

## MESSAGE

OF

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING

*An extract from a letter of the 22d ultimo, from the Governor of Kansas to the Secretary of State, with a copy of the executive minutes, to which it refers.*

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DECEMBER 16, 1856.—Read, ordered to lie on the table and be printed.

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*To the Senate and House of Representatives :*

I transmit to Congress an extract from a letter of the 22d ultimo from the governor of the Territory of Kansas to the Secretary of State, with a copy of the executive minutes to which it refers. These documents have been received since the date of my message at the opening of the present session.

FRANKLIN PIERCE.

WASHINGTON, December 15, 1856.

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*Governor Geary to Mr. Marcy.*

[Extract.]

EXECUTIVE DEPARTMENT,  
*Lecompton, Kansas Territory, November 22, 1856.*

SIR: I herewith transmit you, by the hands of Brevet Major H. H. Sibley, a copy of my executive minutes from the 17th day of October to the 21st day of November, inclusive.

The minutes will furnish you a truthful history of Kansas affairs. They embrace a daily record of all my official transactions, and a full statement of any matters requiring explanation.

Fully appreciating the delicate and responsible mission confided to me by the generous partiality of the President, and knowing how liable, amid the strife and prejudice which seemed to hold undisturbed sway here, a person with the most patriotic intentions might be to misrepresentation and abuse, I adopted the custom of keeping an

hourly record of all events in a manner connected with my official action, which, from time to time, I might send to you as my best vindication to the administration and the country.

Properly to keep my executive minutes, to answer the heavy correspondence with this department, to prepare official despatches, to execute missions requiring secrecy and intelligence, and perform the multifarious duties devolving upon me, owing to the anomalous condition of affairs, has occupied my whole time, assisted by industrious and intelligent secretaries, whom the public exigencies required me to employ.

As occasion arose, I did not pause to enter into any refined analysis of the nature and extent of my authority, nor to inquire where the money would come from to reimburse necessary and imperative expenditures, but at once adopted the means best calculated to secure the desired end, and paid all expenses out of my own private resources, confiding in the justice of the administration and Congress for reimbursement and support.

Your general instructions have been the lights by which my official action has been governed, and where the letter of the instructions did not meet the crisis, I have based my action on that portion of your comprehensive despatch of 23d of September, in which you say :

“Your prompt and vigorous attention will be directed towards those who *meditate* further mischief, and are *disposed to obstruct* your efforts to restore the supremacy of the civil authority.

“The President *relies upon your energy and discretion* to overcome the difficulties which surround you, and to restore tranquillity to Kansas. *The exigencies of the affairs, as they shall be presented to you on the spot*, will indicate the course of proceeding, in particular cases, calculated to such results, better than any definite instructions emanating from this department.”

At so great a distance from the general government, and so inaccessible to speedy communications from Washington, it is absolutely indispensable for the preservation of order and the protection of life, liberty, and property, that the governor of this Territory should be clothed with large discretionary powers.

When I arrived here the entire Territory was declared by the acting governor to be in a state of insurrection ; the civil authority was powerless, and so complicated by partisan affiliations as to be without capacity to vindicate the majesty of the law, and restore the broken peace.

In this state of affairs the most vigorous and determined action on my part seemed the only remedy for the growing evils.

Impartial justice will ever commend itself to every American citizen worthy to bear the name.

To disband armed bodies of men assembled under color of law, and disperse others brought into antagonistic existence without authority, both inflamed by the most exciting questions, and both committing outrages which all good men must deplore, required neither hesitation nor fear.

I am most happy to inform you, that in order to calm these disturbing elements, and bring the people back to sober reason, I have

not been obliged to resort to any measures unknown to the law, and not covered by the spirit and letter of my instructions.

It is also a matter of special gratification to be able to say that, since my advent here, peace has been restored and the fierce passions of men soothed without the shedding of one drop of fratricidal blood.

The peace of the Territory is now placed upon a permanent basis; all parties having, at length, relinquished the idea of a resort to arms, and agreeing to refer the adjustment of all political disputes to the ballot-box or other lawful expedients.

Since my last despatch to you, making a hasty reference to my southern and western tour—full particulars of which you will find in my executive minutes, from the 17th of October to the 6th of November, inclusive—I deemed it advisable, from what I saw on the spot, to send a United States commissioner and deputy marshal, accompanied by a squadron of United States dragoons, to make inquisition of certain matters demanding attention along the southern and eastern portions of the Territory.

While there is profound peace here, so far as political causes are concerned, there is still a roving band of marauders, not exceeding seven, in the southern part of the Territory, who occasionally steal horses and rob families.

For the purpose of exterminating these thieves and robbers, and of affording that protection to good citizens which the government is bound to afford, I have issued proclamations offering reasonable rewards for the apprehension and conviction of the offenders, and have also sent the squadron with the itinerating preliminary court, in order that summary justice might at once be effected.

Nothing but the most vigorous and decided measures can have the effect of restoring confidence, by expelling the bandit and robber and making the citizens feel secure in their isolated homes.

A collision between Judge Leconte and myself has occurred, the occasion of which is a source of regret to me.

A full account of the matter will be found in my minutes, to which I beg your attention.

The injudicious action of the judge endangered the peace of the Territory and the equilibrium I was laboring night and day to preserve.

All my efforts "to restore the supremacy of the civil authority," to establish confidence in the impartial administration of justice, are fruitless and unavailing so long as the chief justice is permitted to "obstruct" my policy and give so just an occasion for the charge of partiality.

Public justice, and the peace and good order of this Territory, require the position of *chief justice* to be filled by some impartial person, not complicated with past disturbances, and who will, without prejudice or favor, dispense justice and punish crime.

The subject of the sale of the "Delaware trust lands" has, for some time past, been a source of much anxiety to me, as intense feeling has been generated among the settlers on account of the uncertainty of their tenures and the danger of their being ousted from their homes.

Justice to the *actual bona fide settler* and the *Indian* seemed so clearly

the legitimate policy of the government, that I was most anxious to see such measures adopted as would most effectively secure these objects.

Solicitude for the preservation of the public peace induced me to visit Leavenworth city at the opening of the land sales, and, upon invitation from the municipal authorities, I suggested such views, in a public speech, for the consideration of the large concourse of people assembled there from every quarter of the Union, as I thought would best effect my purpose, consistently with the policy of the government.

My remarks were kindly received by the people; and I am happy to inform you that no disturbance has occurred, and I have no reason to anticipate any trouble during the progress of the sales.

Nothing will so much aid the cause of peace and order, and so materially advance the substantial prosperity of this Territory, as the sale of the public lands to intelligent, industrious, and patriotic citizens.

With high consideration, I have the honor to be, your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

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

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*Executive minutes of Kansas Territory, from October 17 to November 21, 1856, inclusive.*

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

SIR: In consequence of the multiplicity of business that has been constantly pressing upon me since the receipt of your circular of the 8th ultimo, it has been absolutely impossible for me to give it proper attention until the present moment.

In reply to your enquiries relative to estimates for the fiscal year, ending June 30, 1858, I have the honor to report:

|   |            |
|---|------------|
| Governor's salary, per annum.....                     | \$2,500 00 |
| Three judges United States court, each, \$2,000 ..... | 6,000 00   |
| Secretary of the Territory .....                      | 2,000 00   |
| Ordinary expenses of executive office .....           | 1,500 00   |
| Extraordinary expenses of executive office ... ..     | 6,000 00   |
| Total.....  | 18,000 00  |

The extraordinary expenses here alluded to arise from the unhappy and distracted condition of the Territory, requiring the performance of a vast amount of extra labor, demanding the services of no less than two clerks of superior qualifications, who cannot be obtained at salaries less than \$1,500 each, per annum. It is also incumbent upon



the executive to visit in person every portion of the Territory, and to use every available means to procure reliable information, often from a distance, in time for the most *prompt* and *efficient* action.

These important and indispensable requisites, when taken into consideration with the vast extent of the Territory, with every portion of which constant communication must be had, the difficulty and great cost of travel, and the extravagant prices of living, necessarily involve a large expenditure of money, which the sum of \$3,000 will scarcely, if at all, cover, thus exhausting the amount above named of \$6,000, for extraordinary contingent expenses.

If the foregoing does not embrace a sufficient reply to your inquiries, please communicate with me on the subject, and I will forward at once such further information as may be required.

Very respectfully, your obedient servant,

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

F. BIGGER, Esq.,  
*Register of the Treasury.*

The governor and suite left Lecompton, designing to make a tour of observation through the southern and western portions of the Territory. His escort consisted of a squadron of United States dragoons, under command of Brevet Major H. H. Sibley.

After visiting several persons on the way, and transacting much official business, he reached Lawrence in the afternoon, when he encamped for the night near the town. He inspected and reviewed the company of newly raised territorial troops stationed there; he was very cordially received and agreeably entertained by the citizens.

