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HISTORICAL COLLECTIONS

OF

THE GREAT WEST:

CONTAINING

NARRATIVES OF THE MOST IMPORTANT AND INTERESTING  
EVENTS IN WESTERN HISTORY—REMARKABLE INDI  
VIDUAL ADVENTURES—SKETCHES OF FRONTIER  
LIFE—DESCRIPTIONS OF NATURAL CURIOSITIES:

TO WHICH IS APPENDED

HISTORICAL AND DESCRIPTIVE SKETCHES OF OREGON, NEW MEXICO,  
TEXAS, MINNESOTA, UTAH, CALIFORNIA, WASHINGTON,  
NEBRASKA, KANSAS, ETC., ETC.

BY HENRY HOWE,

AUTHOR OF "HISTORICAL COLLECTIONS OF VIRGINIA," "HISTORICAL COLLECTIONS OF OHIO."

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# HISTORY OF THE WAR IN KANSAS.

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THE events which have recently transpired in Kansas are of such interest, and belong so directly to the History of the "Great West," as to demand a supplementary chapter in our work. The following summary has been carefully compiled from letters, newspapers, and documents, put forth by *both parties* to the struggle, with a single eye to an impartial narrative of events as they occurred.

The question of Slavery being the hinge on which the whole struggle in Kansas turns, it will be necessary, in order to comprehend the position of the contending parties in that Territory, to take a brief view of the history of Slavery in this country, and the legislative action of the General Government in relation to it.

**ORDINANCE OF 1787.** Before the adoption of the Constitution, in 1789, a majority of the States were Slaveholding. Measures had, however, been taken in all the Northern States to abolish it, and in all except six of the old thirteen States, it soon ceased to exist as an institution. In 1787, the Territory lying north-west of the Ohio river, was ceded to the United States by the States of Virginia, New York, and Connecticut. Congress accepted the cession, and passed an ordinance for the government of the Territory, in which was incorporated the following provision, originally proposed by THOMAS JEFFERSON :

*Article 6 of the " Ordinance for the Government of the Territory of the United States, North-West of the river Ohio.*

" There shall be neither Slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crime, whereof the party shall have been duly convicted ; *Provided*, always, that any person escaping into the same, from whom labor or service is lawfully due in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid."

This constituted all the Territory belonging at that time to the United States.

This ordinance was ratified, and full effect given to it, by the first Congress which met under the new Constitution, in August, 1789.

## THE MISSOURI COMPROMISE.

The next action of the General Government in relation to Slavery in the national Territories, was in the year 1820.

On the 18th of December, 1818, the petition of the Legislature of Missouri Territory, asking for the admission of that Territory into the Union, was presented to Congress. A bill embodying the views of the petitioners was framed, and an amendment prohibiting the *further introduction* of Slavery, was adopted by a vote of 87 to 76 in the House of Representatives. On the 15th of March, on motion of James Tallmadge, of New York, an amendment, providing that all children born within said State after its admission shall be free at the age of twenty-five years, was adopted

by a vote of 79 to 67. The Senate refused to concur in these two amendments, and, as the House insisted on them, the bill did not pass at that session.

During the next session of Congress, the Missouri Bill being again under consideration, Mr Thomas, of Illinois, proposed, on the 18th of January, 1820, the following amendment, in order to induce the House to yield their purpose of preventing the further introduction of Slavery into Missouri:

*"And be it further enacted, That in all that Territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees thirty minutes north latitude, excepting only such part thereof as is included within the limits of the State contemplated by this act, Slavery and involuntary servitude, otherwise than in the punishment of crime, whereof the party shall have been duly convicted, shall be and is hereby forever prohibited: Provided, always, That any person escaping into the same from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid."*

This proposition had the desired effect.

The question of substituting this compromise amendment for the amendments restricting Slavery in Missouri was decided in the affirmative, in the House, by a vote of 134 to 42. The same proposition, in the Senate, was adopted by a vote of 33 to 11. The two Houses thus concurring with each other, the bill passed, and Missouri was to be admitted as a Slave State without any restriction as to Slavery, on the express condition that Slavery should be forever prohibited in all Territory of the United States north of 36° 30'.

The Territory of Kansas was a part of this Louisiana purchase, and, as it all lies north of 36° 30', was included in this Missouri prohibition.

The strong excitement which this memorable contest produced both at the North and at the South, was at that day unprecedented\*. It, however, seemed to be wholly allayed after a few years. The North acquiesced in the admission of Missouri, and afterward of Arkansas, (both lying south of the line,) as Slave States, and the South acquiesced in the admission of Iowa (lying north of the line) as a Free State. But little occurred, for a period of twenty-five years, to disturb the harmony subsisting between the two sections of the Union.

#### CONFIRMATIONS OF THE COMPROMISE.

On the admission of Texas, in 1845, by a joint resolution of March 1st, the Missouri Compromise was reaffirmed, and its operation extended, by the third article of the second section, declaring that such States as may be formed out of such portion of the said Territory lying south of 36° 30' north latitude, commonly known as the Missouri Compromise line, shall be admitted *with or without* Slavery, as the people of each State asking admission may desire, and in States formed north of that line, Slavery shall be prohibited.

When the admission of Oregon was under consideration, August 10, 1848, Mr. Douglas moved an amendment recognizing the Missouri line and extending it to the Pacific. All the Southern Senators voted for this proposition, and it was adopted by a vote of 33 to 21. The House, however, non-concurred in the amendment, by a vote of 121 to 82. The Senate receded, and a clause excluding Slavery was adopted instead.

The compromise measures of 1850, though they failed when aggregated,

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\* See page 276.

were separately adopted. They embraced, 1st, An act to establish the northern and western boundary of Texas, and pay that State and her creditors ten millions, for the relinquishment of her claims to New Mexico—with a provision that nothing therein contained shall be construed to impair the validity of the third article of the second section of the joint resolution of March 1, 1845—(the article which reaffirmed the Missouri Compromise line;) 2d, the establishment of the Territorial Government of New Mexico; 3d, the establishment of the Territorial Government of Utah; 4th, the admission of California; 5th, the passage of the Fugitive Slave Act; and 6th, the suppression of the Slave Trade in the District of Columbia.

### THE KANSAS-NEBRASKA BILL.

Some years after the passage of these Compromise Measures, which were supported by their leading advocates in Congress, as a *finality* on the Slavery question, Mr. Senator Douglas, of Illinois, brought forward, in the Senate, a bill for the organization of the Territories of Kansas and Nebraska. The bill, as first drawn, contained no provision relating to Slavery. Subsequently, however, Mr. Douglas inserted an amendment, which repealed, in terms, the prohibition of Slavery in both Territories by the Missouri Compromise.

This provision is a part of the 14th section of the bill, and reads as follows:

“That the Constitution, and all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principle of non-intervention by Congress with Slavery in the States and Territories, as recognized by the legislation of eighteen hundred and fifty, commonly called the Compromise Measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate Slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: *Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of sixth March, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing Slavery.”

The discussion of this bill in Congress was the prelude to an exciting and bitter contest, which soon spread throughout the country. The majority of the people of the North, deeming this attempt to interfere with the established legislation of the Missouri Compromise a breach of faith, and strenuously opposed, from principle, to the extension of Slavery, were deeply aroused. Meetings were held in all the leading towns and cities, and petitions and remonstrances against the measure were poured in upon Congress. The Nebraska Bill was everywhere the current topic of conversation and of the press. The South, on their part, viewed the matter at first with comparative indifference. They had not originated the measure—the Territory was as yet wholly unsettled, and too remote to be of immediate practical importance to any of the Southern States except Missouri. Still, in the ultimate decision, the South voted nearly as a unit for the bill.

The debate was protracted and exciting. It was argued by Mr. Douglas and his supporters, that the measure was demanded alike by justice and the Democratic principle: that Congress has no power to exclude Slavery from the Territories, any more than to establish it: that to the people of the Territories alone belongs the rightful exercise of sovereignty over their domestic concerns: that the national domain, being purchased by the blood

and treasure of the whole country, belongs to both sections of the Union alike: that the South have the same right to carry their slaves there, as the North have to carry their horses or any other species of property: that the Missouri Compromise was an infraction of the principle of popular sovereignty: that, being only an ordinary act of Congress, it was repealable by a subsequent Congress: that the passage of the bill would not, in all probability, carry Slavery into the Territory, but that it was essential to a great principle that the bill should pass.

On the other hand, it was strongly urged that the measure was a repeal, not of a mere law, but a compromise of the nature of a compact, entered into by the North and South, and binding upon both: that by the admission of Missouri and Arkansas as Slave States, the South had received her share of the consideration, whilst it was now proposed to rob the North of hers: that, by twenty-five years acquiescence in the prohibition, as well as by its application to Texas and Oregon, the South were estopped from repudiating it now: that the power of Congress to pass such a restriction, was clearly conferred by the Constitution, giving it the entire control and regulation of the Territories: that the doctrine of popular sovereignty in the territories was a new and fallacious one, brought forward with the sole design of extending Slavery: that popular sovereignty in a new community,—in the absence of an established constitution, would only lead to anarchy and confusion: that the exclusion of Slavery by act of Congress, was not only just, but expedient and proper: that the Ordinance of 1787, passed by the early Fathers of the Republic, was a wise and salutary measure, as proved by the prosperity and wealth of the great States from which human bondage had been excluded by it: that the claim of the South to carry her Slaves into any Territory was unfounded, because Slavery is a mere local relation, confined wholly to the States where it exists by law: that the inherent injustice of the system, together with its injurious effects on human welfare, imperatively forbid its further extension; and that this attempt to spread Slavery over a vast Territory solemnly consecrated to freedom, was but to renew the Slavery agitation, which would endanger the permanence of our institutions, and destroy the harmony of the Union.

This bill, after an ever-memorable contest, passed the Senate on the 4th of March, 1854, by a vote of 37 to 14, and passed the House of Representatives on May 23, 1854, by a vote of 113 to 100.

It provided for the appointment of the Governor and Judges of the Territory by the President and Senate.

The first officers of the Territory appointed by the President were as follows:

EXECUTIVE.	SALARY.
A. H. Reeder of Penn., lately Governor.....	\$2,500
Daniel Woodson of Arkansas, Secretary.....	2,000
JUDICIARY.	
Samuel Dexter Lecompte, Chief Justice.....	\$2,000
Sanders N. Johnston, Associate Justice.....	2,000
Rush Elmore, do. do.....	2,000
Andrew J. Isaacs, Attorney, fees.....	250
J. B. Donaldson, Marshal, fees.....	300
All these were appointed for a term of four years commencing in 1854.	

Almost immediately after the passage of the bill to organize the Territory, settlers from Missouri began to move over the border. Clubs were

formed to promote settlement, and meetings were held at which strong resolutions toward making Kansas a Slave State were passed. On the other hand, a general feeling existed in the Free States, to the effect that, Congress having failed to protect Kansas from the inroads of Slavery, the question must be met on the soil of the Territory, and, if possible, decided for Freedom by the doctrine of "Squatter Sovereignty" itself. A very considerable emigration was the result, and several "Emigrant Aid Societies" were organized, with capital held in shares, and intended to facilitate the speedy and economical removal of settlers from the Free States. These organizations at once excited in the State of Missouri a feeling of intense animosity. The fear that Kansas would be made a Free State operated with great force in the border counties, in consequence of a feeling of insecurity to Slave property in such an event. The fact that, by the "Nebraska Bill," the eastern boundary of Kansas had been made nearly to coincide in extent with the western boundary of Missouri, was significant. It was necessary, if the institution of Slavery was to flourish in security and vigor in Missouri, that Kansas should be a Slave State. Thus the original opposition of the Missourians to the settlement of Kansas by Free State men, grew out of the necessity of their position, not from a feeling of antagonism to the North, nor to the Emigrant Aid Societies, considered simply as such. Moreover, the immediate proximity to Missouri of the fertile soil of Kansas, lying in the same latitude, and promising bountiful rewards to the planter, operated as a strong incentive to possession. The feeling thus excited in Missouri soon spread to other Southern States. Bound together by a common interest, and that interest depending directly upon the profitable market for Slave labor, they could not look on with indifference. The value of Slave property is enhanced by every new field of fertile soil that can be opened for its employment. Thus the South, having but a limited supply of productive soil within her own borders, continually needs room to spread, and seeks new Territories for culture.

On the other hand, the North viewed with jealousy and alarm the settlement of the Territory by Slaves. The two systems of Free Labor and Slave Labor are antagonistical in interest, as well as in principle. The Free Laborer of the North, whether native or foreign born, goes reluctantly to work by the side of Slaves.

The feeling of opposition to the extension of Slavery, always vital in the Northern States, had repeatedly succumbed to other considerations, until at length it appeared as if the North were not in earnest. Again and again had Slavery been extended by the aid of Northern votes in Congress, and it is a significant fact, that this repeal of the Missouri restriction itself was brought forward by a Northern Senator, passed by a Northern majority, and approved by a Northern administration. So easy and compliant had the North become, that it is even probable, had the extension of Slavery over Kansas come in any shape save the undoing of a Compromise, that the North would have acquiesced. But, coming in the shape it did, it thoroughly aroused the popular mind throughout the Free States, and carried the feeling of opposition to an unexampled height. In the next election most of the Northern members who had voted for the Nebraska Bill were defeated. The agitation of the question of the Freedom of Kansas became the universal topic of discussion, and action soon followed upon discussion.

The gathering of emigrants and the formation of companies going on actively in the North, soon led to open opposition on the part of the citizens of Missouri, who seemed in a manner to consider the Territory as their own.

On the 23d of July, 1854, a meeting was held at Weston, Mo. It had been called by the "Platte County Self-Defensive Association." On motion of Dr. Bayless, resolutions were adopted declaring that the association, whenever called upon by any of the citizens of Kansas Territory, will hold itself in readiness together to assist in removing any and all emigrants who go there under the auspices of the Northern Emigration Aid Societies, and recommending to other counties bordering on Kansas to adopt regulations similar to those of this Association. The resolutions were signed by G. Galway, President, and B. F. Stringfellow, Secretary.

On the 9th of August, a meeting was held at Platte city, when the resolutions of the Weston meeting were amended, by adding to them expressions declaring "that those who are not for us are against us; that those who hate Slaveholders have no right to Slaveholders' money;" also recommending that merchants make their purchases in the cities of the Slaveholding States. Another meeting of the association was held on the 12th of August, at Weston, when Mr. B. F. Stringfellow offered resolutions declaring that Negro Slavery, as it exists in our country, is neither a moral nor a political evil to the white race, because it makes color, not money, the mark which distinguishes classes; that the condition of the negro is better as a Slave than it has ever been in Freedom.

Governor Reeder arrived at Fort Leavenworth on the 6th of October, 1854, and soon after visited Lawrence, where he was met by the citizens, and Gen. Pomeroy delivered an address of welcome, to which he replied, declaring his intention to maintain, as far as possible, law and order in the Territory—to preserve the purity of the ballot-box and the right of free speech.

