

From S.G. Cato to John W. Geary

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Tecumseh, K.T.

Oct[.] 29--56

His Ex. Jno [John] W. Geary

Sir[.]

Your letter of the 23rd ult[.] was duly recd. and would have been answered some time since, but an accident with which I unfortunately met, has prevented an earlier reply.

My commission as associate Justice of the S.C. of Kansas bears date [13th?] September /55., and, as soon as I could conveniently do so after receiving it, I proceeded, at once, to the territory, arriving here in the latter part of October last. By reference to the Kansas statute, it will be seen that the courts in my District commenced thier session on the 1st Monday of November, and ended on the 4th Monday of December /55. The office had been

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vacant for some short time before my appointment--hence there were no writs of venire for grand and pettit jurors, and there was not sufficient time after my arrival here to have them issued and served[.]

I held court in each one of the counties, however, composing the District, but they were necessarily, preliminary, only--all that could be done was, to make the necessary preparation for the ensuing courts. This was done, and venirees were issued for grand and pettit jurors for the next terms, and regularly serviced for each county of the District[.]

The second Judicial District is composed of the following eight counties to wit, Franklin, Anderson, Allen, Linn, Lykins, Johnson[.] [*text stricken through*] Shawnee and Bourbon. Besides the preliminary terms above spoke of, I held court

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in each of said counties, except Linn, last spring and summer--beginning at Franklin on the third Monday of April, and ending at Shawnee on the second Monday of June last. These were the regular sessions fixed by statute--and, independently of these, I held an adjourned session of one week in the county of Bourbon and one, also, of one week in the county of Shawnee, to dispose of as much of the unfinished business of these two counties as possible[.]

In the county of Franklin the Grand Jury found two bills of indictment--in the county of Bourbon, five, in the county of Allen, nine, in the county, [*text stricken through*] of Lykins, ten, in the county of Bourbon, nineteen, in the county of Shawnee, twenty, Johnson County has not, as yet, had a sufficient

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white population to make either a Grand of pettit jury, and no business requiring a jury has been done in that county[.]

No court was held in Linn County this spring on account of the excessive rains, and high water, which rendered it impossible for me to reach the county in time--I appointed a special term for that county, but on examination of the statute, became satisfied that I had no power to do so--and let the court pass over to the regular term.

None of the above indictments originated in any of the disturbances which have unfortunately prevailed in the territory--but one altogether out side of them--these disturbances did not reach my District, till after the last courts.

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The adjourned term of the court before spoke of, for Bourbon County was held to dispose of cases on the criminal docket, and the week was occupied in the trial of one case for murder and two, for assault with intent to kill. The case for murder resulted in an acquittal, one of those for assault with intent, resulted in acquittal, and the other, in a mistrial. These are the only trials of criminal cases which have been had in my District.

The adjourned term of court for Shawnee, was occupied in disposing of unfinished civil business[,] no criminal cases being ready for trial[.]

The above, I believe, contains all the information sought by your

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note of the 23rd ult. and trusting that your Excellency may be perfectly successful in enforcing the laws and pursuing the good order and peace of the territory, and promising a faithful cooperation therein to the utmost of my ability

I remain

Most Respectfully

Your obt[.] svt[.]

S.G. Cato.