

SPECIAL MESSAGE

DELIVERED TO THE

House of Representatives

OF THE

STATE OF IOWA,

BY

GOVERNOR S. J. KIRKWOOD,

ON

THURSDAY, FEBRUARY 6, 1862.

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SPECIAL MESSAGE.

EXECUTIVE OFFICE, IOWA, }
FEBRUARY 6, 1862. }

Gentlemen of the House of Representatives :

In compliance with your Resolution requesting me to "communicate to you all the information in my possession in reference to the Rebels of Missouri taking refuge for themselves and property in Fremont county, Iowa, and the trouble arising therefrom, or so much thereof as I may deem to be consistent with the public interest," I have the honor to transmit the following papers : —

"I."—Copy of letter from citizens of Fremont county, to me, dated January 8, 1862.

"II."—Copy of letter from me to Lieut. Col. Nutt, dated January 8, 1862.

"III."—Extracts from his letter in reply, dated January 17, 1862.

"IV."—Copy of letter from me to Lieut. Col. Nutt, dated January 14, 1862.

"V."—Extracts from his letter in reply, dated January 24, 1862.

"VI."—Copy of letter to me, from Board of Supervisors of Fremont county, dated January 10, 1862.

"VII."—Copy of my reply, dated January 18, 1862.

The foregoing papers contain all the official information on the subject indicated in your Resolution, and they tend to establish the following facts : —

First—That a number of rebels or of aiders and abettors of rebellion in Missouri, have fled from that State to escape the punishment justly due for their crimes there, and have sought safety and asylum for themselves and their property in this State.

Second— That these persons and their property have been re-

ceived and protected in this State by persons who, to a greater or less degree, sympathize with them; and

Third—That these facts produced the late unlawful attack on Mr. Fugett, in Fremont county, out of which grew the subsequent unlawful arrest by some of our citizens of citizens of Missouri in this State.

There cannot, I think, be any doubt that persons from Missouri, who have either openly or secretly aided rebellion in that State, have fled to this State with their property to escape punishment, and that the presence of these persons and their property in this State was the cause of the recent unlawful acts in Fremont county. The only point upon which there can be any doubt is whether persons in our own State sympathize with them, and afford them asylum and protection.

As cumulative to the evidence on this point contained in the papers transmitted, I submit the following, received by me from private sources, upon which I confidently rely:—

“During the last part of Summer and Fall the Rebels in Atchison county, Missouri, committed many outrages on the Union men in that county. The Union men, unable to protect themselves, sent to the Union men of Fremont county for help, and at their urgent solicitations a company of Union men from Fremont County, under command of Captain Day of that county, went to their assistance and rendered good service. When this company was about leaving to render assistance to the oppressed Union men of Missouri, certain persons in Fremont county protested against the movement in the strongest terms, and discouraged it as much as they possibly could. Many of the men who did so are the same men who now afford asylum to the Rebels from Missouri with their property, the same men who recently, themselves, unlawfully invaded Missouri and made arrests of Union men there.”

It seems to me very evident that persons who oppose the going of our people to the assistance of the Union men of Missouri when they are in danger and ask assistance, who afford asylum and protection to fleeing Rebels and their property, and who are yet eager to enter Missouri to make unlawful arrests of Union men there, are at the least of very doubtful loyalty.

These facts are of grave importance and demand your careful consideration. If the condition of affairs now existing in Fremont county is permitted to continue there, and to obtain in other border

counties, it is scarcely possible that the peace of those counties can be preserved.

Men in Missouri whose persons and property have been outraged by Rebels there who have fled or may flee to our State, will seek to right their wrongs by the strong hand, if those who have wronged them are within striking distance, and cannot be reached any other way. This, of course, cannot be permitted, but must be guarded against and prevented by the proper authorities so far as possible. But, it will be impossible in many cases to guard against and prevent it, and then retaliation and reprisals from our State will follow, and there will be seen the strange spectacle of a border warfare between the loyal people of Iowa and the loyal people of Missouri, for the sake of a band of Rebels and Traitors.