On the 15th of November he was waited upon at his residence, at Fort Leavenworth, by Messrs. F. Gwinner, D. A. N. Grover, Robt. C. Miller, Wm. F. Dyer, and Alfred Jones, who professed to be a committee appointed by a meeting of Kansas citizens, held at Leavenworth the day before, with a memorial urging an immediate election for a Territorial Legislature. The Governor received them with politeness, but stated that it was a notorious fact that the meeting by which the committee had been appointed was composed mainly of citizens of Missouri, with a few only of the citizens of Kansas, that two of the Committee were undoubted residents of Missouri, the chairman residing at Liberty, Mo., whose only attempt at a residence in the Territory consisted of a card nailed to a tree upon ground long since occupied by settlers, who had built and lived upon the claim. The president of the meeting, Major John Dougherty, was a resident and large landholder in Clay county, Mo., as he had subsequently stated, and the gentlemen composing the meeting came from across the river, thronging the road from the ferry to the town, being variously estimated at from two hundred to three hundred persons, who, after the meeting, immediately returned to their homes in Missouri. After relating the particulars of this occurrence, as having caused deep dissatisfaction, Governor Reeder said:

"Few men, with all the facts before them, would be hardy enough to say that the assumption is entitled to any respect. The law guarantees to us the right to manage our own affairs, which is the great, much-discussed feature of our government, and one which the people highly prize, under the pledges of which the inhabitants of the Territory have come and staked their future fortunes on our soil. The pledges of the law must be redeemed; and it were a poor and pitiless boon to have escaped from the domination of Congress, if we are only to pass under the hands of another set of self-constituted rulers, foreign to our soil, and sharing none of our burdens. It does not suit us; and I much mistake the people of this Territory if they submit to it. One thing I am certain of, that having sworn to perform the duties of the office of Governor with fidelity, I shall denounce and resist it in friend or foe, and without regard to the locality, the party, the faction, or the ism from which it comes."



The first election of delegates to Congress took place November 29, 1854. This Territory was divided into nineteen districts. Gov. Reeder appointed election judges, and instructed them to administer the oaths to every person suspected of residing in another State or Territory, and who desired to vote. The organized army of Missourians, however, took forcible possession of the polls, and elected General Whitfield as the delegate for Kansas to the Congress of the United States. The opposition vote was divided.

Gov. Reeder issued, in March, 1855, a proclamation for the election to take place on the 30th of that month, in which he stated that "a voter must dwell in the Territory at the time of offering his vote; that he must then have commenced an actual inhabitancy, which he actually intends to continue permanently, and he must have made the Territory his residence, to the exclusion of any other home." This proclamation was very unsatisfactory to the pro-Slavery party.

A few days before the first Kansas election under the Nebraska Act, Gen. Stringfellow, addressing a crowd at St. Joseph, Mo., spoke as follows—given as in the "*Squatter Sovereign*:"

"I tell you to mark every scoundrel among you that is the least tainted with Free Soilism or Abolitionism, and exterminate him. Neither give nor take quarter from the —rascals. I propose to mark them in this house, and on the present occasion, so you may crush them out. To those who have qualms of conscience as to violating laws, State or National, the time has come when such impositions must be disregarded, as your rights and property are in danger; and I advise you, one and all, to enter every election district in Kansas, in defiance of Reeder and his vile myrmidons, and vote at the point of the bowie knife and revolver. Neither give nor take quarter, as our case demands it. It is enough that the Slaveholding interest wills it, from which there is no appeal. What right has Gov. Reeder to rule Missourians in Kansas? His proclamation and prescribed oath must be repudiated. It is your interest to do so. Mind that Slavery is established where it is not prohibited."

On the 30th of March, a body of five thousand men from Missouri, regularly officered and disciplined, seized on all the polls in each election district in Kansas; appointed their own judges, where those previously appointed would not conform to their requirements, and cast about three-fourths of the votes polled, returning pro-Slavery men to the prospective Legislature, from every district in the Territory.

The *Kansas Herald*, an organ of both the administration and pro-Slavery party, announced the result of the Legislative election in the Territory immediately afterward as follows:

"Yesterday was a proud and glorious day for the friends of Southern Rights. The triumph of the pro-Slavery party was complete and overwhelming. Come on, Southern men! bring your slaves and fill up the Territory! *KANSAS IS SAVED*."

The *Squatter Sovereign*, published in Missouri, thus announced the result of the election, the day after it closed:

INDEPENDENCE, March 31, 1855.

"Several hundred emigrants from Kansas have just entered our city. They were preceded by the Westport and Independence brass bands. They came in at the west side of the public square, and proceeded entirely around it, the bands cheering us with fine music, and the emigrants with good news. Immediately following the bands were two hundred horsemen in regular order; following these were one hundred and fifty wagons, carriages, etc. They gave repeated cheers for Kansas and Missouri. They report that not an anti-Slavery man will be in the Legislature of Kansas. We have made a clean sweep."

A letter written at Brunswick, in Missouri, dated April 20, 1855, and published in the *New York Herald*, says that

"From five to seven thousand men started from Missouri to attend the election, some to remove, but the most to return to their families, with an intention, if they liked the

Territory, to make it their permanent abode at the earliest moment practicable. But they intended to vote. The Missourians were, many of them, Douglas men. There were one hundred and fifty voters from this county, one hundred and seventy-five from Howard, one hundred from Cooper. Indeed, every county furnished its quota; and when they set out it looked like an army. \* \* \* They wore armed. \* \* \* And, as there were no houses in the Territory, they carried tents. Their mission was a peaceable one—to vote, and to drive down stakes for their future homes. After the election, some fifteen hundred of the voters sent a committee to Mr. Reeder, to ascertain if it was his purpose to ratify the election. He answered that it was, and that the majority at an election must carry the day. But it is not to be denied that the fifteen hundred, apprehending that the Governor might attempt to play the tyrant—since his conduct had already been insidious and unjust—wore on their hats bunches of hemp. They were resolved, if a tyrant attempted to trample upon the rights of the sovereign people, to hang him.”

The Hon. David R. Atchison, a direct and out-spoken man, who never shrinks from responsibility, and who is confessedly eminent at once as a political leader in Missouri, and as a leader of the pro-Slavery movement therein directed against Kansas, in a speech reported as having been made to his fellow citizens, said :

“I saw it with my own eyes. These men came with the avowed purpose of driving or expelling you from the Territory. What did I advise you to do? Why, meet them at their own game. When the first election came off, I told you to go over and vote. You did so, and beat them. We, our party in Kansas, nominated Gen. Whitfield. They, the Abolitionists, nominated Flenniken; not Flanagan, for Flanagan was a good, honest man, but *Flenniken*. Well, the next day after the election, that same Flenniken, with three hundred of his voters, left the Territory, and has never returned—no, never returned!

“Well, what next? Why, an election for members of the Legislature, to organize the Territory, must be held. What did I advise you to do then? Why, meet them on their own ground, and beat them at their own game again; and, cold and inclement as the weather was, I went over with a company of men. My object in going was not to vote; I had not a right to vote, unless I had disfranchised myself in Missouri. I was not within two miles of a voting place. My object in going was not to vote, but to settle a difficulty between two of our candidates; and the Abolitionists of the North said, and published it abroad, that Atchison was there, with bowie knife and revolver, and, by —, it was true. I never did go into that Territory I never intend to go into that Territory, without being prepared for all such kind of cattle. Well, we beat them, and Gov. Reeder gave certificates to a majority of all the members of both Houses; and then, after they were organized, as everybody will admit, they were the only competent persons to say who were and who were not members of the same.”

The road between Westport and Lawrence was filled with covered wagons loaded with Missourians, who made no secret of their going into the Territory to vote, and then returning. Long before the ballot-boxes were closed, hundreds were returning to their Missouri homes.

At many of the polling places, violence was used to forcibly eject those having legal possession of the polls previous to this foreign arrival. The polls were thus taken possession of by the Missourians, who made their own returns as to the results of the election.

Soon after the election, applications for certificates were made to Gov. Reeder by the persons declared to have been elected as members of the Kansas Legislature. The Governor granted certificates to all those against whom no petitions or affidavits were filed. Those members, who the Governor was satisfied, by sufficient evidence, had been fraudulently elected, were refused certificates, and a new election ordered in their several districts.

On Saturday, April 14, 1855, two hundred citizens of Platte County, Mo., assembled at Parkville, Mo., and attacked the office of *The Luminary*, which they had charged with Free State proclivities on the Kansas question. They destroyed the fixtures and threw the press into the river. The editors were absent at the time, or they would have been violently dealt with.

On the 30th of April, there was a political gathering at Leavenworth city, when Malcolm Clark, a prominent pro-Slavery politician, cried out, after a question had been put by the chair: “We have the Majority.”



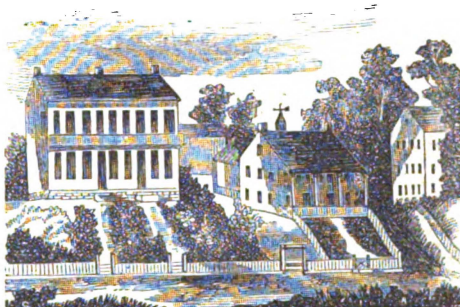
Front Street, Leavenworth City.



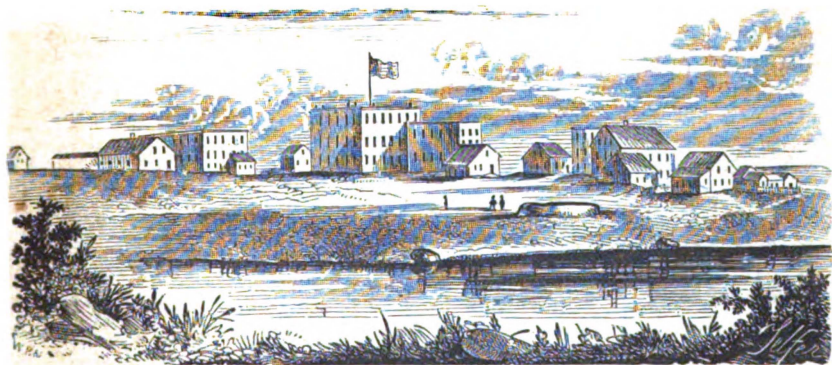
Old Elm, Leavenworth City.



State House, Leocompton.



Shawnee Mission.



Lawrence.

The above Views in KANSAS, were taken for this work in May, 1856. The large building, in the central part of the engraving of Lawrence, is the Free State Hotel, which was destroyed the week after this view was drawn. Near the river bank is seen a breastwork, which had been erected for defense by the citizens.

Entered, according to Act of Congress, in the year 1856, by HENRY HOWE, in the Clerk's Office of the District Court of the United States, for the Southern District of Ohio.

To this a lawyer named McCrea, replied: "It's a lie," whereupon Clark struck him with a club, which sent him stunned and staggering against a wall. As soon as he recovered, McCrea drew a revolver and shot Clark, killing him instantly. McCrea was hotly pursued by Clark's friends, but escaped the shots fired at him. He ran into the river, and escaped to his friends, but was finally delivered up to the authorities.

On the 17th of May, 1855, fourteen of the Missourians crossed the river at Leavenworth, and seized Mr. William Phillips, one of the most intelligent and respectable citizens, a lawyer, who had contested the election in his district (the 16th), on which account a new election was ordered. He was taken several miles into Missouri, one side of his head shaved, and all his clothes stripped off. He was then tarred and feathered. They next rode him on a rail a mile and a half, put him up at auction, and sold him at one dollar, as an insult to such as were opposed to the sale of Slaves. He was then taken home by his purchaser.

On the 2d of July, the Legislature assembled according to the proclamation of the Governor at Pawnee, when it was organized by the choice of Daniel S. Stringfellow as speaker.

On his election, Speaker Stringfellow addressed the house, and, after thanking them for the honor conferred upon him, congratulated his friends upon the triumph of pro-Slavery principles in the Legislature, expressing his conviction that the destinies of the Union would hang upon their action.

The next day Gov. Reeder's message was received. In it the Governor contended for the right of the people of Kansas to settle their own affairs, uninfluenced by those of other States; declared that the Territorial Legislature might act on the question of Slavery to a limited and partial extent, and temporarily regulate it in the Territory; showed what laws were then in force; directed attention to the definition of the boundaries of counties and districts, and the qualification of voters; recommended a stringent Liquor Law on account of the Indians; thought that a light tax only would be required, and that pre-emptions might be taxed; recommended the immediate establishment of a seat of government, and announced the following as the population of the Territory.

DISTRICTS.	Males.	Females.	Voters.	Natives.	Foreign.	Slaves.	Total.
I.....	623	339	369	887	75	—	963
II.....	316	203	199	506	19	7	518
III.....	161	91	101	215	12	6	252
IV.....	106	71	57	169	2	1	177
V.....	894	583	442	1,325	22	26	1,407
VI.....	472	318	253	791	12	11	810
VII.....	82	36	53	117	1	1	118
VIII.....	56	27	39	76	6	10	83
IX.....	64	25	36	66	12	3	86
X.....	97	54	63	103	23	—	151
XI.....	33	3	24	30	6	—	36
XII.....	163	80	78	206	37	7	243
XIII.....	168	116	96	273	9	14	234
XIV.....	655	512	333	301	46	35	1,167
XV.....	472	301	308	846	16	15	873
XVI.....	708	475	385	104	104	33	1,183
XVII.....	91	59	59	1,430	5	23	150
XVIII.....	—	—	28	—	—	—	—
Total.....	5,088	3,273	2,877	7,161	403	192	6,500

A report was received from the Committee on Contested Elections, which had been empowered to send for persons and papers, recommending that the Free State members who had been elected in the place of those to whom Gov. Reeder had refused certificates be ejected from their seats, and those previously returned, as elected in March, be received as members without the certificates of the Governor. The report stated that the Committee had received a bundle of papers from the Governor in relation to the contested seats; but having determined before they came how to proceed in the matter, they had decided neither to open the papers, nor to examine the parties. This report was adopted by a large majority, and the action protested against by the members who were thus expelled from the House, which protest the House refused to have recorded on the Journal. In the course of the first week the Legislature passed an act removing the seat of government from Pawnee to the Shawnee Manual Labor School, the act to take effect from and after its passage; also, an act adopting the laws generally of Missouri, as the laws of Kansas. On the 6th of July, the Governor vetoed the bill removing the seat of government. The Legislature then passed it by a two-thirds vote, and immediately adjourned to meet according to said act. When the Committee waited on Gov. Reeder to inform him of the action of the House, he replied in very distinct terms, that he would not recognize any further action of theirs, but would consider the Legislature dissolved by that act.

Both branches of the Legislature were then composed of pro-Slavery men, with but one exception. Meetings were being held throughout the Territory, disavowing the authority of the self-constituted Legislature.

On the 16th of July, the two Houses met pursuant to adjournment at the Shawnee Mission. A bill was received from the Council authorizing the Marshal of the Territory to confine persons convicted or charged with criminal offences in the Territory, in any jail in the State of Missouri.

A bill was introduced requiring citizens emigrating from Massachusetts or other Northern States, which have annulled or may hereafter nullify the laws of the United States, on entering Kansas to take an oath of allegiance to support the Constitution and laws of the United States and the laws of this Territory. Also, a bill authorizing the collection of a poll-tax on the residents in the Territory.

On the 22d of July, Samuel D. Houston, the only Free State member of the House of Assembly, resigned his seat, giving as a reason for so doing, the introduction of illegal elements into the body, and the nullification of its own proceedings by its illegal removal from Pawnee, and declaring that some of the members of the House were not then, and never had been, residents of the Territory, but were living in the State of Missouri.

The Legislature, finding themselves in this dilemma, drew up a memorial to the President of the United States, giving a history of the Territory, representing that the Governor had been guilty of speculation in land; of assuming undue authority in his proclamation; of delaying the meeting of the Legislature until the 2d of July, and then of returning bills, refusing his assent to the same; also declaring the incompetency of the Governor, and praying for his removal. A committee was dispatched to Washington with this memorial.

July 25th, the two Houses went into joint session, and elected the various County Officers, for the several counties into which they had divided the Territory. These appointments were for *six years*.

