GOV. SHANNON'S DEFENCE.

We received some time since, from an old personal and political friend in Ohio, a copy of an address issued by the Hon. WILSON SHANNON, late Governor of Kansas, in reply to various charges, personal and official, made against him by the party press, with a request that we would, as an act of courtesy, if not of justice, give it a place in our columns. Disposed as we are to respond affirmatively to such a request, the state of our columns has prevented a compliance with it until the present moment, and now, we regret to say, having circulated the imputations which Gov. S. repels, his replies to some of them in extenso we are, as they reflect on other parties, unable to admit. Such portions of his defence, however, as we can we insert entire, and are obliged to confine ourselves to the substance or general statements of the residue.

To the American Public.

On the 10th day of August, 1855, I was appointed Governor of the Territory of Kansas—an office I did not solicit, and accepted with great reluctance, and only through the persuasion of political friends. It is true that for the first time in my life, I applied to the President for an appointment, but neither expected nor desired the office of Governor of the Territory of Kansas. But I accepted the appointment, and entered on the duties of the office with a fixed determination to discharge the duties with fidelity and impartiality. How far I have succeeded I submit to the candid judgment of the American people.

On the 29th day of July last I was removed by the President, and my successor appointed and confirmed by the Senate. No complaint was ever made to me by the Cabinet at Washington of any act of mine, from the day I was appointed up to this hour. I was removed without the slightest notice or intimation from any quarter that my course as Governor of the Territory had not been satisfactory, and without being advised of any cause or charge of any kind, and I still remain ignorant of the reasons for my removal. Had the President or any one of his friends given me the slightest intimation that he desired to make a change I would have been glad of the opportunity to resign.

The office was one full of perplexities and difficulties, and had been so from the time I entered the Territory; more so, it must be conceded, than any other in the Government. Indeed, as early as the latter part of June last I had written my resignation and directed it to the President, and actually wrote to Col. Deford, at Westport, that I had resigned; but the mail not going for some time, the letter containing my resignation was not sent, and in the mean time the substantial men of all parties, hearing of my determination, called and urged me in the strongest terms not to resign, that the country was then quiet, business of all kinds reviving, and the whole country beginning to present the appearance of peace and prosperity under the system of policy which I had adopted. They urged that if I would resign it might so unsettle the country, prospects and things, and bring upon the country a change prejudicial to the public interest. At the urgent solicitation of almost the entire population of Leompton (the seat of government) and the surrounding country, I was induced to withhold my letter of resignation to the President.

I mention this circumstance to show that I have no regret for the office itself, and that I was desirous to be relieved of it, and that I would have willingly resigned at any time, on the slightest intimation from the President that he desired to make a change. It is not the office I regret, but the manner in which I was removed by the President that gives me just cause of complaint, and which imposes on me the disagreeable necessity of appearing before the public, at the time, in vindication of my official course while Governor of the Territory of Kansas, and to repel the scandalous attacks on my public and private character by unscrupulous political opponents, whose business it is and has been to manufacture materials out of the most trivial and false to mislead the Presidential election. These charges and calumnies have been virtually endorsed by the President in the act of my removal, and I owe it to myself and family, as well as the country, to vindicate my character, thus most unjustly assailed. Justice, if nothing else, is demanded that, before being removed, I should have been notified of the charges against me, if any existed, and a fair opportunity afforded me of making a defence.

In reviewing my official course in Kansas I shall say nothing of the difficulties at Lawrence in last November, at a period when I was absent at the time on terms honorable to both parties, by which the difficulties of that and the commencement of civil war were prevented and the peace of the country maintained. I subsequent to the arrangement of these difficulties at Lawrence my name was sent into the Senate for confirmation by the President, which was an approval, on his part, of my action in settling those difficulties. Had the terms of that settlement been adhered to, Kansas would ere this have been would this day be in a prosperous and happy condition, instead of being torn to pieces by violence and civil war.

It was upon precisely such a settlement the arrangement made at Lawrence in the fall, by which the Territory was saved from war and bloodshed, that I was induced to take the office of Governor. The armed bodies of men that commenced entering the Territory early in the spring, from various sections of the Union, were sufficient to admonish, not only the Executive of the Territory, but the President himself, that there was great danger, to say the least, of a conflict of arms between the two contending parties in the Territory. It was, enjoined upon me, among other things, by the President in his letter of February last and his letter of instructions to me of the same month, to preserve the peace of the Territory. This I considered an imperative duty, and the question with me was, how to do this most effectually with the means placed in my hands by the President.

