



KANSAS CLAIMS.

[To accompany Bill H. R. No. 1017.]

MARCH 2, 1861.

Mr. TAPPAN, of the Committee of Claims, made the following

R E P O R T .

The Committee of Claims, to whom was referred the concurrent resolution of the legislature of the Territory of Kansas, asking Congress for an appropriation to indemnify certain citizens of that Territory for the loss of property taken or destroyed during the disorders which prevailed from November 1, 1855 to December 1, 1856, and to whom awards have been made by commissioners appointed under an act of the legislature of said Territory, passed February 7, 1859, entitled "An act to provide for the adjustment and payment of claims," have had the same under consideration, and now respectfully report :

That, in order to a proper understanding of the question as to whether the government is responsible for the losses here complained of, it is necessary to present a brief view of the circumstances under which these claims arose; and in doing this, we have confined ourselves to well-established facts, and quoted from the most authentic sources of information.

The special committee appointed by the House of Representatives of the 34th Congress, under a resolution passed March 19, 1856, after a very thorough investigation made in Kansas, submitted a very full and elaborate report setting forth the conclusions to which they had arrived, accompanied by the testimony from which these conclusions were drawn. From that report we make the following extracts :

"Your committee deem it their duty to state, as briefly as possible, the principal facts proven before them. When the act to organize the Territory of Kansas was passed on the 30th of May, 1854, the greater portion of its eastern border was included in Indian reservations not open for settlements, and there were but few white settlers in any portion of the Territory. Its Indian population was rapidly decreasing, while many emigrants from different parts of our country were anxiously waiting the extinction of the Indian title, and the establishment of a territorial government, to seek new homes on its fertile prairies. It cannot be doubted that if its condition as a free Territory had been left undisturbed by Congress, its settlement would have been rapid, peaceful, and prosperous. Its climate, its soil, and its easy access to the older settlements, would have made it the favored course for the tide of emigration constantly flowing to the west, and

by this time it would have been admitted into the Union as a free State, without the least sectional excitement. If so organized, none but the kindest feelings could have existed between its citizens and those of the adjoining State. Their mutual interests and intercourse, instead of, as now, endangering the harmony of the Union, would have strengthened the ties of national brotherhood. The testimony clearly shows that before the proposition to repeal the Missouri compromise was introduced into Congress, the people of western Missouri appeared indifferent to the prohibition of slavery in the Territory, and neither asked nor desired its repeal.

“ When, however, the prohibition was removed by the action of Congress, the aspect of affairs entirely changed. The whole country was agitated by the reopening of a controversy which conservative men in different sections believed had been settled in every State and Territory by some law beyond the danger of repeal. The excitement which has always accompanied the discussion of the slavery question was greatly increased by the hope, on the one hand, of extending slavery into a region from which it had been excluded by law; and, on the other, by a sense of wrong done by what was regarded as a dishonor of a national compact. This excitement was naturally transferred into the border counties of Missouri and the Territory as settlers favoring free or slave institutions moved into it. A new difficulty soon occurred. Different constructions were put upon the organic law. It was contended by the one party that the right to hold slaves in the Territory existed, and that neither the people nor the territorial legislature could prohibit slavery; that that power was alone possessed by the people when they were authorized to form a State government. It was contended that the removal of the restriction virtually established slavery in the Territory. This claim was urged by many prominent men in western Missouri, who actively engaged in the affairs of the Territory. Every movement, of whatever character, which tended to establish free institutions, was regarded as an interference with their rights.

“ Within a few days after the organic law passed, and as soon as its passage could be known on the border, leading citizens of Missouri crossed into the Territory, held squatter meetings, and then returned to their homes. Among their resolutions are the following:

“ ‘ That we will afford protection to no abolitionist as a settler of this Territory.’

“ ‘ That we recognize the institution of slavery as already existing in this Territory, and advise slaveholders to introduce their property as early as possible.’

“ Similar resolutions were passed in various parts of the Territory, and by meetings in several counties of Missouri. Thus the first effect of the repeal of the restriction against slavery was to substitute the resolves of squatter meetings, composed almost exclusively of citizens of a single State, for the deliberate action of Congress acquiesced in for thirty-five years.

“ This unlawful interference has been continued in every important event in the history of the Territory; *every election* has been controlled, not by the actual settlers, but by citizens of Missouri; and,

as a consequence, every officer in the Territory, from constable to legislators, except those appointed by the President, owe their positions to non-resident voters. None have been elected by the settlers; and your committee have been unable to find that any political power whatever, however unimportant, has been exercised by the people of the Territory.

“In October, A. D. 1854, Gov. A. H. Reeder, and the other officers appointed by the President, arrived in the Territory. Settlers from all parts of the country were moving in in great numbers, making their claims and building their cabins. About the same time, and before any election was or could be held in the Territory, a secret political society was formed in the State of Missouri.(1) It was known by different names, such as ‘Social Band,’ ‘Friends’ Society,’ ‘Blue Lodge,’ ‘The Sons of the South.’ Its members were bound together by secret oaths, and they had passwords, signs, and grips, by which they were known to each other; penalties were imposed for violating the rules and secrets of the order; written minutes were kept of the proceedings of the lodges; and the different lodges were connected together by an effective organization. It embraced great numbers of the citizens of Missouri, and was extended into other slave States and into the Territory. Its avowed purpose was not only to extend slavery into Kansas, but also into other Territories of the United States, and to form a union of all the friends of that institution. Its plan of operating was to organize and send men to vote at the elections in the Territory, to collect money to pay their expenses, and, if necessary, to protect them in voting. It also proposed to induce pro-slavery men to emigrate into the Territory, to aid and sustain them while there, and to elect none to office but those friendly to their views. This dangerous society was controlled by men who avowed their purpose to extend slavery into the Territory at all hazards, and was altogether the most effective instrument in organizing the subsequent armed invasions and forays. In its lodges in Missouri the affairs of Kansas were discussed. The force necessary to control the election was divided into bands and leaders selected. Means were collected, and signs and badges were agreed upon. While the great body of the actual settlers of the Territory were relying upon the rights secured to them by the organic law, and had formed no organization or combination whatever, even of a party character, this conspiracy against their rights was gathering strength in a neighboring State, and would have been sufficient at their first election to have overpowered them, even if they had been united to a man.”

“Thus your committee find that in this the first election in the Territory a very large majority of the votes were cast by citizens of the State of Missouri, in violation of the organic law of the Territory. Of the legal votes cast General Whitfield received a plurality. The settlers took but little interest in the election, not one-half of them voting. This may be accounted for from the fact that the settlements were scattered over a great extent; that the term of the delegate to be elected was short, and that the question of free or slave institutions

(1) Jourdan Davidson, J. C. Prince, John Scott, J. H. Stringfellow.

was not generally regarded by them as distinctly at issue. Under these circumstances, a systematic invasion from an adjoining State, by which large numbers of illegal votes were cast in remote and sparse settlements, for the avowed purpose of extending slavery into the Territory, even though it did not change the result of the election, was a crime of great magnitude. Its immediate effect was to further excite the people of the northern States, and exasperate the actual settlers against their neighbors in Missouri."

"By an organized movement, which extended from Andrew county in the north to Jasper county in the south, and as far eastward as Boone and Cole counties, Missouri, companies of men were arranged in irregular parties and sent *into every council district in the Territory, and into every representative district but one.* The numbers were so distributed as to control the election in each district. They went to vote, and with the avowed design to make Kansas a slave State. They were generally armed and equipped, carried with them their own provisions and tents, and so marched into the Territory. The details of this invasion form the mass of the testimony taken by your committee, and is so voluminous that we can here state but the leading facts elicited."

"Your committee report the following facts not shown by the tables :

"Of the 2,905 voters named in the census rolls, 831 are found on the poll-books. Some of the settlers were prevented from attending the election by the distance of their homes from the polls, but the great majority were deterred by the open avowal that large bodies of armed Missourians would be at the polls to vote, and by the fact that they did so appear and control the election. The same causes deterred the free-State settlers from running candidates in several districts, and in others induced the candidates to withdraw."

"The striking difference between this republic and other republics on this continent is not in the provisions of constitutions and laws, but that here changes in the administration of those laws have been made peacefully and quietly through the ballot-box. This invasion is the first and only one in the history of our government by which an organized force from one State has elected a legislature for another State or Territory, and as such it should have been resisted by the whole executive power of the national government.

"Your committee are of the opinion that the Constitution and laws of the United States have invested the President and the governor of the Territory with ample power for this purpose. They could only act after receiving authentic information of the facts; but when received, whether before or after the certificates of election were granted, this power should have been exercised to its fullest extent.

"It is not to be tolerated that a legislative body thus selected should assume or exercise any legislative functions, and their enactments should be regarded as null and void. Nor should the question of its legal existence as a legislative body be determined by itself, as that would be allowing the criminal to judge of his own crime."

"The real purpose is avowed and illustrated by the testimony and conduct of Colonel John Scott, of St. Joseph's, Missouri, who acted as an

attorney for the sitting delegate before your committee. The following are extracts from his deposition :

“ ‘Prior to the election in Burr Oak precinct, in the 14th district, on the 29th of November, 1854, I had been a resident of Missouri, and I then determined, if I found it necessary, to become a resident of Kansas Territory. On the day previous to that election I settled up my board at my boarding-house in St. Joseph’s, Missouri, and went over to the Territory and took boarding with Mr. Bryant, near whose house the polls were held the next day, for one month, so that I might have it in my power, by merely determining to do so, to become a resident of the Territory on the day of election.

“ ‘When my name was proposed as a judge of election objections were made by two persons only. * * * I then publicly informed those present that I had a claim in the Territory; that I had taken board in the Territory for a month, and that I could at any moment become an actual resident and legal voter in the Territory; and that I would do so if I concluded at any time during the day that my vote would be necessary to carry that precinct in favor of the pro-slavery candidate for delegate to Congress. * * * I did not during the day consider it necessary to become a resident of the Territory for the purpose mentioned, and did not vote or offer to vote at that election.

“ ‘I held the office of city attorney for St. Joseph’s at that time, and had held it for two or three years previously, and continued to hold it until this spring. * * * I voted at an election in St. Joseph’s in the spring of 1855, and was reappointed city attorney. The question of slavery was put in issue at the election of November, 1854, to the same extent as in every election in this Territory. General Whitfield was regarded as the pro-slavery candidate by the pro-slavery party. I regarded the question of slavery as the primarily prominent issue at that election, and, so far as I know, all parties agreed in making that question the issue of that election.

“ ‘*It is my intention, and the intention of a great many other Missourians now resident in Missouri, whenever the slavery issue is to be determined upon by the people of this Territory in the adoption of the State constitution, to remove to this Territory in time to acquire the right to become legal voters upon that question. The leading purpose of our intended removal to the Territory is to determine the domestic institutions of this Territory when it comes to be a State, and we would not come but for that purpose, and would never think of coming here but for that purpose. I believe there are a great many in Missouri who are so situated.*

“ ‘The invasion of March 30 left both parties in a state of excitement, tending directly to produce violence. The successful party was lawless and reckless, while assuming the name of the ‘Law and Order’ party. The other party, at first surprised and confounded, was greatly irritated, and some resolved to prevent the success of the invasion. In some districts, as before stated, protests were sent to the governor; in others this was prevented by threats, in others by the want of time, and in others by the belief that a new election would bring a new invasion. About the same time all classes of men com-

menced bearing deadly weapons about their persons—a practice which has continued to this time. Under these circumstances, a slight or accidental quarrel produced unusual violence, and lawless acts became frequent. This unhappy condition of the public mind was further increased by acts of violence in western Missouri, where, in April, a newspaper press called the Parkville Luminary was destroyed by a mob.

“About the same time Malcolm Clark assaulted Cole McCrea at a squatter meeting in Leavenworth, and was shot by McCrea in alleged self-defence.

