

H. P. A. Smith to James W. Denver

H. P. A. Smith, writing from Fort Scott, Kansas Territory, to Governor James W. Denver, reports on events of May 30, 1858, involving Deputy U.S. Marshal Samuel D. Walker's attempt to arrest George W. Clarke on charges that Clarke participated in the Marais des Cygnes Massacre. Smith questions Walker's authority to arrest Clarke, observing that Walker's arrest warrant had been issued by a justice of the peace from a township, Mapleton, that did not yet exist. Smith comments on the general state of unrest in the area, and declared that the "County is in fact in open rebellion . . . complete anarchy prevails." He encourages Governor Denver to come to Fort Scott to assess the situation for himself and to help restore order.

Creator: Smith, H. P. A. (Harry Percival Adams), 1820-1870

Date: June 3, 1858

Callnumber: James W. Denver Coll. #328 Box 1 Folder 8

KSHS Identifier: DaRT ID: 90580

Item Identifier: 90580

www.kansasmemory.org/item/90580

KANSAS
HISTORICAL
SOCIETY

H. P. A. Smith to James W. Denver



For Secy Appn 3^d 1858
His Excy J^W Denver
Dear Sir -

I send herewith a copy of the Democrat containing proceedings that took place here on Sunday - It does not contain all but enough to give a general idea - When Mr Walker came in town I went to him and knowing that he was sent out by fire after Montgomery I offered him all the assistance in my power - After arresting black I was informed that Montgomery was with Walker - I went to him and he denied it - This occurred more than once and I have been very much surprised to learn since that they came down together & that he put prisoners that he took on the road under Montgomery's charge - We came very near bloodshed and nothing saved it but the arrangement made to arrest Montgomery and have Walker take him to Leecompton - I consented to this first to save bloodshed for I had but about 15 men against Montgomery's gang of 75 acting manfully as a Marshall's posse - Secondly because Mr Walker's character must guarantee that his word of honor will be kept and I consented at his request - I must own that I am very much surprised that Mr Walker should

H. P. A. Smith to James W. Denver

have had the men he had along - for when I summoned
 him and his posse to assist me he told me that he could
 not get a single man he had to assist in arresting
 Montgomery. And on going personally to some of his
 men I found this was the fact. The authority
 he acted under was a warrant issued nominally by a
 Justice of the Peace - who has never if commissioned taken the
 oath - purporting to be issued from a Township which does
 not legally exist and directed to the Marshall instead
 of the Sheriff. I have it and still hold Gen. Clark
 under it - he having surrendered - any new arrests I
 did not make for it would have been violation as Habeas
Corpus writs would take them away at once - The other
 parties charged offered to give themselves up if I could
 promise to take them to any other district where their
 lives would be safe but would not consent to be illegally
 taken to Mapleton where they would be killed without a trial.
 There is a trouble state of things here indeed - while
 Walker Pesse were in town - a party stole horses within half
 a mile of town - This P.M. nineteen men were caught
 within a mile of town who a portion of whom surrounded
 the Sheriff of this County Mr Cummings - made him dismount
 took his horse saddle & bridle - searched him for money
 & let him go - notifying him that if they caught him again
 they would kill him - The County is in fact in open
 rebellion and chaos and law for the present is at an
 end - I have not the command of what troops there
 are here and if I had could only use them for the pro-

H. P. A. Smith to James W. Denver

between of the town - I have expected you here every day for a week and can only say that in my opinion nothing but your presence will do any good - that you may judge for yourself on the spot - Since Montgomery surrendered I have heard of other families driven off and in short complete anarchy prevails - Judge Williams left in great haste Sunday morning - On Saturday they had a meeting at Osage about 300 present - Mr Walker was there Montgomery made a speech - stated that he himself shot the soldier - that he gloried in it - that every Proslavery man left must go out &c and received on closing their cheers from the whole crowd - A pair of team from Lawrence was then loaded with Halls rifles and they started another was close behind - The meeting finished with three cheers for Judge Williams & Gov Sate -

I learn that I am charged with not arresting the Mr Hile here when I had writ - I arrested him - took him before Judge Williams - left him ~~in~~ going out after Montgomery in the hands of my assistant and in my absence the individuals were not present & he set at liberty -

Judge W. I have said that Hile was in my charge & for fear of a mistake I examined the records a second time yesterday & found I was right as above stated - When I can see you I can tell you many things I do not like to write while my letters are in danger of being opened &c and copied -

I this day June 3^d received a letter from Mr Weston Dated May 3^d informing me of his sickness at West Point coming down with the troops -

Yours H. P. A. Smith