F. Smith, in reply to a requisition for troops to prevent a threatened breach of the peace, made on the 9th instant, was received on the 10th, two days previous to the disturbance on the Capitol square, resulting in the severe wounding of one man and the death of another:

HEADQUARTERS DEPARTMENT OF THE WEST, }
FORT LEAVENWORTH, February 11, 1857. }

GOVERNOR: I have the honor to acknowledge the receipt of your letter of the 9th instant, in which "you require immediately two additional companies of dragoons to report to you," in consequence of your confidence "that there is a conspiracy on foot to disturb the peace," and also acknowledge the receipt of a previous letter requiring a battalion to be sent to you in view of the large immigration expected here in the spring.

If you refer to the laws, you will observe that the President is authorized to call the military and naval forces, &c., into action to—first, repel invasion; second, to suppress insurrection; and third, to repress combinations to obstruct the execution of the laws too strong for the civil power. Insults or probable breaches of the peace do not authorize the employment of the troops.

Besides, all the forces here have been designated by the Secretary of War, and are under orders for other service more distant, and even the companies near you will have to be recalled. They are sufficient to repress any breach of the peace, and I cannot move them until the weather improves. But even they are to be employed to *aid the civil authority* only in the contingencies mentioned in the laws above referred to.

The garrison to be kept in the Territory will be available, if the President directs

their employment. The contingency under which the troops were acting I consider to have ceased.

Without the grossest imprudence on the part of the civil authorities in Leavenworth, I see not the slightest probability of any disturbance there, and, on inquiry, I can hear of none from various inhabitants.

With the highest respect, your obedient servant, PERSIFER F. SMITH,
Brevet Major General, Comd'g Dep't.

His Excellency J. W. Geary, Governor of the Territory of Kansas.

LETTER TO THE UNITED STATES TREASURER.

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., February 25, 1857. }

DEAR SIR: Being anxious to close and settle all the accounts connected with the capitol building at this place, I request that you order the balance left in the treasury at St. Louis by ex-Governor Shannon to be placed to my credit and subject to my draft, and have the same charged to my account at Washington.

Your obedient servant, JOHN W. GEARY,
Governor of Kansas Territory.

Hon. James Guthrie, United States Treasurer.

FROM THE COMPTROLLER OF THE TREASURY.

TREASURY DEPARTMENT, }
COMPTROLLER'S OFFICE, January 28, 1857. }

DEAR SIR: I herewith respectfully inclose to you the copy of statement of the differences existing upon adjustment at the treasury of the accounts of Hon. Wilson Shannon, late Governor of Kansas, and late the disbursing agent for the erection of the public (capitol) buildings of Kansas, adjusted per First Auditor's report and statement, No. 125,806, and by which there has been found to be due the United States a balance of \$8,634.18.

I also inclose extracts from a letter addressed to him yesterday at Lecompton, to which I call your particular attention in connection with the copy of statement of differences.

If Governor Shannon shall be present when this communication is received, be pleased to request him to transfer to you, or, in other words, to turn over to you, as Governor and disbursing agent, the same amount of \$8,634.18, and, if paid, to give him receipts in duplicate, or in some manner, for any amount or amounts actually paid over to you on account of the advances made to him out of the appropriation for the erection of the public buildings, and credit the amount so received from him to the United States in the first rendition of your account current.

You are requested to deduct from bills payable hereafter to persons in whose cases suspensions and disallowances have been made, and pay net balances only after such deductions. Separate entries will not be required for such deductions in your accounts current, but be pleased to furnish Governor Shannon with certificates in each instance, as mentioned in the letter to him, which certificates should be as specific as possible.

Most sincerely yours, ELISHA WHITTLESEY, *Comptroller.*

His Excellency John W. Geary, Governor of Kansas, and Disbursing Agent for the Erection of the Capitol, &c., Lecompton, Kansas.

THE UNITED STATES COMPTROLLER TO EX-GOVERNOR SHANNON.

TREASURY DEPARTMENT, }
COMPTROLLER'S OFFICE, January 27, 1857. }

SIR: Your favor, written at Lecompton the 4th instant, has been received. . . .

Your second account for disbursements out of the public buildings fund, rendered at St. Clairsville, Ohio, October 15th last, has been adjusted and certified this day, of which you have been advised by letter, directed to St. Clairsville, inclosing therein a statement of differences in explanation. A copy

of the letter mentioned, and the statement of differences will be made and transmitted to you at Lecompton. . . .

I have determined, for reasons that will appear obvious to you when you shall receive the statement of differences, to inclose a copy of the same to Governor Geary. A copy of this present letter will also be made and transmitted to your address at St. Clairsville; also a copy will be transmitted to Governor Geary, or at least extracts that will be pertinent.

You were advised on the 3d instant of the adjustment of your first account rendered, the differences in which are brought forward and fully explained in the adjustment certified to-day, and the differences. . . . In the letter written to you to-day, and referred to herein, you were requested, without delay, to deposit with the depository at Cincinnati the balance found due by the treasury adjustment of \$8,634.18, to take receipts in duplicate, &c. If you shall be at Lecompton when this letter arrives, you will be at liberty, and I have to request you will be pleased to pay over to Governor Geary the said amount under the appropriation, to take his receipt in duplicate, one of which be so good as to transmit to this office, when your accounts will be credited and Governor Geary charged therewith.