Mr. SHANNON then goes on to describe the extent of the powers with which his instructions from the President invested him, as respects the resort to United States military force. Whilst apparently considerable, he says this power was practically neutralized by the condition attached to it, that before the actual interposition of such force, on any occasion, the President's proclamation was to be publicly read. This procedure, he argues, would have resulted in nine cases out of ten in the escape of the parties against whom writs were directed. How this apparent power, even if not clogged by its own conditions, was, in his judgment, otherwise rendered dubious and ineffective, he explains in the following passages:

To make the military efficient in executing the laws and in preserving the peace, discretionary powers should have been given to the Executive of the Territory when and how to use them. If the President had no confidence in my judgment, prudence, and discretion in the use of the military, when discretionary instructions, he should have at once selected a man in whom he had confidence. The power conferred on me in the above instructions, taken alone, if followed in their plain meaning, amounts practically to very little, but, when taken in connexion with the instructions given to the two military officers in command of the United States forces, amounts to nothing at all; I have the extent to which the military force might be used in enforcing the laws and preserving the peace wholly discretionary with the military officer in command.

In the instructions given by the President to Colonel Sumner (and those given to Colonel Cooke are the same) the following language is used:

"If, therefore, the Governor of the Territory, finding the ordinary course of judicial proceedings and the powers vested in the United States Marshal inadequate for the suppression of insurrectionary combinations of armed resistance to the execution of the laws, should make requisition upon you to furnish a military force to aid him in the performance of that official duty, you are hereby directed to employ for that purpose such part of your command as may to your judgment be detached from their ordinary duty."

The extent of the force to be used is left entirely discretionary with the officer in command, and he may detach an adequate or inadequate force, as he sees proper. No discretion or power is left with the Executive as to the extent of the military force to be used. Did the instructions stop here, however, they would not be so objectionable, but they proceed and say:

"You will use a sound discretion as to the moment at which the further employment of the military force may be discontinued, and avail yourself of the first opportunity to return with your command to the more grateful and proper service of the soldier—that of common defence."

And the instructions go on still further to state

"Should you need further or more specific instructions, or should, in the progress of events, doubts arise in your mind as to the course it may be proper for you to pursue, you will communicate directly with this Department, stating the points on which you wish to be informed."

If doubts arise in the mind of the officer in command as to the course he should pursue, he can stop all military movements until he can receive advice from Washington city, which would require, ordinarily, one month. At the end of that time it would be a matter of but little importance, so far as executing the laws or preserving the peace of the Territory might be concerned, what advice he might receive from Washington. Now, I submit to every candid mind whether the President in the instructions to me above referred to, in connexion with those to the two military officers above named, gave me any authority or power? Whether he does not leave it entirely discretionary with the commandants of the military forces as to when, how, and to what extent those forces may be used? These instructions are deceptive, and calculated to deceive and mislead the public mind with regard to my powers.

The President requires me by his proclamation to repel all aggressive parties entering the Territory, either from a near or distant State, to see that the laws of the Territory are executed, and to preserve the peace thereof. For this purpose of enabling me to execute these imperatives duties he nominally invests me with the whole military force of the United States in the Territory, when in truth and in fact he has conferred on me no such power, but by these double set of instructions has left the use of the military force in my hands to be used, or not, at my discretion, with the military officers in command. Whether the United States troops should be used to enforce the Territorial laws or not, is a question upon which there is a difference of opinion, but whether there is no difference of opinion as to the propriety of using them to repel aggressive parties entering the Territory, and in suppressing insurrectionary movements or in preserving the peace, I do not believe. I believe it assumes that the United States troops may and properly should be used to enforce the Territorial laws when their execution is resisted by a mob, or for any other similar purposes above named, and in this I concur with him in opinion; but, in the use of these troops, the man who is required to see that the laws are faithfully executed, and who is held responsible for their non-execution, and one who is required by the President to repel aggressive parties entering the Territory, and is responsible if he permits such parties to enter and disturb the peace of the country; the man who is required to suppress all insurrectionary movements, and is required to preserve the peace, and is responsible if he fails to do so, should be the person clothed with the military arm of the Government to do his duties in the manner he thinks best. But to require the Governor to do all this, and professedly give him the military force of the Government to enable him to do it, at the same time vesting in the military officers in command the sole power of judging of such requisitions, is a mockery, a delusion, and a piece of imbecility which if I had been guilty of would have been the subject matter of criticism and ridicule in every newspaper in the country. So much, then, for the powers conferred on me by the President in relation to the use of the United States troops.