“On the 17th day of May William Phillips, a lawyer of Leavenworth, was first notified to leave, and upon his refusal was forcibly seized, taken across the river and carried several miles into Missouri, and then tarred and feathered and one side of his head shaved, and other gross indignities put upon his person.

“Previous to this outrage a public meeting was held(1) at which resolutions were unanimously passed, looking to unlawful violence, and grossly intolerant in their character. The right of free speech upon the subject of slavery was characterized as a disturbance of the peace and quiet of the community, and as ‘circulating incendiary sentiments.’ They say ‘to the peculiar friends of northern fanatics, go home and vent your treason where you may find sympathy.’ Among other resolves is the following:

“‘Resolved, That the institution of slavery is known and recognized in this Territory; that we repel the doctrine that it is a moral and political evil, and we hurl back with scorn upon its slanderous authors the charge of inhumanity; and we warn all persons not to come to our peaceful firesides to slander us and sow the seeds of discord between the master and the servant; for, much as we deprecate the necessity to which we may be driven, we cannot be responsible for the consequences.’

“A committee of vigilance of thirty men was appointed ‘to observe and report all such persons as shall, * * * by the expression of abolition sentiments, produce disturbance to the quiet of the citizens, or danger to their domestic relations; and all such persons so offending shall be notified and made to leave the Territory.’

“The meeting was ‘ably and eloquently addressed by Judge Le-compte, Col. L. N. Burns, of Weston, Missouri, and others.’ Thus the head of the judiciary in the Territory not only assisted at a public and bitterly partisan meeting, whose direct tendency was to produce violence and disorder, but, before any law is passed in the Territory, he prejudices the character of the domestic institutions which the people of the Territory were, by their organic law, ‘left perfectly free to form and regulate in their own way.’

“On this committee were several of those who held certificates of election as members of the legislature. Some of the others were then, and still are, residents of Missouri, and many of the committee have

(1) A Payne.

since been appointed to the leading offices in the Territory, one of which is the sheriffalty of the county. Their first act was that of mobbing Phillips.

“Subsequently, on the 25th of May, A. D. 1855, a public meeting was held, at which R. R. Rees, a member elect of the council, presided,(1.) The following resolutions, offered by Judge Payne, a member elect of the house, were unanimously adopted :

“ ‘*Resolved, 1st.* That we heartily indorse the action of the committee of citizens that shaved, tarred and feathered, rode on a rail, and had sold by a negro, William Phillips, the moral perjurer.

“ ‘*2d.* That we return our thanks to the committee for faithfully performing the trust enjoined upon them by the pro-slavery party.

“ ‘*3d.* That the committee be now discharged.

“ ‘*4th.* That we severely condemn those pro-slavery men who, from mercenary motives, are calling upon the pro-slavery party to submit without further action.

“ ‘*5th.* That, in order to secure peace and harmony to the community, we now solemnly declare that the pro-slavery party will stand firmly by and carry out the resolutions reported by the committee appointed for that purpose on the ‘memorable 30th.’

“The act of moral perjury here referred to is the swearing by Phillips to a truthful protest in regard to the election of March 30 in the 16th district.

“ LEGISLATIVE ASSEMBLY.

“The members receiving their certificates of the governor as members of the general assembly of the Territory met at Pawnee, the place appointed by the governor, on the 2d of July, A. D. 1855. Their proceedings are stated in three printed books, herewith submitted, entitled, respectively, ‘The Statutes of the Territory of Kansas,’ ‘The Journal of the Council of the Territory of Kansas,’ and ‘The Journal of the House of Representatives of the Territory of Kansas.’

“Your committee do not regard their enactments as valid laws. A legislature thus imposed upon a people cannot affect their political rights. Such an attempt, if successful, is virtually an overthrow of the organic law, and reduces the people of the Territory to the condition of vassals to a neighboring State. To avoid the evils of anarchy no armed or organized resistance to them would have been made, but the citizens would have appealed to the ballot-box at future elections, to the federal judiciary, and to Congress for relief. Such, from the proof, would have been the course of the people but for the nature of these enactments and the manner in which they are enforced. Their character and their execution have been so intimately connected with one branch of this investigation—that relating to ‘violent and tumultuous proceedings in the Territory’—that we were compelled to examine them.

(1) R. R. Rees.

“The ‘laws’ in the statute-books are general and special; the latter are strictly of a local character, relating to bridges, roads, and the like. The great body of the general laws are exact transcripts from the Missouri code. To make them, in some cases, conform to the organic act, separate acts were passed defining the meaning of words. Thus, the word ‘State’ is to be understood as meaning ‘Territory;’ (1) the words ‘county court’ ‘shall be construed to mean the board of commissioners transacting county business, or the probate courts, according to the intent thereof.’ The words ‘circuit court’ to mean ‘district court.’ (2)

“The material differences in the Missouri and Kansas statutes are upon the following subjects:

“The qualifications of voters and of members of the legislative assembly; the official oath of all officers, attorneys, and voters; the mode of selecting officers, and their qualifications; the slave code, and the qualifications of jurors.

“Upon these subjects the provisions of the Missouri code are such as are usual in many of the States. But, by the ‘Kansas Statutes’ every officer in the Territory, executive and judicial, was to be appointed by the legislature, or by some officer appointed by it. These appointments were not merely to meet a temporary exigency, but were to hold over two regular elections, and until after the general election in October, 1857. (3) Thus, by the terms of these ‘laws,’ the people have no control whatever over either the legislature, the executive, or the judicial departments of the territorial government, until a time before which, by the natural progress of population, the territorial government will be superseded by a State government.

“No session of the legislature is to be held during 1856, but the members of the house are to be elected in October of that year. (6) A candidate to be eligible at this election must swear to support the fugitive slave law, (7) and each judge of election, and each voter, if challenged, must take the same oath. (8) The same oath is required of every officer elected or appointed in the Territory, and of every attorney admitted to practice in the courts. (9)

“A portion of the militia is required to muster on the day of election. (10) ‘Every free white male citizen of the United States, and every free male Indian who is made a citizen by treaty or otherwise, and over the age of twenty-one years, and who shall be an *inhabitant* of the Territory, and of the county and district in which he offers to vote, and shall have paid a territorial tax, shall be a qualified elector for all elective officers.’ (11) Two classes of persons were thus excluded, who, by the organic act, were allowed to vote, viz: those who would not swear to the oath required, and those of foreign birth who had declared on oath their intention to become citizens. (12) Any man of proper age who was in the Territory on the day of election,

(1) Statutes, p. 718.

(2) Statutes, p. 766.

(3) Statutes, pp. 168, 227, 712.

(4) Statutes, p. 330.

(5) Statutes, p. 475.

(6) Statutes, p. 330.

(7) Statutes, p. 333.

(8) Statutes, p. 332.

(9) Statutes, pp. 132, 339, 516.

(10) Statutes, p. 469.

(11) Statutes, p. 332.

(12) Statutes, p. 34.

and who had paid one dollar as a tax to the sheriff, who was required to be at the polls to receive it,(1) could vote as an 'inhabitant,' although he had breakfasted in Missouri, and intended to return there for supper. There can be no doubt that these unusual and unconstitutional provisions were inserted to prevent a full and fair expression of the popular will in the election of members of the house, or to control it by non-residents.

"All jurors are required to be selected by the sheriff, and 'no person who is conscientiously opposed to the holding of slaves, or who does not admit the right to hold slaves in the Territory, shall be a juror in any cause affecting the right to hold slaves, or relating to slave property.'

"The slave code, and every provision relating to slaves, are of a character intolerant and unusual, even for that class of legislation.

"The character and conduct of the men appointed to hold office in the Territory contributed very much to produce the events which followed. Thus, Samuel J. Jones was appointed sheriff of the county of Douglas, which included within it the first and second election districts. He had made himself peculiarly obnoxious to the settlers by his conduct on the 30th of March, in the second district, and by his burning the cabins of Joseph Oakley and Samuel Smith."(2.)

"THE STATE MOVEMENTS.

"While the alleged legislative assembly was in session, a movement was instituted to form a State government, and apply for admission into the Union as a State. The first step taken by the people of the Territory, in consequence of the invasion of March 30, 1855, was the circulation, for signature, of a graphic and truthful memorial to Congress. Your committee find that every allegation in this memorial has been sustained by the testimony. No further step was taken, as it was hoped that some action by the general government would protect them in their rights. When the alleged legislative assembly proceeded to construct the series of enactments referred to, the settlers were of opinion that submission to them would result in entirely depriving them of the rights secured to them by the organic law. Their political condition was freely discussed in the Territory during the summer of 1855. Several meetings were held in reference to holding a convention to form a State government, and to apply for admission into the Union as a State. Public opinion gradually settled in favor of such an application to the Congress to meet in December, 1855. The first general meeting was held in Lawrence on the 15th of August, 1855. The following preamble and resolution were there passed :

"Whereas the people of Kansas have been since its settlement, and now are, without any law-making power: Therefore be it

"Resolved, That we, the people of Kansas Territory, in mass meeting assembled, irrespective of party distinctions, influenced by common necessity, and greatly desirous of promoting the common good,

(1) Statutes, p. 333.

(2) Samuel Smith and Edward Oakley.

do hereby call upon and request all *bona fide* citizens of Kansas Territory, of whatever political views or predilections, to consult together in their respective election districts, and in mass convention or otherwise elect three delegates for each representative to which said election district is entitled in the house of representatives of the legislative assembly, by proclamation of Governor Reeder of date 10th of March, 1855; said delegates to assemble in convention at the town of Topeka, on the 19th day of September, 1855, then and there to consider and determine upon all subjects of public interest, and particularly upon that having reference to the speedy formation of a State constitution, with an intention of an immediate application to be admitted as a State into the Union of the United States of America.'

"Other meetings were held in various parts of the Territory, which indorsed the action of the Lawrence meetings, and delegates were selected in compliance with its recommendations.

"They met at Topeka on the 19th day of September, 1855. By their resolutions they provided for the appointment of an executive committee, to consist of seven persons, who were required to 'keep a record of their proceedings, and shall have a general superintendence of the affairs of the Territory, so far as regards the organization of a State government.' They were required to take steps for an election to be held on the second Tuesday of the October following, under regulations imposed by that convention 'for members of a convention to form a constitution, adopt a bill of rights for the people of Kansas, and take all needful measures for organizing a State government preparatory to the admission of Kansas into the Union as a State.' The rules prescribed were such as usually govern elections in most of the States of the Union, and in most respects were similar to those contained in the proclamation of Governor Reeder for the election of March 30, 1855.

"The executive committee appointed by that convention accepted their appointment, and entered upon the discharge of their duties by issuing a proclamation, addressed to the legal voters of Kansas, requesting them to meet at their several precincts at the time and places named in the proclamation, then and there to cast their ballots for members of a constitutional convention, to meet at Topeka on the 4th Tuesday of October then next.

"The proclamation designated the places of elections, appointed judges, recited the qualifications of voters, and the appointment of members of the convention.

"After this proclamation was issued, public meetings were held in every district in the Territory, and in nearly every precinct. The State movement was a general topic of discussion throughout the Territory, and there was but little opposition exhibited to it. Elections were held at the time and places designated, and the returns were sent to the executive committee."

"Your committee in their examinations have found that in no case of crime or homicide mentioned in this report, or in the testimony, has any indictment been found against the guilty party, except in the homicide of Clark by McCrea; McCrea being a free-State man.

