

Penn

U.S. President, 1853-1857 (Pierce)

AFFAIRS IN KANSAS.

MESSAGE

The President of the United States

THE PRESIDENT OF THE UNITED STATES,

IN COMPLIANCE WITH

in compliance with

A RESOLUTION OF THE SENATE OF THE FOURTH INSTANT,

a Resolution of the Senate of the fourth instant

TOGETHER WITH

COPIES OF CERTAIN LETTERS AND PAPERS TRANSMITTED THEREWITH, IN RELATION TO RECENT DIFFICULTIES IN THE TERRITORY OF KANSAS,

AND

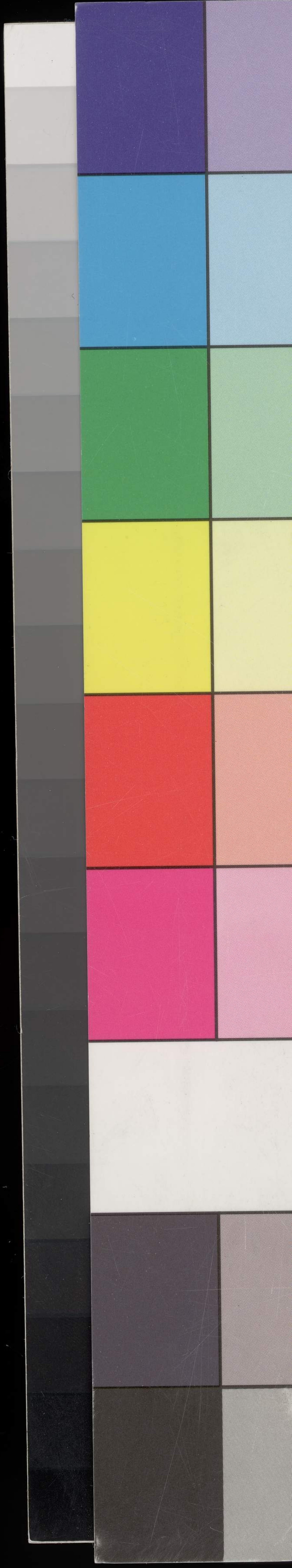
SPEECH OF HON. ISAAC TOUCEY,

Hon Isaac Toucey
OF CONNECTICUT,

IN THE SENATE OF THE UNITED STATES ON THE 18TH FEBRUARY, 1856

WASHINGTON:
1856.

Washington



RH
D-4464

Excerpts from
S. ex. doc. 23
34th Cong., 1st sess.
serial 820

MESSAGE.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 4th instant, requesting transcripts of certain papers relative to the affairs of the Territory of Kansas, I transmit a report from the Secretary of State and the documents which accompanied it.

FRANKLIN PIERCE.

WASHINGTON, *February* 18, 1856.

[By Telegraph.]

WESTPORT, Mo., *December* 1, 1855.

I desire authority to call on the United States forces at Leavenworth to preserve the peace of this Territory; to protect the sheriff of Douglas county, and enable him to execute the legal process in his hands. If the laws are not executed, civil war is inevitable. An armed force of one thousand men, with all the implements of war, it is said, are at Lawrence. They have rescued a prisoner from the sheriff; burnt houses, and threatened the lives of citizens. Immediate assistance is desired. This is the only means to save bloodshed.

Particulars by mail.

WILSON SHANNON.

His Excellency FRANKLIN PIERCE.

Received, Washington, December 3, 1855, 10 o'clock, 5 min., a. m.

DECEMBER 3, 1855.

Your dispatch is received. All the power vested in the Executive will be exerted to preserve order and enforce the laws. On the receipt of your letter, the preliminary measures necessary to be taken before calling out troops will be promptly executed, and you will then be fully advised.

FRANKLIN PIERCE.

WILSON SHANNON,

Governor of the Territory of Kansas.

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

SIR: Affairs in this Territory are daily assuming a shape of real danger to the peace and good order of society. I am well satisfied that there exists in this Territory a secret military organization which has for its object, among other things, resistance to the laws by force.