Among the acts passed by the Legislature were the following:



## AN ACT TO PUNISH OFFENSES AGAINST SLAVE PROPERTY.

**SECTION 1.** *Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas,* That every person, bond or free, who shall be convicted of actually raising a rebellion or insurrection of Slaves, free negroes, or mulattoes, in this Territory, shall suffer death.

**Sec. 2.** Every free person who shall aid or assist in any rebellion or insurrection of Slaves, free negroes, or mulattoes, or shall furnish arms, or do any overt act in furtherance of such rebellion or insurrection, shall suffer death.

**Sec. 3.** If any free person shall by speaking, or writing, or printing, advise, persuade, or induce any Slaves to rebel, conspire against, or murder any citizen of the Territory, or shall bring into, print, write, publish, or circulate, or cause to be brought into, printed, written, published, or circulated, or shall knowingly aid or assist in the bringing into, printing, writing, publishing, or circulating in this Territory any book, paper, magazine, pamphlet, or circular for the purpose of exciting insurrection, rebellion, revolt, or conspiracy, on the part of the Slaves, free negroes or mulattoes against the citizens of the Territory or any part of them, such persons shall be guilty of felony and suffer death.

**Sec. 4.** If any person shall entice, decoy, or carry away out of this Territory, any Slave belonging to another, with the intent to deprive the owner thereof of the services of such Slave, or with intent to effect or procure the freedom of such Slaves, he shall be adjudged guilty of grand larceny, and on conviction thereof shall suffer death, or be imprisoned at hard labor for not less than ten years.

**Sec. 5.** If any person aid or assist in enticing, decoying, or persuading, or carrying away, or sending out of this Territory, any Slave belong to another, with intent to procure or effect the freedom of such Slave, or with intent to deprive the owner thereof of the services of such Slave, he shall be adjudged guilty of grand larceny, and on conviction thereof shall suffer death, or be imprisoned at hard labor for not less than ten years.

**Sec. 6.** If any person shall entice, decoy, or carry away out of any State or Territory of the United States any Slave belonging to another, with intent to procure or effect the freedom of such Slave, or to deprive the owner thereof of the services of such Slave, and shall bring such Slave into this Territory, he shall be adjudged guilty of grand larceny, in the same manner as if such Slaves had been enticed, decoyed, or carried away out of this Territory; and in such case the larceny may be charged to have been committed in any county of this Territory, into or through which such Slave shall have been brought by such person; and on conviction thereof the person offending shall suffer death, or be imprisoned at hard labor for not less than ten years.

**Sec. 7.** If any person shall entice, or persuade, or induce any Slave to escape from the service of his master or owner in this Territory, or shall aid or assist any Slave in escaping from the service of his master or owner, or shall assist, harbor, or conceal any Slave who may have escaped from the service of his master or owner, he shall be deemed guilty of felony, and punished by imprisonment at hard labor for a term of not less than five years.

**Sec. 8.** If any person in this Territory shall aid or assist, harbor, or conceal any Slave who has escaped from the service of his master or owner in another State or Territory, such person shall be punished in like manner as if such Slave had escaped from the service of his master or owner in this Territory.

**Sec. 9.** If any person shall resist any officer while attempting to arrest any Slave that may have escaped from the service of his master or owner, or shall rescue such Slave when in the custody of any officer or other person who may have such Slave in custody, whether such Slave may have escaped from the service of his master or owner in this Territory or in any other State or Territory, the person so offending shall be guilty of felony, and punished by imprisonment at hard labor for a term of not less than two years.

**Sec. 10.** If any Marshal, Sheriff, or Constable, or the Deputy of any such officer, shall, when required by any person, refuse to aid or assist in the arrest and capture of any Slave that may have escaped from the service of master or owner, whether such Slave shall have escaped from his master or owner in this Territory, or any State or other Territory, such officer shall be fined in a sum of not less than one hundred, or more than five hundred dollars.

**Sec. 11.** If any person print, write, introduce into, publish, or circulate, or cause to be brought into, printed, written, published, or circulated, or shall knowingly aid or assist in bringing into, printing, publishing, or circulating within this Territory, any book, paper, pamphlet, magazine, handbill, or circular, containing any statements, arguments, opinion, sentiment, doctrine, advice, or innuendo, calculated to produce a disorderly, dangerous, or rebellious disaffection among the Slaves in this Territory, or to induce such Slaves to escape from the service of their masters, or to resist their authority, he shall be guilty of felony, and be punished by imprisonment at hard labor for a term not less than five years.

Sec. 12. If any free person, by speaking or writing, assert or maintain that persons have not the right to hold Slaves in this Territory, or shall introduce into this Territory, print, publish, write, circulate, or cause to be introduced into this Territory, written, printed, published, or circulated in this Territory, any book, paper, magazine, pamphlet, or circular, containing any denial of the right of persons to hold Slaves in this Territory, such person shall be deemed guilty of felony, and punished by imprisonment at hard labor for a term of not less than two years.

Sec. 13. No person who is conscientiously opposed to holding Slaves, or who does not admit the right to hold Slaves in this Territory, shall sit as a Juror on the trial of any prosecution for any violation of any of the sections of this act.

This act to take effect and be in force from and after the 15th day of September, A. D. 1855.

Attest, J. M. LYLE, Clerk.

J. H. STRINGFELLOW, Speaker of the House.

Attest, J. A. HALDERMAN, Clerk.

THOMAS JOHNSON, President of the Council.

### An Act to punish persons decoying Slaves from their masters:

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of Kansas Territory*, That if any person shall entice, decoy, or carry away out of this Territory, any Slave belonging to another, with intent to deprive the owner thereof of the services of such Slave, or with intent to effect or procure the freedom of such Slaves, he shall be adjudged guilty of grand larceny, and on conviction thereof shall suffer death.

Sec. 2. If any person shall aid or assist in enticing, decoying, or persuading, or carrying away, or sending out of this Territory, any Slave belonging to another, with intent to procure or effect the freedom of such Slave, or with intent to deprive the owner thereof of the services of such Slave, he shall be adjudged guilty of grand larceny, and on conviction thereof shall suffer death.

Sec. 3. If any person shall entice, decoy, or carry away out of any State or other Territory of the United States, any Slave belonging to another, with intent to procure or effect the freedom of such Slave, or to deprive the owner thereof of the services of such Slave, and shall bring such Slave into this Territory, he shall be adjudged guilty of grand larceny, in the same manner as if such Slave had been enticed, decoyed, or carried away out of this Territory: in such case the larceny may be charged to have been committed in any county of this Territory into or through which such Slave shall have been brought by such person, and, on conviction thereof, the person offending shall suffer death.

### An Act to regulate Elections:

SECTION 1. *Be it enacted, etc.*, That every free white male citizen of the United States, and every free male Indian who is made a citizen by treaty or otherwise, and over the age of twenty-one years, who shall be an inhabitant of this Territory, and of the county or district in which he offers to vote, and shall have paid a Territorial tax, shall be a qualified elector for all elective officers; and all Indians who are inhabitants of this Territory, and who may have adopted the customs of the white man, and who are liable to pay taxes, shall be deemed citizens: *Provided*, That no soldier, seaman or mariner in the regular army or navy of the United States, shall be entitled to vote by reason of being on service therein: *And provided further*, That no person who shall have been convicted of any violation of any of the provisions of an act of Congress entitled "An Act respecting fugitives from justice, and persons escaping from the service of their masters," approved February 12, 1793, or of an act to amend and supplementary to said Act, approved September 18, 1850; whether such conviction were by criminal proceeding or by civil action for the recovery of any penalty prescribed by either of said Acts, in any Court of the United States, or of any State or Territory, of any offense deemed infamous, shall not be entitled to vote at any election, or to hold any office in this Territory: *And provided further*, That if any person offering to vote shall be challenged and be required to take an oath or affirmation, to be administered by one of the Judges of the Election that he will sustain the provisions of the above-recited Acts of Congress, and of the Act entitled: "An Act to organize the Territories of Nebraska and Kansas," approved May 30, 1854, and shall refuse to take such oath or affirmation, the vote of such person shall be rejected.

### An Act supplemental to an Act to provide for the collection of the Revenue:

SECTION 1. *Be it enacted, etc.*, That in addition to the provisions of an Act entitled "An Act for the Collection of the Revenue," the Sheriff of each and every county shall on or before the first Monday of October, A. D. 1855, collect the sum of one dollar as a poll tax from each person in the said Territory of Kansas who is or may be entitled to vote in said Territory, as provided in said Act, to which this is supplementary.

An Act designating Lecompton as the capital of the Territory.

An Act appointing but one voting district for each precinct.

An Act decreeing that aliens desirous of becoming citizens shall take an oath to support the Constitution, Organic Act, and Fugitive Slave Law.

On the arrival of Gov. Reeder at the Shawnee Mission, on the 16th of July, he found a letter from Secretary Marcy, informing him that he was suspended on the plea of speculation in Kaw lands. The duties of Governor then devolved, *pro tem.*, upon the Secretary of the Territory.

The office of Governor was then offered to John L. Dawson, of Pennsylvania, the author of the Homestead Bill, but he respectfully declined the appointment.

Judge Elmore, Associate of the Supreme Court of Kansas, was removed on similar grounds to those assigned for the displacement of Governor Reeder, and Judge Moore, of Alabama, was appointed successor.

Subsequently, Wilson Shannon, of Ohio, received the appointment of Governor and proceeded to the Territory, where he arrived early in September. On his arrival in Westport, (Missouri,) he declared publicly to the people: "The enactments of *your* Legislature are valid, and I have the will, and am clothed with the power, to employ whatever force is necessary to carry them into execution; and I call upon *you* to sustain me in the discharge of this duty.

"I think, with reference to Slavery, that as Missouri and Kansas and adjoining States—as much of that immense trade up the Missouri, is already rivaling the commerce between the United States and some foreign countries, and must necessarily lead to a great trade and perpetual intercourse between them,—it would be well if their *institutions* should *harmonize*; otherwise there will be continual quarrels and border feuds. I am for slavery in Kansas." It is but just to the Governor to state, that he has denied some of the positions as reported in this speech; but his subsequent conduct towards the Free State people seems to convict him.

#### SETTLEMENTS.

The principal towns in Kansas are Lawrence, Leavenworth, Pawnee, Topeka, Ossawatimie, Boston, and Grasshopper Falls. These, except Leavenworth, have sprung from the efforts of Northern men, and are chiefly composed of industrious mechanics, farmers, etc., with mills, churches, and newspapers.

On the 5th of September, 1855, a Free State Convention was held at Big Springs. It was numerous and respectably attended, numbering in all one hundred delegates.

This Convention, among other resolutions, resolved to repudiate all the acts of the so-called Legislature of Kansas; to take no part in the election of a delegate to Congress which that body had appointed; but to appoint an election to take place one week after that appointed by the Legislature. Ex-Governor Reeder was agreed upon as the candidate of the Free State party. It was expected that he would be elected on the occasion without opposition; and as General Whitfield would be elected by the Missourians, the effect would be to bring the question of popular rights in Kansas before the House of Representatives, at Washington.

A Convention assembled at Topeka, on the 19th of September, to consider the expediency of the immediate formation of a State Government. Ten districts were represented by the thirty-nine delegates. President—WM. Y. ROBERTS, of Washington.



Numerous resolutions were adopted. The first, "By the people of Kansas Territory, in Delegate Convention assembled," authorizes the holding an election on the second Tuesday of October, in the several precincts of the Territory, for members of a Convention to form a State Constitution, preparatory to application for admission into the Union.

The second apportions the delegates, and fixes their number at 52—twice the number of representatives in the Legislature.

The third provides for an "Executive Committee of Kansas Territory" of seven members, who shall have the general superintendence of the affairs of the Territory, so far as regards the organization of a State Government.

The fourth resolution provides for the manner of conducting the election. The fifth for proclaiming the names of the delegates elected to the said Convention.

The sixth, that the Constitutional Convention shall be held at Topeka on the fourth Tuesday of October next.

The election for a Delegate to Congress, ordered by the pro-Slavery Legislature sitting at Shawnee Mission, was held as directed, on the 1st of October, and was conducted as usual. The voters had mainly come over from Missouri on purpose; they did not seem to be so numerous as on former occasions, but made up the deficiency by voting oftener. Altogether they polled some two thousand eight hundred votes for Whitfield, who was of course declared elected.

On the 9th of October, pursuant to notice, the Free State men held their election. They allowed no non-resident to vote, and no resident who had not been such for at least thirty days; they had regular inspectors, opened their polls, closed them, and counted the ballots with due regularity, returned some two thousand four hundred votes cast—nearly all for Gov. Reeder as delegate. They also elected delegates from the several districts to a Constitutional Convention to assemble at Topeka on the fourth Tuesday of the month, as aforesaid, and form a State Convention.

That Convention assembled accordingly, and chose Col. James H. Lane its president. Col. Lane was a member of the last Congress from Indiana, and warmly supported the Nebraska Bill; many other members were of similar political views, and much time was consumed in an attempt to obtain from the Convention an indorsement of the Kansas-Nebraska Bill. This, it was confidently stated by several of the members, would secure the support of Douglas, Cass, and other leading squatter-sovereignty members of Congress, for the State organization, and would thus insure its sanction by that body. But the majority of the Convention seemed not to estimate at so high a value the friendship of those persons, or to regard their aid as much to be relied upon, and this proposition, after being once carried, was finally discarded. Another matter of warm discussion was, whether the new State Government should be inaugurated at once, or should wait to receive the sanction of Congress. Dr. Robinson and other eastern delegates were in favor of the latter course. For the former, the example of California was urged, and the absolute necessity of providing forthwith a government for the Territory, that which had been intended to be organized under the Kansas-Nebraska Act having come to nothing in consequence of the Missouri invasion. This latter argument it was not easy to answer, and the immediate organization was finally carried. It was provided that the Constitution, as adopted, should be submitted to the votes of the people on the 15th of December, and if sustained by a majority of the voters, that the election under it for State officers should take place on the third Tuesday in January.

Though it was provided, by the Bill of Rights, that "Slavery shall not exist in the State," yet to avoid any charge of ultraism, it was also, with strange inconsistency, provided that this prohibition should not go into operation until the 4th of July, 1857, thus giving the slaveholders ample time to remove their slaves. A clause prohibiting the settlement of free negroes in the State was strongly urged by many members; and it was finally agreed to submit such a provision to the people in a separate article.

The Convention having completed its labors, adjourned on the 11th of November.

In caucus the Convention adopted the annexed resolutions:—

*Resolved*, That we recognize but two political parties in this Territory, namely, a Free-State and a pro-Slavery party; and in our party no test should be required for office except honesty, ability, and devotion to the Free State cause.

*Resolved*, That a State Convention be held in the city of Lawrence, on the 22d day of December, to nominate State officers.

Immediately after the adjournment of the Free-State Convention, the leaders of the pro-Slavery party called "a Law and Order Convention," which met at Leavenworth on the 14th of November. Governor Shannon presided, and Judges Lecompte and Elmore acted as Vice Presidents, and Dr. Stringfellow as Secretary. The resolutions sustain the Kansas Act, assail Reeder, call the Topeka Convention a treasonable assemblage, endorse Governor Shannon, and pledge the law and order-loving, State rights-loving, Union-loving party to the support of the Executive and the laws of the Territory. The Convention then adjourned.