Mr. SHANNON occupies a paragraph in combating the idea, which some might entertain, that, as commander-in-chief of the Territorial militia, he possessed efficient means of enforcing and executing the laws. He says, all the people who composed the militia were in political opinion and feeling, he says it would have been futile to depend upon them. The United States forces in Kansas were the only ones in any proper sense reliable, and these he asserts to have been numerically weak.

Nominally there were two regiments of dragoons. They were, however, broken regiments, the one under Col. Sumner, at Fort Leavenworth, not being able to mount more than about three hundred fit for service, and the one under Col. Cooke, at Fort Riley, one hundred and forty miles in the interior, and on the very western verge of the settlements, not mounted more than two hundred and twenty men, and, from its position, could not, was able for practical purposes or sudden emergencies. It will be seen from this statement of facts that, even if I had been authorized by the President to call out the military force as my own judgment and prudence might dictate, it was wholly inadequate to the emergency, but when it is considered that it was not subject to my requisition, but that the military officer should judge and see proper to comply with my requests, it will be seen that I was left almost powerless by the Cabinet at Washington to contend with actual and approaching difficulties. It is true that the bulk of the population of peace depended almost entirely on the will of the officer in command. Fortunately I found in Col. Sumner a desire to do every thing in his power to aid and assist me in performing the duties devolved on me by law. With the limited force above alluded to, and after a full consultation with Col. Sumner, to whose judicious advice and counsel I am greatly indebted, I determined to establish an armed police in the most exposed portions of the disturbed portion of the Territory. Col Cooke was too distant to consult on the subject; accordingly the available force under the command of Col. Sumner was divided into at eight different points, with instructions to disperse all organized armed bodies of men that might be found threatening the peace of the Territory, and in case they resisted, that they were authorized to use the military force. These orders were applicable to all parties of organized armed bodies of men outside of the law. Orders were issued to repel all organized aggressive military parties entering the Territory from a near or distant State. This last order was based on the requirements of the President's proclamation, by which it was made imperative on me to call upon an armed police throughout the disturbed district, in case they should not promptly and cheerfully co-operate in my Col. Sumner, perfect order was soon restored to the Territory. The armed military organized under the authority of the President, and aggressive parties from the adjoining States of Missouri and Iowa, were forced to retire, and did retire when notified of the orders issued by the Executive of the Territory and the commanding officer of the United States forces. It is true I had no express authority from the President to distribute the troops as above stated, and it was not only optionary with Col. Sumner to have done so or not; but I felt that I was authorized in the use of the military to preserve the peace that I did not hesitate to adopt it, but immediately notified the President of what I had done, and have reason that had influenced my action. Not a word of censure has been uttered in reference to me from the Cabinet at Washington. That policy, in my judgment, was the only one, with the very limited force at my command, that could have been adopted to prevent a civil war.

It required no great foresight to see that, if the armed organized bodies on both sides that existed in the Territory were left to roam at will over the country, we could not keep up their organizations, and let free to march through the country, arresting and making prisoners of their adversaries, and claiming the right virtually to make a merit of it, that a civil war, sooner or later would be the inevitable result. So effectual had this policy proved to be in breaking up all the armed bodies of organizations on both sides in the Territory, and in repelling all aggressive parties, that at the time Col. Sumner was superseded in the command of the troops there was as much good order in the Territory as in any portion of the Union. It was the perception of this fact that induced my successor to report to the President that the country was left at well a band of horse thieves, against whose depredations it was impossible for the military force to protect the people. This, however, was a temporary evil, which, if the military forces had been allowed by the civil authorities, would in due time have put down. This peace and good order throughout the Territory, with the exception I have named, continued up to the time of my leaving the Territory, and, from information I have received, it has been in a good order was the admitted result of the policy I had inaugurated, and which had been efficiently carried out by that able and energetic commander (Col. Sumner) whom the President, for reasons known to himself, thought proper to supersede.