Until within a few days past I have looked upon the threats of

leading men and public papers who have placed themselves in an attitude of resistance to the laws, as not intended by those who made them to be carried into execution. I am now satisfied of the existence of this secret military organization, and that those engaged in it have been secretly supplied with arms and munitions of war, and that it is the object and purpose of this organization to resist the laws by force. The strength of this organization is variously estimated at from one to two thousand, but I have no satisfactory data from which to estimate its real strength, and I do not believe they can command for any given purpose more than one thousand men. They are said to be well supplied with Sharpe's rifles and revolvers, and that they are bound by an oath to assist and aid each other in the resistance of the laws when called upon so to do. Independent of the disclosures made by those who formerly belonged to this association and the hints thrown out in some of the public journals in their interest, the most practical proof of the truth of these allegations consists in their own acts. A few days since a difficulty took place in Douglas county, some ten miles south of Lawrence, between one of these men and a man by the name of Coleman, from Virginia, in relation to a claim; in which the former was shot and died immediately. Coleman was taken into custody for trial, by the sheriff of that county, and to avoid all ground of objection as to legal authority, Judge Lecompte was written to and requested to attend at the county seat (it being in his judicial district) and sit as an examining court. In the meantime a large body of armed men, said to be from three to four hundred, collected at and near Lawrence for the avowed purpose of rescuing Coleman from the sheriff and executing him without a trial. Coleman claims that he shot the man strictly in self-defence and is willing to abide a judicial investigation and trial. On Monday last a warrant was issued against one of this band of men for threatening the life of one of his neighbors, and placed in the hands of the sheriff of the county for execution, who, with a posse of some ten men, arrested him on Tuesday night, and as he was conveying the prisoner to Lecompton, he was met about two o'clock in the morning by a band of these men, consisting of between forty and fifty, all armed with Sharp's rifles and revolvers, who forcibly rescued the prisoner out of his hands, and openly proclaimed that there were no officers or law in this Territory. In the settlement in which these transactions took place there were from sixteen to twenty law and order families and about one hundred free soil families. At the last advices three of the houses of the former had been burnt down by this armed band.

Cattle had been killed, and a considerable amount of corn and other personal property destroyed, and the whole law and order population of that neighborhood, induced by terror, had fled, except two families, whose lives were threatened. Helpless women and children have been forced by fear and threats to flee from their homes, and seek shelter and protection in the State of Missouri. Measures were being taken by the legal authorities to procure warrants against these lawless men, and have them arrested and legally tried. Under these circumstances the sheriff of the county has called on me for three thousand men to aid him in the execution of the warrants in his hands, and to protect him and his prisoner from the violence of this armed force. The force

required by the sheriff is far beyond what I believe to be necessary, and indeed far beyond what could be raised in this Territory. From five to eight hundred men will be amply sufficient, I have no doubt, to protect the sheriff, and enable him to execute the legal process in his hands. With the view of giving to the sheriff the requisite aid, I have issued orders to Major General Richardson, of the northern division of militia of this Territory, a prudent and discreet man, a copy of which I send you herewith. I also send you a copy of a request I have made of General Strickler, who resides in the adjoining county to Douglas. These are the only orders I have thought it necessary to issue, by means of which I believe a sufficient force will be raised to protect the sheriff, and enable him to execute the legal process in his hands.

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

The excitement along the border of Missouri is running wild, and nothing but the enforcement of the laws against these men will allay it. Since the disclosure of the existence and purposes of this secret military organization in this Territory, there has been much excitement along the borders of Missouri, but it has been held in check, heretofore, by assurances that the laws of the Territory would be enforced, and that protection would be given to the citizens against all unlawful acts of this association. This feeling and intense excitement can still be held in subordination if the laws are faithfully executed, otherwise there is no power here that can control this border excitement and civil war is inevitable. This military organization is looked upon as hostile to all southern men, or rather to the law and order party of the Territory, many of whom have relations and friends, and all have sympathizers in Missouri, and the moment it is believed that the laws will not furnish adequate protection to this class of citizens against the lawless acts of this armed association, a force will be precipitated across the line to redress real and supposed wrongs inflicted on friends that cannot be controlled, or for the moment resisted. It is in vain to conceal the fact, we are standing on a volcano, the upheavings and agitations beneath we feel, and no one can tell the hour when an eruption may take place. Under existing circumstances the importance of sustaining the sheriff of Douglas county, and enabling him to execute his process, independent of other considerations connected with the peace and good order of society, will strike you at once; and to do this by the aid and assistance of the citizens of this Territory is the great object to be accomplished, to avoid the dreadful evils of civil war. I believe this can be done; in this, however, I may be mistaken. No efforts shall be wanting on my part to preserve good order in the Territory, and I will keep you constantly advised of the progress and state of things here.

I have the honor to be your obedient servant,

WILSON SHANNON.

His Excellency FRANKLIN PIERCE.

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

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

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

I have the honor to be your obedient servant,

WILSON SHANNON.

Major General WILLIAM P. RICHARDSON.

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

SIR: I am this moment advised, by letter from S. J. Jones, sheriff of Douglas county, that while conveying a prisoner to Lecompton, whom he has arrested by virtue of a peace warrant, he was met by a band of armed men, who took said prisoner forcibly out of his possession, and bid defiance to the execution of all law in this Territory. He has demanded of me three thousand men to aid him in the execution of the legal process in his hands. As the southern division of the militia of this Territory is not organized, I can only request you to collect together as large a force as you can, and at as early a day as practicable report yourself, with the forces you may raise, to S. J. Jones, sheriff of Douglas county, and to give him every assistance in your power, in the execution of the legal process in his hands. Whatever forces you may bring to his aid are to be used for the sole purpose of aiding the said sheriff in the execution of the law, and no

other. It is expected that every good citizen will aid and assist the lawful authorities in the execution of the laws of the Territory and the preservation of good order.