On the 22d of November, a murder was committed by one Coleman, at Hickory Point, about twelve miles north of Lawrence. This Coleman waylaid and shot a neighbor of his named Dow, because Dow had complained of trespasses by Coleman on his claim. The murderer and his accomplices fled to Leecompton to Governor Shannon, and the step taken for the punishment of this murder was to send a Missouri Postmaster, named Jones, whom the Legislature had made Sheriff of Douglas County, to arrest a man named Branson, at whose house Dow lodged, and against whom Coleman swore a complaint that he was in fear of his life. Branson was released from arrest by a party of his neighbors, and took refuge in Lawrence. The Sheriff gave out that Shannon had promised to back him with ten thousand men, and the people of Lawrence armed and associated for mutual defense. The most extravagant rumors were spread through Missouri, and telegraphed eastward.

Shannon even telegraphed to the President for authority to call out the United States troops in Fort Leavenworth. Large bodies of Missourians marched to Shannon's assistance, but the rumors of Sharp's rifles at Lawrence appear to have prevented an attack.

This transaction became the moving cause of an unprecedented excitement. Gov. Shannon issued his proclamation, which was circulated through the border counties of Missouri; and Platte, Clay, Sabine, Howard, Carlisle, and Jefferson, each contributed a volunteer company, recruited from the road-side, and armed with such weapons as chance afforded, which were denominated the "shot-gun militia." This force was under the command of a Missouri officer, and bore with them two wagon loads of rifles, belonging to Missouri, drawn by six mules, from the arsenal at Jefferson city; and seven pieces of cannon, belonging to the United States, from its arsenal at Liberty, Mo. This formidable array numbered nearly eighteen hundred men, who crossed the borders, and encamped at Wakerusa, over against the doomed city of Lawrence, which was now threatened with destruction.

Gov. Shannon accompanied the troops, as did also Chief Justice Lecompte, and David R. Atchison.

For more than a week the invading force continued encamped, and deadly conflict seemed imminent.

Fortunately for the peace of the country a direct conflict between the opposing forces was avoided by an amicable arrangement. The losses sustained by the settlers in property taken, and time and money expended in their own defense, added much to the trials incident to a new settlement. Many persons were unlawfully taken and detained—in some cases under circumstances of gross cruelty. This was especially so in the arrest and treatment of Dr. G. A. Cutter and G. F. Warren. They were taken without cause or warrant, sixty miles from Lawrence, and when Dr. Cutter was quite sick. They were compelled to go to the camp, at Lawrence, were put into the custody of Sheriff Jones, who had no process to arrest them—they were taken into a small room kept as a liquor shop, which was open and very cold. That night Jones came in with others and went to “playing poker, at 25 cents ante.” The prisoners were obliged to sit up all night, as there was no room to lie down when the men were playing. Jones insulted them frequently, and told one of them he must either “tell or swing.” The guard then objected to this treatment of prisoners, and Jones desisted. G. F. Warren thus describes their subsequent conduct:—

“They then carried us down to their camp. Kelley, of the *Squatter Sovereign*, who lives in Atchison, came round and said he thirsted for blood, and said he should like to hang us on the first tree. Cutter was very weak, and that excited him so that he became delirious. They sent for three doctors—who came. Dr. Stringfellow was one of them. They remained there with Cutter until after midnight, and then took him up to the office, as it was very cold in camp.”

During the foray, either George W. Clark, or Mr. Burns, murdered Thomas Barber, while the latter was on the highway, on the road from Lawrence to his claim. Both fired at him, and it is impossible from the proof to tell whose shot was fatal. The “report of the Investigating Committee” of Congress thus speaks of this invasion:

“Among the many acts of lawless violence which it has been the duty of your committee to investigate, this invasion of Lawrence is the most defenceless. A comparison of the facts proven, with the official statements of the officers of the government, will show how groundless were the pretexts which gave rise to it. A community in which no crime had been committed by any of its members, against none of whom had a warrant been issued or a complaint made, who had resisted no process in the hands of a real or pretended officer, was threatened with destruction in the name of “law and order,” and that, too, by men who marched from a neighboring State, with arms obtained by force, and who, in every stage of their progress, violated many laws, and among others the constitution of the United States.

“The chief guilt of it must rest on Samuel J. Jones. His character is illustrated by his language at Lecompton, when peace was made. ‘He said Major Clark and Burns both claimed the credit of killing that d—d abolitionist, and he didn’t know which ought to have it. If Shannon hadn’t been a d—d old fool that peace would never have been declared. He would have wiped Lawrence out. He had men and means enough to do it.’”

On the 9th of December, 1855, the invading army retired from Lawrence Gov. Shannon having entered into a treaty with the inhabitants, by which the people agreed not to obstruct the serving of process, by the proper officers, within their limits.

On the 15th of December, 1855, the new Free State Constitution, adopted by the Topeka Convention, was voted on by the people. Little interruption was experienced, except at Leavenworth, where the Free State citizens were overawed and prevented from holding their meeting.

On the 22d, while the editor of *The Territorial Register*, the Free State paper at Leavenworth, was absent, attending a Convention to nominate officers under the Free State Constitution, his office was attacked by a Missouri mob, and his press destroyed.

The President, in his Annual Message, had told Congress that nothing had yet occurred in Kansas that would justify any intervention on his part. But, officers having been chosen under the Topeka Constitution—under which Constitution the House of Representatives has since voted to admit Kansas into the Union—he hastened, on the 24th of January, 1856, to send a special Message, indorsing the pro-Slavery Legislature and code, and representing the formation of the Free State Government as equivalent to an act of rebellion, such as at last called for the interference of the United States Government.

This was followed up by a proclamation, directed against the Free State men, dated the 11th of February. This proclamation assumes the binding force of the code of laws enacted by the pro-Slavery Legislature, and the duty of all citizens to submit to them and to assist in their enforcement.

Notwithstanding this proclamation, the Topeka Legislature met and organized on the 4th of March. They chose Senators and passed certain acts, but determined not to make any assumption of the actual administration of affairs till Congress had acted upon the question of the admission of Kansas under the Topeka Constitution.

It was upon the strength of these proceedings that indictments for high treason were found against Charles Robinson, Geo. W. Brown, ex-Gov. Reeder, Gen. Lane, Geo. W. Deitzler and others, who had participated in the formation of the State Government. Messrs. Robinson, Brown, Deitzler and several others, were arrested and imprisoned at Leecompton during the entire summer, guarded by United States Dragoons.

On the 19th of March, 1856, the House of Representatives, at Washington, having under consideration the conflicting claims of Gov. Reeder and Gov. Whitfield to represent the Territory of Kansas in Congress, appointed a commission to proceed to Kansas and investigate fully the facts as to the election of Representatives. This committee was composed of Mr. Howard of Michigan, Mr. Sherman of Ohio, Mr. Oliver of Missouri. They arrived at Lawrence on the 17th of April, and proceeded immediately to take testimony in relation to the matters in dispute.

We here give the following extract from the Report of the Kansas Investigating Committee:

The alleged causes of the invasion of March, 1855, are included in the following charges:

I. That the New England Aid Society of Boston was then importing into the Territory large numbers of men, merely for the purpose of controlling the elections. That they came without women, children, or baggage, went into the Territory, voted and returned again.

II. That men were hired in the Eastern or Northern States, or induced to go to the Territory solely to vote, and not to settle, and by so doing to make it a Free State.

III. That the Governor of the Territory purposely postponed the day of election, to allow this emigration to arrive, and notified the Emigrant Aid Society and persons in the Eastern States of the day of election, before he gave notice to the people of Missouri and the Territory.

That these charges were industriously circulated; that grossly exaggerated statements were made in regard to them; that the newspaper press and leading men in public meet-

ings in Western Missouri, aided in one case by a chaplain of the United States Army, gave currency and credit to them, and thus excited the people, and induced many well meaning citizens of Missouri to march into the Territory to meet and repel the alleged Eastern paupers and abolitionists, is fully proven by many witnesses.

But these charges are not sustained by the proof.

In April, 1854, the General Assembly of Massachusetts passed an act entitled "An act to incorporate the Massachusetts Emigrant Aid Society." The object of the society, as declared in the first section of this act was "for the purpose of assisting emigrants to settle in the West." The moneyed capital of the corporation was not to exceed five millions of dollars, but no more than four per cent. could be assessed during the year 1854, and no more than ten per cent. in any one year thereafter. No organization was perfected or proceedings had under this law.

On the 24th of July, 1854, certain persons in Boston, Massachusetts, concluded articles of agreement and association for an Emigrant Aid Society. The purpose of this Association was declared to be "assisting emigrants to settle in the West." Under these articles of association each stockholder was individually liable. To avoid this difficulty, an application was made to the General Assembly of Massachusetts for an act of incorporation, which was granted. On the 21st day of February, 1855, an act was passed to incorporate the New England Emigrant Aid Company. The purposes of this act were declared to be "directing emigration westward, and aiding and providing accommodation for the emigrants after arriving at their place of destination." The capital stock of the corporation was not to exceed one million of dollars. Under this charter a company was organized.

Your committee have examined some of its officers and a portion of its circulars and records to ascertain what has been done by it. The public attention, at that time, was directed to the Territory of Kansas, and emigration naturally tended in that direction. To ascertain its character and resources this company sent its agent into it, and the information thus obtained was published. The company made arrangements with various lines of transportation to reduce the expense of emigration into the Territory, and procured tickets at the reduced rates. Applications were made to the company by persons desiring to emigrate, and when they were numerous enough to form a party of convenient size, tickets were sold to them at the reduced rates. An agent acquainted with the route was selected to accompany them. Their baggage was checked, and all trouble and danger of loss to the emigrant in this way avoided.

Under these arrangements, companies went into the Territory in the fall of 1854, under the articles of the association referred to. The company did not pay any portion of the fare, or furnish any personal or real property to the emigrant. The company, during 1855, sent into the Territory from eight to ten saw mills, purchased one hotel in Kansas City, which they subsequently sold, built one hotel at Lawrence, and owned one other building in that place. In some cases, to induce them to make improvements, town lots were given to them by town associations in this Territory. They held no property of any other kind or description. They imposed no condition upon their emigrants, and did not inquire into their political, religious, or social opinions. The total amount expended by them, including the salaries of their agents and officers, and the expenses incident to all organization, was less than \$100,000.

Their purposes, as far as your committee can ascertain, were lawful, and contributed to supply those wants most experienced in the settlement of a new country.

The only persons or company who emigrated into the Territory under the auspices of the Emigrant Aid Society, in 1855, prior to the election in March, was a party of 159 persons who came under the charge of Charles Robinson.

In this party there were 67 women and children. They came as actual settlers, intending to make their homes in the Territory, and for no other purpose. They had about their persons but little baggage; usually sufficient clothing in a carpet sack for a short time. Their personal effects, such as clothing, furniture, etc., were put into trunks and boxes; and, for convenience in selecting and cheapness in transportation, was marked "Kansas party baggage, care B. Slater, St. Louis." Generally this was consigned as freight, in the usual way, to the care of a commission merchant. This party had, in addition to the usual allowance of one hundred pounds to each passenger, a large quantity of baggage, on which the respective owners paid the usual freight. Each passenger or party paid his or their own expenses; and the only benefit they derived from the Society, not shared by all the people of the Territory, was the reduction of about \$7 in the price of the fare, the convenience of traveling in a company instead of alone, and the cheapness and facility in transporting their freight through regular agents. Subsequently, many emigrants being either disappointed with the country or its political condition, or deceived by the statements made by the newspapers and by the agents of the society, became dissatisfied, and returned, both before and after the election, to their old homes.

Most of them are now settlers in the Territory. Some few voted at the election in Lawrence, but the number was small. This company of peaceful emigrants, moving with their household goods, was distorted into an invading horde of pauper abolitionists, who were, with others of a similar character, to control the domestic institutions of the Territory, and then overturn those of a neighboring powerful State.

In regard to the second charge: There is no proof that any man was either hired or induced to come into the Territory from any Free State, merely to vote. The entire emigration in March, 1855, is estimated at 500 persons, including men, women, and children. They came on steamboats up the Missouri river, in the ordinary course of emigration. Many returned for causes similar to those before stated, but the body are now residents. The only persons of those who were connected by proof with the election were some who voted at the Big Blue Precinct, in the Tenth District, and at Pawnee, in the Ninth District. Their purpose and character are stated in a former part of this report.

The third charge is entirely groundless. The organic law requires the Governor to cause an enumeration of the inhabitants and legal voters to be made, and that he apportioned the members of the Council and House according to this enumeration. For reasons stated by persons engaged in taking the census, it was not completed until the early part of March, 1855. At that time the day of holding the election had not been, and could not have been, named by the Governor. As soon as practicable after the returns were brought in, he issued his proclamation for an election, and named the earliest day consistent with due notice as the day of election. The day on which the election was to be held was a matter of conjecture all over the country. But it was generally known that it would be in the latter part of March. The precise day was not known by any one until the proclamation issued. It was not known to the agents of the Emigrant Aid Society in Boston on the 13th of March, 1855, when the party of emigrants before referred to, left.

Your committee are satisfied that these charges were made the mere pretext to induce an armed invasion into the Territory, as a means to control the election and establish slavery there.

Early in April, several hundred men from Georgia and Carolina, arrived in the Territory, under the command of Major Buford, of Georgia.

On the 24th of April, Sheriff Jones entered Lawrence and made several arrests of Free State men. While in his tent he was shot with a pistol, without ball, and lay for some weeks, reported dangerously wounded. The people of Lawrence, in a public meeting held April 30, repudiated any connection with, or approval of the shooting of Jones.

On the 5th of May, the Grand Jury found bills of indictment against Gov. Reeder, Gov. Robinson, Geo. W. Deitzler, and six others, for treason.

Gov. Reeder was summoned to appear before the Grand Jury, but declined, on the ground of privilege, he being then in attendance on the sittings of the Congressional Investigating Committee at Lawrence, taking evidence to support his claims to a seat in the House.

On the 8th of May, Gov. Robinson, descending the Missouri river on his way east, was seized and detained by a mob at Lexington, Mo. He was afterward arrested and sent back to Kansas.

Reeder and Lane, being indicted on the same charge, succeeded in making their escape out of the Territory.

On the 11th of May, Marshal Donaldson summoned a *posse* armed with U. S. muskets, furnished by Gov. Shannon, from the militia quota of the Territory, and took Buford's men into pay, together with several hundred others. He then proceeded toward Lawrence, where he announced his intention of making arrests of several obnoxious Free State men. The citizens of Lawrence, in public meeting, determined to offer no resistance to the serving of the writs by Donaldson, and denied the charge of having resisted any of the authorities of the Territory.

We subjoin a "Free State" account of the sacking of Lawrence, followed by a counter-statement from a pro-Slavery source:

LAWRENCE, Kansas, Wednesday, May 21, 1856.

I am called upon to write one of the many painful events in the history of Kansas, namely, the partial destruction of Lawrence by an armed ruffian mob. It had been rumored so long that these Southern ruffians were going to "wipe us out," that people

did not believe they would. The attempted assassination of Jones, the refusal of Gov. Reeder to leave the Investigating Committee, and the startling facts brought to light in the testimony before that body, gave them pretext and inclination enough to do almost any thing. Especially did they want to exasperate us to make some false step; but in this they failed, and the Lawrence people remain, as they always have been, right before God and the world—contending only for the free exercise of those inalienable rights which God gave, and which the world—except its tyrants—acknowledge. The people made no preparation to fight, and the Committee of Safety, appointed by a public meeting of the people a few days ago, forbade any resistance whatever to the United States authorities. Free State men who left their claims and volunteered to assist in defending the town, were sent away, and returned home. Men were advised not together in groups in the streets; to be each at his proper employment, and if the United States Marshal called upon any to assist in making arrests, to do so cheerfully. This was regarded by the committee (Gen. Pomeroy was its chairman) as the best policy.