The safety of our people in the border counties, and the good name of our State, alike demand that this condition of affairs shall not be permitted to exist. The law-making power of the State should, in my judgment, go to the extreme verge of its power in guarding against it, and you may rest assured that I will, so far as in me lies, execute to the letter any laws you may enact, directed to that end.

SAMUEL J. KIRKWOOD.

“I.”

To his Excellency, SAMUEL J. KIRKWOOD,

Governor of the State of Iowa :

The undersigned citizens of Fremont county, in said State, would respectfully call the attention of your Excellency to the following facts, to wit:

That in consequence of an “*Association* of the Union men in Atchison county, Missouri, formed for their own protection and the support of the Government, many secessionists, unwilling to take oath necessary to entitle them to the protection of the association, have brought their property into said Fremont county, Iowa, and quartered it among that class of our citizens who are understood to be in sympathy with the rebellion, and claim protection against the lawless bands of men who infest north-western Missouri, preying upon the property of the secessionists principally, which lawless

bands are styled "*Jayhawkers*." That in some instances these "*Jayhawkers*" have followed and unlawfully taken such property back into Missouri. That on the night of December 30, ult., a band of these lawless men entered our county and coming to the residence of a citizen, T. F. Fugett, of known secession sentiments, attempted to take property from his premises, under the pretext of taking the property of secessionists in retaliation for the outrages committed on the Union men. That Fugett resisted, firing on them twice, and in turn received four shots from a revolver which render his recovery very doubtful. That the neighbors of Mr. Fugett, and many of the citizens greatly excited gathered together, in all, to the amount of 200 or 300, to avenge the outrage summarily, upon all persons found to be engaged in "*Jayhawking*." That two men supposed to belong to said bands, were the next morning fired upon by two of our citizens, and one of them instantly killed; the other after returning the fire, was wounded and captured. That eleven of the men supposed to belong to those bands have been arrested, and placed in the jail of said county. Some of them are known to be very strong Union men, and doubtless innocent of the charge. And that by these several transactions the public mind is excited to the highest pitch. Many of the citizens, especially those of the strongest secession sentiments, seem anxious to visit summary vengeance upon the prisoners for interfering with the property of their friends. They are liable at any time in a fit of uncontrollable excitement to carry out their violent threats. And especially is this likely to be the case if the prisoners are *discharged* by legal process. And in consequence of the intense animosity existing between the two classes of our citizens, partly owing to the fact that the *Jayhawkers* were not interrupting the property of *Loyal Citizens*, but were confining their depredations to secessionists; and partly because those most zealous in the secession cause in insisting upon *mob* violence, the loyal and strong union men will resist to the last extremity any attempt to interfere with the quiet execution of the law. And if a collision should take place (of which we believe there is great danger) under the present state of public excitement it would prove very disastrous to our county, resulting perhaps in the death of many persons. Now in order to keep down and suppress any riots or mobs so likely to trample under foot the laws of our State and the rights of our citizens, in the present emergency, to secure to said prisoners a trial by law; to preserve the peace and good order

of community in said county; and to have an effective force to repel any future inroads by such lawless bands of invaders upon our county, we suggest and earnestly solicit your Excellency to grant an order authorizing Col. E. S. Hedges to order into camp at Sidney, one or more of the organized military companies in said county, at his discretion, to remain for thirty days, or for such time as he may think the peace and good order of society require it, to drill and discipline the men daily, and to use them when necessary for the purpose aforesaid. And we further state that there are only 120 stand of arms in our county, now in the hands of three volunteer companies, about 80 stand of which are without any accoutrements.

The number is insufficient to supply these companies. We therefore earnestly solicit your Excellency to order, furnished to said Col. E. S. Hedges, for the use of the organized companies in said county, additional arms, to the amount, at least, of 40 to 80 stand. Forty additional stand being necessary to furnish the company styled, "*The Sidney Guards*," first called "*Sidney Grays*," of which J. A. Harvey is Captain.

Respectfully submitted January 8, 1862. Done with the concurrence and by the request of the most influential, prudent and loyal citizens of our county.

