

## M E S S A G E

OF

### THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

*In compliance with the resolution of the Senate of the 28th of February, 1857, all correspondence of John W. Geary, late governor of the Territory of Kansas, not heretofore communicated to Congress.*

JANUARY 7, 1858.—Received.

JANUARY 11.—Referred to the Committee on Territories.—Motion to print referred to the Committee on printing.

JANUARY 12.—Report in favor of printing submitted, considered, and agreed to.

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 28th of February last, requesting a communication of all the correspondence of John W. Geary, late governor of the Territory of Kansas, not heretofore communicated to Congress, I transmit a report from the Secretary of State and the documents by which it was accompanied.

JAMES BUCHANAN.

WASHINGTON, January 6, 1858.

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The Secretary of State, to whom was referred the Senate's resolution of the 28th of February last, requesting the President to communicate to the Senate all the correspondence with Governor John W. Geary concerning the affairs of the Territory of Kansas not heretofore communicated to Congress, has the honor to lay before the President the documents mentioned in the subjoined list, which comprise all those on record or on file in this department called for by the resolution.

Respectfully submitted.

LEWIS CASS.

To the PRESIDENT.

*List of papers accompanying the report of the Secretary of State to the President, of the 6th of January, 1858.*

Governor Shannon to Mr. Marcy, April 27, 1856, with accompaniments, from No. 1 to No. 8, inclusive.

The President to Governor Shannon, May 23, 1856.

Same to same, May 23, 1856.

Governor Shannon to the President, May 31, 1856, with accompaniments, from No. 1 to No. 6, inclusive.

The President to Governor Shannon, June 6, 1856.

Mr. Davis to Mr. Marcy, July 16, 1856, with two accompaniments.

Governor Geary to Mr. Marcy, October 17, 1856, with accompanying executive minutes from the 1st to the 16th of October, 1856, inclusive.

Same to same, December 8, 1856, with accompanying executive minutes from 22d November to 6th December, 1856, inclusive.

Executive minutes from the 8th to the 31st December, 1856, inclusive.

Executive minutes from the 1st to the 19th January, 1857, inclusive.

Executive minutes from the 20th to the 31st of January, 1857, inclusive.

Executive minutes from the 1st to the 20th February, 1857, inclusive.

Executive minutes from the 21st of February to 12th March, 1857.

Executive minutes from the 11th to the 31st of March, 1857.

EXECUTIVE OFFICE,

*Lecompton, K. T., April 27, 1856.*

SIR: At the date of my last despatch, order and tranquillity prevailed throughout the Territory, and I then cherished the hope that our difficulties had passed away, and that in the future the law would have been permitted to take its regular course. This hope has been disappointed, and there would seem to be at this time a more systematic and dangerous organization to defeat and baffle the due execution of the territorial laws, than at any former period. To enable the President to understand fully the present difficulties by which we are surrounded, it is important that I should state certain facts with their dates. On the 6th day of July, 1855, a warrant, issued from the district court sitting at Tecumseh, in the county of Shawnee, against S. N. Wood, on an indictment found against him by the grand jury of that county for the crime of larceny. This warrant was placed in the hands of the United States marshal for execution. On the 29th day of November, 1855, a warrant, issued against the same S. N. Wood for rescuing Branson out of the custody of Sheriff Jones, and resisting him in the execution of his office. This warrant was issued by Hugh Cameron, a justice of the peace in Douglas county, and placed in the hands of Sheriff Jones, at the time, for execution. Shortly after this writ had been issued and placed in the hands of the sheriff, S. N. Wood fled from the territory, and during the last

winter has been engaged in lecturing in Ohio and elsewhere, on Kansas affairs and in raising a company of men to accompany him to this territory. About the 15th instant he returned to Lawrence with his company, variously estimated at from eighty to one hundred and fifty men. I am informed that he and his company were received in Lawrence by a public meeting, at which Governor Reeder, and C. Robinson, who claims to be the governor of "the State of Kansas," made public addresses denouncing the territorial laws as void, and encouraging and exciting resistance to the execution of them. On the 13th of January last, a warrant was issued by Samuel Crane, a justice of the peace, against E. Monroe for larceny, and at the same time was placed in the hands of Sheriff Jones for execution. On the 19th instant, Sheriff Jones hearing of the return of S. N. Wood, entered Lawrence with the view of arresting him, as well as the said Monroe. He arrested Wood, who was immediately rescued out of his custody by a large body of men, who denounced the territorial laws, and openly declared that they should not be enforced, and threatened the sheriff with violence. The sheriff, being overpowered by numbers and his prisoner having been rescued from his custody by the mob, returned to this place and summoned a civil posse of four men to attend him, and returned on the next day to retake Wood and make additional arrests of others against whom he had obtained warrants for rescuing Wood. He and his posse were again resisted and threatened with violence, all of which he reported to me and requested to be furnished with a military posse to enable him to execute the process in his hands. For a more detailed statement of the facts in relation to these transactions, I beg leave to refer to the communication of Sheriff Jones to me, a copy of which is annexed and marked No. 1.

I immediately addressed a note to Colonel Sumner at Fort Leavenworth, requesting him to furnish a small detachment of United States troops to aid the sheriff in the execution of the warrants in his hands, a copy of which is herewith transmitted and marked No. 2. Colonel Sumner promptly complied with this request and immediately sent a detachment of ten men under the command of Lieutenant McIntosh. I herewith transmit a copy of his reply to my note marked No. 3. On the 23d instant, Sheriff Jones, with a military posse under the command of Lieutenant McIntosh, proceeded to Lawrence to execute the warrants in his hands. It is proper that I should state that he was also deputy marshal, and as such the United States marshal had placed the warrant against S. N. Wood for larceny in his hands for execution. On arriving at Lawrence the sheriff made some five or six arrests without any actual resistance, but was unable to find S. N. Wood, Monroe, and some others, who were supposed to be concealed in the town of Lawrence. It being late in the evening, he determined to remain over night, with the view of making further examinations and arrests on the next day. The life of Sheriff Jones had been repeatedly threatened during the day, and late in the evening he was warned by a citizen of Lawrence that a conspiracy had been formed to assassinate him. Mr. Jones, in order to be convenient to his prisoners, remained with Lieutenant McIntosh in his tent, and under his protection, believing, I presume, that under this

protection he would be entirely safe. In the course of the evening he passed out of the tent with Lieutenant McIntosh and another gentleman to obtain some water, and while in the act of drawing it he was fired upon without effect, the ball passing through his pantaloons. This shot it is stated came from a crowd who were standing at some distance from him. He immediately returned to Lieutenant McIntosh's tent, where he intended to remain during the night. About ten o'clock in the evening he was again fired upon through the back part of the tent, the ball entering his spine between his shoulders. He fell apparently dead. For some days all thought the wound mortal, but information which we have received to-day gives us strong hopes of his recovery. Every effort was made by Lieutenant McIntosh and others to detect the assassin, but without success. I beg leave to refer to the annexed statement of the civil posse who accompanied the sheriff, marked No. 4, for a more detailed statement of facts touching the proceedings of the sheriff. This posse was composed of gentlemen of high standing and strict integrity and honor, and their statements are entitled to full confidence. Upon the attempted assassination of Sheriff Jones, Lieutenant McIntosh immediately sent a despatch detailing the facts to Colonel Sumner at Fort Leavenworth, who marched with a portion of his command in the direction of this place and at the same time addressed me the annexed note marked No 5.

On the 25th instant Col. Sumner arrived at this place in advance of his command, and being satisfied that a small posse of United States troops was as available in making arrests as a large one, and having but little hope that any additional arrests could be made, I addressed him a note, a copy of which is annexed, marked No. 6, with which he promptly complied. I send you herewith a copy of a statement made by Messrs. Crocket & Holsey, in relation to a recent attempt made on the house of Major Clarke, marked No. 7. I have no doubt of the fact, from the information which has been communicated to me, that it has been determined to assassinate Major Clarke, and that his life is in danger.

I herewith transmit a certified copy, marked No. 8, of evidence that was elicited by the grand jury of Jefferson county, at their last term, in relation to a secret, oath-bound military organization, which exists in this Territory. It will be perceived that it is different and much more dangerous than the one which was exposed some time since. I have satisfactory information that this secret organization exists in the east, and that by means of the signs and grips the new emigrants from the east are enabled to recognize their fellow members in this Territory to whom personally they are unknown. I am now able to state, upon reliable information, the whole plan of resistance to the territorial laws, and their execution which has been adopted by those who pretend to deny their validity. This plan is well understood and supported by a dangerous secret oath-bound organization of men who, it is believed, from the manifestations and threats already made, will be unscrupulous as to the use of means to accomplish their objects. The plan is this: whenever an officer, whether United States marshal, sheriff or constable, shall attempt to execute a writ or process issued under any territorial law, aided and assisted by a



posse of United States troops, he is to be evaded, but not openly resisted. Should an attempt be made by any officer to execute any writ or process issued under the laws of this Territory, unaided by a posse of United States troops, he is to be resisted by force at all hazards. There is a determined purpose to carry out this programme, regardless of all consequences, and the country is filled with armed men, the greater portion of whom have recently arrived in the Territory, ready to carry out this plan by force of arms. It will be obvious to the President that, if every officer of the government charged with the execution of legal process, issued under, and to enforce the territorial laws, is compelled to call on a military posse of United States troops to aid in executing the law, that the territorial government will be practically nullified. It will be impossible to collect the taxes assessed for county or territorial purposes if this plan of resistance should be successful.

Indeed, the people of the Territory will not submit to it without an attempt at least to enforce the laws against all. There is now in the town of Lawrence an arsenal well supplied with all the munitions of war, which have been purchased in the east and secretly introduced into that place. They have ten pieces of artillery, at least, one thousand stand of Sharpe's rifles, and a large supply of revolvers. There is said to be about five hundred men in the town of Lawrence at this time who refuse to submit to the territorial laws, and who openly declare that no officer shall execute any process issued under these laws without being resisted by force. A large portion of the country people who took an active part with the citizens of Lawrence in the difficulty last fall seem to hold themselves entirely aloof from the difficulties with which we are now threatened, and are now open in their denunciations of C. Robinson and his party. But the recent emigrants from the east (with some exceptions, of course,) seem determined to provoke a civil conflict. The law and order party of the Territory so far seem determined, on the other hand, to avoid this calamity. But it is in vain to conceal the fact that we are threatened on all sides with most serious difficulties and that a dangerous crisis is rapidly approaching. Sheriff Jones had a very extensive acquaintance not only in this Territory but also in the border countries in Missouri, where he formerly resided, and was universally respected and esteemed as a high minded, honorable, and brave man. The dastardly attempt to assassinate him while in the discharge, and for the performance of, his official duties, connected with the threats openly made of assassination against others, and the firm conviction in the public mind that this is a part of a settled policy, to be carried out through the agency of a secret order or organization, have already produced a strong feeling of excitement throughout the whole country, which is rapidly on the increase and it is difficult to see, at this time, where it will end. Large parties both from the north and south are daily arriving with pre-existing prejudices and hostile feelings, which will greatly increase the difficulty of preserving the peace of this Territory.

I have the honor to be your obedient servant,

WILSON SHANNON.

Hon. W. L. MARCY.

No. 1.

LECOMPTON, K. T., *April 20, 1856.*

SIR: On the 19th instant, I went to the town of Lawrence, in the county of which I am the sheriff, to execute certain writs, which were issued and placed in my hands to serve by a legal and proper officer, for the arrest of one Samuel N. Wood. After arresting the said Samuel N. Wood, and he being in my custody, he attempted to escape from me, which I prevented. Whereupon a mob, composed of the citizens of Lawrence, came to his rescue, and with violence and force took him from me, and held me until he made his escape. At the same time my assistant was taken by force and prevented from coming to my relief. At the same time that violence was done me, the arms that I had were taken from me and are now in their possession. I was notified that the laws of the Territory would not be respected by them nor permitted to be enforced by any officer of the Territory. I came back to this place for an additional force, and returned to Lawrence with a posse composed of four men, citizens of this place, to assist me in recovering my prisoner and arresting other persons for theft and other crimes. When there I summoned an additional posse from among the citizens of Lawrence. These latter refused to act, and with my small posse of four men, I attempted to make the arrests, and was again repulsed and the prisoners taken from me by force, and most violent threats reiterated against me and the laws of the Territory. I now call upon your excellency to furnish me with such military force as may be at your disposal.

I have the honor to be your obedient servant,

SAMUEL J. JONES.

His Excellency WILSON SHANNON,  
*Governor of Kansas Territory.*

No. 2.

EXECUTIVE OFFICE, LECOMPTON, K. T.,  
*April 20, 1856.*

SIR: I have been duly advised by Samuel J. Jones, sheriff of Douglas county in this Territory, that, having a warrant in his hands against a man by the name of S. N. Wood, he proceeded to the town of Lawrence on yesterday and arrested him, but that he was immediately rescued out of his hands by some twenty men, and that he was unable to retake him. Having obtained warrants against several of those engaged in said rescue, he proceeded this day again to the town of Lawrence with a civil posse of five men, with a view of recapturing the said Wood and arresting the other parties against whom he had warrants, but was again resisted and unable to recapture Wood or take any of the parties against whom he held warrants. He has called upon me for a competent posse to enable him to execute the legal

process in his hands. Knowing the irritated state of feeling that exists between the two parties in the Territory, growing out of their former difficulties, and being exceedingly desirous to avoid the effusion of blood, or any cause or excuse for further conflict or disturbance, I have thought it most advisable to call on you for an officer and six men to accompany the sheriff and aid him in the execution of the legal process in his hands. This force will be sufficient to overpower any person or persons against whom the sheriff holds warrants, and I will not anticipate resistance beyond this at present. To call upon any of the citizens of the county to accompany the sheriff and aid him in overpowering the resistance on the part of the defendants that is at this time anticipated would most probably lead to a conflict, which, when once commenced, it is difficult to foresee where it might end.

But in the use of the United State troops no personal or party feeling can exist on either side, and their presence, most likely, will command obedience to the laws. I have to ask you, therefore, to detach to this place, immediately, an officer with six men to aid and assist the sheriff of this county in the execution of the warrants in his hands.

I have the honor to be your most obedient servant,  
WILSON SHANNON.

Col. SUMNER.

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No. 3.

HEADQUARTERS FIRST CAVALRY,  
*Fort Leavenworth, April 21, 1856.*

GOVERNOR: I have the honor to acknowledge the receipt of your letter dated yesterday. In compliance with your requisition, and under the orders of the President, I will send an officer and a small party to aid the sheriff in executing the laws. I trust it will not be necessary to use violence on this occasion.

I am, sir, with high respect, your obedient servant,  
E. V. SUMNER,  
*Colonel First Cavalry, Commanding.*  
His Excellency WILSON SHANNON,  
*Governor of Kansas.*

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No. 4.

We, the undersigned, citizens of Douglas county, Kansas Territory, upon our oaths state, that we were summoned by S. J. Jones, sheriff of said county, upon the morning of Sunday, April 20, as a posse to assist in the execution of legal process upon persons living in Lawrence;

accompanied by the said sheriff, we proceeded to Lawrence, at which place we arrived about eleven o'clock, a. m.

Upon our arrival in said place, said Jones, sheriff as aforesaid, was proceeding in the direction of the house of one S. N. Wood, against whom he (Jones) stated he had several warrants, one of which was for larceny, when he was surrounded in the street by several hundred men; and he, the said Jones, summoned four or five of them who were present to assist him in the execution of his process. Every man so summoned refused to recognize the legal authority of Kansas Territory. At this juncture the said sheriff recognized several persons in the mob against whom he held warrants; he arrested one of them, who resisted him and was rescued by the mob. The sheriff then called upon the by-standers by name to assist in apprehending the said persons. Again he was resisted with threats and curses. After attempting to arrest several other persons, all of whom were rescued by the mob, he again and repeatedly called upon them in the name of the law to assist him in the execution of the legal processes which he held. He was asked by what authority he called upon them, he replied by the authority of the laws of Kansas Territory, to which answers were made, "Call upon us in the name of hell and we'll obey, but you can never arrest a citizen of Lawrence by virtue of your territorial laws." "We don't recognize them." "We will oppose them with our blood." "Do not undertake to arrest another man, Jones, if you do, you are a dead man." "If you ever succeed in arresting a citizen of Lawrence, your life shall pay for it." "Resign your office, Jones, resign your office, you shall never arrest another man in Lawrence." Very similar threats were made by persons in the mob, in addition to them, all of which were approved by the mob, manifested by shouts of "yes," "yes," "we will never submit," and by other ways, from which manifestations we knew that the resistance was universal and determined. Jones called upon a number of them who assisted in the said rescues, when he was told that they would give him the "muster roll," and the mob cried out "take the muster roll, Jones, we all resist." We deemed any further attempt to arrest the violators of the law hopeless at this time, and also regarded with anxious apprehension the public execution of threats, which had been made by the people of Lawrence against Jones, and his consequent assassination. Under these circumstances we mounted our horses, and amid the groans, hisses and insults of the mob which had followed, accompanied by said Jones, we left Lawrence.

WM. J. PRESTON,  
J. C. ANDERSON,  
W. F. DONALDSON.

Sworn to and subscribed before me, a justice of the peace for Douglas county, Kansas Territory, this twenty-eighth day of April, 1856.

J. W. SHEPARD,  
*Justice of the Peace for Douglas county.*

## No. 5.

HEADQUARTERS 1ST CAVALRY,  
*Fort Leavenworth, April 24, 1856.*

GOVERNOR: I march immediately, with two squadrons, to join you at Lecompton, to be followed at once by the rest of the regiment, if necessary. I would earnestly and respectfully recommend that no call be made upon the militia. We can settle this difficulty without further bloodshed if there is no interference from political partizans.

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

E. V. SUMNER,

*Col. 1st Cavalry, commanding.*

His Excellency WILSON SHANNON.

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## No. 6.

EXECUTIVE OFFICE,  
*Lecompton, K. T., April, 25, 1856.*

SIR: I am satisfied that the persons against whom writs have been issued and placed in the hands of the sheriff of this county, and who have not been taken, have secreted themselves or fled, so that for the present no further arrests can be made. Nevertheless, I deem it prudent to have a military posse or guard of thirty men stationed at this place, and subject to my orders, to act in case of an emergency. I would therefore request you to furnish me with such a guard from your command, to be used as a sheriff's posse and to preserve the peace, as occasion may require.

I have no further requisition to make on you at present, but would respectfully request you to hold your command in readiness to act at a moment's warning if required by me to enforce the laws or preserve the peace.

Yours, with great respect,

WILSON SHANNON.

Col. SUMNER.

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## No. 7.

*A statement of facts in relation to an attempt made by persons unknown to set fire to the house of General G. W. Clarke, in Douglas county, in the Territory of Kansas.*

On Friday, April 25, information was received at Lecompton that threats had been made by the outlaws residing at Lawrence against the life and property of General G. W. Clarke, whereupon the under-

signed, knowing that General Clarke was absent, and believing that in order to protect the dwelling house and other property of the said Clarke it was necessary that some men should volunteer to guard the house and premises of General Clarke, repaired with several others, at the request of Mrs. Clarke, to the dwelling house of the said Clarke, on Friday night, for that purpose. We arrived at the said house a little after dark, and kept watch all night. About one o'clock one of us stepped out to ascertain whether or not any one was approaching the house; when we saw three men retreating from the southeast corner in a stooping, sneaking posture. When these men were first discovered they were within ten feet of the house. They were immediately hailed twice in succession, but refused to answer, and thereupon fled to a body of timber near by. Two of us, after they had begun to run, discharged our guns, but without effect. From the threats of violence often made by the outlaws of Lawrence against General Clarke and his property, we firmly believed that the persons thus seen came for the villainous and hellish purpose of assassinating General Clarke, and burning down his dwelling house and destroying his property. And we further believe that General Clarke will be watched, waylaid and assassinated, and his property destroyed, unless a guard is kept in and around his premises. We further state that some time after these three men had concealed themselves in the timber, we saw a body of men emerge from the timber, on horseback, numbering some eight or ten, who rode off together towards the road leading to Lawrence.

A. J. CROCKETT.  
M. M. HOLSEY.

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No. 8.

OSAWKEE, *March 29, 1856.*

The grand jury empanelled in and for Jefferson county, now sitting, would most respectfully represent to your honor, and, through you, to the governor of this Territory, and to the people and President of the United States, that after having faithfully and critically examined a number of responsible and credible witnesses, under oath and according to law, that we have elicited a statement of facts which, though they may not directly criminate any individual of any overt act of treason, yet show that such a state of morals and organization of parties exist as to endanger not only the peace, good order, and personal safety of the peaceful citizens of this county, but of the whole Territory as well as the whole Union. Your honor will perceive from the evidence which we herewith lay before you, and taken under the solemn responsibilities of an oath, that secret societies have been instituted, working under the most solemn and binding oaths and obligations, to resist the execution of—by force of arms, if necessary—all laws or regulations which might not comport with the views entertained by certain agitators of strife and office seekers throughout this Territory and some

of the States of this Union. Military companies have been organized and mustered in our midst, threatening the rescue of any prisoner belonging to their party who might be arrested under the laws, and drawing their arms not from the government of the Territory or United States, as is lawful, but from the eastern and northern cities of the Union, introduced and furnished them by the aid societies, with the declared intention to control and prevent the people of this Territory from the free exercise of the privilege granted them by the organic act—that of moulding their institutions to suit themselves.

We now, sir, as conservators of the peace and good order of our country, as lovers of our Territory, but more especially as loyal citizens of our great, glorious and dearly beloved country and Union, ask, as the evidence which we have been enabled to obtain has not been sufficient to convict any individual of any crime for which our statute provides adequate punishment, that you will devise some safeguard by which these subverters of good order may be restrained and the threatened dangers warded off.

In conclusion, we herewith submit to your honor the testimony we have elicited, showing the existence of these dangerous combinations, and praying that your honor may still be able, as you have done, to preserve the integrity and respect of the laws and the good order, peace and safety of our common country.

We have the honor to subscribe ourselves, most respectfully, your obedient servants,

A. B. Cantwell, *Foreman*.  
W. H. Tebbs,  
Edward Smith,  
John P. Gardener,  
Franklin Finch,  
Jefferson Forkner,  
Adam Christison,  
John Atkinson,  
Owen Cawfield,

A. D. Cawfield,  
Richard Grant,  
Squire Roberts,  
Finas Simmons,  
John Evans.  
Wm. F. Dyer,  
J. A. Chapman,  
Wm. Barker,  
John York,

*Members of the Grand Jury for Jefferson County.*

Hon. SAMUEL D. LECOMPTE,

*Judge of the First District Court of the United States  
for Kansas Territory, now sitting in Jefferson County.*

OSAWKEE, KANSAS TERRITORY,  
March 28, 1856.

SIR: The undersigned, members of the grand jury empanelled for Jefferson county, Kansas Territory, would earnestly request that you communicate to them, in writing, the facts stated by you before the grand jury, under oath, concerning the proceedings, workings and objects of a certain secret association with which you have been made acquainted, in order that the officers of justice and the laws may be

able to guard the peaceful and law abiding citizens of this Territory from the effects of their treasonable and insurrectionary machinations.

We have the honor to be, your obedient servants,

A. B. Cantwell, *Foreman.*

Finas K. Simmons,

John Evans,

John Atkinson,

Adam Christison,

Squire Roberts,

Edward Smith,

James A. Chapman,

Franklin Finch,

Richard Grant,

*Deputy U. S. Marshal and Bailiff of Grand Jury.*

W. H. Tebbs,

John York.

Jefferson Forkner,

Wm. F. Dyer,

Wm. Barker,

Owen Cawfield,

David A. Cawfield,

John P. Gardener,

C. B. Whitehead,

Dr. A. J. FRANCIS.

OSAWKEE, K. T., *March 28, 1856.*

*Gentlemen of the Grand Jury:*

SIRS: In compliance with the request made through your communication to me to state in writing the evidence which I gave under oath before the grand jury in relation to any secret or other organizations which might exist in this or other counties in this Territory, for the purpose of counteracting the existing laws and regulations of the country, I beg leave to submit the enclosed; but I cannot, in justice to my own character as a man of truth and as an honorable member of the community, do so without making some explanations with which to satisfy those with whom I have been in some measure associated that I have not voluntarily betrayed the trust seemingly confided to me. I have ever been averse knowingly to committing any act which might conflict with my duties as a law abiding citizen. I was, in company with others, induced to join an order whose objects I have since been convinced were not in accordance with law or good order, and whose obligations imposed on me duties which, as a lover of my country, I could not for a moment think of performing; therefore, I conceive I have committed no breach of honor or propriety in making the developments which you in your official capacity have demanded of me. This much I trust will suffice to acquit me of any unworthy design in that which I have been in part compelled to divulge. This association has placed me in a position of much responsibility, and I could not feel that I was acting the part of a loyal citizen to the government under which I have happily lived without apprizing the proper authorities of these most dangerous combinations. I had expressed my distress of mind to at least one individual, who had been led into this error in company with me. I am aware that the statements which I have made will be denounced as false, and that my motives will be impugned as being most impure. But with a conscience void of offence towards whom I profess to worship, and trusting in the sustaining power of my



honest fellow citizens, and in the protection of the strong arm of the law and government of my country, I am ready to meet the issue.

In conclusion, gentlemen, I subscribe myself your fellow-citizen,

A. J. FRANCIS.

Sometime during the month of September last I went to Lawrence, and while there I received propositions from various persons to become a member of a secret organization which I understood there to be in existence in the above city.

The chief head and front of this order I understood to be Jas. H. Lane and Charles Robinson. Col. Lane acted as one of the officers at my initiation. The following is the ceremony by which a candidate is introduced and initiated: The candidate having been introduced within the room, the instructor (or first lieutenant) addresses the candidate and informs him that he is required to take an obligation which will not interfere with his religious or political sentiments, be they what they may, to which it is necessary that he should assent. The captain or colonel then administers the following obligation:

I, A. B., of my own free will and accord, in the presence of Almighty God, do solemnly swear that I will always hail, forever conceal, and never reveal any of the secrets of this organization to any person or persons under the canopy of heaven, except it be within the body of a just and legal council, or to a person as worthy and well qualified to receive the same as I am myself. I furthermore promise and swear that I will not write, print, stamp or stain them or any of them on any thing moveable or immoveable under the canopy of heaven, whereby or whereon the secrets of this order may be unlawfully obtained.

I furthermore promise and swear that I will at all times and under all circumstances hold myself in readiness at a moment's warning to obey all signs, or tokens, or orders given or sent to me by a brother of this order, or a superior officer.

I furthermore promise and swear that I will at all times, and under all circumstances, resist to the best of my ability any effort that may be made to make Kansas a slave State.

I furthermore promise and swear that when I hear the grand words of distress or danger given by a member of this order, I will rush to his assistance even when there is a greater probability of losing my life, considering it my duty to die and defend this order and its members even at the risk of life.

I furthermore promise and swear that I will, at all times and under all circumstances, more especially on election and public days, bear upon myself a weapon of death.

I furthermore promise and swear that I will at all times wear upon my person the insignia and regalia of the order, so that I may be known without the necessary signs and tokens.

I furthermore promise and swear that I will support a free State man for office in preference to any and all others, and respect them in dealing and business capacities in preference to pro-slavery men.

I furthermore promise and swear that I will hold myself in readiness at all times to bear arms in opposition to slavery, and in defence of free State principles.

I furthermore promise and swear that if any part of my oath is at this time omitted, I will consider the same as binding when legally informed of it.

To all of which I solemnly swear without any equivocation, self evasion, or mental reservation whatever, so help me God, and keep me steadfast in this my oath or obligation.

After this the colonel or captain addresses the candidate, and informs him that he is now fully enlisted, and he must consider himself as bound to take up arms against the government itself (if need be) in defence of free State principles, and then proclaims the candidate a "Kansas Regulator." He is then informed (or at least I was) that arrangements are being made to place in the hands of every reliable free-State man a Sharp's rifle and a brace of Colt's revolvers, to be used for the purpose above stated. The candidate is then informed in regard to the grip, signs, and pass-words, which are as follows: The sign of recognition is given by placing the thumb of the right hand under the chin, and laying the forefinger of the same hand against the right side of the nose, and scratching the nose three or four times. The answering sign is given by taking the lower lip between the first finger and thumb of the left hand, and scratching or rubbing the lip three or four times. The grip is given by closing the two first fingers of each hand over each other; the word accompanying the grip is "Kansas," accenting the last syllable. The signals of danger are as follows: If a member is to bring a gun and pistols, and knife, a red flag is hoisted; if only one of either, a white flag. On giving the grip, the following communication occurs: "Are you in favor of making Kansas a free State?" "I am, if Missouri is willing." At public gatherings, if there is danger, a member or officer rises and asks as follows: "Is Dr. Starr present? if so, he is wanted at ———," (naming the place;) and it is the duty of members to repair to that place without attracting any attention whatever from any other person, in all cases taking their arms with them. The candidate is then informed that he is always to wear on his breast, so that it can be seen, a black ribband, in order to show to the world that it conceals a weapon of death. He is then informed that when he wishes to enter a council he must give two or three raps at the door, and repeat the word "fifty-five." The officers of a subordinate council are captain, three lieutenants, and orderly sergeant; the officers of a grand council are colonel, major, and captain. The regalia was worn at all times; the colonel's was a red sash, the major's a blue, the captain's a white, and the lieutenant's a yellow sash; the object of this society was to establish others of a similar nature in other counties.

TERRITORY OF KANSAS, }  
*Jefferson County.* }

In testimony that the foregoing and within report of the grand jury, empannelled in and for Jefferson county, at the March term,

1856, of the first district court of the first judicial district of the Territory of Kansas, is a true copy of the original filed in this office, I have [L. S.] hereunto subscribed name and affixed the seal of my office this 20th day of April, A. D. 1856.

D. S. BOYLE, *Clerk.*

EXECUTIVE OFFICE, *May 23, 1856.*

Has the United States marshal proceeded to Lawrence to execute civil process? Has military force been found necessary to maintain civil government in Kansas? If so, have you relied solely upon the troops under the command of Colonels Sumner and Cooke? If otherwise, state the reasons. The laws must be executed; but military force should not be employed until after the marshal has met with actual resistance in the fulfilment of his duty.

FRANKLIN PIERCE.

WILSON SHANNON, *Governor of Kansas,  
Lecompton, Kansas Territory.*

[Telegraph agent in Washington will telegraph to agent at Kansas city, and if not in operation to that point, then to Lexington, Missouri, as follows:

Forward by special agent and deliver in person to Governor Shannon, or, in his absence, to Marshal Donaldson, and send by telegraph amount of expenses.]

EXECUTIVE OFFICE,  
*May 23, 1856.*

Since my telegraph of this morning was sent, the Secretary of War has laid before me Colonel Sumner's letter to you of the 12th instant. His suggestion strikes me as wise and prudent. I hope that before this reaches you decisive measures will have been taken to have the process in the hands of the marshal quietly executed. My knowledge of facts is imperfect; but with the force of Colonel Sumner at hand, I perceive no occasion for the posse, armed or unarmed, which the marshal is said to have assembled at Lecompton. The instructions issued to yourself and Colonel Sumner during your last visit to this city must be efficiently executed. Sufficient power was committed to you and you must use it.

Obedience to the laws and consequent security to the citizens of Kansas are the primary objects.

You must repress lawless violence in whatever form it may manifest itself.

FRANKLIN PIERCE.

[Telegraph agent in Washington will telegraph to agent at Kansas city, and if not in operation to that point, then to Lexington, Missouri, as follows:

Forward by special agent, and deliver in person to Governor Shannon, or, in his absence, to Marshal Donaldson, and send by telegraph amount of expenses.]

EXECUTIVE OFFICE,  
*Lecompton, K. T., May 31, 1856.*

SIR: I received some time since a detailed report from Lieut. McIntosh, in relation to the proceedings of Sheriff Jones in making arrests in the town of Lawrence and his attempted assassination. I herewith send you a copy marked No. 1.

Shortly after the date of my last despatch, a writ of attachment was issued out of the United States district court, sitting in this county, against Governor Reeder, for a contempt of court in not obeying a subpœna commanding him to appear before the grand jury then in session. This writ was placed in the hands of the deputy United States marshal for execution, who proceeded to Lawrence, where Governor Reeder then was, for the purpose of executing it. My information is that the deputy marshal found Governor Reeder in the congressional committee room, where there were a large number of the citizens of Lawrence assembled; that he attempted to arrest him, but was resisted, and at the same time informed by Governor Reeder that if he attempted to lay hands on him it would be at the peril of his life; that this declaration was loudly cheered by the citizens of Lawrence then present, and the deputy marshal left, satisfied that any further attempt to arrest Governor Reeder would have endangered his life. The United States marshal became satisfied that the attachment against Governor Reeder, together with some other writs in his hands against persons supposed to be in the town of Lawrence, could not be executed without the aid of a strong body of men sufficiently large to invest the town. Had the marshal called on me for a posse, I should have felt myself bound to furnish him with one composed entirely of United States troops. Knowing this to be the case, and feeling satisfied that with a posse composed of such troops the parties to be arrested would evade the service of process, he determined, by virtue of the legal powers vested in him as marshal, to summon his own posse from the citizens of the Territory. With that view, he issued his proclamation, and on the 21st instant proceeded to the town of Lawrence with a posse, composed of between four and five hundred men, surrounded the place in order to prevent escapes and, at the head of a small body of men, entered the town and arrested G. W. Smith, G. W. Deizer, and Gais Jenkins, on warrants in his hands issued on indictments found against them in the United States district court, sitting in this county, for the crime of high treason. He had several other warrants, of a similar character, against different individuals; but could not find the parties in Lawrence, nor could he find Governor Reeder. After having made all the arrests that were practicable in that place, he dismissed his posse. Everything so far had proceeded with the utmost order. As soon as the marshal had dismissed his posse, Sheriff Jones, who was on the ground with a number of writs in his hands against persons supposed to be in Lawrence, summoned the same body of men, as I am informed, to aid him in executing writs in his hands. This posse, or a large portion of it, entered the town of Lawrence with Sheriff Jones. No armed resistance was offered. Indeed, it is said that nearly all the Sharp's

rifles, military stores, and artillery had been removed from the town some days before. The excitement among the people, growing out of the attempted assassination of Sheriff Jones, the threatened assassination of others, and the resistance to the United States marshal, could not be restrained. A deep and settled conviction seemed to rest on the public mind that there was no security or safety while those who refuse obedience to the laws held their Sharp's rifles, artillery, and munitions of war, and while the Aid Society Hotel was permitted to stand, this building having, it is said, been used as a fort, arsenal, and barracks for troops. The consequence was, that this building was torn down, four pieces of artillery taken, and a small number of Sharp's rifles; the two printing presses were destroyed; and the house lately occupied by C. Robinson during the night was consumed by fire. It is alleged, but with what correctness I cannot say, that this latter building belonged to the Aid Society. No fighting took place, and no lives were lost. I understand that orders were given to respect private property, except that which I have named above, but, in so much confusion and disturbance, it is probable that these orders were not in all cases obeyed. The United States marshal, upon getting through making his arrests at Lawrence, immediately came to this place with his prisoners. As soon as I was advised that he had dismissed his posse, and without waiting for further information from Lawrence, I addressed a letter to Colonel Sumner, at Fort Leavenworth, calling on him for three companies of United States troops—one company to be stationed at Lawrence, one at this place, and one at Topeka. This request was promptly complied with, and the troops were stationed accordingly. I send you a copy of this letter, marked No. 2. In consultation with Colonel Sumner, we concurred in opinion that the only way to prevent a civil war between the two contending parties and protect all in their rights was to station troops at different points in the Territory where their presence is most needed.

I send you herewith three communications which I have received—one from General Heiskell, one from General Barbee, and the third from Judge Cato, (Nos. 3, 4, and 5,) detailing the circumstances attending the murder of six men in the county of Franklin, which is the county immediately south of this. Comment is unnecessary. The respectability of the parties and the cruelties attending these murders have produced an extraordinary state of excitement in that portion of the Territory which has heretofore remained comparatively quiet. As soon as I was advised of these horrid murders I sent an express to Captain Wood, at Lawrence, to move out into that section of country with his whole command and to protect the people as far as possible from these midnight assassins. He moved with his whole command immediately, but I have received no intelligence from him yet. I hope the offenders may be brought to justice; if so, it may allay to a great extent the excitement; otherwise, I fear the consequences. Having received information that a band of lawless men had been engaged in driving off peaceable and unoffending citizens from Hickory Point, and that portion of this county lying about fifteen or sixteen miles south of Lawrence, and also that a large force was advancing from Missouri, and

had reached what is known as the Bull Creek crossing, on the great Santa Fé road, with the view of attacking them, I addressed a note to Captain Wood, requesting him to send out to the different points where these difficulties were said to exist a detachment of ten men, with the view of examining and reporting the true state of the facts. In conformity with my request, he sent out Lieutenant Church with a small detachment, to whose written report I beg leave to refer for more detailed information, a copy of which is hereto attached, No. 6. The grand jury, sitting in the United States district court in this county, at the late term, found bills of indictment for high treason against C. Robinson, A. Reeder, Colonel Lane, George W. Brown, Judge Smith, Gais Jenkins, and George W. Deitzler. Lane and Reeder have not been taken. The others are in the custody of the United States marshal at this place. C. Robinson is also in custody, by virtue of a warrant issued on an indictment found in the same court, for usurpation of office. He was brought back from Lexington, Missouri, on my requisition on the governor of that State.

I have this evening received your two telegraphic despatches dated May 23d instant. I have already stated the extent to which military force has been resorted to in this Territory in order to maintain civil government. I have relied solely on the forces under the command of Colonel Sumner, in order to maintain peace and good order in the Territory and enforce the execution of the laws. I have furnished no posse to the marshal, nor have I been called on by that officer to do so. The only posse I have furnished, or been desired to furnish, any officer of the Territory, since my return from Washington city, is the one furnished Sheriff Jones, on his written statement and request, dated April the 20th last, a copy of which I attached to my last despatch, marked No. 1.

I have already stated, I believe, accurately, what was done by the United States marshal in proceeding to Lawrence to execute the process in his hands. The only process he has attempted to execute in that place, so far as I am informed, since my return from Washington, are the writs of attachment against Governor Reeder, and the several warrants issued on the indictments for high treason, to which I have already alluded.

I ought to state, that, having detached Capt. Wood, with his whole command, from Lawrence, south to the scene of the murders above alluded to, the former place was left without any military protection. I immediately sent a despatch to Col. Sumner, requesting him to send two additional companies to Lawrence for the protection of that place. He at once did so, and there is now an adequate force there for its protection. I do not know that my instructions, at least in express terms, give me the power to call on Col. Sumner for troops to be located at different points in the Territory for the purposes I have already stated; but the plan met the entire approbation of Col. Sumner, and I was so well satisfied of the policy of it, that I thought it best, under the emergency, to carry it out at once. If it is not approved, it can easily be corrected; and while it promises the best results, it can do no harm.

At this time affairs seem to wear a favorable aspect, except in the

Wakarusa valley and south of Lawrence, in the region of country where the recent murders were perpetrated. But there are so many disturbing causes that it is hard to tell whether we have passed the crisis or not.

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

His Excellency FRANKLIN PIERCE.

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No. 1.

CAMP ON THE WAKARUSA, NEAR LAWRENCE,  
*April 30, 1856.*

SIR: I have the honor to report, for your information, that in obedience to your instructions, I left Lecompton about 2 o'clock p. m., on the 23d instant, with a detachment of ten men and a non-commissioned officer, in company with Mr. Samuel J. Jones, sheriff of Douglas county, for the purpose of arresting certain individuals in the town of Lawrence, who had previously resisted the sheriff and a civil "posse." Having arrived at Lawrence, about 4 o'clock p. m., I dismounted my detachment, and notified Mr. Jones that I was ready to assist him in the legal discharge of his duty. From that time until sundown he succeeded in arresting six of the offending individuals. While making these arrests a large crowd was assembled in the streets; and although no resistance was made or violence resorted to, public excitement was great, and Mr. Jones and the territorial government were freely and bitterly denounced. About sundown, the sheriff having pointed out to me a room for the prisoners, I marched them to it, and placed my tents immediately in rear of the house. I at once placed two sentinels in the room with the prisoners, and one walking around outside of the house. Although the excitement among the people of the town continued very great, still their ready obedience to the demands of the general government, recognizing in me its agent, prompted me to believe that no violence or attempt at rescue need be apprehended; nevertheless, I cautioned Mr. Jones, and advised him to sleep in the bed that had been provided for him in the same house occupied by the prisoners, where he would be under the protection of my guard. Mr. Jones, apparently not apprehending danger, came to my tent during the evening, and after being seated a while, I asked him to give me a drink of water, and I went with him to a barrel near the house for the purpose of getting it, and while standing at the barrel a shot was fired from a crowd of about twenty persons. Mr. Jones immediately said, "I believe that was intended for me;" but having heard several other shots during the evening, which I thought were fired in the air, and believing at the time that this one was aimed in the same manner, I told him I thought he was mistaken; he then returned to my tent, and I walked among the crowd to endeavor to find out what were their intentions. In about five minutes I went to the tent, when Mr.

Jones said, "that was intended for me, for here is the hole in my pants." Greatly incensed at this cowardly act, I immediately joined the crowd, and while speaking to them, I heard another shot, and at the same time some of my men exclaimed, "Lieutenant, the sheriff is dead." I went to the tent immediately, and found Mr. Jones lying upon the floor, and seeing that he was still alive, my men were formed ready for the most active measures; but as soon as they were formed, the citizens instantly dispersed and retired to their houses, and all excitement ceased for the night. The second shot fired at Mr. Jones was, no doubt, the work of a secret assassin, who, in the darkness of night, succeeded in his fanatical design.

After Mr Jones had been shot, and apprehensive that a crowd so thoroughly lawless might attempt to rescue my prisoners, I immediately despatched Mr. E. T. Yates (a citizen) and one of my men to Lieutenant Stockton, who had a detachment of a non-commissioned officer and ten men of the 1st cavalry returning to Fort Leavenworth, for his assistance. Lieutenant Stockton promptly obeyed the call, and in the course of two hours and a half was with me. At the same time I sent an express to Colonel Sumner, commanding 1st cavalry, at Fort Leavenworth, with a statement of the above facts.

The next morning an express was sent to the neighboring town of Franklin for the deputy sheriff of the county, and, upon his arrival, the writs in Mr. Jones' possession having been delivered to him, I continued to assist the deputy in serving them; but only one of the offenders could be found, who was immediately arrested without difficulty.

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

JAMES MCINTOSH,

*1st Lieutenant 1st Cavalry, commanding detachment.*

His Excellency WILSON SHANNON,

*Governor of Kansas Territory.*

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No. 2.

*Mr. Shannon to Colonel Sumner.*

EXECUTIVE OFFICE,

*Lecompton, Kansas Territory, May 21, 1856.*

SIR: The United States marshal has made all the arrests in Lawrence that can, in his judgment, now be made, and dismissed his posse. The sheriff has also got through making arrests on warrants in his hands, and I presume by this time has dismissed his posse. In view of the excitement and present state of feeling in the country, and for the purpose of securing the safety of the citizens, both in person and property, as well as to aid in the execution of the laws and preservation of the peace of the Territory, I think it necessary to have stationed at or near Lawrence one company of United States troops, a like company at or near this place, and a like company at or near



Topeka. I have, therefore, to ask you to detach from your command three companies, one to be stationed at or near each place above designated. It is important this should be done with as little delay as possible. Some three or four arrests have been made by the United States marshal of persons charged by the grand jury of the United States district court with the crime of high treason. Bills of a similar character have been found in the same court against others. The armed organization to resist the laws would seem to be broken up for the present, so far as the town of Lawrence is concerned, but there is danger that this formidable organization may show itself at some other point, unless held in check by the presence of a force competent to put it down.

The only force that I feel safe in using, in these civil commotions, is the troops of the United States; and by a prompt and judicious location of these troops in the Territory, I feel confident that order will be restored, the supremacy of the law maintained, and a civil war prevented.

Yours, with great respect and esteem,

WILSON SHANNON.

Colonel SUMNER.

No. 3.

PAOLA, LYKINS COUNTY,

May 27, 1856.

DEAR SIR: You will have learned, perhaps, before this reaches you, that Mr. Allen Wilkinson, Mr. Doyle and two sons, and Mr. Sherman, all of Franklin county, were on Saturday night last, most foully and barbarously murdered. There can be no doubt of the fact that such murders have been perpetrated, and that the community, as I understand, generally suspect that the Browns and Partridges are the guilty parties. I shall do everything in my power to have the matter investigated, and there seems to be a disposition on the part of the free State men in Franklin to aid in having the laws enforced. As soon as the proper evidence can be procured, warrants will be issued for the arrest of the parties suspected, and I have promised the officers to whom these warrants will be entrusted all the aid necessary to execute the law. These murders were most foully committed in the night time by a gang of some twelve or fifteen persons, calling on, and dragging from their houses, defenceless and unsuspecting citizens, and murdering, and, after murdering, mutilating their bodies in a very shocking manner.

As the murders were committed in the night, it has been difficult, so far, in identifying the perpetrators. I hope, however, that sufficient evidence may be procured.

Most respectfully, your obedient servant,

S. G. CATO.

## No. 4.

CAMP HEADQUARTERS 2D BRIGADE,  
SOUTHERN DIVISION, KANSAS MILITIA,  
*Paola, Monday morning, May 26, 1856.*

DEAR SIR: We were all surprised this morning by the sad intelligence that W. Wilkinson, (late member of the legislature,) was, together with a Mr. Sherman and three Messrs. Doyle, on Saturday night taken from their beds by the abolitionists, and, in the hearing of their families, ruthlessly murdered and hacked to pieces; also a man found dead at the Pottawatomie. There were some twenty in the gang. All is excitement here; court cannot go on.

I have just had an interview with the bereaved wife and family, that they spared, also a McMinn; all of whom I am acquainted with, so that there can be no doubt as to the correctness of the report. Families are leaving for Missouri. Yankees concentrating at Ossawatimie and upon the Pottawatomie, also at Hickory Point, where they have driven off the inhabitants without even provisions or clothing, save what they had on.

We can, perhaps, muster to-day, including the Alabamians, who are now encamped on Bull creek, about 150 men, but will need a force here. I have despatched to Fort Scott for 100 men. The men will come from Fort Scott under Major Hill. There will be more men in readiness, if needed, at Fort Scott. We are destitute of arms; send by wagons for both my brigade and General Heiskell; we are together; we have scarcely any arms. I await further orders.

Your obedient servant,

WILLIAM BARBER,

*Commanding 2d Brigade, S. D. K. M.*

WILSON SHANNON, *Governor, &c.*

## No. 5.

PAOLA, *May 26, 1856.*

DEAR SIR: All here is excitement and confusion. We have just heard of the murder on Saturday night of Allen Wilkinson, Doyle and his two brothers, and William Sherman; all living in Franklin county, near Pottawatomie creek. The body of another man has been found at the ford of Pottawatomie. These murders, it is supposed, were committed by the abolitionists of Ossawatimie, and Pottawatomie creeks, on their return from Lawrence.

How long shall these things continue? how long shall our citizens, unarmed and defenceless be exposed to this worse than savage cruelty. Wilkinson, it is said, was taken from his bed, leaving a sick wife and children, and butchered in their sight. The two young Doyles were unarmed, and shot down on the prairie like dogs.

We have here but few men, and they wholly unarmed. We shall gather together for our own defence as many men as we can; we hope you will send us as many arms as possible, and if, under the circumstances, you can do so, send as many men as you may think necessary. General Barber is here. He has sent to Fort Scott for aid. We must organize such force as we can, but for God's sake send arms. General Coffee is in the neighborhood; I have not yet had an opportunity to see him; he will be here to-day.

We hope to be able to identify some of the murderers, as Mr. Harris, who was in their hands, was released, and will probably know some of them.

Yours, truly,

WM. A. HEISKELL.

Gov. WILSON SHANNON.

No. 6.

CAMP, ONE MILE ABOVE LAWRENCE,  
May 26, 1856.

SIR: I have the honor to report that, in accordance with your orders, I proceeded from this place with thirteen enlisted men, on yesterday morning, and made my way, by the Wakarusa bridge, toward Hickory Point. During the whole march I made constant inquiries from the settlers on the road, and all, until I arrived within a very short distance of Palmyra, some eighteen miles south of Lawrence, stated that there was no difficulty or alarm anticipated. At this place I came upon a body of men from Ossawatimie and the surrounding country, who, as well as I could judge, numbered some seventy or eighty, although they pretended to have about one hundred and thirty. This body was commanded by a Capt. Brown, and was evidently a free State party. They had been at Palmyra about two days, and had frightened off a number of pro-slavery settlers, and forced off, as far as I could learn, two families.

I immediately stated to Capt. Brown that the assembly of large parties of armed men, on either side, was illegal, and called upon him to disperse. After considerable talk, he consented to disband his party and return home. On yesterday evening he commenced moving, and early this morning his camp had been vacated.

Reports reached me on yesterday afternoon that a large force (150 men) from Missouri had collected at what is called Bull creek, some fifteen miles below Palmyra, for the purpose of invading the Territory.

I investigated the matter, and, from the testimony of three men who had just crossed at Bull creek, I am convinced that the report was exaggerated and false. As far as I could learn, the only persons at Bull creek were a few families who had been driven from Palmyra, and a Santa Fé train, who were afraid to proceed upon their route. Having only one day's rations, and having been ordered only to investigate, I have this day returned.

JNO. R. CHURCH,  
2d Lieut. 1st Cavalry.

Captain T. J. Wood,  
1st Cavalry.

EXECUTIVE OFFICE,  
June 6, 1856.

Were my despatches of May 23 received by yourself or Colonel Sumner? If they were, why have they not been acknowledged? Confused and contradictory accounts continue to reach me of scenes of disorder and violence in Kansas. If the civil authorities, sustained by the military force under the command of Colonels Sumner and Cooke, placed at your disposal, are not sufficient to maintain order and afford protection to peaceable and law-abiding citizens, you should have advised me at once. I hardly need repeat the instructions so often given. Maintain the laws firmly and impartially, and take care that no good citizen has just ground to complain of the want of protection.

FRANKLIN PIERCE.

Hon. WILSON SHANNON,  
(Care of Colonel Sumner,) *Fort Leavenworth, Kansas Territory.*

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WAR DEPARTMENT,  
Washington, July 16, 1856.