This morning, about 6 o'clock, a large body of men came from the camp, near Leecompton, and halted on Mount Oread, near the residence of Governor Robinson, in this city. They were armed with United States rifles, (where did they get them?) shot guns, muskets, Sharp's rifles, broad swords, bayonets, revolvers, cutlasses, and bowie-knives. The Sharp's rifles were in the hands of a company called the "Kickapoo Rangers." They mustered about three hundred horsemen and two hundred footmen, as near as I could count—five hundred armed men. They were headed by one I. B. Donaldson, United States Marshal of Kansas, who claimed that they were there as his *posse*—they having responded to his late proclamation. They formed in line, facing the north-east, and planted two large cannon in range with the Free State Hotel and other large buildings in Massachusetts street. They carried banners over their heads, far more significant than a death's-head and cross-bones, doubtless, to those who knew what they meant. There was a white flag with black stripes; a red flag with a lone white star in the center. On one side of this flag was "SOUTHERN RIGHTS," and on the reverse was "SOUTH CAROLINA," inscribed with black paint. The orthography displayed on that and other flags on which I saw inscriptions, might have been at par in Chaucer's time. But let their orthography go. What have these inscriptions, what has "SOUTH CAROLINA" or "SLAVERY IN KANSAS," to do with Marshal Donaldson's writs? About noon this man went, with a *posse* of ten men, and arrested G. W. Deitzler, Esq., private secretary of Gov. Robinson; Col. Jenkins, whom they had set free yesterday; Judge Smith, who had just returned from the east, and some others, less conspicuous—taking them as prisoners to the camp. This is the third time for Col. Jenkins within two weeks, and they never have charged him with any thing except Free State-ism.

About 3 o'clock p. m., Sheriff Jones, accompanied by twenty-five horsemen, armed to the teeth, rode up to the east door of the Free State Hotel and stopped. Gen. Pomeroy went out to meet him, and several others, myself among the number, followed. Jones looks thin and pale, but quite as bloodthirsty as ever. He demanded that all the arms be given up to him, and said he would give them one hour to prepare for the consequences if they did not do so. Gen. Pomeroy said that he had no control over private property, but that if there were any public arms, they would be given up. After some consultation with the committee, they handed over several pieces of artillery, which were immediately conveyed to their lines.

In the mean time, the United States Marshal dismissed his *posse*, and they had moved their two field-pieces into Massachusetts street—the ruffians being summoned on the spot by Jones as his *posse*. About this time Atchison made a speech to them, but I could not get near enough to hear what he said. He was frequently applauded by cheers and howls. At this time women were seen hurrying with their children, mostly all weeping, through the streets, trying to get out of the city. Citizens looked each other in the face and read there the suppressed anger of each at the treachery of Donaldson. Why? Jones was in the town with an army of five hundred men. Not an effort could now be made for defense; that was too late. Jones gave the people an hour to get themselves out of the hotel; that it had been presented by the Grand Jury of Douglas county as a nuisance, together with the *Herald of Freedom* and *Free State*, and Judge Leecompte wanted them removed.

Further detail is unnecessary now. The lone-star flag was placed on the offices of these papers, the presses destroyed, and the type thrown into the river. They then proceeded to cannonade the Free State Hotel. This they tried, more than an hour, to raze to the ground by this means, but in vain, for it stood as firm as ever. They then attempted to blow it up with powder, but failed again. They then fired it, and it burned to the ground, amid the shrieks and howls of an infuriated mob. The men of Lawrence, deprived of their arms, looked on. No resistance was made—not a word said. Those who were not engaged in taking care of women and children, looked on at this succession of



outrages as if they doubted the evidence of their senses. It was hard to believe that God's beautiful earth contained such savages!

Then commenced the pillage and robbery of private dwellings; money and articles of value were sought for and obtained. One More, a recent settler, lost \$8,000. Jewelry, fine cloths, every thing portable and of value was freely taken. The people avoided contact with the mob as much as possible. No other buildings in the town were injured.

About 7 o'clock they began to vacate the town. At this hour—11 P. M.—all is still and quiet again; but the ruffians have set fire to Gov. Robinson's dwelling-house, on Mount Oread, and I hear its timbers crackling from here. His loss will be about \$5,000—not estimating his library, which was said to be very valuable. The whole loss is estimated by some at \$100,000, and by some even more than that. It is a blow we may not recover from soon, but we will not sink under it. The sentiment of the people is, "Whipped but not conquered."

POTTER.

The following account of the invasion of Lawrence is taken from the "Western Dispatch," Independence, Mo.

INDEPENDENCE, Mo., Friday, May 23, 1856.

We learn from a gentleman just from Lawrence, that he passed there on yesterday, late in the afternoon; and that, at that time, the Sheriff—Jones, who was not killed—was executing the process of the Courts. He had arrested several prisoners, charged with high offenses, and had, under process from the Courts, abated several nuisances, among others, the Emigrant Aid Hotel, in reality a fort, and built to enable Robinson and his band to hold out against the laws. The two printing presses, and a large quantity of material, were destroyed. Several pieces of artillery were taken, and about two hundred Sharp's rifles. (When will Parson Beecher and Professor Silliman get up another subscription for the benefit of the Ruffians?)

*The Herald of Freedom* was just being printed, and we have a copy of the half-printed sheet from which we will make some extracts in future. Yesterday's proceedings prove Brown to be a false prophet, however.

No violence was done to any person in the town, or to any person.

Up to the very hour of Sheriff Jones' entry upon the scene, they strongly proclaimed their resistance to the Territorial authorities, and their valiant determination to die at the end of their guns before they would submit. The presumed entry of that gentleman among them, however, produced a wonderful change in their feelings.

We learn that the affair was managed in this wise:

The United States Marshal having summoned a *posse* to assist him in executing the laws, moved on the ground with his *posse*—in all 450 or 500 men—and took his position upon the hill overlooking the town. He then went down and made some arrests, without opposition, they all declaring that they did not intend to resist him (which was a lie, because Reeder had done it not a week before, as well as others).

They seemed to chuckle over this, as if much ado had been made about nothing. The Marshal then came up with his prisoners and dismissed his *posse*, but the Sheriff (Jones) was upon the ground, and, although still feeble from his wound, he took the saddle, and at once summoned the *posse* to his aid as Sheriff.

He then rode into town at the head of twenty men, and announced to General Pomeroy, and other prominent citizens, his business, which was, as Sheriff, to arrest certain men there, to take from the rebellious organization their arms, and to abate the fort or hotel, and presses, as nuisances—that he desired to effect this peaceably if he could, and that they could decide whether it should be done peaceably or forcibly, and that he gave them ten minutes to make the decision.

Knowing their man, they, who an hour before swore resistance, lost no time to consent and submit, and the *posse* moved down about 3 o'clock P. M., and, without noise or confusion, proceeded to abate the nuisances, which was done in about two hours; and, after the prisoners were arrested, they withdrew.

It can not be charged now that Missourians had any hand in this, for it is certain that the whole force on the ground was of the Territory itself, and did not number one-fourth of the Southern citizens therein. It doubtless will be charged to be another Missouri invasion, and we emphatically give it the lie in advance. There are large numbers of our citizens who sympathize with their friends in Kansas, but their sense of right, as well as of policy, prevented them from going, and they have not done so. It is the *bona fide* residents of the Territory who have contributed to this triumph of the laws, and it shows to all the world that they can and will see them executed.

These Northern gentlemen who think it their mission to regulate the affairs of the rest of the world, may find that they have mistaken their vocation, if they expect to conquer Southern and Western men in the open field. They do excel us in the manufacture of wooden clocks and such like enterprizes, and we have never denied it, but history has



not shown, not even the history of Kansas, that they are our masters in the polite art of rifle-shooting, either in skill or willingness with the weapon—and if they are determined to bring this matter to a bloody issue, let it come now!

In truth, what a commentary is this surrender of fortified Lawrence, upon which so much money, labor and wind have been expended to intimidate, upon the valorous boasts of Beecher and Greeley. What a lesson upon the usefulness and efficacy of that terrible invention, "Sharp's Rifle," to unstring our Southern nerves! Would it not be better to cross the Puritans with a race of men who will use weapons when they are put into their hands, and make less ado about their deeds, *to be done*, in the newspapers?

How is this stampede of officers and men to be accounted for on any other ground than sheer cowardice?

They have been claiming all along a larger population in Kansas, and have brought out a Congress Committee to prove it; and yet, being in conscience opposed to the laws, with a fortified town, and abundance of arms in their hands, and loud proclamations to all the world that they would defend it with at least three hundred resident men, (as they claim) two thousand seven hundred and seventy men enrolled in their secret league, they tamely submit to less than five hundred men.

Their dilemma is that they have lied as to their numbers, or slunk away like cowards when the crisis came.

We commend them to the prayers of Parson Beecher.

The following is taken from the *Doniphan (Kansas) Constitutional*, of May 23, 1856:

"We have just arrived from the notorious abolition hole, Lawrence." On Wednesday evening, the 21st, about five hundred men under the direction of the United States Marshal, assembled before the town, and demanded that the arms in Lawrence be given up, and he be allowed to arrest those for whom he had writs. They submitted to the demand and unconditionally surrendered, giving up four pieces of cannon and some twenty Sharp's rifles. Before the marshal dismissed the men, Sheriff Jones, though but lately shot by one of the cowardly traitors, in the darkness of the night, appeared on horseback and summoned the whole company to assist him in making arrests and carrying out his orders.

"The whole affair was done *with order and according to law*. The Sheriff made about twenty arrests, and the Grand Jury of Douglas county having declared the Fort or Big Rock Hotel, and the two printing-presses nuisances, the Sheriff was legally bound to destroy them. Thirty cannon shots were fired at the Hotel, breaking it in many places, and then it was burned up. The two presses were totally destroyed.

"There were two or three abolitionists killed; two Southern men dangerously wounded by accident. After the Southern men left Lawrence, the house belonging to the vile traitor Robinson was burned, we have been told. This was contrary to orders, and meets with the condemnation of all the Southern men.

"The laws have been enforced even in Lawrence. Hurrah for the Law-and-Order men of Kansas.

"The Doniphan Tigers have returned with joy in their hearts and honor upon their company."

On the 26th of May, a skirmish occurred at the settlement of Osawattamie, in which three Free State men and five pro-Slavery men were killed. The Free State men now began to make a concerted and armed resistance to the bands which were spread over the Territory.

On the 28th of May, Major Walsh, of South Carolina, at the head of a party of Buford's men, arrested five of the principal men of Leavenworth, and ordered them to leave the city. At the same time, a public meeting, called at Leavenworth, passed strong resolutions against the Free State men, and appointed a Committee of Safety.

Lawrence was sacked on the 21st of May. On the 1st of June the Free State men attacked a body of marauders who had established themselves at Palmyra, about fifteen miles from Lawrence, wounded five—having three of their own party wounded—took twenty-one prisoners, and recovered a good many arms and other things stolen from the Free State men. On the 3d of June another attack was made on another pro-Slavery marauding party, which had established itself at Franklin, four and a half miles from Lawrence. The attack was kept up all night, when the assailants retreated, carrying off, however, a wagon-load of ammunition, arms and pro-

visions, from a store-house of the enemy, of which they had possessed themselves. In this affair one of the pro-Slavery party was killed and two wounded—the Free State men escaping without loss.

#### BATTLE OF PALMYRA.

The following account is from the correspondent of the *New York Tribune*:

LAWRENCE, KANSAS, Thursday, June 5, 1856.

"Through the day we have learned the particulars of the battle of Palmyra. The pro-Slavery party numbering thirty-one, under the command of Capt. H. C. Pate, correspondent of the *Missouri Republican*, and another Southerner of Buford's party, were on their way from the Ossawatimie neighborhood, where they had gone to fight, after the issue of the Westport "War" extra, to the camp on Bull creek, where some 200 Missourians and Southerners are now assembled, waiting for further re-enforcements prior to making another attack. The Free State party was a mixed guerilla one, numbering 25. They became aware of the pro-Slavery men, and tried to slip on them unperceived, but the accidental discharge of one of their guns put the enemy on their guard. The pro-Slavery men were in a hollow or ravine, where there was some timber, logs, and stumps. The Free State men were on the hill face and in the grass of the bottom. Pate and the other captain drew up their men in line, and placed the prisoners they had in the front rank—these were unarmed.

"The Free State men formed, advanced, and poured in a volley, which was immediately returned. One of the Free State prisoners in front of Pate's men was wounded, and when the firing began, the three broke and fled. The Free State men, who did not know who they were, fired on them, and the pro-Slavery men fired on them—their situation being most critical. They escaped, one of them severely wounded; his wound was reported mortal last night, but it is now supposed will get well. The first few volleys did most of the mischief. After that, the pro-Slavery men hid behind logs, and stumps, and trees, and fired from thence. The Free State men lay down in the grass, and fired as they got a glimpse of their opponents. This firing continued for two or three hours, when Pate and his company hoisted the white flag and surrendered. They were just in time, as a re-enforcement of fifty Free State men arrived a few minutes after, and arrivals kept pouring in until after dark.

"Beside the Free State prisoner that was wounded, two other Free State men were slightly wounded, but not disabled. Two of the pro-Slavery prisoners are wounded—one shot in the mouth, the ball lodging in the back of the jaw; the other was shot in the back part of the neck, the ball coming out at his back. John McGee (the Westport McGee) was also wounded, and had gone to a house in the neighborhood. It was reported that he died this afternoon. Five other pro-Slavery men were said to be wounded, but rode off as soon as they were hurt.

"Capt. Pate declares that he is still in the *posse* of the United States Marshal, and that he has been advised by the Deputy Sheriff to go down to the Pottawatamic, and hunt up those who had killed the pro-Slavery men there.

"A paper was drawn up at noon to-day, between Captain Brown and these men, by which it was agreed that some twenty Free State men who have been taken and are prisoners in a pro-Slavery camp on the Neosha,

should be exchanged, and that Captain Brown's two sons, who are also prisoners, should be exchanged for Captain Pate and the Southern captain.

"While these negotiations were pending, a messenger was sent to them, telling them that the United States Dragoons were coming down. Capt. Brown moved off his company in small detachments, with the prisoners distributed among them. The rest of the Free State men dispersed."

Col. Sumner, commander of the United States troops in the military district of which Kansas forms a part, now began to take active coercive measures to put down the fighting in Kansas. Gen. Whitfield, the pro-Slavery delegate to Congress, advanced into the Territory with a strong body of Missourians, but Col. Sumner, who had already released the prisoners taken by the Free State men at Franklin, compelled him to retire. A party, however, of these men, joined by some of the released prisoners, attacked and plundered the Free State town of Ossawatimie. These men, on this occasion, pillaged all the houses, robbing even the women of their earnings, destroyed a printing-press, stole a large number of horses, and carried off all the arms they could find. By great exertions on the part of Sumner, the larger armed bodies in the Territory were dispersed and broken up, many of the Free State men being deprived of their arms. But though fighting on a large scale was intermitted for a few weeks, Kansas still remained the seat of war. Everybody went armed. Little was thought of except defense. Robberies and all sorts of outrages were frequent. While access through Missouri was forbidden to emigrants from the Free States, new hordes of vagabond whites continued to arrive from the South, whose only means of subsistence was the plunder of the Free State men. With this object, they established themselves in numerous bodies at certain armed posts, and spread their ravages in every direction. It was this state of things, and the resolution of the Free State men to submit to it no longer, which led to the renewal of military operations on a large scale.

