MOST IMPORTANT FROM KANSAS.

RUMORS OF NEW CIVIL WAR.

BORDER RUFFIAN OUTRAGES AT FORT SCOTT.

Reported Battle and Release of Free-State Prisoners.

CLOSE OF THE TERRITORIAL LEGISLATURE.

THE TOPEKA CONSTITUTION REAFFIRMED.

PASSAGE OF A NEW MILITIA LAW.

Dispatches from Our Special Correspondent.

PROCEEDINGS OF THE LEGISLATURE.

MONDAY, Dec. 14, 1857.

In the Council, the House resolutions were passed, with some slight amendments, in which the House concurred. These resolutions are a protest against the Lecompton Constitution. A bill was passed through the House and sent to the Council, for submitting the Lecompton Constitution. The House debated the provisions of this act during the day. A provision was reported with it, making the election of the 21st of December a felony. Mr. R. G. Elliot opposed this. He took the position that, no matter how unjust the provisions of the pretended submission, no such action should be taken in reference to voting. There must be no such barbarous laws. He was sustained by Mr. Dietzler and others. Mr. John Spees defended the proposal to make the holding of said election a felony. The proposition was voted down. The bill passed, after receiving various amendments from Messrs. Dietzler, Mitchell, Basset, and others. The Council having passed it since, I subjoin a copy. I also send a copy of the Militia law, passed unanimously, and of the two concurrent resolutions—the one indorsing the Topeka Constitution and praying for admission under it, the other protesting against the Lecompton Constitution.

AN ACT to Provide for Submitting the Lecompton Constitution to a Vote of the People.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas: SECTION 1. That an election shall be held on the first Monday in January, A. D. 1858, between the hours of 9 o'clock a. m. and 6 o'clock p. m., at which all the bona fide male inhabitants of the Territory of Kansas, over 21 years of age, who are citizens of the United States, or who have declared on oath their intentions to become such, and who shall have resided in said Territory thirty days next preceding said election, and ten days in the county where said persons offer to vote, may vote for the ratification or rejection of the Constitution, adopted by the late Constitutional Convention at Lecompton, organized under the act of the 19th of February, A. D. 1857, entitled, "An Act to provide for the taking of a Census and election of Delegates to a Convention." The voting shall be by ballot. Those voting for the Lecompton Constitution with the article entitled "Slavery," shall cast a ballot with the words "Lecompton Constitution with Slavery article;" and those voting for the Constitution and against the article entitled "Slavery," shall cast a ballot with the words "Lecompton Constitution without the Slavery article;" and those voting against the Constitution shall cast a ballot with the words "No Lecompton Constitution."

SEC. 2. It shall be the duty of the Governor of Kansas Territory to appoint three Commissioners in each county, whose duty it shall be to establish election precincts and appoint three Judges of Election in the several precincts of their respective counties. If, at the hour of opening the polls, the duly appointed Judges are not present, or if they shall fail or refuse to act, then the voters assembled shall have power to elect Judges to fill the vacancies thus occasioned.

SEC. 3. The Judges of Election shall be duly sworn to a faithful performance of their duties. They shall appoint two clerks who shall keep a faithful record of the names of all persons depositing their votes with said Judges. At the closing of the polls, the Judges shall count the ballots, and certify at the bttom of the list of voters the number of votes cast in each of the forms prescribed in the second section of this act, which certificate shall be attested by the clerks. One of the lists of voters thus certified shall be deposited with one of the Commissioners provided for in this act, and the other shall be immediately transmitted to the Governor, or, in his absence from any cause, to the President of the Council or the Speaker of the House of Representatives of the Legislative Assembly.

SEC. 4. It shall be the duty of the Governor of the Territory, the President of the Council and Speaker of the House of Representatives, or either two of them, immediately upon receiving the returns, to examine them and certify to the general result of the vote upon the Constitution, in the manner herein provided, and cause the same to be made known by proclamation and communicated to the President and Congress of the United States.

SEC. 5. Any officer of an election herein provided for, or of any other general or special election which may hereafter be held in this Territory upon any question or for any officer, or any person or persons who shall knowingly inscribe or permit to be inscribed on the poll-books or list of voters the name of any voter not actually present and voting, or the name of any person not entitled to vote, or shall knowingly certify to a false list of voters, or shall otherwise make or certify to any false returns, knowing the same to be false, shall be deemed guilty of felony, and upon conviction shall be punished by imprisonment in the Penitentiary for not less than one nor more than five years.

SEC. 6. In all offenses arising under any of the provisions of this act, the Probate Judges of the several Counties shall have original and exclusive jurisdiction, and shall have the same powers in summoning Juries and in all other matters appertaining to the arrest trial, conviction and punishment of such offenders as are now by law invested in the District Courts in cases of felony. Provided that if the Probate Judge of any County shall refuse to act on any prosecution then the Judge of an adjoining County shall have cognizance of the case.

SEC. 7. Any person, not a legal voter of Kansas Territory, who shall vote at this or any other election, to be held in said Territory, or otherwise interfere to prevent a fair expression of the popular will shall be deemed guilty of a felony, and on conviction thereof before a proper magistrate as hereinbefore provided, shall be fined in a sum of not more than $500, or imprisoned at hard labor for not more than one year, in the discretion of the Court.

SEC. 8. The passage of this act shall be deemed sufficient notice of said election.

SEC. 9. All acts, or parts of acts conflicting with the above, shall be and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

AN ACT TO Organize and Regulate the Militia of the Territory of Kansas.