SIR: I have the honor to enclose, herewith, for your information, copies of two letters from Governor Shannon, of Kansas, to Colonel E. V. Sumner, both dated the 23d ultimo.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,  
*Secretary of War.*

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

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EXECUTIVE OFFICE,  
Leecompton, K. T., June 23, 1856.

SIR: I am compelled to visit St. Louis on official business which can no longer be postponed. I will be absent probably about ten days, but I will return as soon as my official duties will permit. In the meantime I deem it of the utmost importance that the whole of your disposable force should be stationed at suitable points in that portion of the Territory which has been most disturbed and which is still threatened with further disturbance. Your knowledge of the country and the difficulties which have heretofore existed will enable you to dispose of your command so as to be most effective in preserving the peace. It is important, I think, to retain one company midway between Lawrence and Franklin, one near Palmyra or Hickory Point, one in the Ossawatimie country, and to station two companies at Topeka previous to the 4th of July next, the time fixed for the reassembling of the legislature under what is called the free State con-

stitution. It is doubtful whether this pretended legislative body will reassemble, as many of the free State party are hostile to such a step. But it is true, on the other hand, that there is a number of that party who are zealously urging the members of that body to meet on the 4th proximo, and enact a code of laws to be at once put in force at all hazards. Now, should this policy be adopted in the present excitable state of the country, I have no hesitation in believing that it would produce an outbreak more fearful by far in its consequences than any which we have heretofore witnessed. The peace and quiet which now prevail throughout the whole Territory would be destroyed for the time being, and the whole country greatly agitated. These unfortunate results must be avoided, if possible. I need not say to you that if this legislative body should reassemble on the 4th next, that those within and without the Territory who seem to desire to bring about a conflict of arms between the two parties would eagerly avail themselves of such an occasion to reorganize their military companies and commence hostilities against their political opponents. Indeed, it is impossible to doubt that, if this body meets, enacts laws, and seeks to enforce them, civil war will be the inevitable result. Two governments cannot exist at one and the same time in this Territory in practical operation; one or the other must be overthrown; and the struggle between the legal government established by Congress and that by the Peopka convention would result in civil war, the fearful consequences of which no one can foresee. Should this body reassemble and enact laws, (and they have no other object in meeting,) they will be an illegal body, threatening the peace of the whole country, and therefore should be dispersed. Their meeting together as legislators and enacting or attempting to enact laws will be in direct violation of an express statute. I beg leave to call your attention to the 23d section, on page 280 of the territorial statutes. That section prescribes:

“That if any person shall take upon himself any office or public trust in this Territory, and exercise any power to do any act appertaining to such office or trust without a lawful appointment or deputation, he shall, upon conviction, be adjudged guilty of a misdemeanor, and punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year.”

It will not be claimed that the members of this so-called legislative assembly have any “*lawful appointment or deputation*”—that is, that they were elected or appointed in pursuance to any law. The organic act prescribes the mode by which the members of the legislative assembly shall be elected, &c. There is no pretence that the body in question claims its power or its existence from the organic act. These men have, therefore, no “*lawful appointment*,” and if they exercise the functions of legislators within this Territory, they violate the provisions of the above recited act. There can be no mistake, therefore, in considering them an illegal body, assuming the office of legislators in this Territory in violation of law; and as such, when the peace and tranquillity of the country require it, as they obviously do in this case, they should be dispersed.

Should, therefore, this pretended legislative body meet as proposed, you will disperse them—peacefully if you can, forcibly if necessary.

Should they reassemble at some other place, or at the same place, you will take care that they are again dispersed. The civil authorities will be instructed to co-operate with you, if it is found necessary, in order to break up this illegal body, and to institute proceedings against the several members under the above statute. But it is hoped and believed that no such step will be required. If rumor is to be credited, there is danger that armed aggressive parties may enter the northern part of the Territory with the view of sustaining this pretended legislative body and the party who are resisting the execution of the territorial laws. Instructions heretofore given, and by which you have been governed in dispersing all organized bodies of armed men threatening the peace of the country, are applicable to these armed aggressive parties from the north, which, should they enter the Territory, you will disperse, and, if necessary for the peace and security of the country, disarm.

Should the command of Colonel Cooke be necessary to be called out in my absence, you will notify Colonel Woodson of the fact, and he will promptly issue his requisition, as acting governor, upon him.

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

WILSON SHANNON.

Colonel SUMNER.

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EXECUTIVE OFFICE,  
*Lecompton, K. T., June 23, 1856.*

SIR: Yours of this instant is received. I am just packing up to start for St. Louis. It is impossible for me at this time to make the new arrangements you suggest before leaving. I do hope it will be in your power to attend in person to this Topeka legislature. I feel well assured that they will not be able to obtain a quorum to transact business. But should we be disappointed in this, I think it is a matter of the utmost importance that you should be present. You understand the whole matter, and can do more with those people than any one else. It will be exceeding bad policy to reduce or withdraw either of the regiments in this Territory. It is only the presence of the troops in the country and the knowledge that they can and will be used, if occasion requires it, that keeps the country quiet at this time. I will write the President and so state. The peace and quiet of this Territory is certainly vastly more important than any object to be accomplished by General Harney. I will certainly be back in ten days; and I hope at least that no change will be made in the programme until I return. Should such be the case, it may bring on difficulties from which it will be exceedingly difficult to extricate the country. I beg of you to make no change until I return.

Yours, with great respect,

WILSON SHANNON.

Colonel SUMNER.

*Governor Geary to Mr. Marcy.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 17, 1856.*

SIR: I have the honor to transmit you herewith a copy of my executive Minutes, containing a full and truthful history of events in Kansas Territory, and the official documents of my department, from the 1st to the 16th of October, 1856, inclusive.

Very respectfully, your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

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

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*Executive Minutes of the Territory of Kansas, from the 1st to the 16th of October, inclusive.*

OCTOBER 1, 1856.

The following letters, together with the executive minutes, from the 9th to the 30th of September, were this day despatched to Washington, by the hands of Mr. James Bailey :

*Letter to the Secretary of State.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 1, 1856.*

SIR: Herewith I have the honor to transmit you a copy of my executive minutes. They contain a truthful history of events in Kansas, from the 9th to the 30th day of September, inclusive.

So much misrepresentation of Kansas affairs has been palmed upon the public, and so little reliance is to be placed upon any information coming from here through the ordinary channels, that I have deemed it a matter of the highest importance that the administration should have a correct and reliable exposition of events.

I would most respectfully suggest, as a matter of justice to the administration, the public and myself, the propriety, especially at this time, of the immediate publication of my executive minutes in the Washington Union, in an official form, for the purpose of correcting erroneous impressions, allaying public excitement, and vindicating the truth.

Very respectfully, your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

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

*Letter to the Secretary of State.*

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 of 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 of Kansas Territory.*

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

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*Clothing for the Militia.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 1, 1856.*

SIR: The company of cavalry and one of the companies of infantry, authorized by your requisitions, have been duly mustered into the United States service.

Requisitions for clothing, &c., have been duly made and forwarded to you.

The men composing the two companies are in great need of clothing, and I trust you will, if possible, grant the amount required, as their efficiency will be so greatly impaired by the want of it as to render them almost useless.

I am, sir, truly, your friend and obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Major General P. F. SMITH,  
*Commanding Department of the West.*



*Sale of ardent spirits.*

LECOMPTON, September 28, 1856.

Your communication of yesterday has been received and its contents duly considered. The request has been complied with. I have seen each individual, in person, engaged in the sale of ardent spirits, and they have promised me that they would not permit any soldier to have liquor at their establishments. If they are faithful to their promise, I feel satisfied that no further trouble will arise from the evil of selling or drinking. If they prove recreant, I shall be under the necessity of reporting their names to you.

Respectfully, your obedient servant,

OWEN C. STEWART,  
Mayor of Leocompton.

His Excellency JOHN W. GEARY.

The foregoing letter, in reply to one from this office dated September 28, although bearing the same date, was not received until today.

*The "Regulators" of Leavenworth city.*

EXECUTIVE DEPARTMENT,  
Leocompton, K. T., October 1, 1856.

SIR: Your esteemed favor of the 23d instant was duly received and perused with much satisfaction. Your earnest assurance that you will co-operate with me in preserving the peace and good order of your city, which I esteem the metropolis of this Territory, and as such, has a large share of my solicitude, has filled my heart with gratitude.

My policy is to charge each community with the peace and good order of its own neighborhood, and I desire in no case to intervene, unless I am clearly satisfied of a want of integrity or ability on the part of the local authorities.

I regret to inform you that since the receipt of your last letter I have received numerous complaints from persons claiming to be your citizens. It is said that there exists in your city an irresponsible body of persons, unknown to the law, calling themselves "*regulators*," that these persons prowl about your streets at night and warn peaceable citizens "to leave the Territory, never to return, or they may be removed when least expected."

*This thing, Mr. Mayor, will never do, and cannot be tolerated for a single moment.* These "*regulators*" must disband, and leave the government of the city to yourself and the authorities known to the law.

Such a state of things is a burning disgrace upon the fair fame of your beautiful city, and will have a direct tendency to injure your trade, destroy your business, and degrade you in the eyes of all civil-

ized nations. I am sensitive on this subject, and am very anxious that you should stand right before the world.

In case you have not the *requisite power to protect the rights* of your citizens, I will thank you to make a requisition upon me for such number of troops as, in your opinion, will be sufficient to expel your self-constituted guardians, calling themselves "regulators," and guarantee to every American citizen, choosing to make Leavenworth his home, those inalienable rights so dear to all.

I shall be glad to hear from you immediately.

Very respectfully, your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Hon. WM. E. MURPHY,  
*Mayor of Leavenworth city.*

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*Immigration from the north.*

A deputation, consisting of Major Morrow, Colonel Winchel, William Hutchinson, and Colonel J. Jenkins, called upon the governor to-day, stating that they were sent by Colonel Eldridge, General Pomeroy, and Colonel Perry, and others, who were escorting three hundred immigrants into the Territory by way of Nebraska; that they did not come for warlike purposes, nor as disturbers of the public peace, but as *bona fide* settlers, with agricultural implements, and some guns to protect themselves and shoot game for their families, &c.; that in the present disturbed state of affairs they did not wish to enter the Territory under any circumstances of suspicion, without notice to the governor, &c., &c.

The governor asked the deputation if they were in any manner connected with Lane's so-called "army of the north?"

Upon their giving him a decided negative answer, he said that he was determined that all the highways leading to this Territory should be free and safe to every American citizen coming here for lawful and peaceful purposes; that he would welcome all such with his whole heart; that armed bands of men with cannon and munitions of war, with hostile attitude, should not visit the Territory to the terror of peaceable citizens; that there was no further occasion for any such demonstrations; that he did not want men in future to come here in armed bodies; that he had the will and the power to protect all persons coming here; and that if a single American citizen was obstructed or prevented from entering this Territory in any quarter, upon notice to him he would furnish such person with protection and a safe escort if it required a thousand troops to do so; that he was sensitive on the subject, and was fully resolved that the doctrine of "popular sovereignty" should be fairly tried and fully vindicated under his administration.

The governor gave the deputation a letter incorporating the above idea, stating that they had called upon him with their purpose, and commanding all military authorities in this Territory to give the

party under Colonel Eldridge and others a safe escort into this Territory, in case the immigrants were what they represented themselves to be.

The deputation left, expressing much gratification with the governor's position.

*Visit to Lawrence.*

October 2, 1856.—This morning the governor, with his secretary and a solitary orderly, made a visit to Lawrence on official business. Two weeks since, this journey could not have been made with safety without a strong force of United States dragoons. The change in the aspect of things along the road can more readily be imagined than described. No prowling bands of marauders could be seen watching for prey upon the distant hills, or flying for safety through the ravines; nor travellers, fearing all who approached them to be enemies, dashing from the main roads into the extensive prairies. On the contrary, everything was indicative of peace, confidence, and returning prosperity. Females rode alone on horseback from settlement to settlement, and wagons, unattended, loaded with household goods, and men, women, and children, traversed the roads in perfect safety.

Workmen were everywhere employed in rebuilding their burned houses, and in taking in and securing their ripened crops. Upon reaching Lawrence the happy influences of restored peace were most conspicuously displayed. No guards surrounded the town, nor were there mounted spies to watch its several avenues. Squads of idlers no longer hung about the streets. The stores were all open, and business had been actively resumed. Gloom had forsaken the countenances of the people, and cheerfulness seemed to pervade the entire community.

The governor was received with the utmost cordiality, and his visit, which continued through the day, rendered especially agreeable. The company of militia, about being enrolled, was nearly full, and a general determination seemed to have been formed to cultivate a spirit of industry, peace, and good order.

On his return to Lecompton, the governor stopped at various of the settlements, and in every instance he found the families entirely free from all apprehensions of further disturbance, and in the enjoyment of the fullest contentment.

In Lawrence, and along the road, the citizens generally acknowledged a feeling of thankfulness and joy that Lane and other meddling agitators had departed from the country, and all expressed the hope that they would never be permitted to return. The opinion among the real inhabitants is universally entertained that the men brought into the Territory by these agitators, ostensibly to protect its injured citizens, brought with them all the elements of indolence, and vice, and crime; and that now, their leaders having deserted them, they are left a burden upon the Territory and a curse to its prosperity. We want no more recruits furnished by northern aid societies; nor yet from the purlieus of the southern towns. These are the men who have filled

the Territory with brigands, incendiaries, and assassins. We have industry, virtue, and patriotism enough among our own inhabitants to guard our own interests; and the only immigrants we now desire or need are those who come to settle and cultivate our lands, prosecute mechanical labors, establish manufactories, drive grist and saw mills, and give a fresh and vigorous impetus to our commerce.

*Order for an escort.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 2, 1856.*

SIR: You will please furnish an escort of four dragoons for Judge Lecompte, to proceed to Leavenworth, or as far on the way as he may desire their services.

Let them report at my office at 12 o'clock m. this day.

Yours, respectfully,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Colonel ANDREWS,  
*Commanding United States troops near Lecompton.*

*The territorial arms.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 2, 1856.*

SIR: On the 12th ultimo I addressed you a communication relative to the territorial arms, to which I have received no reply.

You will please report to me immediately what you have done in the premises, and what arms are now in your custody subject to requisition.

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

THOMAS J. B. CRAMER, Esq.,  
*Inspector General of Kansas Militia.*

INSPECTOR GENERAL'S OFFICE,  
*Lecompton, K. T., October 2, 1856.*

SIR: Yours of the 12th ultimo was received, and answer delayed in order to afford me time to hear from Brigadier Eastin, of the northern division, who was empowered by the late governor, Wilson Shannon, to take and distribute the arms sent by the order of Governor Shannon to the quartermaster at Fort Leavenworth, to whom I sent a communication, asking him to report to me the disposition made of them, and from whom I have not yet heard.

Accompanying this you will find the papers communicated to my office. Accompanying you will find a requisition from Major General

Coffee, with the order endorsed of Governor Shannon to me to fill the same, which was done.

As I have stated to your excellency a short time since, the arms were received here upon the eve of an outbreak, and were furnished the different corps of the militia in a hurried and informal manner, and the captains of the different companies never appeared at my office to give bond according to law.

I herewith send the bonds of Captains Donaldson, Clarke, Stringfellow, Martin, and Saunders, and hold in my hands receipts for smaller quotas of arms furnished different detachments of militiamen, appearing here under the requisition of the marshal of the Territory during the outbreak of June last.

I have in my hands eight or ten boxes of muskets, and several hundred stand are deposited in the houses of the citizens, where they were kept charged during the late threatening state of affairs here.

A large portion of the arms issued to the militia have been captured by the insurgents, though what number I have not been able to ascertain. I have probably five hundred stand at your disposal, in the hands of the enrolled militia and in store, of the southern division's quota, and hope to be able to furnish you some account of the disposition made of the quota ordered to the upper division.

Having no arsenal, I find it impracticable to keep the arms properly together, but hope to get the department in better order some future day.

Hoping the above may be satisfactory under present circumstances, I respectfully submit it.

THOMAS J. B. CRAMER,  
*Inspector General, Kansas Militia.*

His Excellency JOHN W. GEARY.

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*Closing the drinking houses.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 2, 1856.*

SIR: Since my former communication to you on the subject of the liquor establishments of this place, and your report to me on the same subject, I have received such information as makes it essential to the public safety that the entire sale of liquor in this place should be suspended during the incarceration of the large number of prisoners now here, for whose safe keeping I am responsible.

You are, therefore, requested to take the most summary and immediate measures to cause an entire suspension of the sale of liquor in this place until further notice from me; and in case you have not sufficient power, you will please make requisition upon me for the necessary military force.

Very truly, your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

OWEN C. STEWART, Esq.,  
*Mayor of Lecompton.*

Ex. Doc. 17—3

*The Municipal Authorities.*

Notwithstanding that a general peace has been restored to the Territory by the disbandment and dispersion of all large and belligerent parties, there are yet many evils to be corrected in various localities. Letters from numerous citizens, and frequent deputations appointed for the purpose, are constantly reaching the executive office, complaining of personal grievances, and appealing for their redress. Were but the tithe of these to receive the especial attention of the governor, he would have no time for the discharge of more important duties. It has therefore been his settled and uniform policy to refer all such complaints to the municipal authorities of the neighborhoods whence they emanate, with instructions that justice be done, as far as possible, to all citizens wrongfully oppressed, and that the laws be faithfully enforced; at the same time declining, in every instance, to interpose his own authority until the powers vested in the heads of the various municipalities have been fully employed and exhausted without the desired effect. This policy has infused a new life into some of the corporations, and aroused the prostrated officials to prompt and healthy action. They have been encouraged by the assurance of strong and efficient support, should actual necessity demand it, to maintain and enforce law, which has been despised, condemned, and virtually trampled under foot; and a disposition is growing on every hand to uphold and execute justice in all its power and majesty. This new condition of things is infusing a refreshing and invigorating influence through all the ramifications of society, and is giving the promise of future and permanent prosperity to every portion of the Territory.

The following proclamations are responsive to letters from the "Executive Department," referring subjects of complaint to the mayors of Leavenworth city and Leecompton:

*Proclamation of the Mayor of Leavenworth.*

Whereas information has been received by me that various citizens of the city of Leavenworth have received anonymous communications requesting them to leave the Territory of Kansas forthwith; and

Whereas such conduct is contrary to law and good order, and subversive of the true interests of the law-and-order party, not only of this city, but of the Territory; and

Whereas it is the bounden duty of every citizen, and particularly of every executive officer, to comply strictly with the requirements of the late proclamation of Governor Geary:

Now, therefore, I William E. Murphy, mayor of the city aforesaid, by virtue of the power and authority in me vested, do make known and proclaim that I will rigidly enforce the law against each and every violator thereof; and I hereby call upon all good and law-abiding citizens of this city to frown down any secret conspiracy against law, and to give me, as their chief executive officer, that aid necessary to maintain the supremacy of the law.

In testimony whereof, I have hereunto subscribed my name, and caused to be affixed the seal of the city aforesaid. Done at my office, this 29th day of September, A. D. 1856.

[SEAL.]

WM. E. MURPHY, *Mayor.*

*Proclamation of the Mayor of Leecompton.*

Whereas the use and sale of ardent spirits at this time has a tendency to disturb the court, which is now in session in this city; and

Whereas there are a large number of prisoners under guard, whose safety is rendered insecure by the frequent use of intoxicating liquors by irresponsible persons, interrupting and distracting said guard; and

Whereas the sentinels themselves may become intoxicated, and neglect to discharge their duty, and fail to prevent the escape of the prisoners, by being unfitted by the use of ardent spirits; and

Whereas there are a large number of troops stationed at this point, some of whom have too frequently indulged, and thereby unfitted themselves for duty, and are in the habit of conducting themselves in such a manner as to disturb the peace and quietude of the citizens; and

Whereas the following communication has been received from his excellency John W. Geary:

“EXECUTIVE DEPARTMENT,  
“*Leecompton, K. T., October 2, 1856.*

“SIR: Since my former communication to you on the subject of the liquor establishments of this place, and your report to me on the same subject, I have received such information as makes it essential to *the public safety*, that the entire sale of liquor in this place should be suspended during the incarceration of the large number of prisoners here, for whose safe keeping I am responsible.

“You are therefore requested to take the most summary and immediate measures to cause an entire suspension of the sale of liquor in this place until further notice from me; and in case you have not sufficient power, you will please make requisition on me for the necessary military force.

“Very truly, your obedient servant,

“JOHN W. GEARY,  
“*Governor of Kansas Territory.*

“OWEN C. STEWART, Esq.,  
“*Mayor of Leecompton.*”

And whereas it is the duty of all good citizens to render all the assistance in their power to aid and assist in preserving a course that will assist the executive and territorial officers in the successful discharge of their various duties:

Now, therefore, I, Owen C. Stewart, mayor of the city of Leecompton, do issue this my proclamation, and hereby call upon all good citizens to abstain from the use and sale of ardent spirits as an intoxicating drink from this date until such time as the causes which have impelled me to make this proclamation shall cease; and in case the foregoing should be disregarded, effective measures will be taken to remove the evil.

In testimony whereof, I have hereunto subscribed my hand, and caused to be affixed the seal of said city. Done at my office, in Leecompton, this 2d day of October, A. D. 1856.

[SEAL.]

OWEN C. STEWART, *Mayor.*

The foregoing proclamation, together with the following letter from the mayor of Leecompton, was handed by him in person to the governor. The latter assured the mayor that the mere issuing of his proclamation was not "the last civil resort;" that he had yet to enforce its execution; and he was peremptorily ordered to employ all the means in his power to that end; and when these failed, the executive would interpose his authority, and give him such aid as would not be resisted.

LECOMPTON, *October 2, 1856.*

SIR: Enclosed please find proclamation, which I have issued as the last civil resort; and in case it should prove ineffectual, as the executive of the Territory you will have to take the matter into your own hands, as I have no law to justify me in destroying the liquor of persons selling under law.

Respectfully, yours,

O. C. STEWART,  
*Mayor of Leecompton.*

His Excellency J. W. GEARY.

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*Application for troops.*

UNITED STATES MARSHAL'S OFFICE,  
*Leecompton, K. T., October 3, 1856.*

SIR: A warrant has been placed in my hands, issued by the honorable Judge Cato, one of the associate justices of the supreme court of the Territory of Kansas, (upon the affidavit of John Ernst,) for the arrest of certain persons, whose names are unknown to said affiant, for stealing several head of horses belonging to him, the said Ernst, and also to search the neighborhood of Atchison, Kansas Territory, for said property and offenders against the law.

In consequence of the disturbed condition of this Territory, and lawless bands of men roving through the country, I am of the opinion that I will be unable, by virtue of the powers vested in me as United States marshal, to execute said warrant.

I am therefore constrained to ask your excellency to furnish me a posse of twenty-five United States dragoons to enable me to execute said writ.

Very respectfully, your obedient servant,

J. B. DONALSON,  
*United States Marshal, Kansas Territory.*

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



*Requisition for troops.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 3, 1856.*

SIR: Having been shown a warrant issued by honorable S. G. Cato, one of the judges of the supreme court of this Territory, for the arrest of certain persons, whose names are unknown, for crimes committed in this Territory, in the neighborhood of Atchison, and having been duly certified by the United States marshal that he is unable to execute said warrant by means of the civil authority vested in him, you are therefore respectfully requested to furnish the said marshal or his deputy with twenty-five dragoons (that being the number required) to execute said writ.

Very respectfully, your obedient servant.

JOHN W. GEARY,  
*Governor of Kansas Territory.*

General PERSIFER F. SMITH,  
*Commanding Department of the West.*

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*United States troops to guard the polls.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 4, 1856.*

SIR: As there is great reason to believe that disturbances will take place at the election on Monday next, the 6th instant, at the town of Leavenworth, unless precautionary measures are taken to prevent the same; and as it is of the highest importance to endeavor by every possible means to preserve the public peace at every point, and especially on that occasion, I request that you station in Leavenworth city a sufficient force of United States troops to guard the polls and prevent the commission of outrage.

Very respectfully, your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Major General P. F. SMITH,  
*Commanding United States forces, Department of the West.*

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EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 4, 1856.*

SIR: To prevent disturbances at the approaching election, you will do me the favor to send one company of United States troops to Tecumseh, and a force of twenty-five men to Willow Springs, to report themselves to the inspectors of election, on Monday morning, the 6th

instant, at 7 o'clock, and remain during the polling and counting of the votes ; after which they can return to their encampment.

Very respectfully, your obedient servant.

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Lieutenant Colonel ANDREWS,  
*Commanding United States forces near Lecompton.*

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*United States troops to guard the polls.*

EXECUTIVE DEPARTMENT,  
*Lecompton, Kansas Territory, October 5, 1856.*

SIR: Please furnish a guard of twenty men, from Major Wood's command, at Lawrence, to report to Sheriff Jones, at 8 o'clock a. m. to-morrow, at the latter place, to act as a posse for the maintenance of order at the election. Yours, &c., &c.

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Lieutenant Colonel ANDREWS,  
*Commanding United States Troops near Lecompton.*

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*Commissions issued.*

To John Wallis, as captain ; George W. Miller, as first lieutenant ; and George A. Cole, as second lieutenant, of company A, mounted riflemen, Kansas militia.

John Donaldson, as captain ; James M. Pelot, as first lieutenant ; and William Franklin, as second lieutenant, of company A, infantry, Kansas militia ; and Joseph E. Anderson, as commissary and quartermaster of Kansas militia.

All of the above to take effect on and after September 15, 1856.

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*Letter from the Mayor of Leavenworth.*

LEAVENWORTH CITY, K. T., *October 3, 1856.*

SIR: Your favor of the 1st instant was duly received, and I was pleased to see, from the contents thereof, that my letter of the 23d ultimo was perused by you with much satisfaction. You, respected sir, should feel under no obligations to me for assuring you that I will cheerfully co-operate with you in preserving the peace and good order

of Leavenworth city, for, as mayor, I am bound to do so by a solemn oath.

Permit me to make a plain statement of facts to you in regard to those complaints to which you allude. On Sunday morning last I was visited by Dr. Norton, Dr. Park, J. E. Gould, and A. M. Suttig, each one of whom handed me a note which they had received, signed "Regulators," requesting them to leave the Territory, never to return. I remarked to those gentlemen that I was surprised at their receiving such notice, and that I could not believe that it was in accordance with the wish of any considerable number of our citizens; but be that as it may, they might rely upon my discharging my duty as mayor, and that I would render them that protection which I believed the law to demand at my hands. In conjunction with the city marshal and his deputy, I endeavored, though unsuccessfully, to ascertain who those persons styling themselves "Regulators" were, in order that I might have them arrested and held amenable to the law.

Investigation convinced me that my first opinion was correct, that was, that the feeling to remove those men prevailed to a very inconsiderable extent. I then assured them that they need feel no uneasiness; that I knew my means of preserving the quiet of the city was amply sufficient without (doing as some of them suggested) sending to General Smith for troops.

On the following day, Monday, September 29, 1856, I issued the proclamation which I have the honor herein to enclose, which I think will meet your approbation, and which has had the desired effect. I regret extremely that you should be annoyed at this particular busy time with you by complaints from any of the citizens of this city. It looks as if they had not that confidence in me to which, I think, I am, by my whole course as mayor, entitled. God knows that in times of high excitement here I have, on more occasions than one, prevented the destruction of the lives and property of some of those open and avowed opponents of law and order; and I believe it to be the true policy of the law-and-order party of Kansas Territory, at this time, to give even those men who denounce our laws their protection, and, at the same time, make them yield obedience thereto. When I see men aiming direct blows at the glorious Constitution of our common country, and hear them denouncing that statesman and true patriot, Franklin Pierce, and abusing such a man as Stephen A. Douglas, and all other true northern democrats, for upholding the constitutional rights of every section of our Union, I am not surprised to hear them express themselves in opposition to the statute laws of Kansas, and I feel forced to view them as maniacs, and look upon them more in sorrow than in anger. Notwithstanding all the troubles we have had in Kansas, and gloomy as the political horizon in the States now appears, I have an abiding confidence in the success of that glorious old constitutional, union-loving democratic party, to which we are all indebted for the liberties we now enjoy; and, as a member of that party by birth, by education, and from principle, your excellency may rest assured that no official act of mine, as mayor of Leavenworth city, shall ever be held up before the world to mar its beauties.

Permit me, governor, to repeat the assurance given you before, that I will heartily co-operate with you in maintaining peace and good order in this city.

I am, respectfully, your most obedient servant,

WILLIAM E. MURPHY,  
*Mayor of Leavenworth City.*

Hon. JOHN W. GEARY,  
*Governor of Kansas Territory,*

*Reply to the foregoing.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 6, 1856.*

SIR: Your obliging letter of the 3d instant is just received. When I last wrote you, I had not read a copy of your very excellent proclamation.

I shall now securely repose in your assurance that the rights of all persons choosing to settle in your city shall be sacredly guarded.

At a very early day I hope to visit Leavenworth city, when I will do myself the pleasure of thanking you in person for your earnest and cordial co-operation in restoring peace to this distracted Territory.

Very respectfully, your obedient servant,

JOHN W. GEARY.

Hon. WM. E. MURPHY,  
*Mayor of Leavenworth City.*

The following letter was forwarded by mail to St. Louis, and thence despatched to Washington by telegraph:

*To the Secretary of State.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 7, 1856.*

SIR: The election yesterday for delegate to Congress and members of the territorial legislature passed off quietly. No disturbance occurred in any part of the Territory, so far as heard from. General Whitfield is doubtlessly elected.

The continued peace and tranquillity which reign here are sources of much satisfaction. The result of yesterday's election is an especial cause of gratulation.

Although I do not anticipate any further extraordinary disturbances, yet I deem it prudent to be well prepared for any emergency. The presence of the United States troops here is a powerful auxiliary to moral suasion, and they are excellent "peace-makers."

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

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

*Fugitive from justice.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 7, 1856.*

SIR: Yours of 23d ultimo, desiring a requisition for one Thomas Ward, an alleged fugitive from justice, was received by last night's mail.

Before I can comply with your request, you must forward me an authenticated copy of the record in the case, and otherwise comply with the act of Congress relating to fugitives from justice.

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

A. G. BOYD, Esq.,  
*Utica, Livingston county, Missouri.*

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*Enrollment of militia.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 7, 1856.*

SIR: I have received your communication tendering me a company of mounted riflemen enrolled in the territorial militia agreeably to my proclamation.

So soon as I have occasion for your services, I will take the proper steps to muster you into the service.

I have my eye upon your section of the country, and it shall receive my personal attention when some persons least expect me.

Yours, very truly,

JOHN W. GEARY.

Captain MARTIN WHITE,  
*Paoli, Lykens county, K. T.*

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*The same subject.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 7, 1856.*

SIR: Your favor of 1st instant, in relation to the company of mounted riflemen, under Captain Martin White, together with communications from Captain White on the same subject, were received by last night's mail.

I have written to Captain White, and expect soon to visit your section of the country, when I will take measures to afford ample protection to your citizens.

The enrollment under my proclamation is to include all citizens between the ages of eighteen and forty-five.

So soon as I have occasion for the services of any of the enrolled militia, I will take measures to have them mustered into service.

Very respectfully, your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Brig. General WILLIAM A. HEISKELL,  
*First brigade, southern division, K. M.*

*The same subject.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 7, 1856.*

SIR: I am in receipt of your communications of 27th ultimo, enclosing me the enrollment of your militia. In reply, I must thank you for the alacrity with which your good citizens have responded to my proclamation.

In case you have not enrolled *all* your citizens between the ages of eighteen and forty-five, you will please do so, and return me a full and accurate list.

So soon as I have occasion for your services, I will send you a proper officer to muster you into the service, who will see that you are furnished with the necessary equipments.

I expect soon to visit your section of the Territory, when I will make every arrangement for the protection of your citizens.

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Captain ALLEN CROCKER,  
*Hampden, Kansas Territory.*

*Howard's Reports.*

DEPARTMENT OF STATE,  
*Washington, D. C., September 20, 1856.*

SIR: The 18th volume of Howard's Reports has 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.*

Hon. JOHN W. GEARY,  
*Governor of Kansas.*

EXECUTIVE DEPARTMENT,  
*Lecompton, Kansas Territory, October 8, 1856.*

SIR: The 18th volume of Howard's Reports was this day received at this office.

Very respectfully yours,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

J. A. THOMAS, Esq.,  
*Assistant Secretary of State, Washington, D. C.*

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*To the Mayor of Leavenworth City.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 9, 1856.*

SIR: I have received a letter from H. G. Sickil, of Philadelphia, making inquiry relative to Addison Rodgers, a citizen of Philadelphia, who is said to have been killed in Leavenworth city during the recent disturbances there.

Will you please give me any information you may possess on the subject, and oblige

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Hon. WM. E. MURPHY,  
*Mayor of Leavenworth City.*

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*To the same.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 9, 1856.*

SIR: I have just received a communication from O. B. Holman, written at the instance of Mr. M. J. Mitchell, who is said to be "now staying at the Leavenworth City Hotel, closely guarded by two men," and soliciting my interference.

Will you do me the favor to write me the cause of Mr. Mitchell's detention, and please see to it that no *illegal* restraint is placed upon his liberty.

Very truly, your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Hon. WM. E. MURPHY,  
*Mayor of Leavenworth City.*

*Relieving militia from guard duty.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 10, 1856.*

SIR: In order to preserve the health, spirits, and usefulness of the militia stationed at this place, it is necessary that they should be relieved from the severe duties that have for some time past been imposed upon them.

You will therefore oblige me by furnishing a detachment of twenty-three men, consisting of one commissioned officer, two sergeants, two corporals, and eighteen privates, to guard the prisoners in this city.

This number of troops will be required for forty-eight hours, relieved at proper intervals, from 8 o'clock to-morrow morning, the 11th instant, at which time please have them report to Colonel Titus.

Very respectfully, your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Col. ANDREWS,  
*Commanding United States forces near Lecompton.*

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*Commissions issued.*

To Thomas J. Thompson, as constable of Walnut township, Atchison county, *vice* A. R. Baily, resigned; and

To C. B. Buist, as probate judge of Marshall county, *vice* James Doniphan, removed.

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*To the Secretary of State.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 10, 1856.*

SIR: Your letter of the 23d ultimo, in reply to mine of the 9th, and your telegraphic despatch of the 27th ultimo, in reply to my letter of the 16th, were both received on the evening of the 8th instant.

Despatches forwarded since the dates of those acknowledged have informed you that peace and quiet have been restored to this Territory. Not only have all large armed bodies of men been dispersed, but the smaller bands of marauders have been driven off. The roads are travelled with safety, and dwellings are secure from intrusion. For upwards of two weeks no outrages have been authentically reported. Many notorious and troublesome agitators, claiming to belong to all parties, have left the Territory, and the beneficent influence of their absence is being already very sensibly felt.

The troops sent to the north have not yet returned. It is my pur-



pose to leave on the northern frontier a sufficient force for its protection, and the remainder of the troops will be employed to guard such other points as may seem to require it. I shall shortly proceed, in person, with a small body of men to the southern portion of the Territory, in pursuit of a gang of thieves who are said to be pillaging in that region.

Very respectfully, your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Hon. Wm. L. MARCY,  
*Secretary of State, Washington, D. C.*

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*Order to station troops at Topeka*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 10, 1856.*

SIR: I desire you to send orders to the company of infantry returning from the north to station themselves at or near Topeka.

Colonel Cooke writes me that they will reach Topeka by the 12th instant, and desires you to send them rations to meet them there.

The officer in command of the infantry at Topeka will see that the peace of that vicinity is preserved, and report any circumstances of suspicion, or breaches of the peace, without delay.

Yours, truly,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Col. ANDREWS,  
*Commanding near Lecompton.*

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*Requisition for troops.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 10, 1856.*

SIR: Having been shown a warrant issued by J. N. O. P. Wood, esq., United States commissioner, for the arrest of a certain — Waterman, charged with the larceny of a horse, and a certain other person named E. Chapman, charged with murder, and having been duly certified by the deputy United States marshal that he is unable to execute said writ by virtue of the civil authority vested in him, and requiring military aid, this is to request you to furnish the officer bearing this requisition a posse of twenty mounted men (that being the number required) to aid him in the execution of said writ.

Truly, yours,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Col. ANDREWS,  
*Commanding near Lecompton.*

OCTOBER 11, 1856.

*Commission issued.*

To Henry T. Titus, as special aide-de camp to the governor, with the rank, title and emoluments of colonel, to take effect from and after the fifteenth day of September, 1856.

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*Seizure of liquor.*

LECOMPTON, October 11, 1856.

SIR: You will please furnish me four regular troops for the purpose of seizing upon a lot of ardent spirits deposited at a house within the city limits for the express purpose of selling it to the soldiers. It arrived here last evening.

O. C. STEWART, *Mayor.*

His Excellency J. W. GEARY.

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EXECUTIVE DEPARTMENT,  
Lecompton, K. T., October 11, 1856.

SIR: Please furnish to O. C. Stewart, mayor of this city, four soldiers, for a short time, for the purpose of aiding him to carry out an ordinance relative to the sale of spirituous liquors.

Very truly, yours,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

The OFFICER commanding the Guard at Lecompton.

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*From the Mayor of Leavenworth city.*LEAVENWORTH CITY, K. T.,  
October 11, 1856.

SIR: Your favors of the 9th instant have just been handed to me by Joseph Anderson, esq., and it is with pleasure that I give you all the information I am in possession of relative to the subject-matter of your inquiries.

In relation to the death of Addison Rogers, allow me to state that, although it occurred during the recent troubles here, those troubles had no connexion whatever with it. Rogers kept a dram shop here on the levee, and was in the habit of gambling. He was shot by a gambler named Brush. Said Brush was tried for the offence before R. R. Rees, esq., a justice of the peace in this city, and acquitted. Mr. Rees told me that it was a perfectly justifiable case of self-defence. The evidence, in compliance with the statute laws of Kansas, was written down, and is now in the possession of Mr. Whitehead, clerk of our first district court, who will be in Lecompton on Monday next.

In regard to the detention of Mr. M. J. Mitchell here, it is in accordance with a writ in the hands of the United States marshal, Major Donalson, who will start to Lecompton with Mr. Mitchell to-morrow morning, for the purpose of having him tried there before the Hon. Samuel D. Lecompte. I was not aware, until yesterday, that Mr. Mitchell was in this city under guard; since which time I have not seen Major Donalson, and therefore do not know the particulars of the charge. From investigation to-day, however, I know that Major Donalson has in his possession the writ before alluded to.

With sentiments of high esteem, I am, respectfully, your obedient servant,

WILLIAM E. MURPHY.

Hon. JOHN W. GEARY,  
*Governor of Kansas Territory.*

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OCTOBER 13, 1856.

*Commissions issued.*

To John H. Tate, as sheriff of Linn county, *vice* John E. Brown, resigned.

To John Veteto, as captain, and Charles Vandiver, as first lieutenant of a company of militia, in Leroy, Coffee county, and named the Leroy Guards.

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*The Judiciary.*

The following was this day received from Chief Justice Samuel D. Lecompte. It is in reply to a letter of inquiries addressed to each of the judges of the supreme court of the Territory. As yet neither of the judges has made any response:

*From Chief Justice S. D. Lecompte.*

NEAR LEAVENWORTH CITY, K. T.,  
October 6, 1856.

SIR: Your favor of the 23d September did not come to hand until after my return from Lecompton. Since that time I have been more or less indisposed, and, besides, have not been able to furnish replies to your questions, without some examination. Indeed, I am not now able to do so, except as to Leavenworth county, because the records of the other courts are in the several counties.

My official engagements in holding courts here on Wednesday, and on Monday next at Lecompton, will disable me from giving the matter more attention than I have done. The result of that, I proceed with great pleasure to submit to you, remarking, as to the other counties, that the criminal and other business has borne about a fair ratio, regarding population, wealth, &c, to this, if, indeed, in several of them there has not been more in proportion to these elements. This is

certainly true of Doniphan county, if no other. It is not true as to Douglas; nor is it true of this county that there has been even a fair proportion of business. The reason of this is too notorious to need to be particularly pointed out.

The first court provided to be holden there was last fall, and about the time when the first great excitement occurred, being the time when Sheriff Jones found it necessary to summon a posse to execute process. The next held was in April last, when, by the resistance of process by Ex-Governor A. H. Reeder, the marshal was driven to a like course of summoning a posse to enforce its execution. This, as you are aware, stirred the elements of strife in the Territory to the very acme, and necessarily suspended, unless they had been vigorously sustained by the territorial executive, judicial proceedings.

The next term for this county was fixed for the second Monday of September last, just before which had occurred the outbreak, which, more serious than any before, brought about the condition of things alluded to in the opening of your letter.

As to the complaints made to you "for alleged neglect of duty," the charge, like the others mentioned, is too general to be responded to otherwise than by a general denial, and a reference to the response, which follow to your enquiries.

As to the charge of "party bias," if it means simply the fact of such bias, I regard it as ridiculous; because I suppose every man in this country, with very few exceptions, indeed, entitled to respect either for his abilities, his intelligence, or his virtue, has a "party bias." I am proud of mine. It has, from my first manhood to this day, placed me in the ranks of the democratic party. It has taught me to regard that party as the one, par excellence, to which the destinies of this country are particularly entrusted for preservation.

If it be intended to reach beyond that general application, and to charge a pro-slavery bias, I am proud, too, of this. I am the steady friend of southern rights under the Constitution of the United States. I have been reared where slavery was recognized by the constitution of my State. I love the institution as entwining around all my early and late associations; because I have seen as much of the nobility of the human heart in the relation of master and servant, and on the part of the one as well as of the other, as I have seen elsewhere. I have with me now an old woman who left all to come with me when it was purely at her discretion. Another who did the same have I lost, and buried with care and decency at Fort Leavenworth. An old man has come to me, under the care of a youthful nephew, within a few days, all the way from Maryland, and passing through every intervening free State, with a perfect knowledge of the fact, and making his way through various interferences by his own ingenuity.

If it means more than the fact, and to intimate that this "party bias" has affected the integrity of my official action, in any solitary case, I have but to say that it is false—basely false.

In relation to the other charge of "criminal complicity with a state of affairs which terminated in a contempt of all authority," I will content myself with saying that it, too, is false—basely false—if

made in relation to me, and to defy the slanderer to the proofs of a solitary act to justify the deepest villain in such an aspersion.

In regard to all of them, I take the liberty of accompanying this communication with a letter lately written by me to a friend in Maryland, in which, at more length than I can here indulge, I have replied to similar charges by men in higher places. I shall regard it as a favor that it be considered as part of this letter.\*

I proceed to answer your interrogatories. To the first:

I was commissioned by the President on less than a week's notice of my name being presented to him, on the 3d of October, 1854. Early in November I left Maryland for the Territory, with my family. After a tedious trip, a week of which was given to a duty mentioned in the letter accompanying this, I arrived in the Territory early in December. Within a few days thereafter, (the particular day will appear in the files of your department, December 5th, I think,) I entered upon the duties of my office, as far as depended upon me.

By the 35th section of the organic act, the duty was devolved upon the governor of defining "the judicial districts," and assigning the judges "to the several districts," and also of appointing "the time and places for holding the courts," &c.

The governor issued his proclamation on the 26th of February, 1855, assigning me to the "first judicial district," which did not then embrace Douglas county; but was bounded by the Kansas river on the south and the Nebraska line on the north, and fixing the regular terms for the third Mondays of April and October, and fixing also a preliminary term for Monday the 19th of March, then next.

The first court holden by me was, therefore, on Monday the 19th of March. I deemed it proper on that occasion to present in an address my views, which were put upon record, and also furnished for publication, at the request of the members of the bar. I have caused a copy of this address to be made and take the liberty of accompanying this letter with it, that you may see the sentiments with which I entered upon the discharge of my "judicial office." By these sentiments I have been steadily governed.

To your second:

The counties of Doniphan, Atchison, Leavenworth, Jefferson, Calhoun and Douglas, have comprised my district since the session of the legislative assembly. Before that time it embraced nearly the same extent of Territory, with the exception of Douglas county.

I have holden courts as follows: First, under the proclamation of the governor, a preliminary term, March 19, 1855.

Regular term, third Monday of April following, to which juries were summoned. Court was holden nine days.

Regular term, third Monday of October, when court sat six days and adjourned to 12th November, when it sat twelve days; when it adjourned for some special business to January 7, 1856.

The next regular term was under the statute, chapter 41, on the

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\* The extreme length of the letter here alluded to, which was addressed to a private individual, and has been published in one or more of the daily newspapers, and the irrelevancy of a great portion of it, must preclude the propriety of its insertion in the executive minutes.

third Monday of March, adjourned to the fifth Monday, when it sat six days.

The next, the third Monday of August last, when it sat six days, the time limited, as you will see by the statute referred to, and adjourned, business being unfinished, to the second Wednesday of October, instant.

There were no other courts holden at any other place in the district than Leavenworth, under the proclamation of the governor.

By chapter 41 of the acts of the legislative assembly, section 4th, courts were required to be held for the year 1855, "in Leavenworth county, on the third Monday of September; in Atchison on the fourth; in Doniphan on the first Tuesday of October; in Jefferson on the second Monday of October; in Calhoun on the third Monday of October; in Douglas on the fourth Monday of October."

These were all holden except that for Doniphan, which I was not able to reach by failure of the boats. I got up to St. Joseph, but so late that to have gone to Doniphan would derange all my other terms. I therefore had the organization effected and regular adjournment by the clerk, having myself to return, so as to meet my other engagements. All of these courts were simply in effect for organization. The statutes not having been published, the grand juries could make and did make no presentments. It was so late in the season, and the coming out of the statutes so uncertain, that no adjourned terms could be announced.

The same statute, in its first section, designates as the times of holding courts in my district, "in the county of Doniphan, on the first Mondays of March and August; in the county of Atchison, on the second Mondays of March and August; in the county of Leavenworth, on the third Mondays of March and August; in the county of Jefferson, on the fourth Mondays of March and August; in the county of Calhoun, on the first Mondays of April and September," for the year 1856, and afterwards. Douglas county is omitted, but in the enrolled bill it follows Calhoun, and the terms are fixed for "the second Mondays of April and September."

All of these I have holden, except the last term for Jefferson county and for Calhoun. These I did not hold, because the recent commotions had just then arisen. It was considered utterly useless to hold court at either Osawkee, the county seat of Jefferson, or Calhoun, the county seat of Calhoun, as neither juries, nor witnesses, nor suitors could be in attendance.

I should, nevertheless, have gone to those courts, but for the severe and dangerous illness of my wife, and the sickness of three of my children. I felt under no obligation to incur the great sacrifice of leaving home, when it was so apparent that no good could result from it.

To your third:

I cannot say, for reasons heretofore given, how many indictments have been found, except as to Leavenworth county. I cannot at all answer your question as to the number of bills presented and the number ignored, because by section 25 of art. 3, of the acts of the

legislative assembly, chap. 129, it is not necessary "to present a presentment prior to the presentation of an indictment."

The consequence of this provision is that the court has no means of knowing anything about the bills presented and ignored. All that I can know of is such as are presented in the form of indictments, as a general thing.

At the first regular term, April, 1855, there were 16 indictments; at October term following there were 21. The statutes not being out at September term there were none but 22 civil suits. At November, an adjourned term for October, there were 14 indictments. At March term, 1856, there were 17 appeals; 25 original civil suits; attachments and habeas corpus, 15; indictments, 79. At August term, 1856, there were, appeals, 28; original suits, 43; trial cases, 29.

The excitement heretofore alluded to was then reviving, the consequence of which was that there could scarcely be retained a grand jury. And I believe that for want of witnesses, which it was almost impossible to get, they found no bills. There were pending, I ought to have added, 25 chancery cases.

In almost all of the criminal cases presented, anterior to the publication of the statutes, nolle prosequies were entered by direction of the district attorney of the United States for the Territory, upon the ground taken by him that there was no law in force in the Territory to punish them. The consequence is that few trials arose. The case of McCrea was removed, on his affidavit, to another district. Another case of murder, against Burgess and others, was tried, and the party acquitted on the testimony of the physician, that he died not of wounds received, but of disease. A point was raised of want of jurisdiction, arising from the fact that the wound was given in this Territory, and the death occurred in Missouri. Upon full examination of the subject, I sustained the point.

These cases, first presented and dismissed by order of the district attorney, left nothing of the criminal calendar for trial but the recent cases—those presented in April last. Few of these have been ready for trial, and very few have been tried; while in nearly all of them the parties are under bonds for their appearance at the next terms of the courts.

A trial for arson; one for manslaughter; one for selling liquor to Indians; one for keeping a gaming-house; are the principal criminal trials in the county. They were all acquitted.

The only convictions I remember are: one for horse stealing in Doniphan, and some three or four for assuming office; one for maliciously killing a horse in Addison county; one in Jefferson county for selling liquor to Indians; and perhaps some eight or ten, in different counties, for selling liquor without license.

With an earnest desire to see the criminal code properly enforced, the difficulties growing out of the want of jails, and the frequent excitements, during which it has been difficult, if not impossible, to procure the attendance of witnesses, the judicial department, unsustained by a vigorous executive, has not been able to do much.

All that I have seen it in my power to do I have done; and, sustained by the law-executing power, I can see how we can do all that

is necessary to maintain the supremacy of law, and to repress disorder, and to extirpate crime.

The principal business done has been of a civil and a quasi-criminal character. By this latter, I have reference to forcible entry and detainer. Perhaps I might add, as partaking somewhat of the same quality, the chancery process of injunction to restrain the commission of wrongs. Of these there has been a pretty large amount. Beside, I have had before me, at chambers, a number of cases of threatened violence and injury, which have been prevented by putting the parties under bonds to keep the peace.

I have thus, sir, as fully as my engagements and the means of information within my reach and my memory serves me, answered your interrogatories.

I have done so because of my high respect for your excellency; my earnest desire to maintain, in the exercise of my functions, your department in the performance of yours; of my readiness, for the purpose of advancing the great cause of restoration of order in the Territory, to waive points of right; and of my anxious solicitude to gratify both my high respect for the power from which I hold my office, and his desire to be informed of the real state of affairs here, by accounting to him, in frankness and fullness, for the mode of the performance of my duty.

