

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES

TO THE

TWO HOUSES OF CONGRESS,

AT THE

COMMENCEMENT OF THE THIRD SESSION

OF

THE THIRTY-FOURTH CONGRESS.

DECEMBER 18, 1856.

Resolved, That there be printed for the use of the members of this House, eighteen thousand six hundred copies of the annual message of the President, together with the accompanying documents, and that two hundred additional copies of the said message and documents be printed and furnished to each of the Secretaries of the State, War, Navy, Treasury and Interior Departments, the Attorney General and Postmaster General.

WASHINGTON:
CORNELIUS WENDELL, PRINTER.
1856.

Mr. De Stoeckl to Mr. Marcy.

[Translation.]

IMPERIAL LEGATION OF RUSSIA,
Washington, November 28, 1856.

The undersigned, chargé d'affaires of his Majesty the Emperor of all the Russias, has the honor, in compliance with the order of his government, of addressing the following communication to the honorable Mr. Marcy, Secretary of State of the United States :

The attention of the Emperor has, in an eminent degree, dwelt on the proposition by which the United States answered the invitation which had been extended to them to accede to the declaration of the 14th of April. His Majesty entirely concurs in the views of the government of the United States which the honorable Mr. Marcy has laid down in his equally lucid as temperate note of the 28th of July. The proposition of the federal government, in the opinion of his Imperial Majesty, deserves so much the more to be taken into consideration that the honorable Secretary of State argues not for the exclusive interests of the United States, but for those of the whole of mankind.

The imperial government would have room for self-gratulation should its concurrence contribute to the adoption of the proposition of the United States, and should all the powers by a common resolution, proclaimed in the face of the world, agree to apply to private property on the seas the same principles of inviolability which belligerents profess for property on land.

The undersigned is accordingly instructed to notify to the honorable Mr. Marcy that his Majesty the Emperor accepts, for his part, the condition under which the United States consent to the abolition of privateering—namely, that the private property of the subjects and citizens of the contracting parties shall in time of war be respected by their respective naval forces, as well as by those of all the powers which may join in this declaration.

The undersigned is equally instructed to declare to the honorable Secretary of State that, should the proposition of the United States become the subject of a collective deliberation, the vote of the imperial cabinet is pledged to them.

The undersigned improves this opportunity to tender to Mr. Marcy the assurance of his very high consideration.

STOECKL.

KANSAS AFFAIRS.

Mr. Woodson to Mr. Marcy.

SHAWNEE MISSION, K. T., *March 28, 1856.*

SIR : Your telegraphic despatch of the 25th February, directed to me at Weston, Missouri, has just this moment been received, having been forwarded by mail from Weston to my address at Leavenworth, and from the latter place to my address at Westport, Missouri.

I have the honor to state that a copy of the executive minutes for the Territory, from its organization to the last of June, 1855, has already been forwarded to the President of the United States. I have not been able to forward a copy of the minutes from the 1st July to the last of December, 1855, for the reason that I have not had in my possession a copy of the official correspondence of the governor for that period, he having left the Territory about the 1st of January last without handing me a copy of his official correspondence, which I am required to record with the executive minutes.

Upon the governor's return to the Territory, about the 4th of the present month, having urgent official business at the office of the assistant treasurer of the United States at St. Louis, I left the Territory for the purpose of transacting my business with that office, and have just arrived at this place on my return to Lecompton, the capital of the Territory, which place I expect to reach in a few days, and will immediately forward to the President a copy of the executive minutes from the 1st July to the last December, 1855.

If another copy of the minutes from the 1st January to the last of June, 1855, is desired by the department, please notify me, and it will be forwarded as soon as the executive journal can be transcribed.

I have the honor to be, very respectfully,
your obedient servant,

DANIEL WOODSON,
Secretary Kansas Territory.

Hon. W. L. MARCY,
Secretary of State.

Executive minutes of the Territory of Kansas, from the 1st July, 1855, to the 30th day of December, 1855.—Received at the Department of State 13th May, 1856.

July 2, 1855.—The executive office is established at the town of Pawnee, in the ninth election district.

July 12, 1855.—The executive office is again established at the Shawnee Manual Labor School, in the seventeenth election district.

August 16, 1855.—The governor informs the legislative assembly that his functions as governor of the Territory were terminated in the following message addressed to the council and house of representatives:

“To the honorable the members of the council and the house of representatives:

“GENTLEMEN: Although in my message to your bodies, under date of 21st instant, I stated that I was unable to convince myself of the legality of your session at this place, for reasons then given, and although that opinion still remains unchanged, yet, inasmuch as my

reasons were not satisfactory to you, and the bills passed by your houses have been up to this time sent to me for approval, it is proper that I should inform you that after your adjournment of yesterday, I received official notification that my functions as governor of the Territory of Kansas were terminated. No successor having arrived, Secretary Woodson will, of course, perform the duties of the office as acting governor.

“ A. H. REEDER.

“ *Shawnee Manual Labor School, August 16, 1855.*”

August 17, 1855.—The acting governor continues G. P. Lowrey in the office of executive clerk until the successor to Governor Reeder arrives in the Territory.

August 30, 1855.—Commissions issued to the following appointments made by the acting governor, by and with the advice and consent of the council.

To A. M. Coffee as major general of the southern division of Kansas militia.

William A. Heiskell as brigadier general of the first brigade of the southern division of Kansas militia.

William Barber as brigadier general of the second brigade of the southern division of Kansas militia.

William A. Yager as colonel of the first regiment of the southern division of Kansas militia.

George W. Johnson as colonel of the second regiment of the southern division of Kansas militia.

S. A. Williams as colonel of the third regiment of the southern division of Kansas militia.

Skilman Fleming as colonel of the fourth regiment of the southern division of Kansas militia.

William P. Richardson as major general of the northern division of the militia of Kansas Territory.

F. J. Marshall as brigadier general of the first brigade of the northern division of the militia of Kansas Territory.

Lucian J. Eastin as brigadier general of the second brigade of the northern division of the militia of Kansas Territory.

Robert Clark as colonel of the first regiment of the northern division of the militia of Kansas Territory.

James E. Thompson as colonel of the second regiment of the northern division of the militia of Kansas Territory.

David M. Johnson as colonel of the third regiment of the northern division of the militia of Kansas Territory.

Archibald Payne as colonel of the fourth regiment of the northern division of the militia of Kansas Territory.

H. J. Strickler as adjutant general of the militia of Kansas Territory.

Thomas J. B. Cramer as inspector general of the militia of Kansas Territory.

Same day.—Commissions issued to the following appointments of county offices made by the legislative assembly in joint session :

For Doniphan county.—To Joel P. Blair as probate judge ; A. Dunning and E. B. Rodgers as county commissioners ; and Carey B. Whitehead as sheriff.

For Atchison county.—To James Headley as probate judge ; William Young and James M. Givens as county commissioners ; and William C. McVay as sheriff.

For Jefferson county.—To O. B. B. Tebbs as probate judge ; Napoleon Hopewell and Samuel C. Hudson as county commissioners ; and George Dyer as sheriff.

For Calhoun county.—To James Kuykendall as probate judge ; R. D. Beeler and William Alley as county commissioners ; and James Wilson as sheriff.

For Leavenworth county.—To John A. Halderman as probate judge ; J. M. Hall and Matthew Walker as county commissioners ; and G. D. Todd as sheriff.

For Douglas county.—To John P. Wood as probate judge ; George W. Johnson and John M. Banks as county commissioners ; and Samuel J. Jones as sheriff.

For Johnson county.—To A. S. Johnson as probate judge ; John T. Peery and Joseph Parks as county commissioners ; and Benjamin F. Johnson as sheriff.

For Lykens county.—To J. Jacobs as probate judge ; H. Snyder and George Beets as county commissioners ; and R. P. Campbell as sheriff.

For Bourbon county.—To S. A. Williams as probate judge ; H. L. Wilson and C. Wingfield as county commissioners ; and B. F. Hill as sheriff.

For Allen county.—To C. Passmore as probate judge ; B. Owen and B. W. Cowden as county commissioners ; and William J. Godfroy as sheriff.

For Anderson county.—To George Wilson as probate judge ; William R. True and John Clark as county commissioners ; and P. D. Cummings as sheriff.

For Franklin county.—To J. Yocum as probate judge ; William McDow and James M. Robinson as county commissioners ; and Richard Golding as sheriff.

For Shawnee county.—To William O. Yager as probate judge ; E. Hoagland and W. Yocum as county commissioners ; and George W. Berry as sheriff.

For Nimeha county.—To G. W. Perrin as probate judge ; Jesse Adamson and John Ballore as county commissioners ; and James E. Thompson as sheriff.

For Marshal county.—To James Doniphan as probate judge ; A. J. Woodward and S. J. Cramer as county commissioners ; and A. S. Clark as sheriff.

For Riley county.—To Clay Thompson as probate judge ; Thomas Reynolds, sr., and Wm. Cuddy as county commissioners ; and John R. Price as sheriff.

For Madison county.—To Thomas Huffaker as probate judge ; H.

B. Elliot and C. H. Withington as county commissioners; and John B. Foreman as sheriff.

Same day.—Chas. H. Grover was commissioned as district attorney for the first judicial district; H. A. Hutchinson as district attorney for the second judicial district; and John T. Brady as district attorney for the third judicial district.

August 10, 1855.—Wilson Shannon, of the State of Ohio, is commissioned governor of the Territory by the President of the United States.

Record of oath.

UNITED STATES OF AMERICA, }
Territory of Kansas. } ss.

I, Daniel Woodson, secretary of the said Territory of Kansas, do hereby certify that Wilson Shannon personally appeared before me this 7th day of September, A. D. 1855, at my office, in said Territory, and was by me duly sworn according to law to support the constitution of the United States, and faithfully to discharge the duties of the office of governor of said Territory.

Given under my hand, this 7th day of September, A. D. 1855.

DANIEL WOODSON,
Secretary Kansas Territory.

September 16, 1855.—Resignation of G. W. Berry as sheriff of Shawnee county received.

September 6, 1855.—Commission issued to John Donaldson as auditor of public accounts for the Territory.

September, 1855.—Commission issued to Allen P. Tibbitts as probate judge of the county of Arapahoe.

Commission issued to James Stringfellow as clerk of the probate court for the county of Arapahoe.

September 21, 1855.—Commission issued to Wm. A. Heiskell as clerk of the board of county commissioners for the county of Lykens.

Commission issued to A. H. McFadden as coroner of the county of Lykens.

Commissions issued to Martin White and William Lebon as justices of the peace for the county of Lykens.

September 21, 1855.—Commissions issued to Barrett Hall and Peter J. Potts as constables of the county of Lykens.

Commission issued to Alexander McPherson as justice of the peace for Shannon township, in Atchison county.

September 22, 1855.—Commission issued to Thos. L. Fortune as justice of the peace for Mount Pleasant Township, in the county of Atchison.

Commission issued to J. C. Marmion as justice of the peace for Shannon township, in the county of Atchison.

Commission issued to Wm. D. Barnett as justice of the peace for Grasshopper township, in the county of Atchison.

Commission issued to Greenbury B. Gates as constable for Mount Pleasant township, in the county of Atchison.

Commission issued to Felix Brown as justice of the peace for Mount Pleasant township, in the county of Atchison.

Commission issued to Ira Morris, sen., as treasurer of the county of Atchison.

Commission issued to Dudley McVay as coroner of the county of Atchison.

Commission issued to A. Elliott as justice of the peace for Mount Pleasant township, in the county of Atchison

Commission issued to Eli C. Mason as sheriff of the county of Atchison, vice Wm. C. McVay, resigned.

Commission issued to Jacob Rees as constable of Grasshopper township, in the county of Atchison.

Commission issued to P. P. Wilcox as justice of the peace for Shannon township, in the county of Atchison.

September 22, 1855.—Commission issued to James T. Darnall as constable for Shannon township, in the county of Atchison.

Commission issued to Samuel Walters as assessor for the county of Atchison.

Commission issued to Ira Morriss as clerk of the board of county commissioners for the county of Atchison.

Commission issued to J. Farley as clerk of the board of county commissioners for Bourbon county.

Commission issued to John N. Catrell as constable for the county of Bourbon.

Commission issued to Thomas Watkins as justice of the peace for the county of Bourbon.

September 24, 1855.—Commission issued to C. C. Huffaker as clerk of the board of county commissioners for Johnson county.

September 24, 1855.—Commission issued to R. R. Rees, justice of the peace of the township of Leavenworth, in Leavenworth county.

Commission issued to H. P. Johnson as justice of the peace of the township of Leavenworth, in Leavenworth county.

Commission issued to Thomas C. Hughes as constable for the township of Leavenworth, in the county of Leavenworth.

Commission issued to L. F. Hollingsworth as justice of the peace for the township of Delaware, in the county of Leavenworth.

September 26, 1855.—Commission issued to Wilson Fox as constable for the township of Delaware, in Leavenworth county.

September 29, 1855.—Commission issued to James Christian as clerk of the board of county commissioners for Douglas county.

October 4, 1855.—Commission issued to James R. Whitehead as clerk of the board of county commissioners for Doniphan county.

Commission issued to James F. Forman as county surveyor for the county of Doniphan.

Commission issued to Henry Thompson as coroner for the county of Doniphan.

Commissions issued to A. Q. Rice and Milford Gilmore as justices of the peace for Wolf River township, in the county of Doniphan.

Commission issued to Jesse Lewis as justice of the peace for the township of Iowa, in the county of Doniphan.

Commission issued to James Pateet as constable for the township Iowa, in the county of Doniphan.

Commissions issued to Thomas W. Watterson and Labon Pritchard as justices of the peace for Burr Oak township, in the county of Doniphan.

Commissions issued to A. Head and F. Mahan as justices of the peace for Washington township, in the county of Doniphan.

October 4, 1855.—Commissions issued to John A. Vanarsdale and Wm. Shaw as justices of the peace for Wayne township, in the county of Doniphan.

Commission issued to Joshua Saunders as constable for Wayne township, in the county of Doniphan.

Commission issued to S. W. Tunnel as constable for the township of Kickapoo, in the county of Leavenworth.

Commission issued to Cyrus Doleman as clerk of the board of county commissioners, for the county of Nemaha.

Commission issued to Oliver P. Williams as treasurer of the county of Nemaha.

Commission issued to Thomas Newton, jr., as coroner for the county of Nemaha.

Commission issued to Horace Newton as constable of the county of Nemaha.

October 5, 1855.—Commission issued to J. D. Wells as county commissioner for the county of Marshall, vice A. G. Woodward, resigned.

October 8, 1855.—Commission issued to James Corlew as constable for Franklin township, in the county of Douglas.

Commission issued to C. C. Spalding as justice of the peace for Lecompton township, in the county of Douglas.

Commission issued to Hugh Cameron as treasurer of the county of Douglas.

October 8, 1855.—Commission issued to Peter Crockett as coroner of the county of Douglas.

Commission issued to G. B. Redman as justice of the peace for the township of Delaware, in the county of Leavenworth.

Commission issued to Alexander Russell as justice of the peace of the township of Leavenworth, in the county of Leavenworth.

Commission issued to Ethan A. Long as constable for the township of Wyandott, in Leavenworth county.

Commission issued to J. W. Ladd as justice of the peace for the township of Wyandott, in Leavenworth county.

Commission issued to Wm. L. Kuykendall as clerk of the board of county commissioners for Calhoun county

October 10, 1855.—Commission issued to John Martin as clerk of the board of county commissioners for the county of Shawnee.

Commission issued to Duke W. Hunter as superintendent of public buildings for the county of Shawnee.

Commission issued to John Homer as sheriff of the county of Shawnee, vice G. W. Berry, resigned.

Commissions issued to J. W. Kavanaugh and Geo. W. Redman as justices of the peace for the county of Shawnee.

Commission issued to Isaac N. Campbell as constable of the county of Shawnee.

October 15, 1855.—Commission issued to C. R. Mobley for county commissioner of Riley county, vice Wm. Cready, resigned.

October 15, 1855.—Commission issued to J. L. Reynolds as clerk of the board of county commissioners for the county of Riley.

Commission issued to F. C. Sonnamaker as coroner for the county of Riley.

Commission issued to Thomas Dixon as constable of the county of Riley.

Commission issued to James Dixon, L. B. Perry, and A. A. Garrott, as justices of the peace for the county of Riley.

October 19, 1855.—Commission issued to John A. Haldermann as lieutenant colonel of the fourth regiment, second brigade of the northern division of Kansas militia.

October 20, 1855.—Commission issued to Thomas J. B. Cramer as territorial treasurer.

October 30, 1855.—The returns of the judges of the election held on the first Monday of October, in pursuance of law, for a delegate to the thirty-fourth Congress, being duly examined, and John W. Whitfield having received a majority of the legal votes polled, is declared by the governor to be duly elected a delegate to the thirty-fourth Congress of the United States, and a certificate of election under the seal of the Territory is accordingly issued to said John W. Whitfield.

November 9, 1855.—Commissions issued to Wiley Patterson, Corwan Mitchell, H. Miller, and D. Guthrey, as justices of the peace for the county of Bourbon.

November 9, 1855.—Commissions issued to James B. Russell,

Nelson L. Loyd, and John Haliday, as constables for the county of Bourbon.

Commission issued to H. R. Kelsee as coroner for the county of Bourbon.

Commission issued to Edward Searcy as treasurer for the county of Doniphan.

Commissions issued to John E. Roggs and W. C. Fasten, as justices of the peace for the county of Browne.

Commission issued to William Plunkett as constable for the county of Browne.

Commission issued to Wiley Williams as a justice of the peace for Kickapoo township, in the county of Leavenworth.

Commission issued to M. Pierce Riveley as treasurer for the county of Leavenworth.

November 10, 1855.—Commission issued to H. W. Buckley as constable for Louisiana township, in the county of Douglas.

November 22, 1855.—Commission issued to James P. Sanders as justice of the peace for Washington township, in the county of—.

November 24, 1855.—Commission issued to Samuel Crane as justice of the peace for Franklin township, in the county of Douglas.

Commission issued to Hugh Cameron as justice of the peace for the township of Lawrence, in the county of Douglas.

November 24, 1855.—Commission issued to Franklin M. Coleman as justice of the peace for Louisiana township, in Douglas county.

Commission issued to J. N. Hughes as justice of the peace for Louisiana township, in the county of Douglas.

Commission issued to Samuel Clark as justice of the peace for Washington township, in Douglas county.

Commission issued to J. W. Sheppard as justice of the peace for Lecompton township, in Douglas county.

Commissions issued to P. Fleshman and S. J. Lockheart as justices of the peace for the township of Douglas, in the county of Calhoun.

Commission issued to Rolla J. Fulton as constable for the township of Douglas, in the county of Calhoun.

Commission issued to G. S. Young as justice of the peace for the township of Half-Day, in Calhoun county.

November 26, 1855.—Commission issued to George Ringo as constable of Shannon township, in Atchison county, vice James T. Darnall, declined.

Commission issued to William Reynolds as justice of the peace for the township of Alexandria, in Leavenworth county.

Commission issued to Thomas J. Carson as constable for Alexandria township, in Leavenworth county.

Commission issued to William P. Tuttle as justice of the peace for Shawnee county, vice John W. Kavanaugh, resigned.

November 27, 1855.—The governor receives special despatches from

the sheriff of Douglas county stating that there was a large force of armed outlaws in that county in open resistance to the laws of the Territory, and calling for a posse of three thousand men to enable him to execute process in his hands; whereupon the governor issues the following orders to Major General William P. Richardson, of the northern division of Kansas militia, and Adjutant General Strickler:

HEADQUARTERS, SHAWNEE MISSION,
Kansas Territory, November 27, 1855.

SIR: Reliable information has reached me that an armed military force is now in Lawrence and that vicinity, in open rebellion against the laws of this Territory, and that they have determined that no process in the hands of the sheriff of that county shall be executed. I have received a letter from S. J. Jones, sheriff of Douglas county, informing me that he had arrested a man under a warrant placed in his hands, and while conveying him to Lecompton he was met by an armed force of some forty men, and that the prisoner was taken out of his custody and open defiance bid to the law. I am also duly advised that an armed band of men have burned a number of houses, destroyed personal property, and turned whole families out of doors in Douglas county. Warrants will be issued against those men and placed in the hands of the sheriff of Douglas county for execution. He has written to me demanding three thousand men to aid him in the execution of the process of the law and the preservation of the peace.

You are, therefore, hereby ordered to collect together as large a force as you can in your division, and repair without delay to Lecompton, and report yourself to S. J. Jones, the sheriff of Douglas county, together with the number of your forces, and render to him all the aid and assistance in your power if required in the execution of any legal process in his hands. The forces under your command are to be used for the sole purpose of aiding the sheriff in executing the law, and for no other purpose.

I have the honor to be your obedient servant,

WILSON SHANNON.

Major General WM. P. RICHARDSON.

HEADQUARTERS, SHAWNEE MISSION,
Kansas Territory, November 27, 1855.

SIR: I am this moment advised by letter from S. J. Jones, sheriff of Douglas county, that while conveying a prisoner to Lecompton, whom he had arrested by virtue of a peace warrant, he was met by a band of armed men who took said prisoner forcibly out of his possession, and bid defiance to the execution of all law in this Territory. He has demanded of me three thousand men to aid him in the execution of the legal process in his hands. As the southern division of the militia of this Territory is not organized, I can only request you to collect together as large a force as you can, and, at as early a day as practicable, report yourself, with the forces you may raise, to S. J. Jones, sheriff of Douglas county, and to give him every assistance

in your power in the execution of the legal process in his hands. Whatever forces you may bring to his aid are to be used for the sole purpose of aiding the sheriff in the execution of the law, and no other. It is expected that every good citizen will aid and assist the lawful authorities in the execution of the laws of the Territory and the preservation of good order.

Your obedient servant,

WILSON SHANNON.

General H. I. STRICKLER.

Nov. 28, 1855.—The governor writes the following letter to the President of the United States:

EXECUTIVE OFFICE, SHAWNEE MISSION,
Kansas Territory, November 28, 1855.

SIR: Affairs in this Territory are daily assuming a shape of great danger to the peace and good order of society. I am well satisfied that there exists in this Territory a secret military organization, which has for its object, among other things, resistance to the laws by force. Until within a few days past I have looked upon the threats of leading men and public papers, who have placed themselves in an attitude of resistance to the laws, as not intended by those who made them to be carried into execution. I am now satisfied of the existence of this secret military organization, and that those engaged in it have been secretly supplied with arms and munitions of war, and that it is the object and purpose of this organization to resist the laws by force. The strength of this organization is variously estimated at from one to two thousand, but I have no satisfactory data from which to estimate its real strength, and I do not believe they can command, for any given purpose, more than one thousand men. They are said to be well supplied with Sharpe's rifles and revolvers, and that they are bound by an oath to assist each other in the resistance of the laws when called upon to do so. Independent of the disclosures made by those who formerly belonged to this association, and the hints thrown out by some of the public journals in their interest, the most practical proof of the truth of these allegations consists in their own acts. A few days since a difficulty took place in Douglas county, some ten miles south of Lawrence, between one of these men and a man by the name of Coleman, from Virginia, in relation to a claim, in which the former was shot and died immediately. Coleman was taken into custody for trial by the sheriff of that county, and to avoid all ground of objection as to legal authority, Judge Leconte was written to and requested to attend at the county seat (it being in his judicial district) and sit as an examining court. In the mean time a large body of armed men, said to be from three to four hundred, collected at or near Lawrence, for the avowed purpose of rescuing Coleman from the sheriff and executing him without a trial. Coleman claims that he shot the man strictly in self-defence, and is willing to abide a judicial investigation and trial. On Monday last a warrant was issued against one of this band of men for threatening the life of one of his neighbors, and placed in the hands of the sheriff of

the county for execution, who, with a posse of some ten men, arrested him on Tuesday night, and as he was conveying the prisoner to Le-compton he was met about two o'clock in the morning by a band of these men, consisting of between forty and fifty, all armed with Sharpe's rifles and revolvers, who forcibly rescued the prisoner out of his hands and openly proclaimed that there were no officers or law in this Territory. In the settlement in which these transactions took place, there were from sixteen to twenty law and order families, and about one hundred free-soil families. At the last advices three of the houses of the former had been burnt down by this armed band, cattle had been killed, and a considerable amount of corn and other personal property destroyed, and the whole law and order population of that neighborhood, induced by terror, had fled, except two families, whose lives were threatened. Helpless women and children have been forced by fear and threats to flee from their homes and seek shelter and protection in the State of Missouri. Measures were being taken by the legal authorities to procure warrants against these lawless men and have them arrested and legally tried. Under these circumstances, the sheriff of the county has called on me for three thousand men to aid him in the execution of the warrants in his hands, and to protect him and his prisoner from the violence of this armed force. The force required by the sheriff is far beyond what I believe to be necessary, and, indeed, far beyond what could be raised in this Territory. From five to eight hundred men will be amply sufficient, I have no doubt, to protect the sheriff and enable him to execute the legal process in his hands. With the view of giving to the sheriff the requisite aid, I have issued orders to Major General Richardson, of the northern division of militia of this Territory, a prudent and discreet man, a copy of which I send you herewith. I also send you a copy of a request I have made of General Strickler, who resides in the adjoining county to Douglas. These are the only orders I have thought it necessary to issue, by means of which, I believe, a sufficient force will be raised to protect the sheriff and enable him to execute the legal process in his hands.

The time has come when this armed band of men, who are seeking to subvert and render powerless the existing government, have to be met and the laws enforced against them, or submit to their lawless dominion. If the lives and property of unoffending citizens of this Territory cannot be protected by law, there is an end to practical government, and it becomes a useless formality.

The excitement along the borders of Missouri is running wild, and nothing but the enforcement of the laws against these men will allay it. Since the disclosure of the existence and purposes of this secret military organization in this Territory, there has been much excitement along the borders of Missouri, but it has been held in check heretofore by assurances that the laws of the Territory would be enforced, and that protection would be given to the citizens against all unlawful acts of this association. This feeling and intense excitement can still be held in subordination if the laws are faithfully executed; otherwise there is no power here that can control this border

excitement, and civil war is inevitable. This military organization is looked upon as hostile to all southern men, or rather to the law and order party of the Territory, many of whom have relations and friends, and all have sympathizers, in Missouri; and the moment it is believed that the laws will not furnish adequate protection to this class of citizens against the lawless acts of this armed association, a force will be precipitated across the line, to redress real and supposed wrongs, inflicted on friends, that cannot be controlled or for the moment resisted. It is in vain to conceal the fact, we are standing on a volcano, the upheavings and agitations beneath we feel, and no one can tell the hour when an eruption may take place. Under existing circumstances, the importance of sustaining the sheriff of Douglas county, and enabling him to execute his process, independent of other considerations connected with the peace and good order of society, will strike you at once; and to do this, by the aid and assistance of the citizens of this Territory, is the great object to be accomplished to avoid the dreadful evils of civil war. I believe this can be done. In this, however, I may be mistaken. No efforts shall be wanting on my part to preserve good order in the Territory, and I will keep you constantly advised of the progress and state of things here.

I have the honor to be your obedient servant,

WILSON SHANNON.

His Excellency FRANKLIN PIERCE.

Nov. 29, 1855.—The governor issues the following proclamation to the citizens of the Territory:—

PROCLAMATION.

By the Governor of Kansas Territory.

Whereas, reliable information has been received that a numerous association of lawless men, armed with deadly weapons and supplied with all the implements of war, combined and confederated together for the avowed purpose of opposing by force and violence the execution of the laws of this Territory, did, at the county of Douglas, on or about the 26th of this month, make a violent assault on the sheriff of said county with deadly weapons, and did overcome said officer, and did rescue from his custody by force and violence a person arrested by virtue of a peace warrant, and then and there a prisoner holden by the said sheriff, and other scandalous outrages did commit in violation of law.

And whereas, also, information has been received that this confederated band of lawless men did, about the same time, set fire to and burn down a number of houses of peaceable and unoffending citizens, and did destroy a considerable amount of personal property, and have repeatedly proclaimed that they would regard no law of this Territory, resist by force of arms all officers and those aiding and assisting them in the execution of the laws, or any process issued in pursuance thereof.

And whereas, also, I have received satisfactory information that this armed organization of lawless men have proclaimed their determination to attack the said sheriff of Douglas county, and rescue from his custody a prisoner, for the avowed purpose of executing him without a judicial trial, and at the same time threatened the life of the said sheriff and other citizens. Now, therefore, to the end that the authority of the laws may be maintained and those concerned in violating them brought to immediate and condign punishment, and that the sheriff of Douglas county may be protected from lawless violence in the execution of the lawful warrants and other process in his hands, I, Wilson Shannon, governor of said Territory, have issued this my proclamation, calling on all well disposed citizens of this Territory to rally to the support of the laws of their country, and requiring and commanding all officers, civil and military, and all other citizens of this Territory who shall be found within the vicinity of these outrages, to be aiding and assisting, by all means in their power, in quelling this armed organization, and assisting the said sheriff and his deputies in recapturing the above named prisoner, and aiding and assisting him in the execution of all legal processes in his hands. And I do further command that the district attorney for the district in which these outrages took place, and all other persons concerned in the administration and execution of the laws, cause the above offenders, and all such as aided or assisted them, to be immediately arrested and proceeded with according to law.

Given under my hand and the seal of this Territory, this [L. s.] 29th day of November, in the year of our Lord eighteen hundred and fifty-five.

WILSON SHANNON.

By the governor :

DAN'L WOODSON, *Secretary*.

December 2, 1855.—The governor sends the following despatches to Sheriff Jones and Major General Richardson :

EXECUTIVE OFFICE, SHAWNEE MISSION,

Kansas Territory, December 2, 1855.

I have received a reply to my despatch to Col. Sumner, informing me that he will be ready at a moment's warning to move with his whole force, if desired, as soon as orders are received from Washington. My telegraphic despatch to the President has been sent through before this time, and I will receive in a short time, I have no doubt, the authority desired to call on the United States troops. Under these circumstances, you will wait until I can get the desired orders from Washington before attempting to execute your writs. This will prevent any effusion of blood, and will have a moral influence which will prevent hereafter any resistance to the laws. When these lawless men find that the forces of the United States can be used to preserve order, they will not be so ready to put themselves in opposition, and, if necessary, steps will be taken to station an adequate force in that region to protect the people against lawless violence and

to insure the execution of the laws. You will retain a force adequate to protect you from violence and to guard your prisoner. Any force beyond this had better remain at a distance until it shall be ascertained whether their aid will or will not be needed. The known deficiency in the arms and all the accoutrements of war, which necessarily must characterize the law-abiding citizens that have rushed to your assistance in the maintenance of law, will invite resistance on the other side, who are well armed, and it is wrong to place these men in a position where their lives may be endangered, when we will, in all probability, have an ample force from the fort in a few days.

Show this letter to Major General Richardson and General Easton, who, I am advised, have gone to your aid. They go to Lecompton, but will join you wherever you are. Their forces are small and may be required for your protection until advices are received from Washington.

I send you a letter to General Richardson, which you will please place in his hands at as early a day as practicable. I refer him to this letter to you for my views. You will let him see it.

Let me know the number of warrants you have and the names of defendants. I will probably accompany Colonel Sumner's command.

Yours, &c.,

WILSON SHANNON.

MR. JONES, *Sheriff*.

EXECUTIVE OFFICE, SHAWNEE MISSION,
Kansas Territory, December 2, 1855.

MY DEAR SIR: I have written a letter to Sheriff Jones, putting him in possession of what I have done, and the expectations I have of getting from Washington authority forthwith to call on the United States forces at the fort. I have sent a despatch to Colonel Sumner and received a reply that he will be ready at any moment to move with his whole force as soon as orders are received from Washington. These orders are confidently expected in a day or two. I am desirous to use the United States forces, as it will have a salutary influence on these lawless men hereafter. When they find that the United States forces can be used to preserve the peace and execute the laws of the Territory, they will not be so ready to put themselves in a hostile attitude. In the meantime, you will remain with Jones, the sheriff, with an adequate force for his protection and the security of his prisoner. The other forces under your command will remain at a distance, and ready when called on to act. You will be careful in preserving order and restraining all illegal acts. Let everything that is done be for the preservation of law and order and the protection of the sheriff, and to enable him to serve the legal process in his hands.

When these objects are accomplished, your command will retire.

I shall accompany Colonel Sumner with the United States forces.

Yours, with very great respect,

WILSON SHANNON.

Major General RICHARDSON.

December 4, 1855.—The governor sends a letter to Colonel E. F. Sumner, at Fort Leavenworth, with the telegraphic despatch from the President.

December 5, 1855.—The governor receives the following letter, in reply to his letter of yesterday to Colonel Sumner:

HEADQUARTERS, 1ST CAVALRY,
Fort Leavenworth, Dec. 5, 1855—1 o'clock, a. m.

GOVERNOR: I have just received your letter of yesterday, with the telegraphic despatch of the President. I will march with my regiment in a few hours, and will meet you at the Delaware crossing on the Kansas, this evening.

With high respect, your obedient servant,
E. F. SUMNER,
Colonel 1st Cavalry.

His Excellency WILSON SHANNON.

December 6, 1855.—The governor receives the following letter from Colonel Sumner:

HEADQUARTERS, 1ST CAVALRY,
Fort Leavenworth, Dec. 5, 1855.

GOVERNOR: On more mature reflection, I think it will not be proper to move before I receive the orders of the government. I shall be all ready whenever I get them. This decision will not delay our reaching the scene of difficulty, for I can move from this place to Lawrence as quickly (or nearly so) as I could from the Delaware crossing, and we could not, of course, go beyond that place without definite orders.

With high respect, your obedient servant,
E. F. SUMNER,
Col. 1st Cavalry, commanding.

His Excellency WILSON SHANNON.

December 6, 1855.—The governor sends the following special despatch to Colonel Sumner:

WAKARUSA, *Dec. 6, 1855.*

I send you this special despatch, to ask you to come to Lawrence as soon as you possibly can. My object is to secure the citizens of that place, as well as all others, from a conflict of arms, which, if once commenced, there is no telling where it will end. I doubt not but that you have received orders from Washington; but if you have not, the absolute pressure of this crisis is such as to justify you with the President and the world in moving with your forces to the scene of difficulty. It is hard to restrain the men here; they are beyond my power of restraint, or, at least, soon may be, to prevent them from making an attack on Lawrence, which, if once made, there is no telling where it will end. The presence of a portion of the United States troops in Lawrence will prevent an attack, save bloodshed, and enable me to get matters arranged in a satisfactory way, and, at the same time, secure the ex-

ecution of the law. It is peace, not war, that we want, and you have the power to secure peace. Time is precious. Fear not but you will be sustained.