Be it Enacted by the Governor and Legislative Assembly of the Territory of Kansas: SECTION 1. That the Militia of the Territory of Kansas shall consist of every white male inhabitant over the age of eighteen years and under the age of forty-five years, and shall be subject to the rules and regulations as hereinafter prescribed.

SEC. 2. The Commissioned officers of said militia organization shall consist of one Major-General, eight Brigadier-Generals, one Inspector-General, one Quartermaster-General, one Commissary-General, and one Surgeon-General, to be elected by the Legislative Assembly of said Territory, in joint Convention, and commissioned by the Governor.

SEC. 3. The Regimental officers shall consist of one Colonel, one Lieutenant-Colonel, one Major, one Quartermaster, and one Commissary with the rank of Major, to be elected by the Company Commissioned officers of the regiment, and commissioned by the Governor.

SEC. 4. The Company Commissioned officers shall consist of one Captain, one Lieutenant, and two additional Lieutenants, to be elected by the Company and commissioned by the Governor.

SEC. 5. A Brigade shall consist of two or more regiments, a Regiment of two or more companies, and a Company of forty or more men, as may be prescribed by the military board herein provided.

SEC. 6. The Commander-in-chief under the organic law, the Major-General, the eight Brigadier-Generals, the Inspector, Adjutant, Quartermaster, Commissary, and Surgeon-Generals under this act, or a majority of them, are constituted a Military Board for the Territory of Kansas; said Board shall sit upon its own adjournment, shall keep a record of its proceedings, shall report annually to the Legislative Assembly, and the members thereof, except the Commander-in-chief, shall be subject to removal by said Legislative Assembly. The first Military Board shall hold its first session within thirty days after the passage of this act, at such place as may be agreed upon by the members thereof.

SEC. 7. The Commander-in-Chief, or a majority of said Board, shall have power to call out said militia in any emergency, or for purposes of drill, or in aid of the civil authorities. It is made the duty of said Board to adopt such rules and regulations under the provisions of this act as shall secure an official organization of the militia of the Territory of Kansas.

SEC. 9. That the Inspector-General, under the direction of the Military Board hereinbefore provided, have the custody and direction of all arms and accouterments belonging to the Territory of Kansas, and shall annually report to the Legislative Assembly the number and condition of the same; and it is made his duty to proceed to collect said arms and accouterments. He shall, under the direction of said Military Board, issue arms and accouterments to the officers of any company organized under the provisions of this act. It shall be his duty to take the bonds of such officers in such form as the Military Board shall hereafter prescribe for the preservation and prompt return of such arms and accouterments, in order to enable the Inspector-General to comply with this section. It shall be the duty of the Captain, as commanding officer of each company, who shall receive arms and accouterments as aforesaid, to report to him annually, and oftener if required, the exact condition of said arms and accouterments.

SEC. 10. That the Adjutant-General shall receive and file in his office all returns hereafter directed by the said Military Board to be sent him, under the provisions of this act. He shall annually, previous to the meeting of the Legislative Assembly, make a return to the Commander-in-Chief and Major-General, and forward a duplicate thereof to the President of the United States. Such return shall be in a concise shape—show the exact strength and condition of the different corps, and the number and quality of the arms and accouterments.

SEC. 11. The officers provided for in this act shall be allowed such compensation as may hereafter be prescribed by law.

SEC. 12. General, field, commissioned and staff officers shall, for disobedience of orders, unofficer-like conduct while on duty, or during any day appropriated for military exercises or parade, and for the neglect of any duty imposed upon them as officers of the militia, be subject to trial by General Court Martial, according to the usage and practice of war, which Court Martial shall consist of not less than five nor more than seven members, and the senior officer, who shall always be of a rank superior to the officer on trial, shall preside. A Court Martial for the trial of an officer below the grade of a field officer shall be appointed by the commanding officer of the brigade to which he belongs; for the trial of an officer of the grade of field officer, by the commanding officer of the division; for the trial of a general officer by the Commander-in-Chief; and in every Court Martial there shall be a Judge Advocate, who shall discharge the duties of that office according to the usage and practice of Courts Martial, and no other person shall be admitted to prosecute or defend the arrested officer.

SEC. 13. The following persons are exempted from militia duty under the provisions of this act: The members of the Executive and Judiciary Departments of the General Government of the United States and their respective officers, the Custom-House officers, Postmasters, mail carriers actually employed in the care and conveyance of the mails of the United States, and ministers of the gospel of every denomination, regularly ordained and licensed, and no others.

SEC. 14. All acts and parts of acts in relation to the militia of this Territory, arms and accouterments, or anything appertaining to the same, are hereby repealed.

This act to take effect and be in force from and after its passage.

CONCURRENT RESOLUTIONS, REAFFIRMING THE PEOPLE'S CONSTITUTION, FRAMED AT TOPEKA, ON THE 23D DAY OF OCTOBER, A. D. 1855.

Passed the Council Dec. 14, House Dec. 15, 1857.

Whereas, In the Spring of 1855 the first Legislative Assembly of the Territory of Kansas was by force and violence seized upon by people foreign to our soil, and a code of laws enacted highly unjust and oppressive, and calculated to drive off or enslave the actual settlers of said Territory, and to fix upon them an institution revolting to a large majority of the bona fide citizens of the Territory; *and whereas*, to avoid civil war, and as the only peaceful alternative, asserting, as they did, that the principle formally enunciated in an act organizing the Territories of Nebraska and Kansas would fully authorize and sustain them in this movement, the people of said Territory did proceed to call a Convention to frame a State Constitution, the delegates thereto were regularly and fairly elected, and on the 23d day of October, 1855, did assemble in Convention at Topeka in said Territory, and did frame a Constitution, and provided for its submission to a full and fair vote of the people for their ratification or rejection, to wit: on the 15th day of December, 1855; *and whereas*, at the time aforesaid, the people were engaged in a war resisting an armed invasion from abroad, and were disabled thereby from giving expression upon said instrument; *and whereas*, afterward, to wit: on the 3d day of August, A. D. 1857, said Constitution was again submitted to a full and fair vote of the people for their ratification or rejection, and by them ratified by a majority of about eight thousand; therefore,

Resolved, That the Constitution framed at Topeka, in said Territory, on the 23d of October, A. D. 1855, embodies the wishes of the people, as the Constitution of the State of Kansas.