October 18, 1856.—The escort proceeded through the Wakarusa valley, via Blanton's bridge, a place made celebrated by its rifle pits, and natural fortifications, to Hickory Point. The governor, accompanied by his secretary and orderly, went round by Franklin, the place so noted in the origin of Kansas troubles, and the point where he had, a few weeks before, disbanded the militia, under General Reed, and others. Here the people were assembled, and addressed by the governor with happy effect. He joined the squadron at Hickory Point, after visiting on the way all the points of interest. He found the people there highly intelligent and peaceable, and determined to support his policy. In this neighborhood he encamped for the night, and was visited by a large number of citizens.

October 19.—While in encampment he was informed that recent depredations had been committed in this vicinity, and upon complaint being duly made, the governor despatched the deputy marshal, escorted by a few dragoons, and promptly arrested the depredators, and sent them to Lecompton. After spending some time in the neighborhood of Prairie city, reached the residence of John J. Jones, commonly called "Ottowa Jones," the interpreter of the tribe, a half breed civilized Indian, residing on the Ottawa creek. The governor and suite dined with Mr. Jones and lady, an intelligent white woman

from the State of Maine, who came out a missionary a number of years since. Mr. Jones formerly kept a hotel of considerable dimensions and excellent accommodations, which, on the 29th of August last, was burned at night by a company of about forty men, because of Mr. Jones' alleged free State proclivities. He has 300 acres of land under excellent fence, raises 4,000 bushels of grain, has 100 head of cattle, and 14 horses, preaches every Sunday at the Baptist Mission, and was educated at Hamilton College, New York. The Ottawa reserve is on a creek of same name; is ten by twelve miles square, and the tribe consists of 325 souls.

Four miles from Mr. Jones', passed the Baptist Mission, which consists of several houses and a church—about sixty children are educated here; crossed the Marais de Cygnes, (Mary de Zene,) sometimes called Osage river; seven miles further encamped for the night, in the valley of North Middle creek.

*October 20.*—After travelling through a beautiful country, arrived at Ossawattomie. The people here were in apprehension of some undefined danger, and they welcomed the governor's arrival as the guaranty of future security. At Ossawattomie the governor met all the citizens without distinction of party, heard their individual complaints, gave them salutary advice, told them as far as possible to bury the past, and cultivate kind relations for the future. The people promised compliance with the governor's wishes. Ossawattomie is situated about one mile above the confluence of the Pottawattomie and Marais des Cygnes rivers, upon an extensive plain of unsurpassed fertility. It formerly contained about two hundred souls, many having left during the recent troubles. The following facts were ascertained in relation to several attacks on this place. On the 6th of June last, a number of men, estimated to be one hundred and fifty, under the command of General Reed, of Missouri, approached Ossawattomie. A man named Lowry led the party into town, they took sixteen horses, disarmed the entire population, and stripped the place of much valuable property.

The neighborhood of this place was the seat of operations of John Brown, sen., who is absent from the Territory. On the 30th day of August last, the second attack upon Ossawattomie occurred. From two hundred and fifty to three hundred men, with one piece of artillery, under command of General Reed, attacked the town (as it is alleged) for the wrongs the free State men had done the pro-slavery men. This was subsequent to the murder of the five pro-slavery men on the Pottawattomie. When General Reed's force had reached Mr. Adair's, a clergyman residing about two miles from Ossawattomie, Frederick Brown, a son of John Brown, sen., was shot dead. Garrison was found in the woods, and killed, Cutler was wounded. The force then entered the town, when a free State man fired, and a man was seen to fall from his horse. About one hundred guns were fired at a free State man, named Holmes, who escaped unscathed.

The free State men, numbering about thirty, retired to the woods, when the other party discharged their cannon at them three or four times. No person killed by this firing. The free State men were surrounded, and forced to take to the creek, (Marais des Cygnes.) Part-

ridge was the only man killed in the creek; Collins and Updegraff wounded. Powers, having secreted himself on the bank of the creek, was found and shot dead. A portion of the party then returned to Ossawattomie, and burned the town—destroying fourteen dwelling houses, with their contents; one grocery, one store, and four out buildings—spoiled the place of horses, cattle, and wagons. Williams, a pro-slavery man, residing at Ossawattomie, was killed by mistake by the attacking party. Out of twenty-five families in Ossawattomie, but five or six were pro-slavery.

The property of both parties shared the same fate. Four free State and one pro-slavery man, as above described, were killed. The post-office was rifled of about three hundred letters. This account of the affair at Ossawattomie is taken from the testimony of several witnesses on the battle ground.

Leaving Ossawattomie, crossing the Marais des Cygnes, travelling nine miles, crossing Bull creek, encamped at the town of Paoli, the seat of government of Lykins county. Paoli is situated on Bull creek, a tributary of the Marais des Cygnes; contains thirteen houses and hotel. The land on which the town is located belongs to an intelligent Indian, of the Peoria tribe, named Baptiste, who resides here, and who is the interpreter for the Peorias, Kaskaskias, Beaukeshaws, and Weas, recently united under treaty by the name of the Weas. These tribes now consist of about three hundred souls, fifty of whom reside at Paoli. The land is apportioned among the Indians by treaty, according to the number of each family, Baptiste having received two entire sections for special services. The Baptist mission school, under the charge of Dr. Lykins, assisted by three white teachers, is about one mile and a half from Paoli. The school is for the education of Indian children, thirty of whom are in daily attendance.

*October 21.*—Before leaving Paoli, notice having been circulated the night previous, a large number of people were assembled, whom the governor addressed in a speech of considerable length, after which he commissioned a justice of the peace and several other officers, thus affording the citizens the immediate means of settling their own disputes and difficulties. Leaving Paoli, returned *via* Ossawattomie, crossing the Pottawattomie; proceeded up the valley of that creek about eight miles—the scene of many past disturbances, and especially notorious for the so-called Pottawattomie murders—and encamped. Here the governor took occasion to inquire into the circumstances connected with the Pottawattomie murders, and received the following information from several witnesses:

That Mr. Doyle and two sons, Wilkinson and William Sherman, were attacked at night and brutally murdered by a person or persons yet unknown.

*October 22.*—Left camp early, in a drenching rain, on way to Sugar Mound, marching all day in the rain; the governor and suite, on horseback, suffered in common the inclemency of the day; crossing South Middle creek and Big Sugar creek, encamped at night south of Big Sugar creek, near Squire Means' house. Here, notwithstanding

the rain which still continued, a large number of people assembled, whom the governor addressed at the house of Squire Means.

*October 23.*—Leaving camp early, travelled ten miles over a beautiful country, meeting deputations of citizens on the way, who joined the governor's party and accompanied him to Sugar Mound, where about 100 persons awaited his arrival. The governor proceeded to address the people in a speech of considerable length, fully explaining his policy and intentions. After concluding his speech, the governor invited any person present to propose interrogatories to him upon any subject requiring explanation, proposing impromptu answers; several persons availed themselves of the suggestion, and the interview terminated very pleasantly.

The governor and suite were invited to dine at Squire Turner's, where many of the citizens met him. After a pleasant time spent here, amid the kind wishes of the people, left Sugar Mound and proceeded south, toward the Neosho, and encamped on Little Sugar creek, near the house of Temple Wayne, three miles south of Sugar Mound; many visited the camp, stated their grievances, had interviews with the governor, and had their minds satisfied upon questions of interest to themselves.

*October 24.*—This morning, as we were about to march toward Fort Scott, messengers entered the camp, in hot haste, and stated that a robbery had been committed on Big Sugar creek by a band of seven or eight robbers. This was an impudent outrage committed in his rear, and he immediately gave an order for a countermarch. At a brisk trot the ten intervening miles were traversed, and, by the aid of a skilful guide, the troops were brought to the house of Judge Davis—the scene of the outrage. The governor took immediate measures to ferret out the scoundrels; sent out numerous detachments in various directions, with instructions to seize every suspicious person, and meet in camp, upon the Pottawattomie, near the California road, in the evening. The detachment scoured the country, and met at night in the designated camp. No prisoners were taken, but from the information obtained, the governor was enabled to designate the guilty parties, and he immediately issued the following—

#### PROCLAMATION.

EXECUTIVE DEPARTMENT, (IN THE SADDLE,)  
*Sugar creek, Kansas Territory.*

A reward of two hundred dollars is hereby offered for the apprehension and conviction of the person or persons who committed the robbery upon the defenceless females at the house of Judge Davis, in Linn county.

[L. s.] Given under my hand and seal this 24th day of October, at the place aforesaid.

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

*October 25.*—Left camp in a heavy rain; proceeded up the Pottawatomie valley; recrossed the Marais de Cygnes; passed the Baptist Mission; travelled the California road; recrossing South Middle creek, reached Eight-Mile creek, at Centropolis, where, finding plenty of wood and water, an encampment was made. The entire day was occupied in meeting and conversing with citizens at various points, though the rain made travelling disagreeable. The community here seemed quiet, no disturbance having occurred for four weeks previous.

