

to grant this request, unless it could be first shown that the declaration was made in the hearing and without any dissent on the part of York. He said that if it could be proven that York assented to a desire to be in the company of Lane on that day, he should charge the jury to find him guilty of murder. Whoever heard of such outrageous atrocity! Pleasant Hill, where they stopped, is ten miles from Hickory Point. At night, while on his way home, York stopped at Harvey's camp, and was there taken prisoner with the others.

Although the boys were all arrested by Captain Wood, "by authority of Governor Geary," Deputy Marshal Cramer while on the witness stand said he was "along," and considered the arrest made by himself, and professed to be able to identify all the prisoners taken.

The prosecution will commence their pleas immediately, and the trial will probably be brought to a close some time next Monday.

Samuel Holman, who has been six weeks a prisoner, has just been indicted for copping the Santa Fe train. I have already given you the particulars of his case.

The four Prairie City boys brought in last Sunday have been trying all the week to get an examination, so as to get out on bail; for court adjourns next week, and the Hickory Point case will probably occupy the time till then. But all their entreaties are of no avail, and they remain here in suffering, their families at home in the same condition, and their crops and other property going to waste—all for preferring that Kansas should be a free State.

Mr. Rock, for shooting at a man to save his own life, is refused either a trial at this term or bail, which he is willing to give, and can, to any amount. He is a Free State man, and the man who unsuccessfully attempted to murder him for saying that our difficulties were caused by missionaries, is a Pro-Slavery man. This accounts for much in other cases, as well as in his. The three hundred dollars per week which the United States marshal makes by keeping us here, will go far towards making up the remainder.

Two Pro-Slavery men have been arrested this week. I'll tell you all about it. The first was Jacob Hurd. I have not been able to learn upon what charge he was arrested, but the following facts will give some intimation of the cause. He has a brother named Henry, a strong Free State man, who was arrested with Harvey's company, but escaped, after being brought here. Inquiries were made for Hurd, and it being learned that a man of that name lived between this and Lawrence, a "deputy," having no acquaintance with him, was sent down for his arrest. He was kept here a day or two, and then liberated by some peculiar process known only to Border Ruffian courts. They probably learned the facts as I have stated them, and their sympathy broke his bonds. The name of the other I do not know. He has been a long time committing depredations on the road to Leavenworth and on the stranger; but at last he mistook his prey, who, instead of being an Abolitionist, proved to be a Pro-Slavery man, who made complaint to the grand jury. Eleven bills were found against him, most of them being for arson and attempts at murder. He was at once admitted to bail in the sum of fifteen hundred dollars, or less than one hundred and fifty for each crime. Titus subscribed with him. "Law and Order" men will endeavor to show by this that the courts are determined to deal out impartial justice to men of all parties, but the facts in this case will hardly admit of that supposition. Free State men, for less offences, are absolutely refused bail at all.

There is said to be a clause in some of the bogus laws, making it the duty of the grand jury to inspect and report the condition of the prisons within the jurisdiction of the court, at each session. In compliance with this provision, the grand jury day before yesterday paid us a visit. Their entrance was rather abrupt, and I was glad of it, for they had an opportunity of seeing our real condition. Here were two or three dozen men sleeping upon the floor, with a borrowed blanket thrown over them. They were a part of those who had walked the floor and swung their arms the whole long night before, to keep from freezing. There were a score more, racked with sickness, rolling upon the filthy floor—one moaning cursing their oppressors—the next, breathing low prayers for the desolate and destitute loved ones at home. And, lastly, yonder were the remainder, stripped half naked, cleansing themselves of vermin, the blood running down their writhed backs in great streams. "O God!" said one of the jurors, "this is too horrible; and had I seen it before, I never could have been induced to do as I have done." And I believe he spoke as he felt, or as nearly so as possible. Major Hixson told them he was glad they had come to see their own work and hoped they would profit by it. He reminded them of the Kosza affair and the Cuban prisoners, how this Government had twice carried itself to the very verge of war, once for the protection of a single individual whose citizenship was of but a few months' duration, and at another time in rescuing from punishment Americans who had invaded a neighboring and friendly nation, in direct violation of law, injunctions and proclamations of ban—all this merely because they were, what it was once an honor to be, American citizens, while we are to be hung for defending our own homes and blood. "Ah, there is wrong somewhere," replied many. They promised to reprimand the marshal for his conduct, and compel him to provide better for us in the future. The next day he brought enough ticking for a dozen mattresses, and, with a load of hay, a few have fixed beds in which they can rest with comparative comfort. In fact, I never before slept so soundly and sweetly as I did last night.