When Col. Sumner was superseded in the command of the forces and I was removed from office, taken in connexion with the votes of the majority in the House of Representatives on the Kansas appropriation bill, the impression became general with the officers of the army that the use to which the army had been applied in the Territory had been disapproved of, not only by the majority of the House of Representatives, but by the President and his Cabinet. The consequence was that, with every disposition on the part of the officers of the army to do their duty, they felt that they might be endangering their positions in the army in connexion with the President, if they should carry out and maintain the policy which had been adopted during the time Col. Sumner was in command. The army, therefore, from that time forward did but little, except to protect the town of Leompton from being taken by the forces under Gen. Lane. It was composed of brave men and able and patriotic officers, willing and anxious to do their duty; but, being all military men, educated to obey the orders of their superiors, they hesitated to do any act which might incur the displeasure of their commander-in-chief, the President of the United States.

The recent civil war in the Territory, as I have already stated, broke out on the 12th of August last, by an attack on the town of Franklin by about two hundred and fifty free State men. This was followed up in rapid succession by a series of engagements, resulting in the loss of many lives, and the destruction of a considerable amount of property, and a great deal of individual suffering. The commencement of this civil war was two weeks after my removal from office, and when I had been stripped of all the moral power which official station usually gives, and after the army had been employed by the joint votes of the House of Representatives on the army appropriation bill and the action of the President in superseding Col. Sumner.

The breaking out of the recent civil war in the Territory, I am free to say, has been owing to the fact that Gen. Lane, with his Northern army, was quietly permitted to enter the Territory with artillery, arms, and all the implements and munitions of war, and the encouragement of the policy of an armed police, as I have already stated.

Mr. SHANNON then asks, who is responsible for all this? and answers his own question by charging the blame upon all concerned in levying, supplying, or encouraging the army under Gen. Lane. He next describes his own course on being assured of what was to come:

Seeing the approaching danger of civil war, I wrote to the President from the city of St. Louis, where I had been called on official business connected with the erection of the Capitol buildings at Lecompton, as early as about the first of July last, urging upon him the necessity of sending into the Territory five hundred infantry, stating that I desired the infantry to station in the various towns, while the dragoons could be stationed at different points in the country for country service; that dragoons could not be stationed in towns that they had to be located where there was plenty of water and grass for their horses; that by stationing the infantry in the towns they would be able to protect them from an attack, and at the same time could not these infantry, with their organizations upon their first appearance, which usually have their organizations in the towns and villages of the country, have the moral effect I expressed the opinion to the President that I would be able to preserve the peace of the Territory. At that time I did not for a moment suppose that there would be any objection to repelling Gen. Lane and his forces, if they should approach Lecompton for St. Louis, fearing that Gen. Lane might enter the Territory before my return, I had a distinct understanding with Col. Sumner that, should such be the case, he was to meet him with his whole force on the border. That Col. Sumner would have done so no one who knows him will for a moment doubt. He had been charged in certain quarters with being partial to the free-State party. He felt that that charge did him injustice, so far at least as his official action was concerned, and he expressed to me a desire to have an opportunity of showing to the world that he was as ready to act with an armed force, so as to prove to the world that he was impartial as between the two parties in the performance of his official duties. The letter which I addressed to the President, requesting an additional force of infantry, I received no reply, nor were there any steps taken by the President to strengthen the arm of the Executive in Kansas, until the Sunday morning on which the civil war was rapidly approaching.

Shortly after my return from the city of St. Louis, and as soon as I understood that Gen. Lane with his armed force was approaching Lawrence, and was encamped near Nebraska city, in that Territory, and evidently intending to enter the Territory of Kansas for the purpose, as he declared himself, "of fighting," I addressed a letter to Gen. Smith, then in command of the United States forces at Fort Leavenworth, in the place of Col. Sumner, requesting him to take the field with the whole disposable force under his command, and to prevent the invasion of Lane and his party by the northern boundary into the Territory. At the same time I transmitted to Gen. Smith a detailed report from Gen. Marshall, of the northern division of the militia, composed of about 1,500 of the reliable source, as I conceived, the position, strength, and avowed purpose of Gen. Lane and the forces under his command. This report was based on one made by Capt. Walker, from Lawrence, and was the report I now sent by to Gen. Lane's camp. Gen Smith did not consider it his duty to comply with my request, and acting, as he was at that time, under the instructions which I have above quoted, and which I had given to Col. Sumner, and a copy of which accompanied my instructions, he was at liberty to comply with my request or not, as his own sense of duty might dictate. His reasons for not doing so will be found in the following letter from Gen. Smith, which was read by Gen. Cass in the Senate of the United States; and I deem it due to that distinguished officer that his reasons, as given by himself, for declining to comply with my request, should accompany this address:

FORT LEAVENWORTH, AUGUST 15.