2. That we hereby memorialize the Congress of the United States to admit the State of Kansas into the Union, under the said Constitution, framed at Topeka, in said Territory, on the 23d day of October, A. D. 1855, as aforesaid, as one of the sovereign States, upon an equal footing with the other States.

3. That the President of the Council and the Speaker of the House of Representatives be respectfully requested to transmit a copy of these resolutions, with a certified copy of the said Constitution framed at Topeka on the 23d day of October, A. D. 1855, as aforesaid, to the President of the United States, and the presiding officers of each House of Congress.

PREAMBLE AND JOINT RESOLUTIONS IN RELATION TO THE CONSTITUTION FRAMED AT LECOMPTON, KANSAS TERRITORY, ON THE 7TH DAY OF NOVEMBER, 1857.

Whereas, A small minority of the people living in nineteen of the thirty-eight counties of this Territory, availing themselves of a law which enabled them to obstruct and defeat a fair expression of the popular will, did, by the odious and oppressive application of the provisions and partisan machinery of said law, procure the return of the whole number of the delegates of the Constitutional Convention recently assembled at Lecompton; and

Whereas, By reason of the defective provisions of said law, in connection with the neglect and misconduct of the authorities charged with the execution of the same, the people living within the remaining nineteen counties of the Territory were not permitted to return delegates to said Convention, were not recognized in its organization, nor in any sense heard or felt in its deliberations; and

Whereas, It is an axiom of political ethics that the people cannot be deprived of their rights by the negligence or misconduct of public officers; and

Whereas, A minority, to wit, twenty-eight only of the sixty members of said Convention have attempted, by an unworthy contrivance, to impose upon the whole people of the Territory a Constitution, without consulting their wish, and against their will; and

Whereas, The members of said Convention have refused to submit their action for the approval or disapproval of the voters of the Territory, and in thus acting have defied the known will of nine-tenths of the voters thereof; and

Whereas, The action of a fragment of said Convention, representing, as they did, a small minority of the voters of the Territory, repudiates and crushes out the distinctive principle of the Nebraska-Kansas act, and vitiates and tramples under foot the rights and the sovereignty of the people; and

Whereas, From the foregoing statements of facts, it clearly appears that the people have not been "left "free to form and regulate their domestic institutions "in their own way," but on the contrary, at every stage in the anomalous proceedings recited, they have been prevented from so doing; be it therefore

Resolved, By the Governor and Legislative Assembly of Kansas Territory, that, the people of Kansas being opposed to said Constitution, Congress has no rightful power to admit said Territory into the Union as a State under it, and that the representatives of said people do hereby, in their name and in their behalf, solemnly protest against such admission.

Resolved, That such action on the part of Congress would, in the judgment of the members of this Legislative Assembly, be an entire abandonment of the doctrine of "non-intervention" in the affairs of the Territory, and a substitution in its stead of Congressional intervention in behalf of a minority, engaged in a disreputable attempt to defeat the will and violate the rights of the majority.

Resolved, That the people of Kansas Territory claim the right, through a legal and fair expression of the will of a majority of her citizens, to form and adopt a Constitution for themselves.

Resolved, That the Governor of this Territory be requested to forward a copy of the foregoing preamble and resolutions to the President of the United States, the President of the Senate and the Speaker of the House of Representatives, and to the Delegate in Congress from this Territory.

LECOMPTON, K. T., Dec. 16, 1857.

The Territorial Legislature is still in session. Secretary Stanton evinces the utmost solicitude for an adjournment. To the most earnest individual solicitations he has added the notification that there were "only $30 in the Treasury yesterday," consequently there would be nothing to meet the current expenses of to-day. So far, his wishes have been regarded to a great extent by this body, and if the votes in regular session and in caucus are an indication of what will and will not be done, upon the whole I think they had better adjourn.

It was understood that Secretary Stanton would sign the Militia bill, but as it has not yet got back with his signature, and as he is pressing for an immediate adjournment, it looks as if he intended to frustrate its main object by preventing the Joint Session from electing the Board of Militia Officers. I learned last night that he would send it back with a message objecting to sign it.

He has, as yet, signed nothing. He would have signed the resolutions against the Lecompton Constitution, only for some trifling informality. I suppose he will sign these, and the bill for submitting the Lecompton Constitution to a vote of the people. More, I do not think he desires doing.

Yesterday a bill passed repealing the law which created the Lecompton Convention. This is designed to prevent the *legal* succession of the authorities that propose to supersede the Territorial Legislature. There is a law to take up and submit the Lecompton Constitution, but as an abstract measure. Under such circumstances the refusal of this body to submit the Topeka Constitution, together with it, is the more reprehensible. There is a majority of Topeka Constitution men in the body—two-thirds indeed; but they are of the more timid class, and are under the influence of supposed pledges to Secretary Stanton and a constrained impression that honor limits them to certain legislation. This hostility of Secretary Stanton to the Topeka Constitution, and his expressed opinion that any action in relation to it would be a violation of pledges, is rather far-fetched. The fact is that the great mass of the people of Kansas have declared unmistakably in favor of clinging to that instrument, and they will have it unless such politicians as Stanton should succeed, by this covert hostility, in perverting popular will. The anxiety of the people to have this question settled, it is hoped, will induce them to forego the Topeka Constitution and take something else. This perversion of the popular will is, no doubt, the most approved specimen of "Squatter Sovereignty."