Your obedient servant,

WILSON SHANNON.

General H. J. STRICKLER.

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

Be it remembered, that on this sixth day of December, in the year A. D. 1855, personally appeared before me, J. M. Burrell, one of the associate justices of the supreme court of the said Territory of Kansas, Harrison Buckley, of lawful age, who being by me duly sworn, saith that he is a citizen of the county of Douglas, and has resided therein since 30th day of March last, and has resided during all that time at Hickory Grove; that he was informed on good authority, and which he believed to be true, that Jacob Branson had threatened his life, both before and after the difficulty between Coleman and Dow, which led to the death of the latter. I understood that Branson swore that deponent should not breathe the pure air three minutes after I returned, this deponent at this time having gone down to Westport, in Missouri; that it was these threats, made in various shapes, that made this deponent really fear his life, and which induced him to make affidavit against the said Branson, and procure a peace warrant to issue, and be placed in the hands of the sheriff of Douglass county; that this deponent was with the said sheriff (S. J. Jones) at the time the said Branson was arrested, which took place about two or three o'clock in the morning; that Branson was in bed when he was arrested by said sheriff; that no pistol or other weapon was presented at the said Branson by any one; that after the arrest and after the company with the sheriff had proceeded about five miles in the direction of Lecompton, the county seat of Douglas county, the said sheriff and his posse were set upon by about between thirty and forty men, who came out from behind a house, all armed with Sharp's rifles, and presented their guns cocked, and called out who they were; and said Branson replied that they had got him a prisoner; and these armed men called on him to come away. Branson then went over on their side, and Sheriff Jones said they were doing something they would regret hereafter in resisting the laws; that he was sheriff of Douglas county, and, as such, had arrested Branson. These armed men replied that they had no laws, no sheriff and no governor, and that they knew no laws but their guns. The sheriff, being overpowered, said to these men, that if they took him by force of arms he had no more to say, or something to that import, and then we rode off. This deponent further states that there has been three houses burned in the Hickory Point settlement; one was this deponent's house, another belonged to Josiah Hargis, and the third to said Coleman. All I had in the world was burned up, leaving my wife and children without clothing. This deponent's wife and

four children fled to Missouri, where they still remain with their relatives. The house of deponent was burned down, as it is said, shortly before daylight in the morning. The wives and children of both Coleman and Hargis also fled to Missouri, where they still remain. There were about fifteen or sixteen law-abiding families in the settlement called the Hickory Grove settlement about the time these difficulties sprung up; they have all been forced by terror and threats of these armed men to flee with their wives and children to the State of Missouri for protection, and still remain there. These armed men have repeatedly in my presence said that they would resist the law by force, and there was no law in this Territory. These threats have been repeatedly made by these men for the last three months. And further this deponent saith not.

H. H. BUCKLEY.

Sworn and subscribed the day and year above stated before me.

J. M. BURRELL,

Associate Justice Supreme Court, Kansas Territory.

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

Be it remembered, that on this 7th day of December, A. D. 1855, personally came before me, S. G. Cato, one of the associate justices of the supreme court of the Territory of Kansas, Josiah Hargis, of lawful age, who being by me duly sworn, deposeth and saith, that on or about the 26th day of November, 1855, in Douglas county, sheriff Jones called upon me, with nine others, to act as a posse to arrest one Jacob Branson, under a peace warrant issued by Hugh Cameron, a justice of the peace; that he proceeded with said sheriff to Hickory Point, in said county, and there arrested said Branson, with whom they proceeded in the direction of Lawrence. When near a house on the Wakarusa an armed mob of persons, amounting to between thirty and forty, rushed from behind said house, and by force did rescue said Branson out of the hands of said sheriff and posse, and in defiance of said sheriff's command, take said Branson and refuse to deliver him to said sheriff. That the said sheriff told the said mob that he held said Branson under a peace warrant properly issued by a legally authorized officer; and that he was sheriff of said county of Douglas, and charged with the execution of said writ. The leader of said mob replied to said officer that they knew him as Mr. Jones, but not as sheriff of Douglas county. He then told them that he would call out the militia to enforce the law. Their reply was that he could not get men to enforce said law. He told them then that he would call on the governor for assistance; to which the said mob replied that they had no laws and no officers, and to pitch in. Said mob stood with their guns cocked and presented at the time of said rescue.

