

## COMPLICITY OF GOV. WALKER IN THE ELECTION

## FRAGMENTS.

Among the multiplicity of reports hourly reaching us of frauds in the late elections, the interference of the Missourians, soldiers voting, and other grave charges against Gov. Walker, we have thought it but just to the Governor and the public that we should enquire into them, and give our readers the result of our own investigations. Our purpose has been to arrive at the truth, not to shield the Governor, or any person acting in concert with him, from deserved censure.

The first charge against Gov. Walker represents that he had labored to induce a Missourian by the name of Herndon to vote at Kickapoo. When we heard the report we pronounced it false, because we felt it was in violation of his instructions from the President, and diametrically opposite to all his pledges made repeatedly to the Free State party and the public generally, and his expressions to us personally. While at Leecompton the other day, we chanced to meet Lieut. Carr, of the U. S. 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 was generally accompanied his Excellency on his tours through the Territory. The Lieutenant states that he was with Gov. Walker at Kickapoo, and that he was present at the interview with the Governor and 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. Walker's action and advice in regard to the foreign interference in our elections, and agrees with his late address over his own signature, and to the fact that in carrying out the spirit of his address he had placed troops, at the instance of the Free State party, at five points in Kansas, contiguous to the Missouri line, to prevent frauds upon the citizens, and particularly against voting by Missourians. It will be seen, then, that the above story is wholly false, and if reported, was gotten up for effect.

Let us state here, that we were informed weeks ago by the pro-slavery men, and by persons from Leavenworth and other places around the border, that immediately after the October election a concerted movement would be made by the pro-slavery party to get rid of Gov. Walker. This information we have communicated repeatedly to friends, and to the Governor himself. Of course we have no knowledge of the mode of attack; but we felt confident that it would be made. We firmly believe that if Mr. Herndon, or any other men, are making such gross representations against Gov. W., they are doing it for effect; that it is a part of the great plan for getting his Excellency out of the way; and that they are laboring to make cats' paws of the Free State party in their dirty work, and from present appearances are likely to be quite successful. The pro-slavery party in the past have not hesitated to resort to fraud and falsehood, and even perjury to carry out their ends. The tendency of their late gross frauds has not been to give them a better character. We would earnestly caution the public that they be not too hasty in condemning the Governor on flying rumors and newspaper reports; nor even volunteered and extrajudicial affidavits; for good men have been lied down, and others may be. There is danger of striking down our best friends when we allow such instrumentalities to be employed successfully in crushing them.

It is stated that a large number of U. S. troops voted under Gov. Walker's direction at Kickapoo, and the Leavenworth Times devotes a column and a half to that subject. Let us state the facts as we understand them:

When Gov. Walker wrote his late address to the people of Kansas he had been contended first, that no person could vote at the recent elections without having paid a tax. The Pro-Slavery grand jury, at Leecompton, some two months ago, had so decided in their letter to Judge Cato; he concurred most fully in that opinion. Attorney General Wier coincided in an elaborate argument. Under this formidable weight of authority Gov. W. addressed the Government at Washington, stating most emphatically his opinion that the people could vote without the payment of this tax, and his determination to act on that opinion, with the view, however, to give additional force to his own views, he requested those of the President and Cabinet. Now it is manifest that if the authorities had not concurred with Gov. W. in his views, they must have recalled him, and, therefore, he put his office and position at stake on this question, for the benefit of the people of Kansas; but most fortunately the question was so strongly and earnestly argued by the Governor that the President and all his Cabinet—as he tells us in his late address—endorsed his opinion; and if the peace of Kansas has been reserved, and the people have elected their Delegate to Congress, and their Territorial Legislature, and shall for the first time obtain control of their own affairs, we owe it most distinctly to this very just act on the part of the Governor.

Now that the Governor should set about to destroy the work of his own hands seems incredible. What is the evidence to the contrary? It is said that the Governor interfered so far as to direct the troops, as stated above, to vote at Kickapoo against the Free State party. We would here ask, inasmuch as Gov. W. had 2,000 troops under his command, why he did not induce them all to vote, instead of the forty, as alleged at Kickapoo only? Now we believe the facts will turn out to be substantially as follows: When Gov. W. was preparing his address as to the qualification of voters, the first question which naturally presented itself to his consideration was this: As the organic act permits the Territorial Legislature of Kansas to prescribe the qualification of voters at every election but the first, does the proviso of the organic act, prohibit soldiers and persons attached to the army "by the reason of their being on service therein" from voting at the first, or all subsequent elections? The question was decided in our favor, as his address fully shows.