For three or four days, the marshal—old Donaldson—has, by alternate threats and offers of bribes, been endeavoring to compel or persuade one of our men to betray us, and give evidence for the State, but we reject such men, and to-day gave Donaldson warning that he must never come again upon such an errand.

We have again a free press in Kansas. The Topeka Tribune has retired, and the Herald of Freedom has risen. May they long do noble battle for our rights.

At the adjourned Nominating Convention at Big Springs, on Monday, Reeder was put forth as a candidate for Congress. But the cold weather now coming on will keep many from the polls; and then there will probably be a deputy marshal at each place of holding election, with his pockets full of writs; then, commanding the hundreds and thousands of our men who have been driven from the Territory, our vote must certainly be a small part of that which really belongs to us.

But I am almost frozen stiff—my fingers have no more feeling than the pen—and I must close before I have half done.

LEAVENWORTH, K. T.—One of the wonders of the age is Lawrence. A person at a distance would suppose that the idealists of this city would live and have it to decay and ruin. The threatening, the sieges, and burnings, which it has passed through, has frightened no one, hurt but few, and fixed all in a determination to stay and maintain their rights.

Property has never depreciated, but, on the contrary, has gone on, regularly increasing in value, till lots on Massachusetts street are selling readily from \$500 to \$1,000 a piece; others would command a much higher price, and substantial stone stores are being erected on them.

Lot-fests are selling, in proportion to distance from the business centre, from \$25 to \$300 per lot. A large number of good stone dwellings have been erected this past season, some of them costing thousands of dollars. Rents are very high, almost producing a hundred per cent. in the investment. Two large substantial stone churches, with basements for schools, are in process of completion. Labor is high, and in great demand. Whatever else may be said of Lawrence, it may be truthfully asserted she has backbone.—Herald of Freedom.

LEAVENWORTH, K. T.—Gov. Geary had, at the last accounts, arrested some dozen or more Free State men in the southern portion of the Territory, on charges of having participated in the recent disturbances near Osawatimie. He was invited there by the Free State men, to protect them from the robberies and outrages committed by Southerners. The Governor escaped the responsibility of making these arrests himself, by having the United States Marshal with him; and while the Governor soothed the settlers with soft words, the Marshal was cruising about, making arrests. Not a single Pro-Slavery man has yet been arrested. It is a remarkable state of peace they have in Kansas.

LEAVENWORTH, K. T.—The Lawrence Herald of Freedom, which has just reappeared, after a suppression of six months, states that

emigrants are arriving daily in Kansas, and in large numbers, by way of the Missouri river, which is now once more open to travellers. The Herald has heard of no late violence along the river, and believes that none exists, and that persons will be perfectly secure in travelling in small numbers to Kansas, if they keep silent on the exciting issue of the day. The late troubles have diminished the number of families, but have hurried forward a large class of young men and adventurers. A line of stages is plying regularly between Lawrence and Leavenworth.

LEAVENWORTH, K. T.—According to the Leavenworth Journal, (Pro-Slavery,) one of the Free State prisoners in Kansas, named Bainter, of Grasshopper Falls, has been tried, and sentenced to a term of six years imprisonment at hard labor in the chain gang. A rumor was prevalent at Lawrence, that the grand jury at Leecompton had found a true bill of indictment against G. W. Clark, U. S. Indian Agent, for the murder of Barber, a Free State man. The rebuilding of the Free State Hotel at Lawrence had been resumed. It will be larger than the one destroyed by the Missouri invaders. A great deal of clothing and provisions having been received at Lawrence from the East, the Free State Committee was busily engaged in distributing relief to sufferers.

LEAVENWORTH, K. T.—St. Louis, Nov. 13.—Advices from Lawrence, Kansas, to the 6th instant, state that fifteen State prisoners on trial for murder had been acquitted, but were immediately re-arrested on the charge of robbing the Franklin post office. The Free State men were taking measures to contest the seat of Mr. Whitfield to Congress, on the ground of the illegality of the election.

A large quantity of clothing and provisions had arrived at Lawrence, and was being distributed among the destitute.

The steamer Goddess arrived here to-day, from the upper Missouri. Among the passengers were Lieut. Warren and party, from the exploring expedition sent to the head-waters of the Missouri and Yellow Stone rivers. They report the small pox to be raging among the Indians in this region.

St. Louis, November 17.—Advices from Lawrence to the 10th instant have been received. On Saturday last, twenty prisoners were taken to Hickory Point, and found guilty of manslaughter, and sentenced to five years imprisonment at hard labor.