This deponent further saith, one H. W. Buckley, of said county of Douglas, was with said sheriff at the time of said rescue, as one of said sheriff's posse; that during the same night on which said rescue

was made said affiant saw a light in the direction of said Buckley's house, and that he fully believes said house was at that time burned. That he believes, from circumstances within his knowledge, that said house, together with his own, was burned by persons concerned with said mob; and that he has reason to believe that some of said houses were fired by said Branson aforesaid, assisted by a German, commonly called Dutch Charley; and they were counselled and advised thereto by one Farley. This affiant further says, that at the time of the rescue of said prisoner he was at a house near Hickory Point, and that he there saw three women, who told him that there had been an armed force that day who notified them to leave, and all other pro-slavery families in the neighborhood; and since, said families have left said neighborhood and fled to the State of Missouri. Said affiant says that he believes there were at that time in said neighborhood about fifteen pro-slavery families, nearly all of whom have fled, as aforesaid, to the State of Missouri, for protection. Said armed force was represented to consist of from one hundred to one hundred and fifty armed men.

S. N. HARGIS.

Sworn and subscribed before me, S. G. Cato, associate justice of Kansas Territory.

UNITED STATES OF AMERICA, *Territory of Kansas:*

Be it remembered, that on the 7th day of December, A. D. 1855, personally came before me S. G. Cato, one of the associate justices of the supreme court of the Territory of Kansas, Samuel J. Jones, sheriff of the county of Douglas, and Territory aforesaid, of lawful age, who being by me duly sworn, deposed and saith that on the 26th day of November, A. D. 1855, he received from the hands of Hugh Cameron, a legally appointed justice of the peace for said county of Douglas, a peace warrant issued by said justice of the peace and to him directed as sheriff—obtained upon the oath of one H. W. Buckley, against one Jacob Branson, and immediately after receiving said warrant he summoned a posse of ten men and proceeded to the house of said Branson and made the arrest, and on his return he and his posse were met by a mob of some forty men, armed with Sharp's rifles, who forcibly rescued the prisoner out of his hands, and defied his recapture, swearing at the same time that they recognized no law in the Territory, or no officers from the governor to the lowest officer, and relied only upon their rifles as the law of the land, and would at all times defend themselves from being arrested by any process issued by any officer of the said Territory. That he immediately made requisition on Gov. Wilson Shannon for a sufficient force to enable him to arrest the said Jacob Branson, and execute other process in his hands as sheriff of said county; that the said Jacob Branson was taken into the town of Lawrence, in said county, and there, as he verily believes, as he was informed by good authority, tried and acquitted by the citizens of the said town without any legal investigation; that a mob of some fifteen

or twenty threatened to tar and feather and inflict other punishment upon the justice of the peace who issued the warrant; that he, as sheriff, has been repeatedly insulted by the citizens of the said town of Lawrence, and threatened with violence if he attempted to execute any process in his hands against any citizen of that place, and he verily believes that he would be resisted and violence committed upon his person in attempting to execute a legal process in said town; that the citizens of that place and vicinity are all armed with Sharpe's rifles for the avowed purpose of resisting the execution of the law of this Territory; that they are daily being drilled for that purpose alone; that the mob who rescued the said Jacob Branson out of his hands he verily believes were induced to do so by the citizens of Lawrence, and that the public newspapers of that place openly recommend and call upon the citizens to resist the laws of the Territory, and that the prisoner, Jacob Branson, and a portion of the mob who rescued him from his custody, he verily believes to be at this time in the town of Lawrence, or secreted by the citizens of that place, and that warlike preparations are being made by the citizens of Lawrence, for the purpose of resisting the execution of the process in his hands, and that it would not be prudent to attempt to execute said process without a very strong force of armed men to assist him.

S. J. JONES,
Sheriff Douglas county, Kansas Territory.

Sworn and subscribed before me, S. G. Cato, associate justice of the supreme court of Kansas Territory.

CAMP CLARKE, *December 3, 1855.*

DEAR SIR: I hasten to write you by our express, that is now on its way, (12 o'clock,) at night; my house is a fortification. I am compelled to keep a guard with sentinels all night. Unless the violators of the law are disarmed the country is ruined. If the troops should withdraw without this being done, a partisan war will continue. Murders, house-burnings, and all the outrages incident to civil war will follow; or we (the law-abiding men) will have to withdraw from the Territory, to our great pecuniary distress.

The outlaws have marked our men, they keep their movements secret, and we know not who is first to be attacked, or where it will be made. We have learned, from ample authority, that more than one hundred Sharp's rifles are distributed in this immediate neighborhood. My next-door neighbors have them in possession; and only two days ago ten armed men surrounded a member of my family with threatening language, and ended the interview with a threat to dispose of myself. We, the law-abiding men, appeal to you, and insist that nothing less than the surrender of the arms now held by the traitors can satisfy the country. They are in open rebellion. They have these arms for the special purpose of resisting the laws and avenging supposed injuries. With these arms in hand they have forcibly rescued

prisoners from the hands of officers. They threaten to rescue others. They are protecting men who have broken custody, and in every sense they are traitors, and giving aid and comfort to traitors.