Comparative quiet now prevailed in the Territory, and for about two months but little fighting occurred. The Free State prisoners, however, still remained in close confinement at Leecompton, and the laws of the pro-Slavery Legislature in full force against the Free State men.

Meanwhile the "Congressional Committee of Investigation" closed their labors, and submitted a Report to Congress, accompanying a large volume of testimony. Mr. Oliver, of Missouri, presented a "Minority Report," in which he controverts the conclusions arrived at by the majority.

On the 20th of June, a company of seventy emigrants from Chicago to Kansas, on their way up the Missouri river on the steamer "Star of the West," were stopped and deprived of their arms at Lexington, Mo., by a body of citizens of Missouri. The steamer was then suffered to depart on its way up the river, but was again stopped by a mob at Kansas city, where

"A company of armed southerners came on board the *Star of the West*, headed by David R. Atchison and B. F. Stringfellow, as an escort for the Chicago prisoners. Atchison and Stringfellow, as a Committee, informed the prisoners that it would be useless for them to attempt to land; they could command three or four hundred men at any point, and as sure as any of them should attempt to land, they would be slaughtered. Still the emigrants, I am assured, would have attempted it, had they met with any encouragement from on shore. Mr. Grover, who was agent for the company, told Atchison on their arrival here that he was a citizen of the Territory, and that he had a Colt's revolver which he should certainly use, if he was hindered from coming off—and he came off. I think it is to be regretted that others did not follow his example.

"The goods of the prisoners, to a large amount, were landed here, and are in the custody of the Carolinians."

On the 26th of June, a company of Massachusetts emigrants, under charge of Dr. Calvin Cutter, were stopped near Lexington, their arms taken from them by a mob, and they were afterward sent back down the river.

Two days after, a party of Illinois emigrants on the "Arabia," were robbed by a crowd of Missourians and others, and sent back like the rest. The Rev. Mr. Strawn, their leader, escaped, and applied in vain to Gov. Shannon, Col. Sumner, and Chief Justice Lecompte, for any assistance toward the recovery of his property.

These forcible seizures of arms and other property in the hands of the Free State men emigrating into the Territory, were continued to such a degree, as ultimately to amount to a complete blockade of the Missouri river. In consequence of these interruptions, the intercepted emigrants began to take the circuitous route *via* Iowa and Nebraska, coming into Kansas over land.

The 4th of July, the time fixed for the assembling of the Free State Legislature, now arrived. Two days previous, a Convention of the Free State party met at Topeka, and passed resolutions in favor of the Republican party and denunciatory of the Democrats, appealing to the friends of Free Kansas in Congress, to stop the supplies until Kansas should be admitted under the Topeka Constitution. Marshal Donaldson and Judge Elmore read to the Convention the President's February Proclamation, and Gov. Shannon's Proclamation, and one from Mr. Woodson, Secretary of the Territory; also a note from Col. Sumner, saying that he would prevent the meeting of the Legislature. They were unheeded. About 800 persons were present, all armed.

Both branches of the Legislature met on the 4th. The roll was called, and a quorum found to be present. About noon Col. Sumner entered the town with 200 dragoons, and planted two cannon at the head of Kansas avenue. The troops were drawn up before Constitutional Hall, when Sumner told the citizens that he would not disarm them or break up the Convention, but he had orders to dissolve the Legislature, and would do so.

Sumner then repaired to the Hall of Representatives, and informed the members that he had orders to disperse them. He said: "I am called upon to perform the most painful duty of my life. Under the authority of the President, I am here to disperse this Legislature. In accordance with my orders I command you to disperse. God knows I have no party feeling in the matter, and will have none while I hold my present position in Kansas. I have just returned from the border, where I have been sending home the Missourians, and I am now here with instructions to disperse this Legislature. I again command you to disperse."

Judge Schuyler asked if they were to understand that they were to be driven out at the point of the bayonet? Col. Sumner replied, "I will use the whole force under my command to enforce my orders." The House then dispersed. A similar scene was enacted in the Senate, which also dispersed.

The Convention was preparing resolutions indorsing the State Government and the Topeka Constitution. Fears of invasion kept large numbers from attending.

In the month of July, Col. Sumner was suspended by the War Department, and Gen. Persifer F. Smith, of Louisiana, appointed in his place.

#### BATTLE OF WASHINGTON CREEK.

On the 5th of August, at the request of the inhabitants of Osawattamie, a body of men from Lawrence marched against a post of Georgian marauders, established in that neighborhood.

We subjoin an account of their enterprise, taken from the *Missouri Democrat*:

"For some time past some of the young gentlemen imported into this Territory by Col. Buford, have been gathering together at a camp on Washington creek, one of the tributaries of the Wakarusa, and have been committing depredations upon the neighboring corn-fields and poultry-yards of the settlers in that locality. As it was soon seen that their intentions were not to make claims and become actual settlers, the people there began to object to this order of things.

"At length the people sent over to Lawrence, a distance of some twelve miles, and asked the citizens of that town to assist in driving them away. A messenger was sent to Major Sedgwick, asking him to send a company of troops to that camp and investigate the matter, and if the charges of pillaging were true, to use the troops in driving them away, and protecting the actual settlers in their rights. Major Sedgwick replied, that these people were peaceable and peaceful; that this time the Free State men had been hoaxed; that it would have been perfectly safe for any Free-Soiler to go into the camp at Washington creek.

"The messenger returned to Lawrence, and on the afternoon of the same day another messenger was dispatched to Washington creek, to ascertain, if possible, the truth of the statements made, so that the people of Lawrence would know how to act. Mr. Hoyt, who was selected to go, is already known to the public as the gentleman who lost about one hundred Sharp's rifles at Lexington. He was naturally very quiet and gentlemanly in his demeanor, courteous to strangers, and respected here by every body for his persevering bravery in behalf of the Freedom in Kansas. He was sent to the Washington creek pro-Slavery camp entirely unarmed. He was to have returned that same night with reliable information as to the truth of the charges alleged against this band of Georgians. He did not come back. The next day intelligence reached us that he had been first taken prisoner by them and then shot.

"The same evening (the 12th inst.) about one hundred of the young men of Lawrence volunteered to go to a camp of the Georgians at Franklin, and recover some of the arms which had been stolen during the sack of that city in May last. From thence they intended to march to Washington creek, disperse the mob, and take away Mr. Hoyt's body, and return. It was a beautiful moonlight night, slightly hazy. The thought of redressing wrong by force of arms to the truly intelligent American citizen, is always a sad thought; but when redress of grievances can be had in no other way, and when the dearest rights of man are trampled under foot, then the redress of wrongs by arms becomes a necessary, but still a sad duty. Such was the feeling of most of the young men who marched along the road to Franklin.

"On arriving, they found that the news of their coming had gone before them, and that the Georgians were going to fight. They were gathered together in a large blockhouse, which was barricaded like a fort, through the chinks between the logs of which they pointed their rifles. They were asked at first to give up all their arms, which they refused to do. They were supposed to number about eighty. The Free State men drew close up and determined to 'storm the garrison, or die in the attempt.'

"The struggle lasted for about three hours, when the Georgians surrendered. They came out, threw down their arms and fled. The Free State men then took possession of one brass cannon, fifty United States muskets (probably belonging to some arsenal,) and a few guns taken from Lawrence during the sack of the 21st of May last.

"The Free State men had one killed and six wounded. The Georgians report four wounded. In consequence of their dead and wounded, the Lawrence boys returned home instead of going to Washington creek, as they expected to do."

The opening of the new route through Iowa and Nebraska, was completed about the 10th of August, when a party of about 400 emigrants arrived at Topeka. Three parties were left behind to form as many towns on the road. Gen. Lane was at the head of this party.

On the 12th of August, the second battle of Franklin was fought. The post of marauders established there was taken, and a cannon (the same with which Lawrence had been battered,) together with large quantities of arms, and many stolen horses, were recovered. The loss of the Free State men was one killed and six wounded. Four of the pro-Slavery men were wounded. The men at Washington creek abandoned their fort and fled.

On the 14th of August, Col. Titus' house, near Lecompton, was attacked by the Free State men, battered, and taken, together with twenty-one prisoners,

including Titus, who was wounded. This Col. Titus was formerly a Cuban filibuster, who migrated to the Territory from Florida. The loss of the pro-Slavery men was two killed and three wounded. The other side had four wounded—one mortally."

Two days after, the following circular was issued at Westport, Mo., and widely scattered:

"NEAR LECOMPTON, Aug. 16, 1856.

"FRIENDS OF LAW AND ORDER: The Abolitionists have come on us this morning, about daylight, whipped and taken prisoners our men. Lecompton is taken, and deserted by the women and children. Lane's men are about eight hundred strong. The United States troops have also been whipped. Will you come to our rescue before we are all murdered? We are out of powder and lead, and every kind of ammunition. Our friends are now stationed in Sheriff Jones' house, as many as can, and will fight to the last. Will you help us? If so, come at once. Unless we get help, we will be all murdered. The foregoing is reliable.

"D. R. ATCHISON,

"W. H. RUSSELL.

"JOS. C. ANDERSON.

"A. G. BOON."

The above was a somewhat exaggerated account of the affair, inasmuch as Lecompton was not taken—one hundred United States dragoons having interfered to prevent an attack on that place, and the Free State forces retired to Lawrence with their prisoners.

Gov. Shannon, Major Sedgwick, and Dr. Roderick, of Lecompton, went to Lawrence on the 17th to demand the release of the prisoners.

After a conference, it was agreed that when six of the Free State prisoners, held by the authorities, were delivered up, the howitzers, taken from Lawrence, returned, and all the camps of pro-Slavery men dispersed, the prisoners should be released.

An universal excitement now spread along the Missouri border. It was seen, for the first time, that determined men were at the head of the Free State forces, and that they could not be "crushed out" with ease. The *Missouri Democrat*, of August 25th, published the following:

"A gentleman who arrived yesterday afternoon from Weston, on the David Tatum, reports that the most intense excitement prevails along the borders of Missouri and Kansas. Of the Free State party, men, women, and children were flying in all directions. While the David Tatum was lying at Leavenworth, upward of one hundred of these fugitives went on board. These persons had left behind them all their property, which had been taken possession of by those who ordered them to leave. The greatest and most shocking excesses had been committed a few days ago, within five miles of Leavenworth. A party of men called at a house, and inquired for the head of the family. They were told that he was absent. They at first affected to discredit this frequently repeated asseveration, but finally said to the females of the family: 'D—n your souls, then come out here, yourselves—we want you.' A mother and daughter were then taken out into the bushes, where they were kept all night, being subjected to the most foul indignities. In the morning they were allowed to crawl back home, more dead than alive.

"At Kansas city, robbery of horses and valuables continued to be of common occurrence, and murders were almost equally frequent.

"Gov. Price (of Mo.) had been in the disturbed districts, but was hurrying home, hourly expecting a dispatch from the President, ordering out the militia of the State. In this event, he would command them in person. Atchison was also on the borders fanning the movements against Kansas.

"Lexington had five hundred men under arms.

"Jackson, Clay and Platte counties were each to furnish the same number. Three thousand men from Missouri were expected to arrive in the Territory in a few days."

The following account of the feelings of the Free State men at Lawrence, we take from a private letter:

"LAWRENCE, KANSAS, Aug. 27, 1856.

"This city once more assumes a defensive position. The two or three imprudent acts by which the people here sought to bring the murderers of Hoyt, Williams, and others

to justice, have been construed by the leaders of the Southern party into an attempt at driving out the pro-Slavery settlers, a design which was never dreamed of by the Lawrence people. An address, inflammatory in its character, appealing to the passions of the people, distorting the real facts of the case, counselling another invasion from a foreign State, has been signed by Atchison, Stringfellow, Russell and Boone, and circulated in the western counties of Missouri. Lawrence seems to be the place selected as the victim of pro-Slavery fanaticism, and the citizens of this unfortunate city are the sacrifices to be offered on its altar in pursuance of the fiat gone forth that 'no quarter is to be given.' It can not, then, under these circumstances, surprise even the most conservative citizen in your State to know that the people here are preparing to defend their homes, and to this object are building fortifications, placing strong guards and making themselves acquainted with military drill. And I will venture the assertion that it must be a large force indeed that will force them to succumb.

"I have characterized the several battles, of which I have kept you fully advised, as being *imprudent* on the part of the Free State settlers; but when we consider the fact that the United States troops were appealed to, to disband these gangs of 'young gentlemen,' in vain—when we consider that not one of the murderers of Free State men has heretofore been brought to justice, but rather encouraged by patronage from Mr. Pierce, and by being enrolled as United States officials, we are led to look upon the uprising of the people as perfectly natural, if not perfectly right. In judging of these things, people should lay the case in question in its true position; divesting themselves of all prejudice, they should ask themselves: 'What if these murders had occurred in *our own State*, and the authorities had refused to bring the murderers to justice—what would we have done?'

"Civil war exists—there is no denying this—and civil war would be the result any where in the United States, where the people of one State undertook to control the actions of the people of another State. Civil war has been existing in Kansas ever since the 30th of March, 1855, and will continue to exist until the State Government of Missouri or the General Government at Washington shall take measures to prevent filibustering expeditions—in short till the actual settlers shall be allowed to cultivate peaceably their soil and their political opinions, and to decide peaceably the character of both at the ballot-box."

"On the 17th of August, a Mr. Hops, from Ohio, was murdered and scalped near Leavenworth city. Mr. Hops had been in the Territory but a few days. He had hired a house in Leavenworth city, with the intention of making that place his home, and was on his return from Lawrence, whither he had taken his wife to remain a few days with her brother, the Rev. Mr. Nute. When he had returned to within about two miles of Leavenworth city, and within sight of the residence of Mr. Wallace, a Free State man, he was met by a ruffian on horseback who inquired where he was from; and being informed that he was last from Lawrence, the stranger drew a revolver and shot him through the head. Mr. Hops was in a buggy, and the horse starting along the murdered man fell to the ground. The ruffian sprang from his horse, took out his knife and scalped his victim, when he remounted, and putting spurs to his horse rode rapidly off in the direction of Leavenworth city. This fiendish outrage was witnessed by Mrs. Wallace and her daughter. A teamster in the service of the United States drove up and saw the body before the pulse had ceased to beat. The name of the man who perpetrated this horrid deed is Fugert, and he is well known in Leavenworth, and belongs to the party encamped at that city under command of Atchison. He had made a bet of \$6 against a pair of boots, that he would go out and return with an Abolitionist's scalp within two hours. On his return to camp, he obtained his boots, and, then placing the scalp of his victim on the end of a pole, paraded the streets with it, boasting of his prowess; and all this almost within hail of Fort Leavenworth, where the United States forces are stationed, under command of Gen. Persifer F. Smith. A German named Bimber, who expressed himself rather freely in regard to this horrible barbarity, was shot dead on the spot, and another man, who also reprobated the act, saved his life only by precipitate flight, with pistol-balls whistling freely about his head.

"On hearing the fate of her husband, Mrs. Hops, in company with her brother, Mr. Nute, and about a dozen other citizens of Lawrence, started for Leavenworth to obtain the body of Mr. Hops, and give it Christian burial. When near Lawrence, the party were captured and held as prisoners by a band of ruffians under Capt. Emory, the man of whom Hops had hired the horse and buggy. The body of the murdered man had been buried, and the ruffians refused the widow the consolation of looking upon her husband's grave. Seventy dollars were found in the pockets of the murdered man, all which went as funeral expenses, leaving the disconsolate widow in the hands of the ruffians without a dollar. She desired to leave the scene of her terrible sorrows. The ruffians at first refused to let her depart, but she finally succeeded in getting on board a boat bound down the Missouri, the captain of which, out of compassion, protected her, and gave her a free passage to St. Louis. On the boat she related her story, and was tauntingly told by the heartless and ruffianly passengers that she was uttering another 'abolition lie.'"