With great respect,

WILSON SHANNON.

Colonel SUMNER.

December 4, 1855.—The governor receives the following letters from Major General Richardson and George W. Clarke, esq.:

LECOMPTON, KANSAS TERRITORY,

December 3, 1855—12 o'clock, p. m.

DEAR SIR: I believe it to be essential to the peace and tranquillity of the Territory that the outlaws at Lawrence, and elsewhere, be required to surrender their Sharpe's rifles. There can be no security for the future safety of the lives and property of law-abiding citizens until these lawless men are, at least, deprived of their Sharpe's rifles, which we know have been furnished them for the purpose of resisting the laws. In fact, law-abiding citizens will be compelled to leave the Territory unless the outlaws are made to surrender their Sharpe's rifles and artillery, if they have any. I do not, however, feel authorized from your instructions to me to make this demand. Should you concur with me in opinion, please let me know by express at once. A new express had better be sent in lieu of the bearer of this, as he will be fatigued. I am diligently using every necessary precaution to prevent the effusion of blood and preserve the peace of the Territory. As the Sharpe's rifles may be regarded as private property by some, I can give a receipt for them, stating that they will be returned to their owners at the discretion of the governor.

Very respectfully, your obedient servant,

WILLIAM P. RICHARDSON,

Major General in command.

His Excellency Gov. WILSON SHANNON.

CAMP CLARKE, December 3, 1855.

DEAR SIR: I hasten to write you by our express, which is now on its way, (12 o'clock at night.) My house is a fortification. I am compelled to keep a guard, with sentinels, all night. Unless the violators of the law are disarmed, the country is ruined. Should the troops withdraw without this being done, a partisan war will continue; murders, house burnings, and all the outrages incident to civil war will follow, and we (the law-abiding men) will have to withdraw from the Territory, to our great pecuniary distress. The outlaws have marked our men; they keep their movements secret, and we know not who is the first to be attacked, or when it will be made. We have learned from ample authority that more than one hundred Sharpe's rifles are distributed in this immediate neighborhood. My next door neighbors have them in possession, and only two days ago ten armed

man surrounded a member of my family with threatening language, and ended the interview with a threat to dispose of myself. We, the law-abiding men, appeal to you, and insist that nothing less than the surrender of the arms now held by the traitors can satisfy the country. They are in open rebellion. They have these arms for the special purpose of resisting the laws and avenging supposed injuries. With these arms in hand, they have forcibly rescued prisoners from the hands of officers; they threaten to rescue others; they are protecting men who have broken custody, and in every sense they are traitors and giving aid and comfort to traitors.

In haste, your friend and obedient servant,

GEORGE W. CLARKE.

Gov. WILSON SHANNON,
Shawnee Mission.

N. B. I commend my family to your protection.

December 10, 1855.—Governor Shannon receives the following letter from Colonel Sumner :

HEADQUARTERS, 1ST CAVALRY,
Fort Leavenworth, December 7, 1855.

Governor: I have received your two letters of the 5th and 6th instant. I regret extremely to disappoint you, but the more I reflect upon it, the more I am convinced that I ought not to interpose my command between the two hostile parties in this Territory until I receive orders from the government. We know that the whole matter is now in the hands of the Executive, and it is an affair of too much importance for any one to anticipate the action of the government. I am momentarily expecting to receive orders, and whenever they come I shall move instantly, by night or by day. If you find those people bent on attacking the town, I would respectfully suggest that they might be induced to pause for a time, on being told that the orders of the general government were expected every moment, and that there was no doubt but that these orders, framed from an enlarged view of the whole difficulty, would give general satisfaction, and settle the matter honorably for both parties.

I am, governor, with much respect, your obedient servant,

E. F. SUMNER,

Colonel 1st Cavalry, commanding.

His Excellency WILSON SHANNON,
Governor of Kansas.

December 5, 1855.—The governor receives the following despatch from General Strickler :

CAMP WAKARUSA, December 4, 1855.

Sir: Enclosed is a despatch from General Richardson, and accompanied I have the honor to inform you that I was in Lawrence yesterday, and found two hundred and fifty men under arms, and about six hundred men in the town willing to bear arms against the officers.

In camp Wakarusa, there are now about two hundred and fifty men under my command.

Yours, respectfully,

H. I. STRICKLER,
Commanding Southern Division.

Governor SHANNON.

December 8, 1855.—The governor issues the following orders to Major General Richardson, General Strickler and Sheriff Jones :

WAKARUSA, *December 8, 1855.*

SIR: You will repress all demonstrations of a disorderly character, and make no movement except by order from me. If any attempt should be made on Lawrence, without orders, you will use your whole force to check it. In the present state of negotiations, an attack on Lawrence would be wholly unjustifiable.

Your obedient servant,

WILSON SHANNON.

Major General RICHARDSON.

CAMP WAKARUSA, *December 8, 1855.*

SIR: Being fully satisfied that there will be no further resistance to the execution of the laws of this Territory, or to the service of any legal process in the county of Douglas, you are hereby ordered to cross the Kansas river to the north side, as near Lecompton as you may find it practicable, with your command, and disband the same at such time and place, and in such portions as you may deem most convenient.

Yours, with great respect,

WILSON SHANNON.

Major General RICHARDSON.

KANSAS TERRITORY, CAMP WAKARUSA,
December 8, 1855.

SIR: Being fully satisfied that there will be no further resistance to the execution of the laws of the Territory, or to the service of any legal process in the county of Douglas, you are hereby ordered to disband your command at such time and place as you may deem most convenient.

Yours, with respect,

WILSON SHANNON.

General STRICKLER.

KANSAS TERRITORY, CAMP WAKARUSA,
December 8, 1855.

Having made satisfactory arrangements by which all legal process

in your hands, either now or hereafter, may be served without the aid of your present posse, you are hereby required to disband the same.

Yours, with great respect,

WILSON SHANNON.

S. J. JONES, *Sheriff of Douglas county.*

December 11, 1855.—The governor writes to the President as follows:

SHAWNEE MISSION, KANSAS TERRITORY,
December 11, 1855.

SIR: In my despatch to you of the 28th ultimo, I advised you of the threatened difficulties in relation to the execution of the laws of this Territory in Douglas county. The excitement which there existed continued to increase, owing to the aggravated reports from Lawrence and that vicinity in relation to the military preparations that were being made to attack the sheriff, and resist the execution of the laws. The excitement increased and spread, not only throughout this whole Territory, but was worked up to the utmost point of intensity in the whole of the upper portion of Missouri. Armed men were seen rushing from all quarters towards Lawrence, some to defend the place and others to demolish it. The orders I had issued to Major General Richardson and General Strickler had brought to the sheriff of Douglas county a very inadequate force for his protection, when compared with the forces in the town of Lawrence. Indeed, the militia of the Territory being wholly unorganized, no forces could be obtained except those who voluntarily tendered their aid to the sheriff, or to Generals Richardson and Strickler. The whole force in the Territory thus obtained did not amount to more than three or four hundred men, badly armed, and wholly unprepared to resist the forces at Lawrence, which amounted at that time to some six hundred men, all remarkably well armed with Sharpe's rifles and other weapons. These facts becoming known across the line in the State of Missouri, large numbers of men from that State, in irregular bodies, rushed to the county of Douglas, and many of them enrolled themselves in the sheriff's posse. In this state of affairs, I saw no way of avoiding a deadly conflict but to obtain the use of the United States forces at Fort Leavenworth, and with that view I addressed you a telegraphic despatch, and received on the 5th instant your very prompt and satisfactory reply of the 4th instant, a copy of which I immediately transmitted by special despatch to Colonel Sumner, with the request that he would accompany me with his command to the scene of difficulty. In reply, I was informed that he would immediately do so, having no doubt that, in due time, proper instructions would be received from the War Department. Information, however, which I received from both parties, convinced me that my presence was necessary to avoid a conflict, and, without waiting for Colonel Sumner, I repaired to the seat of threatened hostilities, at the same time advising Colonel Sumner by special despatch of this movement. On my way to Lawrence I met a despatch from Colonel Sumner, informing me that, upon reflection, he had changed his determination and that he would not march with his command until he had received orders from the proper de-

partment, but that he would be ready to move with his command the moment such orders came to hand. I proceeded as rapidly as possible to the camp of General Strickler, on the Wakarusa, six miles east of Lawrence, and arrived in camp about 3 o'clock in the morning of the sixth instant; I found that General Strickler and General Richardson had very judiciously adopted the policy of incorporating into their respective commands all the irregular forces that had arrived. This was done with the view of subjecting them to military orders and discipline, and to prevent any unlawful acts or outbreaks. The great danger to be apprehended was from an unauthorized attack on the town of Lawrence, which was being strongly fortified and had about one thousand and fifty men, well armed, to defend it, with two pieces of artillery. While on the other side, there were probably in all near two thousand men, many of them indifferently armed, but having a strong park of artillery. I found in the camp at Wakarusa a deep and settled feeling of hostility against the opposing forces in Lawrence, and apparently a fixed determination to attack that place and demolish it and the presses, and take possession of their arms. It seemed to be a universal opinion in camp that there was no safety in the law and order party in the Territory while the other party were permitted to retain their Sharpe's rifles, an instrument used only for war purposes. After mingling with all the leading men in the Wakarusa camp and urging on them the importance of avoiding a conflict of arms, that such a step would probably light the torch of civil war and endanger the very Union itself, I still found that there was a strong desire with all, and a fixed determination with many, to compel the forces in Lawrence to give up their arms. Believing that such a demand would lead to a conflict which, if once commenced, no one could tell when it would end, and seeing no way to avoid it except by the aid of United States forces, I again wrote another communication to Colonel Sumner, and sent it to him by special despatch about three o'clock on the morning of the 7th instant, requesting his presence, a copy of which I send you herewith, marked E. I received no reply until my return to this place, after the difficulty had been arranged. I send you a copy of this reply, marked F. Early on the morning of the 7th instant I repaired to the camp at Lawrence, and found them busily engaged in their fortifications and drilling their forces, and had a full and satisfactory interview with the committee appointed by the forces in Lawrence in relation to the impending difficulties. So far as the execution of the laws was concerned, we had no difficulty in coming to a satisfactory understanding. It was at once agreed that the laws of the Territory should have their regular course, and that those who disputed their validity should, if they desired to do so, test that question in the judicial tribunals of the country; that in the meantime no resistance should be made to their due execution, and the citizens of Lawrence and vicinity were, when properly called on, to aid in the arrest of any one charged with their violation, and to aid and assist in the preservation of the peace and good order of society; while, on my part, I gave them every assurance in my power that they should be protected in all their rights, and defended against all unlawful aggressions. It is proper I should say that they claimed that a large

majority of them had always held and inculcated the same views. The assurances I received entirely satisfied me that no one against whom a writ was issued was then in Lawrence; that they had all fled, and that they were harboring, concealing, or defending no one against whom a writ had been issued, and that hereafter there would be no combined effort made to prevent the service of any process in the county of Douglas. This was entirely satisfactory, and all that had been desired. But to satisfy the forces that surrounded Lawrence, so that they could be induced to retire in order, was the great difficulty to be overcome. To issue an order to the sheriff to disband his posse, and to Generals Richardson and Strickler to disband their forces, would have been to let loose this large body of men, who would have been left without control to follow the impulse of their feelings, which evidently was to attack and disarm the people of Lawrence. Early on the morning of the 8th, through the influence of some leading men, I procured thirteen of the leading captains in the Wakarusa camp, to be appointed a committee to confer with a committee from the Lawrence camp, to meet at Franklin, midway between the two hostile forces. I proceeded to the Lawrence camp, and returned to Franklin in the evening with the committee, when the proposed interview took place. This interview, which lasted for some time, resulted in producing a better state of feeling; and the committee from the Wakarusa camp were satisfied to retire without doing anything more, and so reported to the army. This, with the active exertions of myself and others, produced a better feeling among the men, and by daylight on the morning of the 9th I felt I could with safety order the forces to disband, and accordingly did so. They retired in order, and refrained from any act of violence; but it was evident that there was a silent dissatisfaction at the course I had taken. But I was conscious I was right, and that my course would be sanctioned alike by the dictates of humanity and sound policy. I returned to Lawrence on the 9th, and remained until the morning of the 10th; when everything remained quiet and safe, I returned to this place. Everything is quiet now, but it is my duty to say to you frankly that I have forebodings as to the future. The militia or volunteer corps cannot be relied upon to preserve the peace in their civil party contests, or where partisans are concerned. A call on the militia will generally bring in conflict the two parties. I am satisfied that the only force that can be used in this Territory in enforcing the laws, or preserving the peace, are those of the United States; and, with this view, I would suggest that the executive of this Territory be authorized to call on the forces of the United States when, in his judgment, the public peace and tranquillity, or the execution of the laws, may require their assistance. Should there be an outbreak, it will most probably be sudden, and before orders can be obtained from Washington the crisis will have passed. I send you herewith copies of various affidavits, letters, &c., which will give you some information in detail touching the subject-matter of this despatch.

I have the honor to be, your obedient servant,

WILSON SHANNON.

His Excellency FRANKLIN PIERCE.

November 28, 1855.—Commission issued to James H. Murrill as constable for the township of Washington, in the county of Doniphan, vice Johnson, resigned.

December 24, 1855.—Commission issued to J. W. Radcliff as clerk of the board of county commissioners for the county of Madison.

Commissions issued to James A. Hendrick and F. S. Hamilton as justices of the peace for the county of Madison.

December 27, 1855.—Commissions issued to John Evans and James Munkres as constables for the county of Madison.

Commission issued to G. M. Symcoe as treasurer for the county of Madison.

Commission issued to Jefferson Pegman as assessor for the county of Madison.

Commission issued to Thomas N. Stinson as treasurer for the county of Shawnee.

Commission issued to Benjamin J. Newsom as assessor for the county of Shawnee.

Commission issued to Edward Hoagland as justice of the peace for the township of Tecumseh, in the county of Shawnee.

Commission issued to William P. Tuttle as justice of the peace for the township of Tecumseh, in the county of Shawnee.

Commission issued to William P. Akins as justice of the peace for Yocum township, in the county of Shawnee.

Commission issued to John W. Skidmore as justice of the peace for Yocum township, in the county of Shawnee.

December 28, 1855.—Commission issued to James Matthews as public administrator for Doniphan county, vice Foreman, resigned.

December 28, 1855.—Commission issued to J. B. Matlock as constable for Iowa township, in the county of Doniphan, vice Patet, resigned.

Commission issued to William Flenn as justice of the peace for Iowa township, in the county of Doniphan, vice Lewis, resigned.

Commission issued to Henry Beauchamp as justice of the peace for Wayne township, in the county of Doniphan.

Governor Shannon to Mr. Marcy.

EXECUTIVE OFFICE,
Lecompton, Kansas Territory, April 11, 1856.

SIR: On my return to this Territory I found some excitement among the people, growing out of the proposed meeting of the legislative assembly under the constitution that had been formed by the Topeka convention. That body met on the 4th of March last, and adjourned to meet again in July next, after a session of about ten days. The legislative action of this body was mainly prospective in its character,

and looks forward to the admission of Kansas into the Union as a State, or to future legislation before their enactments are to be enforced as law.

Since the adjournment of this body, all excitement growing out of their meeting has passed away, the laws are being regularly enforced, and order seems to prevail to as great an extent as might be expected, under all the circumstances, throughout the Territory.

The charge made in some of the public papers, and in other quarters, that there existed an armed organization in Missouri for the purpose of making an aggressive movement into this Territory, never had any foundation in truth to rest upon.

The difficulties that occurred at Easton, in January last, have been greatly exaggerated. They grew out of the election held in that month for members of the legislative assembly under the proposed constitution, and have ceased some time since to attract any public attention.

The course of policy pursued by the President in relation to Kansas affairs has met with the approbation of the entire law-and-order party of the Territory, and has had a powerful influence in calming the troubled waters.

Arms and munitions of war are still being introduced in a secret way and in small parcels into the Territory, but there is at present no public demonstration of an armed resistance to the execution of the laws. A considerable portion of those who have heretofore been arrayed in opposition to the validity and execution of the laws of the Territory manifest a disposition in future to withdraw their opposition, or at least to confine it to legal and peaceful means.

Notwithstanding the present favorable appearances, I still have my misgivings as to the future. There are factious spirits here who seem to desire a conflict of arms; but the probabilities now are, that they will soon find themselves without a party of sufficient strength to do much mischief.

I have the honor to be yours, with great respect,
WILSON SHANNON.

Hon. WILLIAM L. MARCY.

Governor Shannon to the President.

EXECUTIVE OFFICE,
Lecompton, K. T., June 17, 1856.

SIR: The condition of this Territory is still unsettled, especially in this and the adjoining county south. In that portion of the Territory lying north of the Kansas river, and west of this point, both north and south, order and quiet seems to prevail. I send you, herewith, marked No. 1, the report of Captain Woods, received since the date of my last despatch. He visited the Ossawatimie country, the scene of the late murders spoken of in my last, and rendered efficient aid in quieting the disturbed state of the country, and in arresting those charged with crime.

I send you also the report of Captain Newby, in relation to an attack made on a small party of United States troops, marked No. 2.

About the second instant I received information that Captain Pate, at the head of an unauthorized company of men, numbering about twenty-five or thirty, had come in conflict with a company of the opposite party, under the command of Captain Brown, and numbering some eighty or one hundred men, near the Santa Fé road, some fifteen miles south of Lawrence; and that he had been taken prisoner, with nearly all his men, and that five of his party were badly wounded. On receiving this intelligence, Colonel Sumner, at the head of two companies of dragoons, marched to the scene of difficulty. He took possession of Brown's camp, released Captain Pate and the other prisoners, and ordered Brown and his company to disperse. They apparently did so, but reassembled at another place, some three or four miles distant. Lieutenant McIntosh was ordered to disperse them from their new camp, and succeeded in doing so. At the same time, Major General Coffee, of the southern division of the militia of this Territory, upon hearing of the capture of Captain Pate and his party, had marched up to within a short distance of Brown's camp, with a command of about three hundred; but on being informed of the release of Captain Pate and party by Colonel Sumner, he retired with his forces. Some irregular bodies of men, who were from without the Territory, had attached themselves to General Coffee's command, but, in returning, passed through the town of Ossawatimie, and, in violation of the orders of General Coffee, committed some gross depredations on the property of the citizens of that place. The letter of Mr. Hughes, hereto attached, marked No. 3, will put you in possession of the facts attending this outrage. I have ordered a company of dragoons to be stationed at this place for the protection of the citizens. This transaction illustrates the danger of using the local forces to suppress any of the disorders of this Territory. General Coffee is himself a prudent, discreet man; but these irregular forces are liable at any moment to throw off all restraint, and follow the dictates of their own inflamed and excited feelings.

On the 10th instant I passed down from this place to Westport, in Missouri, to testify before the congressional committee, in obedience to a subpoena. In passing down, everything seemed quiet until I came within about three miles of the territorial line. At this point I found a regular camp of armed men, numbering over one hundred. When I reached Westport, I found the streets crowded with troops that had just arrived from below. On inquiry, I was informed that several had passed over the line into the Territory a few days previous, and that those then in the town were destined for Douglas county, in this Territory. Becoming satisfied that a large body of men had passed into the Territory with all the indications of warlike purposes, I determined at once to go to Fort Leavenworth in person and obtain the whole of Colonel Sumner's command, and to order down that under the command of Colonel Cooke, from Fort Riley, with the view of repelling all aggressive armed parties that had entered, or might enter, the Territory. On the 13th instant, Colonel Sumner and myself reached the camp near Lawrence with the remainder of his com-

mand and three pieces of artillery. At this place I received a despatch from Lieutenant McIntosh, a copy of which I send you, marked No. 4, which satisfied me of the correctness of the opinion that a large force had entered the Territory, and was advancing up the country. I immediately wrote to Lieutenant McIntosh, approving what he had done. After leaving a small detachment of men near this place, and a similar one midway between Franklin and Lawrence, Colonel Sumner, with the remainder of his command, proceeded down the Santa Fé road, towards Westport, with the view of warning all these military companies to disband and retire, and, if they refused, to repel them. Colonel Sumner is now engaged in this service, and, although I have no report from him, I have reason to believe that the forces approaching from below have returned, and are returning, peaceably to their homes.

There is no doubt but several murders have been committed near Cedar creek, but I have no further information on this subject than what is contained in the report of Lieutenant McIntosh.

We have rumors here that large bodies of men are collecting on the western borders of Iowa, from the north, with the view of coming down the Missouri river and entering this Territory with hostile views at some point on that stream. It is this outside interference in the affairs of this Territory that is creating nine-tenths of all the difficulties we have to encounter here. The approach of armed bodies of men from Missouri or the north furnishes an excuse to the opposing party to collect together their men and keep up their military organization throughout the whole country. The rumored invasion from the north is used as a reason for similar organizations on the other side, as well as for the aggressive movements from Missouri. If the influences outside of the Territory would cease to act, and let us alone to manage our own affairs, I would guarantee order and quiet in the Territory in ten days, through the agency alone of the United States troops. The truth is, that a large majority of the citizens of both parties desire tranquillity, and denounce in the strongest terms all outside influences that are seeking to manage and control the affairs of Kansas. But I have no hesitation in believing that there are men in our midst, acting in concert with others at a distance, who desire to bring on a civil war. Strong measures have been adopted to put down every movement of this kind, and stronger yet will be adopted if found necessary. I sent you, at the time, my proclamation of the 4th instant, which indicates the line of policy I have adopted. This, I believe, if rigorously carried out, will be effective, although it is extremely difficult to prevent disorders, where there are so many who seem to desire to produce them. Some ten days since there was a night attack made on the town of Franklin, situated three miles east of Lawrence, by a body of armed men, numbering some forty or fifty, most of whom, it is believed, came from the town of Lawrence. After keeping up a brisk fire for some time, and killing one man, they retired. Since that time I have kept a detachment of men midway between these two hostile towns, with the view of preserving the peace and keeping order. It will be necessary to retain this force at this place for some time to come. I have designated eight different places

in the disturbed district as military posts, at each of which will be stationed the requisite number of troops to preserve order in the vicinity. One great evil to be encountered and overcome is these military organizations outside of the law. They are subject to no orders or control, and assume to themselves the power to take prisoners, press property, and intercept the public highways. Many of these companies had their organization in the east and south, and entered the Territory as organized military bodies, armed and prepared for war. Most of the robberies, murders, and other outrages, which have been committed, are to be traced to these illegal military organizations, or to those who have attached themselves to those companies. I have felt that it was absolutely necessary for the peace and security of the country that all these military organizations outside of the law should be broken up and dispersed; and if they reassemble, that they be disarmed, and have issued orders accordingly, which are being successfully carried out.

The good effect of this policy we have already experienced, and we can now sleep in security; when but a short time since we were compelled to stand all night with arms in our hands to defend our homes from threatened attack. These illegal military organizations are very generally broken up and dispersed throughout the Territory; and if all outside pressure is kept away, they will not be likely to reorganize in the presence of the United States troops. Colonel Cooke, with his command, arrived here a few days since, but, from present appearances, they will not be required to remain, or at least only a portion of them. The command of Colonel Sumner, properly distributed in the disturbed district, will probably be sufficient to preserve order. Should the troops be removed, I believe disorder and civil war would be the consequence. Those who are disposed to complicate the affairs of Kansas are now only held in check by the presence of the United States troops. I have already stated my opinion as to the utter impossibility of preserving order or preventing civil war by means of the militia of the Territory. Their use would lead to a contrary result. I hope, therefore, that no portion of Colonel Sumner's command will be placed beyond the reach of the executive of this Territory. It is due to that distinguished gentleman that I should say that I have found him on all occasions prompt, energetic, and impartial in the discharge of all his official duties connected with the troubles in this Territory.

I have received three telegraphic despatches from you, all of which I have answered. The two first by mail—the line being out of order. The third I answered from Fort Leavenworth, and gave it to the captain of a boat, with the request to have it sent by telegraph from the first office which was in connexion with the east.

Yours, with respect,

WILSON SHANNON.

His Excellency FRANKLIN PIERCE.

Captain Woods to Governor Shannon.

[No. 1.] NEAR PALMYRA, IN CAMP, EN ROUTE TO OSSAWATOMIE,
May 28, 1856.

SIR: I marched with my company yesterday, immediately on receipt of your letter, brought to me by Judge Wilson. I supposed, when I marched from Lawrence, that I would reach my destination to-day; but I found so much to do in the vicinity of Palmyra, that I will not be able to reach Ossawatomie until noon to-morrow. There were several knots of fifteen to twenty Free-State men in this vicinity threatening the peace and quiet of the country. I have visited two of their resorts to-day, and ordered them to disperse, which they readily consented to do; but they can so readily reassemble that a simple order to that effect seems to be devoid of any effective result towards restoring quiet in this much-disquieted region of the Territory. I will doubtless find an abundance of work for the whole of my company in the vicinity of Ossawatomie, and cannot do much towards assisting in preserving the peace just in this neighborhood. Would it not be well to have a detachment of troops in or near Palmyra?

With great respect,

J. J. WOODS,
Captain First Cavalry.

To his Excellency WILSON SHANNON.

[No. .] CAMP NEAR LAWRENCE,
Kansas Territory, May 31, 1856.

SIR: I have the honor to report that this morning information reached me that a family living six miles west of Lawrence were attacked and driven from their home. I immediately sent a non-commissioned officer and two privates with instructions to repair to the place and inquire into the state of affairs and report immediately to me. One of the men returned in about three hours, and reported that one of the party sent by myself was badly wounded, and also that two of the horses were wounded. I, on receiving the information, repaired with ten men of my command to the place of conflict. On arriving there I found that a party of men had fired from a house and wounded one of my men and two horses; the men, however, who fired the shots were not to be found. I was enabled, however, before I left, to apprehend one of the party, who, upon examination, confessed that he was engaged in the shooting. I have him in close confinement in camp, waiting your orders in the case.

I have the honor to be, very respectfully, your obedient servant,
E. W. B. NEWBY,
Captain First Cavalry.

Hon. W. SHANNON.

James Hughes to Governor Shannon.

[No. 3.]

OSSAWATOMIE, *Kansas Territory.*

SIR: In behalf of the citizens of this place, I am constrained to report to your excellency that circumstances which have recently occurred at this place make it necessary that at least one company of United States dragoons should be stationed, and permanently stationed, here for the safety and protection of the citizens.

On yesterday, about four o'clock in the afternoon, a band of lawless men, numbering about 150, armed to the teeth, and many of them much intoxicated, entered our town and commenced the work of house-burning and robbery indiscriminately. Houses were plundered, and many valuable goods and a considerable quantity of money taken. Buildings were fired, but fortunately extinguished without damage. About fifteen or sixteen horses were taken from before the eyes of the owners, among which were two horses from the United States mail-coach running from Westport to Fort Scott. All the arms that could be found were forcibly taken. The troops had left here on the morning of the disturbance.

For my identity, I refer you to Captain Woods, United States dragoons.

With great respect, I am, &c.,

JAMES HUGHES.

His Excellency WILSON SHANNON,
Governor of Kansas Territory.

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[No. 4.]

CAMP NEAR PALMYRA, *June 13, 1856.*

SIR: I send enclosed a letter just received from Col. Buford, and respectfully desire your directions in regard to it. It is a notorious fact that some of the band who originally came into this Territory with Col. Buford have committed gross outrages, and I can say with certainty that there are still small parties of his men now in the Territory acting in the most lawless manner. Early on the morning of the 10th instant, a party of thirty or forty men came into this town with the avowed intention of burning it. I pursued them fifteen miles on the Westport road, overtook them, and gave them the choice of laying down their arms or leaving the Territory. After much hesitation they determined to leave. I directed the captain to give the order to "saddle up;" and when on the road I placed some of my men in their rear to follow them to the line and report to me if they crossed it or not. A short time after my arrival in their camp, another company came up, (from Platte county, Missouri, I believe,) to whom I offered the same alternative. They followed the example of the first, and left with them. My men have just returned, and reported to me that they saw these companies enter the town of Westport. They also reported to me that there were at least seven or eight companies encamped on the road between this place and Westport, and that at Cedar creek, about twenty-five miles from here,

it was a well ascertained fact that several men were lying murdered. They saw the body of one who they knew from his dress to be a Mr. Carter, who was taken prisoner from this place a few nights ago. This body was shown to them by a member of one of the companies who was under the influence of liquor, and who told my men that he could point out the other abolitionists if they wished to see them. This second company sent back by me represented themselves as emigrants, and thought it a hard case that they should be sent back. I told them that they had no appearance of emigrants, and, organized and armed as they were, that I felt it an imperative duty to act as I did.

Last evening a company of fifty or sixty men came up from Westport, and are now encamped within three miles of Palmyra. As soon as I heard of their arrival, I went to the camp and ordered them to leave the Territory. They also stated that they were emigrants; but as they only had their camp equipage and a carriage with them, I adhered to my demand, and I have no doubt but that they will return to-day. I am about starting on the road to Westport with sixty or seventy men, and will clear it to the line if possible. Great complaints are constantly made to me of the stoppage of wagons and men on the road, and in a great many instances robberies have been committed. Day before yesterday I started with fifty men to a free-soil camp, which I was told was in the vicinity, but before my arrival they had dispersed, and so far as I can ascertain they have mostly gone home. If this Missouri movement could be stopped, I would have some hopes of more quiet times. I would respectfully request an answer to the following questions:

What answer shall I return to Colonel Buford?

Does my action in regard to these so-called emigrant parties meet your approbation, and shall I continue it in regard to them?

Unless the most decisive steps are taken in regard to these companies, in a few days there will be a very large force collected in this neighborhood. A few days ago Lieutenant Iverson disarmed a small party of free-soil men, and has now in his possession nine Sharpe's rifles, which he promised to give up in three days; but in the meantime I ordered him to retain them until further orders, and in consequence he has refused to give them up. I would respectfully ask what disposition to make of them.

I have the honor to be, sir, with great respect, your obedient servant,

JAMES McINTOSH,
First Lieutenant First Cavalry.

His Excellency DANIEL WOODSON,
Acting Governor of Kansas Territory.

Memorial to the President from inhabitants of Kansas.

To his Excellency Franklin Pierce, President of the United States:

SIR: The undersigned, residents of Kansas Territory, and a committee of the citizens of the town of Lawrence and vicinity, appointed

to represent to your excellency the insufferable wrongs which they are called upon to endure at the hands of territorial officials, and to petition for redress and prevention of the same.

The statements made in this communication are of facts, mostly within our personal knowledge, and all of them we are prepared at any time to substantiate by testimony conclusive and unimpeachable.

The first of the recent great outrages on the town of Lawrence, of which we complain, is the following proclamation of the United States marshal of Kansas Territory :

PROCLAMATION.

To the people of Kansas Territory: Whereas certain judicial writs of arrest have been directed to me by the first district court of the United States, &c., to be executed within the county of Douglas ; and whereas an attempt to execute them by the United States deputy marshal was violently resisted by a large number of citizens of Lawrence ; and as there is every reason to believe that any attempt to execute these writs will be resisted by a large body of armed men:

Now, therefore, the law-abiding citizens of the Territory are commanded to be and appear at Lecompton as soon as practicable, and in numbers sufficient for the proper execution of the law.

Given under my hand this 11th day of May, 1856.

J. B. DONELSON.

United States Marshal for Kansas Territory.

The allegations contained in this proclamation are untrue in fact, as well as grossly unjust in effect to the people of Lawrence.

A demonstration had been made by the deputy marshal towards the arrest of ex-Governor Reeder while here in attendance on the congressional committee ; but as the latter demurred to the legality of the process and denied the jurisdiction, the attempt was not made. This was a circumstance involving no violence on the part of the citizens of Lawrence ; as no posse was called for by the official, it is clear that they can in no way be held accountable for any of its results.

No actual effort to arrest any person in Lawrence had been made by the marshal previous to this proclamation.

At this time there were in the Territory many hundreds of men who had entered it in organized companies from southern States, actuated by an avowed political purpose, and proclaiming a deadly hostility to the town of Lawrence. These men were immediately enrolled in the marshal's posse, and supplied by the governor with arms belonging to the United States, and intended for the use of the territorial militia. All the facts warrant the belief that it was the intention of the marshal, by this proclamation, to justify this misuse of these national arms, and to give, as far as possible, to the outrages being perpetrated by these companies, the sacred sanction of the law. Without this sanction it was known that these outrages would be resisted by any and all means of defence in the power of an indignant, and not yet enslaved, people. This posse of the marshal was further increased by accessions from the neighboring State of Missouri, and supplied from

the same source with several pieces of artillery. Camps were formed at different points along the highways and on the Kansas river, and peaceful travellers subjected to detention, robbery, and insult. Men were stopped in the streets and on the open prairie, and bidden to stand and deliver their purses at the peril of their lives. Cattle, provisions, arms, and other property were taken wherever found, without consent of the owners. Men were choked from their horses, which were seized by the marauders, and houses were broken open and pilaged of their contents.

Resistance to these outrages was followed by further violence, and in some cases by the most wanton and brutal sacrifice of life. The passage of the United States mail was frequently interrupted, and examinations made in defiance of law. In the border counties of Missouri, citizens of Lawrence were seized without warrant, conveyed to the various camps, and there subjected to detention and unlawful trial, accompanied by threats of immediate death.

In the meantime these alarming demonstrations have excited apprehensions in the community, and a letter was sent to the governor as follows :

LAWRENCE CITY, *May 11, 1856.*

DEAR SIR: The undersigned are charged with the duty of communicating to your excellency the following preamble and resolution, adopted at a public meeting of the citizens of this place at 7 o'clock last evening, viz :

Whereas we have the most reliable information from various parts of the Territory, and the adjoining State of Missouri, of the organization of guerilla bands, who threaten the destruction of our town and its citizens : therefore

Resolved, That Messrs. Topliff, Hutchinson, and Roberts, constitute a committee to inform his excellency Governor Shannon of these facts, and to call upon him, in the name of the people of Lawrence, for protection against such bands by the United States troops at his disposal.