*October 26.*—Proceeded to-day toward "110," on the California and Santa Fé road; marched rapidly over a dull monotonous country, consisting of high rolling prairie—not a shrub or tree to relieve the monotony, and no sign of human habitations, until we reached "110," the great California stopping-place. There quite a number of citizens called on the governor, and the interview was mutually agreeable. Leaving "110," marched a northwest direction, on the Fort Riley road; reached the headwaters of the Wakarusa, and encamped.

*October 27.*—Leave camp at eight o'clock, and travel briskly towards Fort Riley, as rations are getting short in proportion to the distance yet to be travelled. The road keeps a high divide between the waters of the Neosho and the Wakarusa, the banks of which are skirted with timber, both in full view from the road; encamped on the headwaters of the Neosho.

*October 28.*—Proceeded along same divide; immense quarries of white limestone on each side; country uninhabited, except at the crossing of Clark's creek, where a number of settlements are made; passed through Riley City, and crossed the Kansas, which was very high from a freshet, from Smoky Hill fork to Pawnee City, and went on to Fort Riley, where an appropriate salute was fired, and other honors of the most marked and gratifying character were rendered.

*October 29, 30, and 31.*—Remained at Fort Riley to recruit the horses, equip the troops, and prepare them for winter campaign. During this time, everything was done to make the governor's visit agreeable. In company with the officers, he visited all the various places of interest at the fort, and in its vicinity; numerous entertainments given; much valuable information acquired.

*November 1.*—Returning to Lecompton down the valley of the Kansas, found ferry-boat aground; detained several hours at Pawnee; crossed the river and encamped at Riley City, where numerous citizens visited the governor. Same escort as before.

*November 2.*—Weather cold and lowering, indicating rain; anticipations realized; rode in cold rain all day; after crossing Clark's creek, travelled down the rich beautiful valley bordering on the Kansas river, skirted with timber; fine claims; valley adapted to the easy construction of a railroad; for miles, little occasion for grading, plenty of timber and stone; visited many persons, and encamped on south side of river opposite Manhattan. A deputation, consisting of Rev.



Charles Blood and eight other leading citizens, visited the camp, and, in behalf of the citizens of Manhattan, tendered the hospitalities of the place, and invited the governor to meet and address the people. He accompanied the deputation to Manhattan, crossing the Kansas river in a small boat. A large number of citizens were assembled at the hotel; Rev. Mr. Blood addressed the governor, stating that he had postponed a religious meeting, it being Sabbath day, to unite with his fellow-citizens in these troublous times in receiving and encouraging the chief magistrate in the discharge of his onerous duties; that the obligations of religion could not be discharged unless peace and order were first permanently restored. The governor made a lengthy reply, and in conclusion, invited interrogatories upon any subject of interest to them. Many very intelligent questions were propounded, and immediate and satisfactory answers given; the meeting had an excellent effect. An entertainment was given to the governor, and he was quartered for the night with John Pipher, esq. Manhattan is situated at the junction of the Big Blue with the Kansas river, 16 miles below Fort Riley, on an extensive plain. The town company owns about 1,400 acres of land of exceeding fertility. The town contains about 150 inhabitants, an intelligent, moral, industrious, and well-disposed people, who, during the past exciting scenes in this Territory, have quietly attended to their own business. The great feature of the place is the Blue river, fifty yards wide and fifteen feet deep; its clear limpid water is delightfully refreshing. The military road from Fort Leavenworth to Fort Riley and Laramie passes through this place.

*November 3.*—Snow storm; snow three inches deep—first in Kansas this season; recrossed the river with the committee to camp; owing to the extreme inclemency, spent the day in camp.

The citizens of the surrounding country visited the governor, and much useful business transacted.

*November 4.*—Weather cold and windy; continuing down the valley, the governor frequently leaving the head of the column to visit the hardy pioneer settlers along the road. At Wabunsa met numerous citizens, with whom he had an agreeable interview. Country peaceable; every person attending to their (his) accustomed business. Encamped for the night on an old Indian camping-ground, upon Mulberry creek; where there is an abundance of wood, water, and grass.

*November 5.*—Governor called upon a number of persons to-day by the roadside, and gave them much satisfaction from his conversation and the interest he manifested in the peace of the country and in their individual prosperity. Entered the Pottawatomie Reserve, and travelled rapidly through it, crossing Mill creek, a beautiful clear stream, abounding in fish. Stopped at Jude Bourassa's, an enterprising Indian, having a good mill, and cultivating a rich farm. The Pottawatomie Reserve comprises a fertile district of country 30 miles square. The tribe, it is said, numbers 3,600 persons. They have quite a thriving town called "Uniontown," and two missions—St. Mary's, the Catholic, on the north side of the river, and the Baptist mission, on the south side. Late in the evening, after crossing Mis-

sion creek, encamped near the Baptist Mission, which, being the last camp previous to the return to Lecompton, in commemoration of the safe return and the general peace prevailing, was called "Camp Gracias a Dios."

*November 6.*—The governor issued the following

PROCLAMATION.

EXECUTIVE DEPARTMENT, "CAMP GRACIAS A DIOS,"  
*Baptist Mission, Pottawatomie Reserve, Kansas Territory.*

Having reached this point, after an extended tour of observation through this Territory, and being now fully satisfied that the benign influences of peace reign throughout all her borders, in consonance with general custom and my own feelings, I hereby specially set apart the 20th day of November instant to be observed by all the good citizens of this Territory as a day of general thanksgiving and praise to Almighty God for the blessings vouchsafed us as a people.

Given under my hand, at the place aforesaid, this 6th day of November, A. D., 1856.

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

Visited the Baptist Mission, under the superintendence of Mr. Fox; found about 30 children in daily attendance; many bright-eyed intelligent looking Indian children exhibiting great aptness in learning. Reached Topeka, where the governor was detained some time to transact official business; found the people quiet; town giving evidence of prosperity; 80 new buildings in process of erection; all kinds of business in a natural and healthy condition, and citizens attending to their ordinary pursuits. The company of United States soldiers stationed here ordered to winter quarters at Fort Riley; passing through Tecumseh, Big Springs, Washington, and other places, and visiting the United States troops encamped near Lecompton. The governor returned to his residence after an absence of 20 days.

*November 7.*—The following letter was received from the superintendent of the Capitol buildings, upon which all work was suspended prior to the late difficulties, and still continues in that condition:

*Letter of the Superintendent.*

LECOMPTON, *November 3, 1856.*

SIR: As I shall be absent a short time, you will please delay taking any action upon any subject touching the Capitol buildings until my return, which will be by the middle of next week, and oblige your respectful and obedient servant,

OWEN C. STEWART,  
*Superintendent.*

His Excellency JOHN W. GEARY.

*Reply of the Governor.*

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

SIR: Your note of the 3d instant was received by me last night upon my return to this place. As your services as superintendent of the Capitol buildings are no longer required, you are hereby notified that your appointment is revoked from this date.

Very truly, your obedient servant,

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

OWEN C. STEWART,  
*Superintendent of Capitol buildings.*

R. R. Nelson, a justice of the peace, residing in the city of Lecompton, came into the executive office, and stated to the governor, that, during his absence, while he was holding his court for the preliminary hearing on a charge of larceny against a soldier of the territorial militia, the captain of the company to which the soldier belonged came into the justice's court with six men, and forcibly released the prisoner and broke up the court; whereupon the governor requested the justice to reduce his charge to writing.

*Justice's complaint.*

LECOMPTON, *November 7, 1856.*

SIR: I was duly appointed by the probate court of Douglas county, in this Territory, a justice of the peace in and for said county, and I was duly commissioned and sworn, and in the full exercise of the duties of my magisterial office. That upon the fifth day of November, during your absence, Hon. J. N. O. P. Wood made an affidavit before me for larceny against A. G. Fisher, a private of Captain John Donelson's company of United States territorial militia; whereupon I issued my warrant for the arrest of the said Fisher, and placed it in the hands of City Marshal Caldwell, who brought the prisoner before me; and while I had cognizance of the case, and actually examining witnesses, Capt. John Donelson came into my court with six men, told the prisoner he came to release him, ordered him out of court, took the prisoner away, and dismissed the court.

Yours, most respectfully,

R. R. NELSON, *J. P.*

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

Whereupon the governor instantly addressed the following note to Colonel Cooke:

EXECUTIVE DEPARTMENT,  
*Lecompton, November 7, 1856.*

SIR: You will please cause Capt. John Donelson, of the territorial

militia, recently mustered into the United States service, to be placed under arrest.

The charges and specifications will be furnished you in due time.