In cases of suspensions and disallowances, if Governor Geary shall deduct from bills or vouchers hereafter payable to any person or persons in whose cases suspensions have been made, and will give a separate certificate in each case thereof, the amounts so deducted, respectively, will be placed to your credit.

Touching percentages suspended, you will very readily perceive, if it had not been done, errors might have crept into the accounts of Governor Geary upon final payment; besides, it was a part of the stipulations of the contracts, and became obligatory.

Most sincerely yours,

ELISHA WHITTLESEY.

Hon. Wilson Shannon, late Governor of Kansas, Lecompton, Kansas.

Report 125,806.]	COMPTROLLER'S REPORT.	
<i>Statement of differences existing upon adjustment at the treasury of the account of Honorable Wilson Shannon, late Governor of Kansas, and late disbursing agent for the erection of the capitol buildings of Kansas, adjusted as per his rendition of account dated October 15, 1856, by First Auditor's report 125,806, in which adjustment is brought forward the differences existing per previous adjustment by report 123,749.</i>		
Amount found to be due the United States as per the treasury adjustment.....	\$8,634 18	
Amount or balance stated to be due the United States as per his account current.....	6,485 57	
Causing a difference of.....	\$2,148 61	
Which is thus explained:		
1st. Differences existing as per report 123,749:		
Amount charged as paid Wm. Rumbold, architect and superintendent, per vouchers 1, 5, and 9.....	\$1,300 00	
Less amount allowed under contract, being 4 per cent. on \$17,931.56 disbursed in this account.....	717 26	\$582 74
Add the following, sums overcharged, as paid Aristides Rodrigue, viz.: voucher No. 3, \$959.75 instead of \$767.80, difference being 20 per cent., to be retained under contract, and not deducted from voucher at time of payment.....		191 95
Voucher No. 8. Aristides Rodrigue, amount short retained on account of percentage, \$379.40 instead of \$779.44, viz.: sum disbursed in voucher, \$3,897.20, and 20 per cent. to be retained on that amount; difference.....		100 04
2d. Differences existing as per this adjustment, report 125,806:		
Voucher 1. Crouther and Overfelt, suspended for want of original voucher.....		110 95
Voucher 7. Hall and Cozens, for drayage and labor disallowed, articles to be delivered under contract at the levee in St. Louis free of charge.....		81 60
Voucher 9. O. C. Stewart, sub-superintendent, receipt dated July 22, 1856, paid in previous account on third quarter's compensation, \$100, extending to May 19, 1856, and \$300 now paid instead of \$200, the amount due.....		100 00
Voucher No. 13. A. Rodrigue, for 23,690 feet cottonwood at 3/4 cents, \$836.60 instead of \$778.70; difference in item.....		59 90
Error in addition of voucher, charged at \$2,916.13 instead of \$2,915.73, the correct amount of addition.....		40
		\$60 30
From which deduct short multiplication of item No. 3 in voucher, viz.: 7,598 feet oak lumber at 3/4 cents per foot, multiplied \$227.98, whereas it should have been \$265.93; difference.....		37 95
Net disallowed.....		\$22 34
To which add 20 per cent. on net amount of voucher after corrections above, (viz., \$2,893.78,) to have been retained under contract, but not deducted, and suspended.....		578 75
Voucher No. 15. A. Rodrigue, 20 per cent. on amount of voucher (\$2,401.14), to have been retained on the voucher under contract, not deducted.....		601 10
		480 23
		\$2,248 61
From which deduct error in bringing into abstract amount of voucher No. 14, \$171.61 instead of \$272.61.....		100 00
Differences aforesaid, as explained.....		\$2,148 61

ELISHA WHITTLESEY, Comptroller.

FEBRUARY 27.—

TO THE COLONEL OF ORDNANCE.

EXECUTIVE DEPARTMENT,
LECOMPTON, KANSAS TERRITORY, February 27, 1857. }

SIR: Your circular of the 22d January, informing me that the quota of arms for this Territory, for the equipment of the militia for the present year, is 137½ muskets.

You will please forward without delay to my address, at Leocompton, Kansas Territory, directed to the care of Messrs. Riddlesbarger & Co., Kansas City, Missouri, with instructions to that firm to forward them here immediately upon receipt, by wagon or steamboat, twenty Colt's revolvers, with all the necessary accoutrements, and the balance of the quota in muskets.

Respectfully yours,
H. K. CRAIG, Esq., Colonel of Ordnance, Washington, D. C.

JOHN W. GEARY, *Governor of Kansas Territory.*

COMPLAINT OF SETTLERS.

FEBRUARY 28.—A lengthy communication was this day received from Henderson Rice, James M. Mitchell, J. F. Chandler, and other settlers upon Rice's creek, south of the Pottawatomie, complaining of the aggressions of squatters upon their claims, and asking protection from the Executive; to which the following reply was forwarded:

EXECUTIVE DEPARTMENT,
LECOMPTON, KANSAS TERRITORY, February 28, 1857. }

GENTLEMEN: I have received your letter of 17th instant, complaining of aggressions made upon claims in your neighborhood. I have not, as you request, a copy of the preëmption laws to send you. Those laws, however, require every person claiming a quarter-section of land, to settle and remain as a resident upon it, in order to give him a right to preëmption. This provision being complied with, the settler's presence upon the property he claims is the best if not a sure safeguard against the squatter; for no person under such circumstances would be likely to render himself liable to the consequence of squatting upon a claim, with such positive evidences of its just and lawful possession by another.