Having stated why I have responded to your interrogatories, it is due to myself, that my position may not be misunderstood, to express my unequivocal dissent from the doctrine of the following language, in your letter to me: "The efficiency of the executive will be much impaired or strengthened by the manner in which his subordinates in office discharge their respective duties. And 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."

The doctrine that the judiciary is in any sense subordinate to the executive of this Territory, and that because the executive is sworn to see to the faithful execution of the law he has a right to catechise those equally sworn to its administration, is the doctrine from which I dissent.

The Constitution of the Union and the Kansas organic act vest in the executive the executive power, in Congress and the legislative assembly the legislative power, with a power of veto to the executive, in certain judges and courts the judicial power.

These are independent and co-ordinate, not subordinate, departments of the government; and, as I understand the theory, and under the theory perform my duties, they act each within their sphere, but without subordination.

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

SAMUEL D. LECOMPTE,

*Chief Justice Supreme Court, and*

*Judge of First District Court, Kansas Territory.*

Hon. JOHN W. GEARY,

*Governor of Kansas Territory.*



P. S. It occurs to me as proper to add something in relation to the last term of court in Douglas county. I have already stated that this occurred soon after the late serious disturbances in the Territory, the most serious part of which existed, as always, in this county. It seemed perfectly certain to me before I left home that there was no probability of being able to dispose of any business. I deemed it my duty, nevertheless, in view of the peculiar importance of those cases pending under indictments for treason, to attend the more particularly, as the persons so indicted were held in confinement. As I went I met large numbers of persons coming from Lecompton towards Leavenworth, and when I reached Lecompton I found it almost deserted. No full jury, either grand or petit, was in attendance, indeed, not enough of both to constitute one. The county, it was well understood, was equally abandoned by all those law and order men from whom a jury could be selected. Under these circumstances it was perfectly clear that no business could be done.

The cases of Robinson and others, indicted for treason, were called. They tendered themselves ready for trial. The government was not ready, nor was there any officer to represent the government on trial. A motion was made by a gentleman deputed for that purpose simply to continue the causes. I saw no alternative but a trial, which, without readiness on the part of the government, under the most peculiar circumstances, and yet scarcely amounting to legal cause of continuance, would have amounted to an acquittal, almost to a farce; and, on the other hand, a continuance. The latter ultimatum was adopted. The question then remained, what was to be done with the prisoners? As they tendered themselves ready for trial, I believed that to continue them in confinement would be oppression; I, therefore, discharged them on bail.

I have but to say, in conclusion, to your excellency, that if more full information is desired in regard to the other counties, the records of which are not now accessible, it will afford me pleasure to give it hereafter, when those records are brought, as they will be, under an order of the court holding its sessions under the act of Congress of the last session, from the several counties to the place of its sessions.

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#### *Reported invasion of the northern frontier.*

In consequence of numerous well authenticated reports having been brought to the executive department that large bodies of organized men, armed and provided with munitions of war, were about to enter the Territory from Nebraska with no peaceful intentions, a requisition was made upon the commander of the United States forces stationed here for a sufficient number of troops to repel or disperse the intruders. Accordingly, a large force, under command of Colonel Cooke, and accompanied by a United States deputy marshal, left Lecompton for the north on the 28th ultimo. The following is the marshal's report:

LECOMPTON, KANSAS TERRITORY,

October 12, 1856.

SIR: In accordance with your orders "to accompany the United States troops to the northern frontier, and to see that your proclamation was carried into effect," I have the honor to state that I have been located for the past two weeks at or in the vicinity of a place called Fort Plymouth, some five or six miles south of the line dividing Kansas from Nebraska.

On the evening of the 9th instant, I was informed by some United States officers that there was a body of 250 men, with wagons, &c., at a little place in Nebraska called Archie, some five miles north of the territorial line, and that they proposed entering Kansas. On the morning of the 10th instant Colonel Cooke, commanding the United States troops, sent for me. I obeyed his summons and found him engaged in conversation with General Pomroy and Colonels Eldridge and Perry, who were in command of this party of 240, more or less, represented as immigrants. I introduced myself to the parties in command, and asked if they had seen your proclamation, &c. They replied in the affirmative, and showed me a letter from your excellency, in which you advise your officials of the coming of this party, and in which you command your officers to allow them to pass unmolested, *if they come as bona fide settlers, and for lawful and peaceful purposes, and not in violation of your proclamation.*

There was nothing in the appearance of this party indicating that they were peaceable immigrants. They had no stock of any kind, except those of draught. There were only some seven families among them, and no visible furniture, agricultural implements, or mechanical tools; but, on the contrary, they were amply supplied with all the requisite articles for camping and campaigning purposes. These were seen protruding from their vehicles.

Considering their appearance antagonistic to the spirit of your proclamation, fifth paragraph: "And I command all *bodies of men, combined, armed and equipped with munitions of war*, without authority of the government, *instantly to disband or quit the Territory, as they will answer the contrary at their peril*," I requested Col. Eldridge, who appeared to be in command, to satisfy me as to the peaceful mission of the party, by showing me the contents of the wagons, &c. He declined in such a manner as to induce me to suppose that the wagons (some twenty in number) were loaded with *munitions of war*. Everything went to show that they were *organized*, and they *acknowledged this fact themselves*.

I then requested Col. Cooke, commander of the United States forces, to examine and to give me a written report of how the party was furnished. The following is his reply and accompanying report:

: QUARTERS, CAMP ON PONY CREEK,  
Kansas Territory, October 10, 1856.

SIR: I give you my opinion that this party of two hundred and forty men, more or less, under Col. Eldridge, Gen. Pomroy, &c., is

a combined party or body furnished completely with arms and munitions of war.

Very respectfully, your obedient servant,

P. ST. GEO. COOKE,  
*Lieut. Col. 2d Dragoons.*

Colonel W. J. PRESTON,  
*Deputy Marshal, Present.*

*Report of arms discovered.*

- 3 boxes of navy revolver pistols, all new, viz:
- 6 six and 5 five-shooters.
- 12 Colt's, navy size.
- 24 " " "
- 4 boxes fixed ball cartridges.
- 1 bag caps.
- A small lot rifle cartridges.
- 1 box, 10 Sharpe's rifles.
- 145 breach-loading muskets.
- 85 percussion muskets.
- 115 bayonets.
- 61 common sabres.
- 2 officer's sabres.
- 1½ kegs of powder.
- 61 dragoon saddles.
- 1 drum.

The recent troubled state of the Territory and your proclamation, and Colonel Cooke's reply, authorized me to consider the party as one entering our midst for no peaceful purposes. Thence, in accordance with your orders—regarding your letter as giving me some margin for discretion—I took the arms into my possession and delivered them to Col. Cooke, subject to your order. The party retained their side-arms, some rifles, (common and Sharpe's patent,) and guns.

The party then complained, and expressed some fear in travelling with what arms they retained. I consequently requested Col. Cooke to give them an escort to their place of destination. He acquiesced; but the immigrants, (as they styled themselves,) after consultation, declined accepting the escort, but persisted in going as an organized body. Whereupon, after promising to suit their convenience in travelling, and as regards route, I arrested them, *as a body*, allowing individuals to go where they pleased and when they pleased.

In arresting them, I had nothing to do with the families, offering them the liberty which you guarantee to all, of travelling through or settling in any part of the Territory which they might think proper. This privilege they refused to accept, replying that "the party to which they were attached was an *organized* one, and they would not leave their comrades, as some of their property was in every wagon." I also took into consideration their personal convenience, doing every thing in consonance with my position for their comfort, and promis-

them that I would use my endeavors with your excellency to have you meet them on the route, that you might satisfy yourself as to the character and objects of their mission, and if you should regard it as warlike I would be subject to your further order, and if of a peaceful and colonization tendency, my interruption would be light as possible. They were detained three-quarters of a day when first stopped, and, by my request, Col. Cooke issued a day's rations to them. They have met with no further delay. It was raining on the day of the arrest, which subjected us all to a drenching. It was to be regretted, but could not be prevented.

Very respectfully, your excellency's obedient servant,  
WM. J. PRESTON,  
*Deputy U. S. Marshal.*

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

P. S. No private arms were taken, or, if so, by the personal application of the owners, they were returned. I mean rifles, shot-guns, some few sabres, &c. No one claimed the muskets. I would also call your attention to the following note, handed me by Colonel Cooke.

Truly yours, &c.,

WILLIAM J. PRESTON.

"No trunks or ordinary packages were opened. A large quantity of new saddles were found in boxes, supposed to match the sabres. Sixty or seventy-five others of the party are several days behind, with ox-teams.

"P. ST. GEO. COOKE."

*Report of Colonel P. St. George Cooke.*

HEADQUARTERS,  
*Camp near Nemaha river, K. T., October 10, 1856.*

SIR: Colonel Preston, deputy marshal, has arrested, with my assistance, and disarmed a large party of professed immigrants, being entirely provided with arms and munitions of war; amongst which two officers' and sixty-one privates' sabres, and many boxes of new saddles. Agreeably to your requisition of September 28, 1856, I send an escort to conduct them, men, arms, and munitions of war, to appear at the capital. Colonel Preston will give you the details.

I have the honor to be, with high respect, your obedient servant,  
P. ST. GEORGE COOKE,

*Lieut. Col. 2d Dragoons, commanding in the field.*

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

The following was forwarded by mail to St. Louis, and thence despatched by telegraph to Washington city :

*To the Secretary of State.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 13, 1856.*

SIR : An official report has just reached me that the troops sent to guard the northern frontier have arrested a party of two hundred and forty men, organized in military order, and liberally supplied with munitions of war. They entered Kansas by way of Nebraska. They brought with them no household furniture, agricultural implements, nor anything to indicate that their intentions were otherwise than hostile. I am now about to proceed to Indianola, where I expect to meet them, and make of them such disposition as circumstances may seem to require. By the next mail I will forward you a full account of the affair.

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

HON. WILLIAM L. MARCY,  
*Secretary of State, Washington, D. C.*

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*Report of Immigrants.*

KANSAS TERRITORY,  
*Topeka, October 14, 1856.*

SIR : We, the undersigned, conductors of an emigrant train, who entered the Territory on the 10th instant, beg leave to make the following statement of facts, which, if required, we will attest upon our oaths :

1st. Our party numbered from 200 to 300 persons, in two separate companies, the rear company (which has not yet arrived) being principally composed of families with children, who left Mount Pleasant, Iowa, three days after this train which has arrived to-day.

2d. We are all actual, bona fide settlers, intending, so far as we know, to become permanent inhabitants.

2d. The blockading of the Missouri river to free State emigrants, and the reports which reached us in the early part of September, to the effect that armed men were infesting and marauding the northern portion of Kansas, were the sole reasons why we came in a company and were armed.

4th. We were stopped near the northern line of the Territory by the United States troops, acting, as we understood, under the orders of one Preston, deputy United States marshal ; and after stating to the officers who we were and what we had, they commenced searching our wagons, (in some instances breaking open trunks and throwing bedding and wearing apparel upon the ground in the rain,) taking arms from the wagons, wresting some private arms from the

hands of men, carrying away a lot of sabres belonging to a gentleman in the Territory, as also 1½ kegs of powder, percussion caps and some cartridges; in consequence of which we were detained about two-thirds of a day, taken prisoners, and are now presented to you.

All that we have to say is, that our mission to this Territory is entirely peaceful. We have no organization, save a police organization for our own regulation and defence on the way. And coming in that spirit to this Territory, we claim the rights of American citizens to bear arms, and to be exempt from unlawful search or seizure.

Trusting to your integrity and impartiality, we have confidence to believe that our property will be restored to us, and that all that has been wrong will be righted.

We here subscribe ourselves, cordially and truly, your friends and fellow citizens.

S. W. ELDRIDGE, *Conductor*.  
SAMUEL C. POMEROY,  
JOHN A. PERRY,  
ROBERT MORROW,  
EDWARD DANIELS,  
RICHARD REALF.

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

*Report of Major Sibley.*

IN CAMP, NEAR TOPEKA, KANSAS TERRITORY,  
October 14, 1856.

SIR: I have the honor to report that agreeably to the written order of Lieutenant Colonel Cooke, commanding the troops on the northern frontier of this Territory, of which the following is a copy, viz:

ORDERS No. 14.

“HEADQUARTERS, CAMP NEAR THE NEBRASKA FRONTIER,  
October 10, 1856.

“Brevet Major H. H. Sibley will march to-morrow, in command of the 2d dragoons, for Lecompton, Kansas Territory, and will conduct there and deliver to the governor of the Territory the prisoners this day arrested as invaders of the Territory, together with the arms and munitions of war found in their possession and seized.

“Major S. will await further orders at camp near Lecompton.

“By order of Lieutenant Colonel Cooke.

“J. J. WRIGHT,

“*Lieutenant and Adjutant 2d dragoons.*

“His Excellency J. W. GEARY,  
*Governor of Kansas Territory.*”

I took charge of the prisoners (223) referred to in order, together with the arms, munitions of war, &c., and marched the morning of the 11th.

Being accompanied by Deputy Marshal Preston, I discovered very soon that the relative position of the prisoners, the marshal and myself was not distinctly understood, the former being under the impression that they were not bona fide prisoners, but merely under military surveillance. This impression I took the earliest occasion to correct by reading to the conductors of the party Lieutenant Colonel Cooke's order.

It was then demanded of me that the government should subsist the whole party and forage their animals. I acknowledged the justice of their demand; but informed them that, as an equivalent for one day's detention in Colonel Cooke's camp, and at their own suggestion, he had furnished me with one day's provision for them, which I would deliver in camp at night; that I had no more, and not a grain of forage; but that I would pay both for provision and forage if either could be procured along the route. I gave them to understand distinctly that I would not suffer myself to be embarrassed on my march by their assertions of scarcity of provisions. I knew they had abundance in their wagons; that they must use them, and make their claims upon the government afterwards. My orders were imperative to take them before the governor, and they should be obeyed. With this general understanding and a better acquaintance with the conductors, every disposition to cavil ceased. I imposed no restraint upon them whatever along the route. Their sick and foot-sore (many of them driven from their own wagons) were permitted to ride in mine. They were assisted in crossing streams, and were permitted to select their own camp grounds, within reasonable distance of mine. Upon one occasion I consented to their continuing their route three miles further than the point I had selected. The proposition, however, seemed to have been voted down, for they took the ground I had indicated, as the best, and I paid for forage for their animals for two nights out of my own pocket, having no public funds at my disposal.

These trifling circumstances are merely adverted to in order that your excellency may fully understand the position of my command with respect to the immigrant party, and that you may understand that they were never for one moment made to feel the restraint of military discipline; but were, on the contrary, relieved from the onerous duty and necessity of nightly guards, and assisted rather than retarded in their journey.

My first impression, upon a cursory view of the party, their outfit, arms, munitions, &c., &c., and the absence of a proper proportion of families, there being only seven women to two hundred and forty men, (less than half the number allowed to the same number of soldiers,)—the total absence of farming implements, household furniture, &c., naturally and necessarily pertaining to bona fide immigrants, that it could be regarded in no other light than as an organized armed party, entering the Territory for any other than peaceful purposes, and, in view of the excitement which prevailed in the Territory at the probable moment of its organization, invasion and war was its original intent. Learning, however, as they approached the line, the true state of affairs, (the happy results of a few weeks of vigorous administration of justice,) and that instead of war, peace, and quiet, and protection

reigned throughout the land, their character changed; the arms, provided for rebellion and opposition to the laws, were never unpacked, and but for their discovery in the wagons, the party would have entered the Territory unmolested.

Agreeably to your excellency's instructions, I have restored such of the arms as have been claimed as individual property. The balance I have turned over to the officer in command of the troops stationed at this point.

I am, sir, very respectfully, your obedient servant,

H. H. SIBLEY,  
*Captain, Brevet Major 2d dragoons.*

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*Report of Colonel P. St. G. Cooke.*

HEADQUARTERS, CAMP NEAR LECOMPTON,  
October 15, 1856.

The morning after my last communication, on the 8th instant, I marched back with the dragoons, and encamped close to the fortified house and "fort." I caused the vicinity to be again searched. Some dry goods which I heard were found the day before, and marked "Grasshopper Falls," had been removed. They were still working on the house within the redoubt. This they have commenced to pull down.

Ascertaining, the night of the 9th instant, that a large body had come by the north within twelve miles, I concentrated the troops early the 10th, and soon after a large force, with twenty wagons, approached.

Their leaders, well mounted, approached me, and announced themselves as "Colonel Eldridge," "General Pomeroy," &c.; said they were immigrants, &c. Soon Colonel Preston, deputy marshal, approached; produced the governor's proclamation of September 11, and said it was necessary to search the wagons for arms and munitions of war. They refusing consent, I immediately caused it to be done, my display of force being such that no resistance was offered.

It was found that there was, with the horses in the wagons, a complete armament for the whole number of men, one-fourth as cavalry, the rest as infantry. A good deal of threat and irritating language was used on their part, unanswered and unnoticed.

I gave the deputy marshal my written opinion, that they were a "combined party or body furnished completely with arms and munitions of war."

With some hesitation, I consented to an arrangement being made by the marshal, by which *escort* would be given to them, to conduct them to the governor. He found they would not consent, and arrested them. I therefore put them under guard, and sent them next morning, in charge of Bvt. Major Sibley, commanding a squadron of 2d dragoons, to be brought before you.

"Col. Eldridge," in his explanations to me, said there was a part of



them of from "fifty to seventy-five," coming several days behind, with ox-teams ; but he did not claim that they were bringing property belonging to those in advance ; not to *me*, certainly. This party had no stock, furniture, &c., invariably carried by emigrants.

Nothing new had occurred for two days, when, on the morning of the 12th, I left Col. Johnston with 1st cavalry and light artillery company, to remain, until further orders, on that frontier.

I have just arrived, and hasten to give you this information of the affairs of the north.

With high respect, your obedient servant,

P. ST. GEORGE COOKE,

*Lieut. Col. 2d Dragoons, Commanding Forces in the Field.*

His Excellency JOHN W. GEARY,

*Governor of Kansas Territory.*

*To the Secretary of State.*

EXECUTIVE DEPARTMENT,

*Lecompton, Kansas Territory, October 15, 1856.*

SIR : Col. Wm. J. Preston, a deputy United States marshal, who had accompanied Col. P. St. Geo. 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 Pomeroy, Cols. Eldridge and 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 that they had with them neither oxen, household furniture, mechanics' 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 Col. 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 organized and armed in opposition to my proclamation of the 11th of 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 the search to be made, which resulted in the discovery of the arms already mentioned.

An escort was then offered 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 were 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 ultimo, which commands "all bodies of men, combined, armed, and equipped with munitions of war, without the 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 organizations at present in the 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 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 path.

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 they 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 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 so 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 Deputy Marshal Preston, as well as all the officers of the army who assisted in their detention, search and guard.

After showing 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 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, their thankfulness for his kind treatment towards them during the time he held them under arrest was expressed 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 and 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 Ter-

ritory, 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 the deputy marshal, 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. WILLIAM L. MARCY,  
*Secretary of State.*

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*Requisition for a Guard.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 15, 1856.*

SIR: You will please furnish a guard of twenty-three men, including the usual officers, to guard the territorial prisoners at Lecompton, to report to-morrow at 8 o'clock a. m., and to continue for twenty-four hours.

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Colonel ANDREWS,  
*Commanding near Lecompton.*

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*Commissions Issued.*

To G. W. Freeman, as justice of the peace for Reynolds township  
Louis Wilson, for Rock township; G. W. Gillespie and S. D. Dy  
for Dyer township; all of Riley county.

Spartan F. Rhea, as justice of the peace for Kickapoo township,  
Leavenworth county.

G. F. Gordon, and Robert Reynolds, and Nathan Gilbert, as justices  
of the peace for Douglas township, Davis county.

R. A. Hammon, as constable for Douglas township, Davis county;  
and J. C. Woods, for Rock township, Riley county.

## RECORDS OF RHODE ISLAND.

OFFICE OF THE SECRETARY OF STATE,  
*Providence, R. I., September 27, 1856.*

SIR: In compliance with an act of the general assembly of this State, I have the honor to transmit to your excellency, by mail, a copy of the Colonial Records of Rhode Island, volume 1, for the use of the State over which you preside, the receipt of which you will please acknowledge.

I have the honor to be, sir, your obedient servant,  
 JOHN R. BARTLETT,  
*Secretary of State.*

To his Excellency the GOVERNOR OF KANSAS.

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EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., October 16, 1856.*

SIR: A copy of the Colonial Records of Rhode Island, volume 1, has just been received.

Truly yours, &c.,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

JOHN R. BARTLETT, Esq.,  
*Secretary of State of Rhode Island.*

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LECOMPTON, KANSAS TERRITORY,  
*October 17, 1856.*

The foregoing is a correct copy of the executive minutes of Kansas Territory, from the 1st to the 16th of October, 1856, inclusive.

JOHN H. GIBON,  
*Secretary to the Governor.*

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*Despatch to the Secretary of State.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., December 8, 1856.*

SIR: I herewith transmit you a copy of my executive minutes from November 21 to December 6, inclusive.

They faithfully chronicle matters of public interest connected with my department.

Since my despatch of 22d ultimo, the United States troops have retired to winter quarters, and the territorial militia have been mustered out of service, as before indicated.

To be discharged in mid-winter, without means of support, seemed

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so cruel and unjust, that, at very considerable inconvenience to myself, I raised the money and paid off the disbanded militia.

I therefore request that an order be made by the proper department authorizing the payment of the amount due to the *three* militia companies for two and a half months' service. This I think could be done from the general army appropriation, and I could be reimbursed at an early day.

The commission alluded to in my former despatch, as sent to the southern portion of the Territory with a squadron of United States dragoons, have returned; having succeeded in breaking up, as far as I can learn, the only party of robbers *infesting* the territory, capturing several of them, and succeeding in arresting one man charged with participation in the murders committed on the Pottowattomie, in May last, upon the Doyles, Wilkinson, and Sherman.

The result of this commission has fully equalled my anticipations; much has been accomplished in a brief time, and the squadron accompanying it has retired to Fort Leavenworth for winter quarters. A full report of their proceedings will be found in the minutes of my office.

I have to call the attention of the government to a matter which, if not corrected, may lead to serious inconvenience.

In this Territory there are numerous Indian reserves under the government of Indian agents, as entirely independent of the executive of this Territory as one State is of another. Questions of jurisdiction, calculated to produce bad feelings, are constantly arising, and collisions between the agents and the citizens of the Territory have ensued. This matter should be remedied.

On the 5th instant, a deputation representing citizens of Wise county, residing near Council Grove, called upon me in behalf of numerous citizens in that vicinity, stating that the agent of the Kansas Indians had notified them to leave their claims within three days, at the peril of being forcibly ousted by United States soldiers.

The petition (a copy of which, together with my reply, will be found in the executive minutes) states the petitioners made settlements and valuable improvements, commencing in 1854, by virtue of a map issued under the authority of the Indian Department, excluding the land settled from the Kansas reserve, with the assurance of the Indian agent himself that the land was open for settlement, and that they have since been living there with their families.

The statements of the petitioners seemed so equitable and reasonable, and the season of the year so inclement for their removal, that I advised the Indian agent to permit the settlers (who claim my protection as citizens of Kansas) to remain undisturbed until I could lay the matter before the government; having satisfactory assurances from the settlers that they would peacefully acquiesce in a decision from that quarter.

I desire to bring this particular case, together with the general subject of Indian affairs, as now regulated in this Territory, to the special attention of the government, with the earnest suggestion that some system may be devised to relieve us from our present anomalous position.

The general peace of the Territory remains undisturbed; confi-

dence is daily becoming more and more universal and permanent, and if Congress will give us that fostering care which it should ever be ready to render, this Territory will enter upon a career of unparalleled prosperity.

With high consideration, I remain your obedient servant,  
 JOHN W. GEARY,  
*Governor of Kansas.*

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

*Instructions to master of convicts in relation to the convicts under his charge, and remission of a portion of their sentence.*

EXECUTIVE DEPARTMENT, LECOMPTON, K. T.,  
 November 22, 1856.

SIR: I have been requested by Sheriff Jones to procure "balls and chains," in accordance with 2d section, 22d chapter, Kansas Statutes, for the safety of the prisoners recently convicted of manslaughter for participation in the Hickory Point fight.

Reposing special trust and confidence in your integrity, humanity, and discretion, in pursuance of the statutes, I have appointed you "master of convicts," and placed them under your supervision.

By the organic act I am authorized to grant pardons and reprieves "for all offences against the laws of the Territory," and esteeming the punishment as described in the said section as "cruel and unusual," and especially inappropriate to the prisoners alluded to, I hereby remit that portion of their sentence requiring the use of "balls and chains," and desire you to treat the prisoners with every humanity consistent with their safe keeping.

Your obedient servant,  
 JOHN W. GEARY,  
*Governor of Kansas.*

M. J. HAMPTON, Esq.,  
*Master of convicts.*

*Escape of prisoners.*

TECUMSEH, K. T., November 23, 1856.

SIR: The unpleasant duty devolves upon me of informing you that thirty-one of the forty-seven prisoners placed in my charge escaped last night about 10 o'clock, by making holes through the walls of the prison building, and taking advantage of the extreme darkness of the night.

I am convinced that they were not assisted by outsiders.

Thinking these men might make their way to Topeka, I hastened with my company to that point. I do not think they went in that direction, as I reached there by two o'clock, and found all perfectly quiet. I will make a fuller report at some future time.

I am, governor, very respectfully, your obedient servant,

H. S. P. HIGGINS.  
*Lieut. 6th Infantry.*

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

*Inquiry of marshal relative to escape.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., November 24, 1856.*

SIR: I am informed that a large number of prisoners, confined to your care, and charged with various crimes, have recently escaped from the custody of the guards.

You will please inform me what are the facts, how many prisoners, if any, have escaped, with their names, and what measures, if any, have been taken for their recapture.

Your obedient servant,

JOHN. W. GEARY,  
*Governor of Kansas.*

J. B. DONELSON, Esq.,  
*Marshal of Kansas Territory.*

*Commissions issued.*

To Stephen L. Hays, justice of the peace for Scott township.

To Phineas T. Glover, commissioner.

To William Blankenbecker, justice of the peace for Johnson township.

To Richard Ballard, justice of the peace for Richland township.

To James A. Kennedy, as county clerk.

To John Case, justice of the peace for Richland township.

To J. B. Ford, a justice of the peace for Johnson township. All for Linn county.

*Letter from Captain Wallis.*

CAMP NEAR LECOMPTON,  
*November 24, 1856.*

The men under my command, (company A, 2d regiment cavalry, Kansas militia,) mustered into service by your order on the 15th day



of September, 1856, are willing to be disbanded, if agreeable to your wishes, provided they can be paid from the time of their enlistment (the 15th September, 1856) to the day on which they are disbanded.

I am, very respectfully, your obedient servant,

JOHN WALLIS,

*Captain company A 2d regiment cavalry, Kansas militia.*

His Excellency JOHN W. GEARY,

*Governor of Kansas.*

*Governor's reply.*

EXECUTIVE DEPARTMENT,

*Lecompton, K. T., November 24, 1856.*

SIR: In reply to your note of to-day, I have to say, that I will make arrangements to pay your company immediately upon their disbandment, from the time of their enlistment.

Your obedient servant,

JOHN W. GEARY,

*Governor of Kansas.*

Captain JOHN WALLIS,

*Company A 2d regiment cavalry, Kansas militia*

*Requisition of marshal for troops to aid in the execution of certain writs.*

TECUMSEH, K. T., November 22, 1856.

SIR: Twenty-three writs of arrest, issued by the clerk of the 2d district court of the United States, now in session at this place, and returnable to said court at its present term, commanding me to take the bodies of the persons named in said writs, and have them forthwith before the court, and whereas, from reliable information, (and the enclosed affidavit,) I am of the opinion that I cannot, by virtue of the power vested in me as United States marshal of Kansas Territory, execute said writs of arrest without military aid:

I have, therefore, to request your excellency will furnish me with ten United States dragoons, or such number as you may deem desirable, to aid me in making the arrests commanded in said writs.

Very respectfully, your obedient servant,

J. B. DONALDSON,

*United States marshal of K. T.*

His Excellency JOHN W. GEARY,

*Governor of the Territory of Kansas.*

*Reply of the Governor.*

EXECUTIVE DEPARTMENT, Lecompton, K. T.,  
November 25, 1856.

SIR: In reply to your requisition of the 24th, I have to say that there is a squadron of dragoons in that portion of the Territory designated. Should necessity require it, they can be used. It is my sincere desire, however, that all arrests in future should be made by the marshal or his deputies, without the presence of the military. No United States marshal or deputy, so far as I can learn, has ever been injured or molested in the proper discharge of his duty; and I sincerely trust you will endeavor to make the arrests in question without the aid of soldiers.

The sooner you commence this practice the better—it will be much less objectionable to the people.

Yours, &c.,

JOHN W. GEARY,  
Governor of Kansas Territory.

J. B. DONALDSON,  
U. S. Marshal.

LECOMPTON, Nov. 25, 1856.

To His Excellency JOHN W. GEARY,  
Governor of Kansas and Commander-in-Chief:

SIR: We, the undersigned officers and members of company A, 2d regiment infantry, Kansas militia, believing that our services are no longer needed; that the policy adopted by your excellency, which has been so rigidly carried out, has produced such happy results; we in our humble capacity appreciate and admire that peace and quiet which has been restored once more by your noble efforts; and fully believing that we can serve you no longer to any advantage, we respectfully ask to be discharged honorably from the service.

John Donaldson, captain,	B. F. Barbee,	private,
Jas. M. Pilot, 1st lieutenant,	S. C. Barbee,	do.
Wm. Franklin, 2d do.	James Banks,	do.
W. H. Stansell, 1st sergeant,	B. L. Blow,	do.
Alex. Martin, 2d do.	S. Bailey,	do.
T. J. Watson, 3d do.	J. W. Buckley,	do.
Chas. M. Fisher, 4th do.	T. Belt,	do.
H. B. Rodgers, 1st corporal,	J. A. Coleman,	do.
Jas. A. Ward, 2d do.	W. P. Corbin,	do.
J. A. Kelley, 3d do.	J. H. Crocket,	do.
J. J. Kitchen, 4th do.	Jno. Cotten,	musician,
John Nish, musician,	James Day,	private,
D. M. Allen, private,	Charles Duvall,	do.
Isaac Arrington, do.	M. H. Dosier,	do.

W. T. Drummond,	private,	John McNalley,	private,
Charles L. English,	do.	Solomon Odell,	do.
Richard English,	do.	John O'Neill,	do.
J. B. Freeman,	do.	Warren Owens,	do.
A. B. Fisher,	do.	J. M. Porter,	do.
G. W. Gist,	do.	J. J. Peake,	do.
H. Gorham,	do.	W. B. Parker,	do.
Thomas S. Hunt,	do.	Henry Queener,	do.
J. F. Hunt,	do.	John Rentford,	do.
Samuel Hart,	do.	W. H. Ryan,	do.
Hiram D. Hill,	do.	T. C. Sewell,	do.
Richard Hymen,	do.	John Spence,	do.
N. D. Jitt,	do.	M. V. Singleton,	do.
H. W. Jennings,	do.	Thos. W. Todd,	do.
A. Justice,	do.	O. M. Townsend,	do.
L. C. Laney,	do.	T. O. Wells,	do.
R. W. Lacey,	do.	John Wells,	do.
Thos. D. Leddy,	do.	Thomas Maloy,	do.
J. D. Lomanite,	do.	Mark Westmoreland,	do.
Robert Malone,	do.	John S. Winsatt,	do.
S. McShane,	do.	Michael Kelly,	do.
Thomas F. Montport,	do.	Richard Winsate,	do.
F. E. Mussett,	do.	Jas. Watkins,	do.
John Murphy,	do.	Calvin Young,	do.
Chas. Murphy,	do.	Benj. Davis,	do.

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 PETITION FROM CAPTAIN WALLIS' COMPANY.

CAMP NEAR LECOMPTON, *November 25, 1856.*

Our term of service being about at an end, and the general peace pervading the Territory, indicating that the object for which we (the Kansas militia) were called into the service has been accomplished, should it meet your approbation, we are now desirous of quitting the tented field and returning to our homes, our families and friends, where we hope, under your wise and effective administration, to be permitted peaceably and safely to attend our varied avocations.

These hopes are inspired by what we have seen of your success in quelling the disturbances by which our Territory has been so sadly distressed.

Confiding in your integrity and ability, with the most devout wishes that peace may attend your administration, and that the reward of patriotism may be yours, we are, most respectfully,

John Wallis, captain	Wm. Saunders
G. W. Miller, jr., 1st lieut.	J. B. Stockton
Geo. A. Cole, 2d lieut.	Dan Stewart
Wm. B. Newman	W. H. T. Parker
J. A. McCulloch	S. W. Brumfield
John Williams	L. M. Frost

A. J. Orans  
 R. J. Morris  
 A. F. Osborn  
 John J. Owens  
 J. K. Catlett  
 R. K. Shuck  
 Jas. H. Irvine  
 Matthew Wakefield  
 John M. Roberts  
 Alfred M. Windsor  
 J. G. F. Kendall  
 W. G. Carson  
 J. W. Ruysdale  
 A. E. Hughes  
 John Hudgpath  
 Huey O'Conner  
 Henry Tillery  
 Wm. Everett  
 Alex'r Everett  
 Jno. Burton  
 Abr. Pemberton  
 J. T. Suttle  
 S. B. Stagg  
 B. W. Thompson  
 Henry Butcher  
 A. Gregg  
 W. Tattson  
 Chas. W. Embree

Gramil Brightwell  
 H. H. Wilson  
 S. B. Ford  
 John Jones  
 J. D. B. Evans  
 J. J. Grigsby  
 W. T. Jacks  
 Jesse Harris  
 H. Cooper  
 Chas. W. Otey  
 E. Kryskey  
 J. J. Caulfield  
 Benj. N. Wallis  
 Robert Tate  
 Wm. Ellege  
 M. B. Lockman  
 H. Beckham  
 H. Marshal  
 S. Jones  
 A. H. Haynie  
 W. S. D. Berry  
 F. M. Gardner  
 S. K. Brown  
 W. T. Jones  
 W. R. Hall  
 O. H. Browne  
 Wm. Caldwell.

His Excellency JNO. W GEARY,  
*Governor of Kansas Territory.*

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*Petition of Kansas Militia to be Mustered out of Service—granted.*

EXECUTIVE DEPARTMENT,  
*Lecompton, Kansas Territory, November 25, 1856.*

The petition from your respective companies, asking to be mustered out of the service of the United States, in consequence of the restoration to peace and order in this Territory, have been received and considered with that attention which their importance demands.

I most cheerfully grant your requests, for the reasons embraced in your petitions; and your respective companies will proceed on tomorrow, Wednesday, morning by easy marches to Fort Leavenworth, there to be paid and mustered out of service.

I will avail myself of this occasion to ask you to convey my thanks to the officers and members of your respective commands for their kind expressions of esteem, which I heartily reciprocate, while I cannot too highly commend your respective commands for their soldier-like bearing and good conduct, and wish you all a happy return to

your respective homes and families, trusting that there may be never again occasion to call you from the more congenial pursuits of peace; and I will always be proud to retain your hearty co-operation while in the faithful discharge of my official duties.

With great respect, I remain your obedient servant,

JNO. W. GEARY,  
*Governor of Kansas.*

To the OFFICERS COMMANDING

*Companies A, 2d Regiment Infantry, and Company A,  
2d Regiment Cavalry, K. M., stationed near Lecompton.*

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*Letter to General Smith.*

EXECUTIVE DEPARTMENT,  
*Lecompton, Kansas Territory, November 25, 1856.*

SIR: I have the honor to inform you that the two volunteer companies, under command of Captain Wallis and Captain Donelson, rendering service from the 15th September, 1856, are entitled to their pay and emoluments, including that date, although they were not mustered into the service of the United States for some days afterwards. I ask that the proper allowance may be made.

In discharging the numerous duties which devolved upon me during the recent difficulties in Kansas, I found it necessary to appoint H. T. Titus, my "special aid-de-camp," with the rank, pay, and emoluments of colonel.

This position he has filled since the 15th September last. I ask, also, that you confirm this appointment, that he be paid accordingly and duly mustered out of the service.

The two companies before named will take up their line of march from this place to-morrow morning for Fort Leavenworth, at which place it is my desire that they be mustered out, according to your order No. 18, designating the 1st day of December for that purpose.

I desire, however, that you will so far modify your order as to muster them out sooner than the time fixed, if practicable, so that there need be no delay.

Brevet Major S. Woods, captain 6th infantry, the person charged with the execution of your order, is here, and will return to Fort Leavenworth for the purposes indicated.

I send by him a warrant of my own private funds, payable to your order, for fifteen hundred dollars, to be handed over to the paymaster, to be applied to the purpose of paying the privates and non-commissioned officers.

The paymaster will keep the rolls, and when the amount is ordered to be paid by the department at Washington, he can refund the same to me.

*It appears to me that if application be made to the department,*

payment would be ordered to the volunteers and I would immediately be reimbursed.

Captain Newby is here and will remain two or three days, till a proper disposition be made of the prisoners.

With high respect, your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

Major General SMITH,  
*Commanding Department of the West.*

*Letter to Secretary Marcy.*

EXECUTIVE DEPARTMENT,  
*Lecompton, Kansas Territory, November 26, 1856.*

SIR: Some questions having arisen here in relation to the accuracy of the organic act of this Territory, as printed in the Kansas Statutes, I have to ask you to send me a certified copy from the records on file in your department.

Please forward me a copy of the Statutes at Large, United States, for session 1853-'54.

Very respectfully, your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

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

*Order from General Smith relative to mustering the Kansas militia out of service.*

HEADQUARTERS DEPARTMENT OF THE WEST,  
*Fort Leavenworth, November 24, 1856.*

SIR: I am directed by General Smith to reply to your communication, dated yesterday, on the subject of mustering the Kansas militia for discharge.

Major Woods left this post to-day with instructions to confer with you upon that point, and he has been appointed to perform the duty of mustering officer. The companies can be mustered out of service here, if you prefer it. The rolls will be prepared by the paymaster at these headquarters, and it will be necessary for you to appoint an agent to pay the men upon those rolls.

Very respectfully, your obedient servant,

GEORGE DEAS,  
*Assistant Adjutant General.*

Governor JOHN W. GEARY,  
*Lecompton, Kansas Territory.*

P. S. If you should determine to have the militia mustered out at this place, it will be necessary to order in also the company at Lawrence. Please send an answer to this by the bearer.

*Reply of the governor.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., November 26, 1856.*

SIR: In reply to your despatch of 24th instant, I have to state that I have ordered the two Lecompton companies to proceed this day to Fort Leavenworth, to be mustered out of service there, and the Lawrence company to remain until further orders.

Every dictate of prudence demands that the company at Lawrence, where the members generally reside, should be mustered out at that place, thus preventing the possibility of any collision. I ask this as a personal favor, that you make an order to that effect.

I ask also, through you, that Major Andrews (paymaster) will, *ex-officio*, do me the favor to make the payments designated in my letter of yesterday.

With high respect, your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

General PERSIFOR F. SMITH,  
*Commanding Department of the West.*

*Letter from California.*

STATE OF CALIFORNIA,  
*Office of Secretary of State, October 15, 1856.*

SIR: In compliance with the law of this State, I have the honor to transmit to your excellency, for the use of the State over which you preside, three copies of the laws of 1856, three copies of the Assembly Journal, three copies of the Appendix to Assembly Journal, the receipt of which you will please cause to be acknowledged.

I have the honor to be, your obedient servant,

DAVID F. DOUGLASS,  
*Secretary of State.*

By W. D. BAGLY, *Deputy.*

His Excellency the GOVERNOR OF KANSAS TERRITORY.

*Reply.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., November 26, 1856.*

SIR: I have the honor to acknowledge the receipt of three copies of the laws of 1856, three copies of the Assembly Journal, and three copies of the Appendix to Assembly Journal, from the State of California, for the use of this Territory.

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

DAVID F. DOUGLASS, Esq.,  
*Secretary of State for California.*

*Petition from Captain Walker's company, desiring to be mustered out of the United States service.*

LAWRENCE, KANSAS TERRITORY,  
November 19, 1856.

SIR: The undersigned, members of a company of Kansas militia, mustered into the service of the United States at Lawrence, Kansas Territory, in obedience to your call, respectfully submit, that when our services were required the Territory was distracted with internal feuds, and threatened with invasion by those from abroad who had no residence in the country then, since, or prospectively.

We were ready to give assistance in staying the hand of violence which had laid this country waste, to some extent depopulated it, and made life insecure.

We trusted you were sincere in your profession to act justly towards the settlers, and we cheerfully left our ordinary occupations to aid, so far as we could, in restoring peace and quiet to this unfortunate Territory.

We have watched your course, since your arrival amongst us as our executive, with much anxiety; and, although we have wished to see you do what you have not done, still we are sensible, and bear it in grateful remembrance, that, by your activity and energy, you have done much towards the restoration of that feeling of protection that all who live under organized governments have a right to expect.

We thank you for it, and expect confidently that you may not forget that we are part and parcel of this great republic, although we may differ from our neighboring State on some political subjects.

We now feel that you have the power and will to protect the citizens of the country, and that, therefore, our services are not required. If you should think such was the case, we would request that we be permitted to return to our several occupations, with the assurance that, should you require our assistance in the future, you may be sure that right and justice to all will always be the object of our best efforts, and if you should call for them, they will be given to you with unreserved zeal and fidelity.

Respectfully,

S. Walker, captain.

A. W. Spicer

A. V. Thompson

S. S. Soule

S. K. Forsyth

A. H. Hanscom

James L. Smith

Solomon Kaufman

W. G. Hill

L. N. Fieldes

J. T. Musser

David Eavens

Lemuel Eavens

B. D. Benedict

J. M. Smith

F. W. Hovey

B. Smith

Thomas Nichols

Thomas Archibald

Lewis J. Ebrohart

J. Hickman

D. H. Thompson

Joseph Clarke

James Toft

C. J. Farley

D. D. Smith

Christian Fingerle.

To his Excellency JOHN W. GEARY,  
*Governor of Kansas Territory.*



*Reply.*

EXECUTIVE DEPARTMENT,  
*Kansas Territory, November 27, 1856.*

SIR: The petition of yourself and command, desiring to be mustered out of service because the purposes of your enlistment have been accomplished in the restoration of peace and order to this Territory, has just been received. I take pleasure in granting the petition for the reasons therein mentioned, and will have an officer detailed to muster you out of service one day this week.

You will please convey to your command my thanks for their kind expressions of regard, and assure them that I highly appreciate the service they have rendered, by their example and soldier-like conduct, to the cause of peace and order, and should I again have occasion for their services, I will unhesitatingly accept their generous offer, and rely upon their hearty and energetic co-operation.

Wishing you all a happy return to your homes and families, and to the more agreeable and congenial pursuits of peace, I remain, with great respect, your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

Captain S. WALKER,  
*Commanding Company Kansas Militia,  
mustered into United States service at Lawrence.*

At the time these troops were mustered into service, the governor administered the following oath:

You, and each of you, do solemnly swear by Almighty God, the searcher of all hearts, that you will support the Constitution of the United States, faithfully obey all the orders of your superior officers, and discharge all your duties as soldiers with fidelity.

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*Letter from Gen. P. F. Smith.*

HEADQUARTERS DEPARTMENT OF THE WEST,  
*Fort Leavenworth, November 27, 1856.*

GOVERNOR: I received your communication by Brevet Major Woods to-day, enclosing a treasury draft for \$1,500, to be applied to the payment of the volunteers. Col. Andrews is now paying off the companies of the 6th infantry, and then will have to go to Fort Reily to pay the 2d dragoons.

I cannot order him to pay except with funds furnished from the pay department. He will have the rolls made correctly, so that the payment may be made in form.

There is no law for mustering Col. Titus, and I must conform myself strictly to law; indeed, my order would be of no avail or force.

I will, in every respect in my power, conform to your wishes, and will have the two companies mustered out here, and one at Lawrence; but there is now very little time left to make any change. The land sales go on very quietly, but I am afraid some of your discharged militia may interfere and get into trouble.

With the highest respect, your obedient servant,

PERSIFOR F. SMITH,

*Brevet Major General, Commanding Department.*

His Excellency JOHN W. GEARY,

*Governor of Kansas.*

P. S. Major Deas, assistant adjutant general, will communicate to you all orders in relation to the volunteers.

Your obedient servant,

PERSIFOR F. SMITH,

*Brevet Major General, Commanding.*

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*Letter and orders from Major Deas.*

HEADQUARTERS DEPARTMENT OF THE WEST,  
*Fort Leavenworth, November 27, 1856.*

SIR: I am directed by General Smith to acknowledge the receipt of your two communications dated the 25th and 26th instant, the former enclosing a treasury draft for \$1,500.

By the special order, herewith enclosed, you will perceive that the manner of discharging the three companies of territorial militia has been modified so as to meet with your request upon the subject; but, in regard to the payment of these men, no instructions can be given, for they are not entitled to pay until an appropriation for that purpose is made by Congress.

The paymaster, however, will rectify the rolls, and the fifteen hundred dollars in specie can be procured here on the draft which you have forwarded; but it will be necessary for you to make arrangements with some individual to disburse this money to the men to be discharged.

The military position of Mr. H. T. Titus is not recognized by law under the circumstances to which you refer, consequently he cannot be regarded as having been in the service of the United States, and he is not entitled to pay or emoluments as an officer.

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

GEORGE DEAS,

*Assistant Adjutant General.*

Governor JOHN W. GEARY,

*Lecompton, Kansas Territory.*

*Special orders No. 171.*

HEADQUARTERS DEPARTMENT OF THE WEST,  
*Fort Leavenworth, November 27, 1856.*

The two companies of territorial militia commanded by Captains *Wallis and Donaldson* will be mustered for discharge at Fort Leavenworth on the last day of this month by Brevet Major *F. Woods*, Captain 6th infantry.

The third company, under Captain Walker, will, in like manner, be mustered for discharge at the town of Lawrence on the same day by Brevet Major E. Johnson, captain 6th infantry.

The special order No. 18 is thus modified to the wishes of the governor of the Territory.

By order of Brevet Major General Smith.

GEORGE DEAS,  
*Assistant Adjutant General.*

Governor JOHN W. GEARY.

*Reply to General Smith.*

EXECUTIVE DEPARTMENT,  
*Lecompton, Kansas Territory, November 28, 1856.*

DEAR SIR: Your communication of yesterday's date, and special order No. 171, have been duly received. I thank you for your very prompt compliance with my wishes.

After the pay rolls are duly made out, please order them to be placed in the hands of Secretary Woodson, who has volunteered to go over and make the payment for me. Should anything require explanation, I will thank Major Deas to give Mr. Woodson any necessary instructions with regard to the signatures of the men, &c.

Captain Newby's company is here; I would be pleased to retain it for service in place of the two companies of cavalry which I asked of you some time ago.

The company consists of 1 commanding officer, 3 sergeants, 3 corporals, 2 buglers, 1 farrier, and 22 privates, and is quite adequate to any purposes I have on hand at present. Captain Newby authorizes me to say to you that he is quite satisfied to remain here, and that he has good and sufficient accommodations for himself and men. I trust this will be sanctioned by you.

I have just succeeded in breaking up and arresting a banditti who have infested the southern portion of the Territory. Everything south is now in the best possible condition.

Do me the favor to furnish me as soon as you can with an ambulance, if you can possibly spare me one.

With the highest regard, your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

Major General PERSIFOR F. SMITH,  
*Commanding Department of the West.*

Upon receiving a lengthy communication from United States Commissioner Hoogland, from Tecumseh, by the hands of a special messenger, the governor immediately dispatched the following reply :

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., November 29, 1856.*

DEAR SIR: Your despatch of yesterday in relation to the supposed unlawful and forcible extradition of a man named Holmes from this Territory, by a band of Missourians, under the cloak of United States authority, and in the uniform of United States soldiers, and of the apprehended danger in consequence of so flagrant an act to the peace of the Territory, and of the danger of impairing the efficiency of the military, &c. &c., has just been received.

In reply, I have to state that the supposed soldiers *were real soldiers* sent by me on the due requisition of peaceable citizens of Missouri, accompanied by Deputy Marshal Preston, to arrest certain horse thieves (Holmes among the number) who had lately been plundering the citizens of Missouri; that they did arrest Holmes, and afterwards permitted him to escape, very much to my regret; that thus far "the efficiency of the military is impaired" and no further, and that the peace of the Territory still remains on a solid basis, as I have the most gratifying reports from all quarters.

And I desire all good citizens so to consider it, until I, as the centre of communications by almost hourly information of the most reliable character, *shall make the announcement* in an efficient form that the country is in danger.

Present my compliments to the marshal for his tendered assistance, and assure him that I will avail myself of his offer the moment his services are required.

With high respect, your obedient servant,  
JOHN W. GEARY,  
*Governor of Kansas.*

EDWARD HOOGLAND, Esq.

*Report of the commission despatched to the southern part of the Territory.*

LECOMPTON, November 29, 1856.

The undersigned respectfully report that pursuant to your directions they left Lecompton November 15th, and joined Captain De Saussure's command of 1st cavalry at Paoli on Sunday evening, November 17th. The 18th was spent in making inquiries and obtaining information concerning the past and the present condition of affairs in that vicinity. November 19th we passed through Ossawatimie with the squadron and encamped near the residence of Judge Davis, in Linn county, about 20 miles south of Ossawatimie, the same evening. November 20th, a large number of depositions were taken concerning outrages and felonies that had been committed in that vicinity during the past summer and fall, and warrants were issued for the arrest of a number

of persons so charged. November 21st, William Partridge was arrested. November 22d, James Townley, Carmi B. Vaughan, William Kilburn, Samuel W. Kilburn, Hugh Kilburn, and Henry Kilburn were arrested. During the night Hugh Kilburn made his escape. November 23d, sundry prisoners brought into main camp. November 24th, James Townley examined and committed on a charge of murder, participating in the massacre of Wilkinson, Sherman, and three Doyles, on Pottowatomie creek, in May last. William Partridge examined and committed for felony. Carmi B. Vaughan examined and discharged, and the three Kilburns examined and committed for felony.

During a search of three days a considerable amount of stolen property was recovered, identified, proven, and restored to the owners, consisting of horses, cattle, clothing, bedding, fire-arms, and a wagon.