A bill was introduced yesterday for the purpose of providing an election of delegates to a Constitutional Convention. It proposed to have the delegates elected on the 4th of January, under the same judges of election, and restrictions, as provided in another bill. This proposal, after considerable discussion, was voted down. The House had gone into Committee of the Whole to consider it, when, after discussion, a substitute was adopted recommending that a census be taken, or rather recommending the Legislature, at its regular session in January, to pass a census law. The vote was close, and may not be decisive.

A bill was introduced providing for an election of State officers under the Lecompton Constitution in case that instrument should become the organic law of the future State. After discussion it was referred to Committee.

The Lecomptonites have sent a messenger to Washington to obtain, if possible, a decision from Attorney-General Black declaring the acts of the Legislature to be illegal.

LECOMPTON, K. T., Dec. 16, 1857.

As I had expected, Sec. Stanton has sent in his veto to the Militia bill. It had been understood that he would sign it. It is now perfectly clear that he intends the Legislature shall do nothing except to provide for submitting the Lecompton Constitution to the people, and submitting it alone. That the Militia bill might not in all respects be pleasing to him is probable. Here is his message:

"*To the House of Representatives of the Territory of Kansas:*

"GENTLEMEN: Herewith I return the bill entitled 'An Act to organize and regulate the Milita of the Territory of Kansas,' which was presented yesterday for my approval, but from which I am compelled to withhold my sanction.

"No necessity seems to me to demand a reorganization of the militia at the present time; and such a measure is not, in my judgment, legitimately connected with the general purpose for which the Legislative Assembly is now convened. Moreover, I am deeply impressed with the importance of avoiding everything which, at this critical juncture of affairs, might serve to irritate the minds of the people and arouse apprehensions such as might naturally be engendered by any military movement whatever.

"Looking to the provisions of the bill itself, I dissent from that part of it which provides for the election of the general officers by the two Houses of the Legislative Assembly. If any change should be made from the present mode of appointment, I am of opinion that the officers in question should be elected by the people, or by those who are liable to be called into service under the law.

"But the most fatal objection to the proposed law, and that which is entirely conclusive to my mind, is to be found in the seventh section, which authorizes 'a 'majority of the Military Board to call out the militia 'in any emergency.'

"By the organic act the Governor of the Territory is made Commander-in-Chief of the militia, and is charged with the duty of seeing the laws faithfully executed. The proposed law would virtually depose him from this position, and would place him in the power of a Board composed of general officers of the militia, including himself it is true, but in which he might at any time be overruled by the majority.

"In my judment, such a law would be in direct conflict with the organic act, and would therefore be null and void. If, however, it might be considered legally valid, it would be hostile to the acknowledged principles of civil liberty, which require the subordination of the military to the civil power. To confer upon a majority of the general officers of the militia the power to judge of the occasion when the military force of the Territory should be called into action, would be to establish a military despotism of the most dangerous and pernicious character.

"With these objections I return the bill in question to the House in which it originated.

"*Lecompton*, Dec. 15, 1857. "FRED. P. STANTON."

The organic act does indeed make the Governor commander-in-chief of the militia, but does not in any sense define his duties as such. By this law he is still commander-in-chief, and the management of the militia, for organization or use, is given to a Military Board, of which he is the head. Under the bogus statutes, which have been so heartily sustained by the Federal Administration, the whole military power was in the hands of militia officers, and none whatever in the hands of the Governor. Any captain of militia could call out his company; and everybody knows that they were in the habit of doing so. Not a solitary figment of power was left with the Governor. Such was the law of the Territory until this law repealed it and substituted a Military Board, of which the Governor is the head, for the irresponsible acts of a few military officers. Let the Administration organs, in view of these facts, and after having sustained the former system, and even apologized for its abuses, complain of this if they dare.

As for the moral argument of a "military despotism," that is amusing. It appears thus that it would not be despotism for some partisan satrap of the South, sent here by a corrupt Aministration, to hold the power of the military completely and solely in his grasp. Shannon's Missouri militia of the Wakerusa war was, no doubt, in "accordance with "the principles of civil liberty." Woodson's villainous cut-throats from the same delectable region, with a hundred unavenged murders hanging on their skirts, were also regularly orthodox.

I am glad to be able to record the fact that the militia bill was promptly passed over the Governor's veto by a two-thirds vote. In this militia matter the Legislature has done its only act of independence against the will of the Governor. In the present emergency they knew too much to leave the militia power in the hands of the old bogus officers, some of whom are residents of the State of Missouri to-day, as they have always been. The necessity for prompt action is too apparent, and the Administration has to learn that it is now dealing with men.