J. A. HARVEY,
R. W. MARVIN,
J. L. MITCHELL.

To his Excellency, S. J. Kirkwood.

"II."

EXECUTIVE OFFICE, }
JANUARY, 8, 1862. }

LIEUT. COL. H. C. NUTT,

Aid de Camp, &c., Council Bluffs, Iowa.

SIR: I have just received a communication from citizens of Fremont county, of which the enclosed is a copy.

You will immediately proceed to Sidney in said county, and fully investigate the matters therein set forth. Consult Judge Sears and Col. Hedges, and if you shall be satisfied the preservation of the

public peace so require, call into the service such of the volunteer companies of the county as may be necessary to that end, and keep them in service as long as their services may be required. If in your judgment it shall be necessary to call out any military force, make the call first upon the company at Sidney. Call for no more troops than in your best judgment is really necessary, and keep them in service only so long as may be necessary. In this matter I must trust to your discretion and will hold you responsible for its sound exercise. Procure proper quarters for such troops as you may call out, and make the best arrangements you can for their subsistence. You must make all your arrangements as economically as possible. No extravagant charges for quarters or subsistence will be allowed.

You will preserve the public peace and protect the prisoners at all hazards.

I desire full information on the following points:

1st. Have rebels or rebel sympathisers come into Fremont county bringing with them their property, or have such persons sent their property from Missouri into the county? If so, give the names of such persons, a description of the property brought or sent, and the names of the persons, if any, of our citizens who have such property in possession.

2d. Does the bringing or sending of the property of such persons into that county tend to endanger the public peace?

3d. I desire a full detail of the facts connected with the attack on Mr. Fugett, and of the capture of those under arrest, with the causes of all the acts done, so far as you can ascertain them.

4th. It has been stated to me that one or two persons supposed to be of the party that attacked Mr. Fugett, were shot by some of our citizens near Hamburg upon refusal to surrender. You will investigate the facts of this transaction and report to me fully thereon.

I am determined to preserve the peace of our State, and to protect the property of our citizens, but I am also determined that our State shall not be made an asylum for rebels who have been compelled to flee from their own State in consequence of their outrages on Union men there, if affording such asylum is to peril the peace of our own people. I am also determined that those of our own citizens who sympathise with and protect those fleeing rebels shall not make the consequences of their own acts the pretext for a breach

of the public peace. The peace must be preserved and these prisoners afforded a full protection and a fair and impartial trial.

You will report to me in writing as soon as possible and keep me advised at short intervals of the situation of affairs.

Very Respectfully,

SAMUEL J. KIRKWOOD.

“ III.”

COUNCIL BLUFFS, IOWA, }
JANUARY 17, 1862. }

HON. S. J. KIRKWOOD,

Governor of Iowa, Des Moines :

SIR: I received your letter dated January 8th, 1862, enclosing a communication from citizens of Fremont county, and in accordance with your instructions I proceeded on to Sidney on the morning of the 31st inst., for the purpose of carrying out said instructions and have to report my action as follows.

I found the statements contained in the communication above referred to, to be true in all material points. I will answer the four interrogations propounded in your letter in order.

1st. Yes. Rebels to the number of thirty families at least, with a large amount of horses, mules, cattle, hogs, &c., have left Missouri and come into Fremont county, and many of the same class have sent their property, who have not come into this State themselves. These persons have come themselves, or sent their property to save the same from being seized by the Government that they have outraged for the past year. I was able to find the whereabouts and names of but a portion of these persons, but such as I have found I append below and will give you further information upon this point at an early day. The parties named below are all either rank secessionists or rebel sympathisers, and I will make no distinction between them. It is enough to know that they are “not with us”—*are not Union men.*