The undersigned had but fairly commenced the business with which they were charged in that section of the Territory, when Captain De Saussure informed us that he had been ordered into winter quarters at Fort Leavenworth with his command, and that no further assistance could be rendered by him. Without a military escort no arrests could be made with certainty and safety, and further operations were therefore suspended.

On Tuesday, November the 25th, the five prisoners committed were placed under escort, and taken to Tecumseh and committed to prison, to await the action of the grand jury for the second judicial district, then in session. Although but little was accomplished in comparison with the number of complaints made, and the amount of business brought to our notice in the vicinity of Pottowatomie and Sugar creeks, we are confident that the moral effect of the expedition will be beneficial.

Good citizens of both parties afforded us much assistance, and many vicious and suspicious persons were taught a lesson that will have a tendency to restore public confidence in that section and secure unity of action hereafter for the public peace and welfare.

The citizens in the southeastern portion of the Territory desire, and we believe it would be desirable to have, a few United States troops stationed in that vicinity. Their presence would aid in restoring confidence.

In conclusion, we beg permission to thank Captains De Saussure and Walker, 1st cavalry, for their courtesy and promptness; to the family of Judge Davis and other citizens for assistance, and especially to Isaiah H. Jackson for his services as guide.

Respectfully, your servants,

EDWARD HOOGLAND,  
*United States Commissioner of Kansas Territory.*

JOHN A. W. JONES,  
*Deputy United States Marshal.*

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

Ex. Doc. 17—6

DECEMBER 2.

*Proceedings of the citizens of Tecumseh and the grand jury, directed to be furnished to the governor.*

At a meeting of the citizens of Tecumseh and vicinity, held at Tecumseh on Wednesday evening, November 26, 1856, Caleb B. Clements was called to the chair, and A. W. Pardee appointed secretary.

The chairman stated the object of the meeting to be for the appointment of delegates to attend the convention, to be held at Leavenworth city, to consult upon, and propose a policy upon which the citizens of Kansas, without distinction of party, may unite for the preservation of peace and a general reconciliation, based upon acquiescence in existing legislation, and impartial administration of justice, and opposition to external intervention in the affairs of the Territory.

Colonel Johnson, of Leavenworth, Mr. Bennett, of the Lecompton Union, Mr. Lamb, of Atchison, and Mr. Hoogland, of Tecumseh, being severally called upon, addressed the meeting in favor of the stated objects of the convention, and urged the appointment of delegates.

Mr. Hoogland offered the following resolutions, which were unanimously adopted :

*Resolved*, That we cordially approve any and all measures that may have a tendency to restore peace and harmony among the citizens of Kansas.

That, in view of the past, and impressed with the importance of the present, we earnestly implore our fellow-citizens, without distinction of party, to aid in the preservation of peace and order by adopting a policy of conciliation.

*Resolved*, That, whatever differences of opinion may prevail touching the circumstances that resulted in the adoption of existing laws, we deem it the duty of every man to support and sustain those laws, in preference to having no laws at all, and continuing the anarchy that has so long prevailed.

*Resolved*, That we believe the existing territorial laws contain provisions that should be repealed, and we have confidence that the legislature at the next session will, with a spirit of justice and moderation, correct oppressive legislation.

*Resolved*, That we have confidence in the patriotic desire and ability of Governor Geary to faithfully administer the laws, and protect and enforce the rights of all the citizens of Kansas, and we cordially approve the policy that he has adopted, and which, thus far, has been attended with the happiest results towards the restoration of law and order, equality and justice. The meeting then appointed as delegates to the Leavenworth convention B. Castleman, A. W. Pardee, Judge Gager, W. A. M. Vaughan, John Dolman, Henry Carmichael, L. McArthur, E. Hoogland, George Osburn, Bennett A. Murphy, H. W. Martin, Judge Elmore.

*Ordered*, That the secretary furnish copies of the proceedings of this meeting to the Leavenworth, Lawrence, and Lecompton newspapers, with a request to publish the same.

Adjourned.

C. B. CLEMENTS, *Chairman*

A. W. PARDEE, *Secretary*.

UNITED STATES DISTRICT COURT, }  
*Second Judicial District.* }

TECUMSEH, K. T., November 29, 1856.

*Resolved*, That we, the undersigned, grand jury for the second judicial district, do heartily approve the foregoing resolutions, and recommend them to the citizens of Kansas Territory.

J. F. For, foreman, Paris, Linn county, Kansas Territory.

J. M. Bernard, St. Barnard, Franklin county.

Samuel D. Boone, Paoli, Lykens county.

James M. Heren, Tecumseh.

C. B. Wingfield, Pawnee, Bourbon county.

Jesse Davis, Linn county.

M. P. McDaniel, Linn county.

Samuel F. Graham, Tecumseh.

Ransom E. Elliott, Linn county.

Phineas Glover, Linn county.

B. F. Hill, Fort Scott, Bourbon county.

J. H. Arbuckle, Lykens county.

F. E. Means, Linn county.

Wm. M. Sutton, Linn county.

F. M. Cook, Fort Scott.

Henry W. Morton, clerk, Tecumseh, Shawnee county.

The proceedings of the grand jury upon the above resolutions were ordered to be published, and presented to the governor.

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*Letter from the Treasury Department.*

TREASURY DEPARTMENT,  
*Comptroller's Office, November 4, 1856.*

SIR: Referring to my letter to you of the 31st October, in which I gave, in brief, a statement of the appropriations for public buildings in Kansas, showing the amount of said appropriations remaining in the treasury subject to draft, I remarked as follows: "The balance of the appropriation will be made, I suppose, on your requisition upon the Secretary of the Treasury." Owing to the pressure of business, I omitted to advise you that a bond would be required before the amount asked for in your requisition would be sent you from the treasury, in conformity to law.

I now enclose you a blank form of a bond, which you will please execute and return to this office, that no delay may occur in duly honoring such requisitions as you may draw upon the treasury on the balance of the appropriation for public buildings in Kansas now remaining subject to draft.

Respectfully, yours,

ELISHA WHITTLESEY,  
*Comptroller.*

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

In accordance with the suggestions contained in the preceding letter, the governor executed the requisite bond, with approved sureties, and sent the same to the proper department.

He also drew for the sum of ten thousand dollars, that being the sum remaining in the treasury as applicable to the construction of the capitol buildings.

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*Letter from Captain Newby.*

CAMP EAST SIDE KANSAS RIVER,  
December 4, 1856.

GOVERNOR: I have the honor to report that I am encamped this side of the river, and I find it very difficult to find forage for my animals. My men are constantly employed in cutting wood to keep up fires; my horses and mules are suffering for want of stables. I am afraid, if I continue here without sheds and stables for my animals, that the weather may change so as to cause the loss of a part or all of them; I would therefore suggest that the convicts be sent over to assist in the construction of sheds, &c., as my men are constantly employed on other duty. I have to send eight or ten miles for forage every day.

If you have received no notice from the fort, I should be glad to hear, as I think a sufficient time has elapsed since your last despatch; and if I am retained, I should be glad to have your official order in writing.

I have the honor to be, very respectfully, your obedient servant,  
E. W. NEWBY,  
Captain 1st Cavalry.

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*Reply.*

EXECUTIVE DEPARTMENT,  
Lecompton, K. T., December 4, 1856.

SIR: I have up to this time received no communication from General Smith in reply to my last despatch.

You had better proceed without delay to make the necessary sheds, &c., for the protection of your men and horses.

I will send the convicts according to your request.

Your obedient servant,

JOHN W. GEARY,  
Governor of Kansas.

Captain NEWBY,  
First Cavalry.

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DECEMBER 5.

*Petition from citizens of Wise county.*

To his excellency John W. Geary, governor of Kansas Territory:

We, the undersigned petitioners, acting in behalf of numerous citizens of Wise county, in said Territory, respectfully represent, that they, in company with about twenty families, emigrated to the said Territory



about the year 1854; that they made settlement on what they supposed to be government land open for settlers, which supposition they based on a map issued in the year 1854, and certified by the Commissioner of Indian Affairs to be correct as regards the Indian reservations; that on credit of said map they proceeded to build houses, cultivate the land, make fences, and make various improvements; that at the time of said settlements and improvements, the lands reserved for the benefit of the Kansas Indians was situate fifteen miles further west, and ten miles further south, than at the present time; that subsequent to their settlement, and after the completion of valuable improvements, a change was made in the position of the said reserve, which threw their claims within the boundary of the said reserve; that the agent of the said Kansas Indians had informed your petitioners that the lands upon which they had located was open for settlement, and not within the boundary of said reservation; that during the month of November, 1856, the following notice was served on your petitioners, to wit:

*" Kansas agency.*

"NOVEMBER 28, 1856.

"SIR: All authority or permission that you have had heretofore to remain in the *Kansas agency* is hereby revoked, and you are hereby required to retire from the Indian agency country within three days from the date hereof; and you are also notified to remove your goods, implements, and furniture from Council Grove without the least possible delay.

"Respectfully, your obedient servant,

"JOHN MONTGOMERY,  
"Indian agent.

"C. COLUMBIA, Esq."

That your petitioners, to be compelled to remove all their goods and chattels at this inclement season of the year, would suffer great loss, and be exposed to unnecessary inconvenience.

Your petitioners would, therefore, pray your excellency to intercede in their behalf, and stay proceedings of said Indian agent, until the circumstances of the case may be inquired into, and determined in a just and lawful manner; and your petitioners will ever pray.

C. COLUMBIA.  
GEORGE M. REIS.

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*Reply.*

EXECUTIVE DEPARTMENT,  
Lecompton, K. T., December 5, 1856.

DEAR SIR: The foregoing is the copy of a petition this day presented to me. The prayer of the petitioners is so eminently reasonable, that you can have no difficulty in granting it.

I will send the petition to Washington, with a strong recommendation to leave the settlers in the undisturbed possession of their claims, and make other provisions for the Indians. To eject them during the inclemency of the winter would be harsh and inhumane, and before spring the matter can be duly determined by the government at Washington, whose decision will be promptly acquiesced in by the settlers.

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

JOHN MONTGOMERY, Esq.,  
*Agent for the Kansas Indians.*

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DECEMBER 8, 1856.

I hereby certify that the within and foregoing is a true copy of the executive minutes of Kansas Territory, from November 22 to December 6, inclusive.

RICHARD McALLISTER,  
*Deputy Secretary to the Governor.*

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EXECUTIVE MINUTES OF KANSAS TERRITORY DECEMBER 8, 1856.

*Election proclamation.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K: T., December 8, 1856.*

SIR: You are hereby directed to hold an election, according to law, on the fourth Monday in December, 1856, for a member of the territorial house of representatives, and for one member to represent jointly the counties of Anderson and Franklin, there having been no election in said county at the general election on the first Monday in October, 1856.

Due notice should be given by posting written notices at all public places in the county, naming the times and places of election.

JOHN W. GEARY,  
*Governor of Kansas.*

The SHERIFF of *Anderson county.*

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DECEMBER 10.

*Commissions issued.*

To Jerome Franklin and Willis Frakes, as justices of the peace of Jefferson county.

Martin T. Bailey, as county commissioner of Atchison county.

E. H. King, as constable of Doniphan county.

Edward Beauchamp, as justice of the peace for Doniphan county.

George E. Brown and John A. W. Jones, as notaries public for Lecompton, Douglas county.

*Letter from the Comptroller of the Treasury.*

TREASURY DEPARTMENT,  
*Comptroller's Office, November 27, 1856.*

SIR: Your favor of the 13th was received yesterday with the following papers:

1. Your bond in the penal sum of ten thousand dollars conditioned for the faithful expenditure of five thousand dollars appropriated for a library for Kansas Territory, to be expended by the governor thereof.

2. A requisition drawn on the Secretary of the Treasury for said appropriation of five thousand dollars to be paid to John H. Gihon.

3. A power of attorney, executed by you on the 13th of this month, authorizing John H. Gihon to receive said money and to purchase the library for the Territory.

The bond has been approved; and if the Secretary of the Treasury should return from the President's in season, the warrant will be passed, and a draft sent to John H. Gihon, at Philadelphia, to-day.

I have a letter from Mr. Gihon this morning wishing the remittance. I sent, by telegraph, that I expected to make it to day.

Most sincerely yours,

ELISHA WHITTLESEY.

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

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Mr. Bittinger, a special messenger from the President and Department of the Interior, arrived from Washington, bearing despatches to the governor, containing two documents for William Spencer, esq.—one to “either of the justices of the supreme court of Kansas Territory,” and one to Israel B. Donaldson, esq.; also a despatch to Gen'l G. W. Clarke, for which the governor receipted and delivered to him personally within an hour after its receipt.

The governor was also favored with a visit from Mr. Hyatt, of New York city, president of the national Kansas committee, who came to make certain inquiries as to the governor's policy and official acts. The executive minutes of any acts to which Mr. Hyatt referred were spread before him, affording a satisfactory explanation of all subjects of inquiry. The governor also informed him that he would make no change in his policy. Mr. Hyatt left with expressions of entire satisfaction respecting the position occupied by the governor.

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DECEMBER 12.

Having received petitions and letters from the mayor and leading citizens of Leavenworth city, urgently entreating his presence there, in anticipation of disturbances occurring at the sale of that city, the governor departed for that place, stopping, during the night, at Butler's, a distance of twenty miles from Lecompton.

DECEMBER 13.

The governor proceeded from Butler's to Leavenworth city, where he met Dr. Eddy, the commissioner for the sale of the Delaware trust lands, General Brindle, the receiver, and other gentlemen, to whom he advocated the immediate sale of the city lots, at their appraised value, to the town company, for the use of the equitable owners.

DECEMBER 15.

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*Sale of Leavenworth city.*

Another meeting of the gentlemen officially connected with the land sales was held at Leavenworth, when, after a mutual interchange of opinion, it was deemed advisable that Dr. Eddy and Col. W. H. Russell should proceed to Washington to lay the whole subject before the government, and obtain such instructions governing the sales as would be satisfactory to the interests of the citizens.

The governor addressed the following letters to the Commissioner and the President, as expressive of his views:

LEAVENWORTH CITY, K. T.,  
December 15, 1856.

SIR: In consequence of the impossibility of effecting the sale of the city of Leavenworth, under the recent instructions from the Commissioner of Indian Affairs, without jeopardizing the interests of the citizens and the peace of the Territory, the further pleasure of the government should be ascertained without delay.

Your obedient servant,  
JOHN W. GEARY,  
Governor of Kansas.

NORMAN EDDY, Esq.

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LEAVENWORTH CITY, K. T.,  
December 15, 1856.

DEAR SIR: In response to the letter of the mayor, and accompanying petition of leading citizens of Leavenworth city, I came here for the purpose of aiding, with my counsel and presence, in averting the threatened disturbance.

I find the public mind here greatly excited, in consequence of some recent instructions from the Commissioner of Indian Affairs, entirely changing the policy which has thus far governed the land sales, with the results so entirely satisfactory to all interests.

Solicitude for the peace of the Territory brought me here on the 17th of November, at the beginning of the sales. Many purchasers were here from every part of the country, (invited by your proclamation,) and great apprehension of difficulty between them and the squatters was feared. The lands had been previously appraised at from \$1 25 to \$12 per acre. In accordance with his instructions, the commissioner

announced that the actual *bona fide* settlers would be permitted to take his land at its appraised value, and that only vacant quarter sections would be open for competition.

This arrangement met with universal favor. The speculators themselves, (the only parties really aggrieved,) having come here hundreds of miles, at heavy expense, on the invitation of the government, not only acquiesced in the decision, but actually lauded its justice; whilst the Indians, on the other hand, were satisfied with the price they were getting for lands only made valuable by the industry, skill and capital of the pioneers, who had braved everything to improve them.

Such of the speculators as desired farms made satisfactory arrangements with the settlers, *while others, on the faith of the policy established by the government, and acquiesced in by the Indian agent, made large investments in the lots of the city.*

In pursuance of the policy and understanding adopted at the opening of the sales, all the Delaware lands advertised for sale, including the environs of this city, (also south Leavenworth,) with the exception of *the city itself*, have been sold. The large sum of nearly \$440,000 has been realized, which, together with the proceeds of sales of this city, will make over \$450,000 to be disbursed among about 900 Indians, who have yet a magnificent reserve, more than quadrupled in value by the sale and settlement of the trust lands.

The city of Leavenworth has been appraised by lots, making its average thirty dollars per acre. The people here are desirous that it may be sold to the original town company, by the lot, at the appraised value, which would be a much more stringent rule than that which has been applied to the rural claims.

This city, containing a population of over 2,000, consists of 320 acres, or two claims, which, by the original settlers, was thrown into a town company and divided into shares.

It seems clear to me that every principle of justice requires that the same rule should be applied to the claims upon which this city has been founded, as that which has been applied to other portions of the trust lands, with the additional reason in favor of this city, that on the faith of the policy previously announced by the government, large investments have been made here, and it would be a violation of public faith not to secure them.

What has induced the Commissioner of Indian Affairs to send the new and special instructions for this city alone, I am at a loss to conceive; but I am clear on the point that, if carried into effect, they will destroy the peace of the community, and for years impair the prosperity of this growing metropolis of Kansas.

A meeting of the gentlemen officially connected with the subject has been held. I strongly advised that this city should be sold to the town company, by lots or blocks, at their appraised value, in accordance with the rule that has governed the previous sales, thus giving entire satisfaction to the Indians, the original settlers, and the recent purchasers, in order that the exciting question might at once be settled, and the minds of the people relieved from a heavy load of anxiety; but in this matter I have been overruled, and it was deemed advisable

to send Mr Commissioner Eddy and Colonel Russell to Washington, to lay the whole matter before the government, in order to procure more satisfactory instructions.

This subject is difficult to comprehend by any person not on the spot, and not conversant with it in all its bearings. I have given much thought and examination to the question, and have come to the deliberate conclusion that the peace of the Territory, (which I regard as of much greater importance to the country than the entire value of the lands,) cannot easily be maintained, unless some policy be adopted which will be satisfactory to the people, the original settlers, and the recent purchasers.

I cannot too strongly commend this subject to your attention.

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

His Excellency FRANKLIN PIERCE,  
*President of the United States.*

The governor then went to Fort Leavenworth, where he was the guest of General Smith.

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DECEMBER 16.

The governor proceeded *en route* to Leecompton as far as Lawrence, where he passed the night.

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DECEMBER 17.

After a considerable conversation with a number of the prominent citizens of Lawrence respecting the condition and prospects of the Territory, the governor repaired to Leecompton.

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*Letter from the Department of the Interior.*

DEPARTMENT OF THE INTERIOR,  
*Washington, December 2, 1856.*

SIR: In view of the relations subsisting between this department and the several Territories, the means of constant reference to their local laws is absolutely required.

In order to afford the necessary facilities for this purpose, I deem it proper to request that your excellency will cause two sets of the laws of Kansas to be forwarded to this department.

Very respectfully, your obedient servant,

R. McCLELLAND.  
*Secretary.*

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

*Reply.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., December 18, 1856.*

SIR: In accordance with your request, as contained in your letter of the 2d instant, I have this day placed in the mail at this place two copies of "Kansas Statutes," directed to you at Washington for the use of your department.

Very respectfully, your obedient servant,  
JOHN W. GEARY,  
*Governor of Kansas Territory.*

Hon. R. McCLELLAND,  
*Secretary of the Interior.*

*Letter from the Secretary of New Hampshire.*

OFFICE OF SECRETARY OF STATE,  
*Concord, December 9, 1856.*

SIR: Agreeably to an act of this State, I have this day transmitted by mail, directed to your excellency, one volume, No. 10, Foster's Reports, also one vol., No. 19, New Hampshire Reports, being volume 7, second series, with three copies of Laws of the State of New Hampshire, June session, 1856, for the use of the Territory of Kansas, the receipt of which you will please to acknowledge.

I am, very respectfully, your obedient servant,  
SAMUEL N. PATTEE,  
*Secretary of State.*

His Excellency THE GOVERNOR  
*of Kansas Territory.*

*Reply.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., December 19, 1856.*

SIR: I have the honor to acknowledge the receipt of the books mentioned in your letter of the 9th instant for the use of this Territory.

Very truly your obedient servant,  
JOHN W. GEARY,  
*Governor of Kansas.*

Hon. SAMUEL N. PATTEE,  
*Secretary of State, Concord, New Hampshire.*

*Requisition for United States troops.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., December 20, 1856.*

DEAR SIR: Please send me two mounted men as early this morning as possible.

They are to act as messengers for a distance not exceeding ten miles.

Your most obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

Captain NEWBY.

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*Letter to Mr. Tuten.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., December 20, 1856.*

DEAR SIR: The Lecompton Union informs me that an outrage has recently been committed upon you. Will you *write me* a statement of the facts, and suggest what measures, if any, you desire taken for your protection.

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

Mr. TUTEN.

In reply to the above note, Mr. Tuten called upon the governor and made a statement of the assault committed upon him, when prompt measures were taken to redress the outrage and bring the offenders to justice.

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*Letter to Mr. Spicer.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., December 20, 1856.*

DEAR SIR: I am informed by the Lecompton Union that a body of men called "Regulators" recently came to your house and notified you to leave the country in ten days. If such a thing has been done, I will esteem it an unmitigated outrage; and before proceeding further in the matter, I desire you to inform me, in writing, whether such an occurrence took place, and, if so, what measures you suggest for your protection.

Please send me a copy of the notice, with the names of the parties you can identify.

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

JOHN SPICER, Esq.



*Reply.*

WHEATLAND,  
*Douglas County, K. T., December 20, 1856.*

DEAR SIR: I this day received your letter of even date, and its contents have been observed. In answer, I have to state that I have received no notice from the "Regulators," or any one else, to leave the Territory, and have no fears of such a notice, as I know no provocation to provoke it. The people about this part of the Territory are quiet and moral, and I feel perfectly secure.

Respectfully, yours,

JOHN SPICER.

Hon. JOHN W. GEARY,  
*Governor of Kansas Territory.*

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*Letter to the Secretary of State.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., December 22, 1856.*

SIR: Since my despatch of the 9th instant nothing of any special importance has occurred. Having received the petition of the mayor and leading citizens of Leavenworth city, stating that, in consequence of the change of policy governing the sale of the trust lands by the new instructions from the Commissioner of Indian Affairs, great apprehension was entertained of a breach of the peace, and a violent outbreak upon the occasion of the sale of Leavenworth city, I accordingly repaired to that place to aid with my presence and counsel in averting the threatened disturbance.

I found the public mind greatly excited, and the statements of the petitioners in no wise exaggerated.

In my despatch of 22d ultimo, and in my letter to the President of the 15th instant, I expressed my views at some length in relation to this question, and time and reflection have only served to strengthen my convictions of their justice.

I have received Mr. Spencer's appointment as marshal of this Territory. He is at his former residence, in the State of Ohio. It is indispensable that he should be here soon. Judge Cunningham has not yet arrived. There is not a prison in this Territory in which a prisoner can be safely secured for a single hour; where crime has been so abundant, the necessity for a penitentiary is too evident to require elaboration from me. An appropriation for this purpose should immediately be made by Congress.

The appropriation to build the capitol at this place has been nearly exhausted, and is entirely inadequate to complete the building upon the plan which has been adopted. The architect informs me that an additional appropriation of at least fifty thousand dollars will be required.

In order that the government may fully understand my position here, and guard against rumors and reports studiously set in motion by certain parties whose political interests most strongly commit them against the policy which has been established here, it seems proper that I should make certain developments.

Because I will not co-operate with certain efforts to establish a State government, and lend myself to carry out views which are outside of the constitution and the laws, I am misrepresented by a few ultra men of one party.

Because I will not enter upon a *crusade* in support of *one idea*, and endorse the following resolves, passed on the night of the last session of the Kansas legislature, I am equally the subject of misrepresentation by a few violent men on the other side.

The following are the resolutions alluded to:

"Whereas the signs of the times indicate that a measure is now on foot, fraught with more danger to the interests of the pro-slavery party and to the Union than any which has been agitated, to wit: the proposition to organize a national democratic party; and whereas some of our friends have already been misled by it; and whereas the result will be to divide pro-slavery whigs from democrats, thus weakening our party one-half; and whereas we believe that on the success of our party depends the perpetuity of the Union: Therefore—

*"Be it resolved by the house of representatives, the council concurring therein, That it is the duty of the pro-slavery party, the Union-loving men of Kansas Territory, to know but one issue, slavery; and that any party making or attempting to make any other is, and should be held as an ally of abolitionism and disunion."*

This platform makes but a *single issue* in Kansas, to wit: the introduction of slavery; emphatically denounces the national democratic party, from which I have the honor to hold my appointment, and brands as abolitionists or disunionists all persons not agreeing with the principles set forth in it.

To all objectors I have but one reply, to wit: that my position here shall not be prostituted to advance partisan ends; it being my simple duty to administer the government, and leave the *people free* to settle and regulate their own affairs.

You will therefore most readily perceive the signal justification of that portion of my inaugural address, in which I pledge myself to know "no party, no north, no south, no east, no west; nothing but Kansas and my country."

The territorial officers, with scarcely an exception, were warm partisans of the last named party organization, so much so as to deprive themselves of all ability to act as mediators between the contending factions.

The development of my policy and its happy results has produced considerable agitation among some ultra men, and various rumors, as unfounded as they are desperate, have been put in circulation here, and exaggerated statements forwarded to Washington, directly calculated to disturb the peace of the Territory, and studiously intended to produce that result.

The whipping of Mr. Tuten, and the threatening of Mr. John

Spicer, have been greatly exaggerated. Mr. Tuten was whipped for the reason, as it is alleged, that he was treacherous to his former associates; but he was not seriously injured, and proper measures have been taken to redress the outrage.

In reply to my note, Mr. John Spicer informs me that he has not been threatened; that he lives in a peaceable community, and feels entirely secure.

In the *Herald of Freedom* a notice appeared signed by "C. Robinson, governor of the State of Kansas," authorizing the election of a member of the *State* legislature, to meet at Topeka in January next. I have addressed a letter to C. Robinson, desiring to know distinctly and definitely from him the purposes and objects of this movement, whose reply I will transmit you when received.

Several of the leading members of the free State party have written me letters on the subject—one of which, from J. H. Brown, editor of the *Herald of Freedom*, embracing the views of all, I inclose for your consideration.

As soon as I am fully informed on the subject, I will take such action in relation to the matter as circumstances and the peace of the country may seem to require. At present, however, I have not the slightest reason to anticipate any difficulty arising therefrom. I must presume nothing contrary to men's express declarations, unless I am clearly satisfied that they "meditate" mischief, when I will probably give them my attention.

A party of some ninety men, mostly disbanded militia, have gone, in charge of Mr. Thaddeus Hyatt, with provisions and necessary tools, to found the town of Hyattville, on the south branch of the Pottowatomie creek, and make settlements there. These persons were out of employment, likely to become a charge upon the town of Lawrence, and Mr. Hyatt projected this scheme to furnish them with useful employment, and prevent them from falling into habits of indolence and vice. He fully explained the matter to me previous to putting it into execution, and it met my approval.

I am exceedingly gratified to inform you that since the withdrawal of the military, the people seem to be impressed with the importance of maintaining peace for themselves.

Peace can and will be maintained, notwithstanding the croaking of monomaniacs on either side, whose wish for disturbance seems to give paternity to their declarations.

With high respect, I remain your obedient servant,  
 JOHN W. GEARY,  
*Governor of Kansas.*

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

*Letter to the United States Territorial Attorney.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., December 23, 1856.*

SIR: My attention has been called to chapter 10, Kansas Statutes, establishing the office of district attorney, in connexion with your appointment and duties under the organic act.

At your earliest convenience please furnish me with your written opinion as to whether chapter 10 conflicts with the organic act and embarrasses you in the discharge of your proper duties.

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

Col. A. I. ISAACKS,  
*United States Territorial Attorney.*

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*Letter to the Territorial Auditor.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., December 23, 1856.*

SIR: Will you please furnish me with your annual report, containing a statement of all matters of public interest connected with your department, as it will be necessary for me to communicate such information to the legislature.

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

Captain JOHN DONALDSON, *Auditor.*

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*Letter to the Inspector General.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., December 23, 1856.*

SIR: Will you please furnish me as soon as possible with your annual report as to the quantity and condition of the public arms, and any other matters of interest connected with your department, as it will be necessary for me to furnish such information to the legislature.

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

General CRAMER, *Inspector General.*

*Letter to the Adjutant General.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., December 23, 1856.*

SIR: Will you please furnish me, as soon as possible, with your annual report, giving me a full statement of all matters of public interest connected with your department, as it will be necessary for me to communicate such information to the legislature.

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

H. J. STRICKLER,  
*Adjutant General Kansas Militia.*

*Letter from the Assistant Secretary of State.*

DEPARTMENT OF STATE,  
*Washington, December 9, 1856.*

SIR: Your letter dated November 26 was received this day.

The act to "organize the Territory of Nebraska and Kansas," approved May 30, 1854, as published in the pamphlet edition of the laws of the first session of the 33d Congress, has been carefully collated with the original roll, and is a true copy.

In compliance with your request the pamphlet containing the act is herewith transmitted to you.

I am, respectfully, your obedient servant,

J. A. THOMAS,  
*Assistant Secretary.*

Hon. JOHN W. GEARY,  
*Governor of Kansas.*

*Letter to the Postmaster General.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., December 24, 1856;*

Mr. Benjamin F. Jennings, your special mail agent, visited me to-day, and after a mutual interchange of opinion the following conclusions were arrived at:

That the public interest imperatively demands a daily mail from Westport, via Franklin and Lawrence to Lecompton, also a daily mail from Kansas city, via Wyandotte, Quindaro and Delaware to Leavenworth city.

A triweekly mail from Quindaro, on the Missouri river, to Lawrence is also desired. A good road between these two last named places

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will be completed early in the spring, when a daily line of stages will be placed upon it. For the purpose of accommodating these communities, the stage company propose to carry the triweekly mail between Quindaro and Lawrence for the small sum of five hundred dollars. I am informed that the stage company will forward a petition to this effect.

It affords me pleasure to bear testimony to the prompt and efficient action of Mr. Jennings, and I will most heartily co-operate with him in all measures appertaining to your department.

Very truly, your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

HON. JAMES CAMPBELL,  
*Postmaster Genral.*

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DECEMBER 26.

Hon. Thomas Cunningham the newly appointed associate judge of the supreme court of the Territory, arrived to day at Lecompton, and called upon the governor.

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*Report of the Adjutant General.*

ADJUTANT GENERAL'S OFFICE,  
*Tecumseh, K. T., December 25, 1856.*

SIR. In reply to your note of the 23d instant, I have to state that up to this time I have not received a report of a commanding officer of the Kansas militia (except Col. Yagers of the first regiment) as provided by the statutes, and in consequence of which I am unable to give full and reliable information in regard to the state and condition of the militia of the Territory. I have delayed making out my report, hoping that the requirements of the statutes would be complied with by the commanding officers of the different divisions, brigades and regiments, &c., and thereby enable to give a satisfactory report of the arms, accoutrements, and the condition and quality of the same. I shall however report to you the enrolment and all information I possess as early as possible.

Very respectfully,

H. J. STRICKLER,  
*Adjutant General, Kansas Territory.*

His Excellency JOHN W. GEARY.

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Commissions were issued to Garrett L. Carzorie, as justice of the peace, and Isaac T. Hyatt, as constable for the township of Atchison, Calhoun county. Nathaniel Boyleston, as justice of the peace, and Sanders W. McComas, as constable for Franklin, Calhoun county.

J. M. Galligher, as justice of the peace, and S. G. Pierson, as constable for Stranger township, county of Leavenworth.

Martin C. Willis, as justice of the peace for Kennebuck township, Brown county.

S. W. Tunnel, as sheriff of Leavenworth county, vice Green D. Todd, resigned.

Dr. J. D. M. Bird, as surgeon of the third regiment of Kansas militia.

Joseph B. Nones, as commissioner of deeds in and for the State of New York, and F. J. Thibault, as commissioner of deeds in and for the State of California.

*Letter from the Secretary of Maine.*

STATE OF MAINE. OFFICE OF SECRETARY OF STATE,  
Augusta, December 4, 1856.

SIR: In compliance with a resolve of the State, I have the honor to transmit to your excellency, for the use of the State over which you preside, one copy of the "Journal of the Constitutional Convention of the district of Maine," the receipt of which you will please cause to be acknowledged.

Respectfully yours,

T. F. BOYNTON,  
*Deputy Secretary of State.*

His Excellency the GOVERNOR OF KANSAS TERRITORY.

*Reply.*

EXECUTIVE DEPARTMENT,  
Lecompton, K. T., December 29, 1856.

SIR: The book mentioned in your letter of 4th instant I have the honor to acknowledge.

Very truly, your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

T. F. BOYNTON, Esq.,  
*Deputy Secretary of State, Augusta, Maine.*

*Inspector General's Report.*

INSPECTOR GENERAL'S OFFICE,  
Lecompton, K. T., December 29, 1856.

SIR: Your communication of the 23d instant is before me, and would have been answered sooner but for circumstances over which I have no control.

In my communication addressed you soon after your arrival in the

Territory, I sent you all the documents pertaining to my office as inspector general which have been received, and have now before me little or no additional data to build a report upon.

In that report I stated to your excellency the amount of arms received and the disposition made of them, which report would now apply, as I know of no changes which have taken place. I took occasion in that to report to your excellency the fact that there had been no arsenal furnished for the reception of the arms belonging to the Territory, and that *consequently* I had found it impossible to get them together or keep them safe; and have now to urge upon your notice the great necessity for the construction of some such place.

Accompanying this I send you the report of Colonel Payne of the northern division of the militia, which ought to have been made to Adjutant General Strickler, but which I send you as it contains the only information which I possess of that division. I would have renewed the report made you last September, but my papers are still in your office and I did not deem it necessary to renew it. If it should be your excellency's wish to have it done, it will give me pleasure to receive your instructions to that effect.

Hoping this may prove satisfactory under the circumstances, I remain your excellency's obedient servant,

THOMAS J. B. CRAMER.

Hon. JOHN W. GEARY,  
Governor of Kansas.

### *Report of the Territorial Treasurer.*

TREASURER'S OFFICE,  
Leecompton, K. T., December 31, 1856.

SIR: Having understood that you had requested of the auditor of territorial accounts some report from our offices, I take this opportunity to enclose you an abstract of the receipts of my office for the year ending August 29, 1856.

Received of the sheriff of Doniphan county.....	\$187 06
Received of the sheriff of Leavenworth county.....	994 60
Received of the sheriff of Douglas county.....	245 56
Received of the sheriff of Atchison county.....	205 40

Making total receipts..... 1,632 62

all of which has been paid out to various claimants upon the treasury for services rendered the Territory, as shown by warrants in this office.

In many of the counties there was no revenue collected, and in many more the collections did not cover expenses.

From what I can now learn, the prospects for the present year are but little more flattering, and my impression at present is that less revenue will be collected in this year than the previous, as the officers



of the laws, in their past experience, have found that the different offices have brought nothing but danger and loss to them; nor is the prospect brightening for a more peaceful or efficient discharge of their duties; being required by the statute law of the Territory to report to the legislature, upon its convening, I have yet deemed it proper to accede to your excellency's request and send in this abstract of the state of my department.

Wishing that I could make a more favorable showing, I remain your obedient servant,

THOMAS J. B. CRAMER,  
*Treasurer of Kansas Territory.*

Hon. JOHN W. GEARY,  
*Governor of Kansas.*

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*Letter to the Secretary of State.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., December 31, 1856.*

SIR: In reviewing, on this the last evening of the year, the events of the past four months, and contrasting the agitated and disturbed condition of affairs upon my advent with the present tranquil and happy state of things, which has held its sway for the last three months, I must congratulate the administration and the country upon the auspicious result. Crime, so rife and daring at the period of my arrival, is almost entirely banish. I can truthfully assure you that, in proportion to her population and extent, less crime is now being committed in Kansas than in any other portion of the United States.

Tendering you the usual compliments of the season, and renewed assurances of my personal regard, I am truly yours,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Hon. W. L. MARCY,  
*Secretary of State, Washington, D. C.*

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LECOMPTON, K. T.,  
*January 1, 1857.*

The foregoing is a correct copy of the executive minutes of Kansas Territory, from the 8th to the 31st of December, 1856, inclusive.

JOHN H. GIHON,  
*Secretary to the Governor.*

*Writ of election.*

EXECUTIVE OFFICE,  
*Lecompton, K. T., January 1, 1857.*

SIR: You are hereby directed to hold an election in Johnson county, according to law, on Saturday, the 10th day of January, 1857, for one member of the house of representatives of the legislative assembly, to supply the vacancy occasioned by the resignation of J. T. Barton, the member elect.

Due notice should be given at *all* the public places in the co nty, by printed or written advertisements, of the time and places of holding the election.

JOHN W. GEARY,  
*Governor of Kansas Territory.*

By the governor.

DANIEL WOODSON, *Secretary.*

The SHERIFF OF JOHNSON COUNTY.

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*Visit to Fort Leavenworth.*

The governor and his private secretary left Lecompton on the morning of January 1 for Fort Leavenworth, on official business. The weather was exceedingly cold and stormy, and the roads so cut up and frozen as to render the travel not only difficult but dangerous. They reached Middletown, a town recently established, about twenty-four miles from Lecompton, at a place heretofore known as Butler's, early in the evening, and remained there until the following morning, (the 2d,) when they proceeded on the journey, and arrived at the fort before sundown; having stopped several hours at Leavenworth city, during the 3d they stopped at the headquarters of General P. F. Smith, as his guests; and on the 4th returned to Lecompton.

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Commissions were issued to James M. Touton, as county commissioner of Douglas county, in place of John W. Banks, removed from the Territory.

To Richard Scouton, as justice of the peace, in and for Deer creek township, Douglas county,

Willis Frakes and Jerome Franklin, as justices of the peace for Falls township, Jefferson county.

John S. Hamilton, as constable of Lecompton township, Douglas county, in place of J. E. Thompson, resigned.

Joseph C. Lawrence, as commissioner of deeds for the State of New York.

*Letter to Hon. John W. Whitfield.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., January 6, 1857.*

DEAR SIR: Soon after your admission to Congress as our representative, I wrote you a letter of congratulation, and referred you to my communications with the government for some suggestions relative to Kansas affairs, but as yet have received no reply.

I am happy, however, to perceive by the papers, that you have already introduced several important bills deeply involving our interests. I do not know the provisions of your bill relative to damages; but some time since I specially pressed that subject upon the attention of the government. I trust that Congress will not fail to pass some equitable and comprehensive bill upon this subject.

We certainly require two or more additional land offices, and the want of them will seriously impair the prosperity of the Territory. Many persons have suggested the propriety of locating one of them at Manhattan, and from my knowledge of that portion of the Territory I believe that would be a suitable place.

I will send you a copy of my forthcoming message as soon as it is printed. I make various suggestions relative to the substantial interests of Kansas, in which the assistance of Congress is invited. I trust they will meet your approbation and shall be glad to have your energetic co-operation. I also enclose you two petitions, numerous signed by citizens of Kansas, praying for relief for damages sustained during the recent disturbances, which I will thank you to present to Congress.

I have forwarded a petition to the Postmaster General, asking for the establishment of a post office at a new place, equidistant between Lecompton and Leavenworth, called "Middletown," and desiring the appointment of Mr. William Butler as the postmaster.

I shall be happy to hear from you occasionally, and always pleased to co-operate with you in all matters affecting the interests of Kansas.

As ever, very truly your friend and obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Hon. JOHN W. WHITFIELD.

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*Letter from Lieutenant Bryan.*

The following letter was this day received from Lieutenant Francis T. Bryan, and is in reply to one addressed to him on the 7th ultimo by the governor, requesting information respecting certain portions of the Territory visited officially by the lieutenant, as a member of the United States corps of engineers:

ST. LOUIS, MISSOURI,  
*December 27, 1856.*

SIR: Your letter of the 7th November has been lying on my table for some days; but as I have been quite busy since my return in making:

up my accounts for the past year, I have delayed answering to the present time.

My route can easily be followed on the map accompanying Stansbury's report, or, indeed, any other reliable map of the Territory. Leaving Fort Riley, I went up the Republican river one hundred and five miles. This valley is fertile, and is cut by many creeks with wooded banks. Out of the valley, or bottom of the river, the country is high and covered with short buffalo grass; the stone of the country is limestone. Leaving the Republican, the route led over the high prairie thirty-five miles to the Little Blue river, crossing several small creeks with wooded banks. This country, I think, would be too dry for agricultural purposes. Crossing the Little Blue, the route lies along its banks for about fifteen miles, and then leaving the river goes to the Platte, touching several water holes. From the point where the road first touches the Platte to Fort Kearney is about fifteen miles, and along the valley of the Platte. The distance from Fort Riley to Fort Kearney we make one hundred and ninety three miles. From Fort Kearney the route lay along the valley of the Platte for about two hundred miles. This valley is too well known to need any description. There is little or no wood, and the soil is sandy; any attempt at agriculture, I think, would prove a failure. Crossing the South Platte below the mouth of Pole creek, we followed the creek to its head in the Black hills. The country is generally high; grass mostly short, and no wood for most of the distance. Buffalo chips are used for fuel. Pole creek breaks through two ranges of hills, which are called Pine Bluffs and Cedar Bluffs; these are the only points where wood can be obtained along the creek until the Black hills are reached. Grass can be had in spots. The route then crossed the Black hills, where was plenty of fuel and water, but very little grass. Leaving these hills, we found ourselves on the plains of Laramie, and crossed the east branch of the Laramie river at about five miles from the foot of the hills. About four miles further appears the east fork of the Laramie river; both of these streams have good water and good grass, but little fuel. We then struck the emigrant road near the Medicine-Bon mountains, and followed it to the crossing of the South Platte, having wood, water and grass at convenient distances. The road is over a gravelly soil, and is generally very good and hard; hard stone is found in this part, such as granite, &c. Crossing the South Platte, we struck for the head of Sage creek, over a most barren and desolate looking country. Very little fuel or grass, water was in abundance, and small patches of grass and clumps of trees were found in the hills. Coal was found on the South Platte a few miles from where we crossed it, and in a situation where it could easily be worked. Buffaloes were seen in large numbers from the Republican over to the Platte, and for some days up the Platte, then the game consisted almost entirely of deer. In the Black hills, and through the plains of Laramie, antelopes, wolves and elks, were seen and killed, besides prairie dogs, hares, sage chickens, &c., &c. The country through which we had passed on the outward route was, with little exception, sterile, being too high, dry

and stony to possess much value in an agricultural point of view; along the creek were some small strips of good land.

The return route was over the same country as the outward route, until we reached the east fork of Laramie river. Then turning to the south we followed the "Cache la Poudre" to its mouth in the South Platte, passing over several very pretty valleys, and having plenty of wood and grass. Following down the South Platte for several days, we came to where the river turns to go north. The country is the same as elsewhere on the Platte. Then sixty miles across a barren region of land and hills, with little water or grass, to a creek emptying into the Republican. For the first hundred miles down the Republican, the country is barren and sandy, with little wood; it then improves, the soil is better, and there are numerous creeks with wooded banks. The river bottom is of good soil, furnishes excellent grass in large quantity, which affords pasturage to immense numbers of buffaloes. This kind of country continues on to Fort Riley. Along the main streams of the Platte, Republican, and Solomon's Fork, the wood is almost entirely cotton-wood. On the creeks which empty into them it is generally hard wood, such as ash, elm, walnut, &c., &c. On the Solomon's Fork the soil of the bottom lands appears even better than that on the Republican, and the wooded creeks quite as numerous. These bottoms are very wide in places, and covered with excellent grass. Buffaloes and elk are found in this region also, and in great numbers.

I have thus given you, sir, a hasty view of the country over which we have passed. That along the lower part of the Republican and Solomon's Fork, appears to be by far the best that we saw, though there are some very pretty spots on the creeks in the mountains, but there is no good land in large bodies in that region.

Being pleased at having it in my power to communicate any intelligence respecting the unknown parts of Kansas, I remain your obedient servant,

FRANCIS T. BRYAN,  
*Lieutenant Engineers.*

Governor JOHN W. GEARY,  
*Lecompton, Kansas Territory.*

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#### THE TERRITORIAL PRISONERS.

The following letter, in relation to the prisoners taken in the attack upon Hickory Point, was this day received from Governor S. P. Chase, of Ohio:

*Letter from the Governor of Ohio, State of Ohio.*

EXECUTIVE DEPARTMENT,  
*State of Ohio, Columbus, December 3, 1856.*

SIR: A very deep concern prevades the minds of the citizens of this State in respect to the condition of the emigrants from the free States, and especially from Ohio, into the Territory of Kansas. A large

majority of the people entertain a clear conviction that the enactments of a body which assembled last year at the Shawnee Mission and assumed the functions of a territorial legislature, were acts of usurpation, and therefore of no validity. I am myself of this opinion. There are others who do not concur in this view, and yet feel a deep sympathy with those emigrants who have been subjected to cruel wrongs either under the color of those enactments or in open violation of all law. The popular feeling on this subject is very earnest and very equal, and involves, unless appeased, serious danger to the general harmony and peace of the country.

Very recently I received an affidavit subscribed by Thomas W. Porterfield, J. S. Kagi, Josiah G. Fuller, Tason T. Yunkers, E. R. Falley, Edward Cottingham, William S. Ware, S. Voglesong, C. A. Sexton, G. Smith, and Alfred J. Payne, who having lately been, or being now citizens of Ohio, appeal to me as the governor of the State, to exert whatever influence I may, to procure their release from the imprisonment in which they are held in Kansas.

From this affidavit I gather these statements: All the affiants except Thomas W. Porterfield are actual settlers in Kansas, having emigrated from Ohio, with the honest and praiseworthy purpose of improving their own condition, and of extending westward the civilization and policy which has converted the northwestern wilderness into an empire of free States.

Thomas W. Porterfield, an aged man of seventy years, the trembling lines of whose signature remind me of that of Stephen Hopkins to the Declaration of Independence, is not an actual settler, but was at the time of his arrest on a visit to his friends at Lawrence.

In September last, when the Territory was convulsed with civil war, and a large body of men were gathered near Lawrence, meditating its destruction, a party of citizens, with whom the old man Porterfield volunteered, attacked and dispersed a band of men, co-operating with the assailants and displayed the usual sign of hostility to the free State men, a black flag.

To being engaged in this act, if not of absolute defence, yet, under the circumstances, of reasonable precaution and prevention, Porterfield, Fuller, Yunkers, Falley, Cottingham, Voglesong, Ware, Smith and Payne, with others, were seized by United States troops, marched to their camp and confined as prisoners.

The next day a party of those who had engaged in the hostile demonstration against Lawrence, fresh from the unprovoked murder of an inoffensive citizen, named Buffum, marched with absolute impunity, under a black flag, by the very place where these prisoners were held in durance.

To the same confinement in which these prisoners were held two other emigrants from Ohio were consigned a few days later. These were the two other affiants, Sexton and Kagi. These citizens had been seized without process by the marshal of the United States, while pursuing their lawful avocations at or near Topeka, where they resided.

After a week's detention, the settlers from Lawrence were all formally committed on a charge of murder in the first degree, and the set-

tlers from Topeka on a charge of robbery at Osaukee. Indictments for these alleged offences were subsequently found against all except Sexton, who, so far as he or his fellow prisoners are aware, is still detained on a naked charge.

E. R. Falley, and fourteen fellow prisoners, not from Ohio, but in every other respect in similar circumstances with himself, were afterwards put upon trial and acquitted, but he was immediately rearrested upon another charge of murder, founded on his alleged participation in an attack upon a fort or house occupied as a military position by a band of pro-slavery men, principally, at least, non-residents, under the command of a leader named Titus.

A. J. Payne and E. Cottingham were also tried under indictments for murder, and convicted of manslaughter, and sentenced to imprisonment for five years. These emigrants are now confined under the charge of a person named Jones, who claims the office of sheriff under an appointment by the Shawnee Mission assembly.

The affiants represent their sufferings in confinement as indescribable. Their food has been poor and scanty—one week it was horse-feed. For clothing and bedding they have been dependent on the charity of friends, themselves impoverished by the rapine which has desolated the Territory; of their friends few have dared to visit them, fearing arrest. Their witnesses, when they have appeared in court, have been themselves arrested, seized in a body for an alleged homicide, which, if committed at all, was committed by one person only. They have witnessed the impunity of the band by a member of which Buffum was murdered in cold blood. Denied bail themselves, they have witnessed the immediate discharge on bail of the member of that band by whom that murder was perpetrated. Aggrieved by this odious and unjust discrimination, they find the evils of their situation further aggravated by the character of the custody to which they are subjected. Their guard is composed for the most part of hostile residents of other States, under the command of that same Titus, who commanded in the pro-slavery fort, to the destruction of which I have already referred. Some of this guard have acknowledged and boasted of killing free State men. They sometimes have threatened to shoot their prisoners, and have been known to declare that particular individuals among them shall be hung, whether convicted or not.

It is impossible to read statements like these without deep feeling. That they are substantially true, the representations made to me of the character of the affiants forbids me to doubt. To redress lighter wrongs than these our fathers appealed to arms. If that dread remedy be not now invoked, it is because the hope of peaceful redress is not yet exhausted.

I do not disguise my conviction that the seizure and imprisonment of these citizens is not more illegal than it is cruel. The Shawnee Mission assembly, in my judgment, had no more authority to legislate for Kansas than the San Francisco Committee of Vigilance had to govern California. If the members of that committee are responsible to citizens wronged by its action, much more, it seems to me, are all those who attempt to administer the edicts of that assembly re-

sponsible to citizens who have suffered or may suffer injury in person or property through such proceedings.

I trust, however, that the citizens in whose behalf I now write may obtain at your hands readier and speedier redress. By the organic law it is made your duty to take care that the laws be faithfully executed, and you are clothed with full power to grant pardons and reprieves for offences against the laws of the Territory. The duty thus imposed includes, doubtless, the obligation to protect the people against wrongs committed under color of pretended laws. The people of Ohio would greatly rejoice if, concurring in opinion with a majority of them, that the enactments under which these citizens have been arrested are void, you should feel yourself warranted in exercising the powers vested in you for their protection. If this may not be expected, in consequence of your opinion in favor of the legality of the proceedings against them, I yet trust that you will not hesitate to exercise your prerogative of pardon in their behalf. Even if the validity of the acts of the Shawnee Mission assembly be conceded, it will not be pretended, I apprehend, that these citizens are morally guilty of crime. Their offences, at most, are technical; they are not felons; not enemies of society; but fellow-citizens, who sought to perform what seemed to them, and seems to millions of their countrymen, a duty, not a crime. Surely you cannot permit such men to be subjected to ignominious punishment. Surely you cannot believe it just or expedient to suffer such punishments to be inflicted on such men, while partizans of the slavery side, who have committed more numerous and less justifiable acts of violence, go altogether unvisited of justice.