In joint convention the Legislature proceeded at once, this afternoon, to elect militia officers. James H. Lane was unanimously elected Major-General. A Committee was then appointed to present names in connection with the other offices, so as to have them equally divided over the Territory. The following ticket was reported and elected:

J. G. LOWE of Leavenworth, First Brigadier-General.
S. B. JAMISON of Doniphan, Second Brigadier-General.
ASA HALL of Riley, Third Brigadier-General.
SAM. WALKER of Lawrence, Fourth Brigadier-General.
C. M. MCDANIEL of Lynn County, Fifth Brigadier-General.
G. S. HILLIER of Grasshopper Falls, Sixth Brigadier-General.
JOHN H. WHISTLER of Coffee Co., Seventh Brigadier-General.
F. J. CLEVELAND of Topeka, Eighth Brigadier-General.
CHARLES CHADWICK of Quindaro, Adjutant-General.
J. M. HILL of Franklin County, Inspector-General.
HIRAM HOSMER of Doniphan, Quartermaster-General.
S. B. ELDRIDGE of Lawrence, Commissary-General.
Dr. S. B. PRENTISS of Lawrence, Surgeon-General.

It is likely that Acting-Governor Stanton will refuse to commission these men. Under a rule adopted by the first Border-Ruffian Legislature, and not yet repealed, the President of the Council and Speaker of the House were authorized to issue all commissions. What was good for Peter ought not to be bad for Paul.

THE LEGISLATURE ADJOURNS.

LECOMPTON, K. T., Dec. 17, 1857.

The Territorial Legislature has closed the work of the special session. What they have done I will sum up very briefly. They repealed the law authorizing the Convention that framed the Lecompton Constitution; vetoed by Stanton—passed over his veto. They passed the Militia law; vetoed by Stanton—passed over his veto. They elected officers under it. They provided for submitting the Lecompton Constitution to a fair vote of the people on the 4th of January; approved by Stanton. They passed a law to punish election frauds; approved by Stanton. They passed a joint resolution protesting against the Lecompton Constitution, setting forth the facts in connection with it, and, as the representatives and Governor of the Territory, demanded that Congress shall *not* admit Kansas as a State under it; signed by Stanton. They proposed a concurrent resolution, reaffirming the Topeka Constitution, declaring it to be the organic law for the future State, chosen as such by a majority of the people, and demanding admission under it as a State of the Union. This was placed in the shape of a concurrent resolution, to relieve Stanton from the necessity of signing it. Both of these sets of resolutions are to be sent by the Speaker of the House and President of the Council to the President and each presiding officer of Congress.

The Legislature rejected the bill for electing delegates to a Constitutional Convention. They neglected or refused to take any steps for submitting the Topeka Constitution together with the Lecompton Constitution. They rejected the bill providing for electing officers under the Lecompton Constitution in January, to be the officers in case of the acceptance of said Constitution by Congress.

Such is the sum and substance of their labors. They would have done much more but for their pledge to Stanton. The people will be very much dissatisfied with their action. They have done some good things, however.

CIVIL WAR COMMENCED AGAIN.

LECOMPTON, K. T., Dec. 17, 1857.

It is again my duty to record warlike events in the Territory. Occurring at this time, these events have a greater significance. As is usually the case, accidental and unforeseen causes appear to have originated the present difficulties, which, so far, are limited to a portion of the Territory one hundred miles distant from here. The locality is Fort Scott, which is a nest of the vilest Border Ruffians in the Territory. It was a Government fort, the buildings on which alone cost nearly $100,000. Shortly after the passage of the Kansas-Nebraska bill, a private, smuggling sale of it was made to a few of the prominent actors in the Border-Ruffian invasions. These parties were (most of them still are) Missourians. They got the fort for $5,000—this being another of those Fort Snelling swindles. The actors in it, however, have succeeded in screening their villainy to a great extent. Since the sale, the fort has really been a Border-Ruffian citadel—a stronghold of the Missouri invaders. The few posted there are reckless and unscrupulous villains. A few of Buford's men were added to the population there last year; but it has always been a sort of Castle Dangerous to the peaceful squatters in that vicinity.

Last Summer, when three new land offices were created in the Territory, in various Border-Ruffian haunts, one of them was very appropriately fixed at Fort Scott by the Department. The two officers appointed for that region were Epaphroditus Ransom and that arch Border Ruffian Clarke, the murderer of Barber. Restless as a second Cain, Clarke commenced a similar career of villainy in the locality to which he was thus removed to that in which he had formerly so prominently figured in this region. He, of course, found at Fort Scott a parcel of choice and suitable spirits, and in the fort he no doubt flattered himself that he could be secure from the consequences of his villainy. Although not an officer, he has been instigating some bogus officials to acts of outrage—the design being evidently to produce a disturbance, so that he might have the troops called out. First and foremost, these scoundrels have been collecting bogus taxes, which, under their dispensation, is another name for stealing. They have taken corn in the field, horses, cattle—in fact, everything they could lay their hands on. This of itself was sufficient to cause a disturbance; but, not content with this, they have commenced active prosecutions under the Rebellion bill. Several arrests were made, and some Free-State men were lodged as rebels at Fort Scott.

Under these circumstances the people there and at Sugar Mound got up a company for the rescue of these men. Terrified even in the walls of the fort, the Pro-Slavery men sent to Missouri for help. A company numbering, by the most trusty accounts, upward of one hundred and fifty men, came from Missouri. The force first raised under a Capt. Montgomery of Sugar Mound, a man of intelligence and character, numbered *only some* thirty; but they did not hesitate to seek the Pro-Slavery force and offer them battle. A skirmish took place, in which it appears that no one was killed but several were wounded. The Missourians retreated to get more reënforcements, but it was a sort of drawn affair. Acting, probably, under the alarm, the prisoners were released—at all events they were released; but the ball was now in motion. The Missourians and Fort Scott Ruffians drove a Free-State man from a claim. The Free-State men had sent for assistance. Rumors were circulated that Gen. Brown (old Capt. Brown) had gone into that neighborhood. At all events there was a skirmish. A house and a barn were burned—the barn belonged to Clarke. Three Pro-Slavery men were killed, and the report is that others are wounded on both sides. The Missourians and Fort Scottites were routed, but were able to retain possession of the fort. In these circumstances they immediately sent to the Acting-Governor for troops.