Mr. John Pugh has 5 horses owned in Missouri, owner's name unknown. H. G. Bowin has 15 horses and mules owned by Nichols & Shouler. Nichols lives at St. Stevens, Nebraska, and has furnished the Rebels in Northern Missouri with arms, and is a promi-

nent rebel. Milton McCartner has 8 or 10 horses and mules, owned by Mr. Holland, who lives near Rockport. The Heatt brothers have 6 horses, 60 hogs and 25 or 30 cattle; owners' names unknown. They had consulted Mr. Cornish as to whether they could lawfully keep stock which belonged to secessionists in Missouri, for if they could, that they could make a large amount of money by so doing, as the Secesh were willing to pay high prices. These men (Heatts) have 6 horses owned by one Hall who left Missouri in the night to save his property. Mr. Holloway brought 25 horses and mules into this State and has them scattered around at several places. Mr. Davis has 8 horses belonging to a man in Rockport; name unknown; can be found and identified as he is well known in Iowa. Mr. English (Senator) some three weeks ago went to Missouri and brought the personal property of one Poindexter, either the officer in Price's army or a brother—at all events a rabid rebel—and it is reported and believed in Sidney that Poindexter himself is about McKissock's Grove. Mr. English has a horse belonging to Poindexter now in his possession, but has sent him away from his own farm to a brother-in-law for fear of Jayhawking. The above property has all of it been sent from Missouri to prevent seizure and confiscation by the Government. There have also been horses sent from Missouri lately, by rebels who dared not leave them even in Fremont Co., and one lot of 40 went on the man saying he was too near home in Fremont. I think that there are at the present time 100 to 125 horses in Fremont county, brought there by rebels to save them. Many place the number much higher but from all my information I place the number as above.

In reply to your 2nd question, I will say that by these acts I think the public peace is endangered, and I find all the Union men in Fremont are very certain it does and say that unless it is stopped bloodshed will be the result. My reasons for thinking that it does endanger the public peace are, that there is great danger of this property being pursued by Jayhawkers and others, which would be almost certain to bring on a collision and bloodshed. 2nd. The accession of these rebels to the number of the same kind and their sympathisers in Fremont county, increases the bitter feeling between the two parties, and which now requires but a word to bring on a civil strife in that county.

As a sample—one John Cooper of McKissock's Grove, has, he says, "TWENTY-FIVE MISSOURI FRIENDS with him and he will keep

them there as long as they will stay, that they are well armed and will shoot the first man who tries to arrest any of their number or seize a horse.."

Questions 3d and 4th—I will answer together:

On the night of December 30th, a body of armed men from Missouri and Nebraska, under Captain Warren Price, who is said to be the leader of a band of Jayhawkers, came to the house of T. F. Fugett between 10 and 12 P. M., for the purpose, as they avowed on their way, of seizing some horses which had been taken from Missouri, and owned by Rebels in Missouri. Several of the party entered the house, and others went to the barn for the horses. Fugett got up and ran into another room and seized a double-barreled shot-gun and immediately fired at the crowd; then instead of firing the other barrel he clubbed his gun and knocked down another. At this, Price drew his revolver and fired four shots at Fugett, all of which took effect, one in the neck—which is a serious but not dangerous wound. Fugett is rapidly recovering. The party then left Fugetts and went to several other places in the Grove and took in all (11) eleven horses. These Captain Price sent, in charge of two men, to Missouri; but the men lost their way and at day-light were in sight of Sidney. They at once retraced their steps and tried to reach Missouri, via Hamburg. In the mean time a party of some forty men were in pursuit of the robbers, and when these two men with 11 horses came to Hamburg, they were hailed by C. McKissock and Giles Corrlis. The men paid no attention to the hail, when McK. and C. both fired their rifles. Corrlis killed his man dead, and McKissock wounded the other, who was taken prisoner, and is now in Fremont jail. He says that himself and the dead man were at Fugett's, and that they resided in Nebraska. The horses taken from the prisoners were left at Hamburg and proved up and taken away by avowed Rebels. No Union man has been molested as I could learn. The news, of course, spread like wild-fire, and early the next morning the Sheriff and County Judge started with a posse of 100 men to arrest the horse thieves, and the Sheriff said he would follow them to Arkansas if he did not get them. On their way an incident occurred worthy of note. These 100 men left Sidney in three parties, and it is asserted that when on the road, persons in one party were heard to hurrah for Jeff. Davis. The Sheriff denies this, but I think it can be proven, although it was not in the party in which the Sheriff was at the im-

