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UOTA

Lecompton Oct 28. 1858

Dear Governor

On Saturday last in the morning it commenced raining and until this time we have had more or less rain daily, this Thursday being the 6th day.

The wind is now northwest and tomorrow I hope it will clear – The natural consequence of this state of things is no news, no mail and very little of any thing interesting Mr Tyrony the Sac & Fox Agent has been here, upon a writ from Judge Elmore and waited here for him about one day with him were the two Randalls and I believe one of the other parties against whom there had been a writ issued The Marshalls Robbins & Walker came with the prisoners, and remained one day or there abouts and then left the prisoners without a bailiff or any charge whatever to avoid paying their expenses Judge Elmore was at home with his sick family, the Marshalls having both left Mr Tyrony inflicted his presence upon me for a couple of hours in the morning, which I bore with patience and Christian fortitude, hearing all he had to say and receiving from him his statement, which I promised to copy and forward to the department

As usual he thought the Governor was Judge & Jury and expected more from his hands than he could receive

The statement I have ready to forward as soon as I can obtain from Judge Edmunds a statement of the proceedings before him — After waiting without any guard all the morning the prisoners proceeded with Mr Cox of Coffey county as their Atty to Tecumseh to find Judge Edmunds and see what he would do in the case.

Mr Cox was at the agency during the payment and promised me to draw up a statement of what he saw, that I might forward it also, and as you know him from visiting the office frequently I thought it would be more satisfactory to hear what he would say than, the agent or any of the parties implicated —

She seemed to think that Mr Symmy had acted more from ignorance than any intention to do wrong, and sustains Mr Symmy's statement that he did not call upon the troops to prevent the arrest — Robbins has sworn to this statement, but Cox says that Robbins told Symmy that I must be mistaken if I had so written — a copy of Robbins affidavit accompanies my report to the Secty of the Interior, and if false will cause him some trouble — It has rained so hard and there has been so little communication that I have heard nothing from the Judge — This part of the affair I mean bringing prisoners here charged with crime, and the Deputy Marshall's

turning off to avoid paying the expense is a farce of the worst kind, and some way should be devised to prevent such occurrences. Innocent or guilty prisoners under indictment should be kept in custody until they had a hearing before the judge and bailed or imprisoned properly by order of the court —

Tymony says that the writ against Randall & others were without seal and now puts his defence upon that ground. I have just heard that Caldwell has returned from Judge Elmors and reports that upon the hearing of the cases ~~and~~ the parties ~~were~~ all admitted to bail

The indicted prisoners by consent of the prosecuting Attorney, T B Sykes

Oct 29 As I anticipated the weather is more favorable though not yet quite clear and I presume we will get a mail to night

There are some movements going on which I do not quite like among our unfolks. The Republicans are to hold a convention on the 11th here at Lawrence for the purpose of chalking out their future course as I have before informed you — A C Davis was here last evening, and informed me that it was proposed to hold a Democratic Convention in Leavenworth

on the 25th November and adopt the Cincinnati platform and add some local planks by way of appeasing the free State men - such as giving in favor common law jurisdiction to the Probate Courts &c &c -

I told him it was a farce - he then proposed giving the legislature the power to create new Courts of Civil and Criminal Jurisdiction, I told him that would do little, but still it would not do - He argued that it was better to do any thing to keep a new constitution from going to Congress and keep Kansas at home - Stanton, Conover, Davis, & that set are for this measure - Quack nostrums will not do for sound practice - whatever Congress does for Kansas, will be a precedent for future action, and for other territories now, and I am sure it would not do to give Utah such privileges - Mr Davis is essentially for himself first and belongs to the you tickle me & I tickle you School - He would like to be Chief Justice in place of Le Compte I think - A lawyer of reputation sound on all subjects - A mild man, firm for principle, of easy manners find him where you will is the man for Chief Justice - I hope such an one may be found without regard to Kansas - A Kentuckyan would

suit better than from any other Southern State and perhaps as well as from any of the western States.

Kentuckians are popular in the Territory, there being many free State men here from that quarter

When Judge Le Compte's time expires it would be judicious to fill his place with a man of that kind if possible But he must be a sound democrat also — not a new convert from the old Whig ranks — we have had too many of that sort here already —

I will endeavor to do what I can to prevent any action in the party until after the session of the legislature, and at all times try and prevent the party in the States from being embarrassed by new pledges or new issues in Kansas that will not take the old ones entirely out of the way, and that are not for the real benefit of Kansas and the party in the States

Cliques & factions inside of the party I have seen enough of — Reeder had his, Geary his & Walker his also, and all were injured by them — I shall try & keep straight forward in the quiet way we have gone since December last, without reference to any thing but the duties of my office & when a new Governor comes I hope he will do likewise