"Your committee did not deem it within their power or duty to take

testimony as to events which have transpired since the date of their appointment ; but as some of these events tended seriously to embarrass, hinder, and delay their investigations, they deem it proper here to refer to them. On their arrival in the Territory the people were arrayed in two hostile parties. Their hostility continually increased during our stay in the Territory, by the arrival of armed bodies of men, who from their equipments came not to follow the peaceful pursuits of life, but armed and organized into companies apparently for war, by the unlawful detention of persons and property while passing through the State of Missouri, and by frequent forcible seizures of persons and property in the Territory without legal warrant. Your committee regret that they were compelled to witness instances of each of those classes of outrages. While holding their session at Westport they saw several bodies of armed men, confessedly citizens of Missouri, march into the Territory on forays against its citizens, but under the pretence of enforcing the enactments before referred to. The wagons of emigrants were stopped in the highways, searched without claim of legal process, and in some instances all their property taken from them. In Leavenworth city, leading citizens were arrested at noon-day in presence of members of your committee, by an armed force, without any claim of authority, except that derived from a self-constituted committee of vigilance, many of whom were legislative and executive officers. Some were released on promising to leave the Territory; and others, after being detained for a time, were formally notified to leave, under the severest penalties.

“The only offence charged against them was their political opinions, and no one was thus arrested for alleged crime of any grade.

“Resistance to these lawless acts was not made by the settlers, because, in their opinion, the persons engaged in them would have been sustained and re-enforced by the citizens of the populous border counties of Missouri, from whence they were only separated by the river. In one case witnessed by one of your committee, an application for the writ of habeas corpus was prevented by the urgent solicitation of pro-slavery men, who insisted that it would endanger the life of the prisoner to be discharged under legal process.

“While we remained in the Territory, repeated acts of outrage were committed upon quiet, unoffending citizens, of which we received authentic intelligence. Men were attacked in the highway, robbed, and subsequently imprisoned; others were seized and searched, and their weapons of defence taken from them without compensation. Horses were frequently taken and appropriated. Oxen were taken from the yoke while ploughing, and butchered in the presence of their owners. A minister was seized in the streets of the town of Atchison, and, under circumstances of gross barbarity, was tarred and cottoned, and in that condition was sent to his family. All the provisions of the Constitution of the United States securing persons and property were utterly disregarded. The officers of the law, instead of protecting the people, in some instances were engaged in these outrages, and in no instance did we learn that any man was arrested, indicted, or punished for any of these crimes. While such offences were committed with impunity, the laws were used as a means of in-

dicting men for holding elections preliminary to framing a constitution, and applying for admission into the Union as the State of Kansas. Charges of high treason were made against prominent citizens upon grounds which seem to your committee absurd and ridiculous; and under these charges they are now held in custody, and are refused the privilege of bail. In several cases men were arrested in the State of Missouri while passing on their lawful business through that State, and detained until indictments could be found in the Territory.

“These proceedings were followed by an offence of still greater magnitude. Under color of legal process a company of about 700 armed men, the great body of whom your committee are satisfied were not citizens of the Territory, were marched into the town of Lawrence, under Marshal Donaldson and Sheriff Jones, officers claiming to act under the law, and then bombarded and burned to the ground a valuable hotel and one private house, destroyed two printing-presses and material, and then, being released by the officers whose posse they claimed to be, proceeded to sack, pillage, and rob houses, stores, trunks, &c., even to the clothing of women and children. Some letters thus unlawfully taken were private ones, written by the contesting delegate, and they were offered in evidence. Your committee did not deem that the persons holding them had any right thus to use them, and refused to be made the instruments to report private letters thus obtained.

“This force was not resisted because it was collected and marshalled under the forms of law. But this act of barbarity, unexampled in the history of our government, was followed by its natural consequences. All the restraints which American citizens are accustomed to pay, even to the appearance of law, were thrown off. One act of violence led to another; homicides became frequent. A party, under H. C. Pate, composed chiefly of citizens of Missouri, were taken prisoners by a party of settlers, and while your committee were at Westport a company, chiefly of Missourians, accompanied by the sitting delegate, went to relieve Pate and his party. A collision was prevented by the United States troops. Civil war seemed impending in the Territory. Nothing can prevent so great a calamity but the presence of a large force of United States troops, under a commander who will, with prudence and discretion, quiet the excited passions of both parties, and expel with force the lawless band of men coming from Missouri and elsewhere, who, with criminal pertinacity, infest the Territory. In some cases, and as to one entire election district, the condition of the country prevented the attendance of witnesses, who were either arrested and detained while, or deterred from, obeying our process. The sergeant-at-arms who served the process upon them was himself arrested and detained for a short time by an armed force claiming to be a part of the posse of the marshal, but was allowed to proceed upon an examination of his papers, and was furnished with a pass signed by ‘Warren D. Wilkes, of South Carolina.’ John Upton, another officer of the committee, was subsequently stopped by a lawless force on the borders of the Territory, and after being detained and treated with great indignity was released. He, also, was furnished with a pass, signed by two citizens of Missouri, and addressed

to 'pro-slavery men.' By reason of these disturbances we were delayed in Westport, so that while in session there our time was but partially occupied.

"But the obstruction which created the most serious embarrassment to your committee was the attempted arrest of Governor Reeder, the contesting delegate, upon a writ of attachment issued against him by Judge Lecompte, to compel his attendance as a witness before the grand jury of Douglas county. William Fane, recently from the State of Georgia, and claiming to be the deputy marshal, came into the room of the committee while Governor Reeder was examining a witness before us, and producing the writ, required Governor Reeder to attend him. Subsequent events have only strengthened the conviction of your committee that this was a wanton and unlawful interference by the judge who issued the writ, tending greatly to obstruct a full and fair investigation. Governor Reeder and General Whitfield alone were fully possessed of that local information which would enable us to elicit the whole truth, and it was obvious to every one that any event which would separate either of them from the committee would necessarily hinder, delay, and embarrass it. Governor Reeder claimed that, under the circumstances in which he was placed, he was privileged from arrest, except for treason, felony, or breach of the peace. As this was a question of privilege, proper for the courts, or for the privileged person alone to determine, on his peril, we declined to give him any protection, or take any action in the matter. He refused to obey the writ, believing it to be a mere pretence to get the custody of his person; and fearing, as he alleged, that he would be assassinated by lawless bands of men then gathering in and near Lecompte, he then left the Territory.

"Subsequently H. Miles Moore, an attorney in Leavenworth city, but for several years a citizen of western Missouri, kindly furnished the committee information as to the residence of persons voting at the elections, and in some cases examined witnesses before us. He was arrested on the streets of that town by an armed band of about 30 men, headed by W. D. Wilkes, without any color of authority, confined with other citizens under a military guard for 24 hours, and then notified to leave the Territory. His testimony was regarded as important, and upon his sworn statement that it would endanger his person to give it openly, the majority of your committee deemed it proper to examine him *ex parte*, and did so.

"By reason of these occurrences the contestant, and the party with and for whom he acted, were unrepresented before us during a greater portion of the time; and your committee were required to ascertain the truth in the best manner they could.

"Your committee report the following facts and conclusions as established by the testimony:

"*First.* That each election in the Territory, held under the organic or alleged territorial law, has been carried by organized invasion from the State of Missouri, by which the people of the Territory have been prevented from exercising the rights secured to them by the organic law.

"*Second.* That the alleged territorial legislature was an illegally constituted body, and had no power to pass valid laws, and their enactments are therefore null and void.

"*Third.* That these alleged laws have not, as a general thing, been used to protect persons and property, and to punish wrong, but for unlawful purposes."

"In the fall of 1855, there sprang out of the existing disorder and excitement in the Territory two secret free-State societies.(1) They were defensive in their character, and were designed to form a protection to their members against unlawful acts of violence and insult. One of those societies was purely of a local character, and was confined to the town of Lawrence. Very shortly after its organization it produced its desired effect, and then went out of use and ceased to exist.(2) Both societies were cumbersome, and were of no utility except to give confidence to free-State men, and enable them to know and aid each other in contemplated danger. So far as the evidence shows, they led to no act of violence or resistance to either real or alleged laws.(3)

"On the 21st day of November, 1855, F. M. Coleman, a pro-slavery man, and Charles W. Dow, a free-State man, had a dispute about the division line between their respective claims. Several hours afterwards, as Dow was passing from a blacksmith's shop towards his claim, and by the cabin of Coleman, the latter shot Dow with a double-barrelled shotgun loaded with slugs. Dow was unarmed. He fell across the road, and died immediately. This was about one o'clock p. m. His dead body was allowed to lie where it fell until after sundown, when it was conveyed by Jacob Branson to his house, at which Dow had boarded. The testimony in regard to this homicide is voluminous,(4) and shows clearly that it was a deliberate murder by Coleman, and that Harrison Buckley and a Mr. Hargous were accessories to it. The excitement caused by it was very great among all classes of the settlers. On the 26th a large meeting of citizens was held at the place where the murder was committed, and resolutions passed that Coleman should be brought to justice.(5) In the meantime Coleman had gone to Missouri, and then to Governor Shannon, at Shawnee Mission, in Johnston county. He was there taken into custody by S. J. Jones, then acting as sheriff. No warrant was issued or examination had. On the day of the meeting at Hickory Point, Harrison Buckley procured a peace warrant against Jacob Branson, which was placed in the hands of Jones. That same evening, after Branson had gone to bed, Jones came to his cabin with a party of about 25 persons, among whom were Hargous and Buckley, burst open the door, and found Branson in bed. He drew his pistol, cocked it, and presented it to Branson's breast, and said: 'You are my prisoner, and if you move I will blow you through.' The others

(1) Pat Laughlin, Dr. Francis, A. H. Reeder, and M. F. Conway.

(2) G. P. Lowrey and A. H. Reeder.

(3) G. P. Lowrey.

(4) Wm. J. Nichols, W. McKinney, D. T. Jones and wife, Thomas Brown, F. M. Coleman, and others.

(5) W. McKinney.

cocked their guns and gathered round him, and took him prisoner. They all mounted and went to Buckley's house. After a time, they went on by a circuitous route towards Blanton's bridge, stopping to 'drink' on the way. As they approached the bridge there were 13 in the party, several having stopped. Jones rode up to the prisoner, and among other things told him that he 'had heard there were 100 men at your house to-day,' and 'that he regretted they were not there, and that they were cheated out of their sport.'(1) In the meantime the alarm had been given in the neighborhood of Branson's arrest, and several of the settlers, among whom were some who had attended the meeting at Hickory Point that day, gathered together. They were greatly excited. The alleged injustice of such an arrest of a quiet settler, under a peace warrant, by 'Sheriff Jones,' aided by two men believed to be accessory to a murder, and who were allowed to be at large, exasperated them, and they proceeded as rapidly as possible by a nearer route than that taken by Jones, and stopped at the house of J. S. Abbott, one of them. They were on foot. As Jones's party approached on a canter, the rescuers suddenly formed across the road in front of Jones and his party. Jones halted and asked: 'What's up?' The reply was: 'That's what we want to know; what's up?' Branson said: 'They have got me a prisoner.' Some one in the rescuing party told him to come over to their side. He did so, and dismounted, and the mule he rode was driven over to Jones's party. Jones then left.(2) Of the persons engaged in this rescue, three were from Lawrence, and had attended the meeting. Your committee have deemed it proper to detail the particulars of this rescue, as it was made the groundwork of what is known as the 'Wakarusa war.' On the same night of the rescue the cabins of Coleman and Buckley were burned, but by whom is left in doubt by the testimony.

"On the morning after the rescue of Branson, Jones was at the village of Franklin, near Lawrence. The rescue was spoken of in the presence of Jones, and some conversation passed between two others in his presence, as to whether it was most proper to send for assistance to Colonel Boone, in Missouri, or to General Shannon. Jones wrote a despatch and handed it to a messenger. As soon as he started, Jones said: 'That man is taking my despatch to Missouri, and, by God, I will have revenge before I see Missouri.' A person present, who was examined as a witness,(3) complained publicly that the despatch was not sent to the governor, and within half an hour one was sent to the governor by Jones through Horgous.

