War Begins in Missouri

Some punctuation has been added; items in brackets have been added for clarification or to replace ditto marks.

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Office of U.S. Attorney
St. Louis MO May 4, 1861

Hon. Edward Bates
Attorney General of U.S.

Sir
I ask your advice in reference to the propriety of causing the arrest at this time, of parties in this state, guilty of Treason to the Government of the United States. That Treason is every where in our midst walking in open day, there can be no reasonable doubt & I think the arrest of some prominent parties would have a good effect, not only in strengthening loyal men, but especially in restraining, many thoughtless young men who do not fully appreciate the consequences of rebelling against their Government.

Will an attempt, made at this time, to bring guilty parties to justice, meet the approval of the Government? If yes, I will take steps accordingly.

You are, doubtless, aware of the circumstances attending the forcible seizure of the steamer at Napoleon, Arkansas, laden with Government stores, on the 17th of April last. The Boat was chartered & loaded

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at St. Louis, & was bound for Fort Smith. Some party, not yet known, of St. Louis telegraphed to the rebels to be on the lookout & to seize the stores, this they did threatening the lives of the parties, who had the steamer in charge, & appropriating property of about 60,000$ value. Five U.S. soldiers on board were obliged to disguise themselves as deckhands in order to escape with their lives.

The Quarter Master, at this point, Maj. McNinsty? demanded at the telegraph office the name of the author of the dispatch, which was refused. I think sufficient cause may be shown for the arrest of the operator. The telegraph, here, is used with impunity for treasonable purposes & I think the Government would be justified in taking immediate possession of it.

The Legislature of Missouri is now in secret session & we may soon expect secession in some form or other & should be prepared to meet it.

Will you please cause to be sent me certified copies of the President's late proclamations & advise me in regard to this? premises.

I have the honor to be, sir,
Yours very truly
Asa S. Jones, U.S. Attorney

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Office of the U.S. Attorney
St. Louis, MO. May 25, 1861

Hon. Edward Bates
Attorney General of the U.S.

Sir
I have the honor to acknowledge the receipt of your letter of the 21st inst. Containing letter of A. M. Thompson Esq. to President Lincoln. I believe Maj. Rawlings has faithfully discharged his official duties as U.S. Marshal. Information was given at this office of the lead operations at Potosi & I immediately notified the President of the Iron Mountain R.R. that no more lead must be shipped over the road southward & also notified Gen. Lyon, Commandant at the U.S. Arsenal at this point. The road did not ship a pound of lead after my notification, & a detachment of troops was sent to Potosi & the lead, all that could be found, seized. I think the seizure was made by the proper parties, the marshal as I understand the matter, would have had no authority to make the seizure without proof.

I have been strongly solicited by various parties, particularly by Franklin A. Dick, Esq. to cause warrants to issue for the arrest of various parties on the charge of treason & of this matter I ask your advice. Is it the

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policy of this Government, at this time, to prosecute parties for treason in this state & does the Government so advise. Does the last arrangement between Genl Harney & Genl Price, on the part of the Governor of this state, make any change to the policy of the administration?

I have now in my possession a warrant for the arrest of Gov. Claiborne F. Jackson on the charge of Treason. I have held it back first because, just now, it would be impossible to serve it, second does the Government approve of this step?

I have not as yet been able to put myself in communication with the Marshal of the Western District of Missouri. Indeed, I do not know if any has been appointed, if not, it is all important that one be speedily appointed. In regard to persons charged with treason, it may be the best policy to wait until the meeting of the Grand Jury Oct. next & in the meantime to secure the evidence. If any dependence can be placed in rumors great numbers could be indicted.

There are letters in the St. Louis P.O. directed to Capt. Colton Greene, from Montgomery Ala., Greene was one of the Governors' Commissioners to Jefferson Davis' Government. Will Mr. Hoy P.M. be justified in putting the letters into my hands? Attention will be paid to the shipment of arms from Ark.

I am, Sir, Very Truly Your Obedient Servant
Asa S. Jones U.S. Attorney

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Office of the United States Attorney
St. Louis MO June 25, 1861

Hon. Edward Bates
Attorney General of the U.S.

Sir
I have the honor to acknowledge the receipt of your letter of the 18th instant. According to instructions, I proposed to James O. Broadhead & S. T. Glover Esqrs to be retained on the part of the United States at the coming special term of the United States Circuit Court for the Districts of Missouri. Mr. Broadhead accepted, Mr. Glover, in account of pressing private duties, declined the proposition. I think however it will not be necessary to retain further counsel at present. I applied to the Solicitor of the Treasury for the authority to employ counsel supposing that authority was lodged with him.