I beg leave to commend to your favorable regard my friend James Walker, esq., of Rhode Island, who has kindly consented to be the bearer of this letter, and who has been requested by me to ascertain the condition of emigrants from Ohio in Kansas, and report to me whatever information he may be able to obtain. Any facilities you may afford him will be properly acknowledged by

Yours, very respectfully,

S. P. CHASE.

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

The following, on the same subject, accompanied the foregoing letter.

*Letter from the Governor of Ohio.*

EXECUTIVE DEPARTMENT,  
*State of Ohio, Columbus, December 15, 1856.*

DEAR SIR: The enclosed letter was written and sent by Mr. Walker, of Rhode Island, who proceeded to Jefferson city, and there purchased a mule and advanced nearly one hundred miles further, when his mule, which he had been obliged to purchase, as the only obtainable conveyance, broke down, and he was compelled, by the limitations upon his time, to return. I now send it by mail, and trust that your excellency will consider kindly what is said in it. It is reported that



a large number of prisoners have made their escape. Possibly the Ohio men may be of this number. If any of them remain, please consider the letter as written in their behalf.

Opposed always to the repeal of the Missouri prohibition, and believing always that it is the clear duty of the national government to protect every inhabitant of national Territory of life, liberty, and property, and, therefore, against enslavement, I have yet ever regarded the submission to the unbiassed decision of the people of a Territory of every question relating to personal rights as the next best thing to securing those rights against all invasion at the outset by the impartial provisions of the organic law.

I observe with pleasure the testimony borne by free State men in Kansas to your excellency's disposition to use the powers confided to you so as to secure to the actual settlers of the Territory a real freedom of decision in regard to the exclusion of slavery. While I cannot help regarding your consent to the seizure and confinement of the Leecompton prisoners as a departure from the rule of impartiality, I feel myself authorized by these expressions of confidence in your purposes to indulge the hope that you will either terminate the confinement at once, or, at least, provide against the longer continuance of the hardships which the prisoners have been compelled to endure, and protect them, by your authority, from unjust punishment.

With sincere respect, I have the honor to be yours truly,

S. P. CHASE.

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

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*Reply to the Governor of Ohio.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., January 6, 1857.*

DEAR SIR: Your communication of the 15th ultimo, enclosing another of the 3d, has been received, and their suggestions considered with the attention due to their importance.

Your temperate appeal in behalf of the territorial prisoners from Ohio is assuredly worthy of my careful and serious notice.

The attack upon Hickory Point by the free State men from Lawrence, after the publication of my proclamation, commanding all armed bodies to disperse, left no alternative for me, as the executive of the Territory, but to command their arrest. Their subsequent imprisonment was but the consequence of their own unlawful acts committed in defiance of my warnings. A party from Topeka, who went to attack the same place, desisted from their purpose and retired when they received my proclamation. They were afterwards surprised to learn that their Lawrence friends, in violation of my express prohibition, had deliberately attacked a body of men at the place above named, one of whom was killed, and several others wounded.

The precise condition of things existing here, at the time of my

advent, cannot be fully appreciated by a person who was not on the spot and conversant with the extraordinary difficulties and complications attending the discharge of the executive functions. The animosity and excitement which prevailed the population were most forcibly manifested in their persevering determination to distress and destroy each other.

Coming into the midst of so fearful a state of affairs I at once perceived that the only remedy was an impartial, independent, and vigorous administration.

With a determination to do right, I adopted and prosecuted such measures as I deemed most expedient and effective to restore peace and order to the troubled Territory.

The result is before the country, and whatever may be the opinions entertained by others, I am permitted to enjoy what all men should endeavor to attain, the unqualified approbation of my own conscience.

After the prisoners were sentenced I remitted the *ball and chain* penalty, and paid especial regard to their proper treatment; no formal application has been made to me for their pardon, though I learn that petitions are in circulation for that purpose and that the usual records will be presented, to which I will give respectful attention.

With unfeigned regard I have the honor to remain your obedient servant,

JOHN W. GEARY.

His Excellency S. P. CHASE,  
*Governor of Ohio.*

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*Appropriation of the Vermont Legislature.*

JANUARY 7.

The legislature of the State of Vermont having passed an act appropriating the sum of \$20,000 to aid the suffering poor of Kansas, the secretary of that State addressed the governor of this Territory as follows:

STATE OF VERMONT, EXECUTIVE DEPARTMENT,  
*Burlington, December 22, 1856.*

SIR: I am directed by his excellency Governor Fletcher, to transmit to you the accompanying copy of an act passed by the legislature of this State at its recent session in October and November last, entitled "an act for the relief of the suffering poor of Kansas," and to inform you that the governor stands ready to extend to the suffering poor of Kansas such relief as said act contemplates upon full and satisfactory proof of the necessity of their condition.

The report is now that the wants of the poor of Kansas have been very much, if not entirely, alleviated by the large contributions of provisions and clothing which have recently poured in from private sources, and the peace and good order which have resulted from your own energetic and equitable administration of the government of the Territory are considered as an earnest that the sufferings and misfortune of the people of Kansas have at last reached a termination.

Any communication from your excellency upon this subject will be received with pleasure by Governor Fletcher, who desires me to express to you the assurances of his high respect and esteem.

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

WILLIAM G. SHAW,

*Secretary of Civil and Military Affairs.*

His Excellency JOHN W. GEARY,  
*Governor of Kansas, Leecompton, K. T.*

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The following is the act referred to in the foregoing communication :

*“ Act of the Vermont legislature No. 59. An act for the relief of the poor of Kansas.”*

*It is hereby enacted by the general assembly of the State of Vermont, as follows :*

SECTION 1. The sum of twenty thousand dollars is hereby appropriated and placed at the disposal of the governor of this State, to be by him used (if necessary) for the purpose hereinafter stated.

SECTION 2. The governor, if, in his judgment, the suffering poor in Kansas need assistance, is hereby authorized to draw on the treasurer, from time to time, for such sum or sums, not exceeding twenty thousand dollars, for the purpose of furnishing food and clothing to such of the inhabitants of Kansas as may be in a suffering condition for the want thereof.

SECTION 3. This act shall take effect from its passage.

Approved November 18, 1856.

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*Letter to the Governor of Vermont.*

EXECUTIVE DEPARTMENT,

*Leecompton, K. T., January 7, 1857.*

DEAR SIR: Your favor of the 22d ultimo with a copy of an act of the legislature of Vermont, entitled “an act for the relief of the poor of Kansas” has been received.

I am happy to inform you that I am not aware of the existence of any condition of things in this Territory that will render necessary the employment of the money you have so liberally placed at our disposal.

There is doubtless some suffering within our limits, consequent upon past disturbances and the present extremely cold weather, but probably no more than exists in other Territories, or in either of the States of the Union.

No man who is able and willing to work need be destitute of the means of a comfortable livelihood in Kansas. Laborers and mechanics

are in demand, and cannot be obtained at wages ranging from \$1 50 to \$3 per day. Indeed, so far as my observation has extended, the deserving and industrious portions of our population are in the full enjoyment of more than an ordinary degree of contentment and prosperity.

Should any contrary facts hereafter come to my notice, such as to require the aid you have so kindly offered, I will assuredly make, at the earliest moment, the application you suggest.

With assurance of the highest regard, I have the honor to subscribe myself your obedient servant,

JOHN W. GEARY.

His Excellency Governor FLETCHER,  
*Burlington, Vermont.*

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Commissions were issued to William Woolman, as probate judge; Richard Burr and Samuel Locke, as county commissioners; Turner Locke, as constable; and J. B. Scott, as justice of the peace; all in and for the county of Coffee.

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*Leavenworth, Pawnee, and Western Railroad.*

LEAVENWORTH, K. T.,  
*January 5, 1857.*

DEAR SIR: I have the honor to inform you, by the resolution of the board of directors of the Leavenworth, Pawnee and Western Railroad Company, that the necessary amount of stock to perfect an organization has been subscribed, and the said company have completed a perfect organization under the law incorporating them.

Very truly, your obedient servant,

J. MARION ALEXANDER,  
*Secretary.*

His Excellency JOHN W. GEARY.

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EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., January 9, 1857.*

DEAR SIR: It is with much pleasure that I acknowledge the receipt of your communication, informing me of the perfect organization of the Leavenworth, Pawnee, and Western Railroad Company. Please assure your president and directors of my most hearty co-operation in their laudable enterprise.

Very truly, your obedient servant,

JNO. W. GEARY.

J. MARION ALEXANDER, Esq.,  
*Secretary L., P., & W. R. R. Co.*

*Requisition for United States troops.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., January 10, 1857.*

SIR: United States Deputy Marshal Fane having made due requisition upon me for two United States mounted men, with one day's rations, and to report at Captain Hampton's office in this place, at 8 o'clock, to-morrow morning, to aid him in executing certain civil process, this is to request you to have two United States mounted men to report accordingly.

Very truly your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

Captain NEWBY, *Commanding near Lecompton.*

*Letter from the Secretary of Maine.*

STATE OF MAINE,  
*Office of Secretary of State, Augusta, December 24, 1856.*

SIR: In compliance with a resolve of this State, I have the honor to transmit to your excellency, for the use of the State over which you preside, one copy Maine Reports, vol. 39, the receipt of which you will please cause to be acknowledged.

Respectfully yours,

T. F. BAYNTON,  
*Deputy Secretary of State.*

His Excellency the GOVERNOR OF KANSAS.

*Reply.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., January 12, 1857.*

SIR: Your favor of the 24th December, with a copy of Maine Reports, vol. 39, has been received.

Very respectfully, yours,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

T. F. BAYNTON, Esq.

*The Legislative Assembly.*

This being the first day of the meeting of the legislative assembly, and also of a convention embracing members from all parts of the Territory, the town was crowded with strangers, very many of

whom constantly thronged the executive office to pay their respects to the governor.

The council of the legislature was organized by the election of Rev. Thomas Johnson as president, and the house of representatives by the election of W. G. Mathias, speaker.

A convention composed of delegates from various sections of the Territory, the precise character and objects of which had not been clearly defined, and were but imperfectly understood even by its members themselves, also met in the evening. The principal business transacted was the appointment of a committee on delegation.

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JANUARY 13.

*Legislative Committee.*

A committee from the legislative assembly called upon the governor at 10 o'clock a. m., and announced that they had been appointed to inform him of the organization of the council and house of representatives, and were ready to receive from him any communication he might have to make to those bodies. To a neat address from Col. Joseph Anderson, the governor responded, and informed the committee that he would send up at once his annual message. Accordingly the following document was sent and read to the legislature:

*Message of Governor John W. Geary, to the legislative assembly of Kansas Territory.*

*Gentlemen of the Council and of the House of Representatives:*

The Allwise and Beneficent Being, who controls alike the destinies of individuals and of nations, has permitted you to convene this day, charged with grave responsibilities.

The eyes, not only of the people of Kansas, but of the entire Union, are upon you, watching with anxiety the result of your deliberations, and of our joint action in the execution of the delicate and important duties devolving upon us.

Selected at a critical period in the history of the country to discharge the executive functions of this Territory, the obligations I was required to assume were of the most weighty importance. And when I came seriously to contemplate their magnitude, I would have shrunk from the responsibility were it not for an implicit reliance upon Divine aid, and a full confidence in the virtue, zeal and patriotism of the citizens, without which the wisest executive suggestions must be futile and inoperative.

To you, legislators, invested with sovereign authority, I look for that hearty co-operation which will enable us successfully to guide the ship of state through the troubled waters into the haven of safety.

It is with feelings of profound gratitude to Almighty God, the bounteous giver of all good, I have the pleasure of announcing that, after the bitter contest of opinion through which we have recently

passed, and which has unfortunately led to fratricidal strife, that peace, which I have every reason to believe to be permanent, now reigns throughout the Territory, and gladdens, with its genial influences, homes and hearts which but lately were sad and desolate; that the robber and the murderer have been driven from our soil; that burned cabins have been replaced by substantial dwellings; that a feeling of confidence and kindness has taken the place of distrust and hate; that all good citizens are disposed to deplore the errors and excesses of the past, and unite with fraternal zeal in repairing its injuries; and that this Territory, unsurpassed by any portion of the continent for the salubrity of its climate, the fertility of its soil, its mineral and agricultural wealth, its timber-fringed streams, and fine quarries of building stone, has entered upon a career of unparalleled prosperity.

To maintain the advance we have made, and realize the bright anticipations of the future; to build up a model commonwealth, enriched with all the treasures of learning, of virtue and religion, and make it a choice heritage for our children and generations yet unborn, let me, not only as your executive, but as a Kansan, devoted to the interests of Kansas, and animated solely by patriotic purposes, with all earnestness invoke you, with one heart and soul, to pursue so high and lofty a course in your deliberations, as, by its moderation and justice, will commend itself to the approbation of the country, and command the respect of the people.

This being the first occasion afforded me to speak to the legislative assembly, it is but proper, and in accordance with general usage, that I should declare the principles which shall give shape and tone to my administration. These principles, without elaboration, I will condense into the narrowest compass.

“Equal and exact justice” to all men, of whatever political or religious persuasion; peace, comity and friendship with neighboring States and Territories, with a sacred regard for State rights, and reverential respect for the integrity and perpetuity of the Union; a reverence for the federal Constitution as the concentrated wisdom of the fathers of the republic, and the very ark of our political safety; the cultivation of a pure and energetic nationality, and the development of an excellent and intensely vital patriotism; a jealous regard for the elective franchise, and the entire security and sanctity of the ballot-box; a firm determination to adhere to the doctrines of self-government and popular sovereignty as guaranteed by the organic law; unqualified submission to the will of the majority; the election of all officers by the people themselves; the supremacy of the civil over the military; strict economy in public expenditures, with a rigid accountability of all public officers; the preservation of the public faith, and a currency based upon, and equal to, gold and silver; free and safe immigration from every quarter of the country; the cultivation of the proper territorial pride, with a firm determination to submit to no invasion of our sovereignty; the fostering care of agriculture, manufactures, mechanic arts, and all works of internal improvement; the liberal and free education of all the children of the Territory; entire religious freedom; a free press, free speech, and the peaceable right to assemble and discuss all questions of public interest; trial by jurors

impartially selected ; the sanctity of the habeas corpus ; the repeal of all laws inconsistent with the Constitution of the United States and the organic act, and the steady administration of the government so as best to secure the general welfare.

These sterling maxims, sanctioned by the wisdom and experience of the past, and the observance of which has brought our country to so exalted a position among the nations of the earth, will be steady lights by which my administration shall be guided.

A summary view of the state of the Territory upon my advent, with an allusion to some of my official acts, may not be inappropriate to this occasion, and may serve to inspire your counsels with that wisdom and prudence, by a contemplation of the frightful excesses of the past, so essential to the adoption of measures to prevent their recurrence, and enable you to lay the broad and solid foundations of a future commonwealth which may give protection and happiness to millions of freemen.

It accords not with my policy or intentions to do the least injustice to any citizen or party of men in this Territory or elsewhere. Pledged to do "equal and exact justice" in my executive capacity, I am inclined to throw the veil of oblivion over the errors and outrages of the period antecedent to my arrival, except so far as reference to them may be necessary for substantial justice, and to explain and develop the policy which has shed the benign influences of peace upon Kansas, and which, if responded to by the legislature in a spirit of kindness and conciliation, will contribute much to soothe those feelings of bitterness and contention which, in the past, brought upon us such untold evils.

I arrived at Fort Leavenworth on the ninth day of September last, and immediately assumed the executive functions. On the eleventh I issued my inaugural address, declaring the general principles upon which I intended to administer the government. In this address I solemnly pledged myself to support the Constitution of the United States, and to discharge my duties as governor of Kansas with fidelity ; to sustain all the provisions of the organic act, which I pronounced to be "eminently just and beneficial;" to stand by the doctrine of popular sovereignty, or the will of the majority of the actual *bona fide* inhabitants, when legitimately expressed, which I characterized "the imperative will of civil action for every law-abiding citizen." The gigantic evils under which this Territory was groaning were attributed to outside influences, and the people of Kansas were earnestly invoked to suspend unnatural strife ; to banish all extraneous and improper influences from their deliberations ; and in the spirit of reason and mutual conciliation to adjust their own differences. Such suggestions in relation to modifications of the present statutes as I deemed for the public interests were promised at the proper time. It was declared that this Territory was the common property of the people of the several States, and that no obstacle should be interposed to its free settlement, while in a territorial condition, by the citizens of every State of the Union. A just territorial pride was sought to be infused ; a pledge was solemnly given to know no party, no section, nothing but Kansas and the Union ; and the people were earnestly in-



voked to bury the past in oblivion, to suspend hostilities, and refrain from the indulgence of bitter feeling; to begin anew; to devote themselves to the true and substantial interests of Kansas; develop her rich agricultural resources; build up manufactures; make public roads and other works of internal improvement; prepare amply for the education of their children; devote themselves to all the arts of peace, and make this Territory the sanctuary of those cherished principles which protect the inalienable rights of the individual, and elevate States in their sovereign capacities.

The foregoing is a brief summary of the principles upon which my administration was commenced. I have steadily adhered to them, and time and trial have but served to strengthen my convictions of their justice.

Coincident with my inaugural were issued two proclamations: the one, disbanding the Territorial militia, composed of a mixed force of citizens and others, and 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 would answer the contrary at their peril;" the other, ordering "all free male citizens qualified to bear arms, between the ages of eighteen and forty-five years, to enroll themselves, that they might be completely organized by companies, regiments, brigades and divisions, and hold themselves in readiness to be mustered, by my order, into the service of the United States, upon a requisition of the commander of the military department in which Kansas is embraced, for the suppression of all unlawful combinations, and for the maintenance of public order and civil government."

The policy of these proclamations is so evident, and their beneficial effects have been so apparent, as to require no vindication.

The Territory was declared by the acting governor to be in a state of insurrection; the civil authority was powerless, entirely without capacity to vindicate the majesty of the law and restore the broken peace; the existing difficulties were of a far more complicated character than I had anticipated; predatory bands, whose sole aim, unrelieved by the mitigation of political causes, was assassination, arson, plunder and rapine, had undisturbed possession of some portions of the Territory, while every part of it was kept in constant alarm and terror by the advocates of political sentiments, uniting, according to their respective sympathies, in formidable bodies of armed men, completely equipped with munitions of war, and resolved upon mutual extermination as the only hope of peace; unoffending and peaceable citizens were driven from their homes; others murdered in their own dwellings, which were given to the flames; that sacred respect for woman, which has characterized all civilized nations, seemed, in the hour of mad excitement, to be forgotten; partisan feeling, on all sides, intensely excited by a question which inflamed the entire nation, almost closed the minds of the people against me; idle and mendacious rumors, well calculated to produce exasperation and destroy confidence, were everywhere rife; the most unfortunate suspicions prevailed; in isolated country places no man's life was safe; robberies and murders were of daily occurrence; nearly every farm-house was

deserted; and no traveller could safely venture on the highway without an escort. This state of affairs was greatly aggravated by the interference of prominent politicians outside of the Territory.

The foregoing is but a faint outline of the fearful condition of things which ruled Kansas and convulsed the nation. The full picture will be drawn by the iron pen of impartial history, and the actors in the various scenes will be assigned their true positions.

I came here a stranger to your difficulties, without prejudice, with a solemn sense of my official obligations, and with a lofty resolution to put a speedy termination to events so fraught with evil, and which, if unchecked, would have floated the country into the most bloody civil war.

Hesitation, or partisan affiliations, would have resulted in certain failure, and only served further to complicate affairs. To restore peace and order, and relieve the people from the evils under which they were laboring, it was necessary that an impartial, independent and just policy should be adopted, which would embrace in its protection all good citizens, without distinction of party, and sternly punish all bad men who continued to disturb the public tranquillity. Accordingly, my inaugural address and proclamations were immediately circulated among the people, in order that they might have early notice of my intentions.

On the fourteenth day of September reliable information was received that a large body of armed men were marching to attack Hickory Point, on the north side of the Kansas river. I immediately despatched a squadron of United States dragoons, with instructions to capture and bring to this place any persons whom they might find acting in violation of my proclamation. In pursuance of these instructions, one hundred and one prisoners were taken, brought here, and committed for trial.

While a portion of the army was performing this duty, I was advised that a large body of men was approaching the town of Lawrence, determined upon its destruction. I at once ordered three hundred United States troops to that place, and repaired there in person. Within four miles of Lawrence I found a force of twenty-seven hundred men, consisting of citizens of this Territory and other places, organized as territorial militia, under a proclamation of the late acting governor. I disbanded this force, ordering the various companies composing it to repair to their respective places of rendezvous, there to be mustered out of service. My orders were obeyed; the militia retired to their homes; the effusion of blood was prevented; the preservation of Lawrence effected; and a great step made towards the restoration of peace and confidence.

To recount my various official acts, following each other in quick succession under your immediate observation, would be a work of supererogation, and would occupy more space than the limits of an executive message would justify. My executive minutes, containing a truthful history of my official transactions, with the policy which dictated them, have been forwarded to the general government, and are open to the inspection of the country.

In relation to any alterations or modifications of the territorial

statutes which I might deem advisable, I promised in my inaugural address to direct public attention at the proper time. In the progress of events that time has arrived, and you are the tribunal to which my suggestions must be submitted. On this subject I bespeak your candid attention, as it has an inseparable connexion with the prosperity and happiness of the people.

It has already been remarked that the Territories of the United States are the common property of the citizens of the several States. It may be likened to a joint ownership in an estate, and no conditions should be imposed or restrictions placed upon the equal enjoyment of the benefits arising therefrom which will do the least injustice to any of the owners, or which is not contemplated in the tenure by which it is held, which is no less than the Constitution of the United States, the sole bond of the American Union. This being the true position, no obstacle should be interposed to the free, speedy, and general settlement of this Territory.

The durability and imperative authority of a State constitution, when the interests of the people require a State government, and a direct popular vote is necessary to give it sanction and effect, will be the popular occasion, once for all, to decide the grave political questions which underlie a well regulated commonwealth.

Let this, then, be the touchstone of your deliberations. Enact no law which will not clearly bear the constitutional test; and if any laws have been passed which do not come up to this standard, it is your solemn duty to sweep them from the statute book.

The territorial government should abstain from the exercise of authority not clearly delegated to it, and should permit all doubtful question to remain in abeyance until the formation of a State constitution.

On the delicate and exciting question of slavery, a subject which so peculiarly engaged the attention of Congress at the passage of our organic act, I cannot too earnestly invoke you to permit it to remain where the Constitution of the United States and that act place it—subject to the decision of the courts upon all points arising during our present infant condition.

The repeal of the Missouri line, which was a restriction on popular sovereignty, anew consecrated the great doctrine of self-government, and restored to the people their full control over every question of interest to themselves, both north and south of that line.

Justice to the country, and the dictates of sound policy, require that the legislature should confine itself to such subjects as will preserve the basis of entire equality; and when a sufficient population is here, and they choose to adopt a State government, that they shall be "perfectly free," without let or hindrance, to form all their domestic institutions "in their own way," and to dictate that form of government which, in their deliberate judgment, may be deemed proper.

Any attempt to incite servile insurrection, and to interfere with the domestic institutions of sovereign States, is extremely reprehensible, and shall receive no countenance from me. Such intervention can result in no good, but is pregnant with untold disasters. Murder, arson, rapine, and death follow in its wake, while not one link in the

fetters of the slave is weakened or broken, or any amelioration in his condition secured. Such interference is a direct invasion of State rights, only calculated to produce irritation and estrangement.

Every dictate of self-respect; every consideration of State equality; the glories of the past and the hopes of the future; all, with soul-stirring eloquence, constrain us to cultivate a reverential awe for the Constitution, as the sheet-anchor of our safety, and bid us, in good faith, to carry out all its provisions.

Many of the statutes are excellent, and suited to our wants and condition; but in order that they may receive that respect and sanction, which is the vital principle of all law, let such be abolished as are not eminently just, and will not receive the fullest approbation of the people. I trust you will test them all by the light of the general and fundamental principles of our government, and that all that will not bear this ordeal be revised, amended, or repealed. In some of them, which strike my mind as objectionable, your candid and special attention is respectfully invited.

By carefully comparing the organic act, as printed in the statutes, with a certified copy of the same from the Department of State, important discrepancies, omissions and additions will be discovered. I therefore recommend the appointment of a committee, to compare the printed statutes with the original rolls on file in the secretary's office, to ascertain whether the same liberty has been taken with the act under which they were made.

Of the numerous errors discovered by me in the copy of the organic act as printed in the statutes, I will refer to one in illustration of my meaning. In the 29th section, defining the executive authority, will be found the following striking omission: "against the laws of said Territory, and reprieves for offences." This omission impairs the executive authority, and deprives the governor of the pardoning power for offences committed against the laws of the Territory, which Congress, for the wisest and most humane reasons, has conferred upon him.

The organic act requires every bill to be presented to the governor, and demands his signature as the evidence of his approval, before it can become a law. The statutes are defective in this respect, as they do not contain the date of approval, nor the proper evidence of that fact, by having the governor's signature.

Your attention is invited to chapter 30, in relation to county boundaries. The boundary of Douglas county is imperfect, and, in connection with Shawnee county, is an absurdity for both counties. The boundary lines of all the counties should be absolutely established.

Chapter 44, establishing the probate court, also requires attention. The act is good generally, so far as it relates to the organization and duties of the court. But all provisions in this and other acts vesting the appointment of probate judges, county commissioners and other public officers in the legislative assembly, should at once be repealed, and the unqualified right of election conferred upon the people, whose interests are immediately affected by the acts of those officials. The free and unrestricted right of the people to select all their own agents is a maxim so well settled in political ethics, and springs so legiti-

mately from the doctrines of self-government, that I need only allude to the question to satisfy every one of its justice. The "people must be perfectly free" to regulate their own business in their own way; and when the voice of the majority is fairly expressed, all will bow to it as the voice of God. Let the people, then, rule in everything. I have every confidence in the virtue, intelligence, and "sober thought" of the toiling millions. The deliberate popular judgment is never wrong. When, in times of excitement, the popular mind may be temporarily obscured from the dearth of correct information or the mists of passion, the day of retribution and justice speedily follows, and a summary reversal is the certain result. Just and patriotic sentiment is a sure reliance for every honest public servant. The sovereignty of the people must be maintained.

Section 15th of this act allows writs of habeas corpus to be issued by the probate judge, but leaves him no authority to hear the case and grant justice, but refers the matter to the "next term of the district court." The several terms of the district court are at stated periods, and the provision alluded to amounts to a denial of justice and a virtual suspension of "the great writ of liberty," contrary to the letter and spirit of the Constitution of the United States.

Many provisions of chapter 66, entitled "elections," are objectionable. Section 11th, requiring certain "test oaths" as prerequisites to the right of suffrage, is wrong, unfair, and unequal upon citizens of different sections of the Union. It is exceedingly invidious to require obedience to any special enactment. The peculiar features of these test oaths should be abolished, and all citizens presumed to be law-abiding and patriotic until the contrary clearly appears. Sworn obedience to particular statutes has seldom secured that object. Justice will ever commend itself to the support of all honest men; and the surest means of insuring the ready execution of law is, to make it so pre-eminently just, equal and impartial as to command the respect of those whom it is intended to affect.

Section 36 deprives electors of the great safeguard of the purity and independence of the elective franchise—I mean the right to vote by ballot—and after the first day of November, 1856, requires all voting to be *viva voce*. This provision, taken in connexion with section 9, which provides that "if all the votes offered cannot be taken before the hour appointed for closing the polls, the judges shall, by public proclamation, adjourn such election until the following day, when the polls shall again be opened, and the election continued as before," &c., offers great room for fraud and corruption. Voting *viva voce*, the condition of the poll can be ascertained at any moment. If the parties having the election of officers are likely to be defeated, they have the option of adjourning, for the purpose of drumming up votes; or, in the insane desire for victory, may be tempted to resort to other means even more reprehensible. The right of voting by ballot is now incorporated into the constitutions of nearly all the States, and is classed with the privileges deemed sacred. The arguments in its favor are so numerous and overwhelming, that I have no hesitation in recommending its adoption. The election law should be carefully examined, and such guards thrown around it as will most effectively

secure the sanctity of the ballot-box and preserve it from the taint of a single illegal vote. The man who will deliberately tamper with the elective franchise and dare to offer an illegal vote, strikes at the foundation of justice, undermines the pillars of society, applies the torch to the temple of our liberties, and should receive severe punishment. As a qualification for voting, a definite period of actual inhabitation in the Territory, to the exclusion of a home elsewhere, should be rigidly prescribed. No man should be permitted to vote upon a floating residence. He should have resided within the Territory for a period of not less than ninety days, and in the district where he offers to vote at least ten days immediately preceding such election. All the voters should be registered and published for a certain time previous to the election. False voting should be severely punished, and false swearing to receive a vote visited with the pains and penalties of perjury.

In this connexion, your attention is also invited to chapter 92, entitled "jurors." This chapter leaves the selection of jurors to the absolute discretion of the marshal, sheriff, or constable, as the case may be, and affords great room for partiality and corruption. The names of all properly qualified citizens, without party distinction, should be thrown into a wheel or box, and at stated periods, under the order of the courts, jurors should be publicly drawn by responsible persons. Too many safeguards cannot be thrown around the right of trial by jury, in order that it may still continue to occupy that cherished place in the affections of the people so essential to its preservation and sanctity.

Some portions of chapter 110, "militia," infringes the executive prerogative, impairs the governor's usefulness, and clearly conflicts with the organic act. This act requires the executive to reside in the Territory, and makes him "commander-in-chief of the militia." This power must be vested some place, and is always conferred upon the chief magistrate. Section 26 virtually confers this almost sovereign prerogative "upon any commissioned officer," and permits him "whenever, and as often as any invasion or danger may come to his knowledge, to order out the militia or volunteer corps, or any part thereof, under his command, for the defence of the Territory," &c.; thus almost giving "any commissioned officer" whatever, at his option, the power to involve the Territory in war.

Section 12 provides for a general militia training on the first Monday of October, the day fixed for the general election. This is wrong, and is well calculated to incite to terrorism. The silent ballots of the people, unawed by military display, should quietly and definitely determine all questions of public interest.

The other sections of the law, requiring the appointment of field and commissioned officers, should be repealed. All officers should derive their authority directly from their respective commands, by election. To make the military system complete and effective, there must be entire subordination and unity running from the commander-in-chief to the humblest soldier, and one spirit must animate the entire system.

The 122d chapter, in relation to "patrols," is unnecessary. It

renders all other property liable to heavy taxation for the protection of slave property; thus operating unequally upon citizens, and is liable to the odious charge of being a system of espionage, as it authorizes the patrols, an indefinite number of whom may be appointed, to visit not only negro quarters, but any other places suspected of unlawful assemblages of slaves.

Chapter 131, "pre-emption," squanders the school fund by appropriating the school sections contrary to the organic act, which provides "that sections numbered sixteen and thirty-six in each township in Kansas Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories to be erected out of the same;" contravenes the United States pre-emption laws, which forbid trafficking in claims, and holding more than one claim; and directs the governor to grant patents for lands belonging to the United States, and only conditionally granted to the Territory. This act is directly calculated to destroy the effect of a munificent grant of land by Congress for educational purposes. The Territory is the trustee of this valuable gift, and posterity has a right to demand of us that this sacred trust shall remain unimpaired in order that the blessings of free education may be shed upon our children.

Every State should have the best educational system which an intelligent government can provide. The physical, moral, and mental faculties should be cultivated in harmonious unison, and that system of education is the best which will effect these objects. Congress has already provided for the support of common schools. In addition to this, I would recommend the legislature to ask Congress to donate land lying in this Territory for the establishment of a university, embracing a normal, agricultural and mechanical school. A university thus endowed would be a blessing to our people; disseminate useful and scientific intelligence; provide competent teachers for our primary schools; and furnish a complete system of education adequate to our wants in all the departments of life.

The subject of roads, bridges, and highways merit your especial attention. Nothing adds more to comfort, convenience, prosperity, and happiness, and more greatly promotes social intercourse and kind feeling, than easy and convenient intercommunication. Roads should be wide and straight, and the various rivers and ravines substantially bridged.

Railroads should be encouraged; and in granting charters, the legislature should have in view the interests of the whole people. The prosperity of the Territory is intimately connected with the early and general construction of the rapid and satisfactory means of transit.

While on the subject of internal improvement, I would call to your notice, and solicit for it your serious consideration, the opening, at the earliest period, of a more easy means of communication with the seaboard than any we at present enjoy. One great obstacle to our prosperity is the immense distance we occupy from all the great maritime depots of the country by any of the routes now travelled. This can be removed by the construction of a railway, commencing

at an appropriate place in this Territory, and running southwardly through the Indian territory and Texas, to the most eligible point on the Gulf of Mexico. The entire length of such a road would not exceed six hundred miles, much less than half the distance to the Atlantic, and, at an ordinary speed of railroad travel, could be traversed in less than twenty-four hours. It would pass through a country remarkable for beauty of scenery, fertility of soil, and salubrity of climate, and which has properly been styled "the Eden of the world," and would open up new sources of wealth superior to any that have yet been discovered on the eastern division of the continent. It would place Kansas, isolated as she now is, in as favorable a position for commercial enterprise as very many of the most populous States in the Union, and furnish her a sure, easy, and profitable market for her products, as well as a safe, expeditious, and economical means of obtaining all her needed supplies at every season of the year. You will not fail at once to perceive the importance of this suggestion; not only Kansas and Nebraska, but the entire country west of the Mississippi, will be vastly benefitted by its adoption. The advantages to Texas would be incalculable. And should you be favorably impressed with the feasibility of the plan, I would advise that you communicate, in your legislative capacity, with the legislature of the State, and that, also, of the Territory of Nebraska, in regard to the most effectual measures for its speedy accomplishment.

Chapter 149, permitting settlers to hold three hundred and twenty acres of land, is in violation of the pre-emption laws, and leads to contention and litigation.

Chapter 151, relating to "slaves," attacks the equality which underlies the theory of our territorial government, and destroys the freedom of speech and the privileges of public discussion, so essential to uncloak error, and enable the people properly to mould their institutions in their own way. The freedom of speech and the press, and the right of public discussion upon all matters affecting the interests of the people, are the great constitutional safeguards of popular rights, liberty and happiness.

The act in relation to a territorial library, makes the auditor ex-officio librarian, and gives him authority to audit his own accounts. These offices should be distinct, as their duties conflict.

The congressional appropriation for a territorial library has been expended in the purchase of a very valuable collection of books.

Time and space will not permit me to point out all the inconsistencies and incongruities found in the Kansas Statutes. Passed as they were, under the influence of excitement, and in too brief a period to secure mature deliberation, many of them are open to criticism and censure, and should pass under your careful revision, with a view to modification or repeal. Some which have been most loudly complained of have never been enforced. It is a bad principle to suffer dead letter laws to deface the statute book. It impairs salutary reverence for law, and excites in the popular mind a questioning of all law, which leads to anarchy and confusion. The best way is to leave no law on the statute book which is not uniformly and promptly to be administered with the authority and power of the government.



In travelling through the Territory, I have discovered great anxiety in relation to the damages sustained during the past civil disturbances, and everywhere the question has been asked as to whom they should look for indemnity. These injuries—burning houses, plundering fields, and stealing horses, and other property—have been a fruitful source of irritation and trouble, and have impoverished many good citizens. They cannot be considered as springing from purely local causes, and, as such, the subjects of territorial redress. Their exciting cause has been outside of this Territory, and the agents in their perpetration have been the citizens of nearly every State in the Union. It has been a species of national warfare waged upon the soil of Kansas; and it should not be forgotten that both parties were composed of men rushing here from various sections of the Union; that both committed acts which no law can justify; and the peaceable citizens of Kansas have been the victims. In adjusting the question of damages, it appears proper that a broad and comprehensive view of the subject should be taken; and I have accordingly suggested to the general government the propriety of recommending to Congress the passage of an act providing for the appointment of a commissioner, to take testimony and report to Congress for final action, at as early a day as possible.

There is not a single officer in the Territory amenable to the people or to the governor; all having been appointed by the legislature, and holding their offices until 1857. This system of depriving the people of the just exercise of their rights cannot be too strongly condemned.

A faithful performance of duty should be exacted from all public officers.

As the executive, I desire that the most cordial relations may exist between myself and all other departments of the government.

Homesteads should be held sacred. Nothing so much strengthens a government as giving its citizens a solid stake in the country. I am in favor of assuring to every industrious citizen one hundred and sixty acres of land.

The money appropriated by Congress for the erection of our capitol has been nearly expended. I have asked for an additional appropriation of fifty thousand dollars, which will scarcely be sufficient to complete the building upon the plan adopted by the architect.

Where crime has been so abundant, the necessity for a territorial penitentiary is too evident to require elaboration, and I have therefore suggested a congressional appropriation for this purpose.

The Kansas river, the natural channel to the west, which runs through a valley of unparalleled fertility, can be made navigable as far as Fort Riley, a distance of over one hundred miles, and Congress should be petitioned for aid to accomplish this laudable purpose. Fort Riley has been built, at an expense exceeding five hundred thousand dollars, with the expectation that the river was navigable to that place, and doubtless the general government will readily unite with this Territory to secure this object.

A geological survey developing the great mineral resources of this

Territory is so necessary as merely to require notice. Provision for this useful work should immediately be made.

The early disposal of the public lands and their settlement will materially advance our substantial prosperity. Great anxiety prevails among the settlers to secure titles to their lands. The facilities for this purpose, by but one land office in the Territory, are inadequate to the public wants, and I have consequently recommended the establishment of two or more additional land offices in such positions as will best accommodate the people.

After mature consideration, and from a thorough conviction of its propriety, I have suggested large congressional appropriations. The coming immigration, attracted by our unrivalled soil and climate, will speedily furnish the requisite population to make a sovereign State. Other Territories have been for years the recipients of congressional bounty, and a similar amount of money and land bestowed upon them during a long period should at once be given to Kansas, as, like the Eureka State, she will spring into full life, and the prosperity of the Territory, and the welfare and protection of the people coming here from every State of the Union, to test anew the experiment of republican government, require ample and munificent appropriations.

As citizens of a Territory, we are peculiarly and immediately under the protecting influence of the Union, and, like the inhabitants of the States comprising it, feel a lively interest in all that concerns its welfare and prosperity. Within the last few years sundry conflicting questions have been agitated throughout the country, and discussed in a spirit calculated to impair confidence in its strength and perpetuity, and furnish abundant cause for apprehension and alarm. These questions have mostly been of a local or sectional character, and, as such, should never have acquired general significance or importance. All American citizens should divest themselves of selfish considerations in relation to public affairs, and in the spirit of patriotism make dispassionate inquiry into the causes which have produced much alienation and bitterness among men whom the highest considerations require should be united in the bonds of fraternal fellowship. All Union-loving men should unite upon a platform of reason, equality and patriotism. All sectionalism should be annihilated. All sections of the Union should be harmonized under a national, conservative government, as during the early days of the republic. The value of the Union is beyond computation, and no respect is due to those who will even dare to calculate its value. One of our ablest statesmen has wisely and eloquently said: "who shall assign limits to the achievements of free minds and free hands under the protection of this glorious Union? No treason to mankind since the organization of society would be equal in atrocity to that of him who would lift his hand to destroy it. He would overthrow the noblest structure of human wisdom which protects himself and his fellow man. He would stop the progress of free government, and involve his country either in anarchy or despotism. He would extinguish the fire of liberty which warms and animates the hearts of happy millions, and invites all the nations of the earth to imitate our example."

That soldier-President, whose exploits in the field were only equal-

led by his wisdom in the cabinet, with that singular sagacity which has stamped with the seal of prophecy all his foreshadowings, has repudiated, as morbid and unwise, that philanthropy which looks to the amalgamation of the American with any inferior race. The white man, with his intellectual energy, far reaching science, and indomitable perseverance, is the peculiar object of my sympathy, and should receive the especial protection and support of government. In this Territory there are numerous "Indian reserves," of magnificent extent and choice fertility, capable of sustaining a dense civilized population, now held unimproved by numerous Indian tribes. These tribes are governed by Indian agents, entirely independent of the executive of this Territory, and are, indeed, governments within a government. Frequent aggression upon these reserves are occurring, which have produced collisions between the Indian agents and the settlers, who appeal to me for protection. Seeing so much land unoccupied and unimproved, these enterprising pioneers naturally question the policy which excludes them from soil devoted to no useful or legitimate purpose. Impressed with the conviction that the large Indian reserves, if permitted to remain in their present condition, cannot fail to exercise a blighting influence on the prosperity of Kansas, and result in great injury to the Indians themselves, I shall be pleased to unite with the legislature in any measures deemed advisable, looking to the speedy extinguishment of the Indian title to all surplus land lying in this Territory, so as to throw it open for settlement and improvement.

For official action, I know no better rule than a conscientious conviction of duty—none more variable than the vain attempt to conciliate temporary prejudice. Principles and justice are eternal; and if tampered with, sooner or later the sure and indignant verdict of popular condemnation against those who are untrue to their leadings will be rendered. Let us not be false to our country, our duty, and our constituents. The triumph of truth and principle, not of partisan and selfish objects, should be our steady purpose; the general welfare, and not the interests of the few, are our sole aim. Let the past, which few men can review with satisfaction, be forgotten. Let us not deal in criminations and recriminations; but, as far as possible, let us make restitution, and offer regrets for past excesses. The dead, whom the madness of partisan fury has consigned to premature graves, cannot be recalled to life; the insults, the outrages, the robberies and murders, "enough to stir a fever in the blood of age" in this world of imperfection and guilt, can never be fully atoned for or justly punished. The innocent blood, however, shall not cry in vain for redress, as we are promised by the great Executive of the Universe, whose power is almighty and whose knowledge is perfect, that He "will repay."

"To fight in a just cause, and for our country's glory, is the best office of the best of men." Let "justice be the laurel" which crowns your deliberations; let your aims be purely patriotic, and your sole purpose the general welfare and the substantial interests of the whole people. If we fix our steady gaze upon the Constitution and the organic act as "the cloud by day and the pillar of fire by night," our footsteps will never wander into any unknown or forbidden paths.

Then will this legislative assembly be as a beacon light, placed high in the pages of our history, shedding its luminous and benign influence to the most remote generations; its members will be remembered with veneration and respect as among the early fathers of the magnificent commonwealth, which in the not distant future will overshadow with its protection a population of freemen unsurpassed by any State in this beloved Union for intelligence, wealth, religion, and all the elements which make and insure the true greatness of a nation; the present citizens of Kansas will rejoice in the benefits conferred; the mourning and gloom, which too long, like a pall, have covered the people, will be dispersed by the sunshine of joy with which they will hail the advent of peace founded upon justice; we will enter upon a career of unprecedented prosperity; good feeling and confidence will prevail; the just rule of action which you are about to establish will be recognized; the entire country, now watching your deliberations with momentous interest, will award you their enthusiastic applause; and, above and over all, you will have the sanction of your own consciences, enjoy self-respect, and meet with divine approbation, without which all human praise is worthless and unavailing.

JNO. W. GEARY.

LECOMPTON, KANSAS TERRITORY,  
*January 12, 1857.*

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*Visits of committees.*

A committee from the convention named in yesterday's minutes called upon the governor, inviting him, agreeably to a resolution to that effect, to a seat in their meetings, and to take part in their deliberations. A committee from the council of the legislative assembly also visited the executive, asking information respecting the resignation of Edward Chapman, a member of the council, who stands accused before the legal tribunals of the charge of murder in the first degree, committed in the town of Lawrence.

The governor communicated to this committee certain information touching the charge against Chapman, and placed in their hands papers upon the subject, which they embodied in a report to the council, which proving satisfactory to that body, the seat of Chapman was declared vacant; whereupon the governor issued the following

*Writ of election.*

EXECUTIVE OFFICE,  
*Lecompton, K. T., January 13, 1857.*

*To the sheriff of Douglas county:*

SIR: You are hereby directed to hold an election, according to law, on Monday, the 26th January, 1857, in that portion of Douglas county embraced within the limits of the first election district, for one member

of the council, to supply the vacancy occasioned by the adoption of a resolution by the council on the 13th January instant, declaring the seat held by Edward Chapman to be vacant.

You will, of course, give due notice at all the public places in the county, by written or printed advertisement, of the time and places of said election.

JOHN W. GEARY,  
*Governor of Kansas Territory.*

A copy of the foregoing writ was served on the sheriff of Johnson county.

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JANUARY 14.

Commissions were issued to Andrew Updegraff and Lorange D Williams, as justices of the peace, and James Black, as constable of Lykens county.

JANUARY 15.

Commissions were issued to P. R. King, as county commissioner for the county of Atchison, to fill a vacancy occasioned by the resignation of William Young; and Thomas J. Thompson, as assessor of Atchison county.

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*Requisition for soldiers.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., January 16, 1857.*

DEAR SIR: Please send two dragoons, (mounted,) with two day's rations, immediately to report to Deputy Marshal Pardee, and oblige,  
Yours, &c.,

JNO. W. GEARY,  
*Governor of Kansas.*

Captain NEWBY,  
*Commanding near Lecompton.*

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JANUARY 17.

Commissions were issued to Joshua Sporing, of Philadelphia, as commissioner of deeds for the State of Pennsylvania; Calvin C. Burt, as commissioner of deeds at St. Louis, for the State of Missouri; and Joseph Abraham, of Cincinnati, as commissioner of deeds for the State of Ohio.

Ex. Doc. 17—9

*Letter to the Secretary of State.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., January 19, 1857.*

SIR: You will receive by the mail which carries this a transcript of my executive minutes, from December 8 to 31, inclusive.

Tuesday, the 5th inst., being the time appointed for the assembling of the so-called "State legislature," some of its members met on that day at Topeka, but as the number was not sufficiently large to form a quorum, as required by their constitution, no organization was effected; the only business therefore transacted was the adoption of a memorial to Congress, which has doubtless reached that body.

As some apprehensions had been entertained in regard to the probable results of this meeting, I had taken every necessary precaution to guard against any unlawful or evil consequences. I had received from Dr. Robinson the assurance that it was his purpose to abandon his pretensions to the office of governor of Kansas, by sending his resignation to that legislature, and also the assurance that Mr. Roberts, the "lieutenant governor," would not be present at the meeting. I was therefore fully convinced that the Topeka State organization would be dissolved on that occasion. Yet, notwithstanding this, I had a confidential agent at hand to give me timely notice of everything that transpired, and was prepared to act as circumstances might require.

Certain parties, however, seemed unwilling to leave this subject in my hands, and trust its management to my discretion. Hence plans were adopted, without my knowledge, well calculated, had they not been frustrated, to thwart my peaceful intentions and excite renewed bitterness between the opposing political parties of the Territory. A writ for the arrest of the Topeka legislators had been issued by Judge Cato, on the oath of Sheriff Jones, which was served by Deputy Marshal Pardee on the persons assembled, who, without resistance or hesitation, yielded themselves as prisoners. Judge Cato was apprised of this fact, and on the following morning repaired to Topeka, to which place the prisoners had been conveyed, where he gave them a hearing and liberated them on bail in their own recognizance of five hundred dollars each. Thus has ended, I presume, the Topeka legislature, which has so long been troubling the minds of the excitable citizens of the Territory.

Notwithstanding the vapping of certain disaffected persons, too few and insignificant to merit particular attention, you may rest assured that we are still in the enjoyment of uninterrupted peace, and that everything around us gives the certain indication of its continuance and perpetuity.

Lecompton has, for the last week or two, been the scene of more than usual activity. The legislative assembly, and a convention, to be held on Monday last the 12th instant, crowded the city with delegates and other strangers. The extraordinary severity of the weather, (the thermometer having fallen some thirty degrees below

zero,) and the sparsity of proper accommodations have been sensibly felt by many of the visitors.

Both branches of the legislative assembly were duly organized on the day appointed, and have been in session more than a week. Very little business has yet been transacted, and none that requires especial notice.

The convention, composed of delegates from various sections of the Territory, also met and organized on the same day as the legislature. The purposes of this convention were not clearly defined, and appeared to be very imperfectly understood even by its members. It seemed, however, that none but pro-slavery men were to be admitted to its deliberations, which were to be governed by their peculiar proclivities. It remained in session several days, when it adjourned *sine die*, having transacted no other business than the adoption of a series of resolutions, the especial objects of which appear to have been the assumption of the name of "National Democracy" and the denunciation of some of my official acts. But few persons took part in this meeting; and should no material benefit arise from it, there is satisfaction in knowing that it can produce no serious harm.

Copies of my annual message to the legislative assembly were forwarded to you by the last mail, the matter and spirit of which I trust will meet your approbation.

With sentiments of sincere regard, I am, very truly, your obedient servant,

JNO. W. GEARY,  
*Governor of Kansas.*

Hon. W. L. MARCY,  
*Secretary of State, Washington, D. C.*

*The foregoing is a true copy of the executive minutes of Kansas Territory from the 1st to the 19th of January, 1857, inclusive.*

JOHN H. GIBON,  
*Secretary to the Governor.*

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JANUARY 20.

*Council bills.*

The clerk of the council presented two bills to the governor for his approval, they having passed both branches of the legislative assembly. They were entitled: "An act to authorize courts and judges to admit to bail in certain cases;" and "An act regulating marks and brands."

JANUARY 21.

*Report of the Adjutant General.*ADJUTANT GENERAL'S OFFICE,  
Tecumseh, K. T., December 31, 1856.

SIR: It is made my duty, by the statutes, to report to you annually, and previous to the meeting of the legislative assembly, the strength and condition of the different corps, and the number and quality of the arms and accoutrements of the Kansas militia, and, in order to enable me to do so, it is made the duty of the captains of volunteer companies, and the colonels or commandants of regiments to consolidate the reports of their captains and make a return thereof to this office, twenty days previous to the meeting of the legislative assembly. They shall at the same time give a local description, and the bounds of company districts composing the regimental district which they command. Having delayed as long as possible to make my report, hoping the requirements of the law would be fulfilled by the officers commanding, I am pained to report their almost entire neglect to do so, having only received at this office the return of one full regiment, one regiment partially organized, and the report of Colonel Yager, which contains such information as may be satisfactory, and is hereto subjoined. Also the report of five volunteer companies, and these returns I consolidate and herewith transmit.