"Within a few days large numbers of men from the State of Missouri gathered and encamped on the Wakarusa. They brought with them all the equipments of war. To obtain them, a party of men, under the direction of Judge J. T. V. Thompson, broke into the United States arsenal and armory at Liberty, Missouri, and after a forcible detention of Captain Leonard, then in charge,(4) they took the can-

(1) Jacob Branson.

(2) Jacob Branson.

(3) L. A. Prather.

(4) Luther Leonard.

non, muskets, rifles, powder, hammers, and, indeed, all the materials and munitions of war they desired, some of which have never been returned or accounted for.

"The chief hostility of this military foray was against the town of Lawrence; and this was especially the case with the officers of the law.

"Your committee can see in the testimony no reason, excuse, or palliation for this feeling.

"*Up to this time no warrant or process of any kind had been in the hands of any officer against any citizen of Lawrence.*(1) No arrest had been attempted, and no writ resisted in that town. The rescue of Branson sprang out of a murder committed thirteen miles from Lawrence, in a detached settlement, and neither the town nor its citizens extended any protection to Branson's rescuers.(2) On the contrary, two or three days after the rescue, S. N. Wood, who claimed publicly to be one of the rescuing party, wished to be arrested for the purpose of testing the territorial laws, and walked up to Sheriff Jones and shook hands with him, and exchanged other courtesies. He could have been arrested without any difficulty; and it was his design, when he went to Mr. Jones, to be arrested, but no offer or attempt was made to do so.(3)

"It is obvious that the only cause of this hostility is the known desire of the citizens of Lawrence to make Kansas a free State, and their repugnance to laws imposed upon them by non-residents.

"Your committee do not propose to detail the incidents connected with this foray. Fortunately for the peace of the county, a direct conflict between the opposing forces was avoided by an amicable arrangement. The losses sustained by the settlers in property taken, and time and money expended in their own defence, added much to the trials incident to a new settlement. Many persons were unlawfully taken and detained, in some cases under circumstances of gross cruelty. This was especially so in the arrest and treatment of Dr. G. A. Cutler and G. F. Warren. They were taken without cause or warrant, sixty miles from Lawrence, and when Dr. Cutler was quite sick. They were compelled to go to the camp at Lecompton, and were put into the custody of Sheriff Jones, who had no process to arrest them. They were taken in a small room, kept as a liquor shop, which was open and very cold. That night Jones came in with others and went to 'playing poker at twenty five cents ante.' The prisoners were obliged to sit up all night, as there was no room to lie down when the men were playing. Jones insulted them frequently, and told one of them he must either 'tell or swing.' The guard then objected to this treatment of prisoners, and Jones desisted. G. F. Warren thus describes their subsequent conduct:

" "They then carried us down to their camp. Kelly, of the squatter sovereign, who lives in Atchison, came round and said he thirsted for blood, and said he should like to hang us on the first tree. Cutler was very weak, and that excited him so that he become delirious.

(1) Wilson Shannon, Charles Robinson.

(2) G. P. Lowrey, Charles Robinson.

(3) Charles Robinson.

They sent for three doctors, who came. Dr. Stringfellow was one of them. They remained there with Cutler till after midnight, and then took him up to the office, as it was very cold in camp.'”

“During the foray either George W. Clark or Mr. Burns murdered Thomas Barber, while the latter was in the highway on his road from Lawrence to his claim. Both fired at him, and it is impossible, from the proof, to tell whose shot was fatal. The details of this homicide are stated by eye-witnesses.(1)

“Among the many acts of lawless violence which it has been the duty of your committee to investigate this invasion of Lawrence is the most defenceless. A comparison of the facts proven with the official statements of the officers of the government will show how groundless were the pretexts which gave rise to it. A community in which no crime had been committed by any of its members, against none of whom had a warrant been issued or a complaint made, who had resisted no process in the hands of a real or pretended officer, was threatened with destruction in the name of ‘law and order,’ and that, too, by men who marched from a neighboring State with arms obtained by force, and who, at every stage of their progress, violated many laws, and among others the Constitution of the United States.(2)

“The chief guilt must rest on Samuel J. Jones. His character is illustrated by his language at Lecompton, where peace was made. He said Major Clark and Burns both claimed the credit of killing that damned abolitionist, and he didn’t know which ought to have it. If Shannon hadn’t been a damned old fool, peace would never have been declared. He would have wiped Lawrence out. He had men and means enough to do it.”(3)

The following account of this foray upon Lawrence is taken from a volume entitled “Geary and Kansas,” written by John H. Gihon, M. D., private secretary of Governor Geary, page 54 :

“The arrest and rescue of Branson led to many serious difficulties. It was, in fact, the beginning of the war which was subsequently waged with such frightful consequences. Soon after he reached Lawrence a meeting of the citizens was held, at which S. N. Wood, the leader of the rescuing party, presided, and at which, because of the fierce threats of Sheriff Jones, it was resolved to form a military organization, and to prepare to defend the town against an expected assault. Dr. Charles Robinson was chosen commander-in-chief of the volunteer forces, and Colonel James H. Law to be second in command. A large fortification was thrown up on Mount Oread, a prominence commanding the main entrance to the city, in various parts of which earthen breastworks or redoubts were constructed.

“Sheriff Jones hastened from the scene of discomfiture to the town of Franklin, where he raved like one bereft of his reason, and swore terrifically that he would have revenge before he returned to Missouri. He forthwith sent a messenger to Colonel A. G. Boone, of Wesport, and another to Governor Shannon, with the following despatch :

(1) Robert T. Barber, Thomas W. Parson, Jane W. Colborn, and others.

(2) Article four of the amendments.

(3) Harrison Nichols.

“ ‘ DOUGLAS COUNTY, K. T., November 27, 1855.

“ ‘ SIR: Last night I, with a *posse* of ten men, arrested one Jacob Branson, by virtue of a peace warrant, regularly issued, who, on our return, was rescued by a party of forty armed men, who rushed upon us suddenly from behind a house upon the roadside, all armed to the teeth with Sharpe's rifles.

“ ‘ You may consider an open rebellion as having already commenced, and I call upon you for *three thousand men* to carry out the laws. Mr. Hargis (the bearer of the letter) will give you more particularly the circumstances.

“ ‘ Most respectfully,

“ ‘ SAMUEL J. JONES,

“ ‘ Sheriff of Douglas County.

“ ‘ His Excellency WILSON SHANNON,

“ ‘ Governor of Kansas Territory.’ ”

This requisition for three thousand men might excite ridicule were it not known that Jones had already laid his plans to obtain them from Missouri, and of such a class as he knew would be willing to do his bidding. At this time the governor had no Kansas militia to furnish the sheriff, no organization having ever been effected, and the entire territorial military force consisted of a few generals and other commissioned officers. The governor, however, desirous of gratifying the sheriff to the full extent of his means, issued the following despatch to William P. Richardson, a citizen of Missouri, but a member of the Kansas counsel and major general of the territorial militia. The governor dates, in true military style, from *head-quarters*:

“ ‘ HEADQUARTERS, SHAWNEE MISSION,

“ ‘ Kansas Territory, November 27, 1855.

“ ‘ SIR: Reliable information has reached me that an armed military force is now in Lawrence and that vicinity, in open rebellion against the laws of this Territory, and that they have determined that no process in the hands of the sheriff of that county shall be executed. I have received a letter from S. J. Jones, sheriff of Douglas county, informing me that he had arrested a man under a warrant placed in his hands, and while conveying him to Leecompton he was met by an armed force of some forty men, and that the prisoner was taken out of his custody and open defiance bid to the law. I am also duly advised that an armed band of men have burned a number of houses, destroyed personal property, and turned whole families out of doors, in Douglas county. Warrants will be issued against those men and placed in the hands of the sheriff of Douglas county for execution. He has written to me demanding three thousand men to aid him in the execution of the process of the law and the preservation of the peace.

“ ‘ You are therefore hereby ordered to collect together as large a force as you can in your division, and repair without delay to Leecompton.

ton, and report yourself to S. J. Jones, the sheriff of Douglas county, together with the number of your forces, and render to him all the aid and assistance in your power, if required, in the execution of any legal process in his hands. The forces under your command are to be used for the sole purpose of aiding the sheriff in executing the law, and for no other purpose.

"I have the honor to be your obedient servant,

"WILSON SHANNON.

"Major General WM. P. RICHARDSON."

A similar order was addressed on the same day to Adjutant General Hiram J. Strickler. The brigadier general of the second division residing at Leavenworth city, also a member of the council and editor of the *Leavenworth Herald*, had received a despatch by a special messenger from headquarters, and on the 28th issued the following order:

"HEADQUARTERS OF SECOND BRIGADE OF
NORTHERN DIVISION OF KANSAS MILITIA,
"Leavenworth City, November 28, 1855.

"To the *of the Second Brigade:*

"Information has been received by me that a state of open rebellion is now in existence in Douglas county, Kansas Territory. This is, therefore, to command the militia of my brigade of the northern division to meet at Leavenworth city, on Saturday, the first day of December, 1855, at 11 o'clock a. m., armed and equipped according to law, and to hold themselves in readiness, subject to the order of Major General W. P. Richardson.

"Bring your arms and ammunition along.

"LUCIEN J. EASTIN,
"Brigadier General of 2d Brigade
Northern Division of Kansas Militia."

The following handbill was posted in various prominent places:

"To Arms! To Arms!

"It is expected that every lover of law and order will rally at Leavenworth on Saturday, December 1, 1855, prepared to march at once to the scene of rebellion, to put down the outlaws of Douglas county, who are committing depredations upon persons and property, burning down houses, and declaring open hostility and resistance to the laws, and have forcibly rescued a prisoner from the sheriff. Come one, come all! The laws must be executed. The outlaws, it is said, are armed to the teeth, and number one thousand men. Every man should bring his rifle, ammunition, and it would be well to bring two or three days' provisions. Let the call be promptly obeyed. Every man to his post and to his duty.

"MANY CITIZENS."

A proclamation was issued by the governor on the 29th, setting forth that the sheriff had been molested in the discharge of his official

duties, a prisoner rescued from his hands, and his life endangered, and calling upon all good citizens to come forward to assist in reclaiming the said prisoner, and to disperse a "numerous association of lawless men, armed with deadly weapons, and supplied with all the implements of war, combined and confederated together for the avowed purpose of opposing, by force and violence, the execution of the laws of this Territory."

Colonel Boone having received the despatch of Sheriff Jones, immediately called upon sundry prominent men of Independence, Missouri, for help, and upon receiving a letter asking further information replied as follows:

"SHAWNEE MISSION, *November 30, 5 a. m.*

"Your favor was received. I thought I was too well known in the community to be thought capable of practicing a hoax. The marshal has a requisition from the governor to arrest forty-two men in Lawrence, and they refuse to give them up, and he calls for volunteers, and if the citizens refuse to aid him, I cannot help it. They also say publicly that they will take Coleman and Jones, and hang them both. They are drilling in the open prairie every day, and have five fine pieces of artillery, and openly bid defiance to the laws.

"A large number of them were seen crossing from Delaware and Leavenworth yesterday going to Lawrence.

"A member of the legislature was from there yesterday morning for guns. We can only send twenty; Jones also sends for a wagon load of ammunition and cannon.

"Now act, or not, as you please. If you will send the cannon here, I will take it there myself. In haste.

"A. G. BOONE."

Dr. McMURRAY and Col. S. WOODSON.

Upon the receipt of this, the following circular was published and widely circulated:

"INDEPENDENCE, MISSOURI,
December 2, 1855.

"An express in at ten o'clock last night says all the volunteers, ammunition, &c., that can be raised will be needed. The express was forwarded by Governor Shannon to Colonel Woodson, and by Woodson to this place, to be transmitted to various parts of the country. Call a meeting and do everything you can.

"DRS. McMURRY AND HENRY."