mediate head. Arriving at McKissock's Grove, this party stopped, and another one from the Grove under the lead of H. English, went into Missouri and arrested 12 men, and brought them to the Grove to lynch them, but as there was great doubt as to whether these were the men who were at Fugett's, after keeping them at the Grove one day, they were given over to the Sheriff, who took them to Sidney, where they were guarded by an armed force for three days, when upon a legal examination before the County Judge, they were all discharged except one, who had waived an examination, and given bail before, and the wounded man from Hamburg, who is now in jail. The Missourians complain bitterly of not only the arrest, but of the men under whom it was done, and under whom they were placed as prisoners. They say that if they could have seen the face of one single Union man, either among their captors or guards, they would have attributed it to a mistake and said nothing, but now it looks as if their rebel enemies had run away to Iowa and sent rebel sympathisers from Iowa and given them Union men's names, to be arrested, mal-treated and nearly lynched.

There are many men whom I have seen from Atchison County, who say that there is a large number of Union men sworn to shoot Harv. English at sight, as they think him to be the leader of their enemies in Iowa. While these prisoners were in the hands of Fremont authorities the military at Rockport hearing of the manner of the arrest, started to rescue them. At the line they left all but 20 men, who went to Sidney and demanded the release of the prisoners, which was refused. And there was danger of violence, but upon the assurance of Union men that the prisoners should have a fair trial, and would at once prove themselves innocent of the crime charged, they were induced to return home, which they did; and on their way arrested in Iowa a young man who had been in Price's army as a cook. The Captain of Mo. troops claimed to have made this and other arrests which he made in Mo. the same day, by order of the commanding officer at St. Joe. The truth of this I do not know. What became of the prisoner taken from Iowa by Missouri troops, I was unable to learn. In the meantime, on Saturday, January 4th, a report having gone to Rockport that the civil authorities were going to give up the prisoners to the mob to be lynched, some 200 men from Atchison county armed themselves and started for the rescue. They crossed the line and came to Hamburg, where they were met by some 50 Iowa troops, who

tore up the bridge and refused to let them pass. Here again was a very near approach to open hostilities between Iowa and Missouri citizens; but a flag of truce passed, and upon mutual explanations the Missouri men went home—did not go to Sidney at all. The Union men of Missouri say that all the party who went into Missouri were Secessionists, and that Iowa allows Rebels to flee into her State to avoid punishment, and then allows Secessionists to come to Missouri and arrest Union men without a shadow of law or right. I was able to disabuse them of this idea, or at least all I had a chance to talk with. This feeling is particularly bitter between Union men in Missouri, and the secesh sympathisers in McKissock's Grove—who are nearly all that kind—and being so near the line, increases the danger of collision. An armed guard is kept out now in many neighborhoods to warn them of approach of enemies. I find further, that many men who have been avowed Rebels and hooted at all soldiers as "Lincoln Thieves," are now very clamorous for armed protection, and now there is organized a Company which has memorialized you for commissions and arms that are not safe to arm. * * *

I remain, Sir, your most obedient servant,

H. C. NUTT.

" IV."

EXECUTIVE OFFICE, IOWA, }
JANUARY, 14, 1862. }

LIEUT. COL. H. C. NUTT,

Aid de Camp, &c., Council Bluffs, Iowa:

SIR:—Since writing you a few days since in regard to the difficulty in Fremont county, I have learned that troops from Missouri have been to Sidney, and demanded the surrender into their hands of the persons arrested on suspicion of having assaulted Mr. Fugett. That the authorities in charge of the prisoners very properly refused to surrender them. That the Missouri troops on their return arrested in this State and took with them to Missouri one or more citizens of this State, and that such state of feeling exists in Fremont county and in Atchison county, Missouri, that there is immi-