All of which is respectfully submitted.

Very truly, &c.,

C. W. TOPLIFF.
W. Y. ROBERTS.
JOHN HUTCHINSON.

His Excellency WILSON SHANNON,
Governor of Kansas Territory.

This letter drew forth the following reply :

EXECUTIVE OFFICE,
Lecompton, K. T., May 12, 1856.

GENTLEMEN: Your note of the 11th instant is received, and, in reply, I have to state that there is no force around or approaching Lawrence except the legally constituted posse of the United States marshal and sheriff of Douglas county, each of whom, I am informed, have a

number of writs in their hands for execution against persons now in Lawrence. I shall in no way interfere with either of these officers in the discharge of their official duties.

If the citizens of Lawrence submit themselves to the territorial laws, and aid and assist the marshal and sheriff in the execution of process in their hands, as all good citizens are bound to do when called on, they, or all such, will entitle themselves to the protection of the law. But so long as they keep up a military or armed organization to resist the territorial laws, and the officers charged with their execution, I shall not interpose to save them from the legitimate consequences of their illegal acts.

I have the honor to be, yours, with great respect,

WILSON SHANNON.

Messrs. C. W. TOPLIFF.

JOHN HUTCHINSON.

W. Y. ROBERTS.

In comment upon this letter, we have only to say that the implied charge upon the citizens of Lawrence of keeping up "a military or armed organization to resist the territorial laws, and the officers charged with their execution," is utterly untrue; and that Governor Shannon must have been fully aware of its falsity, or ignorant to a degree of criminality.

The proclamation of the marshal was not made public by him in Lawrence; but a copy having, by chance, reached the town, another meeting of citizens was called on the 13th of May, and the following preamble and resolution adopted:

Whereas, by a proclamation to the people of Kansas Territory, by J. B. Donelson, United States marshal for said Territory, issued the 11th day of May, 1856, it is alleged that certain "judicial writs of arrest have been directed to him by the first district court of the United States, &c., to be executed within the county of Douglas, and that an attempt to execute them by the United States deputy marshal, was violently resisted by a large number of the citizens of Lawrence, and that there is every reason to believe that any attempt to execute these writs will be resisted by a large body of armed men:" therefore—

Resolved, by this public meeting of the citizens of Lawrence, held this 13th day of May, 1856, that the allegations and charges against us, contained in the aforesaid proclamation, are wholly untrue in fact, and the conclusion entirely false which is drawn therefrom. The aforesaid deputy marshal was resisted in no manner whatsoever, nor by any person whatever, in the execution of said writs, except by him whose arrest the said deputy marshal was seeking to make. And that we now, as we have done heretofore, declare our willingness and determination, without resistance, to acquiesce in the service upon us of any judicial writs against us by the United States marshal for Kansas Territory, and will furnish him a posse for that purpose, if so requested; but that we are ready to resist, if need be, unto death, the ravages and desolation of an invading mob.

J. A. WAKEFIELD, *President*.

JOHN HUTCHINSON, *Secretary*.

The indications of an intended attack upon the town continuing to increase, on the 14th instant another meeting of citizens was called, of which G. W. Dietzler was president, and J. H. Green secretary, and the following letter prepared and sent to the United States marshal:

LAWRENCE, *May 14, 1856.*

DEAR SIR: We have seen a proclamation issued by yourself, dated 11th May instant, and also have reliable information this morning that large bodies of armed men, in pursuance of your proclamation, have assembled in the vicinity of Lawrence.

That there may be no misunderstanding, we beg leave to ask respectfully (that we may be reliably informed) what are the demands against us? We desire to state most truthfully and earnestly that no opposition whatever will now, or at any future time, be offered to the execution of any legal process by yourself, or any person acting for you. We also pledge ourselves to assist you, if called upon, in the execution of any legal process.

We declare ourselves to be order-loving and law-abiding citizens; and only await an opportunity to testify our fidelity to the laws of the country, the Constitution, and the Union.

We are informed, also, that those men collecting about Lawrence openly declare that their intention is to destroy the town and drive off the citizens. Of course we do not believe that you give any countenance to such threats; but, in view of the exciting state of the public mind, we ask protection of the constituted authorities of the government, declaring ourselves in readiness to co-operate with them, for the maintenance of the peace, order, and quiet of the community in which we live.

Very respectfully,

ROBERT MORROW.
LYMAN ALLEN.
JNO. HUTCHINSON.

J. B. DONELSON,

United States Marshal for Kansas Territory.

The following reply was received to this communication:

OFFICE OF THE U. S. MARSHAL,
Lecompton, K. T., May 15, 1856.

On yesterday I received a communication addressed to me, signed by one of you as president, and the other as secretary, purporting to have been adopted by a meeting of the citizens of Lawrence, held on yesterday morning. After speaking of a proclamation issued by myself, you state "that there may be no misunderstanding, we beg leave to ask, respectfully, (that we may be reliably informed,) what are the demands against us; we desire most truthfully and earnestly to declare, that no opposition whatever will now, or at any future time, be offered to the execution of any legal process by yourself, or any person acting for you. We also pledge ourselves to assist you, if called upon, in the execution of any legal process," &c.

From your professed ignorance of the demands against you, I must

conclude that you are strangers, and not citizens of Lawrence, or of recent date, or been absent for some time; more particularly when an attempt was made by my deputy to execute the process of the first district court of the United States for Kansas Territory against ex-Governor Reeder, when he made a speech in the room and presence of the congressional committee, and denied the authority and power of said court, and threatened the life of said deputy if he attempted to execute said process; which speech and defiant threats were loudly applauded by some one or two hundred of the citizens of Lawrence, who had assembled at the room on learning the business of the marshal, and made such hostile demonstrations that the deputy thought the and his small posse would endanger their lives in executing said process.

Your declaration that you "will truthfully and earnestly offer no opposition now, nor at any future time, to the execution of any legal process," &c., is, indeed, difficult to understand. May I ask, gentlemen, what has produced this wonderful change in the minds of the people of Lawrence? Have their eyes been suddenly opened, so that they are now able to see that there are laws in force in Kansas Territory which should be obeyed? Or is it that just now those for whom I have writs have sought refuge elsewhere? Or it may possibly be, that you now, as heretofore, expect to screen yourselves behind the word "legal," so significantly used by you. How am I to rely on your pledges, when I am well aware that the whole population of Lawrence is armed and drilled, and the town fortified—when I recollect the meetings and resolutions adopted in Lawrence, and elsewhere in the Territory, openly defying the laws and officers thereof, and threatening to resist the same to a bloody issue, and recently verified in the attempted assassination of Sheriff Jones while in the discharge of his official duties in Lawrence? Are you strangers to all these things? Surely you must be strangers at Lawrence! If no outrages have been committed by the citizens of Lawrence against the laws of the land, they need not fear any posse of mine. But I must take the liberty of executing all processes in my hands, as the United States marshal, in my own time and manner, and shall only use such power as is authorized by law. You say you call upon the constituted authority of the government for protection. This indeed sounds strange, coming from a large body of men armed with Sharpe's rifles and other implements of war, bound together by oaths and pledges to resist the laws of the government they call on for protection. All persons in Kansas Territory, without regard to location, who honestly submit to the constituted authorities, will ever find me ready to aid in protecting them; and all who seek to resist the laws of the land and turn traitors to their country, will find me aiding in enforcing the laws, if not as an officer, as a citizen.

Respectfully yours,

J. B. DONELSON,

U. S. Marshal of Kansas Territory.

Messrs. G. W. DEITSLER and J. H. GREEN, *Lawrence K. T.*

We should consider this letter entirely unworthy of criticism, were it not official. Its chief misstatements, however, must be corrected, and of these we shall notice the following:

1. That ~~ex~~ Governor Reeder threatened the life of the marshal, and was applauded therefor by the people of Lawrence; the fact being that the words used by the former can only by a forced construction be made to imply a threat against the person of the officer; and that the deputy marshal had no personal fear of the citizens is proven by the fact that he frequently, during these difficulties, entered the town, and remained during his pleasure without molestation or insult.

2. His reiteration of the falsehoods that the whole population of Lawrence is armed and drilled, and the town fortified, while he possessed evidence, through his deputies, that such was not the case. That the so-called fortifications, as there existing, were not considered formidable for defence, is proven by his subsequent neglect to demolish them while the town was in the hands of his posse.

3. His wanton misapplication of certain resolutions passed at some other point in the Territory, and having no relation to the officers of the United States.

4. His effort to fasten the attempt on the life of Samuel J. Jones on the citizens of Lawrence, when it is a known fact that said citizens denounced that attempt in a most emphatic manner, and made all practicable effort to detect its author.

5. The compound falsehood that the citizens of Lawrence are a large body of men armed with Sharpe's rifles, bound together by oaths and pledges to resist the laws of the government they call on for protection, it being undoubtedly well known to himself that no such oaths or pledges exist, and that the citizens of Lawrence have never combined to resist the laws of the United States.

From a reply thus disingenuous and partisan in character, the threatened town could derive no hope. Nevertheless, as the movements of the marauding forces grew daily more menacing in their character, the following letter was sent to the marshal on the 17th instant :

DEAR SIR: We desire to call your attention, as citizens of Kansas, to the fact that a large force of armed men have collected in the vicinity of Lawrence, and are engaged in committing depredations upon our citizens, stopping wagons, arresting, threatening, and robbing unoffending travellers upon the highway—breaking open boxes of merchandise and appropriating their contents—have slaughtered cattle, and terrified many of the women and children.

We have also learned from Governor Shannon that there are no armed forces in the vicinity of this place but the regularly constituted militia of the Territory. This is to ask you if you recognize them as your posse, and feel responsible for their acts. If you do not, we hope and trust you will prevent a repetition of such acts, and give peace to the settlers.

On behalf of the citizens.

C. W. BABCOCK.
 LYMAN ALLEN.
 J. A. PERRY.

J. B. DONELSON, *U. S. Marshal, K. T.*

To this letter no reply was vouchsafed. The same day a communication was sent to the governor by Messrs. S. W. and T. B. El-

dridge, proprietors of the Eldridge House, asking for its protection against the destruction threatened by the mob in the marshal's posse. The building itself was the property of the Emigrant Aid Company, but it had been furnished by the Messrs. Eldridge, at heavy expense, and was not yet opened as a public house. A verbal reply was returned by the governor to this appeal, expressing regret that the proprietors had taken possession, and giving some encouragement for its protection. On the 18th he was visited by the Messrs. Eldridge in person, and a full and truthful representation made of all the facts in the case. At this interview, the governor, as well as the marshal, seemed disposed to accord the protection needful. In addition to their own personal appeal, the Messrs. Eldridge presented a communication from the citizens of Lawrence, as follows :

LAWRENCE, K. T., *May 17, 1856.*

GENTLEMEN: Having learned that your reason for assembling so large a force in the vicinity of our town, to act as a posse in the enforcement of the laws, rests on the supposition that we are armed against the laws and the officers in the exercise of their duties, we would say, that we hold our arms only for our own individual defence against violence, and not against the laws or the officers in the execution of the same; therefore, having no further use for them when our protection is otherwise secured, we propose to deliver our arms to Colonel Sumner so soon as he shall quarter in our town a body of troops sufficient for our protection, to be retained by him as long as such force shall remain among us.

Very truly, &c.,

MANY CITIZENS.

His Excellency WILSON SHANNON, *Governor*, and J. B. DONELSON, *Esq., U. S. Marshal for Kansas Territory.*

Both the governor and the marshal expressed satisfaction with this proposition, and agreed to its terms in case a demand should be enforced for the surrender of the arms. If no resistance was offered his force, the marshal gave a positive promise of protection to the property of the citizens. But it was said that a portion of the posse was clamorous for the destruction of the hotel and the printing offices; and the Messrs. Eldridge were invited to return again on the following day, after time had been afforded for consultation with the captains of the companies.

It is worthy of remark, that all messengers to the executive and marshal were under guard during the whole time of their being within the lines of the besieging camp and on the road to Leocompton, and that the following pass was given to the Messrs. Eldridge on their departure this day :

LECOMPTON, *May 18, 1856.*

The bearers of this, S. W. and T. B. Eldridge, desire to return to Lawrence this evening and return in the morning.

Now, therefore, all persons will permit these gentlemen to go and return without molestation or delay.

WILSON SHANNON,
Governor of Kansas Territory.
J. B. DONELSON,
U. S. Marshal, Kansas Territory.

On the 19th, Messrs. Eldridge renewed their visit according to agreement, but found a great change in the tone of the officials. It appeared that the companies composing the *posse* would be satisfied with nothing short of some destruction of private property, and this feeling was so strong as to defy the power of the marshal. The Messrs. Eldridge, on behalf of the citizens of Lawrence, offered the marshal their services, and proposed, if he would supply them with weapons, to make all necessary pledges to sustain him in the protection of property and the execution of the laws. This offer the marshal did not see fit to accept, alleging only the excuse of a deficiency of arms. It was evident that a course of violence was resolved upon. One of the captains—a Colonel Titus, of Florida, a member of the late expedition against Cuba—declared boldly, that the printing presses must be destroyed to satisfy the boys from South Carolina. But promises of protection to the hotel were renewed, and the marshal pledged his word that if no resistance was made he would enter the town with a small posse of unarmed men, and that the remainder should not be admitted. He also further promised not to dismiss them in the vicinity of the town. The incongruities of these various statements it is not for us to reconcile.

Feeling from all these circumstances the necessity to the town of efficient protection, the Messrs. Eldridge made a last effort to secure aid from the governor. He disclaimed all authority over the force of the marshal, and stated that he should not interfere with that officer's operations. He was implored to summon to his aid the force of Col. Sumner for the protection of the property of the citizens, but peremptorily refused. It was represented to him that the marshal's *posse* had resolved on perpetrating unlawful outrages in Lawrence, and he said the people of Lawrence must take such consequences as should ensue; that he could protect them with the United States troops if he chose, but that he should not do so. When apprehensions were expressed to him that these outrages would finally madden the people to the point of resistance, and precipitate all the horrors of civil war, he turned angrily away and left the room with the expression, "War then it is, by God!"

These were the last words spoken to persons representing the people of Lawrence by the highest officer of the territory.

During the following day the deputy marshal, W. P. Fain, a resident of Calhoun, Georgia, visited the town, and in conversation with a citizen, expressed the belief that the printing presses would be destroyed, but that the Eldridge house would be spared.

On the morning of the 21st inst. a cavalry force was seen stationed on a hill commanding the town. It was soon increased by a company of artillery and another of infantry. A white flag was first displayed,

which soon gave place to a red one. This emblem would have incited the citizens to resistance but for the known fact that the force was commanded by a United States officer (whose pledge of protection had been given) and armed with national weapons. Beside the red flag, whose motto was "southern rights," soon floated that of the Union.

The deputy marshal entered the town with less than ten men, and proceeding to the Eldridge house summoned both the proprietors to act on his posse, together with *Dr. Garvey, John A. Perry, C. W. Topliff,* and *Wm. Jones*, all citizens of the town. This summons was promptly obeyed, and all required assistance cheerfully given. Only two arrests were made during the morning, and with these, after dinner, the whole posse repaired to the camp. Colonel Topliff was charged with the delivery to the marshal of the following communication :

LAWRENCE, *K. T.*, May 21, 1856.

We, the committee of public safety for the citizens of Lawrence, make this statement and declaration to you as marshal of Kansas Territory :

That we represent citizens of the United States and of Kansas, who acknowledge the constituted authorities of the government ; that we make no resistance to the execution of the laws, national or territorial ; and that we ask protection of the government, and claim it as law-abiding American citizens.

For the private property already taken by your posse we ask indemnification, and what remains to us and our citizens we throw upon you for protection, trusting that under the flag of our Union and within the folds of the Constitution we may obtain safety.

SAMUEL C. POMEROY,
W. Y. ROBERTS,
LYMAN ALLEN,
JOHN A. PERRY,
C. W. BABCOCK,
S. B. PRENTISS,
A. H. MALLORY,
JOEL GROVER.

J. B. DONALDSON, *U. S. Marshal, K. T.*

It was now hoped that the crisis had passed. On summoning on his posse the proprietors of the Eldridge house, Deputy Marshal Fane had renewed his promise to protect their property. The officials had been treated with every courtesy, and even a generous hospitality. But about 3 o'clock the streets were filled by a company of armed horsemen, headed by Samuel J. Jones, sheriff of Douglas county, who drew up his force in front of the Eldridge house and demanded of the citizens, in the name of the law, the surrender of their rifles and cannon. He gave five minutes for a reply. He was answered by General Pomeroy that the cannon, and all rifles, not individual property, (if any such there were) would be given up on his giving an official receipt for the same. General Pomeroy and General Roberts proceeded with him to assist in their delivery. This done, it was announced

that the printing offices and the Eldridge house must be destroyed. Remonstrance was in vain.

In the meantime the remainder of the force, comprising several hundred men, with United States muskets and fixed bayonets, were taking position in the town. Men endeavored by argument, and women by tears, to alter the determination of Jones, but in vain. At 3½ o'clock he announced to Messrs. Eldridge that he would give them till 5 to remove their families and furniture from the house. The work of pillage had already commenced; the contents of the printing offices were scattered in the streets, and the red flag planted on the roof, first of the office of the Herald of Freedom, and afterwards of the Eldridge house. The family of Mr. G. W. Brown were driven from their home, and the immediate pillage of the hotel prevented only by the resolute interference of a few citizens, aided by some individuals of the mob, who kept a strict guard at the doors, and insisted that the families of the proprietors should have the time promised by Jones in which to collect their most necessary effects and leave. At last the cannon were placed and ready, and it was announced to Colonel S. W. Eldridge that the bombardment would commence in five minutes. His wife and children, and such personal effects as they had been enabled to collect, were placed in carriages and driven off between files of United States bayonets, and amidst the yells of the impatient mob. As they left the town the first boom of a cannon told that the work of destruction had begun. Soon (as the impression made by the cannon was not great) the building was fired, and with the aid of gunpowder reduced, with its furniture and stores, to a pile of ruins.

The work of pillage spread through the whole town, and continued until after dark. Every house and store which could be entered was ransacked; trunks broken open and money and property taken at will. Where women had not fled, they were in some cases insulted, and even robbed of their clothing. From one house over two thousand dollars in money were carried away. The house of Charles Robinson was pillaged and burned to the ground. The same evening the forces were drawn off to their camp, and the sack of Lawrence was concluded.

Some incidents of this authorized outrage here demand mention. While Messrs. Topliff and Perry were aiding the marshal in making the arrests, both their houses were broken open and pillaged. Some of the flags which floated beside that of the Union had for mottoes "Superiority of the white race," "Kansas the outpost," "South Carolina;" while one had the national stripes, with a tiger in place of the Union; another had alternated stripes of black and white. While the cannon were being placed for the destruction of the Eldridge house, David R. Atchison, late Vice-President of the United States, was conspicuous amongst the mob. When the final doom of the hotel and the printing offices was pronounced, it was said by the officials to be by order of the government, as the grand jury of Douglas county had ordered them abated as nuisances. The only charge against the Eldridge house was its ownership by the Emigrant Aid Company.

To evade the pledge given by the marshal that he would not allow

his posse to enter Lawrence, they were disbanded by him, after the arrests were made, and enrolled as a sheriff's posse by Samuel J. Jones; the marshal thus keeping one pledge at the expense of another. On the next day they were again enrolled as the posse of the marshal.

There are also some facts of another character which we wish to record. We believe that many of the captains of the invading companies exerted themselves to the utmost for the protection of life and property. Some of them protested against these enormous outrages, and endeavored to dissuade Samuel J. Jones from their perpetration. Many used personal effort to remove such property as was possible from the Eldridge house before its destruction. Among these stood prominently Colonel Zadock Jackson, of Georgia, who did not scruple either in Lawrence or his own camp to denounce the outrages in terms such as they deserved. Colonel Buford, of Alabama, also disclaimed having come to Kansas to destroy property, and condemned the course which had been taken. The prosecuting attorney of Douglas county, the legal adviser of the sheriff, used his influence in vain to prevent the destruction of property.

We have thus given an outline of the events which have concluded an unparalleled chapter in the history of our country. That we have dealt mildly with the facts, and fallen short of the real atrocity of the case, will be proven by the testimony which, in time, public opinion will not fail to gather. So gigantic is that official villainy of which we are being made the victims, that the understanding almost refuses to believe the evidence, however strong. That any set of men in a representative government like ours can be so reckless, and so defiant of right, as to attempt the administration of law on principles of perjury and brigandage, is a combination of fatuity and corruption almost passing belief. Yet the facts spring out with startling boldness on the picture of events, and we see the spectacle of rulers utterly ignoring the oaths they have taken, and perverting the beneficent power of government to the base uses of a ruthless despotism—at will despoiling men of their property and lives—endeavoring to bind fast the hands of the loyal citizens who look to them for protection, and to deliver them over as bondmen to an invading force. We cannot but feel that you will be slow to believe facts such as we have stated here, and for the credit of humanity we cannot otherwise hope; yet we cherish the trust that you will heed the voice, however feeble, that pours its complaint into your ear, and exert the influence of your office to prevent the *possible* occurrence of abuses of power on the parts of those officials who are directly responsible to you for the faithful discharge of their duties; and to institute such a scrutiny into their past conduct as will reveal its true character and inspire a salutary caution in future. In making such a scrutiny it seems to us inevitable that the communications of the territorial officers of Kansas, as given in this memorial, coupled with the undisputed facts resulting from their action, will show at least a criminal disregard of good faith sufficient of itself to prove their unfitness for the responsibilities they have assumed. And in the meantime we have been driven to the appointment of a committee of protection whose duty it will be

to organize and use all means for the defence of our liberties and property, during such time as we are unable to procure protection from the government under which we live.

As regards the pecuniary damage sustained by this community at the hand of the government, as administered by these officials, we cannot doubt but you will see the justice of our claim, and employ the influence of your position to procure for us an adequate compensation. The readiest way to do this would seem to be by an appropriation by Congress, which it is within your province to recommend. It is at present impossible to estimate this damage, as new depredations are continually being made. How long these will be permitted to continue will depend to a great extent upon the pleasure of our rulers. But it is certain that the amount is, even at present, for a community like ours, very great. The loss to the proprietors of the Eldridge house alone is to nearly the full extent of their investments, time being denied them to remove any material portion of the costly furniture and abundant stores provided for its use. The destruction of the printing offices, like that of the hotel, involves not only the cost of the property, but the complete ruin of the business in which it was employed. And then there is scarcely a freeholder in Lawrence, or for many miles around, but has had costly experience of that predatory action which the marshal in his proclamation has called "the proper execution of the law."

Were the destruction of property, however, the gravest result of this mal-administration, it would be shorn of its chief importance. But it must not be forgotten that among its consequences has been loss of life, and it is due to the community that justice be administered upon those who caused it. And surely when we say to your excellency that our country is still being overrun, and that this very day has brought to our ears the fresh complaints of property taken, and women ravished in their homes, it will not be considered either disrespectful or ill-timed in us to urge, with all the earnestness of men who know the truth of the things whereof they speak, that the facts herein set forth, and the petitions preferred, receive the earliest attention in the power of your excellency to bestow.

J. M. WINCHELL,
 LYMAN ALLEN,
 S. B. PRENTISS,
 L. G. HINE,
 JOSEPH CRACKLIN,
 JOHN A. PERRY,
 O. E. LEARNARD,
 S. W. ELDRIDGE,
 C. W. BABCOCK.

LAWRENCE, K. T., *May 22,*¹1856.

*Governor Shannon to the President.*EXECUTIVE OFFICE, *August 18, 1856.*

SIR: Having received unofficial information of my removal from office, and finding myself here without the moral power which official station confers, and being destitute of any adequate military force to preserve the peace of the country, I feel it due to myself, as well as to the government, to notify you that I am unwilling to perform the duties of governor of this Territory any longer.

You will therefore consider my official connexion with this Territory as at an end.

Yours, with great respect,

WILSON SHANNON.

His Excellency FRANKLIN PIERCE.

Executive minutes of the Territory of Kansas from September 9th to 30th, 1856, inclusive.

September 9, 1856.—The governor, John W. Geary, arrived at Fort Leavenworth at 8 o'clock, a. m., and put up temporarily at the headquarters of Major General Persifor F. Smith, of the United States army.

At about eleven o'clock information was brought in by a sergeant of the United States army to the effect that General F. C. Marshall had entrusted to his care three persons, who desired to have his services as a safeguard along the road leading to Fort Leavenworth, and that when within a few miles of Leavenworth city a party of armed and mounted men belonging to the command of Captain Emory, of the Kansas militia, took from him the said three men and carried them as prisoners into Leavenworth city. Captain Emory's men also took possession of the horses, wagons, and other property belonging to their prisoners.

The governor immediately made a requisition upon General Smith for a force of infantry sufficiently large to rescue the prisoners, and bring them, with Captain Emory and his company, to Fort Leavenworth. A detachment of two hundred men was accordingly detailed upon this service, the commanding officer being instructed to execute the following

Order.

FORT LEAVENWORTH, K. T.,
September 9, 1856.

To whom it may concern:

Any officer of the militia now in the service of the government of Kansas Territory, or any other government officer, is hereby directed

to comply with the requisition of the United States officer bearing this, concerning the rescue of prisoners from custody this morning.

JOHN W. GEARY,
Governor of Kansas Territory.

This order was promptly fulfilled. Captain Emory and his company, with their three prisoners, were brought to the fort by the troops detailed for that purpose early in the afternoon. The prisoners were released, and Captain Emory and eight of his men placed under arrest.

Upon arriving at Fort Leavenworth, Governor Geary presented to General Smith for his inspection the following

Instructions.

DEPARTMENT OF STATE,
Washington, August 26, 1856.

SIR: The present condition of the Territory of Kansas renders your duties as governor highly responsible and delicate.

In the instructions heretofore communicated to your predecessor in February last, in the annual message to Congress of the 24th of the previous December, and in the orders issued from the War Department (printed copies of which are herewith furnished) you will find the policy and purposes of the President fully presented. They are, 1st, to maintain order and quiet in the Territory of Kansas, and 2d, if disturbances occur therein, to bring to punishment the offenders.

Should the force which has been provided to attain these objects prove insufficient, you will promptly make known that fact to the President, that he may take such measures in regard thereto as to him may seem to be demanded by the exigencies of the case.

It is important that the President should be kept well informed as to the state of things in Kansas, and that the source of his information should be such as to insure its accuracy. You are therefore directed by him to communicate constantly with this department; such facts as it is important to have early known here you will cause to be transmitted by telegraph as well as by mail.

The President indulges the hope that by your energy, impartiality, and discretion, the tranquility of the Territory will be restored, and the persons and property of our citizens therein protected.

I am, sir, your obedient servant,

W. L. MARCY.

His Excellency JOHN W. GEARY,
Governor of Kansas Territory.

The following was forwarded to the governor through the hands of Major Emory of the United States army:

Instructions.

DEPARTMENT OF STATE,
Washington, September 2, 1856.

SIR: Reliable information having reached the President that armed and organized bodies of men, avowedly in rebellion against the terri-

torial government, have concentrated in such numbers as to require additional military forces for their dispersion, you will have the militia of the Territory completely enrolled and organized, to the end that they may, on short notice, be brought into the service of the United States. Upon requisition of the commander of the military department in which Kansas is embraced, you will furnish by companies, or regiments, or brigades, or divisions, such number and composition of troops as from time to time you may find in his report to you to be necessary for the suppression of all combinations to resist the laws of the United States, too powerful to be suppressed by the civil authority, and for the maintenance of public order and civil government.

I am, sir, your obedient servant,

W. L. MARCY.

His Excellency JOHN W. GEARY,
Governor of the Territory of Kansas, Leecompton.

Letter to Secretary Marcy.

FORT LEAVENWORTH, KANSAS TERRITORY,
September 9, 1856.

SIR: I arrived here this morning, and having passed the day mostly in consultation with General P. F. Smith, in relation to the affairs of the Territory, which, as I am now on the spot, I begin more clearly to understand, it is no exaggeration to say that the existing difficulties are of a more complicated character than I had anticipated.

I find that I have not simply to contend against bands of armed ruffians and brigands, whose sole aim and end is assassination and robbery, infatuated adherents and advocates of conflicting political sentiments and local institutions, and evil-disposed persons actuated by a desire to obtain elevated positions, but, worst of all, against the influence of men who have been placed in authority, and have employed all the destructive agents around them to promote their own personal interests, at the sacrifice of every just, honorable and lawful consideration.

I have barely time to give you a brief statement of facts as I find them. The town of Leavenworth is now in the hands of armed bodies of men, who, having been enrolled as militia, perpetrate outrages of the most atrocious character, under shadow of authority from the territorial government. Within a few days these men have robbed and driven from their houses unoffending citizens; have fired upon and killed others in their own dwellings, and stolen horses and property under the pretence of employing them in the public service. They have seized persons who had committed no offence, and after stripping them of all their valuables, placed them on steamers and sent them out of the Territory. Some of these bands, who have thus violated the rights and privileges and shamefully and shockingly misused and abused the oldest inhabitants of the Territory, who had settled here with their wives and children, are strangers from distant States, who

have no interest in, nor care for the welfare of Kansas, and contemplate remaining here only so long as opportunities for mischief and plunder exist.

The actual pro-slavery settlers of the Territory are generally as well disposed persons as are to be found in most communities. But there are among them a few troublesome agitators, chiefly from distant districts, who labor assiduously to keep alive the prevailing excitement.

It is also true, that among the free-soil residents are many peaceable and useful citizens, and if uninfluenced by aspiring demagogues would commit no unlawful act. But many of these, too, have been rendered turbulent by officious meddlers from abroad. The chief of these is Lane, now encamped and fortified at Lawrence, with a force, it is said, of fifteen hundred men. They are suffering for provisions, to cut off the supplies of which the opposing faction is extremely watchful and active.

In isolated or country places, no man's life is safe. The roads are filled with armed robbers, and murders for mere plunder are of daily occurrence. Almost every farm house is deserted, and no traveller has the temerity to venture upon the highways without an escort.

Such is the condition of Kansas faintly pictured. It can be no worse. Yet I feel assured that I shall be able, ere long, to restore it to peace and quiet. To accomplish this, I should have more aid from the general government. The number of United States troops here is too limited to render the needful services. Immediate reinforcements are essentially necessary, as the excitement is so intense, and the citizens generally are so much influenced by their political prejudices, that members of the two great factions cannot be induced to act in unison, and therefore cannot be relied upon. As soon, however, as I can succeed in disbanding a portion of those now in service, I will from time to time cause to be enrolled as many of the *bona fide* inhabitants as exigencies may require. In the meantime the presence of additional government troops will exert a moral influence that cannot be obtained by any militia that can here be called into requisition. In making the foregoing statements, I have endeavored to give the truth and nothing but the truth. I deem it important that you should be apprised of the actual state of the case; and, whatever may be the effect of such revelations, they will be given from time to time without extenuation.

I shall proceed early in the morning to Lecompton, under an escort furnished by General Smith, where I will take charge of the government, and whence I shall again address you at an early moment.

Very respectfully, your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Hon. WILLIAM L. MARCY.

September 10, 1856.—The prisoners rescued from Captain Emory having complained of the loss of their horses and other property, and made application for its restoration, the following letter was addressed to Colonel Clarkson, commander of the territorial militia at Leavenworth city:

Letter to Colonel Clarkson.

FORT LEAVENWORTH, K. T.
September 10, 1856.

DEAR SIR: It seems necessary that I should address you relative to an unpleasant occurrence that took place yesterday. Not doubting that you are actuated by a desire to maintain the public peace and promote the prosperity of this Territory, I am sure you will at once perceive and properly appreciate the motives which prompt me to call your attention to the fact above hinted at, and the suggestions I am about to offer.

Three men, having a passport from General Marshall, and under a *safeguard* of a sergeant of the United States army, were yesterday seized by a troop of your men and carried as prisoners into Leavenworth city. The only excuse that can be offered for an outrage of this character is the plea of ignorance as to the position of the party to whom reference is made. The men in your militia may not have been satisfied that the person from whom they took their prisoners was, in truth, a United States sergeant. But in this case their plain duty would have been to accompany him to the fort, to ascertain that fact.

You will please guard against errors of this description as far as possible in future. I also request that you will at once take the necessary measures to have returned to the three persons who were seized by Captain Emory's men their horses, wagons, and other property, precisely in the condition in which they were found. You will send these effects to Major General Smith, who will see them duly restored to their proper owners.

Trusting that hereafter the safeguard of the United States army, and everything else in which the honor of the nation is concerned, will be held by you sacred and inviolable,

I am truly yours,

JNO. W. GEARY,
Governor of Kansas Territory.

Colonel CLARKSON.

At 11 o'clock, a. m., the governor proceeded, with a small escort, furnished by General Smith and under command of Lieutenant Drum, for Leecompton, which place was reached a short time before midnight.

September 11, 1856.—The following address was delivered, printed, and extensively circulated:

INAUGURAL ADDRESS.

FELLOW-CITIZENS: I appear among you a stranger to most of you, and for the first time have the honor to address you as governor of the Territory of Kansas. The position was not sought by me, but was voluntarily tendered by the present Chief Magistrate of the nation. As an American citizen, deeply conscious of the blessings which

ever flow from our beloved Union, I did not consider myself at liberty to shrink from any duties, however delicate and onerous, required of me by my country.

With a full knowledge of all the circumstances surrounding the executive office, I have deliberately accepted it, and as God may give me strength and ability, I will endeavor faithfully to discharge its varied requirements. When I received my commission I was solemnly sworn to support the Constitution of the United States, and to discharge my duties as governor of Kansas with fidelity. By reference to the act for the organization of this Territory, passed by Congress on the 30th day of March, 1854, I find my duties more particularly defined. Among other things, I am to "take care that the laws be faithfully executed."

The Constitution of the United States and the organic law of this Territory will be the lights by which I will be guided in my executive career.

A careful and dispassionate examination of our organic act will satisfy any reasonable person that its provisions are eminently just and beneficial. If this act has been distorted to unworthy purposes it is not the fault of its provisions. The great leading feature of that act is the right therein conferred upon the actual and *bona fide* inhabitants of this Territory "in the exercise of self-government, to determine for themselves what shall be their own domestic institutions, subject only to the Constitution and the laws duly enacted by Congress under it."