In regard to persons cutting timber upon claims not belonging to them, but duly claimed and settled by other parties, and similar misdemeanors, there are means of protection and redress to the settler aggrieved that are quite easy of attainment.

The first recourse, in all such cases, should be the law; complaint being made, in due form, to the nearest magistrate or justice of the peace, it is his duty to issue process against the offender, and bring him to punishment for his illegal acts.

If the civil authorities in your neighborhood are inadequate, after having been properly applied to, to remedy the evils of which you complain, and you then bring to my notice well-authenticated accounts of actual aggressions upon the claims, or against the rights of the settlers or residents in your vicinity, I will adopt the next best means to see that justice shall be done to all parties.

It will be unnecessary for me to appoint any especial person in your neighborhood to acquaint me of misdemeanors, as I am always ready and willing to listen to the grievances of any citizen of the Territory, however humble or exalted.

Respectfully yours,
JOHN W. GEARY,

Governor of Kansas Territory.

Messrs. Henderson Rice, James M. Mitchell, Jonathan F. Chandler, James N. Gibson, and others.

LETTER TO GENERAL SMITH.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., March 2, 1857. }

DEAR SIR: Your letter of 11th February was duly received, and my most serious consideration has been given to its contents.

I regret to be compelled to differ from you in the opinion that "the contingency under which the troops were acting has ceased." It seems to be that a proper view of the existing condition of things in the Territory would lead to a different conclusion.

The peace that now prevails is not only threatened by irresponsible individuals, but its destruction is boldly proclaimed by the newspaper *organ* of a clique or faction of sufficient influence and numbers "to obstruct the execution of the laws," and "too strong for the civil power." That attempts have already been made to execute these threats and verify these predictions, you have already received the most conclusive assurances.

That the presence of the troops here has been needed up to the present moment, and that it has held in check those determined to create disturbances, is quite apparent; and that their removal at this time, when their presence is daily becoming more needful, will be attended with serious and, perhaps, calamitous results, is very probable.

Besides, the large incoming immigration of peaceful settlers requires protection, which cannot be given by any civil posse that can be raised, in consequence of the bitter feelings existing among the advocates of conflicting political sentiments on the highly exciting question which so long kept the Territory in a state of feverish agitation, and even anarchy.

Large combinations will doubtless be formed to resist attempted and even threatened, violations of the law; and invasion and insurrection, with their fearful consequences, may be anticipated.

The *presence* of the troops, even should their active service never be required, will be sufficient perhaps, "to repel invasion," which there is reason to expect; "suppress insurrection," which has been predicted by seeming authority; and "repress combinations to obstruct the execution of the laws too strong for the civil power," which seem to exist.

The withdrawal of all the troops at this time would, in my opinion, be the signal for the lawless to commence difficulties, which their presence alone may entirely prevent. A little care to guard against evils which we can foresee may prevent others of greater magnitude which are beyond our comprehension.

In view of these facts, I must respectfully ask that Captain E. W. B. Newby's company may be permitted to remain in this vicinity during the present month, or at least until I shall be able to communicate with and receive an answer from the authorities at Washington upon the subject. The importance of the matter will doubtless suggest itself to your mind, and grant a ready compliance with this request. An immediate answer will oblige most sincerely your friend and obedient servant,

JNO. W. GEARY, *Governor of Kansas Territory.*

Major General P. F. Smith, Commanding Department of the West.

PARDONS GRANTED.

Pardons were this day granted to Jeremiah Jordan, Henry Hurd, Atwell Wood, Charles S. Preston, H. N. Bent, E. D. Whipple, Alfred J. Payne, Martin Jackson, Ephraim Bainter, John Lawrie, F. B. Swift, Alonzo Crawford, James Black, Thomas Varner, Miram Kinsler, Edward A. Jacobs,

and Samuel Stewart, the Free-State prisoners, who were tried, convicted and sentenced at the last October term of the first district court, upon the charge of manslaughter, committed in the attack upon Hickory Point, in September last.

These pardons were granted in compliance with numerous respectful petitions, extensively signed by respectable citizens of Kansas Territory, embracing some of the members of the Legislature, and well-known residents of other Territories, and several of the States of the Union, without distinction of party.

It was alleged in these petitions, and the facts were fully corroborated, that the prisoners have heretofore maintained good reputations; that the offense for which they were convicted was committed in one of those political contentions in which a great portion of the people of the Territory took an active part; many of whom, though equally, if not more guilty, were still at liberty, and could never be brought to punishment; that they have already suffered an imprisonment of nearly six months, and that their continued punishment could neither subserve the ends of justice nor the interests of the Territory.