KANSAS.

WHOLESALE POLITICAL PRISON, LEACOMPTON, November 1, 1856, 3 P. M.

To the Editor of the National Era:

When I wrote on Monday, I was in momentary expectation of being called upon, with Mr. Ritchey, for trial. But our case, for some cause unknown to me, was laid over, to make room for that of Ephraim Bainter, who was several weeks since under confinement here, from which he was released on bail. He had been indicted with the four other Grasshopper Boys, tried last week, charged with a felonious assault upon Hickory Point, the first day of the fight at that place. Less proof was brought against him than was proffered at the trial of the others. It was proven that the others were not only at the fight, but that they were engaged in it. This was far from the case with Bainter, who was not shown to be within a half a mile of the place, nor to have had anything more than a shot gun, which he did not discharge during the day. Yet the jury, Tuesday morning, returned a verdict of "Guilty of an assault with intent to kill." This was not at all unexpected to him, no surprising to me, after having heard some of the statistics of power—supposed to speak that which they know concerning these things—remark that Bainter and the old man Porterfield would be convicted and hung, and hang anyone. Bainter was remanded to prison. An arrest of judgment will be asked by his attorney, for the purpose of procuring a new trial. This is the first specimen of the fruits of Geary's peace in Kansas. Alas, what a terrible peace. Such a peace followed the subjugation of betrayed Hungary, and the battery of thousands of her children. And in France, the concentration of power in the hands of Robespierre, or the Napoleons, was followed by just such a peace as this. "The people of Kansas are beginning to see," "Will the people of the North see us suffer forever?" "Will they longer see peaceful settlers from the North, unarmed, arrive from the South?" "There is no peace." Now is the most critical period in the history of Kansas. We are sleeping on a volcano, which may at any moment overwhelm us with the fire and smoke of a civil war which has never had an equal. There still hope, not through reason, but in defiance of it.

Governor Geary is still absent from Leecompton, and is said to be now at Fort Riley. He does not wish to be here, and will not, I think, until after the adjournment of court. He has no anxiety to see for himself the partiality of the other officials; so he avoids their presence and work. He has much more pride than resolution, and thus, with his anxiety for the preservation of the Democratic party, is the key to his course here.

Next came the Hickory Point case. On motion of the prosecution, the indictment was quashed, and another presented, differing from the first only in charging two persons unknown to the grand jury with being principals in the commission of the alleged offences; whereas the former designated Porterfield and Cutler as the principals. In each case, the others held for that offence are charged with being accessories. Tuesday afternoon, fifteen, who had not been identified as being at the fight, went to trial under this indictment. Out of thirty-two jurors and twenty-one talesmen, a jury was at last selected, and on Tuesday morning the examination commenced. This has just closed. Some sixteen witnesses were examined on the part of the prosecution, but nothing was proven against them, further than that they were arrested five miles from Hickory Point the night after the battle. Their own men—officers at that time—testified that the firing was commenced by the enemy, and that, too, when they considered themselves in no danger from our men. They said they were alone for a "few days," and that, after they had been decently whipped, no honorable man of the number would make complaint against us, or submit to give evidence. In the cross-examination of Secretary Woodson, that official admitted that the two companies of Southerners at Hickory Point held no authority from the Government; that some of the officers had been commissioned—some of the men been enlisted as militia or the peace of any officer. This entirely overthrows the claim set up by the letter writers in the service of the Ruffian party, that Robertson's and Lord's companies were regular organized militia, and had met that day to answer out of service, agreeably to the Governor's proclamation. It was also shown, by the same and other witnesses, that when a Free State man named Fuller, who had escaped from the enemy, who had the day before the night taken him prisoner, came to ask the Governor to dispense the murderers at the Point, Governor Geary refused to do so; and when told that if he did not dispense them Colonel Harvey would, he said that Harvey might go and kill them if he wished, but hoped that while he was doing so he would get killed himself. But little evidence was offered by the defendants.

During this examination, Judge Leecompton laid down a rule to me quite new, and I presume it may be so to others. On the day of the battle, James York, one of the fifteen now on trial, had with two friends business with General Lane, in search of whom they passed through Pleasant Hill. At this place they took dinner. Mr. York rose from the table sooner than the rest, and after he had left the room, his two friends, in answer to some queries of the landlady, told him that they were in search of Lane. Now, on trial, the prosecuting attorney wished to bring in this declaration as evidence against Mr. York; but Leecompton refused