Among the party who accompanied Mrs. Hops from Lawrence to Leavenworth, and who were taken prisoners, was Dr. Avery, an estimable Quaker gentleman from Richmond, Ind., who went out to Kansas to obtain facts in regard to the actual state of things there, intending to return in a short time.

On the 18th of August, Gen. Richardson, commander of the Kansas militia, on his own authority, called out the militia by proclamation, stating that the Territory was invaded by the Free State men. At the same time, a pro-Slavery army, called out by Atchison and Stringfellow's proclamation, began to assemble at Westport, Mo. They soon collected to the number of four hundred and fifty men, when they marched to Santa Fe, on the borders of the Territory, but within the limits of Missouri. Here they were further re-inforced, and now amounting to eleven hundred and fifty men, rank and file, they organized themselves into two regiments, and chose Atchison Commander-in-Chief. They took the name of "The Army of Law-and-Order in Kansas Territory."

Gov. Shannon was removed early in August, and acting Gov. Woodson, on the 25th, issued a proclamation, declaring the Territory in a state of open insurrection and rebellion, and calling out all the militia of Kansas. He also gave special directions for occupying the Nebraska road, and cutting off any force of invaders that might attempt to enter the Territory in that direction. Another portion of the militia were ordered to assemble at Leecompton, while the militia of the Southern division were to rendezvous at Palmyra, about fifteen miles east of Lawrence.

Here, then, were three bodies of militia under the orders of Gov. Woodson, surrounding Lawrence, and threatening it in three directions; one under Gen. Richardson, on the Nebraska road, another at Leecompton under Woodson, cutting off Lawrence from Topeka and the western settlements, and a third between Lawrence and Leavenworth.

In addition to these forces within the Territory, were the much larger volunteer forces from Missouri, under Atchison. On the 26th August, they advanced to Cedar creek in Kansas, and the next day to Bull creek, from whence a detachment with one or two pieces of artillery was sent off under General Reid against Osawattamie.

A body of Free State men, from this place, had, a few days before, attacked a post of pro-Slavery men, in their neighborhood, put them to flight, and recovered a large drove of stolen cattle. The subjoined accounts of the pro-Slavery foray on Osawattamie, are taken from the published narratives of both sides.



## BATTLE OF OSAWATTAMIE.

On Friday, the 29th of August, a Free State man who had been held as a prisoner at New Santa Fe, Mo., for about ten days, charged with the crime of telling the Free State men of the movements of the revolutionary army, arrived at Osawattamie very late in the evening, and told the people—those who were not already abed—that the town would be attacked very soon—perhaps that same night. He advised the Free State men not to attempt a defense, as there was only forty of them, and they could never fight against six hundred ruffians with any chance of success.

The town had been threatened for a long time, and no defense by the Free State men was anticipated, from the fact that most of the goods had been removed from it, and the women and children had taken refuge at some less obnoxious point. Therefore, it could not have been the spoils which they sought, they knowing, through their pro-Slavery spies resident in the place, that there was nothing worth coming for.

Osawattamie is situated on the Osage river, just above the confluence with that stream of the Potawatamie creek. The Osage river above the Potawatamie is sometimes called the Meredezine, but is known on most maps as the Osage. The town was well located, and was the center of an extensive area of Free State as well as pro-Slavery settlement. It has several stores, shops, and a saw-mill, and was nearer to the State of Missouri than any other town in southern Kansas.

On Saturday morning, not much after daybreak, a messenger rode into town, stating that the Missourians were coming; that they were close at hand; that Fred. Brown, a son of Capt. John Brown, had been met on the road by two scouts of the enemy, and that they had murdered him, and that if the people were going to fight they had better prepare for it, and if they were not going to fight, that they ought to leave there very soon.

All was confusion among the Free State men. No ammunition had been prepared, and except what they had on their persons and in their belts, none could be had. However, they saw that whatever was to be done, must be done quickly, and all the men in town to the number of forty, rallied under their Captains, Brown and Cline, and took to the timber which lines the banks of the Osage to the width of at least half a mile. In the meantime, the Border Ruffians were marching down the prairie in the direction of the town. It must be borne in mind that the Osage runs in a south-easterly direction, and the Potawatamie creek in a north-easterly direction. The town is built in the forks of these streams, and was approached by the pro-Slavery forces on the west. Meanwhile, the Free State men had rallied at two points, and had fired upon the enemy with effect. The pro-Slavery men then formed a line of battle, from which, and from the disposition they made of their forces, it was evident they did not know that they were fighting a mere handful of men. They were drawn up in order, and their line reached from stream to stream across the prairie, which at the distance from the forks which they stood, must have been three hundred perches. They also pointed two pieces of cannon toward the woods where the Free State men were, but these effected nothing. The firing was kept up on both sides with great spirit for a long time, till the Free State men got short of ammunition. Meanwhile, a company of about fifty of the pro-Slavery men had been detailed to charge into the timber on the Osage side, and rout the Free State men. While those were advancing, a party of Free State men kept them engaged till the others, who had no ammunition, could make good their escape, by way of a private ford which the ruffians forgot to guard. The ruffians kept advancing. Three Free State men were still left, two on horseback and one on foot. One of the horsemen took to the river, the other followed, and then the single footman. It was a fearful time for all three, but especially for the footman. They were attempting to swim a rapid stream covered by the guns—some of them Sharp's rifles—of fifty of the ruffians. One of the horsemen was shot, the other escaped. The one who was shot was a Mr. Partridge, a brave man. The footman, finding that he could not swim and carry his rifle too, let it fall into the river, and escaped. His name is Holmes, of New York city, and a brave fellow. The others, it is supposed, escaped by means of this private ford. The last time Capt. Brown was seen, he was making for this ford, which, if he crossed safely, he is still alive. If otherwise, then he is dead; because so obnoxious is he to them that, once in their hands, they would doubtless kill him instantly, as they have often threatened to do.

This army, estimated at from three hundred to six hundred, then entered the town, sacked once more the already sacked city, and burned every building in it to the ground, with the exception of two houses which belonged to pro-Slavery men, and a mill which they did not see. It is evident from the manner in which they did this thing, that it was done in a great hurry, and done, too, under a fear of being caught at it by a larger force than their own. Indeed, so great was their hurry to get away from the scene of

their hellish work, that they forgot to take away all of their dead, and left one man lying in the street.

The burning of the town has left many without homes or means, but the citizens are as persevering as they are brave, and they intend again to build up their town some time soon.

### FROM THE "DONIPHAN (K. T.) CONSTITUTIONAL."

Mr. F. F. Shepherd and three others have just arrived in this city from Bull creek, with the letters we publish below. From Mr. Shepherd we learn that the Abolitionists have committed numerous outrages and murders within a few days past. Cattle and horses have been run off, houses burned, property destroyed, and pro-Slavery settlers murdered, or forced to take refuge in the brush and wood along the streams and ravines.

A battle took place yesterday morning between two hundred and fifty pro-Slavery men, under Gen. Reid, and about two hundred Abolitionists, under command of Brown, the assassin. The first fire came from the Abolitionists, wounding five pro-Slavery men. A piece of artillery was fired upon the Abolition forces, and three of their number killed. A charge was immediately made by Gen. Reid, in which not less than thirty of the enemy were killed (our informant thinks that there were more than that number), and four taken prisoners. The notorious Brown, and one of his sons, were certainly killed.

Many of the Abolitionists, in their flight, attempted to swim the river, and a number were drowned.

Oswattamie was burned to the ground, every house, as well as its contents, being reduced to ashes. There were no women or children in the place.

All those wounded before the charge will recover, with proper care. Mr. Jackson has a more serious wound than any one of the five.

Reid commanded two hundred and fifty men. The number under Brown could not be estimated, as they were partly concealed by the bushes, and into which they commenced retreating soon after the first fire.

Four were captured as prisoners. Two pro-Slavery men were prisoners, in the hands of Brown, and were rescued by Reid's forces. From them Mr. Shepherd learned that a battle had taken place in the direction of Fort Scott, in which Brown killed thirteen of the law-and-order citizens of the Territory. We could gather none of the particulars.

Messrs. Rice, Patterson, and S. Q. Cary reached this place last night, direct from the seat of war, and brought us the following highly important news, which we stop the press to lay before our readers and the public.

CAMP, BULL CREEK, Sept. 1, 1856.

FRIEND GREEN:—We write to inform our friends that we had an engagement with the enemy in which we were completely victorious.

Evening before last (Aug. 30), two hundred and fifty men were dispatched to Oswattamie, about thirty miles from this place, the headquarters of the notorious Capt. Brown. We made a forced march, traveling all night, and reached the place about an hour after sunrise. We had one six-pounder. The enemy commenced firing on us at half a mile, which is point blank range for Sharp's rifles. They had taken cover under a thick growth of underwood, and numbered about one hundred and fifty.

We charged upon them, having to march eight hundred yards across an open prairie, against an unseen foe, through a hail-storm of rifle bullets. This was done with a coolness and ability unsurpassed, until we got within fifty yards of them, when we commenced a galling fire, which together with some telling rounds of grape from our cannon, soon drove them from their hiding place, with a loss of some twenty or thirty men killed.

We lost not a single man, and had only five or six wounded. I had with me fifty of our men, all of whom were in the hottest of the engagement, and distinguished themselves—they being about one-third of all who were in the fight, so that we routed them from their covert, man to man. We had three men wounded, one badly, and two slightly. We burned their town and returned to camp last night about ten o'clock.

Notwithstanding this brilliant success we found it impossible to march upon Lawrence, for want of men and munitions of war, and have fallen back upon Cedar creek, to wait for re-inforcements. Will Missouri forever slumber? If this expedition fails we have nothing to hope for! Is it possible we are to endure hardships and fatigues for nothing, and our friends not make a common cause with us? We ought to have five thousand men, to drive these cut-throats from this Territory. Already we have slumbered until the last pro-Slavery man who came here with the promise of protection, has been murdered, or driven away—his house burned, and even his children stripped of their clothing. Every section presents awful pictures of murdered and ruined settlements—and those who have done all this are now at Lawrence, about fifteen hundred strong, and should we leave here, this country is turned over, irretrievably, to a gang of murderers, whose thirst for blood and plunder, will soon carry them to our own homes.

Let our friends come by boat to Kansas City, and from thence to Lawrence is only about forty-five miles, which can be traveled on foot in two days. We want foot soldiers—we have already too many horses. Send on men immediately or never. Ship cannon with them.

CONGRAVE JACKSON,  
G. M. B. MAUHAS,  
Capt. Company B.

In addition to the above, we quote the following letter, dated

“LEAVENWORTH, Aug. 31, 1856.

“Our Osawattamie Brown is maintaining his ground south of Kaw river. His force consists of about two hundred men. It is reported that he has had an engagement with the invading forces, as they have entered that portion of the Territory. News was received at Westport that in the collision between Brown’s men and the pro-Slavery party, some eighty of the latter, out of a company of three hundred, were killed and wounded.

“Brown’s loss is stated at much less. Capt. Wilkes’ company of fifty Carolinians arrived at Leavenworth a day or two since.

“They ‘pressed’ a sufficient number of horses in the neighborhood to mount themselves.

“The pro-Slavery force, consisting of Georgians, Carolinians, and other late emigrants from the South, are encamped some eight or ten miles from this city, in the interior. Some eight hundred of Lane’s men are between this and Lawrence.

“The day before yesterday a company of about ten persons, on their way from Lawrence to Leavenworth, were taken prisoners by F. Emory’s (pro-Slavery) men. In the party arrested were Mrs. Hops (wife of the unfortunate man who was shot and scalped by Fugert, some time ago;) her brother-in-law; an old man of seventy years of age; and a young man, all of whom were en route for St. Louis at the time. The men were taken to the pro-Slavery camp; the women and children were permitted to go to Leavenworth. Mrs. Hops took passage on the J. M. Convers, but her brother-in-law was not permitted to accompany her. One of these prisoners, a German, was shot down in the streets of Leavenworth city, in endeavoring to effect his escape from the captors.”

On the next day after the battle of Osawattamie, the pro-Slavery forces appeared at Prairie city, still nearer the town of Lawrence, but moved away without doing any damage. As soon as all this news reached Lawrence, Lane marched with three hundred men to attack the enemy’s camp at Bull creek, accomplishing that day forty-five miles, and that without food. On the 31st he approached the Missouri camp, but the enemy, without stopping to fight, retreated before him. Lane followed them up till they had crossed the Missouri border, when he returned to Lawrence, leaving, however, a strong force at Hickory point.

The pro-Slavery army hereupon postponed their contemplated attack on Lawrence until the 13th of September. On the 1st, Atchison resigned, and Gen. Reid was chosen Commander-in-Chief. The following letter is one of the numerous accounts of the condition of things in the Territory at this time:

LEAVENWORTH CITY, Aug. 29, 1856.

We have never before had times so perilous as at present. It seems as if all our citizens must become involved in the civil tumult. No Free State man who has taken any part in political matters is safe for a moment. Nearly all such men have left either for the States or for the interior of the Territory; and pro-Slavery men who have heretofore been moderate in their conduct are now leading bands of ruffians.

Emory, who has a company under his command, and under whose orders Pimpleton was killed in our streets yesterday, has hitherto been a man of peace. He is the principal mail contractor in the Territory. Wm. H. Russell gives his name to inflammatory dispatches, calling Missourians to arms, and indorsing all the falsehoods which have been employed in raising the present tumult. I have conversed with a prisoner who was released from one of their camps yesterday. He names to me many men who have passed among us as honorable and peaceable citizens, who are now leagued with the Border Ruffians. Party spirit and the sanction which a great national party has given to the Kansas frauds, have beguiled them into the most reckless excesses.

Ex-Governor Shannon is in town to-day on his way eastward. He says that Gen. Lane can command nearly three thousand men, and he warns pro-Slavery men from any attempt, with their present force, to subdue the Free State men of Kansas. It is reported, on every

hand, that Lane has a force sufficient for any emergency. Yet there is doubting in some quarters. Why does he not rid Leavenworth and its vicinity of the assassins and the bands of marauders who infest every public road, they say? The answer is this: Gen. Lane, and the Free State men in arms, have not attacked any party which was not openly and unquestionably guilty of violent and flagrant outrages against life or property. None others have been molested, and the history of our troubles will prove this. The citizens of Kansas have had no law for their protection.

What will be the end of the war in Kansas, God only knows.

On the 1st of September a company of soldiers entered Leavenworth, and drove out the Free State men, or warned them to leave within a specified time.