Your obedient servant,

JOHN W. GEARY,

*Governor of Kansas Territory.*

Colonel P. ST. GEORGE COOKE,

*Commanding U. S. troops, near Leecompton.*

Capt. John Donelson was accordingly arrested, and will be tried by court martial.

*Letter from the Vermont State Librarian.*

VERMONT STATE LIBRARY,

*Montpelier, October 22, 1856.*

SIR: Pursuant to an order from the governor of Vermont, I have the honor this day of transmitting, by mail, to your address the following judicial reports, to wit: Three copies of Laws of General Assembly of Vermont, for 1855, and one copy of House Journal for same year.

Awaiting the pleasure of an early acknowledgment of the reception of the same,

I have the honor to remain, your obedient servant,

N. C. WENCH, *Librarian.*

His Excellency GOVERNOR OF KANSAS TERRITORY.

*Reply.*

EXECUTIVE DEPARTMENT,

*Leecompton, November 7, 1856.*

SIR: I have to acknowledge the receipt of three copies of laws of general assembly of Vermont for 1855, and one copy of house journal for same year.

Your obedient servant,

JNO. W. GEARY,

*Governor Kansas Territory.*

H. C. WENCH, Esq., *Librarian, State of Vermont.*

For the purpose of acquiring valuable information respecting that portion of Kansas, between Fort Riley and the Rocky mountains, the governor addressed a copy of the following letter to Lieutenant Bryan and Major Armistead, who have just returned from an expedition to the Rocky mountains, under the auspices of the United States government.

*Letter to Lieutenant Bryan and Major Armistead.*

SIR: Understanding that in your official capacity, under instructions from the United States government, you have recently made

a trip to the Rocky mountains through a considerable portion of this Territory, I take the liberty to address you a line to acquire certain information which may, through my department, be advantageously communicated to the country. Will you, therefore, please give me brief answers to the following interrogatories :

Through what portion of this Territory did you pass ?

State the character of the soil ; its agricultural and animal productions ; minerals, plants, streams and rivers, with any other information respecting your journey which you may be pleased to communicate.

Very truly, your obedient servant,

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

Lieutenant BRYAN, *Fort Riley.*

*Letter from the Secretary of Oregon.*

OREGON TERRITORY, SECRETARY'S OFFICE,  
*Salem, August 29, 1856.*

SIR : Agreeably to an act of the Territory, I have this day transmitted by mail, directed to your excellency, one copy each of the laws and journals of the legislative assembly of Oregon for 1855 and 1856, for the use of the Territory of Kansas, the receipt of which you will please acknowledge.

I am, respectfully, your obedient servant,

B. F. HARDING,  
*Secretary of Oregon Territory.*

His Excellency GOVERNOR OF KANSAS.

*Reply.*

EXECUTIVE DEPARTMENT,  
*Lecompton, November 13, 1856.*

SIR : Your favor of the 29th August, with one copy each of the laws and journal of the legislative assembly of Oregon Territory, was received this day.

Your obedient servant,

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

B. F. HARDING, Esq., *Secretary of Oregon.*

Probate Judge J. N. O. P. Wood and Deputy Marshal Tebbs called upon the governor, and stated that a warrant had been issued for the arrest of Captain Samuel Walker, of the Lawrence territorial militia, recently mustered into the service of the United States, and desiring to know the governor's views on the subject. He remarked that it was the duty of the proper officer to arrest every person charged with crime, and that he would screen no person, be he high, low, rich,



or poor ; that it was the marshal's duty to arrest Walker at once, and if he would furnish him with the usual requisition for military aid, he would give him any amount of force to enable the marshal to discharge the duty required of him by law.

Upon the suggestion being made to the governor that Walker had promised him to appear to answer any charge upon his simple summons, with the request that he would write to Walker to redeem his pledge, the governor handed to Judge Wood the following letter to Walker :

EXECUTIVE DEPARTMENT,

*Lecompton, November 7, 1856.*

SIR : I am informed that, at their recent sitting, the grand jury for this district found an indictment against you. Occupying the position you do, it will be necessary for you to meet this charge. If you are innocent, you cannot too soon demonstrate that fact. You pledged yourself to me to come forward and meet any charge which should be preferred against you, upon notice from me. I accordingly notify you of the charge, and advise you manfully to meet it.

Your obedient servant,

JOHN W. GEARY,

*Governor of Kansas Territory.*

Captain SAMUEL WALKER,

*Commanding territorial militia at Lawrence.*

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*Letter to the Secretary of State.*

EXECUTIVE DEPARTMENT,

*Lecompton, November 7, 1856.*

SIR : I have just returned to this place after an extended tour of observation through a large portion of this Territory.

I left Lecompton on the 17th ultimo, via Lawrence, Franklin, Wakarusa creek, Hickory Point, Ottawa creek, Ossawatomie, Marais de Cygnes, Bull creek, Paoli, Pottawatomie, North and South Middle creek, Big and Little Sugar creeks, and Sugar Mound, passing westward along the California and Santa Fé road to Fort Riley ; thence down the Kansas river, via Pawnee, Riley city, Manhattan, Waubensee, Baptist Mission, Topeka, Tecumseh, and other places. I also visited, at their houses, as many citizens as I conveniently could, and addressed various bodies of people, as I have reason to believe, with beneficial results.

During this tour I have acquired much valuable information relative to affairs in Kansas, made myself familiar with the wants and grievances of the people, which will enable me to make such representations to the next legislature and the government at Washington as will be most conducive to the public interests.

The general peace of the Territory remains unimpaired, confidence is being gradually and surely restored, business is resuming its ordinary channels, citizens are preparing for winter, and there is a readiness

among the good people of all parties to sustain my administration. In a few days I will write you at length respecting various matters connected with my recent tour, and other things relative to the Territory.

Very respectfully, your obedient servant,

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

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

*Letter from the State of Texas.*

THE STATE OF TEXAS.

DEPARTMENT OF STATE,  
*City of Austin, October 10, 1856.*

SIR: In pursuance of an act of the legislature of the State of Texas, I have this day transmitted to your excellency the fourteenth volume of the supreme court reports, and one copy of Texas digest, for the use of Kansas Territory, the receipt of which you will please acknowledge.

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

EDWARD CLARK,  
*Secretary of State.*

To his Excellency the GOVERNOR OF KANSAS TERRITORY.

*Reply.*

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

SIR: I have the honor of acknowledging the receipt of the fourteenth volume of the supreme court reports, and one copy of Texas digest, for the use of this Territory.

Your obedient servant,

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

Hon. EDWARD CLARK,  
*Secretary of State of Texas.*

*Letter from the Secretary of State.*

DEPARTMENT OF STATE,  
*Washington, October 17, 1856.*

SIR: Agreeably to the law for the distribution of the acts of Congress, (act April 20, 1818, section 6,) thirty-five copies of laws of the

first session of the thirty-fourth Congress have been deposited in the post office in this city, to be forwarded to you. When received, you will please inform this department thereof.

I am, sir, respectfully, your obedient servant,

W. L. MARCY.

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

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*Letter from M. McCaslin, Indian agent.*

OSAGE RIVER AGENCY, K. T.,

October 18, 1856.

SIR: In a few days I will have in charge large sums of money, which is to be paid to several Indian tribes in this region; and as matters of this kind cannot be concealed from the public, and as the country here is infested with hordes of horse thieves and dangerous bands of plunderers, I have deemed it my duty to take such measures as may be most likely to secure the public funds until they pass legally out of my hands.

I, therefore, request your excellency, as the common guardian of all the lives and valuables within this Territory, to cause to be detailed, for the above service, at least twenty-five dragoons, with competent officers, and subsistence for at least ten days, and to rendezvous at Paoli, Lykins county, on or about the first day of November next.

With great respect, I am your obedient servant,

M. McCASLIN,  
*United States Indian agent.*

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

In accordance with Mr. McCaslin's request, the required number of troops were accordingly detailed and sent.

November 8, 1856.—During his recent tour through the southern portion of the Territory, the governor was impressed with the necessity of affording the people of that region additional protection during the coming winter; and, as there are few magistrates in that quarter whose authority is respected, after mature deliberation, the governor determined to send to that quarter a squadron of United States mounted troops, accompanied by a commissioner and deputy marshal, in order that proper arrests might be made, a preliminary hearing given on the spot, and justice brought to the doors of the people.

In accordance with his determination, the governor made upon Colonel Cooke the following requisition:

EXECUTIVE DEPARTMENT,

Lecompton, November 8, 1856.

SIR: I have the honor to make a requisition upon you for a squadron of United States mounted troops, to proceed as far south as Fort Scott in this Territory, with the following instructions:

The squadron is sent to preserve the general peace of the Territory along the eastern border, and will be accompanied by a United States commissioner, and United States marshal, whom they are to assist in the discharge of their respective functions.

