

FROM THE ST. LOUIS REPUBLICAN OF OCTOBER 25.

The news which we publish this morning is of most interesting and exciting character. Governor WALKER and Secretary STANTON have determined to reject the pretended vote of Johnson county, and this leaves the Democrats in a clear minority in the Legislature. They, at the same time, acquit the Missourians of all attempts at interference in the election in every quarter, and thus put an extinguisher on this false charge.

LAWRENCE, (K. T.) OCTOBER 20, 1857. The news for the past few days Kansas has been of a very exciting nature. I have kept you advised of the election returns, from which it has been seen that the Free State party had triumphed. On Thursday last a protest was filed against the fraudulent returns from the Oxford precinct. It best explains itself:

To an Excellency R. J. Walker, Governor, and the Hon. Clement A. Stanton, Secretary of the Territory of Kansas.

The undersigned, citizens of the Sixth Council and Tenth Representative districts, in the said Territory of Kansas, beg leave respectfully to represent, that at the election held on the 10th instant for Delegate to Congress, members of the Legislative Assembly, and other public officers, gross frauds were committed in the returns for Oxford precinct, by which a large number of votes were added to the returns, and the result was that 1,258 votes were polled, there were no considerable number of persons in attendance or around the polls through the day. Indeed, they have information that not to exceed from twenty to thirty persons were around the polls of the said Oxford precinct at any time during the 10th day of October.

They would further state that they have satisfactory evidence that the population of Johnson county is too sparse to contain a population so great as is represented to be polled at that precinct. They are assured, too, that a vast majority of the names attached to the returns are not known to Johnson county. To this they would add the fact that the said Oxford precinct is situated on the borders of the Territory, within a few rods of the Territorial line, and that the town of Little Santa Fe, in Missouri, is contiguous to said precinct, and that if any such number of votes were polled, your memorials believe they were polled by non-residents of the Territory of Kansas. They also are confident that such a large number of votes could not have been polled at one precinct, and by one set of officers, within the time limited by law.

We would also state that Johnson county, and Oxford precinct in particular, is within the limits of an Indian Territory which is specially reserved by the organic act of the Territory of Kansas that such Territory was unopen for legal settlement on the fifth and sixth days of October last, and remains the same at this time, and that no legal settlements can be made within said reservation now, nor could not on the day nor at any time prior to said election.

Your memorialists, legal voters of said Representative and Council districts, would respectfully protest against the vote of said Oxford district being counted in the returns for the Eighth Council and Tenth Representative districts, or for Delegates to Congress, for the reasons of fraud and the illegality set forth in the above, and for other reasons which may appear. They ask his excellency the Governor and his honor the Secretary to take such action as their judgment may suggest, to inquire into the truth of our said allegations, and to do such things in the premises as will secure us against fraud, give to the actual voters of the Territory of Kansas, and districts a voice in directing their own affairs. All which is respectfully submitted.

[Signed and sworn to, in due form, by thirty citizens of the county of Douglas, and who are certified by the notary public to be legal voters in said county.]

Gov. WALKER and Secretary STANTON, after receiving this protest, went in person to the precinct at which these frauds were alleged to be committed. Their proclamation, over their signatures, published this morning, commutes their report. I enclose it for the benefit of your readers, published in advance of all other sources:

Proclamation to the People of Kansas.

LEXINGTON, October 19, 1857. By the thirty-seven sections of the organic act establishing this Territorial Government it is provided, in reference to the election of a delegate to Congress, that "the person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly."

By the sixteenth section of the act of the Territorial Legislature of Kansas, entitled "an act to regulate elections," it is made the duty of the Secretary to examine the returns in the presence of the Governor, and to give to the person having the highest number of votes in their respective districts a certificate of their election to the Legislative Assembly.

Under these two provisions of the laws prevailing in this Territory, the recent general election has presented for the joint consideration of the Governor and Secretary a question of the gravest importance, not only to our people, but also to those of the whole Union. This question arises upon the extraordinary returns made from the precinct of Oxford, in the county of Johnson. What purport to be the returns of the election held at that precinct on the 10th instant have been received by the Secretary, containing sixteen hundred and twenty-eight names of pretended voters, or nearly one-half the number given in the whole representative district. The disposition to be made of this supposed vote is rendered all important by the fact that the political character of the Legislative Assembly will be controlled by the addition of three councilmen and eight representatives to the strength of one party or the other, according to the adoption or rejection of the returns in question.