The Pro-Slavery messenger came from Scott and arrived here yesterday evening. He told a frightful story. Clarke and his compeers, in order to get the troops called out, sent out written statements full of lies, similar to those they got up in the Wakerusa war. They said that "Gen. Lane was fortifying in "the neighborhood of Fort Scott with 600 men." (Gen. Lane was at Lecompton.) They stated that two Pro-Slavery men were *roasted alive*—rather a tough story—and they demanded the United States troops.

It is not known whether Stanton has sent for the troops or not. It is given out that he is holding the demand under advisement. Meanwhile Gen. Denver, the newly appointed Governor, is at Lawrence, and will be here this evening or to-morrow.

LAWRENCE, Midnight, Dec. 17, 1857.

I have just received information of a still more startling character from the region of war. A messenger just in reports a battle fought below Sugar Mound, last night. The Pro-Slavery men made the attack on some Free-State men, and met with repulse. It is alleged that several men were mortally wounded; among them, Blake Little, member of the late Constitutional Convention, and one of the candidates under the bogus Constitution.

Missourians are mustering in considerable force at Barnesville, a village on the border, some eight miles from the Missouri line. They also mustered at Fort Scott. They have been scouting the county in surprise parties, and have taken some six Free-State men prisoners, whom they hold at Fort Scott. The lives of these men are reported to be in imminent jeopardy.

As matters are assuming so very serious an aspect, I start immediately for the seat of war, 90 miles distant. I cannot reach it before noon to-morrow. As I may not have an opportunity to communicate before a day or two, I write these lines ere I start.

The night is very dark, gloomy and cold.

Secretary Stanton promised not to send the troops down in obedience to the requisition of the Pro-Slavery men, until he consulted with Free-State men, for fear of any collision with the troops. The danger is that our people are so exasperated at all this business, that they may by some fatality commence hostilities with even the troops if the latter are found side by side with the oppressors.

Secretary Stanton, while making such promises, has weakly listened to the requests of the Pro-Slavery men, and secretly sent over last night to Leavenworth for a force of dragoons, who are now hastening for the same point. I have heard a report that they crossed at the Delaware crossing some eight hours ago.

Secretary Denver is at Lecompton, and will immediately supersede Stanton.

It would be needless for me to add that there never was a moment when the use of the Federal army in Kansas wore a more threatening aspect than it does now. The patriotism of those who are truer to good order and the public peace than the present reckless Administration will be sorely tried.

The militia of the Territory, under the new law, has been organized, or has commenced its organization.

MURDER OF MR. LATHAM.

DONIPHAN, Dec. 17, 1857.

A company of fifteen armed ruffians from Atchison have just left this city, after having murdered, in the public streets, with a shot gun, Mr. Latham, a Free-State citizen of Doniphan. These men came in in parties of two about 1 o'clock this afternoon, and after consulting together, one of them named McVeay shot at Mr. Latham and mortally wounded him as he was peacefully walking along the street, unarmed and unsuspecting, near the Doniphan House. The buckshot entered the head and blew out his brains. Mr. Latham instantly fell dead.

Another member of the Atchison company, after the fatal shot was fired, discharged his rifle in the air. The party then left the town.

This outrage occurred so suddenly that no one was prepared for it, and the murderers escaped. A company of citizens of Doniphan have started in pursuit.

The death of Mr. Latham at Doniphan is confirmed by Mr. Gaily, a passenger from that place, who informs us that he was but a few feet from Mr. L. when he was shot. He was fired at from behind, and was killed without having had any warning from his assassins, or any knowledge of who they were.

[*Ed. Dem.*

PRO-SLAVERY ACCOUNT OF THE FORT SCOTT AFFAIR.

Special Dispatch to The N. Y. Herald.

WASHINGTON, Dec. 26, 1857.

Letters were to-day received at the State Department from Chief Justice Williams, of Kansas Territory, giving a detailed account of disturbances which have taken place in the vicinity of Fort Scott. He says:

"Authentic information, verified by the oaths of most credible witnesses, has been brought to-day to Governor Stanton, that a body of men, fully armed and equipped with Sharp's rifles and revolvers, to the number of one hundred, had appeared in the vicinity of Fort Scott, under the command of one Montgomery, who was a member of the Topeka Convention. This company, or a portion of it, proceeded to the houses of Messrs. Wasson Gourly and Southwood, and violently seized them, tied them, and took them away, since which time nothing has been heard of them. A report is abroad that they murdered them. This, however, I think lacks authenticity. Complaint in due form of law having been made of these acts before a Justice of the Peace, the proper process was put into the hands of the Marshal to arrest the offenders. He proceeded to their rendezvous in Southwood's house, found it fortified, and as he approached it fifty men armed with Sharp's rifles and revolvers came forth from the house in military order, commanded by Montgomery, and demanded of him an account of his busines there. Having informed them that he was the Marshal, and that he had come to arrest them, or some of them, by virtue of legal process, their reply was that they had received a dispatch from James H. Lane that the Legislature now in session had repealed all the laws of this Territory, and that they were their own law-makers and executors; therefore they would not permit any arrests to be made, and that he might leave. Finding their determination to resist him, and knowing that he alone could not withstand the force opposed to him, he left them and returned to Fort Scott.