#### STATEMENT OF AN EYE-WITNESS.

"On Sunday evening, about 9 o'clock, a party of about eighty men, mostly Missourians and Georgians, armed with United States muskets, came into the city of Leavenworth, from a camp of the mob on Stranger creek. They immediately called upon all pro-Slavery and law-and-order men, to show their hand, and fall into the ranks. They continued to muster men until after midnight. The impression of the Free State citizens was, that they had come in to take part in the election of Mayor, which was to take place next day (Monday), and but few Free State families left town. Monday morning at 7 o'clock, the mob again commenced enrolling men, pressing a number of our men into the ranks. While the enrollment was still going on, a party of twenty-five horsemen, commanded by Mr. Frederick Emory, proprietor of the stage line between Kansas City and Indianola, and Leavenworth and Fort Riley, and mail contractor, surrounded the house of Wm. and G. Phillips. One of these was partner of McCrea formerly. Some of the party dismounted, and breaking the door rushed in; a fight ensued. There were only five or six men in the house. Mr. Phillips told me but a moment before the attack that he would not be taken. The result of the conflict was that William Phillips, Esq., was killed, one Free State man wounded, and the rest taken prisoners. Two of the attacking party were killed. The prisoners were sent to the camp at Stranger creek, the mob saying that they would be hung immediately. This is the last I know of them. The women and children escaped from the house during the fight. The party then plundered the house. The articles taken were put into wagons and carried into the country. The party then proceeded to the house of Mr. George H. Kelly, which they surrounded, and the family escaping, they plundered it. The party of horsemen then joined the main body of the mob, who now numbered about two hundred. The mob, dividing up into small parties, commenced scouring the town, searching every house, and gave out word that every Free State man, woman and child, must be out of the town by 6 o'clock that evening. They notified the women to be ready to go on board a boat at 6 o'clock. They took all the Free State men prisoners that they could find, excepting those whom they had forced to enroll.

"The Free State men were mostly unarmed. The prisoners taken were temporarily put into a building, and afterward sent to the camp on Stranger creek. I left town at 6 o'clock, P. M. When I left, the mob were carrying on the work of pillage and murder, while terror-stricken women and children were running in every direction, seeking safety—screaming with terror. The scene beggars description. A large number of women and children were put aboard boats that evening, and the next morning I estimated the number of families thus partly sent away, at from fifty to seventy-five. The children were put on board the steamboats without any regard to their separation from their parents. Women were allowed to escape down the river, but no men. A large number of Free State people ran to the fort (three miles off). The mob threatened to take the fort. I ran into the bushes, and at night sent a boy to my house near town, to get my horse and family. My family came along, and I think are now in a place of safety. Several houses were burned that night. I do not know to what extent the mob carried on their work after I left."

By way of showing the style and spirit of Col. Lane, in the position of General-in-Chief of the Free State men of Kansas, we subjoin a letter from the correspondence of the "*Detroit Daily Advertiser*," dated

LAWRENCE, Sept. 3, 1856.

At 12 M. to day, our forces now in town were drawn up for review. There is no more danger of insubordination among them than there was among Napoleon's Old Guard, but there is a good chance for warm work before them; and by way of variety the General made the annexed appeal. He was dressed in a slouched Kosuth hat, white-bosomed shirt, the collar and bosom thrown open, a blue woolen over-shirt, and coarse tweed

trousers, tucked inside his boots. I describe his dress, not because it is particularly unique or beautiful, but it is all the go in Kansas now, always excepting the *white shirt*, and often substituting the red for the blue. I do not care to describe the General's personal appearance too minutely, but a change of dress metamorphoses him completely; and if the ruffians catch him they will catch a weasel asleep. But here is his little staff:

*"Commissioned Officers of the First Division :*

"We can not whip Missouri without strict obedience to all orders, and if there is an officer who has not made up his mind to die rather than yield an inch, and who has not determined to obey every order, when I give the word march, I wish that officer to disobey that order!"

At the word every officer obeyed.

*"Soldiers of the First Division :*

"We can not conquer these fiends who surround us without obedience to all commands. If there is a man in the ranks who is not prepared to die for Free Kansas, who is not willing to obey all orders; if there is a man who will leave his company without a written order from his captain, countersigned at head quarters, I desire, I demand, that man to disobey the order to march. In a few hours (I think he meant *days*, etc.) we shall be surrounded by these fiends, who are thirsting for our heart's blood, and strict discipline is necessary to conquer them.

"Attention—Division. Forward—March."

It is needless to say that every man obeyed the command.

"Boys we will drive these fiends to burning hell before we get through with them."

Hearty cheers were given and the division dismissed.

Early in August, John W. Geary was appointed Governor of Kansas Territory by the President, and arrived about the 1st of September. On the 11th, he issued the following

#### PROCLAMATION.

*Whereas*, A large number of volunteer militia has 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 enjoyment: and

*Whereas*, The employment of militia is not authorized by any 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 Leecompton, this eleventh day of September, in the [SEAL.] year of our Lord one thousand eight hundred and fifty-six.

JOHN W. GEARY,  
Governor of Kansas.  
DANIEL WOODSON,  
Secretary.

By the Governor.

After this, the outrages and skirmishes in the Territory rapidly diminished. The return to Missouri of the large bands who had so long flourished unchecked, save by an occasional rebuff from the Free State men, left the latter without cause of war. We give an account of the disbanding of the Missouri army, etc.

WESTPORT, Sept. 17, 1856.

The army reached Franklin on Sunday night, 14th, and went into camp. The next day Gov. Geary came down, and a council was held with all the officers of the army. Gov. Geary at once requested that Gen. Reid should comply with his proclamation, which is herewith sent.

The council was held in the storehouse of Dr. Skillick, whom the Abolitionists robbed of all his goods and \$5,000 in money, and who is himself now lying at the point of death from sickness brought on by their outrageous treatment of him. Gov. Geary rose and spoke. He addressed the council in a mild and gentlemanly manner, and told them what he wished. He wanted them to disband and go home, and should he need their services and find the force at his command inadequate, he would call them out, and Gen. Smith would enroll them; that he was determined to enforce the laws, to put down the villains and crush out Lane's army of marauders, as he properly styled them. It was his desire, as his determination, to establish peace and secure every man in his rights and property. He urged those present, by all that was dear to them and sacred to patriotism, to comply, remarking that, "though held in a board house, the present was the most important council since the days of the Revolution, as its issues involved a dissolution of the Union it produced."

Gen. Atchison made a characteristic speech. He reviewed the ravages of Lane's men, the outrageous conduct of the Abolitionists in driving away pro-Slavery men from the Territory, and concluded by saying that it was a painful duty, but yet a duty he could not evade, to comply with the request of the Governor. He said he was not prepared, though he differed with the Governor, to resist his authority—"that to me had not come yet—he hoped it would not come;" but he (Gov. Geary) would have to be successful beyond all expectation, if he did not find himself greatly deceived, and that a different policy would have to be pursued. He would retire to his home at Atchison, and await patiently a result which he feared the Governor would never witness—that of bringing Lane and company into subjugation of the law, without whipping them.

Gen. Reid said that he came to Kansas from Missouri—it was useless, and he did not wish to deny that—to aid those who were bone of his bone, and flesh of his flesh, in conquering a peace that would secure liberty and prosperity to them. He came and found that there was an Executive in the Territory willing and able to afford his friends ample protection in both, and even if he could not afford them protection, it was not for him to resist the laws, and make himself a traitor; he would not do it. He wanted to see the Abolitionists put down, and believed, as he hoped, that Gov. Geary would do it. To resist him would be placing the pro-Slavery party in the very position which they denounce the Abolitionists for occupying.

Col. Titus, Mr. Hughes, Col. Young, Gen. Clark, Capt. Shelby, and others spoke. Col. Titus referred feelingly to his treatment at the hands of Lane. They wounded him, robbed him, burned his house down, even took and kept the oil-painted portrait of his wife's mother, who is dead. Col. Titus is from Florida, and came out early last Spring, bringing his family. In her far-off home Mrs. T. valued, as very precious, the portrait of her dead mother. Was it not cruel to take from her the last emblem of maternal love? Gen. Clark said he thought the time had come for us to take the means of protection in our own hands and fight it out, but he had confidence in Gov. Geary, and would yield gracefully to his policy.

It was agreed that the Governor should retire and await the decision of the Council. A Committee was appointed to inform Gov. Geary of the decision, memorializing him in relation to some of our peculiar troubles, and set forth the facts of the case to the world. They will be published officially soon. Perhaps the Committee will send them to *The Republican*. In the afternoon, about 3 o'clock, the force retired to camp on the Wakerusa. After supper the forces were summoned in front of the General's quarters, where several speeches were made to the crowd. The speakers were Gen. Clark of Missouri, Col. Titus, Col. J. C. Anderson, Mr. Reynolds, formerly of *The Frankfort (Ky.) Yeoman*, Mr. Clayton of Alabama, and your correspondent. Gov. Geary had authorized Col. Titus to raise three companies of volunteers, to be mustered into service, consisting of eighty men each, two companies to be mounted. About one hundred enrolled. The battalion will be completed in a few days.

At 12 o'clock we were aroused, and took up the line of march at 1 on Tuesday morning, making Cedar creek to breakfast, and this place by 2 o'clock. The army marched from near this place on account of the convenience of getting provisions here. The Leavenworth, Kickapoo, Atchison and Doniphan companies rendezvous also at the camp near Westport. Thus ends the last expedition. Lane had left Lawrence unprotected; he fled from his fortifications there and on the Wakerusa. Our forces could have destroyed Lawrence; they could have successfully, for the time, resisted the Governor, but they did not; and whatever may be said of the result, it can not be denied that it vindicated our professions of law and order.

WESTPORT, Sept. 18, 1856.

I forgot to mention in my letter of yesterday, that Gov. Geary had captured, with a company of dragoons, ninety-six of the Lane party under arms, and holds them for trial

He is carrying the war into Africa. Gov Reeder and Gerrit Smith had much better use their money for Fremont, as his case is now hopeless, and it will be throwing money away if it is sent to Lane. Gen. Lane is at this time plundering the people on his route back toward Nebraska. When last heard from, he was ravaging the Grasshopper creek county. The Governor has sent the troops after him, and they will bring him back, it is to be hoped.

Of course there are hundreds of people who have been run off from their claims who can not return to them yet. Peace must be firmly established before it will be safe for them to do so. The next thing is to prepare for the election, which takes place on the first Monday in October, two weeks from this time—short notice. Many of the counties have made no nomination yet. Some of them, perhaps, will not be represented at all. The Governor will issue his proclamation in a few days, and the pro-Slavery party will take active steps to organize thoroughly. The Abolitionists, if true to their professions, will not vote at all. They are sticking to the "State of Kansas" yet. The State of Kansas will give her electoral vote to Fremont. Will not that raise the waning stock of Black Republicanism?

WESTPORT, Sept. 19, 1856.

Gov. Geary has gone at the head of several companies of dragoons in search of Lane. He is determined to arrest him if he is in the Territory. That is doing the thing well. A fault of Gov. Shannon was indolence. He would not see an order or wish executed. Gov. Geary goes and sees the writ on Lane executed in person. This augurs success. The Abolitionists, we have just learned, have sent off Mr. S. L. McKinney's wagons they took from his Santa Fe train, to Iowa, loaded with stolen goods. What is to be said of such a party? It robs the highways, and its members who commit the robberies run off to Iowa to escape.

*Per contra*, we give the following, from the New York Tribune:

The following correspondence, which we extract from *The Leecompton Union*, the pro-Slavery court journal of Kansas (the offices of all the Free State papers, except possibly that formerly issued at Topeka, having long since been destroyed), will show how and why the Free State men were crushed out. They had no provisions; they could get none except from or through Missouri; and Gen. Pierce's chief agents gave them but this choice—submit to the bogus "laws," fight the Federal Government; or stand still and be starved out. Read the correspondence:

LAWRENCE, KANSAS, Sept. 6, 1856.

To his excellency Gov. Woodson, and Col. Cook, Commander of the United States Troops near Leecompton:

GENTLEMEN:—The roads leading to Leavenworth and Westport are beset by bands of armed men, who seize our men and arrest all trains of wagons going to either point. These thoroughfares furnish the only avenues by which provisions can be introduced into Kansas.

Our people are suffering for provisions. We have our trains and money prepared to supply ourselves. We respectfully, for our people, request that these roads be immediately opened by the troops subject to your order or command, or at least an escort of the same be furnished to our trains that are now waiting to start. We trust that not a moment will be lost in responding to this call. Our people will quietly submit no longer.

In behalf of the Kansas State Central Committee.

WM. HUTCHINSON,  
J. BLOOD.

H. MILES MOORE, Secretary Kansas Central Committee.

LECOMPTON, KANSAS TERRITORY,  
EXECUTIVE OFFICE, Sept. 7, 1856. }

To Messrs. Wm. Hutchinson and J. Blood, in behalf of the Kansas State Central Committee:

GENTLEMEN:—Your communication of yesterday, addressed to Col. Cook and myself, asking that the roads leading from Lawrence to Leavenworth, and from Lawrence to Westport, should be opened so that you can get provisions for your people, was received to-day about noon.

If the roads in question are closed at this time, gentlemen (which I do not doubt), to the convenience and necessities of your people, you must be aware that it is the natural

and inevitable result of the present lawless and revolutionary position in which you have, of your own accord, most unfortunately placed yourselves. So long as you continue to hold yourselves in such a position, it is unnecessary for me to say to you, the Government can not comply with your request. If you really desire the protection of the Government, it is *your obvious duty to respect and submit to the laws of the Territory*, organized by the Government of the United States, and to cease at once and forever all attempts to subvert by force and violence that Government, and establish upon its ruins your so-called "State Government."

But give a *sufficient guarantee* to this effect, gentlemen—that *you will quietly submit to the enforcement of the Territorial laws, by the Territorial officers*, until said laws are modified or repealed, or declared invalid by the courts, and I assure you and your people, that your request will not only be promptly complied with, but that the whole civil and military power of the Government will be exerted to protect you fully in all your lawful rights of person and property; and I would take the liberty of invoking you, in the name of our common country, and for the sake of all that is near and dear to American citizens, to do so at once, that peace and harmony may once more prevail.

Very respectfully yours,

DAN'L WOODSON,

*Acting Governor Kansas Territory.*

[Extract from a Private Letter from the Rev. JOHN H. BYREL, of Leavenworth, K. T.]

LAWRENCE, K. T., Sept. 17, 1856.

DEAR BROTHER:—I am still an exile from my family. Gov. Geary is earnestly striving to secure and maintain the peace of the Territory; but it is a difficult undertaking. He sent a messenger last night on the way to Washington with dispatches.

As I wrote you before, Gov. Geary, on the 15th inst., went to the pro-Slavery camp at Franklin, in which was nearly three thousand men, and commanded them to go home. This the officer reluctantly consented to do. A regiment of two or three hundred, with four pieces of cannon, desired to pass through this town on their way to Leavenworth City. Knowing their desperate character, the citizens denied their request. The event justified their decision. As they marched on to cross the river above, they were guilty of robbery and outrage. They stole all the horses they could find. Among others, they took the horses of Mr. Buffum. He was a poor cripple and was just harnessing them as the ruffians came up. He attempted to remonstrate with them, when one of them cried out, "Shoot the d—d son of a b—," and he was at once shot down. The Governor came on soon after and went into the house and saw the wounded man. It is understood that he will make strenuous efforts to arrest the murderer. Mr. Buffum died this morning. This lawless regiment is the one by which I was taken and held prisoner. A part of this body have crossed the river and gone homeward, and a part are still encamped this side of Leecompton; the other and larger division of the invading army has gone south eastward to Missouri. The men swear they will invade the Territory again. On their way back they gathered in one hundred and twenty-five head of cattle, which they drove off. They also sacked the little town of Franklin, and the store and tavern of Pascal Fish, of the Shawnee Nation of Indians. One of the men also left the ranks on the way, and when he came in he said he had shot a "d—d Yankee." The captain of the company to which he belonged told my informant that he had arrested the man and intended to hang him. He will be very clear of doing that. All these and similar outrages occurred after the Governor had commanded them to return peacefully, and the leaders had consented to do so.

I shall not be disappointed if theft, robbery, and murder continue to desolate the Territory till the approach of winter.

THE END.