The Colonel Woodson here named is a member of Congress from Missouri, but has on several occasions taken an active part among the Missouri invaders of Kansas. On the next day another circular, still more inflammatory, and numerous signed by *respectable* citizens, was published at Independence, of which the following is a copy:

“ INDEPENDENCE, December 3, 8 p. m.

“ Jones will not make a move until there is sufficient force in the field to insure success. We have not more than three hundred men in the Territory. You will, therefore, urge all who are interested in the matter to start immediately for the seat of war. *There is no doubt in regard to having a fight, and we all know that a great many have complained because they were disappointed heretofore in regard to a fight. Say to them, now is the time to show game, and, if we are defeated this time, the Territory is lost to the south.*”

From Kansas city the following despatch was sent to Platte county, to encourage the people of that neighborhood, and it was there circulated, accompanied with appeals for men, arms, money, and provisions :

“ KANSAS CITY, MISSOURI,
“ December 3, 8 p. m.

“ Mr. Payne, the mayor of this city, went to Liberty to-day, and succeeded in raising two hundred men and one thousand dollars for the assistance of Jones.”

Many documents of this description were widely spread all along the western border of Missouri. The result was that about fifteen hundred men were gathered in that State, who entered Kansas, and encamped on the Wakarusa, a few miles from the town of Lawrence. Concerning this invading army, Governor Shannon used the following apologetic language, which, more than his acts, exhibits his weakness and incompetency to govern under the trying circumstances in which he suffered himself to become involved, by heeding the counsels and yielding to the mandates of a rash, passionate, and arbitrary subordinate:

“ These men,” he says, “ came to the Wakarusa camp to fight; they did not ask peace; it was war—*war to the knife*. They would come; it was impossible to prevent them. What, then, was my policy? Certainly this; to mitigate an evil, which it was impossible to suppress by bringing under military control these irregular and excited forces. This was only to be accomplished by permitting the continuance of the course which *had been already adopted*, without my knowledge, by Generals Richardson and Strickler; that is, to have the volunteers incorporated as they came in into the already organized command. A portion of these men, who were mostly from Jackson county, Missouri, reported themselves to Sheriff Jones by giving in a list of their names, as willing to serve in his *posse*; and he, after taking legal advice upon the question, determined to receive them. They were accordingly enrolled.”

From page 59 we take the following :

“ Governor Shannon discovered that it was easier to raise than allay a storm among the excitable people with whom he had to deal, and was alarmed at the probable consequences of his own hasty action.

He was sensible of the difficulty he would have to control the lawless invaders whom he had caused to be enrolled as Kansas militia. Some of the more judicious of the pro-slavery leaders saw the subject in its true and frightful aspects, and began to suggest measures to end the troubles without the threatened loss of life and property. Hence General Eastin deputed the following advice to Governor Shannon :

“ ‘LEAVENWORTH, KANSAS TERRITORY,
“ ‘ November 30, 1855.

“ ‘ GOVERNOR SHANNON : Information has been received here, direct from Lawrence, which I consider reliable, that the outlaws of Douglas county are well fortified at Lawrence, with cannon and Sharpe's rifles, and number *at least* one thousand men. It will, therefore, be difficult to dispossess them.

“ ‘ The militia in this portion of the State are entirely unorganized, and mostly without arms. I suggest the propriety of calling upon the military at Fort Leavenworth. If you have the power to call out the government troops, I think it would be best to do so at once. It might overawe these outlaws and prevent bloodshed.

“ ‘ L. J. EASTIN,
“ ‘ *Brigadier General, Northern Brigade, Kansas Militia.* ’ ”

The governor adopted this suggestion as the easiest means of freeing himself from his unfortunate dilemma, and immediately forwarded several despatches to Colonel Sumner, commanding at Fort Leavenworth, asking him to interpose the United States troops between the opposing parties, and thus prevent a collision, to all of which the colonel replied that he did not feel justified to act “in this matter, until orders were received from the government.” Some of the leaders of the Wakarusa army had attempted to intercept Shannon's despatches to Colonel Sumner, in order to prevent the interference of the United States forces, until they could destroy the town of Lawrence. The following letter from Colonel Joseph C. Anderson, of Lexington, Missouri, indicates the feelings of the invading army :

“ SIR : I have reason to believe, from rumors in camp, that before to-morrow morning the *black flag* will be hoisted, when nine out of ten will rally around it and march without orders upon Lawrence. The force at the Lecompton camp fully understand the plot, and will fight under the same banner.

“ If Governor Shannon will pledge himself not to allow any United States officer to interfere with the arms belonging to the United States now in their possession, and, in case there is no battle, order the United States forces off at once, and retain the militia, provided any force is retained, all will be well, and all will obey to the end, and commit no depredation upon private property in Lawrence.

“ I fear a collision between the United States soldiers and the volunteers, which would be dreadful.

“ Speedy measures should be taken. Let the men *know at once*—

to-night—and I fear that it will even then be *too late to stay the rashness of our people.*

“ Respectfully, your obedient servant,

“ J. C. ANDERSON.

“ Major General P. RICHARDSON ”

General Richardson was beginning to open his eyes, and to see that an attack upon Lawrence might not, after all, be an entirely one-sided battle. It had been ascertained, in the Wakarusa camp, that Robinson and Lane had not been wholly idle, but had collected a force of over one thousand men, many of them armed with Sharpe's rifles, and having in possession several cannon, and that they seemed as anxious for an opportunity to resist as were their enemies to attack. Hence the general proposed to the governor that, instead of assaulting Lawrence, it would be better, in order to prevent the effusion of blood, simply to demand of the citizens to surrender their arms.

But the governor could not clearly perceive how the course suggested by his friend would tend to “ prevent the effusion of blood and preserve the peace of the Territory.” He knew the people of Lawrence too well to suppose they would peaceably surrender their arms, and thus expose themselves, in a defenceless condition, to the tender mercies of the fierce men who were thirsting for their blood, and he felt quite well assured that an attempt to deprive them of those arms by force might lead to anything but the most desirable results. He therefore preferred to follow the more sensible advice of Colonel Sumner, who said: “ I would respectfully suggest that you make your application to the government extensively known, at once, and I would countermand any orders that may have been given for the movement of the militia until you receive the answer ”

Accordingly his excellency addressed communications to General Richardson and Sheriff Jones, ordering them to proceed no further until he should receive instructions from Washington, in reference to the employment of the United States troops. Richardson readily acquiesced; but Jones, whose voice was “ still for war,” addressed the following rather indignant reply to the governor:

“ CAMP AT WAKARUSA, *December 4, 1855.*

“ SIR: In reply to your communication of yesterday I have to inform you that the volunteer forces now at this place, and at Leocompton, are getting weary of inaction. They will not, I presume, remain but a very short time longer, unless a demand for the prisoner is made. I think I shall have a sufficient force to protect me by to-morrow morning. The force at Lawrence is not half so strong as reported; I have this from a reliable source. If I am to wait for the government troops more than two-thirds of the men now here will go away very much dissatisfied; they are leaving hourly as it is. I do not, by any means, wish to violate your orders, but I really believe that if I have a sufficient force it would be better to make the demand.

“ It is reported that the people of Lawrence have run off those offenders from that town; and, indeed, it is said they are now all out of the way. I have writs for sixteen persons who were with the party that rescued my prisoner. S. N. Wood, P. R. Brooks, and

Samuel Tappan, are of Lawrence; the balance from the country round. Warrants will be placed in my hands to-day for the arrest of G. W. Brown and, probably, others in Lawrence; they say they are willing to obey the laws, but no confidence can be placed in any statements they can make.

“No evidence sufficient to cause a warrant to issue has as yet been brought against those lawless men who fired the houses.

“I would give you the names of the defendants, but the writs are in my office at Leecompton.

“Most respectfully yours,

“SAMUEL J. JONES,

“*Sheriff of Douglas County.*”

“His Excellency Governor WILSON SHANNON.”

Affairs remained unchanged until the sixth of the month, when the governor called a convention of officers, to consult with them in regard to his desires and purposes. They convened at his quarters, when, after defining his position, he “soon discovered,” as he says, “but one person present who fully approved of the course which he desired to pursue. The others wished to go further. Some would hear of nothing less than the destruction of Lawrence and its fortifications; the demolition of its printing presses, and the unconditional surrender of the arms of its citizens. Others, more moderate, expressed a willingness to be satisfied if the free-State party would give up their Sharpe’s rifles and revolvers. Under these unfavorable circumstances the conference broke up at midnight, having accomplished nothing beyond the interchange of opinions on either side.”

On the morning of the 7th, the governor visited Lawrence, and in a lengthy interview with Robinson and Lane suggested, as a means of safety to the citizens and of peace to the Territory, that they should surrender their arms to General Richardson, which proposition was positively declined.

On the following day prominent men of the pro-slavery party informed the governor that if the citizens of Lawrence did not give up their arms the place would be attacked, and that he had better consult his own safety and keep out of danger.

His excellency therefore again hastened to Lawrence, where he found that the people had held a meeting on the previous evening and submitted to writing the terms on which they proposed to treat. These, with few alterations, were agreed to, and received the signatures of the contracting parties, as follows:

“Whereas there is a misunderstanding between the people of Kansas, or a portion of them, and the governor thereof, arising out of the rescue at Hickory Point of a citizen under arrest, and other matters; and whereas a strong apprehension exists that said misunderstanding may lead to civil strife and bloodshed; and whereas it is desired by both Governor Shannon and the citizens of Lawrence and its vicinity to avoid a calamity so disastrous to the interests of the Territory and the Union, and to place all parties in a correct position before the world: Now, therefore, it is agreed by the said Governor Shannon and the undersigned, citizens of the said Territory,

in Lawrence now assembled, that the matter is settled as follows, to wit:

“We, the said citizens of said Territory, protest that the said rescue was made without our knowledge or consent, but that if any of our citizens in said Territory were engaged in said rescue, we pledge ourselves to aid in the execution of any *legal* process against them; *that we have no knowledge of the previous, present, or prospective existence of any organization in the said Territory for the resistance of the laws,* and we have not designed and do not design to resist the execution of any legal service of any criminal process therein, but pledge ourselves to aid in the execution of the laws, when called upon by *the proper authority, in the town and vicinity of Lawrence, and that we will use our influence in preserving order therein, and declare that we are now, as we have ever been, ready to aid the governor in securing a posse for the execution of such process: Provided, That any person thus arrested in Lawrence or its vicinity while a foreign foe shall remain in the Territory shall be only examined before a United States district judge of said Territory in said town, and admitted to bail: And provided, further, That all citizens arrested without legal process shall be set at liberty: And provided, further, That Governor Shannon agrees to use his influence to secure to the citizens of Kansas Territory remuneration for any damage suffered in any unlawful depredations, if any such have been committed, by the sheriff's posse in Douglas county. And further, Governor Shannon states that he has not called upon persons, residents of any other States, to aid in the execution of the laws; that such as are here are here of their own choice; that he does not consider that he has any authority to do so; and that he will not call upon any citizens of any other State who may be here*

“We wish it understood that we do not herein express any opinion as to the validity of the enactments of the territorial legislature.

“Done in Lawrence, Kansas Territory, December 8, 1855.

“WILSON SHANNON.

“CHARLES ROBINSON.

“J. H. LANE.”

The next day, December 9th, his excellency issued orders to Generals Richardson and Strickler, and to Sheriff Jones, to disband their forces. His order to Sheriff Jones was in the words following:

“Having made satisfactory arrangements by which all legal process in your hands, either now or hereafter, may be served without the aid of your present *posse*, you are hereby required to disband the same.”

The most singular part of this whole history is, that while on a visit to Lawrence, and when stipulating a treaty with the free State commanders, Governor Shannon furnished them with the following document:

“*To C. Robinson and J. H. Lane, commanders of the enrolled citizens of Lawrence:*

“You are hereby authorized and directed to take such measures, and use the enrolled forces under your command in such manner, for

the preservation of the peace and the protection of the persons and property of the people in Lawrence and its vicinity, as in your judgment shall best secure that end.