nent danger of collision between the people. In addition to the duties required by my former order, you will proceed as soon as possible to Atchison county and call upon the person who may be in command of the State or United States troops there; you will exhibit to him my former letter of instructions and this letter. A system of reprisals between the States shall not be allowed to grow up. Our people must not enter Missouri as was done a few days since. Arrest prisoners and bring them to this State for trial. And people from Missouri must not demand prisoners in the hands of the civil authorities of this State, or arrest persons in this State and carry them into Missouri for trial. Such state of things can produce but one result, and that is a border war. If the person arrested by the men from Iowa, who has not been discharged were not in the hands of the civil authorities, I would at once order his discharge. If the man or men arrested by the returning Missouri troops are not in the hands of the civil authorities of Missouri, you are instructed to ask his or their discharge. Men in Iowa who have violated the laws of Missouri in that State, can be reached in this State by requisition from the Governor of Missouri. All men may rest assured the authorities of Iowa will not make their State an asylum for Rebels and Traitors, and that all such will be promptly surrendered when legally applied for. The action of Iowa thus far, I think, has given the loyal men of Missouri no ground to doubt the good faith of our authorities. You will present these views plainly but kindly to the officers in command in Atchison county and to the loyal citizens there and communicate as freely with them as you can in conversation. Inform all that "Jayhawking" expeditions into our State cannot be permitted under the claim of taking the property of rebels.

The evil results of such a course must be apparent. All information showing that such persons are in our State, and in regard to their property, will be placed at once in the hands of the United States Officers for legal action, and they can then be legally dealt with. Nothing herein contained is intended to countermand anything contained in my former order. You may show both my letters in Sidney, so that all may know what I intend. As soon as I receive your report I will write Governor Gamble. Your early attention to these matters and your speedy report is expected.

Very Respectfully,

SAMUEL J. KIRKWOOD.

"V."

COUNCIL BLUFFS, }
JANUARY 24th, 1862. }

HON. S. J. KIRKWOOD,

Governor of Iowa, Des Moines :

SIR:—In obedience to your letter of instruction dated Jan. 14th, 1862, I went to Atchison county, Mo. last Monday and have spent several days there and will now give you such additional particulars as I gained while there. I found the prisoner who had been arrested by the Missouri troops in Iowa, released on parole. He is an Hungarian of more than ordinary intelligence. I saw him and learned that he had been in Price's army, having been induced to go there by wealthy rebels who agreed to support his family while he was away. He says he soon saw he was on the wrong side and when Gen. Fremont's proclamation of Amnesty was issued he left for home, but fearing violence from the loyal Germans in Rockport, went to Iowa. He says he was glad to be arrested as he can now be with his family and be protected by troops. I told him if he desired I would have him released and he could return to Iowa with me, which he declined. I afterwards learned from the officer in command, that he had orders for his release from St. Joseph upon his taking the oath. He is now at liberty. I also saw the Officer in command of the State troops, and had a very free and plain conversation with him and other loyal men in regard to the invasion of Iowa. I do not think these troops have done much to stop Jayhawking, but have not taken sides with them. These troops have now gone below to be mustered out as they are six months men. Whether they will be replaced by Federal troops I did not learn.

On my way to Missouri, I found at Sidney an intense excitement. There was said to be a *reliable report* that the Jay-hawkers had met on Sunday near Sidney landing, and had agreed upon Monday or Tuesday night as the time to "clean out" McKissock's Grove. I was met by a petition signed by nearly every man along the line, calling for immediate help. A messenger had been sent for me, and the prominent Union men were in council at Judge Sears' to decide what should be done. I told them I was then on my way