MARCH 5.—

LETTER TO CAPTAIN NEWBY.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., March 5, 1857. }

DEAR SIR: In accordance with a letter received yesterday from "Headquarters of the Department of the West," (a copy of which has been furnished you,) I am empowered to retain you until such time as I think your services can be dispensed with. You will therefore remain in your present camp and hold your command in readiness for such operations as may be required by this department.

With high respect, your obedient servant, JOHN W. GEARY.

Captain E. W. B. Newby.

LETTER FROM GENERAL DEAS.

HEADQUARTERS DEPARTMENT OF THE WEST,
FORT LEAVENWORTH, March 4, 1857. }

SIR: Your communication addressed to General Smith, dated the 2d instant, was received yesterday.

The General, in very feeble health, left this place on Sunday, the 1st of the month, and among his last instructions to me was not to order in Captain Newby's company from Leocompton if there appeared to be a necessity for its remaining there. I interpret your letter to the General to express such a necessity, and the company will therefore remain at its present station until further orders.

I have the honor to be, with high respect, your obedient servant,

GEORGE DEAS, *Assistant Adjutant General.*

His Excellency John W. Geary, Governor of Kansas.

MARCH 6.—

[Acknowledgment of receipt of field and garden seeds from the Patent Office.]

COUNCIL RESOLUTION.

KANSAS TERRITORY.—The following resolution was passed by the Council of the Legislative Assembly, just prior to adjournment on the night of February 20:

Resolved, That the Governor be informed that the Council have advised and consented to the appointment of Francis J. Marshall as major general of northern division Kansas militia, and of Hiram J. Strickler as comptroller of the treasury.

And that the Council have not advised and consented to the appointment of L. J. Hampton as master of convicts; and that a copy of this resolution be furnished immediately to the Governor.

Copy—attest:

THOMAS C. HUGHES, *Chief Clerk*.

RESIGNATION.

The following communication was forwarded by mail, and a copy sent to St. Louis to be dispatched by telegraph to Washington city:

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., March 4, 1857. }

DEAR SIR: Please accept my resignation as Governor of Kansas Territory, to take effect on the 20th of the present month, by which time you will be enabled to select and appoint a proper successor.

With high respect, your friend and obedient servant, JOHN W. GEARY.
His Excellency James Buchanan, President of the United States.

MARCH 7.—

REQUISITION FOR TROOPS.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., March 7, 1857. }

DEAR SIR: Please send me immediately four mounted dragoons, to assist United States Deputy Marshall Fane in the performance of especial and important service. They will be required for several days. Truly yours, JOHN W. GEARY,

Governor of Kansas Territory.

Captain E. W. B. Newby, Commanding U. S. Troops near Lecompton.

OUTRAGES AT POTTAWATOMIE.

EXECUTIVE DEPARTMENT,
LECOMPTON, K. T., March 7, 1857. }

GENTLEMEN: I have received your letters and affidavits, testifying to the murder of Henry Sherman, on Pottawatomie creek, by a party of lawless men, and expressing your apprehensions that further outrages will be committed by the same persons unless speedy succor is afforded to the settlers in that neighborhood.

In consequence of these representations, I have dispatched to your aid Deputy United States Marshal Fane with four mounted dragoons, who will reach you at the earliest possible moment.

Should this force be insufficient to arrest the offenders and put a stop to their outrages, upon a proper representation of the fact, attested before the civil authorities at your place, I will forthwith make requisition for an ample number of troops to accomplish that object. Truly yours, JOHN W. GEARY,

Governor of Kansas.

Messrs. L. D. Williams and William A. Heiskell.

COMMISSIONS ISSUED.

Commissions were issued to A. J. Hinson as sheriff of Lykins county, in place of E. Hughes, who declined to accept the appointment; and Daniel W. Collis as constable of said Lykins county.

COMMISSION ISSUED.

MARCH 9.—A commission was issued to Wm. Fisher, jr., as notary public at Olathe, Johnson county, Kansas Territory.

MARCH 12.—The Governor, having resigned his office, left Lecompton on the 10th instant, accompanied by his private secretary, for Washington city. They remained during the night at Lawrence, and on the evening of the following day reached Kansas City, Missouri. On the 12th, he took passage on the steamboat A. B. Chambers for St. Louis, and addressed the following communications to Secretary Woodson and the commander of the Military Department of the West; and also issued a farewell address to the people of Kansas Territory.

TO SECRETARY WOODSON.

STEAMBOAT A. B. CHAMBERS, }
MISSOURI RIVER, March 12, 1857. }

DEAR SIR: As I am now absent from the Territory, the duties of the executive office, agreeably to provision of the "organic act," will for the time being devolve upon you. You will of course exercise your own judgment and discretion in their discharge.

Very truly, your obedient servant, JOHN W. GEARY.

Hon. Daniel Woodson, Secretary of the Territory of Kansas.

TO THE COMMANDER OF THE MILITARY DEPARTMENT OF THE WEST.

STEAMBOAT A. B. CHAMBERS, }
MISSOURI RIVER, March 12, 1857. }

SIR: As I am now absent from the Territory of Kansas, the duties of the executive office, agreeably to a provision of the organic act, devolve for the time being upon the Hon. Daniel Woodson, Secretary of the Territory, with whom, if official business should require, you will communicate as Governor.

Very respectfully, your obedient servant, JOHN W. GEARY.