“WILSON SHANNON.

“LAWRENCE, December 9, 1855.”

Governor Shannon had proclaimed the people of Lawrence to be an “association of lawless men,” in open rebellion against the laws, and armed with the accustomed implements of war, to resist the officers of the Territory in the prosecution of their duty. He had caused their city to be besieged by a large army of infuriated men from a neighboring State, whom he had enrolled as his own militia, to subdue and disarm the rebels. But after continuing the siege nine or ten days, he visits these “lawless men,” who invite him to a “convivial party,” in the midst of which, when the enraged army outside was for the time being forgotten, and all was hilarity and joy, the good-natured governor signs a paper authorizing the commanders of the rebels to “use the enrolled forces under their command,” in such manner as their own judgment should dictate, to *resist his own forces*, should they attempt to prosecute the object for which they were called into the field. Generals Robinson and Lane were skilful tacticians, and Shannon a most accommodating governor. No wonder that Sheriff Jones should feel aggrieved and angry at being thus despoiled of his contemplated revenge.

The following is an extract of a letter from Governor Shannon to the President, dated December 11, 1855:

“Early on the morning of the 7th instant I repaired to the camp at Lawrence, and found them busily engaged in their fortifications and drilling their forces, and had a full and satisfactory interview with the committee appointed by the forces in Lawrence in relation to the impending difficulties. So far as the execution of the laws was concerned, we had no difficulty in coming to a satisfactory understanding. It was at once agreed that the laws of the Territory should have their regular course, and that those who disputed their validity should, if they desired to do so, test that question in the judicial tribunals of the country; that in the meantime no resistance should be made to their due execution, and the citizens of Lawrence and vicinity were, when properly called on, to aid in the arrest of any one charged with their violation, and to aid and assist in the preservation of the peace and good order of society; while, on my part, I gave them every assurance in my power that they should be protected in all their rights, and defended against all unlawful aggressions. It is proper I should say that they claimed that a large majority of them had always held and inculcated the same views. The assurances I received entirely satisfied me that no one against whom a writ was issued was then in Lawrence; that they had all fled, and that they were harboring, concealing, or defending no one against whom a writ had been issued, and that hereafter there would be no combined effort made to prevent the service of any process in the county of Douglas. This was entirely satisfactory, and all that had been desired. But to satisfy the forces that surrounded Lawrence, so that they could be in-

duced to retire in order, was the great difficulty to be overcome. To issue an order to the sheriff to disband his posse, and to Generals Richardson and Strickler to disband their forces, would have been to let loose this large body of men, who would have been left without control to follow the impulse of their feelings, which evidently was to attack and disarm the people of Lawrence.

“December 6, 1855.—The governor sends the following special despatch to Colonel Sumner :

“ ‘ WAKARUSA, December 6, 1855.

“ ‘ I send you this special despatch, to ask you so come to Lawrence as soon as you possibly can. My object is to secure the citizens of that place, as well as all others, from a conflict of arms, which, if once commenced, there is no telling where it will end. I doubt not but that you have received orders from Washington ; but if you have not, the absolute pressure of this crisis is such as to justify you with the President and the world in moving with your forces to the scene of difficulty. It is hard to restrain the men here ; they are beyond my power of restraint, or, at least, soon may be, to prevent them from making an attack on Lawrence, which, if once made, there is no telling where it will end. The presence of a portion of the United States troops in Lawrence will prevent an attack, save bloodshed, and enable me to get matters arranged in a satisfactory way, and, at the same time, secure the execution of the law. It is peace, not war, that we want, and you have the power to secure peace. Time is precious. Fear not but you will be sustained.

“ ‘ With great respect,

“ ‘ WILSON SHANNON.

“ ‘ Colonel SUMNER.’ ”

On the 5th of May Judge Lecompte delivered a charge, highly partisan in its character, to the grand jury of Douglas county, of which the following extract is in his own words :

“ This Territory was organized by an act of Congress, and so far its authority is from the United States. It has a legislature elected in pursuance of that organic act. This legislature, being an instrument of Congress, by which it governs the Territory, has passed laws; these laws, therefore, are of United States authority and making, and all that resist these laws, resist the power and authority of the United States, and are, therefore, guilty of high treason. Now, gentlemen, if you find that any persons *have* resisted these laws, then must you, under your oath, find bills against such persons for high treason. If you find that no such resistance has been made, but that combinations have been formed for the purpose of resisting them, and individuals of influence and notoriety have been aiding and abetting in such combinations, then must you still find bills for constructive treason, the blow need not be struck, but only the *intention* be made evident.”

The grand jury accordingly made a presentment, as follows :

“The grand jury, sitting for the adjourned term of the first district court in and for the county of Douglas, in the Territory of Kansas, beg leave to report to the honorable court, that from evidence laid before them, showing that the newspaper known as *The Herald of Freedom*, published at the town of Lawrence, has, from time to time, issued publications of the most inflammatory and seditious character, denying the legality of the *territorial authorities*, addressing and commanding forcible resistance to the same, demoralizing the popular mind, and rendering life and property unsafe, even to the extent of advising assassination as a last resort ;

“Also, that the paper known as *The Kansas Free State* has been similarly engaged, and has recently reported the resolutions of a public meeting in Johnson county, in this Territory, in which resistance to the *territorial laws*, even unto blood, has been agreed upon ; and that we respectfully recommend their abatement as a nuisance. Also that we are satisfied that the building known as the ‘Free State Hotel,’ in Lawrence, has been constructed with the view to military occupation and defence, regularly parapetted and port-holed for the use of cannon and small arms, and could have only been designed as a stronghold resistance to law, thereby endangering the public safety, and encouraging rebellion and sedition in this country ; and respectfully recommend that steps be taken whereby the nuisance may be removed.

“OWEN C. STEWART, *Foreman.*”

In order to accomplish the object of this presentment, which was simply a declaration of war against Lawrence, a number of writs were made out and placed in the hands of the marshal for the arrest of prominent citizens of that place. Although it is asserted that no attempts were made to resist the marshal’s deputies in serving these writs, the marshal, on the 11th of May, issued the following proclamation :

“*To the People of Kansas Territory:*

“Whereas, certain judicial writs of arrest have been directed to me by the first district court of the United States, &c., to be executed within the county of Douglas, and whereas an attempt to execute them by the United States deputy marshal was evidently resisted by a large number of the citizens of Lawrence, and as there is every reason to believe that any attempt to execute these writs will be resisted by a large body of armed men ; now, therefore, the law-abiding citizens of the Territory are commanded to be and appear at Leecompton, as soon as practicable, and in numbers sufficient for the execution of the law.

“Given under my hand, this 11th day of May, 1856.

“J. B. DONALSON,

“*United States Marshal for Kansas Territory.*”

The following memorial to the President, which will be found in ‘*Message and Documents,*’ vol. 1, 1856-’57, page 73, gives an account of what followed the issuing of this proclamation.

“Memorial to the President from inhabitants of Kansas.

“To his Excellency Franklin Pierce, President of the United States :

“SIR: The undersigned, residents of Kansas Territory, and a committee of the citizens of the town of Lawrence and vicinity, appointed to represent to your excellency the insufferable wrongs which they are called upon to endure at the hands of territorial officials, and to petition for redress and prevention of the same.

“The statements made in this communication are of facts mostly within our personal knowledge, and all of them we are prepared at any time to substantiate by testimony conclusive and unimpeachable.

“The first of the recent great outrages on the town of Lawrence of which we complain is the following proclamation of the United States marshal of Kansas Territory :

“ PROCLAMATION.

“To the people of Kansas Territory :

“Whereas certain judicial writs of arrest have been directed to me by the first district court of the United States, &c., to be executed within the county of Douglas; and whereas an attempt to execute them by the United States deputy marshal was violently resisted by a large number of citizens of Lawrence; and as there is every reason to believe that any attempt to execute these writs will be resisted by a large body of armed men :

“Now, therefore, the law-abiding citizens of the Territory are commanded to be and appear at Leecompton as soon as practicable, and in numbers sufficient for the proper execution of the law.

“Given under my hand this 11th day of May, 1856.

“ J. B. DONELSON,

“United States Marshal for Kansas Territory.”

“The allegations contained in this proclamation are untrue in fact, as well as grossly unjust in effect to the people of Lawrence.

“A demonstration had been made by the deputy marshal towards the arrest of ex-Governor Reeder while here in attendance on the congressional committee; but as the latter demurred to the legality of the process and denied the jurisdiction, the attempt was not made. This was a circumstance involving no violence on the part of the citizens of Lawrence; as no posse was called for by the official, it is clear that they can in no way be held accountable for any of its results.

“No actual effort to arrest any person in Lawrence had been made by the marshal previous to this proclamation.

“At this time there were in the Territory many hundreds of men who had entered it in organized companies from southern States, actuated by an avowed political purpose, and proclaiming a deadly hostility to the town of Lawrence. These men were immediately enrolled in the marshal’s posse, and supplied by the governor with arms belonging to the United States, and intended for the use of the territorial militia. All the facts warrant the belief that it was the intention of the mar-

shal, by this proclamation, to justify this misuse of these national arms, and to give, as far as possible, to the outrages being perpetrated by these companies, the sacred sanction of the law. Without this sanction it was known that these outrages would be resisted by any and all means of defence in the power of an indignant and not yet enslaved people. This posse of the marshal was further increased by accessions from the neighboring State of Missouri, and supplied from the same source with several pieces of artillery. Camps were formed at different points along the highways and on the Kansas river, and peaceful travellers subjected to detention, robbery, and insult. Men were stopped in the streets and on the open prairie, and bidden to stand and deliver their purses at the peril of their lives. Cattle, provisions, arms, and other property were taken wherever found, without consent of the owners. Men were choked from their horses, which were seized by the marauders, and houses were broken open and pillaged of their contents.

“Resistance to these outrages was followed by further violence, and in some cases by the most wanton and brutal sacrifice of life. The passage of the United States mail was frequently interrupted, and examinations made in defiance of law. In the border counties of Missouri citizens of Lawrence were seized without warrant, conveyed to the various camps, and there subjected to detention and unlawful trial, accompanied by threats of immediate death.

“In the meantime these alarming demonstrations have excited apprehensions in the community, and a letter was sent to the governor, as follows:

“LAWRENCE CITY, *May* 11, 1856.

“DEAR SIR: The undersigned are charged with the duty of communicating to your excellency the following preamble and resolution, adopted at a public meeting of the citizens of this place at 7 o'clock last evening, viz:

“Whereas we have the most reliable information from various parts of the Territory, and the adjoining State of Missouri, of the organization of guerilla bands, who threaten the destruction of our town and its citizens: Therefore—

“*Resolved*, That Messrs. Topliff, Hutchinson, and Roberts, constitute a committee to inform his excellency Governor Shannon of these facts, and to call upon him, in the name of the people of Lawrence, for protection against such bands by the United States troops at his disposal.

“All of which is respectfully submitted.

“Very truly, &c.,

“C. W. TOPLIFF.

“W. Y. ROBERTS.

“JOHN HUTCHINSON.

“His Excellency WILSON SHANNON,

“*Governor of Kansas Territory.*

“ This letter drew forth the following reply :

“ EXECUTIVE OFFICE,
“ *Lecompton, K. T., May 12, 1856.*

“ GENTLEMEN : Your note of the 11th instant is received, and, in reply, I have to state that there is no force around or approaching Lawrence except the legally constituted posse of the United States marshal and sheriff of Douglas county, each of whom, I am informed, have a number of writs in their hands for execution against persons now in Lawrence. I shall in no way interfere with either of these officers in the discharge of their official duties.