to Missouri, and if I saw or heard anything to justify me, I would return at once. In the meantime I ordered Col. Hedges to hold two companies ready to move at an hour's notice. I was in doubt in regard to these reports, and would call out the Militia only as a last resort to repel invasion or preserve the public peace. On my way to Rockport I became satisfied that the danger was not as imminent as had been represented, and I learned from those that I thought knew, that there was no armed force in Atchison county at least. As soon as I had completed my business at Rockport, I procured conveyance and took with me a good loyal farmer, and proceeded to visit several of the men who had been arrested and taken to Iowa. I saw four of these men who were arrested by English and his party. One of them—Wm. Lewis—a man who is called by the secessionists of Fremont Co., a Jay-hawker, I am satisfied from all that I can learn, has been and perhaps still is cognizant of all the movements of the Jay-hawkers, but I am equally well satisfied that he never goes with them, and was not at Fugett's, but I think he knew they were going to Fugett's. He is the leader and controlling spirit among the loyal men in Northwestern Missouri. He is a man of wealth, a little hard and rough, perhaps, but is *loyal*. He says boldly, a Jay-hawker is a better man than a Secessionist. He is very bitter against English and the leaders in the kidnapping. I had a long interview with this man. He says that he has been outraged by men from Iowa, and says he shall have his revenge. I told him plainly what were your views, and that no invasion of Iowa would be permitted for any purpose, but that any one who had violated the laws of Missouri, could be reached in Iowa in a legal manner. He seemed pleased, and said if the authorities of Iowa would act in that spirit, it was all he and his friends desired. He seemed to be well aware of the result of the invading of either State, but such men he said must be reached, and the Jay-hawkers were the only ones who had reached them as yet. I told him you had not been aware until the attack at Fugett's, that rebels had left Missouri and gone to Iowa, and that you were now taking steps to stop it. This seemed to put a new face on the matter, and he said plainly that they would try legal means first, and pledged himself to me that he would use his influence to prevent Kansas Jay-hawkers or any others from invading Iowa. He further intimated that many of these Jay hawkers have gone south to join Gen. Lane. He says four or five of these kidnappers must be punished, and if civil law

will do it, it will suit him best, if not, he knows what will. He told me that he would at once take the legal steps to reach these men, and that no further invasion of Iowa should take place in the meantime if he could prevent it. I was satisfied while there that he was in earnest, and could and would do as he agreed, and on my return to Sidney, Judge Sears says he can and will make his word good in every respect, and I am satisfied there will be no more Jayhawking in Iowa for the present. C. McKissock—who shot the man at Hamburg—went through Missouri to Bloody Island, in the Missouri River. This Island is claimed by Iowa, Nebraska and Missouri and by the United States. He was seen to go there, was followed, taken and brought to Sidney Landing, in Missouri, where he was arrested by a civil officer for kidnapping, and taken to Rockport and bound over in \$2,000, to appear for trial and released. I found all the loyal men in Missouri particularly bitter against English, and they say he shall smart for the treatment he gave those men he arrested. He cannot go four miles in Missouri by daylight, a live man, I don't believe.

On my return to Sidney, I found Col. Hedges and Capt. Harvey very anxious that I should call out the Militia for 30 days at least, for Drill. Capt. Harvey very plainly told me he had no fear of immediate invasion, but that they might be needed in future, and were very much in need of drill. He says the military companies there have labored under many adverse circumstances. Men had been hooted at for joining companies and injured in their business, and something was needed to infuse proper spirit in the men. I told him * * * that I would state the case to you fairly, and leave the responsibility with you.

In conclusion, I think immediate danger of trouble in Fremont county has passed, but I still think there should be some Federal Troops sent here, more to arrest secessionists and secession property that have made Iowa an Asylum, than to protect us from invasion, but the officer placed in command should be *No. 1, in every respect*. An inefficient or imprudent officer would do much harm, but one of the right kind, by making a few arrests of men and property, would in my opinion not only end the present difficulty, but prevent forever its recurrence.

* * * * *

I remain your obedient servant,

H. C. NUTT

"VI."

To his Excellency, SAMUEL J. KIRKWOOD,
Governor of the State of Iowa.

We the members of the Board of Supervisors of Fremont county, Iowa, respectfully represent unto your Excellency, That in the neighboring counties of Missouri, and especially in Atchison county, Missouri, adjoining the line of this State, there is an organized band of robbers and horse thieves known by the name of "Jayhawkers." That these marauders under the pretence of being armed in the cause of the Union, have commenced a system of midnight robbery along our southern border, and have already entered our county on a marauding expedition, and have attempted to murder our citizens and have stolen their property.