The officer in command will report as soon as possible to Mr. McCaslin, Indian agent at Paoli, Lykins county, and render him the necessary assistance in making his Indian payments. The squadron, or portions of it, as the case may be, will scour the southeastern portion of the Territory, and visit any districts in that region where there is any well-grounded apprehension of disturbance, or where it may be necessary to afford protection to peaceable citizens.

The squadron will, finally, make their headquarters at such point in the region of country to be the seat of their operations as in the opinion of the officer in command will best promote the public interests, and at the same time secure comfortable quarters for the men and their horses.

With high respect, I am your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

Colonel P. St. GEORGE COOKE,  
*Commanding near Leecompton.*

Commission issued to David Caulfield, esquire, as justice of the peace for Jefferson county, Kansas Territory.

Commission issued to James M. Churchill, esquire, as justice of the peace for Delaware township, Leavenworth county.

Commission issued to Wilson H. Fox, esquire, as justice of the peace for Delaware township, Leavenworth county.

Commission issued to John N. Hall, as a constable for Delaware township, Leavenworth county.

Commission issued to James R. Willis, as a justice of the peace for Washington township, Doniphan county.

Commission issued to Daniel Miller, as a constable for Washington township, Doniphan county.

Writs to the sheriffs of Bourbon and Allen counties, directing them to hold certain elections, were issued as follows:

EXECUTIVE DEPARTMENT,  
*Leecompton, November 8, 1856.*

SIR: You are hereby directed to hold an election, according to law, on the second Monday in December, 1856, for a member of the council, to supply the place of William Barbee, deceased.

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

To the SHERIFF of Bourbon county.

EXECUTIVE DEPARTMENT,  
*Lecompton, November 8, 1856.*

SIR: You are hereby directed to hold an election, according to law, on the second Monday in December, 1856, for a member of the council, to supply the place of William Barbee, deceased; and for the purpose of electing two members of the house of representatives of the territorial legislature, one to represent the county of Allen, and one to represent jointly the counties of Bourbon and Allen, there having been no election in that county at the general election on the first Monday in October, 1856.

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

To the SHERIFF of *Allen county.*

*November 10, 1856.*—Request for the appointment of a master of convicts, in pursuance of the 7th section of the 22d chapter Kansas statutes, p. 166.

LECOMPTON, *November 9, 1856.*

SIR: I have in my custody, as sheriff of Douglas county, two convicts, sentenced to the penitentiary of this Territory, and I request that you will appoint a master of convicts as provided by the statutes.

Very respectfully, your obedient servant,

SAMUEL J. JONES.

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

Whereupon the governor appointed Levi J. Hampton, esq., of Kentucky township, Jefferson county, as master of convicts for the first judicial district of Kansas Territory; and upon Mr. Hampton's compliance with the requirements of the 7th section of the 22d chapter of the statutes, the governor issued a commission to him as master of convicts, Mr. Hampton having first duly taken the oath as prescribed by the 1st section of the 117th chapter of the statutes, and which oath was duly endorsed upon his commission.

*Requisition, by master of convicts, for guard.*

LECOMPTON, *November 10, 1856*

SIR: Having been appointed by you master of convicts, and having accepted the appointment, there will come into my charge this day some twenty-two convicts, convicted of various offences; there being no prison accommodations in this Territory, I will be under the necessity of guarding them well.

I therefore respectfully request your excellency to furnish me with one company of United States troops, to enable me properly to discharge my duties.

Yours, most respectfully,

L. J. HAMPTON,  
*Master, &c.*

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



*Requisition for guard*

EXECUTIVE DEPARTMENT,

*Lecompton, November 10, 1856.*

SIR: You will please furnish L. J. Hampton, master of convicts, a sufficient number of men to enable him to guard any convicts placed under his charge in pursuance of the laws of this Territory.

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

Captain WALLACE,  
*Commanding Territory Cavalry.*

Several persons of the free State party were in the executive office, complaining to the governor that none but free State men had thus far been arrested, and that when a pro-slavery man chanced to be arrested, no matter for what crime, he was immediately discharged upon bail, while the free State men were permitted to languish in prison, and all attempts to bail them was coldly repulsed by Judge Lecompte and other pro-slavery magistrates.

The governor was indicating his policy and the impartial and independent action of the grand jury, as evinced by their recent action at Lecompton. They had found bills against a number of prominent pro-slavery men, among whom was Charles Hays, for the cruel and horrid murder of David C. Buffum. The men indicted, remarked the governor, are pro-slavery men and have position and influence in the community, and yet their position has not been so exalted as to screen them from the searching scrutiny of an independent grand jury.

The governor was peculiarly emphatic in his commendation of the arrest of the murderer of Buffum; said that he was killed almost in his immediate presence, by some person or persons connected with the disbanded army, when retiring from Lawrence to their homes.

That Buffum was a quiet inoffensive man; that he was in his field laboring with his horses, and because he would not immediately give up his horse, some fiend in human shape deliberately shot him, stole his horse, and fled; that coming along the road almost immediately afterwards, in company with Judge Cato, his attention was called to the dying man; he found him in a dying condition, suffering the greatest agony and weltering in his gore. He said "I am about to die and enter the presence of my God; this is a cold-blooded murder; he shot me because I asked him not to take away my horse." The governor said he directed Judge Cato to receive his dying declarations, which he kindly did; that the dying man, writhing in mortal agony, turned his eyes to him and most imploringly entreated his kindness. The governor then remarked that the dying man's look and entreaty made a deep and lasting impression upon him, so much so, that he solemnly vowed that the horrid crime should be expiated in the punishment of the murderer.

He said it was a cause of great gratulation to him that the grand jury had so promptly done their duty in this matter, and that the

officers had been so vigilant in making the arrest; that he had spent \$200 out of his own purse to ferret out this murder, and that he had, in addition, offered a reward of \$500 for the arrest and conviction of the murderer. Now, said the governor, addressing himself to the free State men, you perceive that your charge of partiality is groundless, here you see that free State and pro-slavery men are weighed in the even scales of justice.

At this moment some persons came in and remarked that Judge Lecompte had discharged Charles Hays, the murderer of Buffum, upon bail.

The free State men then remarked, now, governor, you see how it is; are not all our statements confirmed? Did not Judge Lecompte absolutely refuse to entertain a motion to hear evidence in the cases of the free State men charged with the Hickory Point murder, to ascertain whether the offence was bailable, as it afterwards turned out to be by the verdict of the jury, finding only manslaughter? In the cases of the free State men, continued the objectors, the motion to admit to bail was made *before bill found*, when the right was unquestionable; but in the case of Buffum, after the grand jury had maturely considered the matter, and found a *true bill* against Charles Hays for the murder of Buffum, which the whole country esteems a murder in the first degree, this murderer is immediately bailed, and, without authority or precedent for so glaring an act, is set at large. The free State men, continued these gentlemen, can scarcely expect even-handed justice, and their only hope must be in physical force.

The governor said that he was sworn to discharge his duty faithfully; that he was conscientious upon the subject, and would at all hazards discharge his duty as he understood it; that he fearlessly pronounced the act of the chief justice, Lecompte, in discharging the murderer of Buffum, *after the grand jury had found a bill of indictment against him for murder in the first degree*, as a judicial outrage, without precedent, as highly discourteous to himself, as he had been the means of arresting Hays, and he should have been consulted; that the act *was greatly calculated to endanger the public peace*, and to destroy the entire influence of the policy he was laboring day and night to inaugurate here, and to bring the court and the judiciary into entire contempt; that he would treat the decision of Judge Lecompte as a nullity, and proceed, upon the indictment for murder, to re-arrest Hays as if he had merely escaped, and would submit the matter to the President, being well assured that he would permit no judicial officer here to forget his duty, and trifle with the public peace, by making decisions abhorrent to public justice and grossly steeped in partiality. Whereupon the governor issued the following warrant:

EXECUTIVE DEPARTMENT,  
Lecompton, K. T., November 10, 1856.

SIR: An indictment for murder in the first degree having been duly found by the grand jury of the Territory against Charles Hays, for the murder of a certain David C. Buffum, in the county of Douglas, in this Territory, and the said Charles Hays having been

discharged upon bail, as I consider, in violation of law, and *greatly to the endangering of the peace of the Territory*:

This is, therefore, to authorize and command you to re-arrest the said Charles Hays, if he be found within the limits of this Territory, and safely to keep him until he is duly discharged by a jury of his country, according to law.

Given under my hand and seal, at the city of Lecompton, the day and year first above written.

JOHN W. GEARY. [SEAL.]  
Governor of Kansas.

J. B. DONALDSON, Esq.,  
Marshal of Kansas Territory.

The above warrant was handed to Marshal Donaldson, who was in the executive office, which he declined to execute, but said he would take time to consider the matter and would give the governor his answer in writing.