In haste, your friend and obedient servant,

GEORGE W. CLARKE.

Governor WILSON SHANNON,
Shawnee Mission.

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

EXECUTIVE OFFICE,
Shawnee Mission, K. T., December 11, 1855.

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

of threatened hostilities, at the same time advising Colonel Sumner, by special dispatch, of this movement. On my way to Lawrence, I met a dispatch from Colonel Sumner, informing me that, upon reflection, he had changed his determination, and that he would not march with his command until he had received orders from the proper department, but that he would be ready to move with his command the moment such orders came to hand. I proceeded as rapidly as possible to the camp of General Strickler, on the Wakarusa, six miles east of Lawrence, and arrived in camp about three o'clock on the morning of the sixth instant. I found that General Strickler, as well as General Richardson, had very judiciously adopted the policy of incorporating into their respective commands all the irregular forces that had arrived. This was done with the view of subjecting them to military orders and discipline, and to prevent any unlawful acts or outbreaks. The great danger to be apprehended was from an unauthorized attack on the town of Lawrence, which was being strongly fortified, and had about one thousand and fifty men, well armed, to defend it, with two pieces of artillery, while, on the other side, there was probably in all near two thousand men, many of them indifferently armed, but having a strong park of artillery. I found in the camp at Wakarusa a deep and settled feeling of hostility against the opposing forces in Lawrence, and apparently a fixed determination to attack that place and demolish it and the presses, and take possession of their arms. It seemed to be a universal opinion in the camp that there was no safety to the law and order party in the Territory while the other party were permitted to retain their Sharp's rifles, an instrument used only for war purposes. After mingling with all the leading men in the Wakarusa camp, and urging on them the importance of avoiding a conflict of arms, that such a step would probably light the torch of civil war and endanger the very Union itself, I still found that there was a strong desire with all, and a fixed determination with many to compel the forces in Lawrence to give up their arms. Believing that such a demand would lead to a conflict which, if once commenced, no one could tell where it would end, and seeing no way to avoid it except by the aid of the United States forces, I again wrote another communication to Colonel Sumner, and sent it to him by special dispatch about three o'clock on the morning of the 7th instant, requesting his presence; a copy of which I send you herewith, marked E. I received no reply until my return to this place, after the difficulty had been arranged. I send you a copy of this reply, marked F. Early on the morning of the 7th instant I repaired to the camp at Lawrence, and found them busily engaged in their fortifications and in drilling their forces, and had a full and satisfactory interview with the committee appointed by the forces in Lawrence, in relation to the impending difficulties. So far as the execution of the laws were concerned we had no difficulty in coming to a satisfactory understanding. It was at once agreed that the laws of the Territory should have their regular course, and that those who disputed their validity should, if they desired to do so, test that question in the judicial tribunals of the country; that, in the meantime, no resistance should be made to their due execution, and the citizens of Lawrence and vicinity were, when

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

the copies of various affidavits, letters, &c., which will give you some information in detail touching the subject matter of this dispatch.

I have the honor to be your obedient servant,

WILSON SHANNON.

His Excellency FRANKLIN PIERCE.

LAWRENCE, KANSAS TERRITORY,
January 21, 1856.

SIR: We have authentic information that an overwhelming force of the citizens of Missouri are organizing upon our border, amply supplied with artillery, for the avowed purpose of invading this Territory, demolishing our towns, and butchering our unoffending free State citizens. We respectfully demand, on behalf of the citizens of Kansas, that the commandants of the United States troops in this vicinity be immediately instructed to interfere to prevent such an inhuman outrage. Respectfully,

J. H. LANE,

Chairman Executive Committee, K. T.

C. ROBINSON,

Chairman Committee of Safety.

Attest:

J. H. GOODIN, *Sec'ry Ex. Com., K. T.*

Geo. W. DEITZLER, *Sec'ry Com. of Safety.*

FRANKLIN PIERCE, *President U. S.*

LAWRENCE CITY, January 23, 1856.

SIR: We notified you that an overwhelming force, supplied with artillery, was organizing upon our border for the avowed purpose of invading Kansas, demolishing the towns, and butchering the unoffending free State citizens—they constituting nineteen-twentieths of the entire population. In addition to the relief respectfully demanded in that notice, we earnestly request you to issue your proclamation immediately, forbidding the invasion. We trust there may be no delay in taking so important a step to prevent an outrage which, if carried out as planned, will stand forth without a parallel in the world's history.

Yours, respectfully,

J. H. LANE,

Chairman Executive Committee, K. T.

C. ROBINSON,

Chairman Committee of Safety.

PRESIDENT OF THE UNITED STATES.

DEPARTMENT OF STATE,
Washington, February 16, 1856.