The people accustomed to self-government in the States from whence they came, and having removed to this Territory with the *bona fide* intention of making it their future residence, were supposed to be capable of creating their own municipal government, and to be the best judges of their own local necessities and institutions. This is what is termed "popular sovereignty." By this phrase we simply mean the right of the majority of the people of the several States and Territories, being qualified electors, to regulate their own domestic concerns, and to make their own municipal laws. Thus understood, this doctrine underlies the whole system of republican government. It is the great right of self-government, for the establishment of which our ancestors, in the stormy days of the revolution, pledged "their lives, their fortunes, and their sacred honor."

A doctrine so eminently just should receive the willing homage of every American citizen. When legitimately expressed and duly ascertained, the will of the majority must be the imperative rule of civil action for every law-abiding citizen. The simple just rule of action has brought order out of chaos, and by a progress unparalleled in the history of the world has made a few feeble infant colonies a giant confederated republic.

No man conversant with the state of affairs now in Kansas can close his eyes to the fact that much civil disturbance has, for a long time past, existed in the Territory. Various reasons have been assigned for this unfortunate condition of affairs, and numerous remedies have been proposed.

The House of Representatives of the United States have ignored the

claims of both gentlemen claiming the legal right to represent the people of this Territory in that body. The Topeka constitution, recognized by the House, has been repudiated by the Senate. Various measures, each in the opinion of its respective advocates suggestive of peace to Kansas, have been alternately proposed and rejected. Men *outside of the Territory*, in various sections of the Union, influenced by reasons best known to themselves, have endeavored to stir up internal strife, and to array brother against brother.

In this conflict of opinion, and for the promotion of the most unworthy purposes, Kansas is left to suffer, her people to mourn, and her prosperity is endangered.

Is there no remedy for these evils? Cannot the wounds of Kansas be healed, and peace be restored to all her borders?

Men of the north—men of the south—of the east and of the west, *in Kansas*—you, and you alone, have the remedy in your own hands. Will you not suspend fratricidal strife? Will you not cease to regard each other as enemies, and look upon one another as the children of a common mother, and come and reason together?

Let us banish all outside influences from our deliberations, and assemble around our council board with the Constitution of our country and the organic law of this Territory as the great charts for our guidance and direction. The *bona fide* inhabitants of this Territory alone are charged with the solemn duty of enacting her laws, upholding her government, maintaining peace, and laying the foundation for a future commonwealth.

On this point let there be a perfect unity of sentiment. It is the first great step towards the attainment of peace. It will inspire confidence amongst ourselves, and insure the respect of the whole country. Let us show ourselves worthy and capable of self-government.

Do not the inhabitants of this Territory better understand what domestic institutions are suited to their condition—what laws will be most conducive to their prosperity and happiness—than the citizens of distant or even neighboring States? This great right of regulating our own affairs and attending to our own business without any interference from others has been guaranteed to us by the law which Congress has made for the organization of this Territory. This right of self-government—this privilege guaranteed to us by the organic law of our Territory—I will uphold with all my might and with the entire power committed to me.

In relation to any changes of the laws of the Territory which I may deem desirable I have no occasion now to speak; but these are subjects to which I will direct public attention at the proper time.

The territory of the United States is the common property of the several States, or of the people thereof. This being so, no obstacle should be interposed to the free settlement of this common property while in a territorial condition.

I cheerfully admit that the people of this Territory, under the organic act, have the absolute right of making their municipal laws; and from citizens who deem themselves aggrieved by recent legislation I would invoke the utmost forbearance, and point out to them a sure and peaceable remedy. You have the right to ask the next

legislature to revise any and all laws ; and, in the meantime, as you value the peace of the Territory and the maintenance of future laws, I would earnestly ask you to refrain from all violations of the present statutes.

I am sure there is patriotism sufficient in the people of Kansas to lend a willing obedience to law. All the provisions of the Constitution of the United States must be sacredly observed—all the acts of Congress having reference to this Territory must be unhesitatingly obeyed, and the decisions of our courts respected. It will be my imperative duty to see that these suggestions are carried into effect. In my official action here I will do justice at all hazards. Influenced by no other considerations than the welfare of the whole people of this Territory, I desire to know no party, no section, no north, no south, no east, no west ; nothing but Kansas and my country.

Fully conscious of my great responsibilities in the present condition of things in Kansas, I must invoke your aid and solicit your generous forbearance. Your executive officer can do little without the aid of the people. With a firm reliance upon Divine Providence, to the best of my ability I shall promote the interests of the citizens of the Territory, not merely collectively, but individually ; and I shall expect from them in return that cordial aid and support without which the government of no State or Territory can be administered with beneficent effect.

Let us all begin anew. Let the past be buried in oblivion. Let all strife and bitterness cease. Let us all honestly devote ourselves to the true interests of Kansas ; develop her rich agricultural and mineral resources ; build up manufacturing enterprises ; make public roads and highways ; prepare amply for the education of our children ; devote ourselves to all the arts of peace, and make our Territory the sanctuary of those cherished principles which protect the inalienable rights of the individual, and elevate States in their sovereign capacities.

Then shall peaceful industry soon be restored ; population and wealth will flow upon us ; " the desert will blossom as the rose," and the State of Kansas will soon be admitted into the Union the peer and the pride of her elder sisters.

JOHN W. GEARY.

PROCLAMATION.

Whereas a large number of volunteer militia have 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 enjoyments ;

And whereas the employment of militia is not authorized by my 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 country at their peril.

In testimony whereof, I have hereunto set my hand and affixed the seal of the Territory of Kansas. Done at Lecompton this [SEAL.] eleventh day of September, in the year of our Lord one thousand eight hundred and fifty-six.

JOHN W. GEARY,
Governor of Kansas.

By the Governor:
DANIEL WOODSON, *Secretary.*

PROCLAMATION.

Whereas it is the true policy of every State or Territory to be prepared for any emergency that may arise from internal dissension or foreign invasion:

Therefore, I, John W. Geary, governor of the Territory of Kansas, do issue this my proclamation, ordering all free male citizens, qualified to bear arms, between the ages of eighteen and forty-five years, to enrol themselves in accordance with the act to organize the militia of the Territory, that they may be completely organized by companies, regiments, brigades, or divisions, and hold themselves in readiness to be mustered, by my order, into the service of the United States, upon the requisition of the commander of the military department in which Kansas is embraced, for the suppression of all combinations to resist the laws, and for the maintenance of public order and civil government.

In testimony whereof, I have hereunto set my hand and the seal of the Territory of Kansas. Done at Lecompton this eleventh [SEAL.] day of September, in the year of our Lord one thousand eight hundred and fifty-six.

JOHN W. GEARY,
Governor of Kansas.

By the Governor:
DANIEL WOODSON, *Secretary.*

ADJUTANT GENERAL'S ORDER.

LECOMPTON, *September 11, 1856.*

In accordance with the foregoing proclamation, the commanding officers will take notice, and in compliance therewith report their enrollments and organization to me at the office in Tecumseh, on or before the first day of October next.

By order of the governor :

H. I. STRICKLER,
Adjutant General.

Requisition for a safeguard.

EXECUTIVE OFFICE, LECOMPTON, K. T.,
September 11, 1856.

DEAR SIR : I am desirous of obtaining a horse from your department to send an agent to Lawrence to-morrow, on *special business* ; also, that you will furnish a non-commissioned officer to go with him as a safeguard. Your compliance will much oblige

Your obedient servant,

JOHN W. GEARY.

Colonel P. St. GEORGE COOKE, *U. S. army,*
commanding near Leecompton.

Mr. Geary to Mr. Marcy.

EXECUTIVE OFFICE, LECOMPTON, K. T.,
September 12, 1856.

SIR : I arrived here late on the night of the 10th instant, having crossed from Fort Leavenworth with an escort furnished by General Smith. On the road I witnessed numerous evidences of the atrocities that are being committed by the bands of marauders that infest the country. In this place everything is quiet, which is attributable to the presence of a large force of United States troops.

The trial of the United States prisoners was to have taken place on the day of my arrival ; but in consequence of the absence of the district attorney, and the non-appearance of witnesses, it was deferred until the next regular term of the court, Judge Lecompte admitting the prisoners to bail in the sum of five thousand dollars each. They departed on the same day for Lawrence, where Lane still continues in force.

Accompanying this, you will find printed copies of my inaugural address, and my first proclamations, which will exhibit the policy I have thus far thought proper to pursue. I have determined to dismiss the present organized militia, after consultation with, and by advice of General Smith, and for the reasons that they are not enrolled

in accordance with the laws—that many of them are not citizens of the Territory—that some of them were committing outrages under pretence of serving the public—and that they were unquestionably perpetrating, rather than diminishing the troubles with which the Territory is agitated.

I have also, as you will see, taken the proper steps to enrol the militia of the Territory, agreeably to the act of assembly, and to your instructions of September 2. I trust that the militia, thus organized, may be rendered serviceable to the government. It is probable, also, that these proclamations may have the tendency to disband the Free-State organization at Lawrence.

Nothing of material importance has occurred, or come under my notice, since I last addressed you. I shall continue to keep you apprised of all matters that I may deem of sufficient interest to communicate.

As there is no telegraphic communication nearer than Boonville, I am compelled to trust my despatches to the mails, which are now, in this region, somewhat uncertain.

Most truly and respectfully, your obedient servant,

JOHN W. GEARY.

HON. W. L. MARCY, *Secretary of State.*

At an early hour this morning the following order was placed in the hands of the adjutant general of the Territory :

Order to the adjutant general.

EXECUTIVE DEPARTMENT, Lecompton,
Kansas Territory, September 12, 1856.

DEAR SIR: You will proceed, without a moment's delay, to disarm and disband the present organized militia of the Territory, in accordance with the instructions of the President and the proclamations which I have issued, copies of which you will find enclosed.

You will also take care to have the arms belonging to the Territory deposited in a place of safety and under proper accountability.

Yours, &c.,

JOHN W. GEARY

Governor of Kansas Territory.

Adjutant General H. J. STRICKLER.

By the governor:

DANIEL WOODSON, *Secretary.*

The following order to take charge of the territorial arms in possession of the militia was at the same time communicated to the inspector general :

Order to the inspector general.

EXECUTIVE DEPARTMENT, Lecompton,
Kansas Territory, September 12, 1856.

SIR: You will take charge of the arms of the Territory of Kansas

now in the hands of the militia about to be disbanded and mustered out of the service by the adjutant general.

You will also carefully preserve the same agreeably to the 13th section of the act of assembly, to organize, discipline, and govern the militia of the Territory.

Yours, &c.,

JOHN W. GEARY,
Governor of Kansas Territory.

Inspector General THOMAS J. B. CRAMER.

By the governor: DANIEL WOODSON, *Secretary.*

At 11½ o'clock at night, a special messenger arrived from General Heiskell, one of the commanders of the territorial militia, with the following despatch:

Despatch from General Heiskell.

HEADQUARTERS, MISSION CREEK,
Kansas Territory, September 11, 1856.

SIR: In obedience to the call of acting Governor Woodson, I have organized a militia force of about 800 men, who are now in the field ready for duty and impatient to act. Hearing of your arrival, I beg leave to report them to you for orders.

Any communication forwarded to us will find us encamped at or near this point.

I have the honor to be, respectfully, your obedient servant,

WILLIAM A. HEISKELL,
*Brigadier General, commanding 1st brigade,
Southern Division Kansas Militia.*

To his excellency J. W. GEARY,

Governor of Kansas Territory.

By order: H. MACLEAN, *Adjutant.*

September 13, 1856.—A second messenger arrived this morning at ¼ o'clock, two hours subsequent to the above, bearing the following:

Despatch from General Heiskell.

HEADQUARTERS, MISSION CAMP,
September 12, 1856.

SIR: Yesterday I had the honor to report to you my command of Kansas militia, then about 800 strong, which was despatched *via* Leavenworth. In case it may not have reached you, I now report 1,000 men as territorial militia, called into the field by proclamation of acting governor Woodson, and subject to your orders.

I have the honor to be, respectfully, your obedient servant,

WILLIAM A. HEISKELL,
*Brigadier General, commanding
1st brigade, Southern Division Kansas Militia.*

To his excellency J. W. GEARY,

Governor of Kansas Territory.

By order: H. MACLEAN, *Adjutant.*

The following answer was returned to General Heiskell, by the messenger who brought the foregoing despatch :

Letter to General Heiskell.

EXECUTIVE OFFICE, LECOMPTON, KANSAS TERRITORY,
September 13, 1856, 1½ o'clock, a. m.

DEAR SIR: Your first and second despatches have been received. I will communicate with you through the person of either the Secretary of the Territory or the Adjutant General, as soon as he can reach your camp, he starting from this place at an early hour this morning.

Very respectfully, yours,
JOHN W. GEARY,
Governor of Kansas.

Brigadier General WILLIAM A. HEISKELL,
1st Brigade, Southern Division Kansas Militia.

The following letter was received early this morning. The books to which reference is made also came to hand, and their receipt immediately acknowledged :

DEPARTMENT OF STATE,
Washington, D. C., August 30, 1856.

SIR: The 12th volume, part 1, Executive Documents, 2d session 33d Congress, and the 14th volume, part 1, Senate Documents, of the same session, have this day been deposited in the post office in this city, directed to you, the receipt of which you will please acknowledge

I am, respectfully,
Your obedient servant,
J. A. THOMAS,
Assistant Secretary.

The GOVERNOR OF KANSAS TERRITORY.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 13, 1856.

SIR: I have this day received the 12th volume, part 1, Executive Documents, 2d session 33d Congress, and the 14th volume, part 1 Senate Documents, of the same session, forwarded by you from the Department of State at Washington city.

Yours, truly,
JNO. W. GEARY,
Governor of Kansas Territory.

Rumors having reached Lecompton that the citizens of Lawrence were in danger of an attack from a large body of armed men, Mr. Theodore Adams was despatched to that city as an especial agent, to ascertain the facts and to report at the earliest possible moment. The following communication was received from Mr. Adams early this morning, about one o'clock:

*Letter from Mr. Adams.*LAWRENCE, *September 12, 1856.*

SIR: I arrived here a few moments ago, and distributed the address and proclamations, and found the people preparing to repel a contemplated attack from the forces coming from Missouri.

Reports are well authenticated, in the opinion of the best men here, that there is within six miles of this place a large number of men. Three hundred have been seen. As you have been well informed of the contemplated attack to-morrow, I think the report can be relied upon.

They say if a sufficient protection be given them, they will disband on the spot.

They say you will not think hard of them for not disbanding to-morrow, with so formidable a force marching against them. I said certainly you would not.

At this moment one of the scouts came in, and reports the forces marching against them at Franklin, three miles off, and all have flown to their arms, to meet them. I have concluded to send this to you at once. I hope that you will come on yourself, as the people want much to see you. I will make no suggestions, but I think action is necessary.

Very respectfully, your obedient servant,

THEODORE ADAMS.

His excellency JOHN W. GEARY,
Governor of Kansas Territory.

Upon receipt of the foregoing letter, a requisition as follows, was immediately made upon Lieutenant Colonel Cooke, commanding the United States troops stationed near Lecompton:

Requisition for United States troops.

EXECUTIVE DEPARTMENT, LECOMPTON, K. T.,
1½ o'clock a. m., *September 13, 1856.*

DEAR SIR: The accompanying despatch, just received from Lawrence, gives sufficient reason to believe that trouble of a serious character is likely to take place there. Mr. Adams, the writer of the despatch, is the special agent whom I sent down last evening to ascertain the state of affairs.

I think that you had better send *immediately* to Lawrence a force sufficient to prevent bloodshed, as it is my orders from the President to use every possible means to prevent collisions between belligerent forces. If desirable, I will accompany the troops myself, and should be glad to have you go along.

Truly yours, &c.,

JOHN W. GEARY,
Governor of Kansas Territory.

Col. P. ST. GEORGE COOKE.

This requisition instantly met the concurrence of Colonel Cooke, who, at about 2½ o'clock a. m., with about three hundred mounted men, and four pieces of artillery, accompanied by the governor, proceeded to Lawrence, reaching that town at early sunrise. Here all was quiet—no enemy having made its appearance. The citizens speedily assembled, and listened with marked approbation to an address from the governor, whom they cordially cheered. In the afternoon he returned with Colonel Cooke and his command to Leecompton.

SEPTEMBER 14, 1856.—At this date numerous complaints were made at the executive office of outrages that were being committed upon the settlers in the surrounding country by armed bands of mounted men. Among the complainants was Mr. W. F. Dyer, who presented the following affidavit:

TERRITORY OF KANSAS, }
Douglas county. }

Personally appeared before me, justice in and for Douglas county, Kansas Territory, William F. Dyer, and being duly sworn, says: That Colonel Whipple, at the head of a hundred or more men, among whom were J. Ritchie, Ephraim Barnter, J. O. B. Dunning, Captain Jamison, and others not known to him, did, on Monday, September 8, 1856, rob him of six head of horses and mules, and various articles of merchandise, amounting in value to more than a thousand dollars; and on Tuesday following, it being the 9th of September, 1856, the same men robbed him of various articles of merchandise, amounting in value to over three thousand dollars; and that this day, it being Saturday, September 13, 1856, the same men were assembled at Osawkee, about eight o'clock, a. m., as he believed, for the purpose of burning and robbing the town and country round about, and attacking the town of Hardtvile this evening.

W. F. DYER.

Subscribed and sworn this 13th day of September, 1856, before me.

R. R. NELSON,
Justice of the Peace.

The facts above narrated being confirmed by reliable witnesses, a despatch was immediately forwarded to Colonel Cooke for troops to visit the neighborhood designated in the affidavit.

Requisition for troops.

EXECUTIVE DEPARTMENT,
Leecompton, K. T., September 14, 1856.

"DEAR SIR: You will perceive, by the accompanying affidavit, and from verbal statements that will be made to you by Dr. Tebbs, who will accompany the bearer of this, that a desperate state of affairs is now existing at Osawkee and its vicinity, which seems to require some

action at our hands. I strongly recommend that you send a force, such as you can conveniently spare, to visit that neighborhood at the earliest moment. If such a force cannot succeed in arresting the perpetrators of the outrages already committed, and of which complaint has been made in due form, it may, at least, tend to disperse and drive off the band or bands of marauders who are threatening the lives and property of peaceable citizens.

A deputy marshal will accompany such troops as you may judge expedient to detail on this service.

Very respectfully and truly yours,

JOHN W. GEARY,
Governor of Kansas Territory.

Col. P. St. G. COOKE,
Commanding U. S. troops.

In compliance with the foregoing, a squadron of dragoons was detailed for the desired service, which, under command of Captain Wood, left Lecompton about six o'clock, p. m.

The adjutant general of the Territory announced his intention to proceed this day to the encampment of the territorial militia, to execute his order to disband them, and requested an escort for that purpose. The following was forthwith transmitted to Colonel Cooke.

Requisition for an escort.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 14, 1856.

DEAR SIR: The adjutant general of the Territory is about to proceed to disband the volunteer troops. At this late hour he has informed me that he must have an escort of two soldiers to accompany him. If you can let him have them, you will order them to report to me at once.

The escort is also intended to accompany the secretary of the Territory and my especial agent, Mr. Adams. They will first proceed to disband the forces that are now reported to be marching towards Lawrence.

Yours, truly,

JOHN W. GEARY,
Governor of Kansas Territory.

Col. PHILIP ST. GEORGE COOKE.

Accordingly an escort was furnished, and Secretary Woodson, General Strickler, and Mr. Theodore Adams proceeded, at about three o'clock, p. m., for Lawrence. On arriving at that place, they found it threatened with an assault from Generals Reid, Heiskell, Atchison, Stringfellow, Richardson, and others, in command of about twenty-five hundred men, who had been enrolled as territorial militia, ~~agreeably~~ ~~agreeably~~ to a proclamation of the late acting governor Woodson, the ~~main~~ body of which were then encamped on the Wakarusa river. An advanced party had taken possession of Franklin, three miles from Lawrence.



Messrs. Woodson, Strickler, and Adams hastened to the encampment on the Wakarusa. Mr. Adams having ascertained the precise condition of things, soon returned to Lawrence and despatched the following letter, which reached Lecompton at 3 o'clock on the morning of the 15th :

DESPATCH FROM LAWRENCE.

LAWRENCE,
12 o'clock, September 14, 1856.

SIR: I went, as directed, to the camp of the militia, and found at the town of Franklin, three miles from this place, encamped three hundred men, with four pieces of artillery. One mile to the right, on the Wakarusa, I found a very large encampment of three hundred tents and wagons. They claim to have two thousand five hundred men; and from the appearance of the camp, I have no doubt they have that number.

General Reid is in command. I saw and was introduced to General Atchison, Colonel Titus, Sheriff Jones, General Richardson, &c. The proclamations were distributed.

Secretary Woodson and General Strickler had not, up to the time I left, delivered their orders, but were about doing so as soon as they could get the officers together. The outposts of both parties were fighting about an hour before sunset; one man killed of the militia, and one house burned at Franklin. There were but few people at Lawrence, most of them having gone to their homes after your visit here.

I reported these facts to the officers in command here, and your prompt action has undoubtedly been the means of saving the loss of blood and valuable property.

Secretary Woodson thought you had better *come* with the militia on to the camp as soon as you can. I think a prompt visit would have a good effect. I will see you as you come this way, and communicate with you more fully.

Very respectfully, your obedient servant,

THEODORE ADAMS.

His Excellency Governor GEARY, *K. T.*

Soon after the departure from Lecompton of Secretary Woodson and his party, several messengers arrived from Lawrence, with intelligence similar to that contained in the foregoing letter, and soliciting the interference of the executive for the protection of the citizens. Being satisfied that there was sufficient reason for alarm and for prompt and efficient action, the governor forwarded the following order to the military encampment:

ORDER TO COLONEL COOKE.

DEAR SIR: Proceed at all speed with your command to Lawrence, and prevent a collision, if possible; and leave a portion of your troops there for that purpose.

Yours, &c.,

JNO. W. GEARY,
Governor of Kansas Territory.

Colonel P. St. G. COOKE.

Colonel Cooke immediately marched with about three hundred mounted men and a battery of light artillery, and arrived at Lawrence early in the evening, finding affairs precisely as described above.

Disbandment of the militia.

September 15, 1856.—Early this morning the governor proceeded to the encampment on the Wakarusa. Here he found twenty-seven hundred men, well armed and accoutred, with all the customary munitions of war, embracing a number of cannon. These were the territorial militia. They were highly excited, and so eager and impatient for an assault upon Lawrence that it was with difficulty they could be restrained.

The governor convened a council of the officers, whom he addressed at considerable length, enjoining the duty of obedience to the laws and to the requirements of the Constitution of the United States, and demanding compliance with his proclamation; ordering all armed bodies of men, excepting the troops regularly mustered into the service of the United States, to disband and disarm. This was finally agreed to, and in the afternoon the troops separated and proceeded to depart for their respective homes; but not without some murmurs of disappointment and dissatisfaction. The government forces returned to their encampment near Lecompton early on the morning of the 16th, leaving Lawrence perfectly safe and quiet.

Capture of one hundred and one prisoners.

The squadron of dragoons under command of Captain Wood, after fording the river at Lecompton, took up their line of march toward Hickory Point, about 7 o'clock on the evening of the 14th. When within about five miles of the latter named place, they met a party of twenty-five men, with wagons, &c. With them was a wounded man, then under the care of a surgeon. Upon examination, it was ascertained that these were a portion of a large force that had left Lawrence on the day before, under the command of one Harvey, and belonging to Lane's "Army of the North." These men were taken prisoners, and the troops resumed their march.

About one mile from Hickory Point a still larger party was discovered encamped upon the prairie. This was surprised about midnight, and most of those comprising it captured without resistance.

This was the main body of the command of Harvey, who was absent when the United States troops appeared.

This party had left Lawrence with the avowed purpose of making an attack upon the settlers at and about Hickory Point, who, hearing of their approach, had taken refuge in three log houses. An assault was commenced upon these houses at 11 o'clock, a. m. on Sunday, the 14th inst., and continued until 5 o'clock p. m. A brass four-pounder was chiefly used in the assault, the parties keeping at too great a distance to employ small arms to any advantage. In this

battle, which lasted six hours, one man was killed of the party attacked, and another severely wounded. The assailants had six men wounded, neither of them dangerously.

Soon after the troops had secured their prisoners and had proceeded a short distance on their homeward march, a fatal accident resulted from a misunderstanding. A man named Grayson, who had assisted in guiding the United States troops, attempted to pass the outer guards, by whom he was hailed and ordered to stop. The night being dark, he mistook the soldiers for enemies, and fired upon them, wounding one man in the shoulder. This fire was returned from one of the guards, which took effect in his breast, killing him instantly. Captain Wood returned to Lecompton at six o'clock this morning, bringing with him one hundred and one prisoners, a brass cannon, seven wagons, and a large quantity of arms and munitions of war. The prisoners were conveyed to the encampment of the United States troops, where they will be detained until they can have an examination before a legally constituted civil tribunal.

September 16, 1856.—The following despatch was telegraphed from Washington to St. Louis, and forwarded thence by railroad, steamboat, and stage coach, to Lecompton, where it was received late this evening :

DESPATCH FROM THE SECRETARY OF STATE.

[Dated Washington, Sept. 9, 1856.]

ST. LOUIS, *September 10, 1856.*

I presume the orders sent by Colonel Emory on the 3d instant, have already reached you. If the militia which those orders made subject to the requisition of General Smith are not sufficient for the emergency, notify me by telegraph. The insurrectionary invasions of the Territory by way of Nebraska, and the subsequent hostile attacks on the post office at Franklin, and on the dwellings of Titus and of Clark, seem to have stimulated to unlawful acts of the same character on the borders of Missouri. The President expects you to maintain the public peace, and bring to punishment all acts of violence and disorder by whomsoever perpetrated, and on whatever pretext; and he relies on your energy and discretion, and the approved capacity, decision, and coolness of character of General Smith, to prevent or suppress all attempts to kindle civil war in the Territory of Kansas. A communication on the same subject has this day been telegraphed to General Smith by the Secretary of War, with positive directions that no parties or bodies of armed men shall be allowed to carry on military operations in the Territory, save such persons as are enrolled by him into the service of the United States.

W. L. MARCY,
Secretary of State.

TO JOHN W. GEARY.

The following was this day despatched to Washington by the hands of Mr. Theodore Adams:

Governor Geary to Mr. Marcy.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 16, 1856.

SIR: My last despatch was dated the 12th instant, in which I gave you a statement of my operations to that date. Since then, I have had business of the deepest importance to occupy every moment of my attention, and to require the most constant watchfulness and untiring energy. Indeed, so absolutely occupied is all my time, that I scarcely have a minute to devote to the duty of keeping you apprized of the true condition of this Territory. I have this instant returned from an expedition to Lawrence and the vicinity, and am preparing to depart almost immediately for other sections of the Territory, where my presence is demanded.

After having issued my address and proclamations in this city, copies of which have been forwarded to you, I sent them with a special messenger to Lawrence, twelve miles to the eastward, where they were made known to the citizens on the 12th instant. The people of that place were alarmed with a report that a large body of armed men, called out by the proclamation of the late Acting Governor Woodson, were threatening them with an attack, and they were making the necessary arrangements for resistance. So well authenticated seemed their information, that my agent forwarded an express by a United States trooper, announcing the fact, and calling upon me to use my power to prevent the impending calamity. This express reached me at 1½ o'clock on the morning of the 13th instant. I immediately made a requisition upon Colonel Cooke, commander of the United States forces, stationed at this place, for as many troops as could be made available, and in about an hour was on my way towards Lawrence with three hundred mounted men, including a battery of light artillery.

On arriving at Lawrence, we found the danger had been exaggerated, and that there was no immediate danger for the intervention of the military. The moral effect of our presence, however, was of great avail. The citizens were satisfied that the government was disposed to render them all needed protection, and I received from them the assurance that they would conduct themselves as law-abiding and peace-loving men. They voluntarily offered to lay down their arms, and enrol themselves as territorial militia, in accordance with the terms of my proclamation. I returned the same day with the troops, well satisfied with the result of my mission.

During Saturday, the 13th instant, I remained at my office, which was constantly thronged with men uttering complaints concerning outrages that had been and were being committed upon their persons and property. These complaints came in from every direction, and were made by the advocates of all the conflicting political sentiments with which the Territory has been agitated; and they exhibited clearly a moral condition of affairs too lamentable for any language adequately to describe.

The whole country was evidently infested with armed bands of marauders, who set all law at defiance, and travelled from place to place, assailing villages, sacking and burning houses, destroying crops, maltreating women and children, driving off and stealing cattle and horses, and murdering harmless men in their own dwellings, and on the public highways. Many of these grievances needed immediate redress; but unfortunately the law was a dead letter, no magistrate or judge being at hand to take an affidavit or issue a process, and no marshal or sheriff to be found, even had the judges been present to prepare them to execute the same.

The next day (Sunday) matters grew worse and worse. The most positive evidence reached me that a large body of armed and mounted men were devastating the neighborhood, of Osawkee and Hardtville, commonly called "Hickory Point." Being well convinced of this fact, I determined to act upon my own responsibility, and immediately issued an order to Colonel Cooke for a detachment of his forces to visit the scene of disturbance. In answer to this requisition, a squadron of eighty-one men was detached, consisting of companies C and H, 1st cavalry, Captains Wood and Newby, the whole under command of Captain Wood. This detachment left the camp at 2 o'clock, p. m., with instructions to proceed to Osawkee and Hickory Point—the former twelve, and the latter eighteen miles to the northward of Lecompton. It was accompanied by a deputy marshal.

In consequence of the want of proper facilities for crossing the Kansas river, it was late in the evening before the force could march. After having proceeded about six miles, intelligence was brought to Captain Wood that a large party of men, under command of a person named Harvey, had come over from Lawrence, and made an attack upon a log house at Hickory Point, in which a number of the settlers had taken refuge. This assault commenced about 11 o'clock in the morning, and continued six hours. The attacking party had charge of a brass six-pounder, the same that was taken by Colonel Doniphan at the battle of Sacramento. This piece had been freely used in the assault, but without effecting any material damage; as far as has yet been ascertained, but one man was killed, and some half-dozen wounded.

About 11 o'clock in the evening Captain Wood's command met a party of twenty-five men with three wagons, one of which contained a wounded man. These he ascertained to be a portion of Harvey's forces who had been engaged in the assault at Hickory Point, and who were returning to Lawrence. They were immediately arrested, without resistance, disarmed, and held as prisoners. Three others were soon after arrested who also proved to be a portion of Harvey's party.

When within about four miles of Hickory point, Captain Wood discovered a large encampment upon the prairie, near the road leading to Lawrence. It was the main body of Harvey's men, then under command of one Bickerton, Harvey having left after the attack on Hickory Point. This party was surprised and captured.

After securing the prisoners, Captain Wood returned to Lecompton, which place he reached about daybreak on Monday, the 15th in-

stant, bringing with him one hundred and one prisoners, one brass field-piece, seven wagons, thirty-eight United States muskets, forty-seven Sharpe's rifles, six hunting rifles, two shot guns, twenty revolving pistols, fourteen bowie-knives, four swords, and a large supply of ammunition for artillery and small arms.

Whilst engaged in making preparations for the foregoing expedition, several messengers reached me from Lawrence, announcing that a powerful army was marching upon that place, it being the main body of the militia called into service by the proclamation of Secretary Woodson, when acting governor. This information was measurably confirmed by the accompanying despatches from General Heiskell, (marked A and B,) which had reached me within an hour of each other.

Satisfied that the most prompt and decisive measures were necessary to prevent the sacrifice of many lives, and the destruction of one of the finest and most prosperous towns in the Territory, and avert a state of affairs which must have inevitably involved the country in a most disastrous civil war, I despatched the following order to Colonel Cooke :

“ Proceed at all speed with your command to Lawrence, and prevent a collision if possible, and leave a portion of your troops there for that purpose.”

Accordingly, the entire available United States force was put in motion, and reached Lawrence at an early hour in the evening. Here the worst apprehensions of the citizens were discovered to have been well founded. Twenty-seven hundred men, under command of Generals Heiskell, Reid, Atchison, Richardson, Stringfellow, &c., were encamped on the Wakarusa, about four miles from Lawrence, eager and determined to exterminate that place and all its inhabitants. An advanced party of three hundred men had already taken possession of Franklin, one mile from the camp and three miles from Lawrence, and skirmishing parties had begun to engage in deadly conflict.

Fully appreciating the awful calamities that were impending, I hastened with all possible despatch to the encampment, assembled the officers of the militia, and, in the name of the President of the United States, demanded a suspension of hostilities. I had sent, in advance, the secretary and adjutant general of the Territory, with orders to carry out the letter and spirit of my proclamations ; but up to the time of my arrival these orders had been unheeded, and I could discover but little disposition to obey them. I addressed the officers in command at considerable length, setting forth the disastrous consequences of such a demonstration as was contemplated, and the absolute necessity of more lawful and conciliatory measures to restore peace, tranquillity, and prosperity to the country. I read my instructions from the President, and convinced them that my whole course of procedure was in accordance therewith, and called upon them to assist in my efforts, not only to carry out these instructions, but to support and enforce the laws and the constitution of the United States. I am happy to say that a more ready concurrence in my views was met than I had at first any good reason to expect. It was agreed that the terms of my proclamations should be carried out by

the disbandment of the militia ; whereupon, the camp was broken up, and the different commands separated, to repair to their respective homes.

The occurrences thus related are already exerting a beneficent influence ; and although the work is not yet accomplished, I do not despair of success in my efforts to satisfy the government that I am worthy of the high trust which has been reposed in me. As soon as circumstances will permit, I shall visit, in person, every section of the Territory where I feel assured that my presence will tend to give confidence and security to the people.

In closing, I have merely to add, that unless I am more fully sustained hereafter by the civil authorities, and serious difficulties and disturbances continue to agitate the Territory, my only recourse will be to martial law, which I must needs proclaim and enforce.

Most truly and respectfully, your obedient servant,

JOHN W. GEARY,
Governor Kansas Territory.

Hon. W. L. MARCY, *Secretary of State.*

The safe keeping of prisoners has been a subject of considerable difficulty. There are no jails in the Territory, nor any other places in which they can be securely confined. Hence those taken at Hickory Point were sent to the encampment of the United States troops, and in regard to their detention there Colonel Cooke wrote as follows :

Keeping of the Prisoners.