“ If the citizens of Lawrence submit themselves to the territorial laws, and aid and assist the marshal and sheriff in the execution of process in their hands, as all good citizens are bound to do when called on, they, or all such, will entitle themselves to the protection of the law. But so long as they keep up a military or armed organization to resist the territorial laws, and the officers charged with their execution, I shall not interpose to save them from the legitimate consequences of their illegal acts.

“ I have the honor to be, yours, with great respect,
“ WILSON SHANNON.

“ MESSRS. C. W. TOPLIFF.
“ JOHN HUTCHINSON.
“ W. Y. ROBERTS.

“ In comment upon this letter we have only to say that the implied charge upon the citizens of Lawrence of keeping up ‘ a military or armed organization to resist the territorial laws, and the officers charged with their execution,’ is utterly untrue ; and that Governor Shannon must have been fully aware of its falsity, or ignorant to a degree of criminality.

“ The proclamation of the marshal was not made public by him in Lawrence ; but a copy having, by chance, reached the town, another meeting of citizens was called on the 13th of May, and the following preamble and resolution adopted :

“ Whereas, by a proclamation to the people of Kansas Territory, by J. B. Donelson, United States marshal for said Territory, issued the 11th day of May, 1856, it is alleged that certain ‘ judicial writs of arrest have been directed to him by the first district court of the United States, &c., to be executed within the county of Douglas, and that an attempt to execute them by the United States deputy marshal was violently resisted by a large number of the citizens of Lawrence, and that there is every reason to believe that any attempt to execute these writs will be resisted by a large body of armed men :’ Therefore—

“ *Resolved*, by this public meeting of the citizens of Lawrence, held this 13th day of May, 1856, that the allegations and charges against us, contained in the aforesaid proclamation, are wholly untrue in fact, and the conclusion entirely false which is drawn therefrom. The aforesaid deputy marshal was resisted in no manner whatsoever, nor by any person whatever, in the execution of said writs, except by him

whose arrest the said deputy marshal was seeking to make. And that we now, as we have done heretofore, declare our willingness and determination, without resistance, to acquiesce in the service upon us of any judicial writs against us by the United States marshal for Kansas Territory, and will furnish him a posse for that purpose, if so requested; but that we are ready to resist, if need be, unto death, the ravages and desolation of an invading mob.

“ J. A. WAKEFIELD, *President*.

“ JOHN HUTCHINSON, *Secretary*.

“ The indications of an intended attack upon the town continuing to increase, on the 14th instant another meeting of citizens was called, of which G. W. Dietzler was president, and J. H. Green, secretary, and the following letter prepared and sent to the United States marshal :

“ LAWRENCE, *May 14, 1856.*

“ DEAR SIR: We have seen a proclamation issued by yourself, dated 11th May instant, and also have reliable information this morning that large bodies of armed men, in pursuance of your proclamation, have assembled in the vicinity of Lawrence.

“ That there may be no misunderstanding, we beg leave to ask, respectfully, (that we may be reliably informed,) what are the demands against us? We desire to state most truthfully and earnestly that no opposition whatever will now, or at any future time, be offered to the execution of any legal process by yourself, or any person acting for you. We also pledge ourselves to assist you, if called upon, in the execution of any legal process.

“ We declare ourselves to be order-loving and law-abiding citizens; and only await an opportunity to testify our fidelity to the laws of the country, the Constitution, and the Union.

“ We are informed, also, that those men collecting about Lawrence openly declare that their intention is to destroy the town and drive off the citizens. Of course we do not believe that you give any countenance to such threats; but, in view of the exciting state of the public mind, we ask protection of the constituted authorities of the government, declaring ourselves in readiness to co-operate with them for the maintenance of the peace, order, and quiet of the community in which we live.

“ Very respectfully,

“ ROBERT MORROW.

“ LYMAN ALLEN.

“ JNO. HUTCHINSON.

“ J. B. DONELSON,

“ *United States Marshal for Kansas Territory.*

“ The following reply was received to this communication :

“ OFFICE OF THE UNITED STATES MARSHAL,

“ *Lecompton, K. T., May 15, 1856.*

“ On yesterday I received a communication addressed to me, signed by one of you as president, and the other as secretary, purporting to

have been adopted by a meeting of the citizens of Lawrence, held on yesterday morning. After speaking of a proclamation issued by myself, you state, "that there may be no misunderstanding, we beg leave to ask, respectfully, (that we may be reliably informed,) what are the demands against us; we desire most truthfully and earnestly to declare that no opposition whatever will now, or at any future time, be offered to the execution of any legal process by yourself, or any person acting for you. We also pledge ourselves to assist you, if called upon, in the execution of any legal process," &c.

From your professed ignorance of the demands against you, I must conclude that you are strangers, and not citizens of Lawrence, or of recent date, or been absent for some time; more particularly when an attempt was made by my deputy to execute the process of the first district court of the United States for Kansas Territory against ex-Governor Reeder, when he made a speech in the room and presence of the congressional committee, and denied the authority and power of said court, and threatened the life of said deputy if he attempted to execute said process; which speech and defiant threats were loudly applauded by some one or two hundred of the citizens of Lawrence, who had assembled at the room on learning the business of the marshal, and made such hostile demonstrations that the deputy thought he and his small posse would endanger their lives in executing said process.

Your declaration that you "will truthfully and earnestly offer no opposition now, nor at any future time, to the execution of any legal process," &c., is, indeed, difficult to understand. May I ask, gentlemen, what has produced this wonderful change in the minds of the people of Lawrence? Have their eyes been suddenly opened, so that they are now able to see that there are laws in force in Kansas Territory which should be obeyed? Or it is that just now those for whom I have writs have sought refuge elsewhere? Or it may possibly be, that you now, as heretofore, expect to screen yourselves behind the word "legal," so significantly used by you. How am I to rely on your pledges, when I am well aware that the whole population of Lawrence is armed and drilled, and the town fortified—when I recollect the meetings and resolutions adopted in Lawrence, and elsewhere in the Territory, openly defying the laws and officers thereof, and threatening to resist the same to a bloody issue, and recently verified in the attempted assassination of Sheriff Jones while in the discharge of his official duties in Lawrence? Are you strangers to all these things? Surely you must be strangers at Lawrence! If no outrages have been committed by the citizens of Lawrence against the laws of the land, they need not fear any posse of mine. But I must take the liberty of executing all processes in my hands, as the United States marshal, in my own time and manner, and shall only use such power as is authorized by law. You say you call upon the constituted authority of the government for protection. This, indeed, sounds strange, coming from a large body of men armed with Sharpe's rifles and other implements of war, bound together by oaths and pledges to resist the laws of the government they call on for protection. All persons in Kansas Territory, without regard to location, who honestly submit

to the constituted authorities, will ever find me ready to aid in protecting them; and all who seek to resist the laws of the land and turn traitors to their country will find me aiding in enforcing the laws, if not as an officer as a citizen.

Respectfully, yours,

J. B. DONELSON,
United States Marshal for Kansas Territory.

Messrs. G. W. DEITSLER and J. H. GREEN, *Lawrence, K. T.*

We should consider this letter entirely unworthy of criticism, were it not official. Its chief misstatements, however, must be corrected, and of these we shall notice the following:

1. That ex-Governor Reeder threatened the life of the marshal, and was applauded therefor by the people of Lawrence; the fact being that the words used by the former can only by a forced construction be made to imply a threat against the person of the officer; and that the deputy marshal had no personal fear of the citizens is proven by the fact that he frequently, during these difficulties, entered the town, and remained during his pleasure without molestation or insult.

2. His reiteration of the falsehoods that the whole population of Lawrence is armed and drilled, and the town fortified, while he possessed evidence, through his deputies, that such was not the case. That the so-called fortifications, as there existing, were not considered formidable for defence, is proven by his subsequent neglect to demolish them while the town was in the hands of his posse.

3. His wanton misapplication of certain resolutions passed at some other point in the Territory, and having no relation to the officers of the United States.

4. His effort to fasten the attempt on the life of Samuel J. Jones on the citizens of Lawrence, when it is a known fact that said citizens denounced that attempt in a most emphatic manner, and made all practicable effort to detect its author.

5. The compound falsehood that the citizens of Lawrence are a large body of men armed with Sharpe's rifles, bound together by oaths and pledges to resist the laws of the government they call on for protection, it being undoubtedly well known to himself that no such oaths or pledges exist, and that the citizens of Lawrence have never combined to resist the laws of the United States.

From a reply thus disingenuous and partisan in character the threatened town could derive no hope. Nevertheless, as the movements of the marauding forces grew daily more menacing in their character, the following letter was sent to the marshal on the 17th instant:

DEAR SIR: We desire to call your attention, as citizens of Kansas, to the fact that a large force of armed men have collected in the vicinity of Lawrence, and are engaged in committing depredations upon our citizens, stopping wagons, arresting, threatening, and robbing unoffending travellers upon the highway, breaking open boxes of merchandise and appropriating their contents, have slaughtered cattle, and terrified many of the women and children.

We have also learned from Governor Shannon that there are no armed forces in the vicinity of this place but the regularly constituted militia of the Territory. This is to ask you if you recognize them as your posse and feel responsible for their acts. If you do not, we hope and trust you will prevent a repetition of such acts and give peace to the settlers.

On behalf of the citizens.

C. W. BABCOCK.
LYMAN ALLEN.
J. A. PERRY.

J. B. DONELSON,
United States Marshal, Kansas Territory.

To this letter no reply was vouchsafed. The same day a communication was sent to the governor by Messrs. S. W. and T. B. Eldridge, proprietors of the Eldridge House, asking for its protection against the destruction threatened by the mob in the marshal's posse. The building itself was the property of the Emigrant Aid Company, but it had been furnished by the Messrs. Eldridge, at heavy expense, and was not yet opened as a public house. A verbal reply was returned by the governor to this appeal, expressing regret that the proprietors had taken possession, and giving some encouragement for its protection. On the 18th he was visited by the Messrs. Eldridge in person, and a full and truthful representation made of all the facts in the case. At this interview the governor, as well as the marshal, seemed disposed to accord the protection needful. In addition to their own personal appeal the Messrs. Eldridge presented a communication from the citizens of Lawrence, as follows:

LAWRENCE, *K. T.*, May 17, 1856.

GENTLEMEN: Having learned that your reason for assembling so large a force in the vicinity of our town, to act as a posse in the enforcement of the laws, rests on the supposition that we are armed against the laws and the officers in the exercise of their duties, we would say that we hold our arms only for our own individual defence against violence, and not against the laws or the officers in the execution of the same; therefore, having no further use for them when our protection is otherwise secured, we propose to deliver our arms to Colonel Sumner so soon as he shall quarter in our town a body of troops sufficient for our protection, to be retained by him as long as such force shall remain among us.

Very truly, &c.,

MANY CITIZENS.

His Excellency WILSON SHANNON, *Governor*, and J. B. DONELSON, *Esq., U. S. Marshal for Kansas Territory.*

Both the governor and the marshal expressed satisfaction with this proposition, and agreed to its terms in case a demand should be enforced for the surrender of the arms. If no resistance was offered his force, the marshal gave a positive promise of protection to the prop-

erty of the citizens. But it was said that a portion of the posse was clamorous for the destruction of the hotel and the printing offices, and the Messrs. Eldridge were invited to return again on the following day, after time had been afforded for consultation with the captains of the companies.

It is worthy of remark that all messengers to the executive and marshal were under guard during the whole time of their being within the lines of the besieging camp and on the road to Leecompton, and that the following pass was given to the Messrs. Eldridge on their departure this day :

LECOMPTON, *May* 18, 1856.

The bearers of this, S. W. and T. B. Eldridge, desire to return to Lawrence this evening and return in the morning.

Now, therefore, all persons will permit these gentlemen to go and return without molestation or delay.

WILSON SHANNON,
Governor of Kansas Territory.