In point of fact it is well known that even the whole county of Johnson, comprising as it does part of an Indian Reserve, which, upon examination of the law, we find is not yet subject to settlement or pre-emption, can give no such vote as the which is represented to have been polled at this incredible precinct of Oxford. But while this superficial knowledge, well established and universal as it may be, could not become the ground of decision and action upon election returns, in themselves regular and authentic, the legitimate effect of an apparent equality, such as that in question, would necessarily be to induce a close examination of the paper presented, and to require for its acceptance a perfect coincidence with all the essential provisions of the law. Such an examination of this document, conscientiously and impartially made, has brought us to the conclusion that the returns from Oxford precinct, in Johnson county, must be wholly rejected for the following reasons:

1st. It does not appear on the face of the document presented to us, or in any other manner, that the judges of election took the oath imperatively required by the statute, to secure the impartial discharge of their duties according to law.

2d. It does not appear that the paper presented to us was one of the original poll-books kept at the election, as required by law, but, on the contrary, it does appear from unmistakable internal evidence that the paper is either a copy of some other document, or has been made up for the occasion, and is not the genuine record of the votes taken at the election. The law requires one of the poll-books to be returned to the Secretary, the other to be deposited with the clerk of the Board of Commissioners of the proper county.

3d. As the vote of each elector was to be recorded for each one of twenty-two candidates, and in more than a hundred cases for twenty-five, and that by a mere vote, it was a physical impossibility that the number of votes pretended to have been taken on the second day, being more than fifteen hundred, with the name of the voter written, and each of twenty-two candidates, properly designated, could have been taken and recorded within the time prescribed by law.

4th. It is an extraordinary fact, tending to throw distrust upon the whole proceeding, that of the sixteen hundred and twenty-eight votes only one is given to the Delegate elect to Congress; and only one hundred and twenty-four are recorded as having been cast for the local candidates of the township. Influenced by these considerations, and impressed with the grave responsibility resting upon us in regard to the fairness of the election, and its freedom from all fraud susceptible of detection and prevention within the scope of our duties, we deemed it essential to truth and justice that we should ascertain every fact calculated to refute or confirm the conclusions derived from the face of the papers. Accordingly we went to the precinct of Oxford, (which is a village with six houses, including stores, and without a tavern,) and ascertained from the citizens of that vicinity, and especially those of the handsome adjacent village of New Santa Fe, in Missouri, (separated only by a narrow river,) containing about 100 houses, that altogether no more than one-tenth the number of persons represented to have voted were present on the two days of the election, much the smaller number, not exceeding thirty or forty, being present on the last day, when more than fifteen hundred votes are represented as having been given. The people of Oxford, as well as those of the neighborhood of Santa Fe, were astounded at the magnitude of the returns; and all persons of all parties, in both places, treated the whole affair with derision or indignation, not having heard the alleged result until several days after it had occurred.

In the course of our journey to and from Oxford we passed over much the larger part of the county of Johnson, and we became thoroughly satisfied that there is no population in the whole county from which more than one third the vote of that single precinct could have been given. We learned that some very few persons, having entries on the reserve in Johnson county, and claiming a residence therein, though generally absent, had voted at some of the precincts in that county; but we are convinced that a very inconsiderable number, not reaching, we believe, one hundred, of Missourians or other persons having no admitted right to vote did claim or attempt to exercise that right, and who were within that county. The people of Missouri cannot be justly charged with any interference in the late election, nor are they in any degree complicated with the evidently fraudulent returns made from the precinct of Oxford. Those returns, beyond all doubt, are simulated and fe-

Under these circumstances, we do not feel embarrassed by any technical difficulty as to our right to go behind the returns. We hold the returns themselves to be defective in form, and in substance, and therefore inadmissible. We go behind them and inquire into the facts, solely for the purpose of ascertaining whether by these valid objections to the mere returns our rejection of them will have the effect of defeating the will of the people, sought to be fairly expressed at the polls. In the event of such consequences we might hesitate to reject a vote upon any defect of form, but it is essential in law. But in the present case we feel ourselves bound to adhere to the very letter of the law, in order to defeat a gross and palpable fraud. The consideration that our own party by this decision will lose the majority in the Legislature, and that the people of the Territory will be less solemn and more impatient, does not make our duty in the premises less solemn and more imperative. The election franchise would be utterly valueless, and free government itself would receive a deadly blow, if so great an outrage as this could be shielded under the cover of mere forms and technicalities. We cannot consent in any manner to give the sanction of our respective official positions to such a transaction. Nor can we feel justified to relieve ourselves of the proper responsibility of our offices, in a case where there is no valid return, by submitting the question to the Legislative Assembly, and in that very act giving the parties that might claim to be chosen by this spurious vote the power to decide upon their own election.