SIR: I herewith enclose to you a copy of a proclamation by the President, dated the 11th instant, duly authenticated, and also a copy of orders issued from the Department of War to Colonel Sumner and Brevet Colonel Cooke, of the United States army.

The President is unwilling to believe that, in executing your duties as governor of the Territory of Kansas, there will be any occasion to call in the aid of the United States troops for that purpose, and it is enjoined upon you to do all that possibly can be done before resorting to that measure; yet, if it becomes indispensably necessary to do so in order to execute the laws and preserve the peace, you are hereby authorized by the President to make requisitions upon the officers commanding the United States military forces at Fort Leavenworth and Fort Riley, for such assistance as may be needed for the above specified purpose.

While confiding in the respect of our citizens for the laws, and the efficiency of the ordinary means provided for protecting their rights and property, he deems it, however, not improper, considering the peculiar situation of affairs in the Territory of Kansas, that you should be authorized to have the power herein conferred, with a view to meet any extraordinary emergency that may arise; trusting that it will not be used until you shall find a resort to it unavoidable, in order to insure the due execution of the laws and to preserve the public peace.

Before any actual interposition of the military force on any occasion, you will cause the proclamation of the President, with which you are herewith furnished, to be publicly read.

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

W. L. MARCY.

Hon. WILSON SHANNON,
Governor of the Territory of Kansas.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas indications exist that public tranquility, and the supremacy of law in the Territory of Kansas, are endangered by the reprehensible acts or purposes of persons, both within and without the same, who propose to direct and control its political organization by force; it appearing that combinations have been formed therein to resist the execution of the territorial laws, and thus in effect subvert by violence all present constitutional and legal authority; it also appearing that persons residing without the Territory, but near its borders, contemplate armed intervention in the affairs thereof; it also appearing that other persons, inhabitants of remote States, are collecting money, engaging men, and providing arms for the same purpose; and it further appearing that combinations within the Territory

are endeavoring by the agency of emissaries and otherwise to induce individual States of the Union to intervene in the affairs thereof, in violation of the Constitution of the United States:

And whereas all such plans for the determination of the future institutions of the Territory, if carried into action from within the same, will constitute the fact of insurrection, and if from without, that of invasive aggression, and will in either case justify and require the forcible interposition of the whole power of the general government, as well to maintain the laws of the Territory as those of the Union:

Now, therefore, I, Franklin Pierce, President of the United States, do issue this my proclamation to command all persons engaged in unlawful combinations against the constituted authority of the Territory of Kansas, or of the United States, to disperse and retire peaceably to their respective abodes; and to warn all such persons that any attempted insurrection in said Territory, or aggressive intrusion into the same, will be resisted not only by the employment of the local militia, but also by that of any available forces of the United States: to the end of assuring immunity from violence and full protection to the persons, property, and civil rights of all peaceable and law-abiding inhabitants of the Territory.

If, in any part of the Union, the fury of faction or fanaticism, inflamed into disregard of the great principles of popular sovereignty, which, under the Constitution, are fundamental in the whole structure of our institutions, is to bring on the country the dire calamity of an arbitrament of arms in that Territory, it shall be between lawless violence on the one side, and conservative force on the other, wielded by legal authority of the general government.

I call on the citizens, both of adjoining and of distant States, to abstain from unauthorized intermeddling in the local concerns of the Territory, admonishing them that its organic law is to be executed with impartial justice, that all individual acts of illegal interference will incur condign punishment, and that any endeavor to intervene by organized force will be firmly withstood.

I invoke all good citizens to promote order by rendering obedience to the law; to seek remedy for temporary evils by peaceful means; to discountenance and repulse the counsels and the instigations of agitators and of disorganizers; and to testify their attachment to their country, their pride in its greatness, their appreciation of the blessings they enjoy, and their determination that republican institutions shall not fail in their hands, by co-operating to uphold the majesty of the laws and to vindicate the sanctity of the Constitution.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed to these presents.

Done at the city of Washington, the eleventh day of February, in the year of our Lord one thousand eight hundred and fifty-six, [L. S.] and of the independence of the United States the eightieth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY,
Secretary of State.

W. L. Marcy

WAR DEPARTMENT, *February 15, 1856.*

SIR: The following is a copy of the letters addressed to Colonel E. V. Sumner, United States army, commanding at Fort Leavenworth, and to Brevet Colonel P. St. George Cooke, commanding at Fort Riley, and is furnished for your information.

I have the honor to be, very respectfully, your obedient servant,
JEFFERSON DAVIS,
Secretary of War.

Hon. WILSON SHANNON,
Governor of Kansas Territory.

The Secretary of War to Colonels Sumner and Cooke.

WAR DEPARTMENT,
Washington, February 15, 1856.