I did not move for a special Grand Jury for the Districts of Missouri until I had given the subject full reflection. My office had been

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literally flooded with informations against various parties charging them with treason against the United States. I felt it my duty however, to proceed cautiously & would not cause warrants to issue except in cases where there seemed to be "probable cause" of guilt of overt acts of treason. For this, several, misjudging as I think, but true friends of the Union have seen fit to criticize my course as being too tardy, they would demand me to commence prosecutions against every person toward whom Rumor pointed suspiciously. There are no doubt a very large number of persons in this state who are guilty of Moral Treason, but the number is much less of those of whom overt acts of treason can be proved, judging from the evidence already produced. I think I can safely say that the mere calling of the Grand Jury has been productive of much good throughout the state. I am informed from reliable sources that in many parts the effect has

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been to discontinue secession clubs & to convince many men heretofor secessionists, that they are firm Union men. The arrests that have been made this City on the charge of treason has had a similar effect, but more marked.

A large number, conscious of guilt, fearing that they might be brought to bar have changed their secession sympathies entirely & many have left the state. The Grand Jury was ordered for the Eighth day of July next but before the late proclamation of Gov. Jackson & before any collision between the state and Federal troops. What effect this state of actual war in Missouri will have upon prosecution for treason remains to be seen. I anticipate a good effect from the charge of the

[illegible] to the [illegible] upon treason & shall expect that indictments will be proved against the [illegible] of the rebellion in this state.

I am very truly
Your obedient servant
Asa S. Jones, U.S. Atty

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Office of the U.S. Attorney
Saint Louis MO August 5, 1861

Hon. Edward Bates
Attorney General of the U.S.

Sir
The special July term 1861 of the United States Circuit Court, for the Districts of Missouri, adjourned on the 31st [illegible]: The Grand Jury returned twenty-five bills of indictment for treason, four for other crimes. The indictments for treason were mostly against leading men in the rebel ranks. I thought it best to lay before the Grand Jury only cases in which the originators and leaders were implicated. I have aimed to prepare no bills except such as would be sustained upon trial before the Traverse Jury. I find the result will be that I am correct. I telegraphed you last week advising the passage of a law giving the U.S. Commissioners appointed and to be appointed the same powers as an U.S. Judge under the Act of July 16, 1798 titled "an act in further addition to the act entitled, an act to establish the Judicial Court of the United States." I did this for the reason that the Court at this special term appointed some forty Commissioners in various parts of this state, all good and true men, and there are

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continually cases arising in which parties talking treason may be put under bonds for good behavior when they would be reached in no other way. Two parties have been put under bonds under this law by Judge Treat, and I think such power being given to U.S. Commissioners and they acting under it, the effect would be very salutary. Judge Mills distinctly announced from the bench that in any case when a party was brought before him on writ of Habeas Corpus, the party being detained under color of the U.S. authority, he should hear the case, and if the party was detained as a prisoner of war he would remand him. If it appeared that the prisoner was not "prisoner of war" but had been guilty of <u>conspiracy</u>, or <u>exciting</u> others to conspiracy, he would put him under bonds for good behavior, under the law of 98, and if he found probable cause to believe that treason had been committed, he would commit the party under that charge. The effect of the Court and Grand Jury has been of the very best, and many persons for the first time begin to recognize the fact that they may be called at the peril of their lives to answer the charge of treason before the legal tribunals of their country. I have acted very cautiously in proceeding before the Grand Jury and it must be expected if I

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have declined to follow the directions of irresponsible parties in reference to the action taken upon treason charges for the reason that it is difficult for most persons to make the distinction between moral treason and treason in fact. Yet it would be practically impossible to bring to trial all who have been guilty of overt acts of treason and we have struck at the leaders only. There has been great difficulty in getting witnesses who know of their own knowledge. They know by hearsay much: by personal knowledge little. I have noticed passage of several laws by Congress

criminal in their nature, which I think will much facilitate the suppression of the great rebellion; if practicable I would like you to send me copies of them as early as possible.

I send you an account against the United States for services by me rendered, and for which there is no statutory provision I think I am entitled to this extra for the reason that during the time I have been in office I have been entirely and wholly engaged in the business of the Government and its offices, [illegible] much of it

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that did not belong to one to do, but I performed it willingly, desiring to give all the aid in my power to the support of the Government. I have paid out more than one half of my regular fees to persons whom I have employed as detectives & in the service of the U.S. The service for which the enclosed account is made, is I think as has the Government may fairly and justly allow, and I desire to submit it to your judgement. I lay this matter before you, as I see by a late law, District Attorneys and Marshal are exclusively under your charge.

I am very respectfully
Your obedient servant

Asa S. Jones
U.S. Attorney