The marshal retired and the governor immediately made out a duplicate warrant and placed it in the hands of his special aid-de-camp, Colonel H. T. Titus, with directions to take a file of men and execute the warrant without delay, *as while the marshal was considering the matter Hays would escape.*

Colonel Titus promptly obeyed the order and departed on his mission.

*Marshal Donaldson's answer.*

UNITED STATES MARSHAL'S OFFICE,  
Lecompton, November 10, 1856.

SIR: Your order bearing date of to-day, for the re-arrest and committal to jail of Charles Hays, who has been indicted by the grand jury of the United States district court for the murder of David C. Buffum, and discharged upon bail by the honorable Samuel D. Leconte, chief justice of Kansas Territory, has been maturely considered by me, and after such consideration, I respectfully decline executing your order for, the following reasons:

1. As a ministerial officer I am unwilling to arrogate to myself the power to contravene or set aside the acts of a court of justice, even if I disapprove the acts of such a court, and more especially as I am not advised of any law conferring such power upon me.

2. Because I am clearly of the opinion that such an act on my part would be in violation of the law I had sworn to support and execute.

3. In making such arrest without a legal warrant, or other circumstances as would justify it, it must be clear to my mind that I would lay myself liable to a suit of damages, which might involve and ruin my securities.

The foregoing reasons, and my convictions of duty as a law officer, have inevitably impelled me to this decision.

I must be permitted to say to your excellency that I regret exceedingly that my convictions of duty have constrained me to decline the execution of your warrant.

I had hoped that my diligence in making the arrest of C. Hays and others would have shielded me from the imputation which your remarks this evening seemed to imply. As proof of this, I beg leave to state, that the warrant issued for his arrest on the 29th of October was put in my hands the next day, and although four hundred miles had to be travelled, in four days afterwards he was in prison.

Your determination, as expressed this evening, (if I refused to execute your order,) to suspend me, or procure my removal by the President, induces me to say, that I had some days since determined to discontinue my present official relation with this Territory; and I now desire the favor of you to assure the President of my gratitude for his confidence and kindness, and ask him to relieve me from my present position as soon as may be convenient.

Very respectfully, your obedient servant,

J. B. DONALDSON,  
*U. S. Marshal of Kansas.*

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

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*Reply of Hon. S. G. Cato, U. S. District Judge, to communication of  
23d September:*

TECUMSEH, K. T., *October 29, 1856.*

SIR: Your letter of the 23d ult. was duly received, and would have been answered some time since, but an accident with which I unfortunately met has prevented an earlier reply.

My commission as associate justice of the supreme court of Kansas bears date September 13, 1855, and as soon as I could conveniently do, after receiving it, I proceeded at once to the Territory; arrived here the latter part of October last. By reference to the Kansas statutes, it will be seen that the courts in my district commenced their session on the first Monday of November, and ended on the fourth Monday of December, 1855. The office had been vacant for some short time before my appointment, hence there were no writs of venire for grand or petit jurors, and there was not sufficient time after my arrival here to have them issued and served.

I held court in each one of the counties, however, composing the district, but they were necessarily preliminary only. All that could be done was to make the necessary preparation for the ensuing courts. This was done, and venires were issued for grand and petit jurors for the next term, and regularly served for each county in the district.

The second judicial district is composed of the following eight counties, to wit: Franklin, Anderson, Allen, Linn, Lykins, Johnson, Shawnee and Bourbon. Besides the preliminary terms above spoken of, I held court in each of said counties, except Linn, last spring and summer, beginning at Franklin on the third Monday of April, and ending at Shawnee on the second Monday of June last. These were the regular sessions fixed by statute; and, independently of these, I held an adjourned session of one week in the county of Bourbon, and



one also, of one week in the county of Shawnee, to dispose of as much unfinished business of these two counties as possible.

In the county of Franklin the grand jury found two bills of indictment; in the county of Anderson five; in the county of Allen nine; in the county of Lykins ten; in the county of Bourbon nineteen; in the county of Shawnee twenty. Johnson county has not, as yet, had a sufficient white population to make either a grand or petit jury, and no business requiring a jury has been done in that county.

No court was held in Linn county this spring, on account of the excessive rains and high water, which rendered it impossible for me to reach the county in time. I appointed a special term for that county; but, on examination, after the statute, became satisfied that I had no power to do so, and let the court pass over to the regular term.

None of the above indictments originated in any of the disturbances which have unfortunately prevailed in the Territory, but are altogether outside of them; these disturbances did not reach my district until after the last courts.

The adjourned term of the court before spoken of, for Bourbon county, was held to dispose of cases on the criminal docket, and the week was occupied in the trial of one case for murder and two for assaults with intent to kill. The case for murder resulted in an acquittal; one of those with assault with intent resulted in acquittal, and the other in a mis-trial. These are the only trials of criminal cases held in my district.

The adjourned term of court for Shawnee was occupied in disposing of unfinished civil business, no criminal cases being ready for trial.

The above, I believe, contains all the information sought by your note of the 23d ultimo; and trusting that your excellency may be perfectly successful in enforcing the laws and preserving the good order and peace of the Territory, and promising a faithful co-operation therein, to the utmost of my ability,

I remain, most respectfully, your obedient servant,

S. G. CATO.

His Excellency JOHN W. GEARY.

The governor left to-day on a visit to Gen. Smith, at Fort Leavenworth, to be absent for three days.

*Letter from Governor Geary to General Smith.*

FORT LEAVENWORTH, K. T.,

November 11, 1856.

SIR: Peace prevails throughout the Territory, and the season of the year is now so far advanced into autumn as to make it extremely uncomfortable for the encampment of troops and the picketing of horses.

I therefore deem it advisable to inform you that I can dispense with all the troops which you have placed at my disposal for maintaining the peace of this Territory, with the exception of a squadron of dragoons and one company of United States infantry, to be left at Leecompton, subject to my orders.

I cannot forbear on this occasion thanking you most cordially for



the very efficient aid you have rendered me during the late disturbances, and for the truly magnanimous conduct of all the officers and soldiers placed by you at my disposal, whose services, I trust, will never again be required under similar circumstances.

With high respect, your friend and obedient servant,

JOHN W. GEARY,

*Governor of Kansas.*

Major General P. F. SMITH,

*Commanding Department of the West.*

November 12, 1856.—The governor returned, via Leavenworth City and Lawrence, to Lecompton, forty miles.

*Return of H. T. Titus to writ for the re-arrest of Charles Hays.*

LECOMPTON, November 12, 1856.

SIR: In pursuance of your warrant of the 10th instant, I proceeded to the residence of Charles Hays and arrested him, brought him to this place, and now hold him subject to your further order.

Your obedient servant,

H. T. TITUS.

His Excellency JOHN W. GEARY,

*Governor of Kansas.*

November 13, 1856.—The governor executed a bond in the sum of \$10,000 for the purpose of receiving the \$5,000 appropriated to purchase a territorial library; also executed a power of attorney to his private secretary, authorizing him to draw the money and to make the purchase.

The special mail agent for this Territory, William A. Davis, visited the governor, and had an interview respecting the postal affairs of the Territory. Sundry measures were devised to remedy many of the evils heretofore complained of. The propriety of a daily mail from Kansas City to Lecompton was agreed upon; whereupon the governor addressed the following

*Letter to the Postmaster General.*

EXECUTIVE DEPARTMENT,

*Lecompton, November 13, 1856.*

SIR: Your mail agent, Wm. A. Davis, esq., visited me to-day, and we had an interview respecting the postal affairs of this Territory. Sundry measures were devised to remedy many of the evils heretofore complained of. The necessity of a daily mail from Kansas City to this place [was] discussed and agreed upon; all which will be duly reported to you by your agent.

I have also to call your attention to the fact that the eastern mail is delayed nearly one day at St. Louis, and that it requires eleven days for a letter to reach this place from Washington city, when a person travelling with expedition can accomplish the same distance in six days.

I am credibly informed that the eastern mail arrives in St. Louis at 8.30 in the evening, and leaves at 1.30 *next day*; arrives in Jefferson City same evening at 8.30, leaves again at 5 next morning; arrives at 5 same day at Booneville, leaves next morning at 5; arrives in Lexington next night about midnight; arrives at Independence next evening at 6; goes on to Westport same evening, twelve miles, and starts to Leavenworth next day at 8; arrives same evening. The mail for this place leaves Westport simultaneously with the Leavenworth mail.

The eastern correspondence with this department is very large, and I trust you will use your best efforts to afford regular and prompt mail facilities for this growing Territory.

Very respectfully, your obedient servant,

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

Hon. JAMES CAMPBELL,  
*Postmaster General.*

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*Letter from the architect of the Capitol buildings, in reply to the governor's note of September 23, asking certain information.*

LECOMPTON CITY, November 11, 1856

HONORED SIR: I here write you a few lines to inform your excellency that I am in this place, and been at your call. I received your letter in Omaha, and would have answered it there and then; but not being in possession of the facts required by you, I deferred the matter until I should arrive there.