I have received a letter from Governor Shannon, asking me to detach a force from this place to Lane's camp in the Territory, to prevent the ingress of Lane's party by the southern boundary of the Territory.

The information given to the Government has been exaggerated, and to the my knowledge is so incorrect, that I decline making interference in the matter.

Capt. P. J. Wood, with his company of cavalry, is upon the northern frontier, and I shall depend upon his reports to govern my action. Two companies along the Kansas river were sent by the commanding officer, at the Governor's request, to break up some of armed men at several places designated. On the arrival of the troops at the points designated, not only were no camps found, but none had ever existed there or any where else in the neighborhood. I know each party is trying to engage the action of the troops in repelling their adversaries, and I am no dependent on the reports that are to me from what I consider good authority.

Your obedient servant,

FRANCIS P. SMITH.

It is here worthy of remark that the approach of Gen. Lane with his forces into the Territory was not sudden or unexpected. He lingered on long enough in Nebraska city. He kept his scouts fifty miles in advance as his main force for the express purpose of watching the movement of the United States troops, and, when he found there was no impending force, he dashed forward at once, and in eight days after he entered the Territory he commenced the business of his mission by an attack on the town of Franklin.

I submit now to a just and intelligent public to determine who is responsible for the late and present disturbances in Kansas—the man who requested to be furnished with a military force to enable him to meet this threatened danger, the man who requested that Gen. Lane and his forces should be met and dispersed by the United States troops, or those who disregarded these requests, and silently stood by and witnessed the approaching storm without making the slightest effort to shield the country from the dire calamity of civil war. I have no fears of the judgment of an intelligent public, and when the fury of party spirit shall have died away, and men come to weigh the actions of their public servants in impartial scales, there will be but one opinion in the country on this subject.

The citizens of Missouri, some seven or eight companies, had been turned back, and not allowed to remain in the Territory as armed organized military bodies. Just as important as these disturbances, however, in the Territory, required that the same rules should be applied to Gen. Lane and his Northern army. To lay down a set of rules to be applied to one party and not the other is not consistent, upon which I have always contended, that it would have already characterize the acts of the Government.

Some disturbances resulted from the posse summoned by the United States Marshal in May, but surely I am in no way responsible for these disturbances. The law shall the legal right, when resisted in the execution of process in his hands, to summon his own posse. The law gives him this right, and I had no more power to repress him if I were to interfere with the exercise of this than I take from him his commission. Had he seen proper to call on me as Governor for a posse, if the written statement of facts had justified me in so doing, I would have ordered a sufficient force, which, if proper officer in command, under the President's instructions, could have compelled with or more, as he pleased. But the United States Marshal—a gentleman of prudence and discretion—saw proper to summon his own posse, as he had the unbridled right to do. It would have been about in me to have attempted to control or restrain the United States Marshal in his legally constituted posse by the United States troops, or, in her words, to use one arm of the Government to put down another—the military to put down or control the civil.

Now, I repeat, I do not, and challenge contradiction, that from the day I was appointed up to the time of my removal the only acts done by the President to preserve peace in the Territory or to secure the execution of the law were the issuing of his proclamation last February and his letter of instructions to me, accompanied by copies of the instructions to Col. Sumner and Cooke, of the same month, upon which I have already commented. I repeat that these are the only acts to which he can point as having any agency in the affairs of Kansas, unless, indeed, the act of superseding Col. Sumner can be claimed as one.

Having, I trust, by a plain statement of facts, successfully vindicated every act of my administration while Governor of the Territory of Kansas, such was the policy I felt I could pursue in my own proper character, which was so disturbed by alone losing that policy or letting it sink for the want of support, I will now proceed to the more disagreeable duty of vindicating my private character from the unjust assaults made upon it by political opponents, whose business it has been to manufacture political capital for party purposes.

The paper closes with a defence from an alleged charge of addiction to intemperance. A long list of names of prominent persons in Kansas and his own native State of Ohio, by a majority of whom he has been known from his earliest life, is appealed to in disproof of the charge. A number of these gentlemen appear as signers to a certificate exculpating Mr. SHANNON from the calumny.