We also state that during the past summer, Fred. Rector, Esq., the acting county judge of this county, acting under the instructions of the Adjutant General of the State, had organized the militia of this county for the purpose of defending the persons and property of the citizens thereof. But that when he had succeeded in organizing a sufficient force to protect the county, he was, without any reason, deprived of his authority. That arms were never furnished to the companies organized under his supervision, and that since his removal the organization has been discontinued. We further represent that the inhabitants of Fremont county are *abundantly able and willing* to defend themselves. We therefore ask of your Excellency that the present county judge, Hon. James A. Hodges, be appointed to organize the militia of the county, and that when so organized they may be furnished with suitable and necessary arms for their use. And that the arms already distributed to our county may be placed in the possession of some person having authority to furnish them for use in case of another Invasion. And we also ask your Excellency to call out one company of the mounted militia of this county from the townships of Madison and Franklin for the protection of the southern border of our county.

WILLIAM C. SIPPLE, President
of the Board of Supervisors of Fremont Co., Iowa.

A. LEITCH, Clerk of the
Board of Supervisors of
Fremont county, Iowa.

January 10th, 1862.

SEAL.

"VII."

EXECUTIVE OFFICE, IOWA, }
JANUARY 18, 1862. }

WM. C. SIPPLE, Esq.,

President Board of Supervisors,

Sidney, Fremont County, Iowa.

SIR:—I have just received a communication from the Board over which you preside, touching the present unfortunate state of affairs in your county. I have already sent to your county, my Aid, Lieut. Col. H. C. Nutt, to investigate the situation of affairs, and to take such steps as may be necessary to preserve the public peace. The condition of affairs on the southern border of your county is very unfortunate and I intend to use all the means in my power to afford protection to our citizens. It has been suggested to me that the public peace has been jeopardized by these facts:

1st. That rebels and rebel sympathisers from Missouri, who have made themselves peculiarly obnoxious to Union men there by their outrageous conduct have fled to this State and are now in your county with their property, to avoid vengeance from those whom they formerly outraged.

2d. That the same class of persons in Missouri who cannot leave are sending their property into your county for protection from confiscation.

3d. That these men have sympathisers in your county who harbor these men and conceal their property.

4th. That the Union men in Missouri who have suffered from the outrages of these persons are thus tempted to invade our State for the purpose of punishing them. I have instructed Col. Nutt to investigate these alleged facts and report to me fully thereon. Should I find the allegations to be correct I shall take measures to relieve your people from this difficulty. Whilst I intend to protect our people from outrage and invasion, I also intend that our State shall not be exposed to danger of both by becoming an asylum for rebels and their property. I trust I shall have your assistance in effecting this object, and that you will impress upon your citizens the impolicy of exposing themselves to the danger they may bring upon them-

selves and their neighbors by harboring either Rebels or their property.

The communication states that Fred. Rector, Esq., late acting County Judge of your county, had been authorized to organize the militia of your county, and "that when he had succeeded in organizing a sufficient force to protect the county, he was without any reason deprived of his authority."

This is a grave error. The reason that Judge Rector's authority was annulled, was that I was credibly informed that his loyalty to our Government was doubted; that he was of a class alleged to be somewhat numerous in your county, whose sympathies are much stronger for Rebels than for Union men. No man whose position is not above suspicion on this point can receive any authority from me, if I know his position, or can retain it a moment longer than the knowledge reaches me, if I have power to annul it. Colonel Hedges of your county has been authorized to organize your militia, and I do not see any good reason why his authority should be revoked and given to Judge Hodges.

Col. Hedges is represented to me as an efficient man and his loyalty is undoubted. The state arms now in your county are in the hands of good and loyal men and I do not see the necessity of placing them elsewhere. If there should be any further disturbance of the peace in your county, the men who now have the arms can use them as well as others.

Col. Nutt will on request exhibit his instructions. Any aid you can render him will, no doubt, be thankfully accepted.

Very Respectfully,

(Signed,)

SAMUEL J. KIRKWOOD.

REPORT

OF THE

SECRETARY OF STATE,

IN RELATION TO THE

CRIMINAL RETURNS,

OF THE

STATE OF IOWA

FOR THE YEARS 1860-1.

DES MOINES:

F. W. PALMER, STATE PRINTER,
1862.