HEADQUARTERS, CAMP NEAR LECOMPTON,
September 16, 1856.

DEAR SIR: Captain T. J. Wood, company I, commanding a squadron, was sent out on the 14th instant, with a deputy marshal, to give the military aid for which on the same date you had made formal requisition.

Having just returned to camp from important duties near Lawrence, I find that they have brought into camp as prisoners one hundred and one men.

I find in my instructions from General Smith, August 19th: "The governor of the Territory should, if possible, take means to keep the prisoners arrested under his authority, and such as hereafter may be taken. Their custody embarrasses the troops, and diminishes their efficiency."

This now proves so true, that I am forced to ask that the proper civil officer shall take them into his keeping. I should be able, on requisition founded on necessity, to afford marshal or sheriff temporarily some aid, supposing that the place of their keeping will not be further than Lecompton.

With high respect,

P. ST. G. COOKE,

Lieut. Col. 2d Dragoons, commanding U. S. Forces.

His excellency Col. JOHN W. GEARY,

Governor of Kansas Territory.

SEPTEMBER 17, 1856.

Letter to Adjutant General Strickler, and his reply, on the disbandment of the militia.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 17, 1856.

SIR: My first proclamation of September 11th demands that all the militia called into the service of the Territory by proclamation of the late acting Governor Woodson should be immediately disbanded and discharged, in accordance with army regulations.

I also issued an order to you, as the proper officer of the government, to promptly carry out the requirements of my proclamation.

As I have as yet received no *official information* on the subject, you will without delay report to me whether you have attended to the duty enjoined in my order; and if so, when, where, and in what manner, it has been accomplished.

Yours, &c.,

JOHN W. GEARY,
Governor of Kansas Territory.

Adjutant General H. J. STRICKLER.

LECOMPTON, K. T., September 17, 1856.

SIR: In reply to your note of this date, I have the honor to report that, in pursuance of your instructions, I proceeded to the camp at Franklin, commanded by Brigadier General Heiskell, and made known to him your proclamations and orders for the disbandment of the Kansas militia, and requested him to publish such general orders as might be necessary to execute your commands; and in compliance the following order was made:

General order to commanders of regiments.

HEADQUARTERS, CAMP OF FRANKLIN,
September 15, 1856.

You are hereby ordered to take the necessary steps to disband your separate commands, which are to be mustered out of the militia service of Kansas Territory this evening at 4 o'clock.

By order of Brigadier General Heiskell.

J. A. MACLEAN,
Adjutant.

The excitement and confusion became so great in consequence of this intelligence, that it was deemed advisable to request your presence. And I consider it fortunate for myself that you came to the camp; for you must be convinced, from what you saw during your stay, of the utter impossibility to execute your commands.

So soon as your commands were known, and your speech heard, many of these men, respectfully submitting to your will, considered themselves discharged, and departed for their respective homes.

This disorganization could not be prevented by the officers, and I cannot attach any blame to those commanding. Upon the morning of the 16th, I found the whole force dispersed, save those that I enrolled for immediate service. And in connexion with this, I can report that, in accordance with your instructions, I enrolled one company of infantry, commanded by John Donelson, numbering sixty-four; one company of cavalry, commanded by Benjamin J. Newsome, numbering twenty-two.

The difficulty of obtaining horses accounts for the failure in enrolling the second company of cavalry. But I have assurance that in a few days the enrolment can be completed.

Very respectfully, your obedient servant,

H. J. STRICKLER,

Adjutant General K. M.

His Excellency Governor JOHN W. GEARY.

In consequence of the numerous outrages against which complaints were being made, and the difficulty of executing warrants without military aid, the following applications from the United States marshal, and requisitions upon the commander of the United States forces, were made:

APPLICATION FOR TROOPS.

LECOMPTON, K. T.,

September 17, 1856.

SIR: Finding the ordinary course of judicial proceedings, and the powers vested in me as United States marshal of the Territory, inadequate to execute a warrant placed in my hands, from the Hon. Samuel D. Lecompte, chief justice of the supreme court of Kansas Territory, for the arrest of one Colonel Whipple and others, I respectfully request that a posse of United States troops be furnished me to assist in making said arrests, and for the due execution of other warrants now in my hands.

Very respectfully, your obedient servant,

J. B. DONELSON,

U. S. Marshal K. T.

His Excellency JOHN W. GEARY,

Governor of Kansas Territory.

REQUISITION FOR TROOPS.

EXECUTIVE DEPARTMENT,

Lecompton, K. T., September 17, 1856.

SIR: I have just been shown sundry warrants from the chief justice of this Territory, for the arrest of a number of persons charged with the commission of crime. The marshal has also duly certified me

that the powers vested in him by the civil authority of the Territory is inadequate to enable him to execute the aforesaid warrants; and he requires the aid of the United States troops to enable him to execute the same.

You will therefore please furnish the marshal with two hundred dragoons, that being the number desired by him. I will accompany them in person.

Your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Col. P. ST. GEORGE COOKE,
Commanding U. S. dragoons stationed at Leecompton.

Application for Troops.

LECOMPTON, K. T., *September 17, 1856.*

SIR: Finding the ordinary course of judicial proceedings, and the powers vested in me as United States marshal of the Territory inadequate to execute a warrant placed in my hands from the chief justice of this Territory, I respectfully request that a posse of United States troops be furnished me to assist in making said arrest, and for the due execution of other warrants now in my hands.

Very respectfully, your obedient servant,

J. B. DONELSON,
U. S. Marshal Kansas Territory.

His Excellency JOHN W. GEARY,
Governor of Kansas Territory.

Requisition for Troops.

EXECUTIVE DEPARTMENT,
Leecompton, K. T., September 17, 1856.

SIR: I have just been shown a warrant from the chief justice of this Territory for the arrest of a person charged with the commission of a crime in this Territory.

The marshal has also duly notified me that the power vested in him by the civil authority of the Territory is inadequate to enable him to execute the aforesaid warrant, and he requires the aid of the United States troops to enable him to execute the same.

You will therefore please furnish the marshal or his deputy with five dragoons, that being the number required by him.

Very truly, your obedient servant,

JNO. W. GEARY,
Governor of Kansas Territory.

Col. P. ST. GEORGE COOKE,
Commanding U. S. dragoons stationed at Leecompton.

September 18, 1856.—In compliance with a requisition made yesterday, Col. Cooke detailed two hundred dragoons, with which force the Governor, accompanied by Marshal Donelson, left Leocompton at 2¼ o'clock p. m., for Topeka, said to be at this time the headquarters of Lane's men and the principal depot of their stolen property. A severe wind and rain storm, which continued during the afternoon and evening, commenced soon after their departure. They consequently were unable to proceed further than Tecumseh that evening. Here they arrested one man against whom a warrant was held.

This morning they proceeded to Topeka, and arrived there about 8 o'clock. Here other warrants were served, and twelve more prisoners secured. A large quantity of stolen property was identified and recovered. The citizens were disposed to be refractory; but having been addressed by the Governor, they passed resolutions to sustain him in the policy he had adopted and was pursuing. Upon his departure he was heartily cheered. The Governor, with the troops, recovered property, and prisoners, returned to Leocompton at 6¼ o'clock, p. m.

The following despatch was received from General Smith :

Requisition for Militia.

HEADQUARTERS DEPARTMENT OF THE WEST,
Fort Leavenworth, September 17, 1856.

SIR: By virtue of the authority given me by the President of the United States, a copy of which is in your possession, I have the honor to make a requisition on you for two companies of militia, infantry, for the service of the United States.

Each company to consist of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two musicians, and seventy-four privates.

The companies, when ready, will be mustered into the service of the United States, by an officer who will be detailed for that purpose by Lieutenant Colonel Cooke, from his command.

With the highest respect, your obedient servant,

PERSIFOR F. SMITH,
Bt. Major General, Com. Depart.

His Excellency J. W. GEARY,
Governor of Kansas Territory.

After the disbandment of the militia at Wakarusa, some of the detached parties not belonging to the Territory proceeded in different directions toward the frontiers, and to their respective homes. One of these companies took the road leading from Lawrence to Leocompton, and, when within four miles of the latter-named place, one or more persons connected with it brutally murdered a harmless man named Buffum. A warrant was at once obtained for the arrest of the perpetrator of this outrage; but, as yet, he has neither been detected

not identified. The following, addressed to the marshal, is a letter of inquiry on this subject:

The Murder of Mr. Buffum.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 18, 1856.

SIR: A warrant was issued a day or two since for the arrest of the murderer or murderers of Mr. Buffum, at or near the residence of Mr. Thom.

Please report to me whether that warrant has been executed, or whether any attempt has been made to arrest the offenders in this case, and what has been the result.

Yours, &c.,

JNO. W. GEARY,
Governor of Kansas Territory.

Mr. J. B. DONELSON,
U. S. Marshal, K. T.

The warrant above alluded to was issued by Judge Cato, at the suggestion of the governor, both of whom were present soon after Mr. Buffum was wounded, and received from himself, when dying, a full statement of the crime.

Georgia State Journals.

STATE LIBRARY OF GEORGIA,
Milledgeville, September 2, 1856.

SIR: Agreeably to a resolution of the legislature of this State, I have this day transmitted by mail, directed to your excellency, the 16th and 17th volumes of the Supreme Court Reports of Georgia; also the acts of the legislature of 1855 and 1856, and house and senate journals of ditto, for the use of the Territory of Kansas, the receipt of which you will please cause to be acknowledged.

I am, very respectfully, your obedient servant,

JOHN F. CONDEN,
State Librarian.

His Excellency THE GOVERNOR OF KANSAS.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 18, 1856.

SIR: I have received the 16th and 17th volumes of the Supreme Court Reports of Georgia. The acts of the legislature and house and senate journals have not yet reached this department.

Yours, &c.,

JOHN W. GEARY,
Governor of Kansas Territory.

JOHN F. CONDEN, Esq.,
State Librarian, Georgia.

September 19, 1856.—The following is the reply of the United States marshal to the letter of inquiry, dated yesterday, in relation to the murder of Mr. Buffum :

U. S. MARSHAL'S OFFICE,
Lecompton, K. T., September 19, 1856.

SIR: Your note of yesterday has been received, and in answer to your inquiry whether any attempt, &c., had been made to arrest the murderer or murderers of Mr. Buffum, I have to report, that upon making inquiry of my deputy, S. Cramer, he informed me, that when the militia from the north side of the river were passing through this place on Monday last, (returning to their homes,) he made diligent inquiry, and used all the means in his power to ascertain who the murderer or murderers of said Buffum were, with a view to their arrest.

But from the vagueness of the affidavit upon which the warrant was procured, in which no names are mentioned, nor any particular description of their persons given, or any other thing about them, except "six men," in the rear or behind a company, he failed to identify and arrest the murderer or murderers. I am of opinion, however, that I will be able, when I return to Leavenworth City, (which I will do as soon as pressing business here will permit,) that by using every diligence in my power, I will be able to ferret out and bring to punishment these foul murderers.

Very respectfully, your obedient servant,

J. B. DONELSON,
U. S. Marshal.

His Excellency JOHN W. GEARY,
Governor of Kansas Territory.

—
Order for Election.

EXECUTIVE OFFICE,
Lecompton, K. T., September 19, 1856.

SIR: You are hereby directed to open the poll-books on the first Monday in October, 1856, the day of the general election in this Territory, for a member of the territorial council, in the place of John Donelson, resigned, and to cause returns thereof to be made, in the manner prescribed by law, at the time the returns for the general election are made.

For your information, I herewith enclose a copy of the boundaries of the sixth council district, being the district in which the vacancy exists. It will be your duty to cause poll-books to be opened in so much of said council district as may be comprised within the limits of Riley county.

Very respectfully, yours,
JNO. W. GEARY,
Governor of Kansas Territory.

By the governor :
DANIEL WOODSON, *Secretary.*
The SHERIFF OF RILEY COUNTY.

Similar directions were forwarded to the sheriffs of Calhoun, Nemaha, and Marshal counties.

Order for Rations.

LECOMPTON, KANSAS TERRITORY,
Executive Office, September 19, 1856.

SIR: You will issue a week's rations for one hundred and ten men to Colonel H. T. Titus, and take his receipt for the same.

Very respectfully,
JNO. W. GEARY,
Governor of Kansas Territory.

The COMMISSARY OF DETACHMENT
U. S. Dragoons stationed near Lecompton.

The following correspondence, relating to outrages said to have been committed at Leavenworth City, will sufficiently explain itself:

Alleged outrages.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 19, 1856.

SIR: I have the honor to send you a copy of a letter just received from persons unknown to me, but who claim to be citizens of Leavenworth. You will perceive by their letter that they assert they were forcibly driven from your city. They demand my protection, and desire to return to their homes.

I deem it right to address this communication to you, as the official head of Leavenworth City, desiring to be informed if the statement of the petitioners is true; and if so, why they were expelled from your city; and if any objections exist to their immediate return and secure residence among you, what such objections are.

Your immediate answer is respectfully requested.

Truly yours,
JOHN W. GEARY,
Governor of Kansas Territory.

WILLIAM MURPHY, Esq.,
Mayor of Leavenworth City.

The following is a copy of the letter to which reference is had in the foregoing:

ST. LOUIS, MISSOURI,
September 9, 1856.

DEAR SIR: The undersigned, citizens of Leavenworth City, Kansas Territory, hereby make known to you that they have been peaceable and law-abiding citizens of Leavenworth, and, as such, were engaged in their lawful business until Tuesday the 2d instant, when they were called on by a certain Captain Emory, with an armed posse under his command, and ordered to leave the city forthwith. Many of us have

left large stocks of goods, and our houses and furniture, all at the mercy of our persecutors.

We have committed no crime against the laws of the United States, or those of Kansas Territory.

We now petition you to protect our property, and to give us assurance of your protection, so that we may return peaceably to our homes in Leavenworth. As we are here without means, and on heavy expenses, with our families, we would urge you to give us an answer to this at your earliest convenience, directed to the care of F. A. Hunt, St. Louis.

We are your obedient servants,

S. NORTON, M. D.
M. E. CLARK.
NELSON McCracken.
JOHN RENDALL.
W. HALLER.
J. A. DAVIS.
WM. ENGLESMAN.
F. ENGLESMAN.

His Excellency GOVERNOR GEARY, *Kansas Territory.*

EXECUTIVE DEPARTMENT,

Lecompton, K. T., September 19, 1856.

GENTLEMEN: Your communication of the 9th instant, dated at St. Louis, has just been received and carefully noted.

You state that you were peaceable, law-abiding citizens, quietly prosecuting your lawful business at Leavenworth City, up to the 2d instant, when you were forcibly driven from your houses. You desire protection to your property and the privilege of returning.

I have already taken measures to ascertain the truth in the premises and I will take such action respecting your cases as circumstances may seem to require.

Very truly yours,

JOHN W. GEARY,
Governor of K. T.

Messrs S. NORTON, M. E. CLARK, NELSON McCracken, and others.

Commission issued.

EXECUTIVE DEPARTMENT,

Lecompton, K. T., September 19, 1856.

SIR: I have appointed you surgeon of the newly raised battalion of territorial militia. You will please at once enter upon the discharge of your duties.

Very truly your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

SAMUEL LOGAN, M. D.

SEPTEMBER 20th, 1856.

APPLICATION FOR TROOPS.

U. S. MARSHAL'S OFFICE,
Lecompton, K. T., September 20, 1856.

SIR: A warrant has this day been placed in my hands for the arrest of Franklin Federling, Thomas Kemp, John Kemp, Thomas F. Ferguson, William Owens, Kobert Nishown, William Fisher, Charles Diggs, J. Thompson, and Orval Thompson, and many other persons whose names are unknown to the affiant, on whose affidavit this warrant was issued by the Hon. S. G. Cato, associate justice of the supreme court of Kansas. And whereas, from the known opposition to the laws of this Territory, and the insurrectionary condition of the country, I am unable, by the powers vested in me as United States marshal, to execute the process in my hands without the aid of a military posse for that purpose, I am, therefore, constrained to ask your excellency to furnish a posse of ten dragoons for the purpose named in the premises.

The warrant, &c., are herewith submitted for your consideration.

Very respectfully,

J. B. DOENLSON,
U. S. Marshal, Kansas Territory.

His Excellency, JOHN W. GEARY,
Governor of Kansas Territory.

—
 REQUISITION FOR TROOPS.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 20, 1856.

SIR: Having been shown a warrant executed by associate justice Cato for the arrest of Thomas Kemp, and others, charged with crime committed in this Territory, and being also duly notified by the United States marshal that he is unable to execute said warrant by the use of the civil powers vested in him, &c.—

This, therefore, is to request you to furnish the said marshal with a posse of ten dragoons (that being the number required by him) to aid in the execution of said warrant.

Yours, respectfully,

JNO. W. GEARY,
Governor of Kansas Territory.

Col. P. St. GEORGE COOKE.

—
 APPLICATION FOR TROOPS.

U. S. MARSHAL'S OFFICE,
Lecompton, K. T., September 20, 1856.

SIR: A warrant has this day been placed in my hands, issued by the Hon. S. G. Cato, one of the associate judges of the supreme

court of Kansas Territory, upon the affidavit of George W. Randall, of the county of Atchison, for the arrest of John H. Stringfellow, Ira Norris, James A. Headley, William Martin, William Simons, and one Captain Palmer, all of the said county of Atchison, Kansas Territory.

And whereas, from the disturbed and insurrectionary condition of the country, I am unable to execute the said warrant of arrest, by virtue of powers vested in me as United States marshal, without the aid of a military posse to aid me therein, I have, therefore, to request your excellency to furnish me a posse of dragoons to aid me in making the arrest of the offenders against the law herein above stated.

Very respectfully,

J. B. DONELSON,
U. S. Marshal, Kansas Territory.

His Excellency JOHN W. GEARY,
Governor of the Territory of Kansas.

—
Requisition for Troops.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 20, 1856.

SIR: Having been shown a warrant from the Hon. S. G. Cato, one of the associate justices of the supreme court of the Territory, for the arrest of John H. Stringfellow and others charged with crimes committed in this Territory; and having been duly certified by the United States marshal, that he is unable to execute the said warrant, by virtue of the power vested in him as United States marshal, by the civil authority; you are, therefore, respectfully requested to furnish the said marshal, or his deputy, such a posse of United States dragoons as in your opinion will be sufficient to enable said marshal and his deputy to execute said writ.

Very respectfully, your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Gen. PERSIFER F. SMITH, *Com'g Dep't of the West.*

—
Requisition for Troops.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 20, 1856.

SIR: The marshal will show you a warrant, obtained in consequence of certain affidavits to arrest a party of marauders who have lately been committing depredations in this Territory; and as he will require a strong military force to execute the same, you will please furnish him with twenty dragoons for that purpose.

Truly yours,

JOHN W. GEARY,
Governor of Kansas Territory.

Col. P. ST. GEORGE COOKE,
Encampment near Lecompton.

Examination of Prisoners.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 20, 1856.

DEAR SIR: You will oblige me by fixing an early day for the examination of the prisoners now held at the encampment of the United States troops in this district, and give proper and sufficient notice of the same. It is essential to the peace of the community and the due execution of the law, that this be effected at the earliest possible moment. Some of those men have already been detained as prisoners six days without even a preliminary hearing. If at the time appointed and legally notified no prosecutor appears, the alleged criminals should be discharged and permitted to repair to their homes and lawful pursuits.

Truly yours, &c.,
 JOHN W. GEARY,
Governor of Kansas Territory.

Judge S. G. CATO.

Letter from the Governor of Missouri.

EXECUTIVE DEPARTMENT,
Jefferson City, Mo., September 9, 1856.

MY DEAR SIR: Your esteemed favor of the 7th instant has been received, and the request of your excellency considered with that deliberation which its importance demands. I am still of the opinion that the course suggested by me in our last interview is the most prudent for me to pursue, and that which will be most acceptable to the people of Missouri. I cannot for a moment believe that any portion of the people of Missouri will remain in arms an hour longer than is necessary for their own safety on their return to their respective homes, in Missouri, after the arrival of your excellency in the Territory, and an intimation from you that you wish them to disband. I trust, my dear sir, that you will not deny me and them the pleasure of showing to the country their promptness and willingness to submit to the proper constituted authorities of the country. I feel every confidence that they will readily and cheerfully obey every order you may give them; that they will in no wise mar the harmony of your administration, and that they will give to your excellency, and all others interested, the best evidence that their only desire has been, and is, to protect their friends and relatives in Kansas from the murderer, the incendiary, and the robber; that they are a Union-loving and law-abiding people. If, however, I should unfortunately be mistaken in the estimate which I place upon the virtue, patriotism, and obedience to the laws of the people of Missouri, I beg leave to assure your excellency, in quelling the disturbances now so unfortunately existing in Kansas, should the Missourians now in Kansas not dis-

perse immediately upon your orders to that effect being received by them, I must ask the favor of your excellency to inform me of that fact, and all that I can do to aid you will be promptly and cheerfully done.

I am, very respectfully, your obedient servant,
STERLING PRICE.

His Excellency JOHN W. GEARY,
Governor of Kansas.

Reply to the Governor of Missouri.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 20, 1856.

MY DEAR SIR: Your esteemed favor of the 9th instant has just been received by due course of mail, and I am deeply grateful for the very obliging manner your excellency enters into my views.

Your estimate of the patriotism and honorable bearing of the good citizens of Missouri is by no means too exalted, as was fully demonstrated by their conduct when recently assembled in great force before the town of Lawrence.

They came there with a fixed determination to destroy that town, in retaliation, as they said, for wrongs which their fellow-citizens from Missouri had experienced at the hands of the citizens of Lawrence.

My presence there was indeed most opportune; and your excellency cannot imagine my emotions of gratitude, when, in response to my appeal, the army of Missourians most gracefully resolved to disband, return to their respective homes, and trust to my efforts for the protection of their friends here.

I trust that your excellency will, in some way, do me the favor to communicate to those of your citizens who upon that occasion so honorably responded to my appeal, my heartfelt thanks and my sincere obligations.

If the Missourians had executed their purpose of burning Lawrence and massacring its inhabitants, it would have been a stain upon the escutcheon of your noble conservative State which time could scarcely have effaced. Having burned Lawrence and destroyed its inhabitants, excited by the contest, and rendered more fierce by their loss of blood, they would have marched upon Topeka, and it would have met the fate of Lawrence, and the free-State men would have been literally exterminated.

Such a catastrophe would have excited so great a horror, and stirred up so fierce an indignation throughout the entire north, that all my efforts to preserve the peace of the Territory would have been utterly impotent and futile. We would have been literally overrun by a northern army, and the flames of civil war would have been kindled throughout the country.

It is, therefore, a source of hearty gratulation that the good citizens of Missouri have had the good sense to place themselves in a

correct position, and thus render such essential service to the cause of good order.

I trust that the same courtesy will be extended towards me by your citizens, and that the most cordial relations may forever exist between the two governments.

I shall in every way reciprocate your friendly intentions, and it will afford me much pleasure to have an opportunity to serve you.

While thus doing ample justice to the *bona fide* citizens of Missouri, it is my duty to inform you that roving bands of murderers, incendiaries, and robbers, have been in the habit of stealing the horses, burning the houses, and murdering the citizens of this Territory, and then returning with their spoils and crimes into your State. Much complaint has been made to me on this subject, and I take this method of calling your attention to the matter, knowing that you will aid me in every way to suppress this great evil.

The complaints are made to me on oath by deputations of citizens residing in the vicinities of Pottawatomie, Sugar, and Middle creeks, and the Osage river.

It is further stated by these complainants, that, besides plundering and burning various places, and committing depredations too numerous to particularize, "those Missouri robbers have carried off as captive the son of O. C. Brown, a lad of twelve years of age, and Bainbridge Fuller from a sick bed; others are missing and supposed to be held by them."

Your excellency will readily perceive from the above the causes of grievance; and you will much aid my efforts to restore order in this distracted Territory by issuing a proclamation forbidding all robbers, incendiaries, and murderers, now infesting this Territory, to take refuge upon your soil upon pain of being declared outlaws and bandits, and making such other suggestions as you may deem advisable to aid the cause I have so much at heart.

I also desire your excellency to cause to be released from captivity the son of O. C. Brown, Bainbridge Fuller, and any other persons, if there be any such, who have been forcibly carried from this Territory into the State of Missouri.

With sentiments of profound respect, I have the honor to be, your excellency's very obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

His Excellency STERLING PRICE,
Governor of Missouri.

SEPTEMBER 21, 1856.

The New Militia.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 21, 1856.

SIR: In accordance with your requisition, I have mustered into the service of the United States, for three months, one company

of infantry, and in the early part of this week shall probably muster in another company.

I have also found it necessary to muster in a company of cavalry, consisting of forty good men, which I find essential to have at command, to assist the marshal to make arrests, without being compelled constantly to call upon the regular United States dragoons.

You will oblige me by making a requisition at your earliest convenience for this latter named company, in order that the act may be strictly in accordance with instructions.

The men I have mustered are reliable, and are a part of those which constituted the late command of Colonel Titus.

Accompanying this you will find several requisitions, which you will do me the favor to refer to the proper officers attached to your command.

With my sincerest regards, I am, truly, your obedient servant,
 JOHN W. GEARY,
Governor of Kansas Territory.

Major General PERSIFOR F. SMITH.

—

Keeping of the Prisoners.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 21, 1856.

SIR: I have been informed that one hundred and twelve prisoners, duly arrested by warrants issued by the judges of the supreme court of this Territory, are now in the custody of the United States troops stationed near this place.

As the efficiency of these troops is materially impaired by this inactive service, I deem it essential to the public interest that they should be relieved.

You are, therefore, directed to take charge of these prisoners, make every necessary arrangement for their safe custody and support, and I will furnish you a sufficient guard from the territorial militia, which have just been mustered into the service of the United States.

Very respectfully yours,

JOHN W. GEARY,
Governor of Kansas Territory.

J. B. DONELSON, Esq.,
United States Marshal of Kansas Territory.

In accordance with the above directions, a house was rented and fitted up as well as circumstances would permit for the reception and care of the prisoners. The following letter on the subject was addressed to Colonel Cooke:

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 21, 1856.

DEAR SIR: In answer to your letter of the 16th instant, I am happy to say that I have at length succeeded in making arrangements for

relieving you of the custody of the prisoners taken at Hickory Point and elsewhere, and will give instructions to the United States marshal to take them in charge to-morrow.

The impossibility of obtaining means for their safe keeping compelled me to leave them in your hands till this late period.

Very respectfully yours,

JOHN. W. GEARY,
Governor of Kansas Territory.

Col. P. ST. GEORGE COOKE.

Receipt for Books.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 21, 1856.

SIR: The acts of the Georgia legislature of 1855-'56, and house and senate journals, have at length come to hand.

Yours, &c.,

JOHN W. GEARY,
Governor of Kansas Territory.

JOHN F. CONDEN, Esq.,
State Librarian, Georgia.

Requisition for an Escort.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 21, 1856.

SIR: In consequence of petitions from Tecumseh, Topeka, Lecompton, Lawrence, and other places, setting forth that the people in their respective neighborhoods were suffering for want of provisions, and that they are cut off from market, on account of the robbers and plunderers infesting the country, I have concluded to afford all citizens desiring to avail themselves of it, a sufficient military escort to the nearest market.

Will you, therefore, please detail a company of dragoons to accompany the citizens aforesaid to the city of Leavenworth and return. The train will start to-morrow.

Very truly yours,

JOHN W. GEARY,
Governor of Kansas Territory.

Col. P. ST. GEORGE COOKE,
Commanding near Lecompton.

SEPTEMBER 22, 1856.

Election Proclamation.

Whereas a vacancy exists in the office of delegate to the House of Representatives of the United States from the Territory of Kansas—

Now, therefore, I, John W. Geary, governor of the Territory of Kansas, do hereby issue this my proclamation, requiring the sheriff of each county in said Territory to cause a poll to be opened on the first Monday in October, 1856, the day of the general election, for a delegate to the second session of the thirty-fourth Congress of the United States, and to cause a return thereof to be made to the office of the secretary of the Territory, in the manner prescribed by law, at the same time that the returns of the general election are made.

In testimony whereof, I have hereunto subscribed my hand, and [L. S.] caused to be affixed the seal of the Territory. Done at Lecompton, this 22d day of September, A. D. 1856.

JNO. W. GEARY,
Governor of Kansas Territory.

By the Governor:

DANIEL WOODSON, *Secretary.*

Application for Troops.

UNITED STATES MARSHAL'S OFFICE,
Lecompton, Kansas Territory, September 22, 1856.

SIR: A writ of arrest has been placed in my hands, issued by the Honorable S. G. Cato, one of the associate justices of the supreme court of Kansas Territory, upon the affidavit of James B. Lopton, of Douglas county.

In consequence of the insurrectionary and disturbed condition of the Territory, I am unable, by virtue of the powers vested in me as United States marshal, to make the arrest commanded in said warrant without the aid of a military posse. I am therefore under the necessity of asking your excellency to furnish me a posse of six dragoons to aid me in executing said warrant.

Very respectfully, your obedient servant,

J. B. DONELSON,
U. S. Marshal, K. T.

His Excellency JOHN W. GEARY,
Governor of Kansas Territory.

Requisition for Troops.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 22, 1856.

SIR: Having been shown a warrant issued by the Hon. S. G. Cato, one of the associate justices of the supreme court of this Territory, and being duly certified by the United States marshal that, owing to the disturbed state of the country, he is unable, by the use of the civil powers vested in him, to execute said warrant—

You will therefore please furnish said United States marshal with six dragoons (that being the number required by him) to enable him to execute said writ.

Very truly your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Col. P. ST. GEORGE COOKE,
Commanding U. S. Troops near Lecompton.

On the morning of this day, the governor, accompanied by Major Sedgwick, of the United States army, visited Lawrence for the purpose of mustering into the service of the United States a company of militia, which the citizens, after the dispersion of the Missouri volunteers, had promised to enrol. Upon reaching Lawrence, it was ascertained that no action had been taken in the premises. A spirit of dissatisfaction, without any assignable reason, had already again sprung up among the people, and a determination most evidently existed among the leading men to oppose any and every measure that the executive might suggest to accomplish a speedy and permanent peace to the Territory.

As numerous complaints were this day made by certain parties claiming to be free-soil men, that a warrant had been procured against John H. Stringfellow, and other prominent members of the pro-slavery party, the following letter of inquiry was addressed to the United States marshal of the Territory :

Letter to Marshal Donelson.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 22, 1856.

SIR: A warrant was issued on Saturday, the 20th instant, by Judge Cato, for the arrest of John H. Stringfellow, Ira Norris, James A. Headley, William Martin, William Simons, and one Captain Palmer; and a requisition was made by me on General P. F. Smith for a sufficient force of United States troops to assist you to execute the same. You will inform me, without delay, what disposition has been made of the above named warrant, and what measures you have taken, if any, for its execution.

Yours, &c.,

JOHN W. GEARY,
Governor of Kansas Territory.

J. B. DONELSON, Esq.,
U. S. Marshal, K. T.

Reply of Marshal Donelson.

UNITED STATES MARSHAL'S OFFICE,
Lecompton, K. T., September 22, 1856.

SIR: Your note of to-day was received late this evening. I beg leave to reply, that immediately after the requisition was made by you, which was after sunset of Saturday, the 20th instant, I placed all the papers in the hands of the person on whose affidavit the warrant was issued, with directions to deliver it without unnecessary delay to my regularly appointed deputy, E. C. Mason, residing in the town of Atchison, for immediate execution, with directions to him to return all the papers and prisoners before the Hon. Judge Lecompte, who resides near Leavenworth City. This direction was given with a view to the convenience of all the parties concerned, and in compliance with the warrant also. Considering the distance from here to Atchison, (nearly or quite fifty miles,) and from the time the warrant started from here, it could scarcely have reached my deputy before Sunday evening, and then the requisition would have to be sent to General Smith. It is not probable that the service will be made before to-morrow, the 23d instant.

As soon as any information reaches me in relation to this matter, I will take the earliest opportunity to advise you of it; for I assure you I am determined (so far as it depends on me) to enforce the law without regard to whom it may concern.

Very respectfully, your obedient servant,

J. B. DONELSON,
U. S. Marshal, Kansas Territory.

His Excellency JOHN W. GEARY,
Governor of Kansas Territory.

Report of Lieutenant Merrill, having command of a body of United States dragoons, on an expedition to arrest sundry persons charged with the commission of crime.

LECOMPTON, K. T., September 22, 1856.

SIR: In compliance with your request, I make the following report of the circumstances of a tour of a detached service on which I was ordered for the protection of a deputy United States marshal in making certain arrests. When I arrived at Lecompton, I found that Mr. Fulton, who had the warrants, and was instructed to await me, had left without seeing or waiting for me, and was not to be found. Dr. Tebbs, who was also an acting marshal, was sent with me, and, in consequence of no one of the party knowing the road, we lost our way, and finally arrived about one mile from Calhoun, where we were compelled to remain for the night on account of the lateness of the hour and the rain.

The next morning we went on to Calhoun, and were compelled there to await the marshal for some four hours, who finally arrived, without

any papers to show me for his authority to act as marshal. I was sufficiently satisfied, however, that he had authority, by the statements of persons I knew.

From Calhoun we proceeded to Indianola, where the marshal served his warrants on six men, one of whom was so ill that he could not be brought along. Another would have been arrested had the marshal not sent on ahead of him one or two men, who, by their approach, warned the man whom he was after.

He told me, after making the fifth arrest, that he would go out of the way a little and arrest another and bring him in, and shortly after sent me word that he had made the arrest and was coming. I sent him word back that I would go along the road, and if he did not catch up with me before I got to Calhoun, that I would await him there.

At Calhoun I waited about an hour for him, and was then compelled to come on without him, as he had not come up. My men had had nothing to eat since breakfast; my horses had been under the saddle all day, and were fagged down; and it was after sunset before I left, and I did not consider it my duty to await him any longer, and accordingly came on.

I reached Lecompton with the prisoners under my charge without any accident, except losing the way again once. No transportation could be found for the prisoners, and they were compelled to walk.