SIR: The President has, by proclamation, warned all persons combined for insurrection or invasive aggression against the organized government of the Territory of Kansas, or associated to resist the due execution of the laws therein, to abstain from such revolutionary and lawless proceedings, and has commanded them to disperse and retire peaceably to their respective abodes, on pain of being resisted by his whole constitutional power. If, therefore, the governor of the Territory, finding the ordinary course of judicial proceedings and the powers vested in United States marshals, inadequate for the suppression of insurrectionary combinations or armed resistance to the execution of the law, should make requisition upon you to furnish a military force to aid him in the performance of that official duty, you are hereby directed to employ for that purpose such part of your command as may in your judgment consistently be detached from their ordinary duty.

In executing this delicate function of the military power of the United States, you will exercise much caution, to avoid, if possible, collision with even insurgent citizens, and will endeavor to suppress resistance to the laws and constituted authorities by that moral force which, happily, in our country, is ordinarily sufficient to secure respect to the laws of the land and the regularly constituted authorities of the government. You will use a sound discretion, as to the moment at which the further employment of the military force may be discontinued, and avail yourself of the first opportunity to return with your command to the more grateful and prouder service of the soldier, that of the common defence.

For your guidance in the premises, you are referred to the acts of 28th of February, 1795, and 3d of March, 1807, (see Military Laws pages 301 and 123,) and to the proclamation of the President, a copy of which is herewith transmitted.

Should you need further or more specific instructions, or should, in the progress of events, doubts arise in your mind as to the course

which it may be proper for you to pursue, you will communicate directly with this department, stating the points upon which you wish to be informed.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,
Secretary of War.

Mr. Calhoun to Mr. Marcy.

WASHINGTON CITY, *February 16, 1856.*

SIR: In compliance with your request for an estimate of the present population of Kansas Territory, I furnish you with the result of a calculation based upon the vote said to be given last October. From many inquiries of persons living in the various parts of Kansas, I have no doubt the calculation approximates closely to the truth. The united vote given to General Whitfield, and said to be given to Governor Reeder, makes about six thousand. If it be considered that in a new country like Kansas a very large proportion of the inhabitants are young men without families, an estimate of four, or at most five, inhabitants to each voter will not be judged far from the truth. This will give from twenty-four to thirty thousand inhabitants in the Territory. But General Whitfield's friends contend that the men voting for Governor Reeder, acting under no restraint of law, increased his vote greatly by double voting; and Governor Reeder's friends insist that General Whitfield's vote was considerably increased by votes given by citizens of Missouri. If these statements be true, the actual voters of the Territory will be lessened; and the population, which is estimated upon the votes, will fall below the above calculation. I leave others to determine these disputed points, and give it as my opinion that there are not more than five times as many people in the Territory as there are voters, and that the number of voters does not exceed six thousand.

Very respectfully, your obedient servant,

J. CALHOUN.

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

SPEECH OF SENATOR TOUCEY,

OF CONNECTICUT;

Delivered in the Senate on Monday, February 18, 1856, upon the motion to print the message of the President and accompanying documents in regard to affairs in Kansas.

*Congressional globe
x.109 p. 440*

Mr. TOUCEY said:

Mr. PRESIDENT: I desire to say a few words before this subject passes from the Senate. I do not see how it was possible for the President of the United States to take any other course than that which he has adopted, as stated in the papers now on the table, without an utter abandonment of his constitutional duty. There is but one government in the Territory of Kansas—a government organized in pursuance of an act of Congress. There is a legislative department to prescribe the laws; there is a judicial department to adjudicate them; there is an executive department, with ministerial officers at its command, to execute those laws. There is no other government in Kansas. There is no question between a government *de facto* and a government *de jure*.

There must necessarily be in every community a government. No large number of men can exist together in society without a government. There is always either a government *de jure* or a government *de facto*, or a government answering to both descriptions. There is in this case but one government. There is no pretence in Kansas Territory of the exercise of legislative power, hitherto, by any other government. There has been no pretence of the exercise of judicial power by any other judicial department than that of the territorial government instituted under the act of Congress; nor has there been an instance of the execution of any process from anything purporting to be a court, save only the process issued under the territorial government that exists. That being so, the proposition is indisputable, that in that Territory there is but a single government, and that is the government *de jure* and the government *de facto* in the Territory. This being so, it is impossible that any Chief Magistrate, unless he proves false to the obligation which he has taken upon him in the oath of office, can do otherwise than uphold the Constitution of the country, and the laws which have been passed in pursuance of it.