Commander of the Military Department of the West.

[From the New York Herald, March 21, 1857.]

FAREWELL ADDRESS OF GOVERNOR GEARY TO THE PEOPLE OF KANSAS TERRITORY.

Having determined to resign the executive office, and retire again to the quiet scenes of private life and the enjoyment of those domestic comforts of which I have so long been deprived, I deem it proper to address you on the occasion of my departure.

The office from which I now voluntarily withdraw was unsought by me, and at the time of its acceptance was by no means desirable. This was quite evident from the deplorable moral, civil and political condition of the Territory; the discord, contention and deadly strife which then and there prevailed; and the painful anxiety with which it was regarded by patriotic citizens in every portion of the American Union. To attempt to govern Kansas at such a period, and under such circumstances, was to assume no ordinary responsibilities. Few men could have desired to undertake the task, and none would have been so presumptuous without serious forebodings as to the result. That I should have hesitated is no matter of astonishment to those acquainted with the facts; but that I accepted the appointment was a well-grounded source of regret to many of my well-tried friends, who looked upon the enterprise as one that could terminate in nothing but disaster to myself. It was not supposed possible that order could be brought, in any reasonable space of time, and with the means at my command, from the then existing chaos.

Without descanting upon the feelings, principles and motives which prompted me, suffice it to say that I accepted of the President's tender of the office of Governor. In doing so I sacrificed the comforts of a home, endeared by the strongest earthly ties and most sacred associations, to embark in an undertaking which pre-

sented at the best but a dark and unsatisfactory prospect. I reached Kansas and entered upon the discharge of my official duties in the most gloomy hour of her history. Desolation and ruin reigned on every hand; homes and firesides were deserted; the smoke of burning dwellings darkened the atmosphere; women and children, driven from their habitations, wandered over the prairies and among the woodlands, or sought refuge and protection even among the Indian tribes; the highways were infested with numerous predatory bands, and the towns were fortified and garrisoned by armies of conflicting partisans, each excited almost to frenzy, and determined upon mutual extermination. Such was, without exaggeration, the condition of the Territory at the period of my arrival. Her treasury was bankrupt; there were no pecuniary resources within herself to meet the exigencies of the time; the Congressional appropriations, intended to defray the expenses of a year, were insufficient to meet the demands of a fortnight; the laws were null, the courts virtually suspended, and the civil arm of the Government almost entirely powerless. Action—prompt, decisive, energetic action—was necessary. I at once saw what was needed, and without hesitation gave myself to the work. For six months I have labored with unceasing industry. The accustomed needed hours for sleep have been employed in the public service. Night and day have official duties demanded unremitting attention. I have had no proper leisure moments for rest or recreation. My health has failed under the pressure. Nor is this all. To my own private purse, without assurance of reimbursement, have I resorted, in every emergency, for the required funds. Whether these arduous services and willing sacrifices have been beneficial to Kansas and my country, you are abundantly qualified to determine.

That I have met with opposition, and even bitter vituperation and vindictive malice, is no matter for astonishment. No man has ever yet held an important or responsible post, in our own or any other country, and escaped censure. I should have been weak and foolish, indeed, had I expected to pass through the fiery ordeal entirely unscathed, especially as I was required, if not to come in conflict with, at least to thwart evil machinations, and hold in restraint wicked passions, or rid the Territory of many lawless, reckless, and desperate men. Besides, it were impossible to come in contact with the conflicting interests which governed the conduct of many well-disposed persons without becoming an object of mistrust and abuse. While from others, whose sole object was notoriously personal advancement at any sacrifice of the general good and at every hazard, it would have been ridiculous to anticipate the need of praise for disinterested action; and hence, however palpable might have been my patriotism, however just my official conduct, or however beneficial in its results, I do not marvel that my motives have been impugned and my integrity maligned. It is, however, so well known that I need scarcely record the fact, that those who have attributed my labors to a desire for gubernatorial or senatorial honors were, and are, themselves the aspirants for those high trusts and powers, and foolishly imagined that I stood between them and the consummation of their ambitious desires and high-towering hopes.

But whatever may be thought or said of my motives or desires, I have the proud consciousness of leaving this scene of my severe and anxious toil with clean hands, and the satisfactory conviction that He who can penetrate the inmost recesses of the heart and read its secret thoughts will approve my purposes and acts. In the discharge of my executive functions I have invariably sought to do equal and exact justice to all men, however humble or exalted. I have eschewed all sectional disputations, kept aloof from all party affiliations, and have alike scorned numerous threats of personal injury and violence and the most flattering promises of advancement and reward. And I ask and claim nothing more for the part I have acted than

the simple merit of having endeavored to perform my duty. This I have done, at all times, and upon every occasion, regardless of the opinions of men, and utterly fearless of consequences. Occasionally I have been forced to assume great responsibilities, and depend solely upon my own resources to accomplish important ends; but in all such instances I have carefully examined surrounding circumstances, weighed well the probable results, and acted upon my own deliberate judgment; and in now reviewing them, I am so well satisfied with the policy uniformly pursued, that were it to be done over again it should not be changed in the slightest particular.