Not the slightest evidence was shown anywhere that there would have been any resistance to the civil officer under any circumstances; and I think that if he had been an efficient, energetic man, who had not, by his former conduct, made himself obnoxious to these people, the arrests would have been made of all the warrants called for, and without any show of resistance under any circumstances.

With this, sir, I have the honor to be, very respectfully, your most obedient servant,

LEWIS MERRILL,
2d Lieut. 2d Dragoons, U. S. A.

His Excellency J. W. GEARY,
Governor of Kansas Territory.

The following letter to the honorable Secretary of State was forwarded to the State Department, at Washington, by the hands of John A. W. Jones, esq., who was appointed a special messenger for that service:

Letter to the Secretary of State.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 22, 1856.

SIR: Since the 16th instant, when I last addressed you, the affairs of the Territory have assumed a more peaceful aspect. The arrest of Harvey's party, after the assault at Hickory Point, on Sunday night, and the disbandment of the Missouri militia on Monday following, seems to have caused at least a temporary suspension of hostilities, and in a measure restored confidence to the well disposed people of the country. The principal and perhaps only difficulties that have since occurred, have been occasioned by strolling bands of marauders, for the detection and punishment of whom I am now employing, and somewhat

effectively, all the means I have at command. Robberies and murders are still rife in various sections, and will continue until some of the worst of the desperate characters that infest the Territory are brought to condign punishment.

The most determined enemy that now remains to the peace of Kansas is, beyond all question, the notorious Lane, who, while he studiously avoids all personal danger, is untiring in his endeavors to keep alive a spirit of disaffection, and to plot mischief; and it is a source of deep regret that he still continues to exercise an unholy influence over a large class of men, who, if left to themselves, would refrain from lawless acts, and become comparatively good and useful citizens. Having found Lawrence to be no longer a safe place of refuge, Lane some time since removed his headquarters to Topeka, which became not only the rendezvous of his associates, but the depot for their ill-gotten plunder; whence they sally in small parties to commit depredations upon settlers in the surrounding country. The last authentic reports give the assurance that Lane has proceeded beyond the northern frontier to escort fresh supplies of troops and munitions of war into the Territory. I have employed numerous agents to ascertain and watch his movements, and have reason to believe, that unless he desists from his incendiary purposes, he will, ere long, fall into my hands, and receive the recompense that his persistence in disregarding the rights of our people, and violating the laws of the Territory, so justly merits.

On Wednesday, the 17th instant, a number of citizens from Big Spring, Washington, Tecumseh, and Topeka, visited me at Lecompton, with complaints against outrages that were being committed at those places, and in their immediate vicinities. These complaints were made under oath, and affidavits were filed with Judge Cato, who issued warrants against sundry accused persons, and for the recovery, if possible, of large quantities of stolen property. Determined to leave no effort unemployed to execute these warrants, and put an end to the alleged atrocities, I made an immediate requisition upon Colonel Cooke for two hundred mounted men, with whom, under command of Colonel Johnson, and accompanied by the United States marshal, I started early in the afternoon for the neighborhoods of the aggressors. Soon after our departure from Lecompton, one of the most severe storms of wind and rain arose that I have ever encountered, which, notwithstanding my desire to use all possible despatch, compelled us to stop for the night at Tecumseh. Here we succeeded in arresting one man, against whom we had a warrant, and early on the following morning we proceeded to Topeka.

Upon arriving at this place, I found the people as little disposed to regard my authority and the wishes of the government as the worst representations had given me reason to expect. There seemed to be but one idea prevalent, and that in determined opposition to the established laws of the Territory. The government officials and their acts were repudiated, and a dogged resolution maintained to wage a destructive warfare against them. No sooner was my presence made known, than a general assembly of the citizens took place. I addressed them at length, declaring the objects of my visit, and explain-

ing so much of my policy as I thought it expedient they should understand. My remarks were at first met with cavilling objections, and some who appeared to be leaders informed me that they were not bound to obey my instructions, as there was another government; and another governor in Kansas, to whom only they owed fealty; and propositions were made to enter into a treaty, as they had been permitted to do on former occasions. I promptly assured them that I alone was governor, and that my object in coming there was not to treat with, but to govern them; to offer my protection to all good and peace-loving citizens, and to bring the guilty to punishment. My remarks had the desired effect, and the majority acquiesced in my views; and resolutions were passed, somewhat enthusiastically, promising to submit to and support the government, and to maintain me in my endeavors to restore order and peace to the Territory.

I remained during the greater part of the day, and was joined by Colonel Cooke with another party of dragoons. After consultation with the colonel, it was determined that he should proceed at once with his command to scour the country for some fifty miles further to the westward; which he did, returning on Saturday afternoon, the 20th instant, by way of Hickory Point and Osawkee, having found everything quiet in the entire line of his march. He confirms the report already furnished you of the assault on Hickory Point, on Sunday, the 14th instant, and its results. On that occasion, one man of the party assailed was killed, and another shot in the leg, which has since been amputated. Of the attacking forces, who were the followers of Lane, then under command of a man named Harvey, one hundred and one of whom were taken prisoners, about six were wounded, neither of them mortally.

At Topeka we arrested fourteen men, and recovered a number of buggies, wagons, and other stolen property; all of which, with the prisoners, we brought to Lecompton. When about leaving Topeka, and after the troops had retired, I again addressed the assembled citizens, who listened with most respectful attention, and then hailed me with six unanimous and most enthusiastic cheers.

Since my return from this expedition, I have remained at Lecompton, where my time has been constantly occupied in adjusting the affairs of the government, and furthering my plans for the future prosperity of the Territory. Warrants have been issued, upon affidavits, for the arrest of certain unlawful parties in different sections; and small parties of troops have been sent out, some of which have not yet returned, to secure the offenders. One of these detachments has gone to the neighborhood of the confluence of the Osage and Pottawatomie rivers, near the town of Ossawatomie, and another to the vicinity of Easton, on the Stranger river.

On Saturday, in accordance with the instructions of the President, and in compliance with a requisition from Major General Smith, I had mustered into the service of the United States two companies of militia, one being cavalry and the other infantry. These were indispensable; the latter to guard the prisoners, for the safe-keeping of whom we have no jails; and the former, to assist the marshal and his deputies to arrest the parties against whom warrants are legally issued.

Until this time, the prisoners have been held at the United States encampment, where their presence tended to embarrass the troops and impair their efficiency, while the constant draughts upon the commanding officer for men to assist the marshal in executing his writs were alike annoying to Colonel Cooke and myself.

One of the greatest, if not *the* greatest, obstacle to overcome in the production of peace and harmony in the Territory, is the unsettled condition of the claims to the public lands. These lands are very considerably covered by settlers, many of whom have expended much labor and money in the improvement of their claims, to which, as yet, they have no legal title. These improved claims have excited the cupidity of lawless men; many of whom, under pretence of being actuated by either anti-slavery or pro-slavery proclivities, drive off the settlers and take possession of their property. The persons thus driven off, having no legal title to their claims, have no redress at the hands of the law, and in many instances have patiently and quietly submitted to their wrongs, and left the country; while others, and a still greater portion, have retreated to the towns, combined together, and prepared themselves to defend and maintain what they justly conceive to be their rights, by meeting violence with violence. There is an easy remedy for this great and growing evil, and this remedy consists in the immediate opening of the land office, that settlers may record their claims (and have them legally confirmed) to the public lands on which they have settled and made improvements. This done, incendiarisms will be far less frequent, and the original settlers may return with comparative safety to their homes. Hence, the opening of the land office, at the earliest possible moment, is of incalculable importance to the well-being of the Territory.

Much trouble will, doubtless, grow out of the sale, next month, of the Delaware trust lands. Many of these are handsomely improved, and some of them in a high state of cultivation. The settlers imagine that they have a right in equity, if not in law, to obtain a fee-simple deed to their claims by paying to the government the valuation fixed by the United States appraisers. The arrangements made for the public sale places the actual settler, whose money and labor have enhanced the value of the land, upon an equality with, or, in other words, gives him no advantage over, any competitor who may feel disposed to bid against him. This fact has produced much dissatisfaction, which, I have reason to believe, will result in more violence and bloodshed. Combinations of settlers have already been formed against any persons who may attempt to purchase their claims; and attempts will assuredly be made to prevent possession being taken by actual purchasers, other than the present occupants, at the public sale.

There is still another subject to which it is proper that I should call your attention. The postal arrangements of the Territory are lamentably inefficient. Complaints on this subject are loud and universal, and my own experience has convinced me that these are not without sufficient cause. Every package addressed to me through the mail is broken and inspected before it reaches my hands. It is entirely unsafe to send information through the post office, and more especially

to use that medium to forward anything of pecuniary value. Postmasters are either ignorant of their duty and obligations, or, being acquainted with these, act in violation of both. Indeed, I have been credibly informed that in some places, persons not connected with the offices are permitted to enter and overhaul the mails previous to their distribution. This is a serious evil, upon which some prompt action is needed. The appointment of a special mail agent, exclusively for this Territory, to visit in person the different post offices, would, perhaps, lead to a proper exposure of the defective postmasters and mail-carriers, and suggest measures to secure to our citizens the absolute certainty of being able to transmit and receive letters and other documents by mail, without having them subject to being broken open, destroyed, and stolen.

The erection of a territorial prison is indispensable. Without this, it is impossible to administer justice. Having arrested and convicted culprits, we have no place for their confinement, or means for their punishment. This fact renders judges inactive, the courts inoperative, the law a nullity, and enables criminals to commit outrages with impunity. With the permission of the government, a temporary establishment for the confinement of those convicted of crimes might soon be erected, which would answer the purpose until such time as a permanent prison, of as great magnitude as the Territory demands, can be properly constructed. The ends of justice will then be subserved, and an additional guaranty of permanent peace be given.

I cannot close this despatch without expressing my acknowledgments and thanks for the promptness and willingness with which Major General Persifer F. Smith, and Lieutenant Colonels Cooke and Johnston, as well as the officers under their command, have answered all my requisitions, and otherwise assisted in carrying out my orders.

Very respectfully and truly, your obedient servant,

JNO. W. GEARY,
Governor of Kansas Territory.

Hon. WM. L. MARCY,
Secretary of State, Washington, D. C.

COMMISSIONS ISSUED.

September 23, 1856.—To Andrew H. McFadden, as probate judge of Lykens county, vice Isaac Jacob, removed from the county.

Joseph B. Goodwin as sheriff of said county, vice B. P. Campbell, resigned.

Warren D. Hoover as coroner of the same county, in place of Andrew H. McFadden, who declined the office.

Wm. B. Ewbanks, Samuel P. Boone, Henry L. Lyon, Thomas C. Warren, James Hughes, Henry Tuley, William Honeywell, and Henry W. Peck, as justices of the peace of Lykens county.

J. P. Tuley and Archibald Oliver as constables of same county.

Eugene H. Tharpe, of Philadelphia, and George Whitman, of

Washington city, as commissioners of deeds for the Territory of Kansas.

Requisition for Medicines.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 23, 1856.

SIR: I have appointed Samuel Logan, M. D., surgeon of the newly raised battalion of territorial militia. Will you please furnish him with a medicine chest and such instruments as he may require, and oblige your obedient servant,

JNO. W. GEARY,
Governor of Kansas Territory.

Colonel P. ST. GEORGE COOKE.

A copy of the following letter was forwarded to each of the supreme judges of Kansas Territory, viz: Chief Justice Lecompte, and Associate Justices Cato and Burnell:

Inquiries of Supreme Judges.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 23, 1856.

SIR: Upon my arrival here, I found this Territory in a state of insurrection, business paralyzed, the operation of the courts suspended, and the civil administration of the government inoperative and seemingly useless. Much complaint has been made to me against the territorial officers for alleged neglect of duty, party bias, and criminal complicity with a state of affairs which resulted in a contempt of all authority.

I have, therefore, deemed it proper to address circulars to all territorial officers, in order that, being informed of the complaints against them, they may have an opportunity to vindicate themselves through my department. The efficiency of the executive will be much impaired or strengthened by the manner in which his subordinates in office discharge their respective duties. As it is my sworn duty to see that the laws are faithfully executed, I need offer no apology for requesting categorical answers to the following interrogatories:

1st. When did you assume the discharge of the duties of your judicial office?

2d. What counties compose your judicial district, and how frequently have you held courts in each county, or in your district?

3d. How many bills have been presented? How many ignored in your courts? How many indictments have been tried before you, and how many convictions had, and for what offences?

With a brief statement of other facts and circumstances, showing

the manner in which you have discharged your duties, which you may be pleased to communicate.

Very truly, your obedient servant,
 JNO. W. GEARY,
Governor of Kansas Territory.

The Hon. _____,
*One of the U. S. Judges of the Supreme Court
 of Kansas Territory.*

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Inquiries of Architect of Public Buildings.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 23, 1856.

SIR: Having learned that you are the architect of the public buildings in process of erection at this place, I take the liberty to request your answers to the following interrogatories:

1. What connexion have you had with the erection of the public buildings, and by whom were you employed?
2. How much money has already been paid out and expended—how much is due and unpaid—and what sum will be required for the completion of the public buildings?
3. State your knowledge of the history of the location, progress, and when, in your opinion, if vigorously prosecuted, the public buildings will be completed.

With any other suggestions and information you may be pleased to communicate.

Very truly, your obedient servant,
 JNO. W. GEARY,
Governor of Kansas Territory.

WILLIAM RUMBOLDT, Esq.,
Architect of Public Buildings.

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Inquiries of the Superintendent of Public Buildings.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 23, 1856.

SIR: Since my arrival, I have been informed that you are the superintendent for the erection of the public buildings at this place. If so, I desire the following information:

1. A copy of your appointment, showing by what authority you act.
2. A statement as to how the public buildings are to be erected—whether by contract or otherwise; and if by contract, a copy of the same.
3. An accurate and detailed account of all moneys heretofore paid and expended, with the amount now due for materials furnished and work done.

4. An estimate of the money required to complete the public buildings, with the necessary appurtenances, according to the present plans; with any other information in any way calculated to give me an insight into the history of the location, progress, and contemplated completion of the public buildings now in process of erection at this place.

Very truly, your obedient servant,

JNO. W. GEARY,
Governor of Kansas Territory.

OWEN C. STEWART, Esq.

Reply of the Superintendent.

LECOMPTON, September 23, 1856.

SIR: In obedience to your official request, I shall proceed to give you the required information, as far as my position gave me an opportunity of ascertaining the facts, as it respects the erection and expenditures of the capitol building for Kansas Territory, located at Lecompton, Douglas county.

1st Question.—I received my appointment from Wilson Shannon, then acting governor for the Territory. A copy of the article of agreement is herewith transmitted.

2d Question.—It was the understanding that the building was to be let in separate contracts, a portion of which has been let to A. Rodrigue. The different portions will be explained by the accompanying article of agreement between Governor Shannon and A. Rodrigue. In the absence of the whole being let, it became necessary to let out the framing of the first tier of joist, which was let to A. Rodrigue; also, a portion of the basement frames have been completed, and are ready for the building. The remainder of said frames have been delayed, in order to give the lumber an opportunity to season.

3d Question.—Amount of money paid to A. Rodrigue, as shown by monthly estimates:

April 10, amount of estimate.....	959 75
May 10, " " "	2,600 25
June 10, " " "	3,897 11
July 10, " " "	2,401 14
August 10, " " "	2,916 13

12,774 38

Amount paid for sundry articles of Tyres and

Larimore, account.....	171 35
Crowther and Overfelt.....	110 40
O. C. Stewart, superintendent.....	1,000 00

\$14,056 13

Amount of expenditures not yet paid :

September—estimate in favor of A. Rodrigue...	\$2,421 94
Account of J. R. Shepardson.....	18 31
Bill of basement frames.....	156 00
Cash paid by superintendent for sundries.....	34 50
Balance of salary due superintendent 20th of October.....	200 00
	<hr/>
Whole amount.....	16,886 88
	<hr/> <hr/>

Amount not paid, \$2,830 75.

I am unable to give you the amount of the bill of castings and window frames for the first and second stories; also the cost of the amount of lumber that it will require to complete the building, for the want of various sub-drawings which have not as yet been placed into my hands (the job not requiring them.) Your fourth question can be answered more satisfactorily by Mr. Wm. Rumboldt, architect, St. Louis.

The contract for delivering the materials, bought at St. Louis, for the building, was let to General F. T. Marshall, but I am unable to say at what price. Neither am I able to state at what time the same was to have been delivered at this point; a portion of it has been delivered, and, owing to damage, a portion of it has not been received. I condemned the same, and so receipted for it as superintendent; but that portion of the castings needed first is yet behind, and unless delivered within ten days the work will have to stop for the want of the bases and window-frames.

In the original plan and specifications the building above basement was to have been of brick; but finding it impracticable, the contract was changed, (all parties agreeing, as I so understood it,) and the first and second stories are to be of rubble masonry, plastered with Roman cement, which will be extra of the present contract. For further information as it respects the change in contract, I would refer you to Dr. H. Rodrigue, the contractor.

As it respects the present condition of the building, I feel satisfied that it would have been much farther advanced had it not been for a continuation of the difficulties in the Territory, which have at times rendered it almost impossible for the present contractor to procure the services of such men as he needed. If the above is not sufficiently full and satisfactory, you will confer a favor by letting me know.

With sentiments of respect, I am, yours truly, and obedient servant,

OWEN C. STEWART,

Superintendent of Capitol Building.

His Excellency J. W. GEARY,
Governor of Kansas Territory.

Order for Militia Guards.

EXECUTIVE DEPARTMENT,

Lecompton, K. T., Sept. 23, 1856.

DEAR SIR: You will furnish, from time to time, such guards to the United States marshal as he may require, taking care to report to me whether the force under your command is sufficient for the purposes intended.

Yours, &c.,

JNO. W. GEARY,

Governor of Kansas Territory.

Colonel H. T. TITUS.

It having been reported to Major General Smith, as well as to the Executive, that large bodies of armed men were preparing to invade the Territory through the northern frontiers, especial attention was directed to that quarter. The following correspondence relates to that subject:

*Despatch from Colonel Cooke.*CAMP, 7½ a. m., *September 23, 1856.*

DEAR SIR: I send you despatches, &c., &c., received late in the night. Colonel Johnston is under orders for the "northern frontier," to repel invasion, with four companies, 1st cavalry. Can you give us new information? Otherwise, doubtless, his route should be through Topeka, and he would soon meet all bad news. I have anticipated Colonel Johnston's moving in an hour or two.

In great haste, I am, yours truly,

P. ST. GEORGE COOKE,

Commanding.

His Excellency Governor JOHN W. GEARY,
Kansas Territory, Lecompton.

Reply to Colonel Cooke.

EXECUTIVE DEPARTMENT,

Lecompton, K. T., September 23, 1856.

SIR: I have received your communication of this morning, also one from General Smith, both relating to the movement of Colonel Johnston, with four companies of cavalry, upon the northern frontier. As this expedition is to be guided entirely by instructions to be obtained from me, I can now merely say that I have several persons employed in that region of the Territory to obtain and report to me any information concerning operations that might affect the peace of the government; and having yet received no reports from them, I desire that the departure of Colonel Johnston be deferred until I can

receive and communicate to you authentic accounts that will justify the movement of the troops.

Yours, truly,

JOHN W. GEARY,
Governor of Kansas Territory.

Colonel P. St. G. COOKE,
Commanding United States troops.

Letter to General Smith.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 23, 1856.

MY DEAR SIR: I received your official and private letters of yesterday's date, and their contents were duly noted, and disposed of as directed by you.

I have not yet obtained sufficient information concerning the movements of Lane's party in the north, to justify the marching of the troops in that direction. I have two men in search of correct information, and as soon as I obtain it in a sufficiently reliable shape to authorize a movement in that direction, it shall be done, and I will accompany it in person.

The foot companies, to fill your requisition, will be full in a few days. I have need for one company of cavalry. I trust you will give me a requisition for it, in addition to the two of infantry.

Everything is apparently quiet in this part of the Territory. Mechanics and laborers are resuming their business. All the arts of peace are once more beginning to be cultivated, and I trust its benign influences may be permanently planted. Yet I cannot put implicit confidence in the present calm. It seems impossible that, after a few bold strokes only, a continuous peace could be established, after so long and serious a conflict. I feel that it is infinitely better to maintain a few additional troops than to run the risk of outbreaks hereafter. Every poll where difficulty is likely to occur should be guarded on the election day.

With high respect, your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Major General P. F. SMITH.

September 24, 1856.—For the purpose of obtaining information which was considered of great value to the Territory, the governor invited to Lecompton Captain Walker, of Lawrence, one of the most celebrated and daring leaders of the anti-slavery party, promising him a safeconduct to Lecompton and back again to Lawrence. During Walker's visit at the executive office, Colonel Tipton entered, whose house was, a short time since, destroyed by a large force under the command of Walker—an offence which was subsequently retaliated by the burning of the residence of the lat-

ter. These men were, perhaps, the most determined enemies in the Territory. Through the governor's intervention, a pacific meeting occurred, a better understanding took place, mutual concessions were made, and pledges of friendship were passed; and, late in the afternoon, Walker left Lecompton in company with and under the safeguard of Colonel Titus. Both these men have volunteered to enter the service of the United States as leaders of companies of territorial militia.

—
SEPTEMBER 25, 1856.

Application for Troops.

UNITED STATES MARSHAL'S OFFICE,
Lecompton, K. T., September 25, 1856.

SIR: A warrant has been in my hands, issued by the honorable Judge Lecompte, chief justice of the supreme court of Kansas Territory, bearing date 17th September instant, for the arrest of Colonel Whipple and many other persons; upon which warrant I have arrested fourteen persons at Topeka, on the 18th instant.

And whereas a great number mentioned in said warrant are not yet arrested, and, in consequence of the excited condition of the people of the Territory, and the opposition to the execution of the laws, I am unable, by the power vested in me as United States marshal, to execute the process in my hands, as commanded by said writ, without the aid of a military posse to assist me in the discharge of said duty:

I am, therefore, under the necessity of requesting your excellency to furnish me a posse of ten dragoons, to aid me in making the arrests of the persons mentioned in said writ of arrest.

Very respectfully, your obedient servant,

J. B. DONELSON,

United States Marshal of Kansas Territory.

His Excellency JOHN W. GEARY,

Governor of Kansas Territory.

—
Requisition for Troops.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 25, 1856.

SIR: Having been shown a warrant issued by the honorable the chief justice of this Territory, for the arrest of Colonel Whipple and others, for crimes committed in this Territory, and being duly certified by the United States marshal that he is unable, by virtue of the civil power vested in him, to execute said warrant, and requesting military aid;

You are therefore respectfully requested to detail a posse of ten mounted troops (that being the number required by the marshal) to aid him in the execution of said writ.

Very truly, your obedient servant,

JOHN W. GEARY, *Governor of Kansas Territory.*

Colonel P. ST. GEORGE COOKE,

Commanding U. S. troops near Lecompton.

Inquiries concerning Requisitions.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 25, 1856.

SIR: You have at sundry times made application to me for requisitions upon Colonel Cooke, commanding the United States troops stationed near this place, for men to assist you in the execution of warrants upon persons charged with offences against the peace of the Territory. These requisitions were made as follows:

On the 17th instant, for 200 dragoons, to serve a writ upon one Colonel Whipple and others.

On the same day, for five dragoons, to arrest certain parties not named in your application.

On the 20th instant, for ten dragoons, to execute a warrant upon Thomas Kemp and others.

And on the 22d instant, for six dragoons, to aid in securing sundry persons charged upon the complaint of James B. Lofton.

As I have received no official information respecting the result of the above-named requisitions, you will oblige me by reporting at once, in writing, whether they were complied with; and if so, whether the objects for which they were made have been accomplished; and all other information relative to the subject that you have the means to communicate.

Yours, &c.,

JOHN W. GEARY,
Governor of Kansas Territory.

J. B. DONELSON, Esq.,
U. S. Marshal, K. T.

Reply of Marshal Donelson.

U. S. MARSHAL'S OFFICE,
Lecompton, K. T., September 25, 1856.

SIR: In answer to your interrogatories, contained in your note of to-day, as to the results of requisitions made on your excellency for military forces to aid in making arrests of persons charged with offences against the peace of the Territory, to wit:

"A requisition on the 17th instant, for two hundred dragoons, to serve writs on Colonel Whipple and others." This requisition, under command of Colonel Johnston, marched from near Lecompton at two o'clock on the 18th instant, for Topeka, where Colonel Whipple, and a large number of others, commanded by the warrants in my hands to be arrested, were supposed to be. The troops reached Topeka early on the morning of the 19th instant, where I made arrests of fourteen persons, identified as being of the party of Colonel Whipple, in the robbery of Osawkee, one of whom was too unwell to be removed; another, through mistake, was left. Twelve persons were brought to this place and put under guard of the United States troops, until Monday, the 22d instant, at which time eight

were turned over to Colonel H. G. Titus, of the territorial militia, to guard; four of the twelve having made their escape while in charge of the United States troops. The remaining eight, namely: John Richie, John W. Kagie, Wm. Fisher, Charles Diggs, Charles Saxton, John W. Kemble, B. W. Atwood, and John Brown, were on the 24th instant brought before the Hon. Sterling G. Cato, associate justice of the supreme court of this Territory, for examination; who, after the evidence, committed John Richie, John W. Kagie, Charles Saxton, and Charles Diggs, for highway robbery, and discharged James Kemble, John Brown, Wm. Fisher, and B. W. Atwood.

The requisition made on the same day, (the 17th instant,) for five dragoons, upon which no arrests were made.

The requisition made on the 20th instant, for the dragoons to aid in arresting Thomas Kemp and others for robbery, resulted in the arrest of Thomas Kemp, Robert Inchown, J. W. Thompson, Orval Thompson, and William Owens, who are now before the court upon examination.

The requisition made on the 22d instant, for six dragoons to aid me in arresting certain persons for horse-stealing, on the affidavit of James B. Lofton, resulted in the arrest of George Leonard and — Tabor, who were brought before the court to-day for hearing, and the case continued until to-morrow.

Another requisition for a posse of (number not mentioned in your communication) dragoons, were sent with Deputy Marshal Cramer, on a warrant issued by the Hon Sterling G. Cato, associate justice, &c., on the 20th instant, upon an affidavit by Isaac G. Baker, for the arrest of a company of marauders and robbers (whose names were unknown to said Baker,) in the county of Franklin. The posse proceeded by way of Lawrence and Blanton's bridge to Hickory Point, where they ascertained that these marauders had returned the day previous by way of Blanton's bridge. No arrest was made.

The objects for which the requisitions were made have been partially accomplished. On the requisition for two hundred dragoons, on the 17th instant, a large number implicated in the warrant have not yet been arrested, on account of the difficulties in finding their whereabouts. That for the five on the same day proved abortive. That of the 20th instant, for ten dragoons, was accomplished, or nearly so. That of the 22d instant, for six dragoons, succeeded in arresting two of the offenders, one more of whom has since been arrested, and one still cannot be found.

No resistance has been made to the execution of any of these writs; nor is it probable that any will be made when the marshal is accompanied by a military posse.

I have now in my hands a large number of writs not executed, on account of the press of business before the examining court now sitting in this place.

All of which is respectfully submitted.

Very respectfully, your obedient servant,

J. B. DONELSON,
United States Marshal, K. T.

His Excellency J. W. GEARY,
Governor of Kansas Territory.

Requisition for Troops.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 25, 1856.

SIR: Having received reliable information that about 200 armed men, in defiance of my recent proclamation, under command of a certain Redpath, have entered the Territory through Nemaha county, in the Territory of Nebraska, on their way to Topeka, which they expect to reach to-morrow night,—

I desire you to send a force of about one hundred and fifty mounted troops, with instructions to disperse said armed body of men, and to assist the United States marshal, or his deputy, to execute any writs in his possession, and to make any arrests which circumstances may seem to require.

I have also to request that you send one company of infantry to the neighborhood of Lawrence, to be there stationed, for the purpose of maintaining the peace of the neighborhood, including the town of Franklin.

Your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Colonel P. ST. GEORGE COOKE,
Commanding U. S. Troops near Lecompton.

The following letter was this day received from General John W. Reid, late a commander of the Kansas militia, called into the service of the Territory by Secretary Woodson, when acting governor:

Letter from General Reid.

INDEPENDENCE, MISSOURI,
September 20, 1856.

SIR: The expedition which was disbanded, by your order, at Franklin, the other day, was put on foot at a time when it seemed the government was, by the factious action of Congress, about to be deprived of power to enforce order in the Territory, and in the belief amongst our people that they were driven to the sword to maintain and protect their rights in the Territory against violation by a band of freebooters.

As soon, however, as I read your proclamation, and saw the instructions of the government to you, and your power and determination to enforce them, I determined, though against the consent of some who were more zealous than judicious, to do no act which would bring our forces into conflict with you, or which would, in any way, increase the embarrassments of your position. The result, you know, transpired at Franklin, and was as gratifying to me as to yourself. But, like all other men who take positions when they are responsible for the acts of an organized mob of militia, I am maligned and assailed for the manner of terminating the affair.

I am sorry to say we had too many men who were actuated by no higher motive than pillage and plunder; and, also, others who went to avenge real or supposed wrongs, and who are greatly *outraged* that

they were not permitted to enter Lawrence and plunder it, and hence are busy in attributing to me every motive but the true one for the result of affairs. And hence, I trouble you with this note, and will take it as a favor if you will answer the following queries:

1st. Had you not, the day before our arrival, visited Lawrence with United States dragoons and disbanded Lane's forces, then there?

2d. Was not Lawrence at the time of our approach in an almost *defenceless* condition? And would not the taking and sacking of it, under the circumstances, have been dishonorable to the attacking party?

3d. Were you not compelled by official duty, having disbanded their forces, to interpose with the United States troops to prevent our entry into Lawrence?

4th. Was not the flag on the Blue Mound a signal to advise you of our approach, so that you might start for the relief of the town in time? (I so understood you at Franklin.)

5th. Could Lawrence have been taken by us on Sunday evening before the troops or yourself came to its succor? And did not the people advise you, by runners, of our approach?

6th. Could the town of Lawrence have been attacked and taken by us on Sunday, the 14th instant, except in violation of your authority, and in opposition to your power and that of the United States forces at your command being present and resisting such attack?

By answering the above you will confer a personal favor upon one who entertains a high respect for yourself and for the manner in which you performed the functions of your difficult position.

I will add that, when twenty miles from Lawrence, I learned from the stage-driver and the passengers that the armed force in the town had been disbanded by you the day before, and that I *then* determined not to allow it to be entered if contrary to your wish; and I have only one regret connected with the affair, and that is, that some bad men who were with us did commit some outrages, only too much resembling those of which I hope you will believe was beyond my control or power to prevent.

Very respectfully, sir, your very humble and obedient servant,
JOHN W. REID.

His Excellency JOHN W. GEARY,
Governor of Kansas Territory.

Reply to General Reid.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 25, 1856.

DEAR SIR: Your favor of the 20th instant was received by last night's mail, and, although pressed by official business, I hasten to give an immediate response to your friendly letter.

In order to make my reply entirely lucid and satisfactory, I will first answer your interrogatories in their order.

In reply to your first, I have to state that on the day before the arrival of your forces, I had visited Lawrence in person, accompanied by about three hundred dragoons; that I caused my printed proclamations to be circulated there, commanding "*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.*" At Lawrence I neither saw Lane, nor any body of armed forces; nor have I seen Lane since.

In reply to your second interrogatory, I answer that I was at Lawrence at the time of your approach, and that so far as its inhabitants were concerned, the place was "almost in a defenceless condition, and that the sacking and taking of it under the circumstances would have reflected no honor upon the attacking party."

In reply to your third interrogatory, I say that I was "compelled by official duty to prevent your entry into Lawrence by the interposition of the United States troops," and that I would have done so.

In reply to your fourth interrogatory, I have to state, that I knew nothing of the purpose of the "flag on the Blue Mound" until it was pointed out to me in the camp at Franklin, and I was there told that it was to signal *the people of Lawrence* of the approach of your forces.

In reply to your last interrogatory, I say that the town of Lawrence "could not have been attacked and taken by the forces under your command, on Sunday the 14th instant, except in violation of my authority, in opposition to my power, and in defiance of the United States troops, being present, and under my command."

In reply to other portions of your letter, I have the honor to submit to you an extract from a letter which I addressed to the governor of Missouri on the 20th instant:

"Your estimate of the patriotism and honorable bearing of the good citizens of Missouri is by no means too exalted, as was fully demonstrated by their conduct when recently assembled in great force before the town of Lawrence.

"They came there with a fixed determination to destroy that town, in retaliation, as they said, for wrongs which their fellow-citizens from Missouri had experienced at the hands of the citizens of Lawrence.

"My presence there was indeed most opportune; and your excellency cannot imagine my emotions of gratitude, when, in response to my appeal, the army of Missourians most gracefully resolved to disband, return to their respective homes, and trust to my efforts for the protection of their friends here.

"I trust that your excellency will in some way do me the favor to communicate to those of your citizens who, upon that occasion, so honorably responded to my appeal, my heartfelt thanks and my sincere obligations.

"If the Missourians had executed their purpose to destroy Lawrence and massacre its inhabitants, it would have been a stain upon the escutcheon of your noble, conservative State, which time could scarcely have effaced. Having burned Lawrence and destroyed its inhabitants, excited by the contest, and rendered more fierce by their work of blood, they would have marched upon Topeka, and it would

have met the fate of Lawrence, and the free-State men would have been utterly exterminated.

“Such a catastrophe would have excited so great a horror, and stirred up so fierce an indignation throughout the entire north, that all my efforts to preserve the peace of the Territory would have been utterly impotent and futile. We would have been literally overrun by a northern army, and the flames of civil war would have been kindled throughout the country.

“It is, therefore, a source of hearty gratulation that the citizens of Missouri have had the good sense to place themselves in a correct position, and thus render such essential service to the cause of good order.

“I trust that, for the future, the same courtesy will be extended towards me by your citizens, and that the most cordial relations may forever exist between the two governments.”

In conclusion, I have to unite with you in the earnest expression of regret “that some bad men connected with your expedition did, upon their retirement, commit outrages which all good men should deplore.”

I cannot, however, close this hasty letter without expressing my warm thanks to you, individually, for your manly and generous conduct on the occasion referred to, and your prompt compliance with my wishes.