Sir, the first difficulties which arose in Kansas were at the election of the first delegate, in November, 1854, when the present delegate (Mr. WHITFIELD) was elected and returned to the House of Representatives. At that time, if I recollect the dates, in November, 1854, the governor issued a proclamation, in which he embraced a list of the places where elections should take place, a list of the election judges, and a list of the election districts; and, at an election held in pur-

suance of that proclamation, the delegate was elected. At that time there were charges of fraud and violence on both sides; but no one possessed of ordinary intelligence could fail to inquire why, if they be true, were not proceedings instituted in the Territory to discover that fraud and violence? Where were the executive officers, that there was no interference to prevent it? Where were the election judges, that there was no attempt on their part to prevent the fraud and violence? Where were the peaceable citizens, that no one interfered, by way of complaint or otherwise, so far as we have any knowledge, to call on the authorities to execute the law and to punish for any infraction of law?

More than that, sir: there is, in the other end of the Capitol, a tribunal which has the ultimate decision of all questions of that kind—a tribunal which goes behind forms and penetrates substance. When the delegate was returned, was there any attempt there to investigate the validity of his election? None. Did any member rise in his place and move a reference of the question to the Committee of Elections? None, according to my memory. Was there a witness called? Has there been any thing but vague denunciation, without proof and without facts? The delegate was permitted by the House of Representatives to take his seat. He took his seat; and thus ended any question in regard to that election.

Now, I ask, will not intelligent men everywhere put the question, How is it? Will they not come to the conclusion that there must have been somewhere a disposition to misrepresent, or, at least, an effort to mislead the public mind, on the one hand, or else that there was a total dereliction of duty on the part of those functionaries of the government who are called upon to see that no frauds and no violence should be permitted to triumph in that election?

Well, sir, the affairs of the Territory passed on until the election of members of the legislature. Again the people passed upon the election of members, and the members were returned, and again there were charges of fraud and violence. There may have been fraud and violence, for aught I know. I do not undertake to say that there was not; but I beg leave to ask some questions. If there was, where, again, were the officers of the law? Where, again, were the judges of elections? Where were the executive officers? Where was the governor of the Territory, who was expressly authorised to pass on such questions, and to withhold from any person who was not duly elected a certificate of election? The governor did act, and he granted certificates of election to nearly or quite two-thirds of the members of the legislature—certainly to a most decided majority. The others he set aside and ordered elections in their stead. Those elections took place, and I am not aware of any charges of fraud or violence in those elections. There may have been, but I have heard of none, and know of none.

Shortly afterwards the legislature assembled. I apprehend there will be no diversity of opinion on the point that each house had a right to decide on the election of its own members. Perhaps they decided wrong. Every legislative body may decide wrong on a ques-

tion of that kind; but it is the tribunal in the last resort, and the decision is final and irrevocable.

What right, upon this state of facts, had the President of the United States to interfere? Had he any right to inquire into the validity of elections? No more than he would have had in regard to an election in Baltimore, or Boston, or New Orleans. He had no power. He omitted the performance of no duty, because he had no power and no right to make inquiry in order to interfere in the elections.

Again: if there was fraud or violence, why has it not been, in some mode known to the law and known to the Constitution, investigated and relieved? Why has there not been an attempt made somewhere, in a court of justice or in any way, to investigate that fraud or violence? There has been none. I trust we live under a government of law. All these questions are questions to be decided by the Constitution and laws of the country. Up to this time, I ask, has there been anything which would justify an interposition by the Federal Executive? I ask honorable senators if there has been any state of facts that would justify, or authorize, or permit any interference by the Federal Executive? Honorable senators are called upon, on this state of facts, to say when and where such an interference was required. Vague denunciation will not do in a grave matter of this kind. I undertake to express the opinion, for one, as an humble member of this body, that we have no intelligence of any fact or of any state of things that would justify an interference with military power by the President with the troubles of Kansas, down to the period of which I am speaking.

Well, sir, I perceive, by the documents which have been read, that on the 1st of December last there was a communication made by Governor Shannon to the President, informing him of a state of things which did call on him to interfere; and on the 3d or 4th of December the President answered by telegraph, to the effect that he would exert the whole power of the country, as far as it was in his hands, to uphold the Constitution and the laws, and that as soon as the letter referred to in the telegraphic dispatch from Governor Shannon should reach him, proper orders would be issued. These events, however, had hardly transpired before the wires of the telegraph brought to us the intelligence, which was published everywhere, that the difficulties in Kansas were terminated, that quiet was restored; that the militia had returned to their homes, and that the difficulties were ended. Thus it rested until an event took place which I think the honorable Senator from Massachusetts (Mr. WILSON) hardly expected to call out by his resolution—I refer to the fact that the chairman of the executive committee of the Territory, and the chairman of the committee of safety, as they call themselves—one of them, if I remember aright, the president of the spurious and unauthorized convention lately held there, and the other the supposed governor elect under an unauthorized movement of a party in Kansas—appealed to the President, and called on him to discharge his duty. They appealed to him to issue an order for calling out the troops. They called on him to exercise his power as Chief Magistrate by calling the troops of the United States into the field for the purpose of upholding the Constitution and the laws, in