In parting with you I can do no less than give you a few words of kindly advice, and even of friendly warning. You are well aware that most of the troubles which lately agitated the Territory were occasioned by men who had no special interest in its welfare. Many of them were not even residents; whilst it is quite evident that others were influenced altogether in the part they took in the disturbances by mercenary or other personal considerations. The great body of the actual citizens are conservative, law-abiding, peace-loving men, disposed rather to make sacrifices for conciliation and consequent peace, than to insist for their entire rights should the general good thereby be caused to suffer. Some of them, under the influence of the prevailing excitement and misguided opinions, were led to the commission of grievous mistakes, but not with the deliberate intention of doing wrong.

A very few men, resolved upon mischief, may keep in a state of unhealthy excitement and involve in fearful strife an entire community. This was demonstrated during the civil commotions with which the Territory was convulsed. While the people generally were anxious to pursue their peaceful callings, small combinations of crafty, scheming and designing men succeeded, from purely selfish motives, in bringing upon them a series of most lamentable and destructive difficulties. Nor are they satisfied with the mischief already done. They never desired that the present peace should be effected; nor do they intend that it shall continue if they have the power to prevent it. In the constant croakings of disaffected individuals in various sections you hear only the expressions of evil desires and intentions. Watch, then, with a special jealous and suspicious eye those who are continually indulging surmises of renewed hostilities. They are not the friends of Kansas, and there is reason to fear that some of them are not only the enemies of this Territory but of the Union itself. Its dissolution is their ardent wish, and Kansas has been selected as a fit place to commence the accomplishment of a most nefarious design. The scheme has thus far been frustrated; but it has not been abandoned. You are intrusted not only with the guardianship of this Territory, but the peace of the Union, which depends upon you in a greater degree than you may at present suppose.

You should therefore frown down every effort to foment discord, and especially to array settlers from different sections of the Union in hostility against each other. All true patriots, whether from the North or South, the East or West, should unite together for that which is and must be regarded as a common cause—the preservation of the Union, and he who shall whisper a desire for its dissolution, no matter what may be his pretensions, or to what faction or party he claims to belong, is unworthy of your confidence, deserves your strongest reprobation, and should be branded as a traitor to his country. There is a voice crying from the grave of one whose memory is dearly cherished in every patriotic heart, and let it not cry in vain. It tells you that this attempt at dissolution is no new thing; but that even as early as the days of our first President it was agitated by ambitious aspirants for place and power. And if the appeal of a still more recent hero and patriot was needed in his time, how much more applicable is it now and in this Territory!

“The possible dissolution of the Union,” he says, “has at length become an or-

dinary and familiar subject of discussion. Has the warning voice of Washington been forgotten? or have designs already been formed to sever the Union? Let it not be supposed that I impute to all of those who have taken an active part in these unwise and unprofitable discussions a want of patriotism or of public virtue. The honorable feelings of State pride and local attachments find a place in the bosoms of the most enlightened and pure. But while such men are conscious of their own integrity and honesty of purpose, they ought never to forget that the citizens of other States are their political brethren; and that, however mistaken they may be in their views, the great body of them are equally honest and upright with themselves. Mutual suspicions and reproaches may, in time, create mutual hostility, and artful and designing men will always be found who are ready to foment these fatal divisions, and to inflame the natural jealousies of different sections of the country. The history of the world is full of such examples, and especially in the history of republics."

When I look upon the present condition of the Territory, and contrast it with what it was when I first entered it, I feel satisfied that my administration has not been prejudicial to its interests. On every hand I now perceive unmistakable indications of welfare and prosperity. The honest settler occupies his quiet dwelling, with his wife and children clustering around him, unmolested and fearless of danger. The solitary traveler pursues his way unharmed over every public thoroughfare. The torch of the incendiary has been extinguished, and the cabins which by it were destroyed have been replaced with more substantial buildings. Hordes of banditti no longer lie in wait in every ravine for plunder and assassination. Invasions of hostile arms have ceased, and infuriated partisans living in our midst have emphatically turned their swords into plowshares and their spears into pruning-hooks. Laborers are everywhere at work, farms undergoing rapid improvements, merchants are driving a thriving trade, and mechanics pursuing with profit their various occupations. Real estate, in town and country, has increased in value almost without precedent, until in some places it is commanding prices that never could have been anticipated. Whether this healthy and happy change is the result solely of my executive labors or not, it certainly has occurred during my administration. Upon yourselves must mainly depend the preservation and perpetuity of the present prosperous condition of affairs. Guard it with unceasing vigilance, and protect it as you would your lives. Keep down that party spirit which, if permitted to obtain the mastery, must lead to desolation. Watch closely and condemn in its infancy every insidious movement that can possibly tend to discord and disunion. Suffer no local prejudices to disturb the prevailing harmony. To every appeal to these turn a deaf ear, as did the Saviour of men to the promptings of the deceiver. Act as a united band of brothers, bound together by one common tie. Your interests are the same, and by this course alone can they be maintained. Follow this, and your hearts and homes will be made light and happy by the richest blessings of a kind and munificent Providence.

To you, the peaceable citizens of Kansas, I owe my grateful acknowledgments for the aid and comfort your kind assurances and hearty coöperation have afforded in many dark and trying hours. You have my sincerest thanks and my earnest prayers that you may be abundantly rewarded of Heaven.