I will take occasion to report to your excellency that the enrollment of the militia, authorized by your proclamation September 11, has, from unknown cause, been neglected. It may possibly be the fault of the law governing and organizing the militia, or the neglect of the superior officers. Upon careful examination, I can but adhere to the opinion that the provisions are ample and sufficient for the enrollment, and if complied with, there would have been a thorough organization of the militia. The statutes contemplate that the major general of each division, and brigadier general of each brigade, and colonel of each regiment, shall in like manner define the boundaries of the several regimental districts; the colonel or commandant of each regiment shall likewise define the boundaries of the company districts within its regimental district.

Complaints, from various quarters of the Territory, have been made to me about the failure on the part of the general officers to locate and define the boundaries of their respective commands. The next important step towards organization is the appointment of the subordinates of each regiment, by the brigadiers general and colonel commanding.

After having taken these preliminary steps, I can conceive no great difficulty in enrolling the militia, as the captains are empowered and required to enroll all free male citizens between the ages of eighteen and forty-five years, residing within the bounds of their respective company districts. Indeed, unless there is a complete enrollment of all able bodied men, capable of bearing arms, nothing can be done towards the organization or discipline of the militia. No system of public defence can be sustained, which is based upon an organization *politico militaire*. It is mischievous in its tendency, and is calculated



to exasperate the prejudices heretofore existing, and thus render it impracticable and futile. It is hopeless to expect that men will muster without some compulsory enactment, when such duty is exacted of all, irrespective of party or person. It is to be hoped that public spirit and patriotism will prompt every citizen to cheerfully render such service for the country. It is not presumed that the militia will become thoroughly disciplined, but a complete organization should be effected and sustained, without, however, subjecting the people to any great inconvenience. Some system, applicable to our circumstances, should be adopted, establishing musters; a uniform course of tactical instructions should be strictly observed; active and patriotic officers commissioned, who are qualified to discipline and command the militia when required.

But before concluding, I would respectfully recommend a thorough organization of the militia, and to express the importance of this I will use the words of your proclamation, "It is the true policy of every State or Territory to be prepared for any emergency that may arise from internal dissensions or foreign invasion," and although under your prompt and energetic administration every one may reasonably expect that peace and good order will prevail in Kansas, yet, in what condition are we to oppose insurrection, aggression, or invasion? We are at this time as ill prepared to meet any great emergency as we were twelve months ago. We then flattered ourselves that we reposed in peace and security. But if the late unhappy troubles should be renewed, and the ordinary courses of law be found insufficient, the fearful alternative of arms resorted to, with a well organized militia the executive can suppress combinations to resist the government, and at all times maintain public order and law.

Very respectfully, your obedient servant,

H. J. STRICKLER,

*Adjutant General, Kansas Militia.*

His Excellency JOHN W. GEARY,

*Governor of Kansas.*

## Consolidated Returns of the militia of Kansas Territory, for the year 1856.

	Major generals.	Brigadier generals.	Adjutant generals.	Inspector general.	Aide-de-camp.	Colonels.	Lieutenant colonels.	Majors.	Adjutants.	Quartermasters.	Paymasters.	Surgeons.	Surgeons' mates.	Captains.	Lieutenants.	Sergeant majors.	Musicians.	Sergeants.	Corporals.	Privates.	Total commissioned.	Total non-commissioned.	Aggregate.	No. of companies of dragoons.	No. of companies of artillery.	No. of companies of infantry.	No. of companies of riflemen.	
General officers.....	2	4	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	8	...	8	...	...	...	...	
<i>Aide-de-camp to general officers.</i>																												
First reg't 1st brigade southern division.	...	...	...	...	...	1	0	0	0	0	0	0	0	1	0	0	0	0	0	100	2	0	102	...	...	1	...	
Second brigade southern division.	...	...	...	...	...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Third and 3d brigades southern division.	...	...	...	...	...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Fourth brigade southern division.	...	...	...	...	...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
First reg't 1st brigade northern division.	...	...	...	...	...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Second brigade northern division	...	...	...	...	...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Third and 3d brigades northern division.	...	...	...	...	...	1	0	0	0	0	0	0	0	3	6	0	0	12	12	305	10	24	339	0	0	0	0	
Fourth brigade northern division.	...	...	...	...	...	1	0	0	0	0	0	0	0	0	0	...	...	...	...	620	0	0	621	4	1	2	2	
Aggregate of southern division.....	1	2	...	...	...	1	0	0	0	0	0	0	0	1	0	...	...	...	...	100	8	...	110	...	...	...	...	
Aggregate of northern division.....	1	2	...	...	...	2	0	0	0	0	0	0	0	3	6	...	...	12	12	925	14	24	101	...	...	...	...	
Aggregate.....	2	4	1	1	...	3	0	0	0	0	0	0	0	4	6	...	...	12	12	1,025	19	24	1,113	...	...	...	...	

(0) No official report received at this office.

Not able to make any report of the arms and accoutrements in the hands of the militia, or "the condition or quality of the same," as I have received no report from the commanding officers.

TECUMSEH, December 5, 1856.

SIR: The statutes require me to make a return to you annually, twenty days previous to the meeting of the legislative assembly, of the returns made to me by the captains of this regiment.

I have to state that this regiment has not been organized. In March last I received an order from Brigadier General Heiskell, commanding me to attend a meeting of the officers of this brigade at Paoli, for the purpose of organizing the regiments composing his brigade. I made an effort to obey this order, but was prevented by sickness. Nevertheless I immediately wrote to General Heiskell, naming and recommending persons suitable for the several commissions in this regiment and required by statute to be appointed by the brigadier general and colonels for each brigade. Suffice it to say that if these recommendations were made known to the governor the persons were never commissioned, and hence refused to act.

I received also in September last an order from General Heiskell commanding me to report to him at Palmyra, in Douglas county, with such force as I could gather. This order it was impossible for me to obey under the then existing circumstances, from the fact that at the time I was absent from the district by *compulsion*. So also was all the law and order men, (with few exceptions,) from like cause. They had gone to Lecompton and placed themselves under General Richardson.

The "northern army" had overrun the district and driven off the law and order settlers; and further, there having been no enrollment previous, every one felt free to act or not, as he pleased, and under whom he pleased.

Nor can I give the local description and bounds of the several company districts composing the regimental district, required by the statute, because the brigadier general (whose duty I presume it is) has never defined to me the limits of this regimental district.

Respectfully submitted,

WM. O. YAGER,  
*Colonel First Regiment, S. D. K. M.*

HIRAM J. STRICKLER,  
*Adjutant General, K. M.*

P. S. Find enclosed the return of John Martin of a partial enrollment of the militia in this vicinity made by him. Mr. Martin has been heretofore recommended by me for the commission of captain of company "A" in this regiment, and upon the faith of this recommendation this return has been made.

Respectfully,

W. O. YAGER,  
*Colonel First Regiment. S. D. K. M.*

*Report of the Auditor.*

AUDITOR'S OFFICE.

*Lecompton, January 14, 1857.*

SIR: Agreeably to request I transmit you a brief statement of the condition of my office. I would say that the receipts from the different counties are as follows:

Leavenworth county roll tax, collected in the year 1855	\$1,109 00
Doniphan county.....	332 00
Douglas.....	264 00
Atchison.....	205 40
<b>Total</b> .....	<b>1,910 40</b>
Amount of mileage and per centage allowed collectors, say	302 00
<b>Amount paid to treasurer.....</b>	<b>1,608 40</b>

The counties of Bourbon, Shawnee, Jefferson, and Riley, have made no settlements with the auditor, but at different times sent the respective amounts collected by them for poll tax, but have not made a settlement with the treasurer.

The counties of Allen, Anderson, Breckenridge, Calhoun, Franklin, Lykens, Linn, Madison, Marshall, and Nemaha, have not paid a dollar in the treasury. The other counties that have made partial payments have not paid one-third of what my department have them charged.

Hence your excellency will see, by the abstract herein contained, the Territory has been practically without revenue, owing to causes unnecessary to bring to your notice, as you are already well acquainted with them.

In regard to the performance of the duty imposed by the law organizing my office, I scarcely find within the scope of my comprehension a reliable suggestion to make. It would seem that if we could have, on the part of the people of this Territory generally, a cordial acquiescence in the execution of law, that a respectable revenue would at once be secured, quite sufficient to meet the wants of the Territory. But I need not call your excellency's attention to the fact, which is apparent, that hitherto the assessors have found it impossible to ascertain the amount of taxable property in many of the counties, and the sheriffs of the same dare not attempt the collection of revenue.

In several of the counties in which the assessments had been completed, the people have been so harrassed by the many evils under which they have suffered, that they beg the indulgence of the collectors, and even refuse compliance with the law.

For these evils there would seem to be no remedy but the gradual change, which is to be looked for in the people's circumstances and opinions, for which I may hope from a cordial co-operation between your excellency and the legislature now in session.

Being required by law to report the condition of my office to the legislature, I have yet deemed it proper to send you this "abstract" of its present and prospective states; and, hoping it may be satisfactory, I have the honor to be your excellency's obedient servant,

JOHN DONALDSON,

*Acting Treasurer's Accounts.*

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

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*Report of the Master of Convicts.*

LECOMPTON, KANSAS TERRITORY,

January 10, 1857.

SIR: Having had the honor of receiving at your hands, on the 10th day of November, 1856, a commission as master of convicts in and for the Territory of Kansas, it now becomes my duty, in advance of the meeting of the legislature of the Territory, to report to your excellency how the duties pertaining to my appointment have been discharged.

On entering upon the duties of my office, there were reported to me twenty-two convicts, in charge of Colonel Titus, then in command of the territorial militia. They remained in that position up to the 25th of November, at which time eighteen were handed over to me, four having previously escaped from prison. One of the eighteen has since escaped from my custody. He has not yet been recaptured, although every effort has been made to retake him.

There has recently been added to the number another prisoner, convicted of murder in the second degree, who is now held as provided by law.

The fact of there being no place of safe confinement, or *means placed at my disposal for their security, as the law requires*, these prisoners are, to some extent, at large. I have endeavored to have them properly guarded. It is, however, a matter beyond all controversy, that the proper punishment for crime, and the consequent protection of life and property, demand the speedy erection of a penitentiary. There is now every prospect, (indeed, a certainty,) that, in a very short period, a large additional number of prisoners will be placed under the charge of the master of convicts. How will it be possible to secure the ends of justice unless the proper authority immediately provides for their safe-keeping? The great interests of the Territory, arising from a *reliable* security of person and property, indeed, an absolute necessity, demands that an appropriation be promptly made for the erection of a penitentiary. Until this be effected, there can be no freedom from apprehensions on the part of the community.

Since the 25th of November I have endeavored to have the prisoners legally and profitably employed at manual labor. For three weeks nearly the entire force was engaged, in accordance with the

directions of your excellency, in the erection of comfortable quarters for the troops of the United States in the vicinity of the capital. A very short time has remained to use them in other employments; even during this time I could not take advantage of the opportunity presented of making their labor profitable, and of realizing therefrom a fund that might, under other circumstances, have gone far towards defraying the expenses of keeping and providing for them as directed by law. One of the principal difficulties in the way of the accomplishment of this desirable end has been a want of the necessary implements for labor. They could not be obtained from any point within my reach; even if they could have been, there was no fund provided for their purchase.

Again, the season has been so inclement that for many days the prisoners could not be employed, the principal labor having to be performed outside of any shelter to protect them. For these and other reasons the proceeds from convict labor have been comparatively trifling. The amount, however, will be duly accounted for and paid into the treasury of the Territory.

Having had no money placed at my disposal for the payment of the required expenses, I have, to some extent, used my own means in procuring the necessary place of confinement, bedding, clothing, provisions, &c. For the balance I have used the credit of the Territory.

The liquidated amount of the indebtedness incurred is \$535 20, and the unpaid portion of the same is \$1,122 27, making a total indebtedness of \$1,657 47 to be provided for by the representatives about to assemble. That this appropriation will be promptly made I have not the most distant doubt, and that the financial credit of the Territory will be fully and honorably sustained.

All of which is respectfully submitted,

L. J. HAMPTON,

*Master of Convicts, Kansas Territory.*

His Excellency JOHN W. GEARY,

*Governor of Kansas Territory.*

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The foregoing reports, with those of the territorial treasurer and inspector general, were this day sent to the house of representatives of the legislative assembly, with the following message:

EXECUTIVE DEPARTMENT,

*Lecompton, K. T., January 21, 1857.*

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY: I herewith send you reports, received at my department, of the adjutant general and inspector general of the Territory, the territorial treasurer and auditor, and of the master of convicts.

JOHN W. GEARY.

The following resolution, passed by the house of representatives of the legislative assembly, was this day handed to the governor by the clerk of that body.

*Resolution.*

“HOUSE OF REPRESENTATIVES, *January 19, 1857.*

“*Resolved*, That his excellency the governor of the Territory of Kansas be respectfully requested to furnish this house with a statement of his reasons for not commissioning William T. Sherrard as sheriff of Douglas county.

“R. C. BISHOP, *Chief Clerk.*”

*The Governor's Reply.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., January 21, 1857.*

GENTLEMEN: In reply to your resolution of the 19th instant, which was received late on the 20th, requesting me to furnish your body with a statement of my reasons for not commissioning William T. Sherrard, esq., as sheriff of Douglas county, I have the honor to state that, while I am disposed to accede to any reasonable request from the legislature, I regard that matter as a subject of inquiry only from the territorial courts.

Prior to its announcement to me, the appointment of Mr. Sherrard was protested against by many good citizens of Lecompton, and of Douglas county, as his habits and passions rendered him entirely unfit for the proper performance of the duties of that office.

There was no intention, however, on my part to withhold his commission, but, in consequence of the absence of the secretary of the Territory, it was delayed for several days, during which time I was informed by many respectable gentlemen, among whom were those of the county tribunal, from which he derived his appointment, that Mr. Sherrard had been engaged in several drunken broils—fighting and shooting at persons with pistols, and threatening others. I have since been informed that these facts are notorious to the citizens of the place, and can easily be substantiated by proof. Should the contrary be made clearly to appear, no one will rejoice more heartily than myself.

But it is my desire to be distinctly understood that I will commission no one laboring under such charges as would impair, if not entirely destroy, his usefulness, or whose passions and habits would render him unfit for the proper discharge of his duties, or which might in any manner endanger the peace of the Territory.

I am instructed from the source from whence I derive my appointment to pursue this course of policy. The true interests of the people of the Territory require it, and it is sanctioned and approved by my own judgment.

JOHN W. GEARY,  
*Governor of Kansas Territory.*

To the HOUSE OF REPRESENTATIVES,  
*Kansas Territory.*

*Council bill.*

JANUARY 21.

The clerk of the council of the legislative assembly handed a bill to the governor for his approval, entitled "an act establishing the office of superintendant of public printing."

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*Letter from the Secretary of the Interior.*

DEPARTMENT OF THE INTERIOR,  
Washington, January 2, 1857.

SIR: I have the honor to acknowledge the receipt this day of two copies of "Kansas statutes," for the use of this department, and to tender my thanks for your attention in transmitting them.

I am, with great respect, your obedient servant,

C. McCLELLAND,  
Secretary.

His Excellency JOHN W. GEARY,  
Governor of Kansas.

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JANUARY 22.

The following bill was this day returned to the council of the legislature, with the governor's objections to its becoming a law.

## COUNCIL BILL.

*An act to authorize courts and judges to admit to bail in certain cases.*

*Be it enacted, by the governor and legislative assembly of the Territory of Kansas:*

Section 1. The district court, or any judge thereof, in vacation, shall have power and authority to admit to bail any prisoner on charge, or under indictment for any crime or offence, of any character whatever, whether such crime or offence shall have been heretofore bailable or not; such court or judge, on every such application for bail, exercising a sound discretion in the premises. This act to take effect from and after its passage.

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## VETO MESSAGE.

*To the council and house of representatives of Kansas Territory:*

The bill "to authorize courts and judges to admit to bail in certain cases" has been carefully examined, and notwithstanding my earnest desire to agree with the legislature in regard to all matters of public policy, I am compelled to return it without approval, for the following reasons:



The doctrine that the more certain the punishment of crime is made the greater will be the restraints upon the evil passions of wicked men has been established in all civilized communities, and approved by the wisdom and experience of every age of the world ; and, had we no other evidence of its truth, more than sufficient has been furnished in the disturbances and outrages which have so recently occurred in the Territory of Kansas ; for no one can be insensible of the fact, that the impunity which has here been given to crime has been the primary cause of most of the offences which have been committed. Had but a few of the early agitators and defiants of law been brought to condign punishment, the subsequent events, which every good citizen must most heartily deplore and condemn, would never have occurred.

It is of the utmost importance to the safety of society that the laws should be rendered as stringent, and their execution as certain, as possible, especially as regards the crime of willful and deliberate murder. Such an offence should be guarded against with the utmost care ; no door whatever should be opened for the escape of the criminal. Once in the hands of the proper authorities, he should there be secured until the ends of justice are effected. The man whose life has been forfeited to the law will stop at no means within the range of human possibility to accomplish his escape ; for what will a man not " give in exchange for his life ? "

The act under consideration makes it comparatively easy for the most notorious criminal to escape the punishment his crimes have merited. Any judge of a district court is allowed thereby to set him at liberty upon bail. The bill does not even establish the amount of bail required. This, as well as the propriety of bailing the person accused of murder, is left entirely at the discretion of the court or district judge. Were the bill passed with the express purpose of tampering with and corrupting the judiciary, it could not have been more effectual. All human beings are fallible, and it is a sound principle to throw as few temptations as possible in their way to err. No judge who has a proper regard for his own reputation can desire the passage of a law the execution of which will render him liable to invidious imputations. If this bill becomes a law, appeals will be made to the district judge to bail every person charged with the crime of murder, and the strongest possible inducement will be offered to influence his action. Should he refuse to accede to the wishes of the individual accused, or his importunate friends, he will subject himself to the charge of being actuated by unjust motives ; while, on the other hand, should he yield to such importunities, he renders himself liable to the accusation of being biased by peculiar circumstances, if not of bribery and corruption, and violence towards himself might ensue in either case. The judge, himself, would therefore prefer to avoid the additional responsibility which this bill imposes. But apart from this, one tendency of the act is to corrupt the judiciary. It will not do to affirm that this is impossible. It has frequently been accomplished to so lamentable an extent as not only to endanger the safety of communities, but incite to anarchy with all its fearful consequences. The intentions of the laws have been so entirely disregarded that the

people, in self-defence, have repudiated the courts, and, in opposition to all legislative enactments, have taken upon themselves the execution of justice. Indeed, in every instance where "lynch law" has been resorted to, the excuse given by the people has been founded upon the laxity of the courts, or the inefficiency or corruption of the judiciary.

This want of confidence in the authorities regularly constituted for the administration of justice upon persons charged with the heinous crime of murder, (for which abundant cause was given,) produced those most terrible excitements in California consequent upon the organization of the memorable "Vigilant Committee."

It is to be hoped that a similar condition of things may never transpire in Kansas, though it may well be anticipated if murder is permitted by the courts to be perpetrated with impunity. The murmurings on this subject are even now loud and almost universal. Some of our best citizens have been stricken down by the hand of the assassin, whose blood has cried in vain upon the legal tribunals for justice, and although many have fallen victims to the atrocious crime of murder, not one of its numerous perpetrators has yet suffered the just penalty of the law. The murderer, his hands still reeking with human gore, walks unmolested in our midst, laughing to scorn the laws which condemn him to an ignominious death.

Let the law contemplated in the bill under consideration be adopted, this evil, which is already sufficiently deplorable, will be rendered far worse. The slight restraints now held upon the vicious will be almost entirely removed. No good citizen can venture in the streets or upon the highways with a proper feeling of security. The personal safety of all who are well disposed will be constantly endangered. The odious practice of bearing concealed weapons for self-defence will become general, and the most disastrous results will follow. Every man, conscious of the uncertainty of punishment by the courts, will take the law in his own hand, and the slayer of one individual will immediately fall a victim to the retaliatory vengeance of another; or, should he be brought before a judge or court, and liberated upon bail, an offended people will rise in their majesty and prevent his escape by the infliction of summary punishment.

The fact that bail has been given will have no tendency to prevent these calamitous results; for no one can have the slightest confidence in the security furnished by such bail as a deliberate murderer can obtain. The person who will step in between such an one and the execution of justice must himself be destitute of those feelings and sentiments which render him worthy of the confidence of peace loving and good citizens; or, even were it otherwise, and the murderer is substantially bailed by a wealthy relative or friend, the only object in the whole transaction is the criminal's escape, for any amount of property, under such circumstances, will be forfeited to preserve his life. But in the majority or cases the bail is entirely worthless, and its being admitted by a court or judge is equivalent to the murderer's discharge, for no one who is conscious of a conviction that will condemn him to death will ever present himself for trial. If he has wealth he can purchase sureties, and if he has not, he may obtain the aid of those who are worthless; or, if possessed of the property to

which they swear, may dispose of it at pleasure, and thus defraud the Territory as well as justice. Bail bonds, as now given, are of little value even in trivial cases, for when forfeited the amount is seldom, if ever, collected. To make them of any avail a lien should immediately be created on the lands of the persons acknowledging them, "and the execution issued by virtue of a judgment thereon may rightly command the taking and sale of the lands of which defendant was seized at the time the recognizance was acknowledged." Were this rule of law adopted there would be some value in a bail bond, and fewer persons would be found willing to execute it. But as the law now rests in this Territory, a criminal may be bailed to-day upon what is apparently tangible security, and to-morrow both himself and sureties dispose of all their property, and unmolested and quietly depart to another region; and thus the matter ends. In the majority of instances, therefore, the taking of bail in criminal cases only tends to defeat the ends of justice, and in every case of absolute premeditated murder, where the proof is clear, or sufficient to convict, is tantamount to an acquittal of the criminal.

The fact that we have no sufficient prisons for the safe-keeping of the murderer affords no argument for the passage of the bill. This want can soon be supplied, and it will be better to commence that work at once than to adopt a law which must necessarily remove the almost only restraint that now exists upon murderous inclinations and passions. There is no necessity for deliberate murderers to be set free on bail or otherwise for want of a prison to keep them in lengthy confinement. Frequent sessions of the courts, early trials, and speedy executions will dispose of such cases, and give to the people confidence in the judiciary and the laws, and a sense of security, of which they so long have been deprived.

Remove or weaken any of the safeguards we now possess against criminals and crime, and the peace we enjoy must measurably be shaken. Hence it becomes a subject of the utmost importance not only to guard against such a result, but to adopt, if possible, laws which will strengthen the general confidence by making the barrier to the escape of the criminal even more firm and impassable.

Let it be established and universally known that "though hand join in hand, the guilty shall not go unpunished," that the blood stained murderer, once in the power of the authorities, shall have no possibility or even hope of escape; that he who wilfully and deliberately sheds the blood of his fellow man, shall surely suffer the penalty by which his life is forfeit, and our laws will be more respected, fewer crimes will be committed, and the community will repose in far greater security and peace.

The bills entitled "An act regulating marks and brands," and "An act establishing the office of superintendency of public printing," are herewith returned, with my approval.

JOHN W. GEARY.

EXECUTIVE DEPARTMENT,

*Lecompton, Kansas Territory, January 22, 1857.*

JANUARY 23.

Commissions were issued to George L. Davis, of Elmira, as commissioner of deeds for the State of New York; and Benjamin F. Graves, of Lexington, as commissioner of deeds for the State of Kentucky.

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*Letter from the Secretary of State.*

DEPARTMENT OF STATE,  
January 8, 1857.

SIR: I learn, with regret, from your despatch of the 22d ultimo, that a body of men, calling themselves a legislature, are about to assemble at Topeka. The President's views in relation to the origin and purpose of such an assemblage, assuming the name and function of a legislative body, are fully set forth in his message to Congress of the 24th of January, 1856, a copy of which accompanied your instructions. The title used is in itself an unwarrantable assumption, there can be but one legal legislative assembly in Kansas, and that the one organized under the law of Congress. The assembling of the body to which you refer, under the name and in the character of a legislature, is a procedure which ought to receive no countenance, whatever may be the assurances of any individual or individuals as to the acts which it will or will not do.

You will, I have no doubt, take care that restless and evil minded men are not permitted again to stir up civil strife in the Territory. I return herewith the letter which accompanied your despatch, because, as it is an original, and not a copy, and as it contains no information which could influence either your action or that of the Executive here, I take it for granted that it was not your intention to have it placed upon the files of the department.

The President is much gratified by your accounts of the peaceful condition of affairs in Kansas, and trusts that by aiming to observe perfect impartiality toward all citizens, from whatever quarter of the country they may have emigrated, or whatever opinions they may entertain, you will be enabled to continue the same state of public tranquillity and thus insure the permanent prosperity of the Territory.

I am, sir, your obedient servant,

W. L. MARCY.

JOHN W. GEARY, Esq.,  
*Governor of the Territory of Kansas.*

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*Settlers on Indian lands.*

LECOMPTON, KANSAS TERRITORY,  
January 12, 1857.

SIR: We have been requested by some of our constituents residing on the Iowa trust lands in Doniphan county, to take the earliest opportunity of bringing to your notice the extremity to which they have been

reduced, by an order lately issued by the Commissioner of Indian Affairs to Agent Vanderslice requiring him to expel them from those lands, and, if necessary, to use military force for that purpose.

We will state, as facts susceptible of conclusive proof, that very soon after the treaty was made with those Indians, when the first attempt to settle upon those lands was made, the settlers were informed by Agent Vanderslice that such settlement would not be permitted; that on such warning being given they desisted, but held a public meeting, which resulted in the drawing up and signing a petition to the Indian department praying that those lands might be surveyed and sold at the earliest practicable day; that in answer to said petition a letter was received from the Commissioner of Indian Affairs assuring them that their wishes should be complied with. With this assurance most of them were satisfied to suspend their action, until the long delay in making the surveys made it manifest that much time would elapse before they could possibly be sold. Under these circumstances, and in view too of the fact that the Delaware trust lands had been in like manner occupied by settlers, they entered upon their claims and held them until the late sales of the Delaware lands. The result of these sales induced the belief that no obstacles would be interposed to prevent the actual settlers from getting their claims at the valuation price, and, with this belief, a large number of emigrants, some of whom had previously erected houses, moved on to the lands, thereby greatly increasing the actual number of settlers. In this state of affairs it is needless for us to say that a peremptory order to leave their homes and turn their families out in the midst of winter, exposed to the storms and snow drifts of Kansas, was at once as unexpected as it was unwelcome.

On behalf, then, of those settlers, our constituents, we respectfully ask you to interfere in any and all practicable forms extended to the settlers on the Delaware lands; and, if this be impracticable, at least permit them to remain until the opening of spring will enable them to remove without endangering the lives of their families.

Most respectfully, your obedient servants,

JOHN W. FORMAN,  
*Council 7th district.*

WM. P. RICHARDSON,  
*Council 8th district.*

B. O'DRISCOLL,  
T. H. WATERSON,  
H. K. STOUT, *Representatives.*

JOHN W. GEARY,  
*Governor of Kansas Territory.*

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EXECUTIVE DEPARTMENT,  
*Lecompton, Kansas Territory, January 19, 1857.*

GENTLEMEN: Your communication of 12th instant soliciting my intervention in favor of certain of your constituents threatened with forcible removal from the Iowa trust lands, in the county of Doniphan, in this Territory, by the order of the Commissioner of Indian Affairs has been received.

Ex. Doc. 17—10

You state that these lands were held by the same tenure, and their settlement made under similar circumstances to those attending the Delaware trust lands, and that the settlers have, without objection, made valuable improvements, and that, therefore, the actual settlers should be permitted to take their claims at their appraised value, and soliciting my views on the subject.

In my speech at Leavenworth city, my various despatches to the government, and in my recent message, my opinions have been so elaborately expressed that I will now content myself by simply giving the conclusions then arrived at after much reflection.

First. The settlers should not, under any circumstances, be ejected at this inclement season of the year.

Second. I concur with you in the opinion that the actual *bonâ fide* settlers should have the land at its valuation, under similar instructions to those governing the sales of the Delaware trust lands.

Hoping that these views may be satisfactory to yourselves and your constituents, I have the honor to remain your friend and obedient servant,

JNO. W. GEARY,  
*Governor of Kansas.*

TO JOHN W. FORMAN,  
WM. P. RICHARDSON,  
*Of the Council.*

B. O'DRISCOLL,  
THO. W. WATERSON,  
H. K. STOUT,  
*House of Representatives.*

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*Letter to the Secretary of State.*

EXECUTIVE DEPARTMENT,  
*Lecompton, Kansas Territory, January 26, 1857.*

SIR: Since my despatch of 19th instant nothing worthy of note has occurred.

The legislature, as yet, has done nothing of importance, and it is impossible to predict what will be done.

The peace of the country remains unimpaired, and I have daily the most gratifying evidences of the general feeling of security which pervades all classes of the community, notwithstanding there are some among us who cannot exist much longer without commotion. I am closely watching their movements, and am determined to maintain peace at every hazard.

I have on former occasions urged the necessity of affording additional facilities to the citizens for the purpose of pre-empting their lands, and securing their titles as a prerequisite to the substantial progress of the Territory. The single land office in Kansas, not yet in operation, is entirely inadequate to the wants of the people, and, in

my opinion, at least three more should be established. I cannot urge this subject too strongly upon the government.

The residue of the Delaware trust lands should be sold early in the spring to meet the wants of the coming immigration, in order to remove every temptation to aggressions upon the extensive Indian reserves, which are sparsely peopled and but little improved.

I have to acknowledge the receipt of your despatch of the 8th instant, and would be pleased to receive the acknowledgment of my various despatches, and especially those of the last two months.

I have the honor to remain, very truly, your obedient servant,

JOHN W. GEARY,  
Governor of Kansas.

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

JANUARY 27.

Commissions were issued to William McNeil Clough, of Parkville, as commissioner of deeds for the State of Missouri; David B. Birney, of Philadelphia, as commissioner of deeds for the State of Pennsylvania; Elias Hughes, as sheriff of Lykens county, in place of Joseph B. Goodin, who refused to accept the appointment; William S. Wills, as justice of the peace, and Randal Burton, as constable, for Willow Springs township, in the county of Douglas; Enoch Reed, as justice of the peace, and S. B. Collett, as constable, for Washington creek township, in Douglas county; John Phlemingster, as constable for Deer creek township, Douglas county; and Wesley Garrek, as coroner of the county of Douglas, in place of Samuel J. Cramer, resigned.

JANUARY 28.

*Legislative acts approved.*

The clerk of the house of representatives yesterday afternoon presented the governor with a bill from that body; which was returned this morning, with the following message:

*To the house of representatives of Kansas Territory:*

GENTLEMEN: I have the honor herewith to return "An act to incorporate the National Hotel Company," with my approval.

JOHN W. GEARY,  
Governor of Kansas Territory.

LECOMPTON, KANSAS TERRITORY,  
January 28, 1857.

*Message.*

*To the gentlemen of the House of Representatives of the Territory of Kansas:*

I have the honor to return to you, with my approval, the following bills, originating in your body, and handed to me this morning by General Eastin, of the council, viz:

"An act to incorporate the Leavenworth Town Association."

"An act to establish and charter a ferry at the mouth of Big Sugar creek, on the Marie des Cygnes, in the Territory of Kansas."

"An act to incorporate the city of Roseport."

"An act to establish a territorial road from Atchison, *via* Mount Pleasant, to a point on the Kansas river opposite the town of Lecompton.

JOHN W. GEARY,  
*Governor of Kansas Territory.*

LECOMPTON, K. T.,  
January 28, 1857.

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*Requisition from the Governor of Virginia.*

*The Commonwealth of Virginia to the executive authority of the Territory of Kansas:*

Whereas it appears by the annexed document, duly authenticated according to the laws of our State, that Joseph L. McCubbin is charged with fraudulently converting to his own use certain personal property, of the value of nine hundred dollars, in the county of Gilmer, in this commonwealth, the property of Charles P. Arnold, the said property having been entrusted to him, the said McCubbin, on the sixth day of November, 1856, and it has been represented to me that the said Joseph L. McCubbin has fled from the justice of this State and has taken refuge in the Territory of Kansas,

Now, therefore, pursuant to the provisions of the Constitution and laws of the United States, I do hereby require that the said Joseph L. McCubbin be apprehended and delivered to Charles P. Arnold, who is hereby duly authorized to receive and convey him to the State of Virginia, there to be dealt with according to law.

In witness whereof, I have hereunto signed my name, as governor of Virginia, and caused the great seal of the commonwealth to be affixed this third day of January, A. D. 1857, and in the eighty-first year of the commonwealth.

[SEAL.]

By the governor.

HENRY A. WISE.

GEORGE W. MUNFORD,  
*Secretary of the Commonwealth.*



*Warrant for arrest.*

*The Territory of Kansas to Charles P. Arnold, esq., or any sheriff, coroner, constable, or any other officer within this Territory, greeting :*

Whereas I have satisfactory evidence that a certain Joseph L. McCubbin is charged with fraudulently converting to his own use certain personal property of the value of nine hundred dollars, in the county of Gilmer, in the commonwealth of Virginia, the property of Charles P. Arnold, said property having been entrusted to said McCubbin, on the sixth day of November, 1856, and it has been duly certified to me by the governor of the commonwealth of Virginia that the said McCubbin has fled from the justice of the State of Virginia and has taken refuge in this Territory; and being further satisfied that all the provisions of the acts of Congress in such case made and provided have been fully complied with,

Now, therefore, pursuant to the provisions of the Constitution and laws of the United States, and the laws of this Territory, I do hereby authorize and require you to arrest said fugitive anywhere within the limits of this Territory and convey him before the nearest probate or district judge, or justice of the peace, to be delivered to Charles P. Arnold, esq., the agent of the commonwealth of Virginia; and all sheriffs, coroners, constables, and other officers to whom this warrant may be shown, are hereby commanded to assist in the execution thereof.

In witness whereof, I have hereunto signed my name, as governor of Kansas, and caused the seal of the Territory to be affixed this twenty-eighth day of January, A. D. 1857.

[SEAL.]

JNO. W. GEARY,  
*Governor of Kansas.*

By the governor.

DANIEL WOODSON,  
*Secretary.*

JANUARY 29.

*Acts approved.*

*Gentlemen of the House of Representatives of Kansas Territory :*

I have the honor to return to you, approved, a bill entitled "An act to locate the county seat of Linn county permanently."

JNO. W. GEARY,  
*Governor of Kansas Territory.*

LECOMPTON, KANSAS TERRITORY,  
*January 29, 1857.*

*Gentlemen of the Council of Kansas Territory :*

I have the honor to return to you, with my approval, the following bills, to wit :

"An act declaring certain banking associations unlawful."

"An act to incorporate the Iowa Point Town Company."  
 "An act to authorize Mary Elizabeth Spratt to sue for divorce."  
 JNO. W. GEARY,  
*Governor of Kansas Territory.*

LECOMPTON, KANSAS TERRITORY,  
*January 29, 1857.*

EXECUTIVE OFFICE,  
*Lecompton, K. T., January 31, 1857.*

The foregoing is a correct copy of the executive minutes of Kansas Territory from the 20th to the 31st of January, 1857, inclusive.

JOHN H. GIHON,  
*Secretary to the Governor.*

*Executive minutes of Kansas Territory, from the 1st to 20th February, 1857, inclusive.*

#### REQUISITION FOR SOLDIERS.

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., February 2, 1857.*

SIR: Please furnish one non-commissioned officer and two men, to report to Captain Hampton at 8 o'clock a. m. to-morrow.

They are intended for a service of about ten miles.

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Captain NEWBY,  
*Commanding U. S. troops near Lecompton.*

#### *Letter to the Secretary of State.*

EXECUTIVE DEPARTMENT,  
*Lecompton, Kansas Territory, February 2, 1857.*

SIR: I have thought proper to avail myself of the mail which closes to-night to drop you a line, simply to prevent any misapprehensions that might arise in your mind respecting an altercation that has recently taken place in this vicinity. The circumstance itself is of but little moment; but rumor will doubtless magnify it into some considerable importance by the time it reaches Washington.

The facts to which I allude are briefly these:

Some few days since a communication appeared in the *Topeka Tribune*, purporting to be a report of the proceedings of the late "convention" held in Lecompton, in which the name of Judge Elmore, (formerly one of the associate justices of the supreme court of this Territory,) was used in a manner offensive to that gentleman. The judge, on Saturday last, met the author, a man named Kagi, at Tecumseh, and commenced an assault upon him with a cane, striking him a blow over the head. Whereupon Kagi drew a pistol and fired,

the ball passing through the fleshy part of Judge Elmore's thigh, producing a troublesome though not dangerous wound. The judge, who was also armed with a revolver, then fired three times at Kagi, who was running off, one of the balls lodging in his side, just beneath the skin. This was shortly afterwards removed, leaving no serious consequences. Some considerable excitement occurred. The principals in the transaction were of the free State and pro-slavery parties, and each had friends to sympathise with him, and for the time being to espouse his quarrel. But this feeling has already subsided, and no further breach of the peace is anticipated.

Very truly yours,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Hon. Wm. L. MARCY,  
*Secretary of State, Washington, D. C.*

#### FEBRUARY 3.

Commissions were issued to William P. Converse, as commissioner of deeds for the State of New York ; James M. Tatum, as sheriff of Jefferson county, in place of George M. Dyer, resigned ; and Joseph J. Thomas, as constable of the same county, in place of John R. Beezle, resigned.

#### FEBRUARY 4.

Commissions were issued to R. H. Davis, as justice of the peace for Iowa township, Doniphan county ; James B. Bradwell, of Chicago, as commissioner of deeds for the State of Illinois ; Charles De Selding, of Washington, as commissioner of deeds for the district of Columbia ; and Charles J. Bushnell, as commissioner of deeds for the State of New York.

#### FEBRUARY 5.

##### *Acts Approved.*

*Gentlemen of the House of Representatives of Kansas Territory :*

I have the honor to return, with my approval, the following bills, to wit :

"An act to locate a territorial road from the town of Lecompton via Paoli, via Paris, via Miami to Barnesville on Little Osage, in Bourbon county."

"An act to incorporate the Roseport Town Company."

"An act to incorporate the Palmetto Town Company."

"An act to incorporate a territorial road from Council city to the town of Columbia, in Breckenridge county."

"An act to establish a territorial road from Saint Mary's, Mission to Fort Riley."

"An act repealing the twelfth section of 'An act to punish offences against slave property.'"

"An act to view and locate a territorial road from Lecompton to Roseport, in Doniphan County."

"An act to declare the military road from Fort Riley northwest to the Nebraska line a territorial road."

"An act to incorporate the Kansas Locating Association."

"An act to locate and establish a territorial road from Doniphan to the Kansas and Nebraska line opposite Roy's ferry, via Iowa Point, Kansas Territory."

"An act to establish a territorial road and highway along the valley of the Big Blue river."

"An act to authorize Hugh Cameron to keep a ferry."

"Missouri and Rocky mountain railroad charter."

JOHN W. GEARY,  
*Governor of Kansas Territory.*

LECOMPTON, KANSAS TERRITORY,  
*February 5, 1857.*

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*Gentlemen of the council of Kansas Territory:*

I have the honor to return, with my approval, a bill entitled "An act to amend an act entitled 'An act to provide for the recovery of debts by attachment.'"

JOHN W. GEARY,  
*Governor of Kansas Territory.*

LECOMPTON, KANSAS TERRITORY,  
*February 5, 1857.*

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*Letter to the Secretary of State.*

EXECUTIVE DEPARTMENT,  
*Lecompton, Kansas Territory, February 6, 1857.*

SIR: Nothing of material importance has occurred in the Territory since my last despatch; still I esteem it a duty to communicate with you at short intervals, in order to keep you fully apprised of the existing state of affairs.

The legislature has been in session two-thirds of the time allowed by the organic act, and you will learn from my executive minutes the amount of business that has been transacted by that body.

The "Act to authorize courts and judges to admit to bail in certain cases," was passed by both branches of the legislative assembly, notwithstanding my objections to the bill.

The first section under this new law was the admission to bail, in the sum of ten thousand dollars, ex-Indian agent George W. Clarke,

indicted for the murder of a man named Barber. The sureties in this case were Sheriff Samuel J. Jones and Probate Judge and United States Commissioner Dr. J. N. O. P. Wood.

The peace and quiet of the Territory remain unimpaired.

Very truly, your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Hon. WILLIAM L. MARCY,  
*Secretary of State, Washington, D. C.*

### *The prisoners at Tecumseh.*

The following petition from George F. Putnam, one of the prisoners at Tecumseh, in behalf of himself and others, having this day been received by the governor, the subjoined letters were forthwith addressed to Judge Cato and Marshal Donaldson:

#### *Petition.*

PRISON, TECUMSEH, *February 3, 1857.*

SIR: As one of the prisoners held here awaiting trial, in behalf of them as well as myself, I beg leave to make a few statements in relation to our situation, and if possible to have it changed.

The prisoners, consisting of six untried and one (Kilburn) sentenced to one year's imprisonment, have been for the past week without rations of any description except some few small stores; and have, more or less, since their confinement, been, in consequence of the deficiency in their rations furnished, obliged to procure, at their own expense, a proper quantity to be even comfortable.

For the past four days we, having determined not to use the few remaining dollars we have, from the fact that, as long as we do so, nothing will be done for us, have had nothing but coffee, without a single article else for our subsistence. The reasons assigned us are: that the marshal, who is absent, has already advanced more than is prudent; and although the deputy, Mr. Pardee, has used his exertions to furnish us, we remain in the position of being under guard of his troops without food. Mr. Castleman, an official of the Territory, I believe, has the contract from the marshal here to furnish us subsistence. He and his partner, when conversing with us, say the marshal already owes them one thousand dollars or so, and they will not furnish us, and when the marshal sees them they are willing to do so, and, between the precious pair, we are most superbly humbugged. The real fact is, Castleman has already credited Donaldson all he wishes to, but still does not like to say so to him, and by furnishing us with small things, such as a paper of sugar or so, he still hangs on to the marshal, while we get nothing. There has not been a single blanket, or bedding of any description, furnished the prisoners here, (with the exception of myself,) and, in fact, nothing tending to their

comfort. They would long ere this have called your attention to these facts, but, trusting that they would have been tried ere this, preferred suffering a short time than trouble you with their complaints. But hungry men can endure this no longer.

In relation to the time of our trial, I am well aware that, by a suggestion from you, we could have a call term of court, if you deemed it of sufficient importance, and we could be liberated. Most of those here are held on the Titus affair. Myself, for acting at Hickory Point against the very persons who are now convicts at Leecompton, and, most likely, from the fact that I was one of the counsel in their behalf. If the court does not sit until June, it seems a long time to be confined, as all are prepared for an immediate trial.

Hoping to receive an answer, and desiring your pardon for troubling you, I am, very respectfully, your obedient servant,

GEORGE F. PUTNAM.

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

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*Letter to Judge Cato.*

EXECUTIVE DEPARTMENT,  
*Leecompton, K. T., February 6, 1857.*

SIR: I have received a very respectful petition from the prisoners awaiting trial at Tecumseh, stating that they are ready for trial, and desiring an early disposition of their cases.

As this matter is not in my department, I will content myself by earnestly recommending the subject to your immediate attention, trusting that you can devise some plan to afford the prisoners speedy justice.

Very truly, your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Hon. S. G. CATO.

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*Letter to Marshal Donaldson.*

EXECUTIVE DEPARTMENT,  
*Leecompton, K. T., February 6, 1857.*

SIR: I have received a communication from the Tecumseh prisoners, stating that they have a limited and uncertain supply of provisions, and are otherwise deprived of necessary comforts.

Will you please look into the matter, and see that there is no well-founded ground of complaint.

Very truly, your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

J. B. DONALDSON, Esq.,  
*Marshal of Kansas Territory.*

No mails were received at, or departed from, Lecompton to-day in consequence of the breaking up of the ice in the Kansas river and its numerous tributaries, rendering the roads impassable. A heavy storm of rain, accompanied with thunder and lightning, commenced early last evening, and continued through the night and all this morning without intermission. The river rose rapidly, and the ice began to move about 4 o'clock p. m. Many of the citizens congregated upon the levee, and but little business was transacted.

FEBRUARY 7.—*Arrest of a fugitive.*

Messrs. Charles P. Arnold and John McGee arrived at Lecompton on the 28th of January, bearing a requisition from Governor Wise, of Virginia, for the arrest of a man named Joseph L. McCubbin, a fugitive from justice in that State, being charged with the embezzlement of nine hundred dollars, the property of the said Charles P. Arnold, and other moneys. Governor Geary immediately furnished them with a posse of United States dragoons, and despatched them in several directions in pursuit of the fugitive, who was captured and carried back to Virginia, as will be seen from the following communication from Mr. McGee:

KANSAS CITY, MISSOURI, *February 3, 1857.*

SIR: Upon leaving Lecompton we proceeded directly to St. Bernard, where we had been informed we would find the man of whom we were in pursuit. Upon arriving there we learned that he had left for Potawattomie creek. We hastened there, and succeeded in making the arrest. We brought him immediately to this place, your troops accompanying me, as I thought it best to retain them until I could be joined by Mr. Arnold.

I feel under many obligations to you for your kindness to us when at Lecompton and for the prompt and efficient means you afforded us to capture the fugitive; which facts I shall take great pleasure to communicate to Governor Wise upon our return to Virginia.

I also wish to communicate to you my gratitude for the kindness and prompt action and cheerful co-operation of the troops you furnished for our assistance:

I left with you a warrant from Governor Wise appointing Mr. Arnold his agent to convey McCubbin from Kansas to Virginia. Would you please enclose it to me at Weston, Lewis county, Virginia.

Your obedient servant,

JOHN MCGEE.

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

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*Certificate of Oath.*

The following certificate of the oath of office of Judge Cunningham was this day presented for record on the executive minutes:

## EXECUTIVE DEPARTMENT, KANSAS TERRITORY.

I, John W. Geary, governor of said Territory, do hereby certify that Thomas Cunningham, who has been appointed an associate judge of the supreme court of said Territory, personally came this day before me and was duly sworn to support the Constitution of the United States and faithfully discharge the duties of said office.

Witness my hand, at Leecompton, this tenth day of January, in the year of our Lord one thousand eight hundred and fifty-seven.

JOHN W. GEARY,  
*Governor of Kansas Territory.*

FEBRUARY 9.

*Attempt at assassination.*

About eleven o'clock this morning, the governor, accompanied by Dr. John H. Gihon and Richard McAllister, esq., both attached to the executive office, visited the supreme court, the council, and the house of representatives, the legislature being then in session.

After the governor and his companions had taken their seats in the house, William T. Sherrard, the individual whom, on a protest of a large number of citizens, the governor had declined to commission as sheriff of Douglas county, suddenly arose and left the hall. His appearance and manner were so peculiar as to elicit especial notice. The governor, however, against whom he was known to have uttered threats for several weeks, was not aware either of his presence or departure.

After remaining some half an hour or more, the governor left the hall, his companions immediately following. As he was passing from the hall of the house into the ante-room, and while yet in the door, he was accosted with opprobrious epithets by Sherrard, who stood in the ante-room, and who had, after leaving the hall, prepared himself with two navy revolvers and a large bowie knife, which he wore conspicuously in a belt, on the outside of all his clothing. His hand was upon the handle of a pistol, in order that, upon the shadow of a pretence, he might be enabled instantly to use it. The governor passed on, as though unconscious of his presence. Mr. McAllister immediately succeeded him, and, as Sherrard followed the governor towards the outer door, interposed himself between them, thus preventing the accomplishment of an evident preconcerted plan for assassination. The governor and Mr. McAllister then reached the platform of a flight of stairs, upon the outside of the building, leading to the ground, the legislative hall being in the second story. As they were descending, Dr. Gihon was passing through the ante-room and observing Sherrard, who, enraged at being frustrated, was then on the platform, spitting after the governor, and muttering



oaths, defiance, and threats, of all of which the governor was unconscious, as he was then some distance ahead.

When the governor's party all reached the foot of the steps, Sherrard followed, still grasping his pistol and uttering offensive epithets. After following along one side of the building, he took a different direction, and in a few moments after was in close conversation with several prominent men of the place, boasting of what he had done, and of more than he actually did, and expressing his regrets that no provocation could be forced from the governor sufficient to enable him (Sherrard,) with a show of propriety or palliation, to effect his purpose. In this attempt upon the governor, it has since been ascertained that several other persons were in complicity with Sherrard.

In the afternoon, a resolution, severely condemnatory of this insult to the executive, was introduced by Mr. Martin White, in the house of representatives; but it met with such a decided opposition that he was induced to withdraw it. Considerable excitement prevails among the people. While a few defend Sherrard, the community generally denounce him in the severest terms. All are satisfied that he is but the instrument of others occupying prominent positions, who seem determined to disturb the peace of the Territory.

A few days previous to the transaction above narrated, Sherrard met a young and quiet man named Jones, whom he violently assaulted for no other imaginable reason than that Mr. Jones was connected with the household of the executive, and who was without weapons, and otherwise incapable of defending himself against a strong and well armed man.

Failing to create a disturbance by this outrage, another equally unprovoked was attempted on the following day. Meeting the governor's private secretary, who was just recovering from a protracted indisposition, and was still quite feeble, Sherrard attempted to provoke a quarrel with him, and not succeeding by the use of offensive words, pushed him from him with one hand, at the same time striking him upon the face with the other, having his pistol ready, as usual, for use in case of resistance or retaliation. In this instance, serious consequences were prevented by the interference of bystanders. Several other breaches of the peace have also been made, within a short period, by this same individual.

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*Despatch to General Smith.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., February 9, 1857.*

SIR: There are certain persons present in Lecompton who are determined, if within the bounds of possibility, to bring about a breach of the peace. During the last few days a number of persons have been grossly insulted; and to-day an insult was offered to myself. A fellow named Sherrard, who, some days ago, had been appointed

sheriff of Douglas county, which appointment was strongly protested against by a respectable number of citizens of the county, and I had deferred commissioning him. This, it appears, gave mortal offence to Sherrard, and he has made up his mind to *assassinate* me. This may lead to *trouble*. It must be prevented, and that, too, by immediate action. I require, therefore, two additional companies of dragoons, to report to me with the least possible delay; I think this is absolutely necessary, and I trust you will immediately comply with my request.