In view of the condition of affairs in Kansas for several years past, of the efforts so long made to put in operation here a revolutionary government, and of the fact that this effort was suspended under the belief that the political difficulties of this Territory might at length be adjusted at the polls; if that adjustment should now be defeated, and the people deprived of their rightful power under the laws of Congress by fictitious returns of votes never given, it is our solemn conviction that the pacification of Kansas, through the exercise of the elective franchise, would become impracticable, and that civil war would immediately become a reality in this Territory, extending, we fear, to subject States, and subjecting the Government of the Union to imminent peril.

Because, therefore, the paper now under examination is not one of the original poll-books by law required to be returned, and from the absence of the oath prescribed by the Territorial statutes for the judges of election, the returns being thus clearly invalid and, as we believe, fictitious and simulated, we have under the circumstances no alternative but to reject the whole return from the Oxford precinct, and to give the certificates to those who appear to have been elected by virtue of the other regular returns.

R. J. WALKER, Governor of Kansas Territory. FRED P. STANTON, Secretary.

This proclamation produced the most intense excitement among the extreme pro-slavery men at Lexington. All sorts of vengeance is threatened against the Governor and Secretary. The former is quite ill. He sent yesterday to Lawrence for Dr. SWIFT, of the United States army, to visit him. Excessive labor and fatigue, with the excitement of the past few days, were too great for his naturally feeble constitution.

As the returns now stand the Free State party have twenty-two of the thirty-seven members of the House, and two in the Council. Fraudulent returns have been received from Meigs county, adding twelve hundred votes from that county where but eighteen were absolutely polled. If this succeeds it will give the pro-slavery seven members in the House; but there is little doubt but our officials will crush out this fraud as they have those in Johnson county, and give the additional members to the Free State party.

I see no further cause for strife in Kansas. The people are satisfied with the result of the election, and our future will be a glorious one.

FROM THE NEW YORK COMMERCIAL ADVERTISER.

The end of the long and warily protracted struggle in the Territory of Kansas is happily now close at hand, and it is pretty clearly ascertained that the contest has resulted in favor of creating the Territory into a Free State. The election of a free State delegate to Congress, Mr. PARROTT, seems to be placed beyond contingency, and the latest advices received thence warrant the belief that the Territorial Legislature elect will have twenty-seven free State men out of thirty-one Representatives, and nine out of thirteen Councilmen. Such is the result of the determination of the free State majority to remedy by legitimate means all through the ballot box the wrongs under which they have felt they were laboring; and in view of the whole facts it is impossible not to feel a lively regret that an earlier resort was not had to that only safe remedy.

As impartial observers of the recent progress of events in Kansas Territory, we freely express the belief that the Administration at Washington and the present Governor of the Territory have redeemed their promise in reference to the late election. They gave the country a solemn assurance that every citizen should be protected in the exercise of his franchise, and that no wrong or fraud should be permitted. That assurance, so far as we can see, has been strictly and honorably verified. Much has been written to the contrary, but we suspect that most readers, like ourselves, receive all extraneous statements from that Territory with a great many grains of allowance, especially when they are made on the authority of partisan correspondents.

The Herald of Freedom, published at Lawrence, (K. T.) and a journal of very creditable moderation and fairness, has examined into and reported many of these accusations of unfairness on the part of Governor Walker and as they have been freely made and widely circulated in this region, and have doubtless made an impression on other minds, as they had to some extent upon our own, we propose to put the real facts before the reader, before finally dismissing the Kansas question.

The charge was that Governor Walker had been overheard to advise a Missourian, named Herndon, to vote at the late election. This charge is thus disproved by the Herald of Freedom.