Very truly, your obedient servant,

JOHN W. GEARY,

Governor of Kansas Territory.

General JOHN W. REID.

September 26, 1856.—Numerous applications have been made at the executive office, by parties residing in different sections of the Territory, for the privilege of organizing armed bodies of men, ostensibly for the purpose of protection to the neighborhoods in which the applicants reside. As the granting of such a privilege would be in direct opposition to the proclamations of the 11th instant, and be the means of re-establishing partisan bands over the Territory, it has invariably been refused. The following letter and reply exhibit the policy of the governor on this subject:

Letter from H. Clay Pale.

WESTPORT, *September 25, 1856.*

DEAR SIR: Judge Wilson, of Franklin county, of whom I spoke in a letter some days since, asking your attention to the election in that county and Lykens, desires that I should organize the settlers of those two counties into a company for mutual protection during the election excitement.

I have told him I would do so, provided you would give me a commission. There will certainly be a disturbance if no sufficient force is there. Some of our own party are going, who are themselves imprudent, and, in some cases, disorganizers, and should be under restraint. If not, they will do more harm than good.

The presence of a body of men is necessary; but I will not consent to command them without such authority from you as will enable me to enforce rules and prevent all kinds of violence.

Please answer at once. I refer you to Secretary Woodson, Colonel Titus, Sheriff Jones, and Doctor Rodrique.

Your servant,
Governor JOHN W. GEARY.

H. CLAY PATE.

Reply to the foregoing.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 26, 1856.

DEAR SIR: I have just received your favor of yesterday, suggesting anticipated difficulties in the counties of Franklin and Lykens, in this Territory, at the approaching election, and volunteering your services to raise a company to preserve the peace of those counties, and prevent disturbance at the polls.

While thanking you most kindly for your suggestions and for your very friendly offer, I have to say that I have made every arrangement necessary to protect the *bona fide* citizens of this Territory in the exercise of their right of suffrage. The order has already issued to secure the attendance of United States troops at points where I have any reason to anticipate trouble.

I am especially determined and sensitive on this point, and will punish with the utmost severity any interference with the legitimate exercise of the sacred right of suffrage.

I trust that you and all other good men will aid me in this matter, which I have so much at heart.

Very truly, your obedient servant,

JNO. W. GEARY,
Governor of Kansas Territory.

H. CLAY PATE, Esq.

SEPTEMBER 27, 1856.

Requisition for troops to guard the prisoners.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 27, 1856.

SIR: I am under the necessity of making a requisition upon you for thirty infantry, to perform guard duty over the United States prisoners in Lecompton. The infantry guard to go on duty to-morrow, (Sunday,) at 9 o'clock, a. m., and to serve one day.

This requisition is made for the purpose of relieving the volunteer guard, who have been on duty, night and day, since their enlistment.

Your obedient servant,

JNO. W. GEARY,
Governor of Kansas Territory.

To Col. P. ST. GEORGE COOKE,
Commanding United States forces near Lecompton.

Application for Troops.

UNITED STATES MARSHAL'S OFFICE,
Lecompton, K. T., September 27, 1856.

SIR: Sundry warrants or writs of arrest have been placed in my hands, issued by the Hon. Sterling G. Cato, associate justice of the supreme court for this Territory, upon the following affidavits, to wit:

The affidavit of L. B. Stateler, dated 17th September instant; warrants were issued for one Harvey Moore, and others, date same as affidavit.

The affidavit of William A. M. Vaughan, dated 17th September, instant; warrants were issued for the arrest of Charles Moffat and Marion J. Mitchell, and others, dated same as affidavit.

The affidavit of Benjamin D. Castleman, dated the 24th September, instant; warrants were issued for the arrest of Martin Stowell, Jemison Cleveland, and others, date same as affidavit.

The affiants all live in and near Tecumseh, Shawnee county, Kansas Territory; the offenders, many who are here named, live in the neighborhood of Tecumseh and Topeka.

In consequence of the known opposition of these offenders to the execution of the laws, I am unable, by virtue of the authority vested in me as United States marshal for the Territory of Kansas, to make arrest of said offenders. I therefore request your excellency to furnish me a military posse of twenty United States dragoons to aid me in making the arrests commanded by said writs.

Very respectfully, your obedient servant,

J. B. DONELSON,

United States Marshal for the Territory of Kansas.

His Excellency JOHN W. GEARY,

Governor of Kansas Territory.

The foregoing Application declined.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 27, 1856.

SIR: I have just received your requisition for a posse of twenty United States dragoons, to aid you in the execution of certain warrants in the neighborhood of Tecumseh and Topeka.

In reply, I have to say that there are now one hundred and fifty United States mounted troops in the vicinity referred to, and my advices are that peace and quiet reign there, and I believe you will have no difficulty in the discharge of your duty.

I must, therefore, decline acceding to your request until I am clearly satisfied that you cannot execute your warrants by virtue of the civil authority already vested in you.

I am very averse to the employment of the military to execute civil process, and will only do so in cases of imperative necessity.

Very truly, your obedient servant,

JNO. W. GEARY,
Governor of Kansas Territory.

J. B. DONELSON, Esq.,
United States marshal for the Territory of Kansas.

Report of Marshal Donelson.

UNITED STATES MARSHAL'S OFFICE,
Lecompton, K. T., September 27, 1856.

SIR: A requisition was made by me on the 23d of September, instant, for a posse of ten dragoons, to aid me in arresting certain persons implicated in a writ issued by the Honorable Samuel Lecompte, chief justice of the supreme court of the Territory of Kansas, on the 17th September, instant, for Colonel Whipple and others.

This posse granted by you proceeded on the 24th of September, instant, accompanied by my deputy, William H. Tebbs, to Osawkee, in Jefferson county, Kansas Territory, and arrested in that neighborhood the following persons named and implicated in said warrant, to wit: Ephraim Bainter, Doctor Cole, Absalom Vickars, Henry Hoover, Henry Bowles, Nathan Griffiths, Jacob Fisher, and French Lewis.

The posse arrived here on yesterday evening with the prisoners, who were turned over to Colonel H. T. Titus, commanding the territorial militia, for safe keeping.

Very respectfully, your obedient servant,

J. B. DONELSON,
United States Marshal of the Territory of Kansas.

His Excellency JOHN W. GEARY,
Governor of Kansas Territory.

Report of Deputy Marshal Tebbs.

UNITED STATES MARSHAL'S OFFICE,
Lecompton, K. T., September 27, 1856.

SIR: It is with pleasure that I submit the following statement of occurrences under my observation in the performance of certain official duties devolving upon me as deputy United States marshal, in Jefferson county, Territory of Kansas. A requisition for ten United States dragoons having been placed under my direction, I left Lecompton at 12 o'clock m., on the 25th of September, instant, and proceeded to the neighborhood of Osawkee, and by 12 o'clock of that night succeeded in arresting six persons upon a warrant issued by his honor Samuel D. Lecompte, chief justice of the supreme court of Kansas Territory, and

on the next morning two others upon the same writ, all of whom were safely delivered into the hands of the United States marshal, J. B. Donelson, on the evening of the 26th inst. I have further to state that no resistance was made to my authority, except in words by one of the persons, who was quickly silenced without violence.

I take pleasure, also, in stating to your excellency, that so far as I have heard an expression of feelings on the part of the people of that county, with nearly all of whom I have an intimate acquaintance, they were delighted with the course pursued and adopted by you, and feel confident in the hope of a rapid restoration of the country to peace and prosperity.

I ascertained from reliable authority that General James H. Lane, on the day after leading the attack on Hickory Point, made a speech to his men, after first reading your proclamation which directed them to disperse. He then dispersed them, and declared his intention of leaving the country.

I could hear of no armed bodies of men any where in that section of the country.

Very respectfully, your obedient servant,

WILLIAM H. TEBBS,
Deputy U. S. Marshal, K. T.

His Excellency JOHN W. GEARY,
Governor of Kansas Territory.

On the evening of the 26th instant, Judge S. G. Cato was accidentally shot in the ankle by the discharge of a pistol in the hands of another person. The wound, though not mortal, is sufficiently severe to prevent his attending for some time to his official duties. Under the present pressing necessities for his services, this calamity is peculiarly unfortunate. A number of prisoners are awaiting a preliminary examination on sundry charges, and it is important that they should immediately be heard. The accident to Judge Cato, and the continued absence from the Territory of Judge Burrell, rendered necessary the instant despatch of the following communication to Chief Justice Lecompte, now at Leavenworth city:

Trial of Prisoners.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 27, 1856.

DEAR SIR: An accident having occurred last night to Judge Cato, he is rendered incapable of prosecuting his official duties. This is peculiarly unfortunate at this particular time. A number of persons recently arrested, charged with crime, are awaiting an examination, and it is absolutely necessary that a hearing should be given to them at the earliest possible moment. I would, therefore, urge the importance of your immediate return to Lecompton. A number of witnesses who have been summoned will be here on Monday next, to attend preliminary examinations of the prisoners.

There are now here over one hundred persons who have already

been heard by Judge Cato, and committed for trial on charges of murder, robbery, &c. It is indispensable that the court should be held in this place for the trial of these men, as the difficulties attending their conveyance to Leavenworth, and collecting the witnesses at that place, are insurmountable. You will therefore please make arrangements for holding the court at Leecompton.

Respectfully, your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Honorable SAMUEL D. LECOMPTE,
Chief Justice of Kansas Territory.

On the 19th instant a communication was received at this office, dated the 9th instant at St. Louis, Missouri, and signed by Dr. S. Norton and seven others, who claimed to have been citizens of Leavenworth, and to have been driven from their homes in that city by force, exercised by an armed body of men under command of Captain Emory, of the territorial militia. The following letter from the mayor of Leavenworth city is in reply to inquiries addressed to him on this subject :

Letter from the Mayor of Leavenworth City.

LEAVENWORTH CITY, KANSAS TERRITORY,
September 23, 1856.

RESPECTED SIR : Your favor of the 19th instant has been duly received, and I hasten to reply thereto. The petitioners referred to in your letter, it is true, were citizens of this city; and it is equally true that they were opposed in principle and sentiment to the statute laws of this Territory, and on all and every occasion were found in opposition to the law and order party of this city. At the time they left this city, there existed a very high state of excitement. The pro-slavery, or law and order party, were hourly expecting an attack to be made on them from a portion of the notorious Colonel Lane's party. Large numbers of them had removed their wives and children away from the town. Others were on guard at the edge of town, and engaged in erecting barricades to defend their persons and property against attack from a body of men whom they looked upon as enemies to the laws of Kansas Territory, and as outlaws and traitors to our common country. For two or three days previous to the time that these men state to your excellency that they were forced to leave, appeals had been made to every citizen of Leavenworth city, who was in favor of sustaining the Kansas laws, and resisting an attack from Lane's men, to shoulder their guns and come to the defence of the city. Those men put a deaf ear to any such appeals; and on Tuesday, the 2d instant, the leading military men of the city requested Captain Emory to detail a guard from his company to go around the city and notify all persons who were not in favor of the laws, and unwilling to fight in defence of the city, that they had better leave. I cannot state to you as a fact that the petitioners alluded to in your letter

received any orders from Captain Emory ; but if they did, I am convinced that they were as above stated.

Your excellency is aware of the fact that at the time spoken of the civil arm of the law was completely paralyzed. Now that peace is restored, and the officers of the law have determined to act strictly in accordance with your proclamation, I believe those men have nothing to fear in returning here. If they will act as law-abiding citizens, they shall receive from me that protection which the law demands.

I hope, sir, you will permit me to add that I have, as mayor of this city, endeavored on all occasions to prevent bloodshed, and have the city ordinances and laws of the Territory obeyed and respected ; and when it was out of my power to enforce them, as in the last excitement, I went around, and, by persuasive language, allayed excitement as far as possible.

I am, respectfully, your obedient servant,

WILLIAM E. MURPHY.

Honorable JOHN W. GEARY,
Governor of Kansas Territory.

Reported invasion in the North.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 27, 1856.

SIR: You will perceive by the accompanying letter from a respectable citizen of Chicago, of the 16th instant, and endorsed by the postmaster at Westport on the 25th instant, and just received by me, that "one thousand armed men were about to start from Chicago to help Lane at Lawrence, and that they expect to enter Kansas through the State of Iowa and the Territory of Nebraska."

I deem it important to communicate this information, in order that you may communicate with Colonel Johnston on the subject, that he may take such precautionary measures as under the circumstances may be deemed advisable to prevent the ingress of any armed force, in violation of my proclamation, along the northern frontier.

Your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Colonel P. ST. GEORGE COOKE,
Commanding U. S. forces near Lecompton.

Commissions issued.

To William A. Cardwell, as justice of the peace for Lecompton township, Douglas county.

John Spicer, as county commissioner for Douglas county, vice — Johnson, removed from said county.

Henry Carmichael and William Jordan, as justices of the peace for Tecumseh township, Shawnee county.

William F. Johnson, as justice of the peace for Wakarusa township, Shawnee county.

Nolan Rice, as justice of the peace for Council City township, Richardson county.

William P. Hicklin, as public administrator for Shawnee county.

William M. Harniss, as constable for Council City township, Richardson county.

Joseph Dearman, as constable of Wakarusa township, Shawnee county.

Harvey Spurlock, as constable for Lecompton township, Douglas county.

SEPTEMBER 28, 1856.

Requisition to arrest James H. Lane.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 28, 1856.

SIR: Having received reliable information that James H. Lane, with a large armed force, with three pieces of cannon, is now about to invade this Territory, he having contracted with the ferryman at Nebraska City for the transit of six or seven hundred men across the Missouri river, commencing on the 26th instant, this is to authorize and request you, with such force as you may deem necessary, to cause the said James H. Lane to be arrested, if he be found within the limits of this Territory, and to capture his cannon and any other munitions of war, together with any armed body of men entering this Territory in violation of my proclamation of the 11th of September instant, and to bring the said James H. Lane, with his cannon and munitions of war, together with any other prisoners, before me at this place, to be dealt with according to law.

Your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

P. ST. GEORGE COOKE,
Commanding U. S. forces near Lecompton.

The same subject.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 29, 1856.

DEAR SIR; I have just received despatches from General Smith, enclosing evidence sufficient, in my judgment, to justify the within requisition.

I am now of the opinion that Redpath's party is but the advance guard of Lane's command. I think you will meet him upon the same route travelled by Redpath.

It now seems to me proper to employ every means to capture Lane. The acts he has been guilty of in Kansas point out his intentions now, and, connected with his armament of cannon, show his intentions to be in continuation of his former illegal and revolutionary acts.

I hope you will lose no time in carrying out this order, and, if possible, secure the principal object.

If you think Colonel Johnston's command sufficient, and he is en route for the north, please communicate the fact to me to-night, and send a messenger to communicate my wishes, &c.

Very truly, yours, &c.,

JOHN W. GEARY,
Governor of Kansas Territory.

Colonel P. St. GEORGE COOKE,
Commanding United States forces near Lecompton.

About selling Liquor to the Troops.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 29, 1856.

SIR: Whereas great complaints have been made to me that much drunkenness prevails among the United States forces stationed near this place, by reason of the indiscriminate and unrestrained sale of liquor to the soldiers by the various liquor establishments located here; and whereas such a state of things is highly demoralizing to the troops, and is calculated to unfit them for a proper discharge of the delicate and responsible duties devolving upon them, I deem it proper to bring the fact to your notice, as the head of the municipal government, in order that you may take such measures as in your opinion will remedy the existing evil.

Your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

OWEN C. STEWART, Esq.,
Mayor of Lecompton.

Requisition for Mounted Militia.

HEADQUARTERS DEPARTMENT OF THE WEST,
Fort Leavenworth, September 28, 1856.

GOVERNOR: I have the honor to enclose a requisition for a company of militia of the Territory, mounted, in addition to the two companies of foot already required for the service of the United States.

This company, which you desire me to have called into service, will be mastered into the service of the United States by an officer to be detailed for that purpose by Lieutenant Colonel Cooke.

The law and regulations on the subject require the mustering officer to be very strict in inspecting the horses and equipments of the mounted men; and I mention it now, that they may provide themselves accordingly.

With the highest respect, your obedient servant,

PERSIFOR F. SMITH,

Bvt. Major General, com'g Department.

His Excellency JOHN W. GEARY,

Governor of the Territory of Kansas.

The same subject.

HEADQUARTERS DEPARTMENT OF THE WEST,
Fort Leavenworth, September 28, 1856.

SIR: In addition to the companies of militia called into the service of the United States, I have the honor to make a requisition on you for one company of cavalry, to consist of one captain, one 1st lieutenant, one 2d lieutenant, four sergeants, four corporals, one farrier and blacksmith, and seventy-four privates.

With the highest respect, your obedient servant,

PERSIFOR F. SMITH,

Bvt. Major General, com'g Department.

His Excellency JOHN W. GEARY,

Governor of the Territory of Kansas.

September 29, 1856.—Every other means to secure the person or persons who murdered Mr. Buffum on the road between Lawrence and Leecompton, on the 15th instant, having failed, the following proclamation, offering a reward of five hundred dollars, was this day issued:

PROCLAMATION.

[\$500.]

LECOMPTON, September 29, 1856.

A reward of five hundred dollars is hereby offered for the arrest and conviction of the murderer or murderers of David C. Buffum, of Douglas county, in the Territory of Kansas.

This reward will be paid by me immediately upon the conviction of the author of this great outrage.

JOHN W. GEARY,

Governor of Kansas Territory.

September 30, 1856.—The following letter to the honorable Secretary of State was forwarded by mail to St. Louis, to be despatched thence to Washington city by telegraph:

To the Secretary of State.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 30, 1856.

SIR: Peace now reigns in Kansas. Confidence is gradually being restored. Citizens are returning to their claims. Men are resuming their ordinary pursuits, and a general gladness pervades the entire community.

When I arrived here, everything was at the lowest point of depression. Opposing parties saw no hope of peace, save in mutual extermination, and they were taking the most effectual means to produce that terrible result.

I will shortly issue a proclamation announcing the fact that tranquillity prevails, and inviting the return of all citizens who have been ejected from the Territory either by fraud or force.

In a day or two I will transmit you a full account of my proceedings.

Your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Hon. WM. L. MARCY,
Secretary of State.

—
LECOMPTON, KANSAS TERRITORY,
October 1, 1856.

The foregoing is a true copy of the executive minutes of the Territory of Kansas, from the 9th to the 30th September, 1856, inclusive.

JOHN H. GIHON,
Secretary to the Governor.

—
Mr. Marcy to Governor Geary.

DEPARTMENT OF STATE,
Washington, September 23, 1856.

SIR: Your letter of the 9th instant, from Fort Leavenworth, has been received and laid before the President. He is much gratified with your assurance that you shall be able ere long to restore peace and quiet to the Territory of Kansas. Such aid as he can give towards accomplishing this most desirable result will be promptly afforded.

In General Smith's despatch to the Secretary of War, of the same date with that of your letter, he expresses a decided opinion that the military force which he now has under his command, together with that which can be organized in the Territory, will be sufficient for all

the purposes for which such a force is needed, and that he shall have no occasion to use the authority given to him to call for any additional force from the States of Kentucky and Illinois.

The President indulges the hope that, by the judicious measures which he does not doubt will be adopted by you, and the concerted action between yourself and General Smith, outrages will cease, order be restored, and the civil authority re-established and found competent to preserve peace and afford complete protection to the settlers, both in their persons and property. Those who have committed crimes within the Territory should not be permitted to escape punishment, and there can be no ground for any discrimination between offenders acting individually and those acting as members of organized or associated bands. Your prompt and vigorous attention will be directed towards those who meditate further mischief and are disposed to obstruct your efforts to restore the supremacy of the civil authority.

The President relies upon your energy and discretion to overcome the difficulties which surround you, and to restore tranquillity to Kansas. The exigencies of affairs, as they shall be presented to you on the spot, will indicate the course of proceeding in particular cases calculated to lead to such results better than any definite instructions emanating from this department.

The President directs you to keep the government here constantly advised of the state of things in Kansas, and the measures you may take in carrying out the general instructions you have received.

I am, &c.,

W. L. MARCY.

His Excellency JOHN W. GEARY,
Governor of Kansas Territory, Leecompton.

Mr. Marcy to Governor Geary.

[By Telegraph.]

DEPARTMENT OF STATE,
Washington, September 27, 1856.

Your despatch, 16th instant, received. Your course is fully approved. To the troops in service, military law can properly be applied, but you have not power to proclaim martial law; you must get along without doing so.

W. L. MARCY.

JOHN W. GEARY, Esq.,
*Governor of Kansas Territory,
Leecompton, K. T.*

Governor Geary to Mr. Marcy.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., October 1, 1856.

SIR: I herewith transmit you a copy of the record in the case of the Territory of Kansas *vs.* the eighty-nine prisoners committed upon a charge of murder in the first degree, growing out of their attack upon "Hickory Point."

As this trial will excite much public interest, from the number of prisoners and the nature of the charge, I have deemed it important to send you a copy of the preliminary examination, with the opinion of Judge Cato.

The attorneys for the prisoners refused to make any defence, because, as I afterwards learned, they feared it might "damage the general cause," as they term it.

I told them of my purpose to transmit the record to Washington, and requested them, if they had any extenuating circumstances to offer, showing the reasons why the attack was made in defiance of my proclamation, to reduce such statement to writing, and that I would take pleasure to send it to Washington with the record.

Up to this time there has been no response to my request, and I therefore send you the record as it has been furnished me.

Very respectfully, your obedient servant,

JOHN W. GEARY,
Governor Kansas Territory.

HON. WILLIAM L. MARCY,
Secretary of State.

Examination of the case of the Territory of Kansas vs. Thomas Bickertin et als.

TERRITORY OF KANSAS, }
Douglas County. } ss.

TERRITORY OF KANSAS *vs.* THOMAS BICKERTIN ET ALS.

SEPTEMBER 20, 1856.

The defendants having been brought before me, the undersigned, associate judge of the supreme court of the said Territory, charged with the offence of murder, and being informed of the nature of the charge, moved an adjournment till the 22d instant, to procure the aid of counsel and the attendance of witnesses; which motion was sustained, and in the mean time the said parties were committed to the custody of the marshal.

SEPTEMBER 22, A. D. 1856.

The court met pursuant to adjournment, and the defendants were brought into court; and the defendants not being ready, moved an

adjournment till to-morrow morning nine o'clock; which motion was granted, and the defendants remanded to custody.

SEPTEMBER 23, A. D. 1856.

Court met pursuant to adjournment, and the parties were brought into court; and the defendants not being ready for trial, the court adjourned until twelve o'clock same day, at the request of the defendants.

12 o'clock, m.—The court met pursuant to adjournment, and commenced the examination.

EXAMINATION OF WITNESSES.

Deposition of Dr. William H. Tebb.

Being duly sworn, deposeseth and saith, that I was with the deputy marshal when he arrested a number of persons; those persons are now before me; the first party was about five miles from Hickory Point, travelling towards Lawrence; the arrest was made about eleven o'clock, p. m. I have seen some of the prisoners before. I saw one man who told me his name was Eli Lyman. I was taken prisoner by a party of men a few days before at the mouth of Walnut creek. My horse was taken from me. I heard one Thomas Bickertin say he had been pegging at those persons at Hickory Point since eleven o'clock Sunday, the 14th instant, to get those persons out of their dens. I recognize these persons that are now held as prisoners as the same body that were arrested by the marshal, before alluded to. When this party was arrested by the marshal, he brought them to Lecompton; I saw them while guarded by the United States troops; I have since seen them while guarded by the militia. When these persons were taken prisoners, they were principally armed with muskets, Sharpe's rifles, pistols, and one piece of artillery; and also other muskets with the wagons. I saw and recognized the six horses, of eight that were taken from us at Walnut creek, in the company there arrested. I saw quite a number of cannon-ball and cannister when the marshal arrested these persons in their camp.

Cross-examined:

The first company I met were travelling towards Lawrence; the second party were some asleep, some walking about. I saw a number of men standing about the cannon; I heard one person say, Come on, you border ruffians. I saw no act of hostility or resistance to the marshal.

When at Walnut creek, where there were eight men with me, we suddenly came down the trail, and came up to the camp; one gun was fired at us, and we were ordered to halt by a number of men squatted along the creek. Some of our party turned as if to retreat; they fired upon us. We were taken into the camp and ordered to dismount; they took our horses, eight in number, three guns, two pistols, and some butcher knives. Mr. Lyman, William Porter, and Isaac Grey, were of these men; there are a number of persons here whose faces are familiar, who might or might not have been there;

cannot swear positively that they were there. We only talked with a few of these persons.

Until a short time before, in my particular locality, on the north side of Kansas river, there had been perfect peace and quietness. The day before I was warned by a free State man that I had better leave, which I did the same night—the same day Mr. Dyer's and Mr. Raley's stores had been robbed of the goods they contained, and the same night my own house was robbed. At this time, report said that there was much disturbance on the south side of said river.

I understood that a number of persons had been sent from Leavenworth, who had been premeditating an attack upon the town. At the time of my arrest at Walnut creek, I do not know whether the Territory was declared in a state of rebellion by the governor. I bore instructions to General Coffee from the governor, and from General Coffee to General Richardson. I saw General Richardson's command, and this time all I recognized were citizens of the Territory of Kansas. I heard Thomas Bickertin say, when the party before alluded to was arrested as before mentioned, that he "came to Kansas as a free State man, and now he was an abolitionist, and, thank God, in two years there would not be one negro in Missouri." When these persons were arrested by the marshal, I recognized the horses taken from us at Walnut creek in the possession of the same persons who took them; both these companies were commanded by a person called Captain Harvey. There was peace through the entire county, so far as I know, until General James H. Lane had arrived in the Territory with his command. At the time of the arrest before alluded to, Dr. Cutler said he came there as surgeon for Captain Harvey's command.

W. H. TEBB.

Sworn and subscribed to before me, this 23d day of September, A. D., 1856.

S. G. CATO,
Associate Justice.

Thomas D. Childs, being duly sworn, deposes and saith :

I was at Hickory Point during both days of the attack. I do not recognize them as being there on Saturday, as I was not near them. I recognize their faces as being familiar, and being there on Sunday, the second day of attack. The attack that was made on Hickory Point on Saturday was made by a number of persons, numbering about 150 men, marching around and firing upon us.

There were about fifty or sixty men defending Hickory Point. One horse was killed, and one wounded, by the besiegers. The party attacked at this place was Captain Lowe's—several of the neighbors; some thirty men from Atchison. We had information that we would be attacked at this place. We assembled in this house at Hickory Point, for the defence of our persons and property; it was from threats that we heard that evening that caused us to fear the attack. They attacked us about 10, a. m., and drew off about 3 o'clock, p. m. I recognize the appearance of a goodly number generally, and some individually. Charles Granville Newhall was killed on Sunday, the

14th day of this instant. Hickory Point is in Jefferson county, known as Shields' post office; said Newhall was shot by the men under Colonel Harvey's command, in the neck. His command numbered about 200 men; were armed with Sharpe's rifles, muskets, and one piece of cannon. They fired the cannon repeatedly at the shop and house; some eight holes were shot through the shop, and three holes through the house. One of Lane's command bore a white flag on Saturday, and demanded the unconditional surrender of the assemblage, or they would all be put to death, upon which Captain Lowe replied he would not surrender. The persons I recognize as being present in this fight are Thomas W. Porterfield, John I. Howell, Aaron D. Roye, Resolve Fuller. In the engagement there was one man killed and four wounded; Captain Lowe slightly; John Evans also. Captain Robinson was severely wounded, being shot through the hips; Mr. Peace also severely, and has since had his leg amputated. Captain Robinson was not in the house at the time he was wounded, but was walking about encouraging his men. John Evans was also out of doors. Mr. Peace was in the shop, and was wounded with a cannon ball.

Cross-examined:

The party in the houses at Hickory Point were our neighbors and Captain Robinson's company, from Atchison. There had been some disturbances in the country, but deponent is uninformed as to who were the perpetrators.

We were assembled in these houses on Monday, having been informed that a force was within 4 or 5 miles of the place. We had two men as prisoners, whom we supposed to be spies, but released them previous to the attack. We took no property from these prisoners. We had a black flag raised upon the blacksmith's shop; it was raised by the Atchison company. I recognize some of these men individually, and others by their general appearance. Colonel Harvey made the attack; the first gun I heard was the cannon. After the fight, there seemed to be no hostility existing between the parties; they mixed freely with each other, and, so far as I could judge, there was good feeling existing.

Re-examined:

The black flag was raised after the fight on Saturday, and before the fight on Sunday. There never was any prisoner murdered in our camp or wronged in any way. We left immediately after the terms were agreed upon, because we supposed they intended to go away or behave themselves. In our neighborhood there had been peace and quiet up to the time of the attack. The neighborhood consisted of pro-slavery men and free-State men alike.

THOS. D. CHILDS.

Captain T. J. Wood sworn and examined in behalf of the Territory:

I was with the deputy United States marshal, and commanded the troops when a great many of these persons were arrested. I arrested

one hundred and one, and allowed two persons, with a surgeon, by permission of the marshal, to go to Lawrence with a wounded man. I had a little conversation in regard to the attack, the sum of which was, they went from Lawrence to attack Hickory Point, and that they had fought there, and the wounded man, spoken of before, received his wounds during the attack. This I learned from a surgeon, who was arrested along with some twenty-five persons some two miles from where I arrested the last named parties on their way to Lawrence. The doctor, who was acting in the capacity of surgeon, gave his name, as I then understood it to be, Dr. Cutler; since learned it was Cutter. I then proceeded to Colonel Harvey's camp; at my own order I was conducted there and called for Colonel Harvey, and was told by Mr. Bickertin that he was in a log house some distance off. I enforced the marshal's order of arrest, and also of disarming these men. There seemed to me to be no concealment of their purpose or what they had been about.

I recognize in the prisoners, many of them, as those the marshal arrested. I can identify many of them as the persons there present. All, nearly, were in groups around when Mr. Bickertin told me what their purpose was, with the exception of those first arrested, who were some sixty yards off, though they all confessed to belong to the same party, under Colonel Harvey.

Cross-examined :

No resistance was made to my orders, as a body; but a few individuals hesitated a little, though I did not have to speak more than once or twice—some, perhaps, sharply to. They knew the party I commanded were United States troops. Mr. Bickertin ordered those who hesitated to lay down their arms. He represented himself as second in command, and when they knew that we were troops Mr. Bickertin told us to "come in—all right."

Re-examined.

I know nothing in regard to these prisoners being placed under charge of Colonel Titus.

TH. J. WOOD,
Captain First Cavalry.

Captain H. A. Lowe sworn and examined :

On Friday evening, September 12, 1856, I received information that I would be attacked by the abolitionists, who said they must have the post, as it was on their way from Lawrence to Iowa. I had sixty men of my own company with me that night; Captain Robinson, with a company of thirty, from Atchison, was encamped there. On the next morning thirty of my company left to go home to their families living around me, leaving about sixty men. Between ten and eleven o'clock Saturday, a body of men on horseback, and a small party on foot and in wagons, made their appearance in front of the place five hundred yards distant. (My company was composed of men of both parties, both free-State and pro-slavery, organized for self-defence.) Fifteen of these men here formed on the left of the house at five hundred yards' distance. Being uncertain whether they were friends or foes, I sent out a white flag by a man under my employ

desiring to know their object. They answered by my man that they were abolitionists to the backbone, and unless I surrendered in five minutes I should have no quarter. They sent in a flag at the same time with a like message. We refused to surrender, and they commenced firing upon us, mostly with Sharpe's rifles. Captain Robinson's reply was, tell them to go to hell; and my reply, that I was General Taylor, I knew no such word as surrender. After firing us some three hours, they left, having done no damage, save one horse and wounding another. Captain Atchison then sent three of his men to Atchison, and two were taken prisoners, but sent out as scouts, leaving us, altogether, about fifty men there. We were divided into four squads and placed in four buildings, each in charge of an officer. About eleven and a half o'clock a. m., however, they appeared again with a piece of artillery. No messages passed between us. About ten minutes after they arrived they commenced firing their cannon. The first shot struck the blacksmith's shop, the next my house. They shot wildly, as a general thing, save at the blacksmith's shop. They fired some twenty-eight or nine rounds from the cannon, (round balls, slugs, scraps of old iron, &c., being used as ammunition on the occasion.) They kept up a continual fire with their rifles. The orders to our men were, not to fire till they got within sixty yards. They continued the attack till about five and a half p. m. At that time they sent in a flag from the right, saying that they had the governor's proclamation. Lieutenant Randolph came past where I was stationed, and said they proposed terms. We went to Captain Robinson and consulted, and agreed that Randolph and myself should go out and see Colonel Harvey. Colonel Harvey said that we were brave men, and could name our own terms; we agreed on terms, and took drinks around. The black flag was not hoisted till Saturday evening, after they demanded an unconditional surrender and no quarter; it being considered, at the time, as a token that we would not surrender. One man was killed on our side, the ball entering in the back and coming out on the breast. Four of our men were wounded. John Evans was considered by myself as seriously wounded; Captain Robinson also, who was shot through the hips; also a man by the name of Peace, who had to have his leg amputated from the effects of the wound. I was also slightly wounded from a spent rifle-ball. I never saw the men who attacked me distinctly enough to recognize them by their faces. Colonel Harvey and myself drank together, and I did not conceive of any very intimate friendship between us. I did not see the prisoners after they were captured till I came here, as they left immediately, according to the terms. Captain Robinson stopped with me, being on his way to Lexington, when I informed him that I was going to be attacked.

Cross-examined :

The parties left, according to the terms, immediately, and no subsequent marauding or attack was made. No man was arrested there by our parties. I do not know whether Captain Robinson's company has been down to Grasshopper Falls. I have no knowledge of any marauding going on, except from rumor.

H. A. LOWE.

B. A. Easley sworn and examined :

Saturday, September 13, 1856, a party came up, some four hundred yards from where we were, and Captain Lowe asked for some one to go and carry a flag and see who they were, and what they wanted. I volunteered and went. They said they were abolitionists to the backbone. They asked who we were ; I answered pro-slavery. They then demanded a surrender. I asked how many men they had ; they said over a hundred. They also wished to know what company we were—if we were the Kickapoo Rangers ; I told them they were not the Rangers, and I did not know what company was there at Captain Lowe's. They said if we did not surrender in five minutes after I returned, there should be no quarter. Some five minutes after I returned they commenced firing, and continued to do so some three or four hours.