I write in great haste, as the messenger is about leaving.

I wish you would keep an eye upon Leavenworth City, as I hear of troublesome indications there. I am confident that there is a conspiracy on foot to disturb the peace, and various pretexts *will*, and have been, used to accomplish this fell purpose.

I am perfectly cool, and intend to keep so; but I am also more vigilant than ever.

Very truly, your friend,

JOHN W. GEARY.

Major General PERSIFOR F. SMITH,  
*Commanding Department of the West.*

*Acts Approved.*

FEBRUARY 10.

GENTLEMEN OF THE COUNCIL OF KANSAS TERRITORY: I have the honor herewith to return you the following named bills, with my approval:

"An act to incorporate a ferry at Ogden, Kansas Territory, on the Kansas river."

"An act to incorporate the Leavenworth Lyceum."

"An act to declare a military road a public highway and a territorial road."

"An act to punish horse stealing."

"An act to incorporate the inhabitants of the town of Doniphan, in Doniphan county."

"An act to amend an act entitled 'An act concerning forcible entry and detainers.'"

"An act to incorporate the Ogden Town Company."

"An act to incorporate the town of Bloomington."

"An act to declare the military road from Fort Leavenworth to Fort Laramie a territorial road."

"An act to establish a territorial road."

"An act to amend an act entitled 'An act concerning the plats of towns and villages.'"

JOHN W. GEARY,  
*Governor of Kansas Territory.*

LECOMPTON, K. T.,  
February 10, 1857.

Commissions were issued to John Evans, as assessor; E. C. Austin, as coroner; Alexander Hamilton, as clerk of the board of county commissioners; Thomas Crabtree, as county treasurer; and M. E. Grimes, as sheriff; all of Coffey county, Kansas Territory.

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*Acts Approved.*

*To the members of the council of Kansas Territory:*

GENTLEMEN: I have the honor to return, with my approval, the following bills, viz:

"An act supplemental to an act entitled 'An act to incorporate the city of Leavenworth, Kansas Territory.'"

"An act to establish a territorial road from Paola, to intersect the territorial road from Lecompton to Cofachiqui, at the town of Pierce."

"An act to establish a territorial road from the city of Kickapoo to the city of Lecompton."

"An act to incorporate the Planter's Hotel Company."

"An act to change the name of Jennette S. H. Martin to Jennette S. H. Burriss."

"An act to incorporate the St. George Bridge Company." "

"An act to establish a territorial road from Leavenworth to Lecompton, diverging to Lawrence."

JOHN W. GEARY,  
*Governor of Kansas Territory.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., February 10, 1857.*

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*Acts approved*

FEBRUARY 11.

GENTLEMEN OF THE COUNCIL OF KANSAS TERRITORY: I have the honor herewith to return you, with my approval, a bill entitled "An act to define the several judicial districts of Kansas Territory," and another entitled "An act to incorporate the Buffalo Town Association of Kansas Territory."

JOHN W. GEARY,  
*Governor of Kansas Territory.*

LECOMPTON, K. T.,  
*February 11, 1857.*

*Letter from Judge Cato.*

LECOMPTON, KANSAS TERRITORY,  
February 6, 1857.

SIR: Yours of this date is just received, and, in answer to which, I have to state that I shall take pleasure in holding a special term of court for the trial of the prisoners at Tecumseh, at the earliest possible opportunity. I had intended to prevail on the legislature, if I could, to allow special terms of court whenever the judges, in their opinion, deemed the public good required it, and shall present the subject of your note as showing the necessity of the thing; and doubt not that an act will be passed, and that I shall be enabled to hold court one day of the next week for the trial of which you speak.

Most respectfully, your obedient servant,

S. G. CATO.

His Excellency JOHN W. GEARY.

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Commissions were issued to Owen H. Bassett, as notary public for Leavenworth county.

Nathaniel Boydston, as justice of the peace for Franklin township, Calhoun county; and

Churchhill Fulton, as constable for the township of Half-Day, Calhoun county.

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*Requisition for United States troops.*

EXECUTIVE DEPARTMENT, LECOMPTON,  
Kansas Territory, February 11, 1857.

SIR: The occurrences of the last few days seem to render a considerable force necessary at this place. Please send me twelve of your most reliable men, to remain here a few days, or until the river falls sufficiently for troops to cross. Send them to reach here to-night.

Yours truly,

JOHN W. GEARY,  
Governor of Kansas Territory.

Captain FLINT,  
Commanding United States troops at Tecumseh.

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*Proceedings of a meeting at Big Springs.*

FEBRUARY 12.

The following copy of the proceedings of a public meeting of the citizens of Big Springs and vicinity, held on the night of the 11th instant, in consequence of the recent attack upon the governor, was this day presented by a committee appointed for that purpose.

BIG SPRINGS, K. T.

*February 12, 1857.*

In view of the late gross insult offered to the governor of the Territory, and in view of the action taken by the House of Representatives, virtually approving the deed ; and in view of the general course and policy of the legislature in opposing the measures recommended by Governor Geary : We, the citizens of Big Springs, in a public meeting called for the purpose, and held on the night of February 11th, do most heartily—

*Resolve*, That we regard the late insult upon the person of the governor, its endorsement by the house, and the continued indignities heaped upon him and his officials by the legislature, as well as by certain individuals, as most gross and ruffianly, and worthy of the denunciation of every honorable high-minded citizen in the Territory. And we do further—

*Resolve*, That Governor Geary, in his general course of policy, has our hearty approval ; and in carrying out the tone and spirit of his late message, he will have our earnest support and co-operation.

*Resolved, also*, That we denounce the present legislature as insurrectionary, and its spirit as detrimental to the true interests of Kansas, not by any means overlooking many good men associated with that body, who labor hard to effect a beneficent legislation. These men have our gratitude, while we regard the majority as false to the Union and false to the governor, whom it is their duty to support and aid in the settlement of the difficulties of their Territory. And—

*Resolved, finally*, That we tender to Governor Geary our sympathies, as well as our support and co-operation, and pledge him, to the extent of our power, all the assistance in this emergency that he may ask of us, feeling very confident that the honest heart and powerful arm of every freeman in Kansas will be ready at once to respond most cheerfully to these our sentiments.

*Resolved*, That a copy of these resolutions be sent to the governor as soon as practicable.

R. W. CUSTARD, *President.*P. H. TOWNSEND, *Secretary.*

FEBRUARY 14.

*Acts approved.**Gentlemen of the council of Kansas Territory :*

I have the honor to return you, with my approval, the following named bills :

“An act for the relief of John W. Smith.”

“An act to incorporate the town of Shawnee.”

“An act authorizing N. B. Blanton to receive tolls.”

“An act to amend an act to provide for the pay of officers and others.”

Ex. Doc. 17—11

“An act to incorporate Breckenridge College.”

“An act to incorporate the inhabitants of the town of Delaware, in Leavenworth county.”

“An act to incorporate the Buchanan Town Company.”

“An act regulating actions.”

JOHN W. GEARY,  
Governor of Kansas Territory.

LECOMPTON, K. T., February 14, 1857.

*Acts approved.*

*Gentlemen of the House of Representatives of Kansas Territory:*

I have the honor to return you, with my approval, the following bills, to wit:

“An act to locate and establish a territorial road from the city of Lecompton to the county seat of Allen.”

“An act to amend an act concerning strays.”

“An act to incorporate the Manhattan Institute.”

“An act to incorporate the city of Atchison.”

“An act to amend an act entitled ‘An act to incorporate the city of Lecompton.’”

“An act to incorporate the Town Company of Eureka.”

“An act to incorporate the town of Shannon.”

“An act to incorporate the Manhattan Town Association.”

“An act to charter a ferry across the Kansas river at Calhoun, in the Territory of Kansas.”

“An act to incorporate the Brownville Town Company in Shawnee county.”

“An act to incorporate the Newcastle Town Company.”

“An act supplemental to an act to provide for the location of territorial roads in the Territory of Kansas.”

“An act to incorporate the Town Company of Vermilion City.”

“An act to legalize the acts of the board of county commissioners of the county of Anderson.”

“An act to regulate hedging on roads and highways.”

“An act to incorporate the Topeka Bridge Company.”

“An act to authorize William F. and G. M. Dyer to establish a bridge across Grasshopper creek, at the town of Osawkee, in Jefferson county.”

“An act to incorporate the Sprattsville Town Company in Bourbon county.”

“An act to incorporate the Atchison Hotel Company.”

“An act incorporating Manhattan city, Kansas Territory.”

“An act incorporating the Woodson Town Company.”

“An act to incorporate the town of Mount Pleasant.”

“An act to incorporate the town of St. Bernard.”

“An act to incorporate the Greenwood Town Company, Brown county.”

“An act to incorporate the Palmetto Town Company.”

“An act to incorporate the city of Palermo, Kansas Territory.”

- "An act to incorporate the Tarromee Town Company."
- "An act to incorporate the Big Springs Town Association, near the county line, between the counties of Shawnee and Douglas."
- "An act to incorporate the Town Company of Wyola."
- "An act to incorporate the Town Company of America."
- "An act to incorporate the Town Company of Pierce."
- "An act to incorporate the city of Topeka."
- "An act to detach the county of Brown from the county of Doniphan, and to organize Brown county."
- "An act incorporating the city of Iowa Point."
- "An act to establish a territorial road from the town of Atchison to Vermilion City."
- "An act to incorporate the town of Paris, in the county of Linn."
- "An act to incorporate the Missouri River and Nemaha Railroad Company."
- "An act to locate and establish a territorial road from the Missouri State line at or near Fail's store, via Barnesville, via Miller's store, in Bourbon county, to Cofachiqui, in Allen county, Kansas Territory."
- "An act to incorporate the New Castle Coal and General Mining Company."
- "An act for the relief of the collectors of the public revenue."
- "An act to establish a ferry on the Kansas river, at the crossing of the territorial road, running from Bernard's store to Leavenworth city."

JOHN W. GEARY,  
*Governor of Kansas Territory.*

EXECUTIVE DEPARTMENT,  
*Lecompton, Kansas Territory, February 14, 1857.*

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*Letter to the architect of the capitol.*

EXECUTIVE DEPARTMENT,  
*Lecompton, Kansas Territory, February 16, 1857.*

SIR: In order that I may be able to make out a final estimate on the capitol building at this place in favor of Dr. Rodrique, it is absolutely necessary that you come here without delay.

I trust you will not hesitate, but will come up at once, as I am anxious to close the affair.

Yours, very truly,

JOHN W. GEARY.

WILLIAM RUMBOLD, Esq.,  
*St. Louis, Missouri.*

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Commissions were issued to Thomas Hill, as sheriff; Miles Morris, as assessor; Samuel McDaniels, James McGee, and ——— Sutton, as justices of the peace; Thomas Owens, John H. Rockus, Joshua Griffith,

and John Anderson, as constables; and John McDaniels, as county commissioner, *vice* John Waterman, removed from the county, all in and for the county of Anderson.

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*Acts approved.*

*Gentlemen of the council of Kansas Territory:*

I have the honor to return, with my approval, sundry bills, entitled:

"An act entitled 'An act in relation to railroad companies.' "

"An act to define the duties of sheriffs and collectors of the revenue."

"An act to incorporate the Palmetto Hotel Company."

"An act to incorporate the county of Breckenridge."

"An act to incorporate the Wakarusa City Company."

"An act to incorporate the Town Company of Charlotteville."

"An act to incorporate the Prairie City Coal Mining Company."

"An act to incorporate the Wakarusa City Seminary."

"An act to locate the penitentiary."

"An act in relation to resignations."

"An act to encourage the navigation of Kansas river."

"An act to incorporate the St. George and St. Joseph Railroad company."

"An act to authorize the formation of railroad associations, and to regulate the same."

"An act to incorporate the Nicaragua Town Company."

"An act to incorporate the Midway Town Association, Johnson county, Kansas Territory."

"An act to incorporate the Madison Town Company."

"An act to organize the county of Coffey."

"An act to amend certain parts of an act, entitled 'An act concerning corporations.' "

"An act to locate a territorial road from Prairie City, to the town of Lecompton."

"An act to incorporate the Sonora Town Association."

"An act for the better protection of Luther M. Carter, and the Tecumseh Town Association."

"An act to incorporate the Powhattan Town Company."

"An act in relation to associations."

"An act in relation to incorporations."

"An act to authorize judges of the probate court to take the acknowledgement and proof of deeds and other instruments, and to confirm certain acts of the same."

"An act legalizing the acts of probate judge and county commissioners of Shawnee county."

"An act concerning tender and confession."

"An act to amend an act to establish and regulate justices' courts."

"An act to incorporate the Tecumseh Cemetery Association."



“ An act amendatory of an act, entitled ‘ An act to provide for the location of territorial roads in the Territory of Kansas.’ ”

“ An act to incorporate the Carolina Town Company, ”

“ An act supplemental to an act, entitled ‘ An act to incorporate the Lecompton Bridge Company.’ ”

“ An act to incorporate the Lecompton Improvement Association. ”

“ An act to incorporate the town of Hiawatha. ”

“ An act to incorporate the Lawrence Bridge Company. ”

“ An act to authorize the city of Leavenworth to borrow money. ”

“ An act to incorporate the Prairie City and Missouri State Line Railroad Company. ”

“ An act to incorporate the Claytonville Town Company. ”

“ An act to establish a territorial road from opposite St. Joseph, Missouri, to St. George, in Kansas Territory. ”

“ An act, entitled ‘ An act to locate a territorial road from Marysville, in Marshall county, Kansas Territory, to Council Grove, in the county of Wise.’ ”

“ An act prescribing the compensation of county Treasurer. ”

“ An act to incorporate the Central Railroad Company of Kansas Territory. ”

“ An act to punish rebellion. ”

“ An act to incorporate the Ottawa Town Company. ”

“ An act to incorporate the Marysville or Palmetto and Roseport Railroad Company. ”

“ An act supplemental to an act, entitled ‘ An act to incorporate the Kansas River Bridge Company. ’ ”

“ An act to establish a ferry at Wyandott city in the Territory of Kansas. ”

“ An act supplemental to an act, entitled ‘ An act to regulate proceedings upon writs of mandamus. ’ ”

“ An act supplemental to an act, entitled ‘ An act to fix the time of holding the supreme court. ’ ”

JOHN W. GEARY,  
*Governor of Kansas Territory.*

EXECUTIVE DEPARTMENT,

*Lecompton, Kansas Territory, February 17, 1857.*

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FEBRUARY 18.

Commission issued to E. C. K. Garvey, as notary public, at Topeka, Shawnee county; Fielding Burns, as notary public, at Quindaro, Leavenworth county; D. A. N. Grover, as notary public at Leavenworth city, Leavenworth county.

*Resolution of House of Representatives.*

HOUSE OF REPRESENTATIVES,  
February 17, 1857.

I am instructed by the House to inform you of the passage of the the following resolution by that body, on Monday, 9th February :

“ *Resolved*, That the governor be respectfully requested to inform the House with as little delay as possible whether he has appointed any county officers in the Territory, and if any, who and to what office, whether he has commissioned the same, and under what authority of law said appointments were made.”

Respectfully yours,

R. C. BISHOP,  
Chief Clerk of House.

JOHN W. GEARY,  
Governor of Kansas Territory.

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*Reply.*

*Gentlemen of the House of Representatives of Kansas Territory :*

In reply to your resolution of the 9th instant, I have the honor to inform you that on the 8th of January last, I issued commissions to William Woolman as probate judge ; Richard Burr and Samuel Locke, as county commissioners ; Turner Locke, as constable, and J. B. Scott as justice of the peace, all of Coffey county.

At the time these commissions were issued, Coffey county was not organized, and the citizens were without legal means of transacting the necessary business of the county ; and it was represented to me, and the fact substantiated to my satisfaction, that proper authority must somewhere be vested to prevent threatened breeches of the peace, and a resort to mob violence or lynch law, such being the necessity of the case.

The citizens, for their own protection and safety, had held an election *viva voce*, for the county officers above named, and the gentlemen commissioned, I am informed, were thus elected by at least four-fifths of the *bona fide* residents or legal voters of the county.

Upon their application to me for commissions, I consulted with Hon. Sterling G. Cato, the United States district judge of the judicial district of which Coffey county formed a part, who advised the issuing of the commissions.

The judge concurred with me in the opinion, that as there seemed to be no law intervening between me and the organic act, and in the absence of any legislative action on the subject, and in view of the absolute necessities of the case, as expressed by so large a vote of the actual citizens ; the required provisions should at once be made to meet the contingencies which the peculiar condition of Coffey county presented.

JOHN W. GEARY,  
Governor of Kansas Territory.

EXECUTIVE DEPARTMENT,  
Lecompton, K. T., February 18, 1857.

*Acts approved.*

*Gentlemen of the House of Representatives of Kansas Territory:*

I have the honor to return, with my approval, the following named bills :

“ An act to incorporate the Willow Spring Town Company.”

“ An act to incorporate the Franklin Town Company.”

“ An act to incorporate the town of Agnes City, in Breckenridge county.”

“ An act to amend an act entitled ‘An act to prevent the firing of woods, marshes and prairies.’ ”

“ An act establishing a territorial road from the city of Lecompton to the town of Richmond, in the county of Nemaha, and to other points.”

“ An act to locate a territorial road from Palermo to Fort Riley.”

“ An act to incorporate the Atchison and Fort Riley Railroad Company.”

“ An act to incorporate the Atchison and Lecompton Railroad Company.”

“ An act to authorize the city of Lecompton to borrow money.”

“ An act to establish a territorial road from Lodiana to a point opposite to St. Joseph, Missouri, by way of the city of Palermo.”

“ An act prescribing oaths for officers and others in the Territory of Kansas.”

“ An act to declare the military road from Fort Riley to Bent’s Fort a territorial road.”

“ An act to establish a territorial road from Doniphan to Claytonville, in Brown county.”

“ An act to incorporate the Kansas Valley Bank.”

“ An act to incorporate the Sebastian Town Association.”

JOHN W. GEARY,  
*Governor of Kansas Territory.*

LECOMPTON, KANSAS TERRITORY,  
February 18, 1857.

*Veto Message.*

*Gentlemen of the Council of Kansas Territory:*

After mature consideration of the bill, entitled “ An act to provide for the taking of a census, and election for delegates to convention,” I am constrained to return the same without my approval.

Passing over other objections, I desire to call your serious attention to a material omission in the bill.

I refer to the fact that the legislature has failed to make any provision to submit the constitution, when framed, to the consideration of the people for their ratification or rejection.

The position that a convention can do no wrong, and ought to be

invested with sovereign power, and that its constituents have no right to judge of its acts, is extraordinary and untenable.

The history of State constitutions, with scarcely an exception, will exhibit a uniform and sacred adherence to the salutary rule of popular ratification.

The practice of the Federal and State governments, in the adoption of their respective Constitutions, exhibiting the wisdom of the past, will furnish us with a safe and reliable rule of action.

The Federal Constitution was first proposed by a convention of delegates from twelve States, assembled in Philadelphia. This Constitution derived no authority from the first convention. It was submitted to the various States, fully discussed in all its features, and concurred in by the people of the States in conventions assembled; and that concurrence armed it with power and invested it with dignity. Article 7th of the Constitution makes the ratification of nine States, three-fourths of the number represented in the convention, essential to its adoption.

In the adoption, not only of the Federal Constitution, but of nearly all the State constitutions, the popular ratification was made essential, and all amendments to those of most of the States are required to pass two legislatures, and then be submitted to the people for their approval.

In Kentucky, especially, all amendments to the constitution must pass two legislatures, and for two years be submitted to the vote of the people, upon the question of convention or no convention, on the specific amendments proposed.

Treaties made by ambassadors are not binding until duly ratified by their respective governments, whose agents they are.

Members of the legislature or of conventions are but the agents of the people, who have an inherent right to judge of the acts of their agents, and to condemn or approve them as in their deliberate judgment they may deem proper.

The fundamental law of a commonwealth, so inseparably connected with the happiness and prosperity of the citizens, cannot be too well discussed, and cannot pass through too many ordeals of popular scrutiny.

What delegates to conventions may do or what omit cannot be known until they have assembled and developed their action. If the whole power be vested in them without recourse over to the people, there is no guarantee that the popular wishes will be fairly and fully expressed.

Although the people may have voted for a convention to form a State constitution, yet they have, by no just rule of construction, voted away the usual and universal right of ratification.

Special instructions, covering every point arising in the formation of a constitution, cannot be given in the elections preliminary to a convention; and it is, therefore, proper that the action of the convention, necessarily covering new ground, should be submitted to the people for their consideration.

The practical right of the people to ordain and establish governments is found in the expressive and beautiful preamble to the Federal

Constitution: "We, the people," &c., "do ordain and establish this constitution."

Let the constitution of Kansas be ratified and established by the solemn vote of the people, surrounded by such safeguards as will insure a fair and unbiassed expression of the actual *bona fide* citizens, and it will remain inviolably fixed in the affections of the people.

In his report upon the Toombs bill, its distinguished author thus logically enumerates the various steps in the formation of a constitution: "The preliminary meetings; the calling of the convention; the appointment of delegates; the assembling of the convention; the formation of the constitution; *the voting on its ratification*; the election of officers under it."

In the same report the author most justly remarks: "Whenever a constitution shall be formed in any Territory, preparatory to its admission into the Union as a State, justice, the genius of our institutions, the whole theory of our republican system, imperatively demands that *the voice of the people shall be fairly expressed, and their will embodied in that fundamental law*, without fraud, or violence, or intimidation, or any other improper or unlawful influence, and subject to no other restrictions than those imposed by the Constitution of the United States."

The voice of the people fairly expressed, and its embodiment in the fundamental law, should be the earnest desire of every citizen of a republic.

But how can the voice of the people be fairly expressed, and their will be embodied in the organic law, unless that law, when made, be submitted to them to determine whether it is their will which the convention has proclaimed.

The leading idea and fundamental principle of our organic act, as expressed in the law itself, was to leave the actual *bona fide* inhabitants of the Territory "perfectly free to form and regulate their domestic institutions in their own way." The act confers almost unlimited power upon the people, and the only restriction imposed upon its exercise is the Constitution of the United States.

"The great principle, then, upon which our free institutions rest, is the unqualified and absolute sovereignty of the people; and constituting, as that principle does, the most positive and essential feature in the great charter of our liberties, so is it better calculated than any other to give elevation to our hopes and dignity to our actions. So long as the people feel that the power to alter the form or change the character of the government abides in them, so long will they be impressed with that sense of security and of dignity which must ever spring from the consciousness that they hold within their own hands a remedy for every political evil—a corrective for every governmental abuse and usurpation.

"This principle must be upheld and maintained at all hazards and at every sacrifice—maintained in all the power and fullness—in all the breadth and depth of its utmost capacity and signification. It is not sufficient that it be acknowledged as a mere abstraction, or theory, or doctrine, but as a practical, substantial, living reality, vital in every part."

The idea of surrendering the sovereignty of the Territories, the common property of the people of the several States, into the hands of the few who first chance to wander into them, is to me a political novelty. Is it just that the Territories should exercise the rights of sovereign States until their condition and numbers become such as to entitle them to be admitted into the Union on an equality with the original States?

In speaking of the proper construction of the organic act, its distinguished author remarks: "The act recognizes the right of the people thereof, while a Territory, to form and regulate their own domestic institutions in their own way, subject only to the Constitution of the United States, and to be received into the Union, *so soon as they should attain the requisite number of inhabitants, on an equal footing with the original States* in all respects whatever."

In the report before alluded to the author says: "The point upon which your committee have entertained the most serious and grave doubts, in regard to the propriety of endorsing this proposition, relates to the fact that, in the absence of any census of the inhabitants, there is reason to apprehend that the Territory does not contain sufficient population to entitle them to demand admission under the treaty with France, if we take the ratio of representation for a member of Congress as the rule."

In accordance with the foregoing views, I remarked, in my first message to your body, that "the durability and imperative authority of a State constitution, when the interests of the people require a State government, *and a direct popular vote is necessary to give it sanction and effect*, will be the proper occasion, once for all, to decide the grave political questions which underlie a well regulated commonwealth." And, in another portion of the same message, I said: "justice to the country and the dictates of sound policy require that the legislature should confine itself to such subjects as will preserve the basis of entire equality; *and, when a sufficient population is here*, and they choose to adopt a State government, that they shall be 'perfectly free,' without let or hindrance, to form all their domestic institutions in their own way and to dictate that form of government which, in their deliberate judgment, may be deemed proper."

The expressions "requisite number of inhabitants," "sufficient population," and others, of similar import, can have no other meaning than that given them by our leading statesmen, and by the common judgment of the country, to wit: "the ratio of representation for a member of Congress."

The present ratio for a member of Congress is 93,420 inhabitants. What, then, is the present population of Kansas; or what will it be on the 15th of March next? as after that time no person arriving in the Territory can vote for a member of the convention under the provisions of this bill.

At the last October election the whole vote polled for delegate to Congress was four thousand two hundred and seventy-six, (4,276,) while the vote in favor of a convention to frame a State constitution, was but two thousand six hundred and seventy, (2,670.)

It is a well known fact to every person at all conversant with the

circumstances attending the last election, that the question of a State government entered but little into the canvass, and the small vote polled for a convention is significantly indicative of the popular indifference on the subject.

No one will claim that 2,670 is a majority of the voters of the Territory, though it is a majority of those voting, and it is conceded that those not voting are bound by the act of those who did.

The bill under consideration seems to be drawn from the bill known as the Toombs bill; but in several respects it differs from that bill; and in these particulars it does not furnish equal guarantees for fairness and impartiality. The former secured the appointment of five impartial commissioners to take and correct the census, to make a proper apportionment among the several counties, and generally to superintend all the preliminaries so as to secure a fair election; while, by the present bill, all these important duties are to be performed by probate judges and sheriffs, elected by and owing allegiance to a party. It differs in other important particulars. The bill of Mr. Toombs conferred valuable rights and privileges upon this Territory, and provided means to pay the expenses of the convention; while this bill does neither.

If we are disposed to avail ourselves of the wisdom of the past, we will pause some time before we throw off our territorial condition, under present circumstances, by the adoption of a State government.

The State of Michigan remained a Territory for five years after she had the requisite population, and so with other States; and when they were admitted, they were strong enough in all the elements of material wealth to be self-supporting. And hence they knocked at the door of the Union with that manly confidence which spoke of equality and self-reliance.

California was admitted under peculiar and extraordinary circumstances. Her rich mines of the precious metals attracted a teeming population to her shores, and her isolated position from the parent government, with her superabundant wealth, at once suggested the experiment of self-government; and at the time of her State constitution, ratified by the vote of the people, the population of California entitled her to two representatives in Congress.

I observe by the message of the governor of Minnesota that the population of that thriving Territory exceeds 180,000. The taxable property amounts to between thirty and thirty-five millions of dollars. And in view of these facts, and of the large increase of agricultural products, cash, capital, &c., the governor favors a change from a territorial to a State government. To this end he suggests that a convention be called *to form* a constitution; that an act be passed for the taking of a census in April, and for such other preliminary steps as are necessary; and that if the constitution be "*ratified by the people*" at the next October election, it shall be presented to Congress in December following.

These facts furnish an additional argument why the constitution should be submitted to the people, as the majority, preferring a territorial government, and thinking a State government premature, may

desire to avail themselves of that opportunity to vote against any State constitution whatever.

Burdened with heavy liabilities, without titles to our lands, our public buildings unfinished, our jails and court-houses not erected, without money even to pay the expenses of a convention; and just emerging from the disastrous effects of a most bitter civil feud, it seems unwise for a few thousand people, scarcely sufficient to make a good county, to discard the protecting and fostering care of a government, ready to assist us with her treasures and to protect us with her armies.

JOHN W. GEARY,  
*Governor of Kansas Territory.*

LECOMPTON, KANSAS TERRITORY,  
*February 18, 1857.*

*Requisition for troops.*

EXECUTIVE OFFICE, LECOMPTON,  
*Kansas Territory, February 18, 1857.*

SIR: In consequence of a serious disturbance of the peace of this city, just occurred, I hereby request the aid of ten United States troops to assist in preserving order.

OWEN C. STEWART,  
*Mayor of Lecompton.*

His Excellency Governor GEARY.

*Requisition for troops.*

EXECUTIVE DEPARTMENT.  
*Lecompton, K. T., February 18, 1857.*

SIR: You and your entire command are requested to report on foot, immediately, to me at this place. There is difficulty here. Two or three men have been shot. There is not a moment to be lost. Bring musketry ammunition.

Yours, &c.

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Captain NEWBY,  
*Commanding troops near Lecompton.*

*Acts approved.*

FEBRUARY 19.

*Gentlemen of the Council of Kansas Territory:*

The following named bills are herewith returned, with my approval:

“An act to incorporate the Monique Town Company.”

“An act to incorporate the Palermo and St. Joseph Railroad Company.”



"An act to incorporate the Virginia Town Company."

"An act to establish a territorial road from the city of Lawrence to the town of Burlington, in Coffey county."

"An act to establish a territorial road from Wakarusa city to Council Grove."

"An act to locate a territorial road from the town of Palermo westward to the town of Claytonville, in Brown county."

"A bill to incorporate the Toronto Town Company."

"An act to incorporate the Buchanan University."

"An act to incorporate the Kansas Female Collegiate Institute."

JOHN W. GEARY,  
*Governor of Kansas Territory.*

LECOMPTON, KANSAS TERRITORY,  
*February 19, 1857.*

*Veto message.*

*Gentlemen of the House of Representatives of Kansas Territory:*

I have carefully examined an "Act supplementary to an act entitled 'An act to grant pre-emptions to school lands in certain cases;'" and, having compared with it the acts of Congress relative to school lands, I am constrained to believe that, as the school lands embraced in sections 16 and 36 have been reserved by a clause in the organic act, so that the disposal of them requires an enabling act of Congress.

JOHN W. GEARY,  
*Governor of Kansas Territory.*

LECOMPTON, KANSAS TERRITORY,  
*February 19, 1857.*

*Acts approved.*

FEBRUARY 20.

*To the House of Representatives of Kansas Territory:*

GENTLEMEN: I have the honor herewith to return you, with my approval, the following named bills:

"An act to incorporate the Springfield Town Company."

"An act to incorporate the Missouri City Town Company."

"An act to incorporate the Hamilton Town Company."

"An act to incorporate the Centropolis Town Company."

"An act to incorporate the Potosi Town Company."

"An act to incorporate the Neoma Town Association."

"An act to incorporate the Versailles Town Company."

"An act to incorporate the Valley Town Company."

"An act to incorporate the Spartanburg Town Company."

"An act to incorporate the Marshall Town Company."

"An act to incorporate the Louisville Town Company, in Kansas Territory."

"An act to incorporate the Kansas College Association."

"An act to incorporate the Atchison Mill Company."

"An act to incorporate Leavenworth Fire and Marine Insurance Company."

"An act to incorporate the Doniphan Coal and Mining Company."

"An act to incorporate the Wansoppea Town Company."

"An act to incorporate the Wheatland Town Company."

"An act to incorporate the town of Olathe."

"An act in relation to trespass on school lands."

"A bill to be entitled an act to incorporate the Delaware and Lecompton Railroad Company."

"An act to amend an act relating to injunctions."

"An act to locate permanently the seat of justice of Leavenworth county."

"An act to locate a territorial road."

"An act to establish a territorial road from Leavenworth City to Peora."

"An act to establish a territorial road from Marysville via Richmond and Claytonville to the town of Troy."

"An act to amend an act for securing liens to mechanics and others."

"An act to establish a ferry at the city of Palermo, Doniphan county."

"An act to amend an act entitled An act to provide for the collection of revenue."

"An act defining the powers and duties of county commissioners and other county officers in certain cases."

"An act to establish a territorial road from the town of Atchison to the city of Lecompton, via Wigglesworth's Ford, on Stranger creek."

"An act to establish a road from the town of Olathe, on the Santa Fé road, to the crossing of the Wakarusa, at Blue Jacket's."

"An act to incorporate the Missouri River Bridge Company."

"An act to provide for the location of the county seat of Davis county."

"An act to incorporate the Mine Hill Railroad and Mining Company."

JOHN W. GEARY,  
*Governor of Kansas Territory.*

LECOMPTON, KANSAS TERRITORY,  
*February 20, 1857.*

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*Acts approved.*

*Gentlemen of the House of Representatives of Kansas Territory:*

I herewith return, with my approval, the following bills:

"An act to borrow money for territorial purposes."

"An act to incorporate the Coahoma Town Company."

"An act to incorporate the Westphalia Town Company."

"An act more particularly to define the boundaries of the several counties in Kansas Territory."

"An act to establish a ferry on the Kansas river."

"An act to amend an act entitled, "An act providing for the establishment of common schools."

"An act for the relief of William J. Preston."

JOHN W. GEARY,  
*Governor of Kansas Territory.*

LECOMPTON, KANSAS TERRITORY,  
*February 20, 1857.*

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*Appointments.*

EXECUTIVE DEPARTMENT, LECOMPTON, K. T.,  
*February 20, 1857.*

GENTLEMEN: I hereby nominate and appoint the following named gentlemen to the following positions:

F. J. Marshall, of Marshall county, as major general, in place of William P. Richardson, deceased.

H. J. Strickler, of Shawnee county, comptroller of the treasury.

L. J. Hampton, of Jefferson county, as master of convicts.

JOHN W. GEARY,  
*Governor of Kansas.*

To the COUNCIL OF KANSAS TERRITORY.

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*Acts approved.*

GENTLEMEN OF THE COUNCIL OF KANSAS TERRITORY: I have the honor to return, with my approval, the following bills, viz:

"An act to incorporate the St. George Town Company, and for other purposes."

A resolution to allow the clerks of council and house of representatives additional compensation.

A resolution "in regard to the colonial records of Pennsylvania."

"An act to prohibit the circulation of paper currency of a less denomination than three dollars."

"An act to prevent civil officers from speculating in territorial or county warrants."

"An act to incorporate the Wewoka Town Company."

"An act to amend the eleventh article of an act entitled 'An act concerning costs.'"

"An act to incorporate the Petrea Town Company."

"An act to establish a territorial road from the city of Lecompton, in Douglas county, by way of the town of Clinton, in said county, to the Sac and Fox agency, in Weller county."

"An act to incorporate the Clinton Town Association, in Douglas county."

"An act to incorporate the Stranger Bridge Company."

"An act to incorporate the Lexington Town Association."

"An act to provide for the pay of clerks."

"An act to incorporate the Kansas Water Power and Manufacturing Company."

"An act to lay out and establish a territorial road from Paola and Centreville."

"An act more definitely to define the eastern boundary of Leavenworth county."

"An act to organize the county of Dickinson."

"An act to incorporate the Tacoah Town Company."

"An act to locate a territorial road from the town of Shannon, the county seat of Anderson, to the town of Hampden, in Coffey county."

"An act to incorporate the Rising Sun Town Association."

"An act to incorporate the Eastern Kansas and Gulf Railroad Company."

"An act to incorporate the Laurel Hill Cemetery Association."

"An act to incorporate the Chaumiere Town Association."

"An act to incorporate the St. Joseph and Topeka Railroad Company."

"An act entitled 'An act to incorporate the Kansas River Navigating Company.'"

"An act to authorize certain persons to locate a ferry on the Missouri river, between Kansas city and Wyandotte."

"An act to incorporate the town of Burlington."

"An act to incorporate the Geary City Association."

"An act amendatory to an act entitled 'an act attaching certain territory to the county of Madison.'"

"An act to incorporate the St. Leander Town Company."

"An act to incorporate the Cherokee Town Company."

"An act to incorporate the Shenandoah Town Company."

"An act to incorporate the Centropolis College."

"An act to incorporate the county of Davis, in the Territory of Kansas."

"An act making appropriations for the expenses of the Territory of Kansas for the year 1857."

"An act to abolish the office of auditor of public accounts, and to create the office of comptroller of the treasury."

"An act making appropriations for the years 1855 and 1856."

"An act to incorporate the Eudora Town Association."

"Council concurrent resolution petitioning Congress for the right of pre-emption in a certain case."

"An act authorizing certain persons to execute a trust, and convey title of H. R. Lykens, to property received from the United States government, upon the site occupied by the town of Lawrence."

"An act to incorporate the Haskell College."

JOHN W. GEARY.

*Governor of Kansas Territory.*

LECOMPTON, KANSAS TERRITORY,

*February 20, 1857.*

*Gentlemen of the council of Kansas Territory:* I have the honor to return, with my approval, the following bills:

“An act to authorize the governor to sign certain laws.”

“An act supplemental to an act entitled ‘An act to incorporate the Lawrence Bridge Company.’”

“An act to incorporate the Emporia Town Company, and to incorporate the City of Emporia, with a territorial road thereto.”

I shall have no further communication to make during the present session.

JOHN W. GEARY,  
*Governor of Kansas Territory.*

LECOMPTON, K. T., *February 20, 1857.*

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*Gentlemen of the house of representatives of Kansas Territory:* I have the honor to return, with my approval, bills entitled—

“An act to amend an act entitled ‘An act to incorporate the City of Leavenworth.’”

“An act entitled ‘An act to authorize a company to build a bridge across the Grasshopper creek, in the Territory of Kansas.’”

“An act to incorporate the Grand Central Gulf Railroad Company.”

“An act to define and establish the council and representative districts for the second legislative assembly, and for other purposes.”

“An act to provide for the location of the county seat of Riley county.”

“An act to incorporate the Palermo Insurance Company.”

“An act to incorporate a ferry at the town of Quindaro, across the Missouri river.”

I shall have no further communication to make during the present session.

JOHN W. GEARY,  
*Governor of Kansas Territory.*

LECOMPTON, K. T., *February 20, 1857.*

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The foregoing is a correct copy of the executive minutes of Kansas Territory, from the 1st to the 20th of February, 1857, inclusive.

JOHN H. GIBON,  
*Secretary to the Governor.*

LECOMPTON, K. T., *February 21, 1857.*

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FEBRUARY 21, 1857.

*Adjournment of the legislature.*

At 12 o'clock, midnight, both branches of the legislative assembly having just adjourned, all the members, together with the clerks, doorkeepers, and other attachés, with a number of citizens, visited the governor in a body at his residence. Upon their reception the

governor addressed them at length upon the past, present, and future of the Territory, and on the agreeable termination of the labors of the legislature. He was happily responded to by the president of the council, the speaker of the house of representatives, and several prominent members and others; after which a universal interchange of kindly sentiments took place. Most of the members departed early this morning for their various homes.

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*Letter to the Secretary of State.*

EXECUTIVE DEPARTMENT,  
*Lecompton, Kansas Territory, February 21, 1857.*

SIR: Since my last despatch nothing of much importance has transpired here.

The legislature has passed a bill calling a convention to frame a State constitution, the delegates to be elected in June, three months' previous residence being required for voters. Convention to meet in September next. As the bill contained no provision to submit the constitution, when framed, to the people for ratification or rejection, I esteemed it my duty to return it without my signature. My message on this subject will be found in my executive minutes, herewith transmitted. The legislature passed the bill, notwithstanding my objections.

As there will be a number of popular elections during the present year which will create excitement, it will be necessary for the executive to be well sustained by United States troops, who are not affected by partisan considerations, in order that any breach of the peace from any quarter be promptly suppressed. I would, therefore, suggest that a sufficient force of dragoons be stationed at Fort Leavenworth to respond to any call of the executive in cases of emergency.

Some disturbances occurred at this place on Wednesday last, at a public meeting held by the citizens of this and the adjoining counties, without distinction of party, over which the mayor of the city presided.

The assemblage was up on Capitol square, for the purpose of expressing their views relative to the recent assault upon the executive, and of declaring their sentiments relative to his official actions. A committee to draught the customary resolutions were appointed, and while this committee were engaged in the discharge of their duty several addresses were made.

Upon the resolutions being read, William T. Sherrard, who had previously made an attack upon myself and my private secretary and another member of my household, took the stand, and pronounced the committee who reported the resolutions, and all who endorsed them, as liars, cowards, and scoundrels. Mr. Sheppard, a citizen present, remarked that he was neither, and that he endorsed the resolutions; whereupon Sherrard drew a pistol, (he having provided himself with two six-shooters and a bowie knife expressly for the occasion,) and fired upon Sheppard, wounding him twice. Several shots were fired,

and in the affray Sherrard was shot in the head. Both Sheppard and Sherrard were seriously wounded, but there is every chance that both will recover.

From all the circumstances, I am satisfied that there was a pre-determination on the part of Sherrard and his friends to disturb and break up the meeting by violence, and it is very fortunate that much more injury was not done.

Since the meeting of the legislature in this place there has been considerable agitation here, and it is to be hoped that the explosion of Wednesday last will have the effect of calming the agitated elements.

I do not think it necessary to refer to other subjects, as they are particularly noted in my executive minutes.

Your obedient servant,

JOHN W. GEARY.

Hon. WILLIAM L. MARCY,

*Secretary of State, Washington, D. C.*

N. B. William T. Sherrard, the person alluded to in the foregoing letter, died on the morning of Saturday, the 21st instant, a few hours after the letter was despatched for Washington.

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*Pardons granted.*

Upon the petition of members of the legislature and numerous citizens of Doniphan county pardons were granted to F. M. Mahan, Augustus Morques, Francis Yocum, and Daniel Fulton, Messrs. Beeler & Co., and William Poeppes, severally convicted at the last August term of the first district court, held at Whitehead, in Doniphan county, for selling liquor without license, it having been shown that the parties named were ignorant of the existence of any law, or the means to ascertain that fact, making the offence of which they were convicted criminal and punishable.

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*Letter from the Secretary of State.*

DEPARTMENT OF STATE,  
*Washington, February 4, 1857.*

SIR: The original letter, of which the enclosed is a copy, was brought to the notice of the President a few days since by Hon. James A. Pearce, of the United States Senate. The discrepancies between the statements of this letter and those contained in your official communication of the 19th of September last are such that the President directs me to enclose you the copy for explanation.

I am, sir, respectfully, your obedient servant,

W. L. MARCY.

JOHN W. GEARY, Esq.,

*Governor of Kansas, Leecompton.*

*Letter of Judge Lecompte.*

LEAVENWORTH CITY, KANSAS TERRITORY,  
December 23, 1856.

MY DEAR SIR: I take pleasure in furnishing you the facts in the case of Hayes, which I see by your letter, as well as by newspaper items, has obtained a notoriety vastly disproportioned to its real consequence.

On the last day of the term of my court, held at Lecompton, for the first district, application was made by the counsel of Hayes for bail. Understanding that he was indicted for murder, I observed that I could not admit to bail, unless testimony was offered tending to acquit him of the charge. I was asked by his counsel whether I would hear such testimony, the term of the court being limited, and that being the last day of the session. I said I would. A witness was called, who stated that he was with the prisoner on the day named in the indictment, and that they were coming in company from Lecompton to Leavenworth. I inquired for and had called the witnesses on the part of the Territory. They were not in attendance. The matter being submitted upon this evidence, and some observations by his counsel, who claimed to have thus furnished proof of an alibi, I declined to admit him to bail, stating, as my reason, that I did not consider the day named as an averment material to be proved, and that, while the proof exonerated him from the charge on that day, it was possible, and consistent with the evidence offered, that he was guilty of the crime on another day, before or after, and committed him to the custody of the marshal. In the afternoon, by his counsel, he asked permission to offer other and additional testimony to have a further hearing upon his application. I granted; some two or three (three, I think) other witnesses were sworn, who concurred in saying that they were with Hayes in the ranks of the militia, returning from Lawrence to Lecompton, on the day of the murder, and that he was in the ranks during the day, and that they frequently saw him. I again had the witnesses for the government called. They not being forthcoming, I stated that I was not fully satisfied to bail. At this moment the district attorney, prosecuting on behalf of the government, arose and stated that he knew Hayes well; that he was a neighbor of his; and that he had full confidence that Mr. Hayes could give good bail, and would be forthcoming to answer the charge, if bail were allowed; and that he had no objection to his being admitted to bail.

I immediately replied, that being the case, if he can give sufficient security in the sum of ten thousand dollars, I will take it. It was immediately given and he was discharged. But for subsequent occurrences, I know not that I should have thought of the matter again from that day to this. It attracted no more of my attention than any other case upon which I have acted. I never heard the matter mentioned, as I now recollect, except as I have detailed it. I had never seen Hayes before, to my knowledge, and should not now know him, but for the same subsequent occurrences. I cared neither more nor



less for him than any other person arraigned before me. I saw Governor Geary that evening, and received from him the same courtesy which had marked all our intercourse, neither knowing nor thinking whether he knew or cared anything about Hayes. He politely asked me, when I stated that I was going home in the morning (this was Saturday) to remain and take a seat with him to Leavenworth on Monday. I declined, stating that, having been so long (a month) from my family, I was very anxious to get home.

I saw him again in the morning, when he repeated the invitation, which I again, for the same reason, declined, and in a few minutes started, in company with a number of friends, for home.

To my infinite surprise, I learned from the marshal, who, passing my house, called to see me the next Wednesday, that the governor had ordered him to rearrest Hayes, and that upon his refusal, Colonel Titus had been ordered to rearrest him, and had left Leecompton for that purpose.

A day or two afterwards application was made to me by Hayes for an *habeas corpus*. This I issued. Being brought before me on the return day, and the matter being submitted, I discharged him. I trouble you with copies of the application, the *habeas corpus*, &c., &c.

Thus the matter ended here, but to be renewed, as it seems, throughout the country. While I much regret that so unexpected a notoriety shall have been given to an ordinary official act, I have the consolation to know that it has not been by any act of aggression on my part, and, as I think, by no unwarranted assumption of power.

That I had a right to bail Hayes is as clear to my mind as any legal proposition.

It follows, I suppose, from the legislative adoption of the common law, (see 3 East., page 167, *King vs. Marks*,) and is given in the most ample terms by the large jurisdiction conferred by the Kansas act upon the district courts of the Territory, in connexion with the judiciary act of 1789.

I have exercised the same power at the fall term of my court, preceding that above mentioned, in favor of Robinson, Brown and others, indicted for high treason. I had bailed them on the ground that they tendered themselves ready for trial and the government was not ready, but asked a continuance, and that upon grounds which, though not strictly legal, seemed to me to entitle them to it; but yet grounds, namely, the public disturbances, for which I could not regard the prisoners as responsible. I felt that it would be oppressive, under those circumstances, to hold them in custody, and, against the argument of the representative of the government, bailed them. In Hayes' case I exercised the same power, but with the acquiescence of the district attorney, as I have stated.

Besides this acquiescence, however, and the testimony as mentioned, I had the following additional reasons for doing so:

The Statutes, ch. 129, art. 5, sec. 1, entitled him to demand a trial. This presupposed the government to be ready; and when its witnesses were called, it was its laches, and not Hayes', that they were not in attendance. I presumed again, from the acquiescence of the district attorney, that there was no case against him which would make it at.

all imperative that he should be holden in custody. This presumption I based upon the provisions of Statutes 131 and 129, art. 3, secs. 6, 7, and 8. Moreover, I was well satisfied that the great purpose alike of bail and of commitment, the having the party forthcoming to answer the charge, was more likely to be obtained by bail than by commitment.

There had been no instance in which I had committed criminals for murder of their appearance for trial. McCrea, committed, had escaped. Wilson, committed for the murder of his wife, had escaped. True, the prisoners then in custody had been so for a while, but it was evident as any fact that, with such means of security as existed, they could get out at any time. The late escape of thirty or more (I think) of their number shows this ; and I know well it was nightly expected, while I was holding court, that they would escape. I believe, in common with almost everybody else, that they did not, only because they did not seriously apprehend that the law would be strictly enforced against them. I am far from intending by these suggestions to intimate that the executive was not performing his duties. I simply mean that there was not, as there never has been, and now is not, any such thing as a place of secure imprisonment in the Territory. Without adding further on this point, I will but say that, feeling perfectly satisfied of my authority, and that I exercised my discretion honestly, I have nothing to recant, as I have nothing to excuse.

As to the reports that I had refused to bail others (free-State men) for less offences, believe me, sir, they are as false as if the devil told them, come from what source they may, as all reports are that represent me as having, in any solitary case, made the slightest distinction between suitors of one party and another. On the contrary, I name Boyles and Bainter, charged with robbery and assault with intent to murder, who were on bail up to the time of their trial ; Brook, charged with assault with intent to murder, of whom I agreed to take bail, but committed him only for want of sufficient security ; and well remember another case, though not the name, of one who was released either a day or two before Hayes, and is now at large on bail for his appearance at the next term, precisely as Hayes is, charged with assault with intent to murder. The prosecutor I saw in court, one eye being shot out in the assault. These were released by precisely the same preliminary steps that Hayes was. Besides these cases, at the same term, I had heard testimony in the case of Brown and others at my spring term with the same view, but had declined to admit them to bail, because the evidence was totally unsatisfactory ; and, after I had come home, agreed to take testimony, with the same view, in Robinson's case, he having been subsequently arrested, as they were, on the charge of treason, and being under indictment. More than this, after having fixed a day to go into Leavenworth for this purpose, he was taken up to Lecompton. I was then applied to by his counsel to go up there, and consented to do it, and started for the purpose, but was excused by him by the following note :

“LEAVENWORTH CITY,  
“*Saturday evening, March 31, 1856.*

“DEAR SIR: On returning to town from your house this evening I reflected very seriously on the inconvenience to which I was about to subject you in insisting upon your accompanying me to Lecompton in the morning, and, in view of the very little I had to hope from that troublesome ride, I have made up my mind not further to insist upon it. You will, therefore, my dear sir, so far as my deliberate judgment, as counsel for the prisoners at Lecompton, can excuse you from any neglect of duty in not going there, plead it in bar, for I do not require it. With my sincere thanks, therefore, for the very courteous manner in which you received me, and for the obliging consent to accompany me on a long and tedious journey, I beg leave to assure you of my most respectful consideration, and subscribe myself your obedient servant,

“WM. H. BURSELL.

“Hon. S. D. LECOMPTE,  
“*U. S. District Judge, K. T.*”

The only cases that occur to me having the semblance of refusal to bail are: one of Ritchie, and another of one of the number of men charged with murder at Hickory Point.