"While at Lexington, the other day, we chanced to meet Lieutenant Carr, of the United States army, a gentleman from New York, of unimpeachable integrity, and a personal acquaintance of ours. Lieut. Carr, we believe, is the aid of the Governor, and has generally accompanied his Excellency on his tours through the Territory. The lieutenant states that he was with Governor Walker at Kickapoo, and that he was present at the interview with the Governor and Mr. Herndon. Gov. W. inquired of Mr. H. if he had voted. The latter replied that he had not; that he was a resident of Missouri. 'Then,' said the Governor, 'you have no right to vote. This expression is in keeping with Gov. W.'s action and advice in regard to foreign interference in our elections.'

The next accusation is that Gov. Walker had advised the soldiers to vote at the election, contrary to the law of the Territory. Much has been made of this, and it has elicited a very general disapproval and condemnation. The Herald of Freedom enters minutely into an explanation which puts the whole matter in a very different light. We give the substance of the Herald's statement. In his proclamation concerning the election Gov. Walker took the ground that the Territorial election law of 1857 virtually repealed the law of 1855, which latter restricted the right to vote to those who had paid their taxes. It was by that course of Gov. Walker that many of the Free State men, who had refused to pay taxes, secured the right to vote. His position was sustained by the President and his Cabinet. But that same law of 1855 also prohibited soldiers from voting; so that if it was repealed by the law of 1857, which did not exclude soldiers from the franchise, they as well as non-taxpayers were entitled to vote. They claimed their rights, and the Governor, who had maintained that under the law of 1857 the exceptions under the law of 1855 were rendered nugatory, could not consistently deny the claim. The Herald says, however, that the Governor did express a hope that the soldiers would waive their rights, and adds:

"Shortly after arriving at Kickapoo, as we have the statement from Lieut. Carr, the Governor was informed that several soldiers who had obtained leave of absence from the camp had voted, and they had actually voted the Free State ticket. Gov. Walker was then urged by citizens to withdraw the expression of his wishes, in order that the other soldiers, if they desired, might also participate in the election. After considerable delay and hesitation he did consent, provided these soldiers only should vote who, independent of their being in the service, had the entrepreneurship and evidence required by law. And a few of them, our Free State friends say, to the number of forty, did vote; but how they voted, or for whom, Gov. W. declares, as Lieut. Carr states, he never knew. As we are not now known, as the Governor rode away immediately to the fort, and the election was then drawing to a close; but even if they all voted the pro-slavery ticket, which is absolutely denied, it would not change the result either for Delegate to Congress or Territorial Legislature, or any county officer.

"Lieut. Carr also states that none of the officers went to the polls, and that they did not even intimate to the men with whom their own political predilections lay, but only gave permission to go to the polls to such men as desired it, and their opinion is that not more than twenty-five did so."

With respect to the alleged connivance by Governor Walker at frauds at the polls in Johnson county, we extract from the Herald of Freedom:

"Governor Walker, at the request of the Free State party, sent a strong force, consisting of a battery and three companies of artillery, under the command of Col. Brooks, to Shawnee, in Johnson county, the supposed point of danger, to prevent a general voting, especially from Missouri. Westport, in Missouri, but three miles distant from the Shawnee precinct, was the anticipated point for the concentration of the Missourians, and from

this point originally they intended to come. This was evident from previous experience, as well as from what occurred before and after the election. Col. Brooks arrived at the Shawnee the day before the election. When Col. B. arrived he stated that he was called upon by the celebrated Col. Titus, and also by a Mr. Anderson, of Westport, who complained bitterly of the stationing of the troops there, and said that 'the people would be compelled to vote at the point of the bayonet.' Col. B., however, remained firm at his post, exhibiting Gov. W.'s address against foreign voters as his letter of instructions."

We make these extracts from our Kansas contemporary as a simple act of justice to Governor Walker, whose apparent swerving from a volunteered promise we at once condemned as heartily and strongly as any of his opponents. We desire to speak of public men as we find them, and not in the narrow spirit of partisanship. It seems to us that in the late election (though charges of partiality and unfairness have been made against him, and will doubtless continue to be iterated) the Governor of the Territory, who acted worthily in his high position. No man is exempt from error, and Governor Walker's decision has doubtless been one of great delicacy and difficulty. He has well met his responsibilities in reference to the late election.