They returned the next morning ; about half-past eleven o'clock they commenced firing. They killed one of our men, a Mr. Newball. I did not see many of the attacking party, as I was distant some four hundred yards. I saw one Colonel Harvey, who had command, after the firing was over, on Sunday.

BENJ'N A. EASLEY.

William C. Stagg sworn and examined :

A party of men passed my house, on Slough creek, on Sunday morning. I do not know how many there were exactly—a hundred, more or less. They were marching northward, towards Hickory Point ; it was about nine o'clock. I saw one piece of artillery. They had some wagons. They did not go more than one hundred and fifty yards from my house. I saw a gentleman they called Colonel Harvey. Colonel Harvey was in my house, and I suppose these men were under him. I do not recognize any of the men.

Cross-examined :

My neighborhood is a peaceable one ; know nothing of any difficulties between parties.

W. C. STAGG.

D. A. Cawfield sworn and examined :

I was present at the attack on Hickory Point, on Saturday and Sunday. I only recognize two as there present—a Mr. Fuller and a Mr. Porterfield. I was not in the room where Mr. Newhall was shot. But few came up close enough to the houses to be recognized. They were all strangers, and I therefore did not take notice of them particularly.

Cross-examined :

Some dozen or two came up after the terms were agreed on, but I do not recognize any of them as here present.

DAVID A. CAWLFIELD.

Wm. E. Stagg sworn and examined :

I was at my father's house, (W. C. Stagg's,) when a body of men passed by on Sunday morning. I talked with several of them that morning. I recognize here one Calvin C. Hyde. I saw one piece of

artillery. I saw them fighting at Hickory Point, being on the prairie a mile and half off. I was informed that Colonel Harvey commanded them by those I talked with on Sunday morning, who I do not recognize.

Cross-examined :

I belonged to Captain Lowe's company. Never heard anything in regard to the destruction of Mr. Newhall's property.

Re-examined :

Mr. Hyde told me that they had had one fight, and they intended to have another; and if those fellows at Hickory Point wanted to live, they had better leave there.

W. E. STAGG.

Squire Roberts sworn and examined :

I was at Hickory Point on Saturday and Sunday, September 13 and 14, 1855, during the attack; I do not know whether the parties present on the different days were the same or not. I saw Mr. Newhall after he was shot, and then again after he was dead.

SQUIRE ROBERTS.

Marion Gardiner sworn and examined :

I was taken prisoner by a party under one Colonel Harvey, on Sunday, September 14, about 1 o'clock; while they were fighting, I was a prisoner. I recognize a portion of the defendants as present there. I have seen some of the men before.

Cross-examined :

I was a member of Captain Robinson's company; I was not at Grasshopper Falls; the company had not been, to my knowledge, at the falls.

MARION GARDINER.

J. B. Donelson sworn and examined :

I received from the custody of the United States troops the defendants as the prisoners taken at or near Hickory Point, and by my direction, and in my presence, they were turned over to the custody of Colonel Titus, on Monday September 22, 1856. S. J. Cramer was the deputy who arrested the party. Captain Newby, of the troops, turned them over. There were some other prisoners in the hands of the troops, but they are not present here.

Samuel J. Cramer sworn and examined :

I arrested some of the prisoners at a mill, some four miles from Hickory Point. I have heard the testimony of Captain T. J. Wood, United States cavalry, who accompanied me in assisting in making the arrest, and I subscribe to it as true. I recognize the prisoners here as the same I arrested, they having been in my custody ever since, under charge of the United States troops, until they were turned over on Monday to the marshal, J. B. Donelson.

SAMUEL J. CRAMER,
Deputy United States Marshal.

The court adjourned till to-morrow, at 8½ o'clock.

WEDNESDAY, *September 24*, 1856.

The court met pursuant to adjournment, and proceeded in the examination.

George W. House sworn and examined:

I was at Hickory Point on Saturday and Sunday, September 13 and 14, when it was attacked. I was taken prisoner on Sunday by Colonel Harvey's men, and was under arrest during the attack on Sunday. I had some conversation with the men. I was told by Mr. R. Fuller that he was sent out there by the governor to disband us; that he had carried a hatfull of proclamations to Lawrence as an express, and that unless we surrendered we would be hung; also, that a company of United States troops was coming to disband us. I recognize these as the men who took me prisoner. Mr. Fuller asked me if I would take an oath to leave the Territory if they let me loose; they threatened to massacre me if I did not tell how many men there were of us. One man threatened to take me out in the brush, drawing, at the same time, his rifle on me, if I did not tell him. I belonged to Captain Robinson's company, and were on our way to Lecompton.

Cross-examined:

I was in the house on Saturday evening; they came from towards Osawkee; the party on Sunday came from towards Lecompton; I do not know whether they were of the same party or not. I told Mr. Fuller that I was apprehensive of some threats and mistreatment, and then he told me I was safe if I would swear to leave the Territory. Colonel Harvey released me; no one that I know of said anything in my behalf to Colonel Harvey. I was liberated a few moments before the terms were made, and carried a flag of truce in; after the terms were made, everything was quiet; some thirty or forty of the party came into the house of Captain Lowe, and mixed with us in drinking. Mr. Fuller was present with a gun, near the artillery.

Re-examined:

I was carried to Mr. Fuller, who took charge of me and took me to Colonel Harvey.

GEORGE W. HOUSE.

The testimony for the prosecution here closed.

For the defence—Case of R. Fuller.

Josiah A. Green sworn and examined:

I was with Mr. Resolve Fuller, on Sunday, during the attack on Hickory Point. I was on Slough creek when Colonel Harvey's men came along and told us we must go to Hickory Point. I told them I did not want to go; but we were placed under arrest, and placed in a team. Mr. Fuller was in another team. He had a gun, and was with the team in the early part of the attack. He said he intended to have a gun for his day's work. He did not go with the wagon. Some one ordered us to back the wagon up; and if the men did not surren-

der who were in the blacksmith's shop, or attempted to escape to the other houses, they were to be cut off. Saw Mr. Fuller shoot once, perhaps twice. Colonel Harvey rode up after the wagon was loaded with hay and brought on the ground, and said he wanted us to cut off the men who were in the blacksmith's shop, in case they attempted to escape to the other houses. Mr. Fuller, ever since I knew him, has been a non-combatant. I have lived with him some three months, and before that knew him.

Cross-examined :

I saw Mr. Fuller on Sunday morning about a quarter of a mile from home. I saw him at home for three or four days previous. I had no information from Mr. Fuller in regard to the attack on Hickory Point previous to Saturday. Mr. Fuller had no guard over him, to my knowledge, while in charge of Colonel Harvey's men, except when he was taken prisoner four miles from Hickory Point. He did not go about, while he was in charge, as he desired. I did not see him any more after we were taken, until after the attack was made, when the teams were driven some half a mile off; he was in a team along with some eight men. I saw him once by himself, sitting on the grass. Had a rifle. He was there some three-quarters of an hour. He shot once towards the houses. No one ordered him to shoot, that I know of. He had a Sharpe's rifle. He carried it on his shoulder, as any one else would. He took it home with him. He did not have the rifle with him when he was taken. He went home that night. I went with him. I did not see him when he went back to Colonel Harvey's camp, before he was arrested by the United States marshal. I do not know whether he shot more than once. Some of the men hunted round to get me arms, though no one brought arms to me. The wagon of hay was not backed up as directed. I saw him afterwards where the cannon was, and no one seemed to guard him. The wagon was backed down within seventy-five yards of the blacksmith's shop and set fire to. I did not see Mr. Fuller in the crowd who backed the wagon down. The cannon was between me and the shop. After the order was given to back the wagon down from where I saw Mr. Fuller, I saw him afterwards, as stated, near the cannon. The cannon was nearer me than the house.

Re-examined :

Mr. Fuller was not immediately near me when the order was given to lock the hay and wagon up. I was with Mr. Fuller when he was arrested yesterday. A prisoner could not make his escape from the men who had us in charge unless noticed. The teams were moved about during the attack, which lasted some six hours. I do not know who commenced the firing on Sunday. As Harvey's men were surrounding the town, some of his men said they were firing from the blacksmith's shop.

J. A. GREEN.

Marion Gardiner sworn and examined for the prosecution :

I saw Mr. Fuller in the camp when I was taken prisoner; he had

a gun when I saw him ; I do not know whether there was a guard over him or not ; he guarded me out of camp when I was released ; he seemed to act as though he was under Colonel Harvey ; he brought Colonel Harvey to me ; he told me he would bring Colonel Harvey and have me released ; he had no difficulty in finding Colonel Harvey. I heard him say that he was at Lecompton that morning about two o'clock ; that he had gone there to see the governor in regard to the men who were at Hickory Point ; that the governor told him to tell Colonel Harvey that if he wished them disbanded, to go and do it himself ; that he gave him a hatfull of proclamations ; that as soon as he got to Lawrence, Colonel Harvey got up his men and went out to disband the men ; he told me this himself. I heard the first shot fired that morning ; it was from Colonel Harvey's company ; it was some ten minutes before the cannon was fired. Mr. Fuller was not with the party who backed the wagon down. I saw no compulsion used towards Mr. Fuller to induce me to believe he was a prisoner. I did not see any one else with the proclamations but Mr. Fuller.

MARION GARDINER.

Winslow L. Dyer sworn and examined :

I was one of seventeen placed in the blacksmith's shop on Sunday morning, and from where I was I had an opportunity to judge. The attack was made by Colonel Harvey's men ; also from the fact that our orders were not to fire till they got within sixty yards, because our ammunition was short ; I was out of the shop when the first shots were fired, and they were fired at me by Colonel Harvey's men.

Cross-examined :

The fires were from the horsemen, some four hundred yards distant ; some fifteen horsemen were around the house, and they were scattered around ; I only speak of what occurred at the blacksmith's shop.

W. L. DYER.

Squire Roberts sworn and examined :

I heard Mr. Fuller say that if he had hurt or shot anybody, it was through a window, as he had shot three shots at the window.

Cross-examined :

This was said on Sunday evening, September 14, about half an hour of sunset.

SQUIRE ROBERTS.

The court adjourned till 3 o'clock, previous to delivering its opinion. *Evening.*—Court met pursuant to adjournment.

DECISION.

Territory of Kansas *vs.* Alfred J. Pane, Charles H. Calkins, James H. York, Francis B. Swift, Charles L. Preston, William Breyman, John B. Sugwrel, William S. Ware, John W. White, Thomas Ales, Horatio N. Bent, Oliver Langworthey, Joseph B. Gaines, Richard D. Nickold, Thomas Hawkins, William Kline, William G. Porter,

Joshin T. Yunker, John J. Howe, Isaac Gray, Edward Cottingham, Thomas P. Brown, William R. Bowles, Josiah G. Fuller, Roswell Hutchins, Theodore Dickins, Dwight H. Montague, Henry H. Eastor, Hiram Kinster, Chester Hay, Lyman D. Colman, John W. Stone, Ezekiel D. Whipple, Samuel Stewart, Edward A. Jacobs, William Kerr, Oliver C. Jenkins, Thomas Bowen, Gustavus A. Eberhart, James Cowley, Aaron D. Roy, Jesse F. Pyle, Henry Hurd, Henry Preston, Artemas W. Dole, Jeremiah Jordan, Phineas Stephens, Jared Carter, Cyrus S. Gleason, Joseph Kinch, John Lawrie, Alpheus S. Gates, Atwell S. Wood, Joseph J. Boyer, Martin Jackson, Edwin R. Falley, Gilbert Tower, Albert F. Bucan, William H. Gill, Joseph Hicks, Stafford J. Pratt, Thomas W. Porterfield, George H. Powers, Aaron M. Humphrey, Thomas Warner, Otis Mason, Calvin C. Hyde, Walter Florentine, Howard York, Albert G. Patrick, John L. King, William Butler, Sanford Vogelsong, George N. Neff, Charles J. Anchinvole, Justice G. Ketchum, Adam Bowers, George R. Pruney, Thomas Leeson, Eli Lyman, James Black, Alonzo Crawford, Gills Smith, Artemas Parker, Abram Cutler, David Patrick, Thomas Bickertin, Resolve Fuller.

The defendants having been brought before me, the undersigned, associate justice of the supreme court of the Territory of Kansas, and the case having, at the instance of said defendants, been continued from day to day till Tuesday, the 23d instant, when both the Territory and the defendants announced themselves ready; whereupon Joseph C. Anderson, esq., conducted the prosecution, and Messrs. Parrott and H. Miles Moore appeared for the defendants.

The testimony of the witnesses examined in behalf of the Territory is herewith filed; no testimony having been adduced in behalf of the accused, except Resolve Fuller.

The case was argued by the counsel of both the Territory and the defendants, and the court delivers the following opinion in writing:

The defendants are charged with having made an attack, together with a number of other persons, amounting in all to some one hundred and fifty or two hundred men, commanded by one Col. Harvey, and armed with artillery and small-arms, on Hickory Point, and in said attack having murdered Charles Granville Newhall, and wounded four other persons.

The evidence in the case abundantly shows that an attack was made on Hickory Point on Sunday, the 14th of this present month of September, in the county of Jefferson, and Territory of Kansas, and that in said attack said Newhall received a gun-shot wound, from which he shortly afterwards died.

In many cases of general riot, the lines of distinction between the offences of treason and murder fade almost imperceptibly into each other, and can be traced only with difficulty; and for this reason, as well as for the reason that it may now be considered the policy of our government, even when the offence is susceptible of double construction, to select that offence which is most simple in its nature, and the least political in its associations, I dismiss from consideration the question so far as treason is concerned. [See Wharton's Am. Law, *Hom.* 345.]

Then how stands the case as involving the law, as it is laid down by the most authoritative writers, looking at the charge of murder alone?

The same writer, just cited, on the same page, says, (quoting from Hawkins :) "When divers persons resolve generally to resist all officers in the commission of a breach of the peace, and to execute it in such manner as naturally tends to raise tumults and affrays, and in so doing happen to kill a man, they are all guilty of murder; for they must, at their peril, abide the event of their actions who unlawfully engage in such bold disturbances of the public peace, in opposition to and in defiance of the justice of the nation."

It is not pretended that the parties now under examination had any shadow of authority, or any warrant in law, to justify them in their expedition on Hickory Point; it was an unlawful assemblage, aiding in a riot and resulted in bloodshed, and the parties engaged in it must be held criminally responsible for the consequences.

The evidence in this case satisfies my mind that the attack on Hickory Point was made after mature deliberation, and that there was ample time for the reason and judgment of the defendants to have their full operation. They sent in a flag of truce and demanded an unconditional surrender, without showing or pretending to have any authority for such demand, and stated that unless this demand was complied in five minutes, the parties in possession of Hickory Point would all be put to death; and the attack was planned and the defendants set out from Lawrence, as is admitted by their counsel, on the evening before for the purpose of making it.

In relation to the grade of offence of which there is reasonable ground to suspect these defendants to be guilty, it must be recollected that our statutes divide murder into two degrees: that murder in the first degree is a wilful, deliberate, and premeditated killing; and that murder in the second degree is any other killing with malice, which would be murder at common law.

Then what is a wilful, deliberate, and premeditated killing? This question I will answer in the language of Judge King, of Pennsylvania, where there is a statute precisely similar to our own, and, indeed, from which ours is copied. Judge King says: [see page 475, American law of Hom., by Wharton,] "An easy and safe criterion of the intent with which the act is done, may be found in the means by which the homicide was committed. If the means of death is a deadly weapon used in an undisguised manner, the inquiring mind can come to no other conclusion but that the death of the victim was intended. Thus if one shoot another through the head with a musket or pistol ball; stab him in a vital part with a sword or dagger; cleave his skull with an axe or the like, the intelligent mind can come to no other conclusion than that he intended to kill. It is true the act says the killing must be wilful, deliberate, and premeditated. But every intentional act is of course a wilful one; and deliberation and premeditation simply means that the act was done with reflection—was conceived beforehand. No specific length of time is required for such deliberation."

It may not be easily comprehended by some that so large a number

should be committed for the alleged murder of one man ; but on this point I cite the opinion of Mr. Justice Rogers, of Pennsylvania, who says, in page 482 of Wharton's American Law Hom. : " In such a conflict " (meaning a conflict between parties engaged in riot,) " if death ensue, all parties are guilty of murder at common law. They are engaged in an unlawful design, which is the first ingredient of murder, and it is only necessary to consummate the offence that death should ensue. It is not necessary, in order to charge a particular offender, that he should be proved to have fired the particular gun, or discharged the particular missile, that caused the fatal wound. In the contemplation of the common law, when a mob of ten thousand is engaged in an unlawful design, and one of them, not out of special malice, but a general design to do harm, fires a gun, they are all to be considered as having pulled the trigger."

I, therefore, feel it to be my duty in this case, in the discharge of which I feel no hesitation, to commit all these defendants to answer the charge of murder in the first degree.

S. G. CATO,
Associate Justice, &c.

A copy—Test:

THOMAS M. CROWDERS,
Acting Clerk Ex'g Courts.

Governor Geary to Mr. Marcy.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., October 15, 1856.

SIR: Colonel William J. Preston, deputy United States marshal, who had accompanied Colonel P. St. G. Cooke and his command to the northern frontier to look after a large party of professed immigrants who were reported to be about invading the Territory in that quarter, in warlike array and for hostile purposes, returned to Lecompton on the 12th instant. He informed me that he had caused to be arrested an organized band, consisting of about two hundred and forty persons, among whom were a very few women and children, comprising some seven families.

This party was regularly formed in military order, and were under the command of General Pomroy, Colonels Eldridge, Perry, and others. They had with them twenty wagons, in which were a supply of new arms, mostly muskets with bayonets and sabres, and a lot of saddles, &c., sufficient to equip a battalion, consisting one-fourth of cavalry, and the remainder of infantry. Besides these arms, which were evidently intended for military purposes and none other, and which were in the wagons, a search of which was strongly objected to, the immigrants were provided with shot-guns, rifles, pistols, knives, &c., sufficient for the ordinary uses of persons travelling in Kansas or any other of the western Territories. From the reports of the officers, I learn they had with them neither oxen, household furniture, me-

chanics' tools, agricultural implements, nor any of the necessary appurtenances of peaceful settlers.

These persons entered the Territory on the morning of the 10th instant, and met Colonel Cooke's command a few miles south of the territorial line. Here the deputy marshal questioned them as to their intentions, the contents of their wagons, and such other matters as he considered necessary in the exercise of his official duties. Not satisfied with their answers, and being refused the privilege of searching their effects, he felt justified in considering them a party armed and organized in violation or defiance of my proclamation of the 11th September. After consultation with Colonel Cooke and other officers of the army, who agreed with him in regard to the character of the immigrants, he directed a search to be made, which resulted in the discovery of the arms already mentioned.

An escort was then tendered them to Lecompton, in order that I might examine them in person and decide as to their intentions, which they refused to accept. Their superfluous arms were then taken in charge of the troops, and the entire party put under arrest, the families and all others, individually, being permitted to retire from the organization if so disposed. Few, however, availed themselves of this privilege.

But little delay, and less annoyance, was occasioned them by these proceedings. Everything that circumstances required or permitted was done for the comfort and convenience of the prisoners. Their journey was facilitated rather than retarded. They were accompanied by a squadron of United States dragoons, in command of Major H. H. Sibley; a day's rations were dealt out to them, and they were allowed to pursue the route themselves had chosen.

Being apprised of the time at which they would probably arrive at Topeka, I forwarded orders for their detention on the northern side of the river, near that place, where, as I promised, I met them on the morning of the 14th instant.

I found them precisely as they had been represented to me in official reports; and whilst I felt disposed and anxious to extend to them all the leniency I could, consistent with propriety, duty and justice, I determined, at the same time, to enforce in their case, as well as that of every similar organization, the spirit and intent of my proclamation of the 11th instant, which commands "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." This I had done but a short time previous with a smaller body, who entered Kansas as this had done, from an entirely different quarter, and who, upon learning my purposes, not only submitted willingly to be searched, but by my order, without a murmur, and even with cheerfulness, disbanded and dispersed.

I addressed these people in their encampment in regard to the present condition of the Territory, the suspicious position they occupied, and the reprehensible attitude they had assumed. I reminded them that there was no possible necessity or excuse for the existence of large armed combinations at present in this Territory. Everything

was quiet and peaceful. And the very appearance of such an unauthorized and injudicious array as they presented, while it could do no possible good, was only calculated, if it was not intended, to spread anew distrust and consternation through the Territory, and rekindle the fires of discord and strife that had swept over the land, ravaging and desolating everything that lay in their destructive way.

Their apology for their evident and undeniable disregard to my proclamation, though somewhat plausible, was far from being satisfactory. They had made their arrangements, they said, to emigrate to Kansas at a time when the Territory was not only disturbed by antagonistic political parties, armed for each other's destruction, but when numerous bands of marauders, whose business was plunder and assassination, infested all the highways, rendering travel extremely hazardous, even though every possible means for self-protection were employed.

This excuse loses all its pertinency when it is understood that before the party crossed the territorial line they were apprised, through a deputation that had visited me, that the condition of things above described had ceased to exist, and that such was the true state of affairs that any persons could then travel the route they proposed taking without molestation or the slightest cause for apprehension. I informed them through their messengers that I heartily welcomed all immigrants, from every section of the Union, who came with peaceful attitude and apparently good intentions, and that to all such I would afford ample protection; while, on the other hand, I assured them that I would positively enforce my proclamation, and suffer no party of men, no matter whence they came, or what their political bias, to enter and travel through the Territory with hostile or warlike appearance, to the terror of peaceable citizens, and the danger of renewing the disgraceful and alarming scenes through which we had recently passed. It was quite evident that this party did thus enter the Territory, in defiance not only of my proclamation, but my own verbal cautions; and I therefore fully approve of the action taken by Colonel Cooke, Major Sibley, and the deputy marshal, as well as all the officers of the army who assisted in their detention, search, and guard.

After showing them the necessity of so doing, I insisted upon the immediate disbandment of this combination, which was agreed to with great alacrity. The majority of the men were evidently gratified to learn that they had been deceived in relation to Kansas affairs, and that peace and quiet, instead of strife and contention, were reigning here.

My remarks, which were listened to with marked attention, were received with frequent demonstrations of approbation, and at their close the organization was broken up, its members dispersing in various directions. After they had been dismissed from custody, and the fact was announced to them by Major Sibley, they testified their thankfulness for his kind treatment towards them during the time he held them under arrest, by giving him three hearty and enthusiastic cheers.

In concluding this hastily written letter, I must express my sincere

regrets that societies exist in some of the States, whose object is to fit out such parties as the one herein described, and send them to this Territory to their own injury and the destruction of the general welfare of the country. Very many persons are induced to come out here under flattering promises which are never fulfilled; and having neither money to purchase food or clothing, nor trades or occupations at which to earn an honest livelihood, are driven to the necessity of becoming either paupers or thieves; and such are the unfortunate men who have aided materially in filling up the measure of crimes that have so seriously affected the prosperity of Kansas. It is high time that this fact should be clearly and generally understood. This Territory, at the present season of the year, and especially under existing circumstances, offers no inducements for the immigration of the poor tradesman or laborer. The country is overrun with hundreds who are unable to obtain employment, who live upon charity, and who are exposed to all the evils of privation, destitution, and want.

By the next mail I will forward you the reports of Colonel Cooke, Major Sibley, and Deputy Marshal Preston, in relation to the arrest of the party to which reference is herein made, together with such other matters of interest as may in the meantime transpire.

With assurances of the highest respect, I am, truly, your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Hon. W. L. MARCY,
Secretary of State, Washington, D. C.

[By Telegraph.]

EXECUTIVE DEPARTMENT,
Lecompton, K. T., November 7, 1856.

SIR: I have just returned to this place, after an extended tour of observation through a large portion of this Territory. I left Lecompton on the 17th ultimo, via Lawrence, Franklin, Wakarusa creek, Hickory Point, Ottawa creek, Ossawatimie, Marais des Cygnes creek, Bull creek, Paoli, Pottawatomie creek, North and South Middle creeks, Big and Little Sugar creek, and Sugar Mound; thence westward along the California and Sante Fé road to Fort Riley; thence down the Kansas river, via Pawnee, Riley City, Manhattan, Wawbouze, Baptist Mission, Topeka, Tecumseh, and other places. I also visited, at their houses, as many citizens as I conveniently could, addressing various bodies of people, as I have reason to believe, with beneficial results. During this tour, I have obtained much valuable information relative to affairs in Kansas, made myself familiar with the wants and grievances of the people, which will enable me to make such representations to the next legislature and the government at Washington as will be most conducive to the public interests. The general peace of the Territory remains unimpaired, confidence is being generally restored, business is resuming its ordinary channels, citizens

are preparing for winter, and there is a readiness among the good people of all parties to sustain my administration. In a few days I will write you at length respecting various matters connected with my recent tour, and other things relative to the Territory.

Very respectfully, your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Hon. W. L. MARCY,
Secretary of State.

ANNUAL REPORT OF THE SURVEYOR GENERAL OF KANSAS.

SURVEYOR GENERAL'S OFFICE,
Wyandott, K. T., October 20, 1856.

SIR: In conformity with your instructions of April 11, 1856, I submit the following report of the operations of this office for the year ending September 30, 1856:

All the lands in Kansas east of range twelve east, except the Indian reservations, have been surveyed into sections embracing two hundred and forty-two townships, (whole and fractional,) all of which are reported to this office. The guide-meridian has been extended south one hundred and fifty miles from the base line. The base line has been extended west from the Missouri river one hundred and eighty miles on the parallel of 40° . The principal meridian has been established south from the base line one hundred and fifty miles; and the standard parallels, at a distance of five townships or thirty miles apart, have been run and established from the principal meridian to the eastern boundary of the Territory. One hundred and thirty-five townships have been reported to your office as complete; forty-two are nearly completed, and will be forwarded to you in three or four weeks, and sixty-four townships will probably be reported as completed by the 1st of February next. The surveys of the base line, guide-meridians, and so much of the standard parallel lines as are east of the guide-meridian have been reported to you, and the principal meridian and standard parallels between the principal and guide-meridians will shortly be forwarded. There have been run of township lines in Kansas, since this office was first established, about three thousand and ninety miles, of which two thousand six hundred and sixty-two miles, seventy-two chains and twenty-four links have been reported to you, and four hundred and twenty-eight are nearly ready to be forwarded, which will embrace all the township lines north of the fifth standard parallel and east of the guide-meridian.

The whole number of acres surveyed into sections in Kansas is about four million five hundred and ninety-six thousand four hundred and eighty; of this, eight hundred and seventy-nine thousand three hundred and thirty-five acres are Indian trust lands, as follows:

Of the Delawares	558,555 acres
Of the Kaskaskias, Peorias, Piankeshaws, and Weas..	256,373 "
Of the Ioways	64,406 "

There has been paid out for surveys in Kansas as follows, to wit:

For running guide-meridian and standard parallels.....	\$6,911 22
For running township and subdivisinal lines.....	34,410 98
For extra work, not embraced in contracts.....	2,844 77
For running Indian boundary lines.....	816 46
For surveys of trust lands	13,914 12

58,897 55

In Nebraska most of the lands east of the guide-meridian have been surveyed.

The guide-meridian has been extended north from the base line to the Missouri river, and seven standard parallels at distances of twenty-four miles apart have been run east from the guide-meridian to the Missouri river. The principal meridian and the standard parallels between the principal and the guide-meridians are now under contract, which one hundred and twenty miles of the principal meridian and standard parallels have been reported to this office as complete. A subdivision of one hundred and thirty townships was contracted last year; of which twelve were declared abandoned, ninety-four have been reported to this office as completed, eighteen have been forwarded to you, and twenty-four are completed in the field but not reported to this office. Of the townships reported, eighteen are now being corrected in the field. About eleven hundred and ninety miles township lines have been run, of which one thousand and forty-six and eighteen chains and nineteen links have been reported to you.

The whole number of acres reported to this office as surveyed in Nebraska is about two million seventy-three thousand and six hundred.

There has been paid out for surveys in Nebraska as follows:

for running guide-meridian and standard parallels.....	\$3,701 26
for running township and subdivisional lines.....	11,491 86
for extra work not embraced in contracts.....	546 50

Total	15,739 62
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The survey of the base line is common to both Territories; and for running and re-running the same and destroying marks on erroneous lines, there has been paid out as follows:

original line as run by Johnson.....	\$1,006 32
base line corrected to guide-meridian.....	1,316 37
same west to principal meridian.....	529 92

Total.....	2,852 61
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Aggregate sums paid for surveys in Kansas	\$58,897 55
Aggregate sums paid for surveys in Nebraska.....	15,739 62
Aggregate sum paid for resurvey of base line.....	2,852 61

Total paid for surveys in this district.....	77,489 78
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All the surveys in Nebraska have been examined. The surveys north of the Kansas river, and between the fourth and fifth standard parallels in Kansas, have been examined. The work between the second and third and third and fourth standard parallels in Kansas has been but partially examined, one examiner having been taken sick and another driven from the field by the abolitionists.

The number of pre-emption claims registered in this office for the

Territory of Kansas is 3,036. The number of pre-emption claims registered in this office for the Territory of Nebraska is 787.

There are in Kansas east of the principal meridian and north of the fifth standard parallel about two hundred and seventy-seven townships unsurveyed. In Nebraska east of the principal meridian there are two hundred and sixty-three townships not surveyed. The appropriations for the year ending June 30, 1857, will be sufficient to complete the survey of about one-half of these townships; and an equal sum for the year ending June 30, 1858, will be, I should think, ample to complete the survey of all the lands in both Territories east of the principal meridian.

The services of at least ten clerks will be needed in this office; have that number now in addition to the two furnished by the Indian Department.

I estimate their united services at.....	\$11,800
Surveyor General's salary.....	2,000
Transcribing field notes.....	4,000
Office rent, &c., &c.....	5,000
Total	22,800

The surveys in Nebraska, under the appropriation for the year ending June 30, 1857, will be somewhat retarded by the inability of the contractor to finish the principal meridian and standard parallels this fall. Since the 30th of September last, I have contracted for the township and subdivisional surveys of one hundred and sixty-six townships in Kansas, and forty-two in Nebraska, and shall be able, probably, to extend the contracts in Nebraska to about one hundred townships. In selecting the lands for survey I have been governed by the settlements made and likely to be made this fall and next spring.

Accompanying papers which form a part of this report.

Sketch of the public surveys in Kansas and Nebraska.

Statement of surveys in Kansas out of appropriations of August 4, 1854, and March 3, 1855.

Statement of surveys in Nebraska out of appropriations of August 4, 1854, and March 3, 1855.

General statement of receipts and disbursements by the surveyor general of Kansas and Nebraska, &c.

Estimate of appropriation for the extension of surveys in Kansas and Nebraska.

J. CALHOUN,

Surveyor General of Kansas and Nebraska.

Hon. THOS. A. HENDRICKS,

Commissioner of General Land Office, Washington, D. C.

SURVEYOR GENERAL'S OFFICE,
Wyandott, October 20, 1856.

SIR: In compliance with your request, I send you estimates of the sums required for the extension of the surveys in this district for the year ending June 30, 1858.

Estimate of the sums necessary to be appropriated for the extension of surveys in Kansas and Nebraska for the year ending June 30, 1858.

For township and subdivisional lines, (former appropriations being sufficient to complete the base, principal meridian and standard parallels east of the principal meridian,) \$101,000

Estimate of sums necessary to be appropriated for office expenses for the year ending June 30, 1858.

Salary of surveyor general.....	\$2,000
1 clerk <i>a</i> \$1,500.....	1,500
2 clerks <i>a</i> 1,300.....	2,600
7 " <i>a</i> 1,100.....	7,700
Transcribing field-notes.....	4,000
Office rent, stationery, and contingencies.....	5,000
	22,800

J. CALHOUN,
Surveyor General of Kansas and Nebraska.

Hon. THOS. A. HENDRICKS,
Commissioner General Land Office, Washington, D. C.

General statement of receipts and disbursements by the Surveyor General for Kansas and Nebraska, from September 30, 1855, to September 30, 1856, of the public funds allowed for the several services in his office, by the appropriations of August 4, 1854, and March 1855.

<i>Salary of surveyor general and clerk hire for the year ending September 30, 1856.</i>			
Expended during the 4th quarter of 1855.....	\$3,026 65		
Do.....1st.....do.....1856.....	3,443 77		
Do.....2d.....do.....1856.....	3,564 12		
Do.....3d.....do.....1856.....	4,456 66	\$14,481 20	
Balance due the United States from 3d quarter 1855.....	1,825 52		
Cash received from treasurer, 4th quarter, 1855.....	4,275 00		
Do.....do.....2d.....do.....1856.....	3,075 00		
Do.....do.....3d.....do.....1856.....	5,050 00	14,225 52	
Balance due from United States.....			\$255 1
<i>Salary of surveyor general for superintending "Indian trust cessions," clerk hire, &c., for the year ending September 30, 1856.</i>			
Balance due the surveyor general from 3d quarter of 1855.....	997 49		
Expended during 4th quarter of 1855.....	1,075 05		
Do.....1st.....do.....1856.....	800 00		
Do.....2d.....do.....1856.....	910 90		
Do.....3d.....do.....1856.....	800 00	4,583 44	
Cash received from treasurer, 4th quarter, 1855.....	3,000 00		
Do.....do.....2d.....do.....1856.....	850 00		
Do.....do.....3d.....do.....1856.....	800 00	4,650 00	
Balance due the United States.....			66 1
<i>Amounts for rent of surveyor general's office and incidental expenses for the year ending September 30, 1856.</i>			
Expended during 4th quarter of 1855.....	766 00		
Do.....1st.....do.....1856.....	592 53		
Do.....2d.....do.....1856.....	912 79		
Do.....3d.....do.....1856.....	231 03	2,502 35	
Balance due United States from 3d quarter, 1855.....	1,715 93		
Cash received from treasurer, 1st quarter, 1856.....	500 00		
Do.....do.....3d.....do.....1856.....	550 00	2,765 93	
Balance due the United States.....			263 1
Balance due the United States on total.....			74 4

J. CALHOUN,
Surveyor General of Kansas and Nebraska.

SURVEYOR GENERAL'S OFFICE,
Wyandott, Kansas Territory, October 20, 1856.