But upon arriving at St. Louis, I found that Dr. A. Rodrigue was very desirous to see me in relation to business of the capitol; I have come, and find all things stopped.

Now, sir, I am at your disposal. I will return to Leavenworth City to attend the land sales; but if you should desire to see me before they are over, I will appear, but would like to see some land that I own, close to Leavenworth, sold, so that there may be no difficulty.

The receipts for the cast-iron and galvanized iron cornices, I suppose, are on file. They come to about seventeen thousand dollars, (\$17,000). What is spent here I cannot answer for, having no charge of the same.

My contract with Governor Shannon is also on file, I suppose. It demands of me to appear before and on the capitol building whenever you may desire. *My compensation is four per cent. on the cost of building.*

I can be found at Leavenworth City till after the land sales, and will wait on any call you may name.

I have the honor to remain, your obedient servant,

WM. RUMBOLD.

His Excellency GOVERNOR GEARY.

*Letter from Secretary Marcy relative to the extraordinary contingent expenses of the executive department.*

DEPARTMENT OF STATE,  
Washington, October 30, 1856.

SIR: I have received your letter of the 6th instant, in which you ask to be furnished with a draft for \$2,000, for meeting the contingent expenses of the government of Kansas.

The President does not doubt the necessity that you should be put in possession of the means you have asked for, and he has gone into a careful examination of the authority he has under the laws to comply with your request. He regrets to be obliged to state, that this examination has resulted in a conviction on his part, that he has no authority to advance for the contingent expenses of the government of Kansas Territory any amount whatever beyond the sum appropriated by Congress for that purpose. The appropriation, which was an inconsiderable sum, has been exhausted; and there is no power in the Executive government of the United States to furnish you with any more. This state of things is most seriously regretted; for, situated as you are, the sum provided by Congress for the contingent expenses of the Territory must fall far short of that required for the public service. The subject will, of course, occupy the attention of Congress at the approaching session; but what will be its decision on it cannot be foretold. I should think there could be no doubt that the next Congress will provide the means for paying all the expenses which may be, or have been, properly incurred in administering the affairs of the territorial government.

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

W. L. MARCY.

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

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NOVEMBER 14, 1856.

In consequence of the original commissions failing to reach their destination, duplicate commissions were issued and forwarded to Andrew H. McFadden, probate judge of Lykins county: Joseph B. Goodin, sheriff, Warren D. Hoover, coroner, William B. Ewbanks, Samuel P. Boone, Henry S. Lynn, Thomas C. Warren, James Hughes, Henry Tuley, Wm. Honeywell, and Henry M. Peck, justices of the peace, and J. P. Tuley and Archibald Oliver, constables—all for said county.

*Requisition upon the commanding officer for marshal and commissioner despatched on special mission.*

EXECUTIVE DEPARTMENT,  
Leocompton, November 14, 1856.

SIR: Will you please furnish a means of conveyance for United States Commissioner E. Hoogland, and John A. W. Jones, esq., who

will proceed south to join the squadron despatched there to preserve the general peace of that portion of the Territory.

Your obedient servant,

JOHN W. GEARY,  
Governor of Kansas.

Col. ANDREWS,  
Commanding near Lecompton.

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NOVEMBER 15, 1856.

*Letter from the State of Missouri.*

OFFICE OF SECRETARY OF STATE,  
Jefferson City, November 2, 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, volume 22 Missouri Reports for the use of the Territory over which you preside, the receipt of which you will please acknowledge.

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

B. F. MASSEY,  
Secretary of State.

His Excellency THE GOVERNOR OF KANSAS.

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*Reply.*

EXECUTIVE DEPARTMENT,  
Lecompton, November 15, 1856.

SIR: I have the honor to acknowledge the receipt of the 22d volume of Missouri Reports, for the use of this Territory.

Your obedient servant,

JOHN W. GEARY,  
Governor of Kansas.

Hon. B. F. MASSEY,  
Secretary of State for Missouri.

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*Requisition for troops to guard prisoners.*

EXECUTIVE DEPARTMENT,  
Lecompton, November 15, 1856.

SIR: You will please hold yourself in readiness to escort a body of prisoners, some forty in number, from this place to Tecumseh, on to-morrow.

You are also detailed as a guard for the prisoners while undergoing trial, and for the protection of the court.

As this duty may detain you for two weeks, you will prepare yourself accordingly, and procure the best quarters for yourself and men which can be obtained.

You will leave a sufficient detail from your company to guard the public property in your charge.

Should you require any further instructions, you will please report to me from time to time, and I will furnish such as may be necessary.

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

Lieut. HIGGINS,  
*Commanding Company A, near Lecompton.*

The escort was accordingly furnished, and the prisoners conducted to Tecumseh, where they are lodged in safe and comfortable quarters.

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*Requisition for military aid to serve civil process.*

LECOMPTON, November 15, 1856.

SIR: I have had placed in my hands warrants for the arrest of Thomas Addis, jr., and — Addis, sr., in the vicinity of Franklin, in this county, and, as resistance is anticipated, I request that you will furnish my deputy, Mr. Thompson, with two United States dragoons to assist in the arrest.

Very respectfully, your obedient servant,

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

His Excellency Gov. GEARY, &c.

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*Requisition granted.*

EXECUTIVE DEPARTMENT,

*Lecompton, November 15, 1856.*

SIR: You will please furnish Deputy Sheriff Thompson with two mounted men to assist him in making the arrest of Thomas and Joseph Addis, at the town of Franklin, in Douglas county, as warrants have been duly issued against them.

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

Captain JOHN WALLACE,  
*Commanding Company A, near Lecompton.*

The escort was furnished. Thomas Addis, jr., peaceably arrested and brought here, had a preliminary hearing and was discharged.

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*Escape of a prisoner.*

LECOMPTON, November 15, 1856.

SIR: As master of convicts, it becomes my duty to inform you that, owing to the imperfect arrangements now existing for the safe keep-



ing of prisoners, Charles H. Calkins, a convict, has escaped from the custody of the officers and soldiers, in whose charge he had been placed. Said Calkins probably eluded his keepers on Tuesday or Wednesday night last.

Respectfully, your obedient servant,

M. J. HAMPTON,

*Master of convicts, Kansas Territory.*

His Excellency JOHN W. GEARY,

*Governor of Kansas.*

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*Proclamation for the Recapture.*

EXECUTIVE DEPARTMENT,

*Lecompton, November 15, 1856.*

Having this day been duly notified by the master of convicts of the escape from prison of Charles H. Calkins, I hereby offer a reward of one hundred dollars for the recapture and return of said convict.

[SEAL.] Given under my hand and the seal of the Territory the day and year aforesaid.

JOHN W. GEARY,

*Governor of Kansas.*

By the governor:

DANIEL WOODSON, *Secretary.*

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*Copy of an order issued by General Smith, in response to Governor Geary's announcement to him of peace in Kansas.*

HEAD QUARTERS, DEPARTMENT OF THE WEST,

*Fort Leavenworth, K. T., November 12, 1856.*

ORDERS No. 14.

The governor of Kansas has announced to the general commanding the department that peace prevails throughout the Territory at the present time, and that the services of the troops for the maintenance of order can in a measure be dispensed with. In consideration, therefore, of this announcement, and in view also of the approach of winter, the several commands now in the field will return to their respective permanent stations at once; but by easy marches—with the exception of two companies of the first regiment of cavalry, and one company of the sixth regiment of infantry—to be designated by the senior field-officer of each corps, under instructions of Lieutenant Colonel P. St. George Cooke, second dragoons, commanding the troops in the field, and to be by him reported to Governor Geary. Each company will constitute a distinct and separate command, to be held

subject to such orders or regulations as they may from time to time receive from the executive of the Territory.

By order of Brevet Major General Smith.

GEORGE DEAS, A. A. G.

CAMP NEAR LECOMPTON, K. T., November 15, 1856.

A true copy :

JAMES L. CORLEY,

1st Lieut. 6th Infantry and Adjutant.

Governor GEARY.

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*Order of Colonel Andrews, in response.*

HEADQUARTERS SIXTH REGIMENT OF INFANTRY,  
Lecompton, K. T., November 15, 1856.

Governor: In compliance with order No. 14, Headquarters West Department, I have the honor to report to you that I have detailed company "A," sixth infantry, to remain subject to your disposition.

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

GEORGE ANDREWS,

Lieut. Col. 6th Infantry, Commanding Regiment.

Governor J. W. GEARY,

Lecompton, K. T.

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NOVEMBER 16, 1856.

*Marshal's requisition for tooops to escort prisoners to Tecumseh for trial.*

UNITED STATES MARSHAL'S OFFICE,  
Lecompton, November 16, 1856.

SIR: My duty requires me to remove about 46 prisoners from this place to Tecumseh for trial, in consequence of a change of venue, and it will be necessary for me to have military aid.