These were as follows: Ritchie was indicted in not less than six, perhaps eight, cases of robbery. On application for bail, about a week before the adjournment, I said to his counsel that I did not think I ought to allow bail in such a case; the presumption, from so many indictments, being all against the possibility of hasty action by the grand jury. It was then expected daily that the cases, or some of them, would be ready for trial. As the term approached a close, and it became inevitable that the cases should be continued, application was again made, and I consented to take bail. Being asked by his counsel to fix the amount in each case, when I was about to do so the district attorney stated that he was also included in the indictment for murder in the attack upon Titus' house. This closed the application, his counsel not proposing to offer any exculpatory evidence, and the subject ended, not by a repeal, but under the very rule which I had applied in the case of Hayes, and of Robinson, Brown, &c., at the preceding terms, and which I had announced in all other similar cases.

In this case, it is true, I would have required, as I conceived my duty, a very strong case to be made, indicted, as he was, in so many aggravated cases, and himself manifesting no little destitution of principle and an utter disregard of the laws.

The other was a case, called to my notice informally, upon which no action was had, of one of some eighty or more who had been committed by Judge Cato for murder at Hickory Point. The matter was called to my attention by some friend of the party, who bore a letter from Governor Geary, stating that he had called on him and he had referred him to me.

I stated to him that I scarcely knew whether it would be worth

while to make a formal application in the matter ; that it was but a very short time before the matter would come before the grand jury ; and that I was not satisfied as to the propriety of a rehearing of the matter by me, as he had been committed for trial by Judge Cato, who had as much authority in the premises as I had ; that it was a pity that any peculiar circumstances of his case that would justify bail had not been presented to judge Cato at the hearing by him ; that, nevertheless, I would hear an application if one were made, though I much doubted, under the circumstances, whether I could do anything in the matter at any rate before the session of court, (my impression is that this occurred in vacation, between the hearing of the preliminary examination before Judge Cato and the term.) Being at the governor's room at that day, he mentioned the subject, and I stated to him, in substance, as above, what I had said ; with all of which he concurred. No application was made, nor did I hear more of the matter. I supposed that it was not thought of sufficient interest, as it was not more than a week or two before the probable disposal of the matter, to justify any further thought or action.

If either of these cases has been represented at Washington as a refusal by me to take bail in the case of "free-State men," I pronounce such representation false.

While I cannot know certainly the motive, it is but a reasonable supposition that it was a malignant one. However this may be, the falsity of the statement is certain ; and if any representation has been there made to the effect that in any single instance I have administered the law with any reference to the political opinions of suitors, it is basely false, no matter by whom made, to whom, or for what purpose.

I have thus, I fear at an unpardonable length, my dear sir, answered your questions. I have but to add that, entertaining for the President a high admiration, and for his position the profoundest respect, and for the governor the most friendly feelings, and in his executive qualities great confidence, I yield to neither in integrity of purpose or official qualification ; and while I have made to you these statements, I have to neither the one nor the other any explanations to make, otherwise than in courtesy, of my official action.

As they have sworn to see to the faithful execution, so have I sworn to see to the faithful administration, of the laws. If the President, conceiving himself empowered constitutionally so to do, shall remove me, very well.

While I hold the office I will exercise its functions as I have done, according to my best judgment and conscience, without ever thinking to inquire whether I please him, or the governor, or any body else.

If thus I shall, as hitherto I have done, enjoy the confidence and respect of those who know me—well, and thank God for it ; but if otherwise, I shall submit with great cheerfulness rather to suffer under injustice than to excite, for future remorse, the bitter consciousness of sycophantic infidelity to duty.

Allow me, my dear sir, to assure you of my most sincere thanks for the friendliness which prompted your letter, and, while submitting to you this reply, for any use, without restriction, which you may be

pleased to make of it, of the unqualified respect with which I have the honor to be

Your obedient servant,

SAMUEL D. LECOMPTE.

Hon. J. A. PEARCE.

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*Letter to the Secretary of State.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., February 20, 1857.*

SIR: Your despatch of the 4th instant, enclosing me a copy of Judge Lecompte's letter on the Hayes case, and calling my attention "to the discrepancies between the statements of that letter and those contained in your (my) official communication of the 19th of September last, and requesting 'explanation,'" was received by last mail.

In reply, I have simply to state that "what I have written I have written," and I have nothing further to add, alter, or amend on this subject.

My executive minutes, faithfully chronicling my official actions and the policy which dictated them at the time they occurred, and my various despatches to the government, contain but the simple truth, told without fear, favor, or affection; and I will esteem it a favor to have them all published for the inspection of the country.

Your obedient servant,

JNO. W. GEARY,  
*Governor of Kansas Territory.*

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

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*Alabama Reports.*

ALABAMA,  
*Secretary of State's office.*

SIR: Agreeably to the requirements of a law of this State, I have the honor to transmit to your excellency the 28th volume of Alabama Reports, for the use of the State over which you preside, and am required to ask respectfully an interchange of your laws and reports, for the use of this State.

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

J. H. WEAVER,  
*Secretary of State.*

His Excellency THE GOVERNOR  
*of Kansas Territory.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., February 21, 1857.*

SIR: I have the honor to acknowledge the receipt of volume 28, Alabama Reports.

Truly yours,

JNO. W. GEARY,  
*Governor of Kansas Territory.*

HON. J. H. WEAVER,  
*Secretary of State, Alabama.*

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FEBRUARY 23.

*Acts approved.*

Agreeably to an act of the recent legislative assembly, the following named bills were this day approved by the governor:

"An act to incorporate the Emporia Town Company, and to incorporate the city of Emporia, with a territorial road thereto."

"An act supplemental to an act entitled 'An act to incorporate the Lawrence Bridge Company.'"

"An act to authorize the governor to sign certain laws."

"An act entitled 'An act to authorize the Auditor to settle with the Comptroller of the Treasury.'"

"An act to incorporate the Wepeahm Town Company."

"A resolution recommending a manuscript book of forms."

"An act supplemental to an act entitled 'An act to provide for the auditing claims.'"

"Joint resolution concerning the laws."

"An act to authorize the payment of one hundred and twenty-nine dollars and eighty cents to George Matney."

"An act to provide for the auditing of claims."

"An act to regulate conflict of prosecutions in incorporated towns and cities."

"An act to amend an act entitled 'An act to incorporate the city of Leavenworth, Kansas Territory.'"

"An act to organize the county of Franklin."

"An act concerning conveyances."

"An act supplemental to an act entitled 'An act to incorporate the Leavenworth, Pawnee, and Western Railroad Company.'"

"An act to charter the city of Lawrence."

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*Commissions issued.*

Commissions were issued to A. J. Baker, as probate judge; Christopher Columbus and Aaron Dow, as county commissioners; and Elisha Goddrel, as sheriff—all in and for the county of Breckenridge.

Joseph Moon, as probate judge; Uriah Umphrey and B. I. Elliott,

as county commissioners ; and Jefferson Pigman, as sheriff—all in and for Madison county.

A. J. Hoob and James P. Sanders, as county commissioner, in and for the county of Douglas.

John Randolph, as probate judge, and S. N. Silly and S. B. White, as county commissioners, in and for Riley county.

Robert Reynolds, as probate judge ; N. B. White and C. L. Sanford, as county commissioners ; and H. N. Williams, as sheriff—all in for the county of Davis.

Robert Wilson, as probate judge ; Chas. Jenkins and G. W. Gillespie, as county commissioners ; and ——— Wilson, as sheriff—all in and for Pottawatomie county.

John B. Boyce, as notary public for the county of Doniphan.

*Circular from the Colonel of Ordnance.*

ORDNANCE OFFICE,  
Washington, January 22, 1857.

SIR: In order that arrangements may be made to answer the calls of the States and Territories for arms to be used during this year, under the laws for arming and equipping the militia, you are respectfully requested to inform this office what description of arms will be required by the Territory for 1857.

The quota assigned to the Territory for this year amounts to 137 muskets to which being added  $\frac{1}{3}$  of a musket due on last year's quota, there are now in all due  $137\frac{1}{3}$  muskets.

The States and Territories are credited with their annual quota in terms of muskets. If other descriptions of small arms or field artillery are required, they are charged at their cost, by their equivalent in muskets, as per accompanying statement.

Requisitions for arms should be transmitted direct to this office, and should state particularly whether the appropriate accoutrements, harness, &c., will be required, with the kind of arms that may be designated, and also the place where, and the person to whom, they are to be delivered.

No other arms or equipments will be issued but those of the patterns regularly adopted for the United States troops.

By the existing regulations, the arms will be delivered at any place within the Territory situated upon navigable waters, or otherwise easily accessible, which may be designated by the governor, or other authorized officer of the Territory.

The United States cannot, however, incur any extraordinary expense for transporting the arms to the interior by land.

Respectfully, your obedient servant,

H. K. CRAIG.  
*Colonel of Ordnance.*

His Excellency THE GOVERNOR  
*of Kansas Territory.*

FEBRUARY 25.

*Commissions issued.*

Commissions were issued to John W. Russell, as notary public for Leavenworth county, Kansas Territory.

Lawrence Waldo, of Indianapolis, as commissioner of deeds for the State of Indiana.

E. D. Ladd, of Lawrence, as notary public for Douglas county, Kansas Territory.

William L. McMath, of Wyandotte city, as notary public for Leavenworth county, Kansas Territory.

John T. Scott, as surveyor of Atchison county, to fill the vacancy occasioned by the resignation of F. G. Palmer.

Thomas Dayarmond, as constable for the township of Kickapoo, in the county of Leavenworth, in place of S. W. Tunnell, resigned.

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*Letter from General Smith.*

The following letter from General Persifer F. Smith, in reply to a requisition for troops to prevent a threatened breach of the peace, made on the 9th instant, was received on the 10th, two days previous to the disturbance on the Capitol square, resulting in the severe wounding of one man and the death of another :

HEADQUARTERS DEPARTMENT OF THE WEST,  
*Fort Leavenworth, February 11, 1857.*

GOVERNOR: I have the honor to acknowledge the receipt of your letter of the 9th instant, in which "you require immediately two additional companies of dragoons to report to you," in consequence of your confidence "that there is a conspiracy on foot to disturb the peace," and also acknowledge the receipt of a previous letter requiring a battalion to be sent to you in view of the large immigration expected here in the spring.

If you refer to the laws, you will observe that the President is authorized to call the military and naval forces, &c., into action to—first, repel invasion ; second, to suppress insurrection ; and third, to repress combinations to obstruct the execution of the laws too strong for the civil power. Insults or probable breaches of the peace do not authorize the employment of the troops.

Besides, all the forces here have been designated by the Secretary of War, and are under orders for other service more distant, and even the companies near you will have to be recalled. They are sufficient to repress any breach of the peace, and I cannot move them until the weather improves. But even they are to be employed to *aid the civil authority* only in the contingencies mentioned in the laws above referred to.

The garrison to be kept in the Territory will be available, if the President directs their employment. The contingency under which the troops were acting I consider to have ceased.



Without the grossest imprudence on the part of the civil authorities in Leavenworth, I see not the slightest probability of any disturbance there, and, on inquiry, I can hear of none from various inhabitants.

With the highest respect, your obedient servant,

PERSIFER F. SMITH,

*Brevet Major General, Comd'g Dep't.*

His Excellency J. W. GEARY,

*Governor of the Territory of Kansas.*

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*Letter to the United States Treasurer.*

EXECUTIVE DEPARTMENT,

*Lecompton, K. T., February 25, 1857.*

DEAR SIR: Being anxious to close and settle all the accounts connected with the capitol building at this place, I request that you order the balance left in the treasury at St. Louis by ex-Governor Shannon to be placed to my credit and subject to my draft, and have the same charged to my account at Washington.

Your obedient servant,

JOHN W. GEARY,

*Governor of Kansas Territory.*

HON. JAMES GUTHRIE,

*United States Treasurer.*

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*From the Comptroller of the Treasury.*

TREASURY DEPARTMENT,

*Comptroller's Office, January 28, 1857.*

DEAR SIR: I herewith respectfully enclose to you the copy of statement of the differences existing upon adjustment at the treasury of the accounts of Hon. Wilson Shannon, late governor of Kansas, and late the disbursing agent for the erection of the public (capitol) buildings of Kansas, adjusted per First Auditor's report and statement, No. 125,806, and by which there has been found to be due the United States a balance of \$8,634 18.

I also enclose extracts from a letter addressed to him yesterday at Lecompton, to which I call your particular attention in connexion with the copy of statement of differences.

If Governor Shannon shall be present when this communication is received, be pleased to request him to transfer to you, or, in other words, to turn over to you, as governor and disbursing agent, the same amount of \$8,634 18, and, if paid, to give him receipts in duplicate, or in some manner, for any amount or amounts actually paid over to you on account of the advances made to him out of the appropriation for the erection of the public buildings, and credit the amount

so received from him to the United States in the first rendition of your account current.

You are requested to deduct from bills payable hereafter to persons in whose cases suspensions and disallowances have been made, and pay net balances only after such deductions. Separate entries will not be required for such deductions in your accounts current, but be pleased to furnish Governor Shannon with certificates in each instance, as mentioned in the letter to him, which certificates should be as specific as possible.

Most sincerely yours,

ELISHA WHITTLESEY,  
*Comptroller.*

His Excellency JOHN W. GEARY,  
*Governor of Kansas, and Disbursing Agent  
for the erection of the capitol, &c., Lecompton, Kansas.*

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*The United States Comptroller to ex-Governor Shannon.*

TREASURY DEPARTMENT,  
*Comptroller's Office, January 27, 1857.*

SIR: Your favor, written at Lecompton the 4th instant, has been received. \* \* \* \* \*

Your second account for disbursements out of the public buildings fund, rendered at St. Clairsville, Ohio, October 15th last, has been adjusted and certified this day, of which you have been advised by letter, directed to St. Clairsville, enclosing therein a statement of differences in explanation. A copy of the letter mentioned and the statement of differences will be made and transmitted to you at Lecompton. \* \* \* \* \*

I have determined, for reasons that will appear obvious to you when you shall receive the statement of differences, to enclose a copy of the same to Governor Geary. A copy of this present letter will also be made and transmitted to your address at St. Clairsville; also a copy will be transmitted to Governor Geary, or at least extracts that will be pertinent.

You were advised on the 3d instant of the adjustment of your first account rendered, the differences in which are brought forward and fully explained in the adjustment certified to-day, and the differences.

\* \* \* \* \* In the letter written to you to-day, and referred to herein, you were requested, without delay, to deposit with the depository at Cincinnati the balance found due by the treasury adjustment of \$8,634 18, to take receipts in duplicate, &c. If you shall be at Lecompton when this letter arrives, you will be at liberty, and I have to request you will be pleased to pay over to Governor Geary the said amount under the appropriation, to take his receipt in duplicate, one of which be so good as to transmit to this office, when your accounts will be credited and Governor Geary charged therewith.

In cases of suspensions and disallowances, if Governor Geary shall deduct from bills or vouchers hereafter payable to any person or per-

sons in whose cases suspensions have been made, and will give a separate certificate in each case thereof, the amounts so deducted, respectively, will be placed to your credit.

Touching per centages suspended, you will very readily perceive, if it had not been done, errors might have crept into the accounts of Governor Geary upon final payment; besides, it was a part of the stipulations of the contracts, and became obligatory.

Most sincerely yours,

ELISHA WHITTLESEY.

Hon. WILSON SHANNON,

*Late Governor of Kansas, Leecompton, Kansas.*

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*Comptroller's Report.*

[Report 125,806.]

*Statement of differences existing upon adjustment at the treasury of the account of honorable Wilson Shannon, late governor of Kansas, and late disbursing agent for the erection of the capitol buildings of Kansas, adjusted as per his rendition of account dated October 15, 1856, by First Auditor's report 125,806, in which adjustment is brought forward the differences existing per previous adjustment by report 123,749.*

Amount found to be due the United States as per the treasury adjustment.....	\$8,634 18
Amount or balance stated to be due the United States as per his account current.....	6,485 57
	<hr/>
Causing a difference of.....	2,148 61
	<hr/> <hr/>

Which is thus explained :

1st. Differences existing as per report 123,749 :

Amount charged as paid Wm. Rambold, architect and superintendent, per vouchers 1, 5, and 9.....	\$1,300 00
Less amount allowed under contract, being 4 per cent. on \$17,931 56 disbursed in this account.....	717 26
	<hr/>
	582 74
Add the following, sums overcharged, as paid Aristides Rodrigue, viz: voucher No. 3, \$959 75 instead of \$767 80, difference being 20 per cent., to be retained under contract, and not deducted from voucher at time of payment.....	191 95
Voucher No. 8. Aristides Rodrigue, amount short retained on account of per centage, \$679 40 instead of \$779 44, viz: sum disbursed in voucher, \$3,897 20, and 20 per cent. to be retained on that amount, difference.....	100 04

2d. Differences existing as per this adjustment, report 125,806:

Voucher 1. Crouther and Overfelt, suspended for want of original voucher.....	\$110 95
Voucher 7. Hall and Cozzens, for drayage and labor disallowed, articles to be delivered under contract at the levee in St. Louis free of charge.....	81 60
Voucher 9. O. C. Stewart, sub-superintendent, receipt dated July 22, 1856, paid in previous account on third quarter's compensation, \$100, extending to May 19, 1856, and \$300 now paid instead of \$200, the amount due....	100 00
Voucher No. 13. A. Rodrigue, for 23,690 feet cotton-wood, at 3½ cents, \$836 60 instead of \$778 70, difference in item.....	\$59 90
Error in addition of voucher, charged at \$2,-916 13 instead of \$2,915 73, the correct amount of addition.....	40
	<hr/> 60 30
From which deduct short multiplication of item No. 3 in voucher, viz: 7,598 feet oak lumber, at 3½ cents per foot, multiplied \$227 98, where-as it should have been \$265 93, difference.....	37 95
	<hr/> 22 34
Net disallowed.....	22 34
To which add 20 per cent, on net amount of voucher after corrections above, (viz: \$2,-893 78,) to have been retained under contract, but not deducted and suspended.....	578 75
	<hr/> 601 10
Voucher No. 15. A. Rodrigue, 20 per cent. on amount of voucher, (\$2,401 14) to have been retained on the voucher under contract, not deducted.....	480 23
	<hr/> 2,248 61
From which deduct error in bringing into abstract amount of voucher No. 14, \$171 61 instead of \$272 61	100 00
	<hr/> 2,148 61
Differences aforesaid, as explained.....	<hr/> <hr/> 2,148 61

ELISHA WHITTLESEY,  
*Comptroller.*

TREASURY DEPARTMENT,  
*Comptroller's Office, January 27, 1857.*

*To the colonel of ordnance.*

FEBRUARY 27.

EXECUTIVE DEPARTMENT,  
*Lecompton, Kansas Territory, February 27, 1857.*

SIR: Your circular of the 22d January, informing me that the quota of arms for this Territory, for the equipment of the militia for the present year, is 137  $\frac{1}{2}$  muskets.

You will please forward without delay to my address, at Lecompton, Kansas Territory, directed to the care of Messrs. Riddlesbarger & Co., Kansas city, Missouri, with instructions to that firm to forward them here immediately upon receipt, by wagon or steamboat, twenty Colt's revolvers, with all the necessary accoutrements, and the balance of the quota in muskets.

Respectfully yours,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

H. K. CRAIG, Esq.,  
*Colonel of Ordnance, Washington, D. C.*

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*Complaint of settlers.*

FEBRUARY 28.

A lengthy communication was this day received from Henderson Rice, James M. Mitchell, J. F. Chandler, and other settlers upon Rice's creek, south of the Ottawattamie, complaining of the aggressions of squatters upon their claims, and asking protection from the executive, to which the following reply was forwarded:

EXECUTIVE DEPARTMENT,  
*Lecompton, Kansas Territory, February 28, 1857.*

GENTLEMEN: I have received your letter of 17th instant, complaining of aggressions made upon claims in your neighborhood. I have not, as you request, a copy of the pre-emption laws to send you. Those laws, however, require every person claiming a quarter section of land, to settle and remain as a resident upon it, in order to give him a right to pre-emption. This provision being complied with, the settler's presence upon the property he claims is the best if not a sure safeguard against the squatter; for no person under such circumstances would be likely to render himself liable to the consequence of squatting upon a claim, with such positive evidences of its just and lawful possession by another.

In regard to persons cutting timber upon claims not belonging to them, but duly claimed and settled by other parties, and similar misdemeanors, there are means of protection and redress to the settler aggrieved that are quite easy of attainment.

The first recourse, in all such cases, should be the law; complaint being made, in due form, to the nearest magistrate or justice of the

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peace, it is his duty to issue process against the offender, and bring him to punishment for his illegal acts.

If the civil authorities in your neighborhood are inadequate, after having been properly applied to, to remedy the evils of which you complain, and you then bring to my notice well authenticated accounts of actual aggressions upon the claims, or against the rights of the settlers or residents in your vicinity, I will adopt the next best means to see that justice shall be done to all parties.

It will be unnecessary for me to appoint any especial person in your neighborhood to acquaint me of misdemeanors, as I am always ready and willing to listen to the grievances of any citizen of the Territory however humble or exalted.

Respectfully yours,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Messrs. HENDERSON RICE, JAMES M. MITCHELL, JONATHAN F. CHANDLER, JAMES N. GIBSON, and others.

*Letter to General Smith.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., March 2, 1857.*

DEAR SIR: Your letter of 11th February was duly received, and my most serious consideration has been given to its contents.

I regret to be compelled to differ from you in the opinion that "the contingency under which the troops were acting has ceased." It seems to be that a proper view of the existing condition of things in the Territory would lead to a different conclusion.

The peace that now prevails is not only threatened by irresponsible individuals, but its destruction is boldly proclaimed by the newspaper *organ* of a clique or faction of sufficient influence and numbers "to obstruct the execution of the laws," and "too strong for the civil power." That attempts have already been made to execute these threats, and verify these predictions, you have already received the most conclusive assurances.

That the presence of the troops here has been needed up to the present moment, and that it has held in check those determined to create disturbances, is quite apparent; and that their removal at this time, when their presence is daily becoming more needful, will be attended with serious and, perhaps, calamitous results, is very probable.

Besides, the large incoming immigration of peaceful settlers requires protection, which cannot be given by any civil posses that can be raised in consequence of the bitter feelings existing among the advocates of conflicting political sentiments on the highly exciting question which so long kept the Territory in a state of feverish agitation, and even anarchy.

Large combinations will doubtless be formed to resist attempted,

and even threatened, violations of the law ; and invasion and insurrection, with their fearful consequences, may be anticipated.

The *presence* of the troops, even should their active service never be required, will be sufficient, perhaps, "to repel invasion," which there is reason to expect ; "suppress insurrection," which has been predicted by seeming authority ; and "repress combinations to obstruct the execution of the laws too strong for the civil power," which seem to exist.

The withdrawal of all the troops at this time would, in my opinion, be the signal for the lawless to commence difficulties, which their presence alone may entirely prevent. A little care to guard against evils which we can foresee may prevent others of greater magnitude which are beyond our comprehension.

In view of these facts, I must respectfully ask that Captain E. W. B. Newby's company may be permitted to remain in this vicinity during the present month, or at least until I shall be able to communicate with and receive an answer from the authorities at Washington upon the subject. The importance of the matter will doubtless suggest itself to your mind, and grant a ready compliance with this request. An immediate answer will oblige most sincerely your friend and obedient servant,

JNO. W. GEARY,  
*Governor of Kansas Territory.*

Major General P. F. SMITH,  
*Commanding Department of the West.*

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*Pardons granted.*

Pardons were this day granted to Jeremiah Jordan, Henry Hurd, Atwell Wood, Charles S. Preston, H. N. Bent, E. D. Whipple, Alfred J. Payne, Martin Jackson, Ephraim Bainter, John Lowrie, F. B. Swift, Alonzo Crawford, James Black, Thomas Varner, Miram Kinsler, and Edward A. Jacobs and Samuel Stewart, the free State prisoners, who were tried, convicted and sentenced at the last October term of the first district court, upon the charge of manslaughter, committed in the attack upon Hickory Point, in September last.

These pardons were granted in compliance with numerous respectful petitions, extensively signed by respectable citizens of Kansas Territory, embracing some of the members of the legislature, and well known residents of other Territories, and several of the States of the Union, without distinction of party.

It was alleged in these petitions, and the facts were fully corroborated, that the prisoners have heretofore maintained good reputations ; that the offence for which they were convicted was committed in one of those political contentions in which a great portion of the people of the Territory took an active part ; many of whom, though equally, if not more guilty, were still at liberty, and could never be brought to punishment ; that they have already suffered an imprisonment of nearly six months, and that their continued punishment could neither subserve the ends of justice nor the interests of the Territory.

*Letter to Captain Newby.*

MARCH 5.

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., March 5, 1857.*

DEAR SIR: In accordance with a letter received yesterday from "headquarters of the department of the West," (a copy of which has been furnished you,) I am empowered to retain you until such time as I think your services can be dispensed with. You will therefore remain in your present camp and hold your command in readiness for such operations as may be required by this department.

With high respect, your obedient servant,

JOHN W. GEARY.

Captain E. W. B. NEWBY.

*Letter from General Deas.*

HEADQUARTERS DEPARTMENT OF THE WEST,  
*Fort Leavenworth, March 4, 1857.*

SIR: Your communication addressed to General Smith, dated the 2d instant, was received yesterday.

The general, in very feeble health, left this place on Sunday, the 1st of the month, and among his last instructions to me was not to order in Captain Newby's company from Lecompton if there appeared to be a necessity for its remaining there. I interpret your letter to the general to express such a necessity, and the company will therefore remain at its present station until further orders.

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

GEORGE DEAS,  
*Assistant Adjutant General.*

His Excellency JOHN W. GEARY.

*Governor of Kansas.*

*Letter from Patent Office.*

MARCH 6.

WASHINGTON, D. C., *February 13, 1857.*

SIR: By mail I have forwarded you an assortment of field and garden seeds.

Please to inform me within twenty days from the date hereof whether received or not.

Very respectfully, your obedient servant,

CHARLES MASON,  
*Commissioner.*

HON. JOHN W. GEARY,  
*Lecompton, Kansas.*



*Reply.*

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., March, 6, 1857.*

SIR: I have this day received a package of field and garden seeds from the United States Patent Office.

Very respectfully, your obedient servant,  
 JOHN W. GEARY,  
*Governor of Kansas Territory.*

CHARLES MASON, Esq.,  
*Commissioner U. S. Patent Office, Washington, D. C.*

*Council Resolution.*

## KANSAS TERRITORY.

The following resolution was passed by the council of the legislative assembly, just prior to adjournment on the night of February 20:

*Resolved*, That the governor be informed that the council have advised and consented to the appointment of Francis J. Marshall as major general of northern division Kansas militia, and of Hiram J. Strickler as comptroller of the treasury:

And that the council have not advised and consented to the appointment of L. J. Hampton as master of convicts; and that a copy of this resolution be furnished immediately to the governor.

Copy—attest: THOMAS C. HUGHES,  
*Chief Clerk.*

*Resignation.*

The following communication was forwarded by mail, and a copy sent to St. Louis to be despatched by telegraph to Washington city:

EXECUTIVE DEPARTMENT,  
*Lecompton K. T., March 4, 1857.*

DEAR SIR: Please accept my resignation as governor of Kansas Territory, to take effect on the 20th of the present month, by which time you will be enabled to select and appoint a proper successor.

With high respect, your friend and obedient servant,  
 JOHN W. GEARY.

His Excellency JAMES BUCHANAN,  
*President of the United States.*

MARCH 7.

*Requisition for troops.*

EXECUTIVE DEPARTMENT,  
*Lecompton, Kansas Territory, March 7, 1857.*

DEAR SIR: Please send me immediately four mounted dragoons, to assist United States Deputy Marshal Fane in the performance of especial and important service. They will be required for several days.

Truly yours,

JOHN W. GEARY,  
*Governor of Kansas Territory.*

Captain E. W. B. NEWBY,  
*Commanding United States troops near Lecompton.*

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*Outrages at Potawattomie.*

EXECUTIVE DEPARTMENT,  
*Lecompton, Kansas Territory, March 7, 1857.*

GENTLEMEN: I have received your letters and affidavits, testifying to the murder of Henry Sherman, on Pottawattomie creek, by a party of lawless men, and expressing your apprehensions that further outrages will be committed by the same persons unless speedy succor is afforded to the settlers in that neighborhood.

In consequence of these representations, I have dispatched to your aid Deputy United States Marshal Fane, with four mounted dragoons, who will reach you at the earliest possible moment.

Should this force be insufficient to arrest the offenders and put a stop to their outrages, upon a proper representation of the fact, attested before the civil authorities at your place, I will forthwith make requisition for an ample number of troops to accomplish that object.

Truly yours,

JOHN W. GEARY,  
*Governor of Kansas.*

Messrs. L. D. WILLIAMS, and WILLIAM A. HEISKELL.

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*Commissions issued.*

Commissions were issued to A. J. Hinson, as sheriff of Lykens county, in place of E. Hughes who declined to accept the appointment; and Daniel W. Collis, as constable of said Lykens county.

MARCH 9.

*Commission issued.*

A commission was issued to Wm. Fisher, jr., as notary public at Olathe, Johnson county, Kansas Territory.

MARCH 12.

The governor having resigned his office, left Leecompton on the 10th instant, accompanied by his private secretary, for Washington city. They remained during the night at Lawrence, and on the evening of the following day reached Kansas city, Missouri. On the 12th, he took passage on the steamboat A. B. Chambers for St. Louis, and addressed the following communications to Secretary Woodson and the commander of the military department of the west; and also issued a farewell address to the people of Kansas Territory.

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*To Secretary Woodson.*

STEAMBOAT A. B. CHAMBERS,  
*Missouri river, March 12, 1857.*

DEAR SIR: As I am now absent from the Territory, the duties of the executive office, agreeably to provision of the "organic act," will for the time being devolve upon you. You will of course exercise your own judgment and discretion in their discharge.

Very truly, your obedient servant,

JOHN W. GEARY.

Hon. DANIEL WOODSON,  
*Secretary of the Territory of Kansas.*

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*To the Commander of the Military Department of the West.*

STEAMBOAT A. B. CHAMBERS,  
*Missouri River, March 12, 1857.*

SIR: As I am now absent from the Territory of Kansas, the duties of the executive office, agreeably to a provision of the organic act, devolve for the time being upon the Hon. Daniel Woodson, secretary of the Territory, with whom, if official business should require, you will communicate as governor.

Very respectfully, your obedient servant,

JOHN W. GEARY.

COMMANDER OF THE MILITARY DEPARTMENT OF THE WEST.

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(From the New York Herald, March 21, 1857.)

## FAREWELL ADDRESS OF GOVERNOR GEARY TO THE PEOPLE OF KANSAS TERRITORY.

Having determined to resign the executive office, and retire again to the quiet scenes of private life and the enjoyment of those domestic comforts of which I have so long been deprived, I deem it proper to address you on the occasion of my departure.

The office from which I now voluntarily withdraw was unsought by

me, and at the time of its acceptance was by no means desirable. This was quite evident from the deplorable moral, civil, and political condition of the Territory ; the discord, contention, and deadly strife which then and there prevailed ; and the painful anxiety with which it was regarded by patriotic citizens in every portion of the American Union. To attempt to govern Kansas at such a period, and under such circumstances, was to assume no ordinary responsibilities. Few men could have desired to undertake the task, and none would have been so presumptuous, without serious forebodings as to the result. That I should have hesitated is no matter of astonishment to those acquainted with the facts ; but that I accepted the appointment was a well grounded source of regret to many of my well-tried friends, who looked upon the enterprise as one that could terminate in nothing but disaster to myself. It was not supposed possible that order could be brought, in any reasonable space of time, and with the means at my command, from the then existing chaos.

Without descanting upon the feelings, principles, and motives which prompted me, suffice it to say that I accepted of the President's tender of the office of governor. In doing so, I sacrificed the comforts of a home, endeared by the strongest earthly ties and most sacred associations, to embark in an undertaking which presented at the best but a dark and unsatisfactory prospect. I reached Kansas and entered upon the discharge of my official duties in the most gloomy hour of her history. Desolation and ruin reigned on every hand ; homes and firesides were deserted ; the smoke of burning dwelling darkened the atmosphere ; women and children, driven from their habitations, wandered over the prairies and among the woodlands, sought refuge and protection even among the Indian tribes. The highways were infested with numerous predatory bands, and the towns were fortified and garrisoned by armies of conflicting partisans each excited almost to frenzy, and determined upon mutual extermination. Such was, without exaggeration, the condition of the Territory at the period of my arrival. Her treasury was bankrupt there were no pecuniary resources within herself to meet the exigencies of the time ; the congressional appropriations, intended to defray the expenses of a year, were insufficient to meet the demands of a fortnight ; the laws were null, the courts virtually suspended, and the civil arm of the government almost entirely powerless. Action—prompt, decisive, energetic action—was necessary. I at once saw what was needed, and without hesitation gave myself to the work. For six months I have labored with unceasing industry. The accustomed needed hours for sleep have been employed in the public service. Night and day have official duties demanded unremitting attention. I have had no proper leisure moments for rest or recreation. My health has failed under the pressure. Nor is this all. To my own private purse, without assurance of reimbursement, have I resorted, in every emergency, for the required funds. Whether these arduous services and willing sacrifices have been beneficial to Kansas and my country you are abundantly qualified to determine.

That I have met with opposition, and even bitter vituperation and vindictive malice, is no matter for astonishment. No man has ever

yet held an important or responsible post, in our own or any other country, and escaped censure. I should have been weak and foolish, indeed, had I expected to pass through the fiery ordeal entirely unscathed, especially as I was required, if not to come in conflict with, at least to thwart evil machinations, and hold in restraint wicked passions, or rid the Territory of many lawless, reckless, and desperate men. Besides, it were impossible to come in contact with the conflicting interests which governed the conduct of many well disposed persons without becoming an object of mistrust and abuse. While from others, whose sole object was notoriously personal advancement at any sacrifice of the general good and at every hazard, it would have been ridiculous to anticipate the meed of praise for disinterested action; and, hence, however palpable might have been my patriotism, however just my official conduct, or however beneficial in its results, I do not marvel that my motives have been impugned and my integrity maligned. It is, however, so well known that I need scarcely record the fact, that those who have attributed my labors to a desire for gubernatorial or senatorial honors were, and are, themselves the aspirants for those high trusts and powers, and foolishly imagined that I stood between them and the consummation of their ambitious desires and high towering hopes.

But whatever may be thought or said of my motives or desires, I have the proud consciousness of leaving this scene of my severe and anxious toil with clean hands, and the satisfactory conviction that He who can penetrate the inmost recesses of the heart and read its secret thoughts will approve my purposes and acts. In the discharge of my executive functions I have invariably sought to do equal and exact justice to all men, however humble or exalted. I have eschewed all sectional disputations, kept aloof from all party affiliations, and have alike scorned numerous threats of personal injury and violence and the most flattering promises of advancement and reward. And I ask and claim nothing more for the part I have acted than the simple merit of having endeavored to perform my duty. This I have done, at all times, and upon every occasion, regardless of the opinions of men, and utterly fearless of consequences. Occasionally I have been forced to assume great responsibilities, and depend solely upon my own resources to accomplish important ends; but in all such instances I have carefully examined surrounding circumstances, weighed well the probable results, and acted upon my own deliberate judgment; and in now reviewing them, I am so well satisfied with the policy uniformly pursued, that were it to be done over again it should not be changed in the slightest particular.

In parting with you I can do no less than give you a few words of kindly advice, and even of friendly warning. You are well aware that most of the troubles which lately agitated the Territory were occasioned by men who had no special interest in its welfare. Many of them were not even residents; whilst it is quite evident that others were influenced altogether in the part they took in the disturbances by mercenary or other personal considerations. The great body of the actual citizens are conservative, law-abiding, peace-loving men, disposed rather to make sacrifices for conciliation and consequent

peace, than to insist for their entire rights should the general good thereby be caused to suffer. Some of them, under the influence of the prevailing excitement and misguided opinions, were led to the commission of grievous mistakes, but not with the deliberate intention of doing wrong.

A very few men, resolved upon mischief, may keep in a state of unhealthy excitement and involve in fearful strife an entire community. This was demonstrated during the civil commotions with which the Territory was convulsed. While the people generally were anxious to pursue their peaceful callings, small combinations of crafty, scheming and designing men succeeded, from purely selfish motives, in bringing upon them a series of most lamentable and destructive difficulties. Nor are they satisfied with the mischief already done. They never desired that the present peace should be effected; nor do they intend that it shall continue if they have the power to prevent it. In the constant croakings of disaffected individuals in various sections you hear only the expressions of evil desires and intentions. Watch, then, with a special jealous and suspicious eye those who are continually indulging surmises of renewed hostilities. They are not the friends of Kansas, and there is reason to fear that some of them are not only the enemies of this Territory but of the Union itself. Its dissolution is their ardent wish, and Kansas has been selected as a fit place to commence the accomplishment of a most nefarious design. The scheme has thus far been frustrated; but it has not been abandoned. You are entrusted not only with the guardianship of this Territory, but the peace of the Union, which depends upon you in a greater degree than you may at present suppose.

You should, therefore frown down every effort to foment discord, and especially to array settlers from different sections of the Union in hostility against each other. All true patriots, whether from the north or south, the east or west, should unite together for that which is and must be regarded as a common cause—the preservation of the Union, and he who shall whisper a desire for its dissolution, no matter what may be his pretensions, or to what faction or party he claims to belong, is unworthy of your confidence, deserves your strongest reprobation, and should be branded as a traitor to his country. There is a voice crying from the grave of one whose memory is dearly cherished in every patriotic heart, and let it not cry in vain. It tells you that this attempt at dissolution is no new thing: but that even as early as the days of our first President it was agitated by ambitious aspirants for place and power. And if the appeal of a still more recent hero and patriot was needed in his time, how much more applicable is it now and in this Territory?

“The possible dissolution of the Union,” he says, has at length become an ordinary and familiar subject of discussion. “Has the warning voice of Washington been forgotten? or have designs already been formed to sever the Union? Let it not be supposed that I impute to all of those who have taken an active part in these unwise and unprofitable discussions a want of patriotism or of public virtue. The honorable feelings of State pride and local attachments find a place in the bosoms of the most enlightened and pure. But while such men

are conscious of their own integrity and honesty of purpose they ought never to forget that the citizens of other States are their political brethren ; and that, however mistaken they may be in their views, the great body of them are equally honest and upright with themselves. Mutual suspicions and reproaches may, in time, create mutual hostility, and artful and designing men will always be found who are ready to foment these fatal divisions, and to inflame the natural jealousies of different sections of the country. The history of the world is full of such examples, and especially in the history of republics."

When I look upon the present condition of the Territory, and contrast it with what it was when I first entered it, I feel satisfied that my administration has not been prejudicial to its interests. On every hand I now perceive unmistakable indications of welfare and prosperity. The honest settler occupies his quiet dwelling, with his wife and children clustering around him, unmolested and fearless of danger. The solitary traveller pursues his way unharmed over every public thoroughfare. The torch of the incendiary has been extinguished, and the cabins which by it were destroyed have been replaced with more substantial buildings. Hordes of banditti no longer lie in wait in every ravine for plunder and assassination. Invasions of hostile arms have ceased, and infuriated partisans living in our midst have emphatically turned their swords into ploughshares and their spears into pruning hooks. Laborers are everywhere at work, farms undergoing rapid improvements, merchants are driving a thriving trade, and mechanics pursuing with profit their various occupations. Real estate, in town and country, has increased in value almost without precedent, until in some places it is commanding prices that never could have been anticipated. Whether this healthy and happy change is the result solely of my executive labors or not, it certainly has occurred during my administration. Upon yourselves must mainly depend the preservation and perpetuity of the present prosperous condition of affairs. Guard it with unceasing vigilance, and protect it as you would your lives. Keep down that party spirit which, if permitted to obtain the mastery, must lead to desolation. Watch closely and condemn in its infancy every insidious movement that can possibly tend to discord and disunion. Suffer no local prejudices to disturb the prevailing harmony. To every appeal to these turn a deaf ear, as did the Saviour of men to the promptings of the deceiver. Act as a united band of brothers, bound together by one common tie. Your interests are the same, and by this course alone can they be maintained. Follow this, and your hearts and homes will be made light and happy by the richest blessings of a kind and munificent Providence.

To you, the peaceable citizens of Kansas, I owe my grateful acknowledgments for the aid and comfort your kind assurances and hearty co-operation have afforded in many dark and trying hours. You have my sincerest thanks and my earnest prayers that you may be abundantly rewarded of heaven.

To the ladies of the Territory—the wives, mothers, sisters and daughters of the honest settlers—I am also under a weight of obligation. Their pious prayers have not been raised in vain, nor their

numerous assurances of confidence in the policy of my administration failed to exert a salutary influence.

And last, though not the least, I must not be unmindful of the noble men who form the military department of the west. To Gen. Persifer F. Smith and the officers acting under his command I return my thanks for many valuable services. Although from different parts of the Union, and naturally imbued with sectional prejudices, I know of no instance in which such prejudices have been permitted to stand in the way of a faithful, ready, cheerful and energetic discharge of duty. Their conduct in this respect is worthy of universal commendation, and presents a bright example for those executing the civil power. The good behavior of all the soldiers who were called upon to assist me is, in fact, deserving of especial notice. Many of these troops, officers and men, had served with me on the fields of Mexico against a foreign foe, and it is a source of no little satisfaction to know that the laurels there won have been further adorned by the praiseworthy alacrity with which they aided to allay a destructive fratricidal strife at home.

With a firm reliance in the protecting care and overruling providence of that Great Being who holds in His hands the destinies alike of men and of nations I bid farewell to Kansas and her people, trusting that whatever events may hereafter befall them they will, in the exercise of His wisdom, goodness and power be so directed as to promote their own best interest and that of the beloved country of which they are destined to form a most important part.

JOHN W. GEARY.

LECOMPTON, *March 12, 1857.*

MARCH 11, 1857.

Governor Geary left Lecompton last night, leaving at the executive office the following letter for the secretary of the Territory :

EXECUTIVE DEPARTMENT,  
*Lecompton, K. T., March 10, 1857.*

MY DEAR SIR: For several weeks my health has been gradually sinking, and I have had several *hemorrhages of the lungs*. I am convinced my life will not be long if not properly cared for; in order to do this I must have some rest, and avoid so much conversation.

I will be absent a few days from Lecompton. Should anything be necessary to be done, I hope you will do me the favor to give it your attention.

With assurances of regard, I am your friend and obedient servant,  
JOHN W. GEARY.

Hon. DANIEL WOODSON,  
*Secretary of Kansas Territory.*

MARCH 16, 1857.

The subjoined letter from Governor Geary, announcing his absence from the Territory, was received from the Secretary :

(Here follows a copy of the last above preceding letter, addressed by Governor Geary to the secretary of the Territory, D. Woodson.)



MARCH 16, 1857.

Commissions issued as follows :

To Daniel Mitchell, clerk of the board of county commissioners for Riley county.

To William H. Davis, sheriff of Riley county.

To Daniel L. Chandler, W. Wallace Wilson, and John Pipker, justices of the peace for Riley county.

MARCH 18, 1857.

Commissions issued as follows :

To George E. Clayton, probate judge for Doniphan county.

To Henry Smith and David Sukma, county commissioners of Doniphan county.

To J. B. Thompson, sheriff of Doniphan county.

To Benjamin F. Graves, commissioner of deeds for Kansas Territory in and for the State of Kentucky.

MARCH 20, 1857.

Commissions issued as follows :

To J. F. Wisely, commissioner of deeds for Kansas Territory in and for the State of Missouri, and to Phillip P. Fowler, notary public for Douglas county, Kansas Territory.

MARCH 25, 1857.

The following communication from the clerk and probate judge of Anderson county was received :

PAOLA, LYKENS COUNTY, K. T.,  
March 19, 1857.

SIR: The disturbed state of the county, and the insurrectionary spirit manifested by some individuals, render it utterly impossible to carry into effect the provisions of the law authorizing the taking of the census and assessment of Anderson county. The officers (or any officer) of that county attempting to enforce the laws are in the most extreme peril of their lives by so doing. The lawless bands of highwaymen and murderers that infest the county are a terror to peaceable citizens, and those that would sustain the laws are deterred therefrom by these desperate outlaws. It was our intention to qualify the newly appointed officers of Anderson county, but the most intense excitement prevails on account of the murder of Henry Sherman. We have conversed with several of the individuals to whom commissions were issued ; but they are afraid to accept of them—afraid of being driven from their homes, their property taken from them, and even their lives.

There is no security of the life or property of a pro-slavery man in that part of the country who is known to be such.

The undersigned believe it to be utterly impracticable to exercise any of the functions of their respective offices at this time, on account

of the settled disposition of these desperadoes to resist the laws, and even going about to kill us.

THOMAS TOTTEN,  
*Clerk of Anderson county.*

GEO. WILSON,  
*Probate Judge of Anderson county.*

His Excellency DANIEL WOODSON,  
*Acting Governor Kansas Territory.*

Sworn and subscribed to before me this 20th day of March, A. D.  
1857.

A. H. MCFADIN,  
*Judge of Probate in Lykens County, K. T.*

Immediately upon the receipt of this communication the following requisition was forwarded to Brigadier General P. F. Smith, commanding department of the west, at Fort Leavenworth.

EXECUTIVE OFFICE,  
*Lecompton, K. T., March 25, 1857.*

SIR: Reliable information having reached this office that the counties of Franklin and Anderson are infested by a predatory band or bands of assassins and robbers, greatly to the annoyance and distress of the peaceably disposed citizens, who are robbed of their property, driven from their homes, and threatened with the loss of their lives by these roving desperadoes, who have very recently murdered, in cold blood, and then robbed, one of the oldest and best settlers in that portion of the Territory, I have respectfully to request that you will station, without delay, a company of dragoons in that neighborhood, which will be accompanied by a United States commissioner authorized to take evidence and bring to the bar of justice all such offenders against the laws and disturbers of the peace of the country.

I am convinced that this step is absolutely indispensable to the preservation of the peace of the Territory, as any attempts to enforce the law against such offenders, without the aid of United States troops, will result in bloodshed and a renewal of the unhappy scenes of the past year.

Very respectfully yours,

DANIEL WOODSON,  
*Acting Governor Kansas Territory.*

Brigadier General P. F. SMITH,  
*or officer in command at Fort Leavenworth, K. T.*

MARCH 26, 1857.

The following letter was forwarded to Brigadier General P. F. Smith, commanding department of the west, at Fort Leavenworth:

EXECUTIVE OFFICE,  
*Lecompton, K. T., March 26, 1857.*

SIR: Learning that the company of dragoons which has been stationed near this place for some time past, under Captain Newby,

has been ordered to the fort, I beg leave respectfully, but earnestly, to remonstrate against the withdrawal of the troops from this vicinity at this time. The presence of the military has a very salutary influence in preserving order in the existing unsettled and inflammable state of the public mind in this part of the Territory, and their withdrawal at this particular juncture I am constrained to believe would be exceedingly unfortunate.

A number of writs for the arrest of notorious outlaws are now in the hands of the United States deputy marshals, and it is utterly impracticable to execute them without bloodshed, except with the assistance of the United States troops. Should a collision unfortunately take place between the local authorities and those misguided persons who resist the execution of the laws, a renewal of the unhappy disturbances of the past year would, in all human probability, be inevitable.

The peace of the Territory I am convinced would be greatly endangered by the withdrawal of the troops from the interior at this particular time, and I can but express the earnest hope that it will not be incompatible with your sense of duty to permit them to remain.

With sentiments of regard, I am, very respectfully, your obedient servant,

DANIEL WOODSON,  
*Acting Governor Kansas Territory.*

Brig. Gen. P. F. SMITH,  
*or the officer in command at Fort Leavenworth, K. T.*

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MARCH 27, 1857.

Commissions issued as follows:

To Joseph Randolph, constable for Marion township, Doniphan county, and to L. B. Maynard, justice of the peace for Centre township, Doniphan county.

MARCH 28, 1857.

Commission issued to J. S. Hascall, probate judge of Atchison county.

MARCH 28, 1857.

The following letter from Colonel E. V. Sumner, in reply to the requisition of the acting governor, was received:

HEADQUARTERS, FORT LEAVENWORTH,  
*March 27, 1857.*

SIR: I have the honor to acknowledge the receipt of your letter of the 25th instant. General Smith was sent here last summer to take charge of the military affairs of Kansas, and I am bound to consider that the government intended that all responsibility should thenceforward rest with him. I do not, therefore, now stand in the same position in relation to these affairs that I did before I was superseded.

General Smith is absent, and he gave me no instructions when he left; and I feel obliged, under all the circumstances of the case, to forward your requisition to the general-in-chief. I trust that no evil will result from this short delay; and I would respectfully suggest whether it would not be safer to pause a little in military matters, until we know the policy of the new administration.

If difficulties should again arise similar to those of last year, I do hope that the government will either put an iron grasp upon the Territory that will secure every man in all his rights, (and this is practicable,) or else withdraw every soldier from the Territory, and let the people settle their own difficulties in their own way.

I am, very respectfully, your obedient servant,

E. V. SUMNER,  
*Colonel 1st Cavalry, commanding.*

DANIEL WOODSON, Esq.,  
*Acting Governor Kansas.*

To which the acting governor replied as follows:

LECOMPTON, KANSAS TERRITORY,  
*Executive Office, March 28, 1857.*

SIR: Your despatch of the 27th instant has this moment been received, and I have only to say in reply, that I fully appreciate the situation in which you are placed, and would be pleased to hear from you as soon as instructions are received from the general-in-chief.

Very respectfully, your obedient servant,

DANIEL WOODSON,  
*Acting Governor Kansas Territory.*

Colonel E. V. SUMNER,  
*1st Cavalry, commanding Fort Leavenworth.*

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MARCH 31, 1857.

Commissions issued as follows:

To Henry O. Woodworth, commissioner of deeds for Kansas Territory in and for the State of Missouri; and to John M. Wallace, notary public for Douglas county, Kansas Territory.

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LECOMPTON, KANSAS TERRITORY,  
*Secretary's Office, March 31, 1857.*

I hereby certify the foregoing to be a true copy of the executive minutes of the Territory of Kansas from the 11th day of March to the 31st day of the same month, in the year of our Lord one thousand eight hundred and fifty-seven.

DANIEL WOODSON,  
*Secretary Kansas Territory.*