Now the Territorial enactment of Feb. 20 '57, declares that "all citizens of the United States, who had resided in the Territory six months before the election, and none other, shall be permitted to vote." The question: how was this organic law to be reconciled with the Territorial act on this point? We understand that they were reconciled thus: that soldiers and persons attached to the army could not vote "by reason of their being on service therein," but if they possessed all the qualifications of voters independent of such service, and were citizens of the United States, and had a bona fide residence of six months next preceding the election in the Territory, had a right to vote, under the Territorial law. That is, if a soldier, teamster or mechanic resides with his family in Missouri, he should not vote by reason of his being on service here; but if such soldier, teamster or mechanic was a bona fide resident here, independent of such service, especially if prior to his enlistment, and had no other residence but this for the six months next preceding the election, he had a right to vote, not as a soldier, but as a resident citizen.

These, too, were Gov. Reeder's views as we chanced to know under the same organic law, as several officers at Fort Riley were permitted to vote as early as 1853; and this right has never been previously questioned. Gov. W., however, as we understand, did not wish the soldiers to vote; indeed, we are told when this question was discussed at Fort Leavenworth for several days preceding the election, Gov. W. expressed a hope that the soldiers would not vote, though he gave no orders on the subject, and had no right to give any. Now how did any of them come to vote? We may state the election having passed off quietly at Leavenworth on the first day, and going off with equal quietness on the second, the Governor, as we understand from Lieut. Carr, sometime after dinner on the second day, rode to Kickapoo, not to participate in any barbecue, for none was given there, not to take any part in the election, nor to interfere in any way in the proceedings, but to see that everything was passing off quietly there, and then to return to the Fort.

Shortly arriving at Kickapoo, as we have the statement from Lieut. Carr, the Governor was informed that seven 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, those soldiers only should vote, who, independent of their being in the service, had the citizenship 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 who, Gov. W. declares, as Lieut. Carr states, he

never knew, and does not now know how they voted; as the Governor rode away immediately to the Fort, and the election was then drawn to a close; but even if they all voted the pro-slavery ticket, which is absolutely doubted, it would not change the result, either for delegate to Congress, or Territorial Legislature, or any county officer.

But how as to Johnson county, which does change the result as regards the Territorial Legislature? Why Gov. Walker, at the request of the Free State party sent a strong force, consisting of a battery and three companies of artillery, equal to a force of 1,300 men, under the command of Col. Brooks, formerly of Massachusetts, himself a Free State man, to Shawnee, in Johnson county, the supposed point of danger, to prevent illegal 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 Shawnee the day before the election. When Col. B. arrived, he states 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 troops there, and that "The people," as they said, "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.

What followed? Why the Missourians changed their place of voting, and went on the second day to Oxford, which is twelve miles distant from Shawnee, and some fifteen from Westport, a point directly on the borders of Missouri, opposite the town of Little Santa Fe. Here the fraud was perpetrated, not on the first, but quietly on the second day of the election. Indeed we do not believe any of these votes were given, but were merely entered and counted as such, as appears by the certificates on file at Leecompton, to the number of 1,548 on this second day, which was impossible, or even one-half that number, to be polled on one day. Now it is upon the Oxford precinct of Johnson county, that a majority of the votes for the Territorial Delegate to Congress, probably, and certainly majority of the Delegates to the Territorial Legislature will turn.

If the Oxford precinct is rejected, the people will have the Delegate and the Territorial Legislature, and the result will mainly depend upon the action of Gov. Walker. If he is true to the solemn pledges contained in his inaugural address, in his Topeka speeches, and his late proclamation on the tax question, he will reject this fraudulent return with scorn and indignation. This we firmly believe he will do from his past course. Indeed, if he did not wish the people to rule Kansas why did he issue his address on the tax question, which address, if we do succeed, issued under the most trying circumstances, will have given us peace and victory!

We are happy to learn that a protest has been signed and forwarded to the Governor and Secretary in regard to these Oxford returns, which will be found in our editorial column. If the Governor proves false to his pledges, and not till then, will be the time to ask other modes of redress.