I therefore respectfully make a requisition for such force as you may deem sufficient as an escort and guard for the prisoners.

Your obedient servant,

J. B. DONALDSON,  
United States Marshal.

His Excellency JOHN W. GEARY,  
Governor of Kansas.

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EXECUTIVE DEPARTMENT,  
Lecompton, November 16, 1856.

SIR: You will please report to J. B. Donaldson, United States

marshal, to-morrow morning, at nine o'clock, to aid him in the escort of the prisoners to Tecumseh, and their custody there.

Your obedient servant,

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

Lieutenant HIGGINS,  
*Commanding Company A, near Leecompton.*

*Requisition by Indian Agent for troops.*

LECOMPTON, K. T., November 16, 1856.

SIR: I am about to start to Uniontown to pay out to the Pottawat-  
omie Indians, and, in the present condition of things in the Terri-  
tory, think it is my duty to ask you, if you can spare the troops, to  
furnish me an escort for my funds, and to aid me in enforcing the in-  
tercourse law in the Indian country.

I have the honor to be, your obedient servant,

GEORGE W. CLARKE, *Indian Agent.*

His Excellency Governor GEARY.

*Requisition granted.*

EXECUTIVE DEPARTMENT,  
*Leecompton, November 16, 1856.*

SIR: Please furnish George W. Clarke, agent for the Pottawat-  
omie Indians, with a platoon of mounted men as an escort, to aid  
him in making his Indian payments, to return and report to you so  
soon as their mission shall be accomplished.

Your obedient servant,

JOHN W. GEARY,  
*Governor of Kansas.*

Col. ANDREWS,  
*Commanding near Leecompton.*

November 16, 1856.—A copy of the charges and specifications  
against Captain John Donaldson was furnished him by the hands of  
Lieutenant Wm. Franklin. Captain Donaldson called upon the  
governor, and, upon his making the proper explanation and apology,  
the charge was dismissed, Captain Donaldson reinstated in his com-  
mand, and the matter was left to the action of the civil authorities.

*Letter to the Register of the Treasury.*

LECOMPTON, KANSAS TERRITORY,  
*Executive Department, November 16, 1856.*

SIR: In my letter of 17th October, the estimated amount of extra-

ordinary "contingent expenses" of the executive office, for the fiscal year ending 30th of June, 1858, is stated to be \$6,000.

I have now to request that a like appropriation of \$6,000 be made for the present fiscal year, ending 30th June, 1857.

The reasons for making this request, under the extraordinary state of things that have existed in this Territory, are so obvious that I deem it unnecessary to say anything more upon the subject.

Very respectfully, your obedient servant,

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

Hon. F. BIGGER,  
*Register of the Treasury, Washington city.*

The governor left Leecompton this afternoon for the purpose of attending the government sales of the "Delaware trust lands." A casualty occurring to his ambulance, he was prevented from proceeding further than Lawrence, where he remained during the night.

*November 17, 1856.*—This day was occupied principally in performing the journey to Fort Leavenworth, via the Delaware Reserve; dined with one of the Delaware chiefs—Tongenox—who entertained him very handsomely. This reserve is forty miles long by ten wide; is exuberantly fertile; well timbered and watered. The tribe numbers about 1,000. After receiving the proceeds of the sale of the "trust lands," they will be the wealthiest people in the world. At Fort Leavenworth the governor was the guest of Major General P. F. Smith.

*November 18, 1856.*—The governor was waited upon by a committee of gentlemen from the city of Leavenworth, who invited him to visit that city. The invitation was accepted, and in the afternoon, accompanied by the committee in a carriage, he proceeded to the city, where he was met by a very large concourse of citizens, not only of Kansas, but from almost every part of the Union. He was warmly welcomed in a patriotic speech by the mayor of the city, and the governor, in reply, addressed the people upon the all-absorbing subject of the land sales, and upon various matters of general and local interest.

*November 19, 1856.*—Spent most of the day in the city, meeting many of its inhabitants socially, and visiting every point of interest within its limits. In the evening returned to Fort Leavenworth.

NOVEMBER 20, 1856.

*Governor Geary to General Smith.*

EXECUTIVE DEPARTMENT,  
*Fort Leavenworth, November 20, 1856.*

SIR: Since my last communication to you, I have the pleasure of confirming the pleasing intelligence then given of the general peace which pervades this Territory.

I have, therefore, the honor to inform you that the services of the

territorial militia, two months since mustered into the service of the United States, can now be dispensed with; and I therefore respectfully suggest to you the propriety of mustering them out of the service, in order that they may retire to their homes and gratify their desires in the pursuits of peace.

In communicating this note, I must again thank you for the very important aid that you, as commanding general, have rendered me in the delicate and onerous duties which devolved upon me.

With high respects, your obedient servant,

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

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

Returned part of the way to Lecompton; encamped for the night on Stranger creek.

November 21, 1856.—Arrived at Lecompton.

*Communication from Colonel Titus.*

LECOMPTON, November 21, 1856.

SIR: I have the honor to state, that, during your recent absence from this place, a writ of habeas corpus, issued by Chief Justice Lecompte, was served upon me, by which I was commanded to produce the body of Charles Hays before him, with the cause of his detainer.

That in obedience to the writ, I caused the body of Hays to be produced before Judge Lecompte, and returned as the cause of his detention the finding by the grand jury of a true bill of indictment against him for murder in the first degree, committed upon the person of one David C. Buffum, together with your warrant commanding the re-arrest of the said Hays and his detention until discharged by a jury of his country according to law.

I have further to state, that Judge Lecompte discharged the said Hays from my custody, notwithstanding my return, and that he is now at large.

I have the honor to remain, your obedient servant,

H. T. TITUS.

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

*Letter from Sheriff Jones.*

LECOMPTON, November 17, 1856.

SIR: It is indispensably necessary that balls and chains should be furnished for the safety of the convicts under my charge; and understanding that the same can be procured by your application to General



Smith, I will request that you will procure and have them sent over at the earliest day possible.

Very respectfully, your obedient servant,

SAMUEL J. JONES,

*Sheriff D. C.*

His Excellency Gov. GEARY,

*Fort Leavenworth.*

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EXECUTIVE DEPARTMENT,

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

SIR: In reply to yours of 17th instant, received by me while at Fort Leavenworth, I have to remark, that the master of convicts, (a just and humane man,) with the aid of such guard as he may require, will take care of the convicts, who are or may be placed under his charge, in such manner as may be deemed most advisable for the public interests.

General Smith has no balls and chains for the purpose indicated in your request, nor is it desirable to procure any while the trial of the remainder of the Hickory Point prisoners is unfinished.

Most respectfully, your obedient servant,

JOHN W. GEARY,

*Governor of Kansas.*

SAMUEL J. JONES, Esq.,  
*Sheriff of D. C.*

Upon the request of the prosecutor, who had a warrant to arrest certain persons having recently stolen horses in the State of Missouri, the governor issued the following order:

EXECUTIVE DEPARTMENT,

*Lecompton, November 21, 1856.*

SIR: Eight horses having been stolen from citizens of Missouri, and the thieves, with their plunder, having been traced into this Territory, and requisition having been made upon me for their capture, and the restoration of the property; being very desirous to reciprocate the courtesy extended towards me by the governor and good people of Missouri, this is to request you to furnish Deputy Marshal Preston with five mounted men, with rations for four days, to aid him in the arrest of these horse thieves.

Your obedient servant,

JOHN W. GEARY,

*Governor of Kansas.*

Captain JOHN WALLACE,

*Commanding company A, territorial cavalry, near Lecompton.*

*Major Armistead's reply to note of 7th instant.*

FORT RILEY, KANSAS TERRITORY,  
November 15, 1856.

SIR: In answer to your letter of the 7th instant I have to state, that the greater portion of my recent trip was in Nebraska, but of this Territory much was seen of a very interesting character, principally along the Republican river, which empties into the Kansas at this place.

The Republican commences its flow in this Territory, about 120 miles from here, through one of the most beautiful alluvial valleys I have ever seen, watered by innumerable streams of clear, good water, which are heavily wooded with elm, ash, and box-elder—you occasionally find oak, and in the bluffs, cedar; but of what would be called timber in one of the eastern States there is scarcely any, until you descend to within some thirty or forty miles from this place; the growth along the river is almost entirely cottonwood. Limestone of fine quality crops out here and there along the line of bluffs, and is sometimes found on the river. The soil is alluvial. The valley will average about three miles in width. The entire length of the river is about 300 miles.

With great regard, yours, &c.,

LEWIS A. ARMISTEAD.

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

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I certify the foregoing to be a true copy of the minutes on record in executive department, Kansas Territory.

Witness my hand, this 22d day of November, A. D. 1856.

RICHARD McALLISTER,  
*Deputy Secretary to the Governor.*