"Thus stands the affair, as far as heard from. Now, these men openly profess to be organized and sent to Fort Scott and vicinity by Gen. Lane. As they openly and boldly swear they will burn Fort Scott, the citizens of that place are virtually besieged and obliged to be on duty day and night, while in the country around the people by families are flying from their homes, leaving their property exposed to the depredations of these awless men.

"The above are substantially facts, as they are well authenticated. Yours, truly, I. WILLIAMS."

George N. Saunders arrived here to-day, direct from Kansas. He represents the condition of affairs to be deplorable. Nothing has been received by the Administration from Gen. Denver of the election on the 21st inst.

THE CONVENTION TO REASSEMBLE.

From The Lawrence Republican Dec. 17.

The delegate Convention which assembled at Lawrence on the 2d inst. has been summoned by the Territorial Executive Committee to meet here again on the 23d of the present month.

The first impulse of our readers undoubtedly will be to inquire what this means. Why is the Convention to assemble?

The matter, as we understand it, is this: The Convention on the 2d, with a unanimity and enthusiasm rarely to be found, marked out a certain line of policy—a bold, straightforward, consistent course of action. The vital point in that line of policy was the submission by the Legislative Assembly, at its extra session, of both constitutions—the Lecompton and Topeka—to a free and fair vote of the people. The Lecompton Constitution was to be voted down and the Topeka Constitution adopted. This, it was apprehended, would either prevent the adoption of the Lecompton Constitution by Congress, or in event of its adoption, would furnish us with a legal starting point for rallying around the Topeka Constitution and successfully resisting the other. This policy we gladly supported. But it is ascertained that the Legislature, without whose action the plan cannot be carried through, *refuses* to accede to the unanimous request of the people. Humiliating and galling to the people as this fact may be, it is, nevertheless, a fact. The excuse made by the members of the Legislature who thus assume the responsibility of nullifying the action of the people, is that they are under a *pledge* to Gov. Stanton which prohibits them from submitting the Topeka Constitution. Whether this plea is a valid one, and made in good faith or not, we do not say. The only pledge given by the members was this, contained in a letter asking the Governor to call the extra session:

"As the representatives of the people of Kansas, duly elected and commissioned, we take the liberty of frankly stating to your Excellency that we shall not deem it necessary or proper, if you call an extra session of said Legislative Assembly, to meet the present extraordinary crisis in our Territorial history, for the said Legislature to enter upon or engage in any other business than that which may be necessary, in our judgment, to counteract, as far as we can legally, the proceedings for the *pretended* submission of the so-called Lecompton Constitution to a vote of the people, or to give the *bona fide* citizens of the Territory a fair and impartial opportunity, through the ballot-box, to express themselves in favor of or against that instrument. The regular session being close at hand, any other business, however important, may, without great detriment to the public, be postponed until that time."

The whole proposed action, it will be seen, is left, not to Gov. Stanton's opinion, but to the *judgment* of the members themselves. Whether the strict and literal carrying out of the plan of action which the people unanimously proposed in the delegate Convention, viz: the submission of the two Constitutions together, would have been any more a violation of the above pledge than the passage of the militia law, or some of the other acts of the Legislative Assembly at this extra session, we leave the people to judge. It is sufficient to know that the Legislature takes the responsibility of nullifying the plan of the people. That the freedom of Kansas has been most seriously imperiled by this action of those whom the people had delighted to honor and to trust, we are most thoroughly and painfully convinced. The plan of battle *is* broken up: the leaders themselves have hauled down the "old, blood-stained banner;" the gallant charge so auspiciously commenced, has been brought to a dead halt: confusion reigns and defeat threatens!

The only hope now left, is again to call the Convention together, and see how, with this changed aspect of affairs, we shall act. We may now be driven to the adoption of measures which would not have been entertained for a moment had the plan unanimously adopted by the Convention on the 2d inst. been faithfully carried out.

Correspondence of The Chicago Tribune.

KANSAS CITY, Mo., Dec. 12, 1857.

It may be an item to you to know that the notorious Col. Titus, that true representative of "the Southern gentleman," that genuine sprig of "Southern chivalry," is here in all his glory—the laurels of his Nicaragua fame fresh and blooming upon him; and that, as the fine specimen of the chivalrous Southern gentleman that he was represented to be, he aspires to the high moral and social position of the keeper of a whisky saloon! Moreover, the redoubtable Colonel is still brimful of patriotism: not only so, but waxeth valiant, insomuch that he is already calling upon the band of heroes who followed him into the Territory last Summer, to prepare to follow him to Utah in the Spring. Woe to thee, Brigham, the day of thy doom draweth nigh! His saintship should take a lesson from Crockett's coon, and come down at once.

FIRST TIDINGS OF THE BOGUS ELECTION.—A gentleman arrived in this city yesterday evening, who left Leavenworth City on Monday last (Dec. 21) at 11 o'clock. Up to that time the contest was proceeding quietly, but, as the election was by ballot, nothing was known of the character of the vote. There was a good deal of excitement, but no disorder of any kind. We hope it may have been so throughout the Territory. [St. Louis Republican, Dec. 25.

FROM WASHINGTON.

From Our Own Correspondent.

WASHINGTON, Thursday, Dec. 24, 1857.