To the ladies of the Territory—the wives, mothers, sisters and daughters of the honest settlers—I am also under a weight of obligation. Their pious prayers have not been raised in vain, nor their numerous assurances of confidence in the policy of my administration failed to exert a salutary influence.

And last, though not the least, I must not be unmindful of the noble men who

form the Military Department of the West. To Gen. Persifer F. Smith and the officers acting under his command, I return my thanks for many valuable services. Although from different parts of the Union, and naturally imbued with sectional prejudices, I know of no instance in which such prejudices have been permitted to stand in the way of a faithful, ready, cheerful and energetic discharge of duty. Their conduct in this respect is worthy of universal commendation, and presents a bright example for those executing the civil power. The good behavior of all the soldiers who were called upon to assist me is, in fact, deserving of especial notice. Many of these troops, officers and men, had served with me on the fields of Mexico against a foreign foe, and it is a source of no little satisfaction to know that the laurels there won have been further adorned by the praiseworthy alacrity with which they aided to allay a destructive fratricidal strife at home.

With a firm reliance in the protecting care and overruling providence of that Great Being who holds in His hands the destinies alike of men and of nations, I bid farewell to Kansas and her people, trusting that whatever events may hereafter befall them they will, in the exercise of His wisdom, goodness and power, be so directed as to promote their own best interest and that of the beloved country of which they are destined to form a most important part.

JOHN W. GEARY.

LECOMPTON, March 12, 1857.

EXECUTIVE MINUTES OF DANIEL WOODSON, ACTING GOVERNOR
FROM MARCH 11, 1857, TO MARCH 31, 1857, INCLUSIVE.

[The minutes here following were transmitted by the President to the Senate with that portion of Governor Geary's minutes last preceding.]

Governor Geary left Lecompton last night, leaving at the Executive office the following letter for the Secretary of the Territory :

EXECUTIVE DEPARTMENT, }
LECOMPTON, K. T., March 10, 1857. }

MY DEAR SIR: For several weeks my health has been gradually sinking, and I have had several *hemorrhages of the lungs*. I am convinced my life will not be long if not properly cared for; in order to do this I must have some rest, and avoid so much conversation.

I will be absent a few days from Lecompton. Should anything be necessary to be done, I hope you will do me the favor to give it your attention.

With assurances of regard, I am your friend and obedient servant,

JOHN W. GEARY.

Hon. Daniel Woodson, Secretary of Kansas Territory.

MARCH 16, 1857.—The subjoined letter from Governor Geary, announcing his absence from the Territory, was received from the Secretary.

[Here follows a copy of the last above preceding letter, addressed by Governor Geary to the Secretary of the Territory, D. Woodson.]

Commissions issued as follows: To Daniel Mitchell, clerk of the board of county commissioners for Riley county. To William H. Davis, sheriff of Riley county. To Daniel L. Chandler, W. Wallace Wilson, and John Pipher, justices of the peace for Riley county.

MARCH 18, 1857.—Commissions issued as follows: To George E. Clayton, probate judge for Doniphan county. To Henry Smith and David Sukma, county commissioners of Doniphan county. To J. B. Thompson, sheriff of Doniphan county. To Benjamin F. Graves, commissioner of deeds for Kansas Territory in and for the State of Kentucky.

MARCH 20, 1857.—Commissions issued as follows: To J. F. Wisely, commissioner of deeds for Kansas Territory in and for the State of Missouri, and to Philip P. Fowler, notary public for Douglas county, Kansas Territory.

MARCH 25, 1857.—The following communication from the clerk and probate judge of Anderson county was received:

PAOLA, LYKINS COUNTY, K. T., March 19, 1857.

SIR: The disturbed state of the county, and the insurrectionary spirit manifested by some individuals, render it utterly impossible to carry into effect the provisions of the law authorizing the taking of the census and assessment of Anderson county. The officers (or any officer) of that county attempting to enforce the laws are in the most extreme peril of their lives by so doing. The lawless bands of highwaymen and murderers that infest the county are a terror to peaceable citizens, and those that would sustain the laws are deterred therefrom by these desperate outlaws. It was our intention to qualify the newly-appointed officers of Anderson county, but the most intense excitement prevails on account of the murder of Henry Sherman. We have conversed with several of the individuals to whom commissions were issued; but they are afraid to accept of them—afraid of being driven from their homes, their property taken from them, and even their lives.

There is no security of the life or property of a Pro-Slavery man in that part of the country who is known to be such.

The undersigned believe it to be utterly impracticable to exercise any of the functions of their respective offices at this time, on account of the settled disposition of these desperadoes to resist the laws, and even going about to kill us.

THOMAS TOTTEN, *Clerk of Anderson County.*

GEO. WILSON, *Probate Judge of Anderson County.*

His Excellency Daniel Woodson, Acting Governor Kansas Territory.

Sworn and subscribed to before me, this 20th day of March, A. D. 1857.

A. H. MCFADIN,

Judge of Probate in Lykins County, K. T.