There are strong symptoms that the Administration intends to abandon or evade the issue it has made on the Kansas question. The more timid or the more prudent of the slaveholding directors of the President are beginning to feel alarm at the ominous look of the storm they have raised; and though the fire-eaters continue to urge them forward, they foresee and hesitate. A considerable portion of the Southern leaders are not yet ripe for the scheme of disunion and civil war which is at the bottom of the attempt to drive the Free-State men of Kansas into initiating revolutionary movements. Their plans hitherto have extended no further than the intellectual and moral subjugation of the Democratic party to a thoroughgoing and avowed Pro-Slavery policy, with the hope of nominating and electing a slaveholder to the Presidency in 1860. Their object has been sufficiently accomplished by the ready acquiescence, or rather active coöperation, of a Northern President, the Northern members of the Cabinet, and a majority of the Northern Democratic Senators and Representatives, and of Northern Democratic presses, in the attempt to force a Pro-Slavery Constitution upon Kansas—an attempt persisted in, not from any expectation of practical success, but simply to degrade the Northern Democracy and purge it of any lingering remains of opposition to the supremacy of the slaveholding aristocracy. In spite of the resistance of Messrs. Douglas and Walker, the Southern wing of the party has achieved a decisive political victory over the Northern wing, so far as the party alone is concerned. Satisfied with this triumph, and with having driven Mr. Douglas into a position utterly destructive of his prospects before the Charleston Convention in 1860, the moderate Southern men are disposed to withdraw from the contest, and abandon Kansas to the Republicans.

They are waiting to hear the result of the election in Kansas before they finally develop their plans of evading the issue. The mode which will probably be adopted, has been partially indicated in conversation within a few days past by the President and Secretary of State. The project seems to be this: The Lecompton Constitution, in whatever shape it may come to Congress—if it come at all, which there is some reason to doubt—will be sent back to the people of Kansas for ratification or rejection by a fair vote, accompanied by an act providing for the contingency of its rejection, by authorizing the people to elect a new Convention and form another Constitution.

The fire-eaters, no doubt, will oppose to the utmost such a solution of a difficulty from whose continuance they expect the opening of an opportunity to put in operation their plans of breaking up the Union. But they can be overruled in Congress, except in the contingency of the success at the recent election of the "Constitution with Slavery." If the Lecompton Constitution in that form comes here, an unhesitating and unqualified acceptance of it will be demanded by the united South. Above all things, the Administration dreads this contingency, and agnets were long ago sent to Kansas with instructions to avert it, *if possible*, by persuading the Pro-Slavery men not to vote, and if they did vote, by persuading Mr. Calhoun to put the Constitution in his breeches pocket, and keep it there, rather than to send so inflammable a document to Congress to add inextinguishable fury to the flames of discord that are consuming the Democratic party.

The Democratic side of the Senate gave yesterday a striking illustration of their keen sense of the financial state of the Treasury, for the relief of which they have just asked and obtained an extraordinary issue of Treasury Notes. It was proposed by Mr. Bright of Indiana to make the clerks of the Senate Committees permanent, and to give them salaries of $1,500 and $1,800. Mr. Fessenden strongly and clearly exposed the impropriety of this, and Mr. Benjamin of Louisiana openly denounced it as an attempt to provide sinecures for the friends and dependents of Senators. He thought it would be much more manly to propose outright an appropriation for granting money to the hangers-on of Senators. It would be better to do the thing openly than to attempt to cover it up. The proposition was voted down, all the Republicans opposing it. The salaries proposed would have amounted to about $25,000 per annum.

From Our Own Correspondent.

WASHINGTON, Friday, Dec. 25, 1857.

Christmas was ushered in last night by discharges of firearms and fireworks in the manner, though not to the extent to which the Fourth of July is celebrated in the towns of the North. This morning there is a genuine and appropriate Northern celebration of the day in the shape of a driving snow-storm, the first of the season.

The proceedings of the House of Representatives in relation to Utah seem to have been hasty and ill-advised. The formal declaration by Congress that Utah is in a state of open rebellion is equivalent to a declaration of war against that Territory. It needs no argument to show that at all times and in all circumstances a declaration of war against any body should not be made by the National Legislature without the greatest consideration and full and authentic knowledge of the state of the case. A declaration of war by the Federal Government against a Territory or State of the Union is an especially serious matter, though in the case of Utah its chief practical importance is its future possible significance as a precedent. If, in the heat and passion of a newspaper excitement, Utah can be summarily declared to be in open rebellion, so may Massachusetts, or Maryland, or South Carolina, or Virginia. In the case of Utah, its remoteness, the peculiar character and small amount of its population, make it unlikely that any serious immediate detriment will result from putting it under the ban of the Republic; yet in principle there is exactly the same reason for exercising caution and prudence in dealing with Utah as with the most powerful State of the Union. Brigham Young and his disciples are doubtless traitors in intention, but Congress has yet no official knowledge of any overt act of rebellion on their part. And of overt acts alone can the Government constitutionally take cognizance. The plunder and destruction of a train of contractors' wagons is an act of robbery, which subjects its perpetrators to severe penalties: but as the train was not under the flag of the United States it is not treason. It may be morally just to hold the Territory of Utah responsible for the acts of these banditti, but it certainly is not legally right without more satisfactory evidence than is yet before Congress. A House that would declare Utah in rebellion because of the plunder of a baggage train and of Brigham Young's foolish speeches might be expected to put Massachusetts in the same category for a riotous attack on a Court-House or for the resolutions of an Abolition Convention. There is already a great disposition on the part of the Federal Government to revive the exploded and dangerous theories of constructive treason, and such a tendency cannot be too jealously guarded against.

This movement in the House about Utah originated on the Southern side of the Chamber. It was started by a gentleman from Arkansas, though a large body of the Republicans voted for it, inconsiderately I think. We may expect from the South in Congress all manner of dodges to get rid of the Kansas question, or at least to diminish its prominence. The South besides would perhaps not be averse to establish a precedent under the authority of which the delegation from an Abolition State