Immediately upon the receipt of this communication the following requisition was forwarded to Brigadier General P. F. Smith, commanding Department of the West, at Fort Leavenworth:

EXECUTIVE OFFICE, }
LECOMPTON, K. T., March 25, 1857. }

SIR: Reliable information having reached this office that the counties of Franklin and Anderson are infested by a predatory band or bands of assassins and robbers, greatly to the annoyance and distress of the peaceably disposed citizens, who are robbed of their property, driven from their homes, and threatened with the loss of their lives by these roving desperadoes, who have very recently murdered, in cold

blood, and then robbed, one of the oldest and best settlers in that portion of the Territory, I have respectfully to request that you will station, without delay, a company of dragoons in that neighborhood, which will be accompanied by a United States commissioner authorized to take evidence and bring to the bar of justice all such offenders against the laws and disturbers of the peace of the country.

I am convinced that this step is absolutely indispensable to the preservation of the peace of the Territory, as any attempts to enforce the law against such offenders, without the aid of United States troops, will result in bloodshed and a renewal of the unhappy scenes of the past year.

Very respectfully yours,

DANIEL WOODSON,

Acting Governor Kansas Territory.

Brigadier General P. F. Smith, or officer in command at Fort Leavenworth, K. T.

MARCH 26, 1857.—The following letter was forwarded to Brigadier General P. F. Smith, commanding Department of the West, at Fort Leavenworth:

EXECUTIVE OFFICE, }
LECOMPTON, K. T., March 26, 1857. }

SIR: Learning that the company of dragoons which has been stationed near this place for some time past, under Captain Newby, has been ordered to the fort, I beg leave respectfully, but earnestly, to remonstrate against the withdrawal of the troops from this vicinity at this time. The presence of the military has a very salutary influence in preserving order in the existing unsettled and inflammable state of the public mind in this part of the Territory, and their withdrawal at this particular juncture I am constrained to believe would be exceedingly unfortunate.

A number of writs for the arrest of notorious outlaws are now in the hands of the United States deputy marshals, and it is utterly impracticable to execute them without bloodshed, except with the assistance of the United States troops. Should a collision unfortunately take place between the local authorities and those misguided persons who resist the execution of the laws, a renewal of the unhappy disturbances of the past year would, in all human probability, be inevitable.

The peace of the Territory, I am convinced, would be greatly endangered by the withdrawal of the troops from the interior at this particular time, and I can but express the earnest hope that it will not be incompatible with your sense of duty to permit them to remain.

With sentiments of regard, I am, very respectfully, your obedient servant,

DANIEL WOODSON,

Acting Governor Kansas Territory.

Brig. Gen. P. F. Smith, or the officer in command at Fort Leavenworth, K. T.

MARCH 27, 1857.—Commissions issued as follows: To Joseph Randolph, constable for Marion township, Doniphan county, and to L. B. Maynard, justice of the peace for Centre township, Doniphan county.

MARCH 28, 1857.—Commission issued to Isaac S. Hascall, probate judge of Atchison county.

The following letter from Colonel E. V. Sumner, in reply to the requisition of the acting Governor, was received:

HEADQUARTERS, FORT LEAVENWORTH, March 27, 1857.

SIR: I have the honor to acknowledge the receipt of your letter of the 25th instant. General Smith was sent here last summer to take charge of the military affairs of Kansas, and I am bound to consider that the Government intended that all responsibility should thenceforward rest with him. I do not, therefore, now stand in the same position in relation to these affairs that I did before I was superseded.

General Smith is absent, and he gave me no instructions when he left; and I feel obliged, under all the circumstances of the case, to forward your requisition to the General-in-chief. I trust that no evil will result from this short delay; and I would respectfully suggest whether it would not be safer to pause a little in military matters, until we know the policy of the new administration.

If difficulties should again arise similar to those of last year, I do hope that the Government will either put an iron grasp upon the Territory that will secure every man in all his rights, (and this is practicable,) or else withdraw every soldier from the Territory, and let the people settle their own difficulties in their own way.

I am, very respectfully, your obedient servant. E. V. SUMNER,
Colonel First Cavalry, commanding.

Daniel Woodson, Esq., Acting Governor Kansas.

To which the acting Governor replied as follows:

LECOMPTON, KANSAS TERRITORY, }
EXECUTIVE OFFICE, March 28, 1857. }

SIR: Your dispatch of the 27th instant has this moment been received, and I have only to say in reply, that I fully appreciate the situation in which you are placed, and would be pleased to hear from you as soon as instructions are received from the General-in-chief.

Very respectfully, your obedient servant, DANIEL WOODSON,
Colonel E. V. Sumner, *Acting Governor Kansas Territory.*
First Cavalry, commanding Fort Leavenworth.

MARCH 31, 1857.—Commissions issued as follows: To Henry O. Woodworth, commissioner of deeds for Kansas Territory in and for the State of Missouri; and to John M. Wallace, notary public for Douglas county, Kansas Territory.

LECOMPTON, KANSAS TERRITORY, }
SECRETARY'S OFFICE, March 31, 1857. }

I hereby certify the foregoing to be a true copy of the executive minutes of the Territory of Kansas from the 11th day of March to the 31st day of the same month, in the year of our Lord one thousand eight hundred and fifty-seven.

DANIEL WOODSON,
Secretary Kansas Territory.