J. B. DONELSON,
U. S. Marshal, Kansas Territory.

On the 19th, Messrs. Eldridge renewed their visit according to agreement, but found a great change in the tone of the officials. It appeared that the companies composing the *posse* would be satisfied with nothing short of some destruction of private property, and this feeling was so strong as to defy the power of the marshal. The Messrs. Eldridge, on behalf of the citizens of Lawrence, offered the marshal their services, and proposed, if he would supply them with weapons, to make all necessary pledges to sustain him in the protection of property and the execution of the laws. This offer the marshal did not see fit to accept, alleging only the excuse of a deficiency of arms. It was evident that a course of violence was resolved upon. One of the captains—a Colonel Titus, of Florida, a member of the late expedition against Cuba—declared boldly that the printing presses must be destroyed to satisfy the boys from South Carolina. But promises of protection to the hotel were renewed, and the marshal pledged his word that if no resistance was made he would enter the town with a small posse of unarmed men, and that the remainder should not be admitted. He also further promised not to dismiss them in the vicinity of the town. The incongruities of these various statements it is not for us to reconcile.

Feeling from all these circumstances the necessity to the town of efficient protection, the Messrs. Eldridge made a last effort to secure aid from the governor. He disclaimed all authority over the force of the marshal, and stated that he should not interfere with that officer's operations. He was implored to summon to his aid the force of Col. Sumner for the protection of the property of the citizens, but peremptorily refused. It was represented to him that the marshal's *posse* had resolved on perpetrating unlawful outrages in Lawrence, and he said the people of Lawrence must take such consequences as should ensue; that he could protect them with the United States troops if he

chose, but that he should not do so. When apprehensions were expressed to him that these outrages would finally madden the people to the point of resistance, and precipitate all the horrors of civil war, he turned angrily away and left the room with the expression, "War then it is, by God!"

These were the last words spoken to persons representing the people of Lawrence by the highest officer of the Territory.

During the following day the deputy marshal, W. P. Fain, a resident of Calhoun, Georgia, visited the town, and in conversation with a citizen expressed the belief that the printing presses would be destroyed, but that the Eldridge house would be spared.

On the morning of the 21st inst. a cavalry force was seen stationed on a hill commanding the town. It was soon increased by a company of artillery and another of infantry. A white flag was first displayed, which soon gave place to a red one. This emblem would have incited the citizens to resistance but for the known fact that the force was commanded by a United States officer (whose pledge of protection had been given) and armed with national weapons. Beside the red flag, whose motto was "southern rights," soon floated that of the Union.

The deputy marshal entered the town with less than ten men, and proceeding to the Eldridge house summoned both the proprietors to act on his posse, together with *Dr. Garvey, John A. Perry, C. W. Topliff*, and *Wm. Jones*, all citizens of the town. This summons was promptly obeyed, and all required assistance cheerfully given. Only two arrests were made during the morning, and with these, after dinner, the whole posse repaired to the camp. Colonel Topliff was charged with the delivery to the marshal of the following communication:

LAWRENCE, *K. T.*, May 21, 1856.

We, the committee of public safety for the citizens of Lawrence, make this statement and declaration to you as marshal of Kansas Territory:

That we represent citizens of the United States and of Kansas, who acknowledge the constituted authorities of the government; that we make no resistance to the execution of the laws, national or territorial; and that we ask protection of the government, and claim it as law-abiding American citizens.

For the private property already taken by your posse we ask indemnification, and what remains to us and our citizens we throw upon you for protection, trusting that under the flag of our Union and within the folds of the Constitution we may obtain safety.

SAMUEL C. POMEROY.
W. Y. ROBERTS.
LYMAN ALLEN.
JOHN A. PERRY.
C. W. BABCOCK.
S. B. PRENTISS.
A. H. MALLORY.
JOEL GROVER.

J. B. DONELSON, *U. S. Marshal, K. T.*

It was now hoped that the crisis had passed. On summoning on his *posse* the proprietors of the Eldridge house, Deputy Marshal Fane had renewed his promise to protect their property. The officials had been treated with every courtesy, and even a generous hospitality. But about three o'clock the streets were filled by a company of armed horsemen, headed by Samuel J. Jones, sheriff of Douglas county, who drew up his force in front of the Eldridge house and demanded of the citizens, in the name of the law, the surrender of their rifles and cannon. He gave five minutes for a reply. He was answered by General Pomeroy that the cannon, and all rifles, not individual property, (if any such there were,) would be given up on his giving an official receipt for the same. General Pomeroy and General Roberts proceeded with him to assist in their delivery. This done, it was announced that the printing offices and the Eldridge house must be destroyed. Remonstrance was in vain.

In the meantime the remainder of the force, comprising several hundred men, with United States muskets and fixed bayonets, were taking position in the town. Men endeavored by argument, and women by tears, to alter the determination of Jones, but in vain. At 3¼ o'clock he announced to Messrs. Eldridge that he would give them till 5 to remove their families and furniture from the house. The work of pillage had already commenced; the contents of the printing offices were scattered in the streets, and the red flag planted on the roof, first of the office of the Herald of Freedom, and afterwards of the Eldridge house. The family of Mr. G. W. Brown were driven from their home, and the immediate pillage of the hotel prevented only by the resolute interference of a few citizens, aided by some individuals of the mob, who kept a strict guard at the doors, and insisted that the families of the proprietors should have the time promised by Jones in which to collect their most necessary effects and leave. At last the cannon were placed and ready, and it was announced to Colonel S. W. Eldridge that the bombardment would commence in five minutes. His wife and children, and such personal effects as they had been enabled to collect, were placed in carriages and driven off between files of United States bayonets, and amidst the yells of the impatient mob. As they left the town the first boom of a cannon told that the work of destruction had begun. Soon (as the impression made by the cannon was not great) the building was fired, and with the aid of gunpowder reduced, with its furniture and stores, to a pile of ruins.

The work of pillage spread through the whole town, and continued until after dark. Every house and store which could be entered was ransacked; trunks broken open and money and property taken at will. Where women had not fled, they were in some cases insulted, and even robbed of their clothing. From one house over two thousand dollars in money were carried away. The house of Charles Robinson was pillaged and burned to the ground. The same evening the forces were drawn off to their camp, and the sack of Lawrence was concluded.

Some incidents of this authorized outrage here demand mention. While Messrs. Topliff and Perry were aiding the marshal in making

the arrests, both their houses were broken open and pillaged. Some of the flags which floated beside that of the Union had for mottoes "Superiority of the white race," "Kansas the outpost," "South Carolina;" while one had the national stripes, with a tiger in place of the Union; another had alternated stripes of black and white. While the cannon were being placed for the destruction of the Eldridge house, David R. Atchison, late Vice-President of the United States, was conspicuous among the mob. When the final doom of the hotel and the printing offices was pronounced, it was said by the officials to be by order of the government, as the grand jury of Douglas county had ordered them abated as nuisances. The only charge against the Eldridge house was its ownership by the Emigrant Aid Company.

To evade the pledge given by the marshal that he would not allow his posse to enter Lawrence, they were disbanded by him, after the arrests were made, and enrolled as a sheriff's posse by Samuel J. Jones; the marshal thus keeping one pledge at the expense of another. On the next day they were again enrolled as the posse of the marshal.

There are also some facts of another character which we wish to record. We believe that many of the captains of the invading companies exerted themselves to the utmost for the protection of life and property. Some of them protested against these enormous outrages, and endeavored to dissuade Samuel J. Jones from their perpetration. Many used personal effort to remove such property as was possible from the Eldridge house before its destruction. Among these stood prominently Colonel Zadock Jackson, of Georgia, who did not scruple either in Lawrence or his own camp to denounce the outrages in terms such as they deserved. Colonel Buford, of Alabama, also disclaimed having come to Kansas to destroy property, and condemned the course which had been taken. The prosecuting attorney of Douglas county, the legal adviser of the sheriff, used his influence in vain to prevent the destruction of property.

We have thus given an outline of the events which have concluded an unparalleled chapter in the history of our country. That we have dealt mildly with the facts, and fallen short of the real atrocity of the case, will be proven by the testimony which, in time, public opinion will not fail to gather. So gigantic is that official villainy of which we are being made the victims, that the understanding almost refuses to believe the evidence, however strong. That any set of men in a representative government like ours can be so reckless, and so defiant of right, as to attempt the administration of law on principles of perjury and brigandage, is a combination of fatuity and corruption almost passing belief. Yet the facts spring out with startling boldness on the picture of events, and we see the spectacle of rulers utterly ignoring the oaths they have taken, and perverting the beneficent power of government to the base uses of a ruthless despotism—at will despoiling men of their property and lives—endeavoring to bind fast the hands of the loyal citizens who look to them for protection, and to deliver

them over as bondmen to an invading force. We cannot but feel that you will be slow to believe facts such as we have stated here, and for the credit of humanity we cannot otherwise hope; yet we cherish the trust that you will heed the voice, however feeble, that pours its complaint into your ear, and exert the influence of your office to prevent the *possible* occurrence of abuses of power on the part of those officials who are directly responsible to you for the faithful discharge of their duties; and to institute such a scrutiny into their past conduct as will reveal its true character and inspire a salutary caution in future. In making such a scrutiny it seems to us inevitable that the communications of the territorial officers of Kansas, as given in this memorial, coupled with the undisputed facts resulting from their action, will show at least a criminal disregard of good faith sufficient of itself to prove their unfitness for the responsibilities they have assumed. And in the meantime we have been driven to the appointment of a committee of protection whose duty it will be to organize and use all means for the defence of our liberties and property, during such time as we are unable to procure protection from the government under which we live.

As regards the pecuniary damage sustained by this community at the hand of the government, as administered by these officials, we cannot doubt but you will see the justice of our claim, and employ the influence of your position to procure for us an adequate compensation. The readiest way to do this would seem to be by an appropriation by Congress, which it is within your province to recommend. It is at present impossible to estimate this damage, as new depredations are continually being made. How long these will be permitted to continue will depend to a great extent upon the pleasure of our rulers. But it is certain that the amount is, even at present, for a community like ours, very great. The loss to the proprietors of the Eldridge house alone is to nearly the full extent of their investments, time being denied them to remove any material portion of the costly furniture and abundant stores provided for its use. The destruction of the printing offices, like that of the hotel, involves not only the cost of the property, but the complete ruin of the business in which it was employed. And then there is scarcely a freeholder in Lawrence, or for many miles around, but has had costly experience of that depredatory action which the marshal in his proclamation has called "the proper execution of the law."

Were the destruction of property, however, the gravest result of this mal-administration, it would be shorn of its chief importance. But it must not be forgotten that among its consequences has been loss of life, and it is due to the community that justice be administered upon those who caused it. And surely when we say to your excellency that our country is still being overrun, and that this very day has brought to our ears the fresh complaints of property taken, and women ravished in their homes, it will not be considered either disrespectful or ill-timed in us to urge, with all the earnestness of men who know the truth of the things whereof they speak, that the facts

herein set forth, and the petitions preferred, receive the earliest attention in the power of your excellency to bestow.

J. M. WINCHELL,
 LYMAN ALLEN,
 S. B. PRENTISS,
 L. G. HINE,
 JOSEPH CRACKLIN,
 JOHN A. PERRY,
 O. E. LEARNARD,
 S. W. ELDRIDGE,
 C. W. BABCOCK.

LAWRENCE, K. T., *May 22, 1856.*

The policy of the federal officers of the Territory, as developed in this attack upon Lawrence, made a profound impression upon the "free-State" people of Kansas, who embraced, at the lowest estimate, three-fourths of the entire population. It confirmed them in the opinion which all their previous acts had justified, that the laws were only to be used for their oppression; that all the officers both federal and territorial were parties to a conspiracy to drive them from the country; that they could rely upon neither the laws nor its officers for the protection of their lives or property, and, worst of all, that the administration at Washington, if not actively a party to this conspiracy, could not be relied upon for protection. Thus far it had turned a deaf ear to all their petitions and remonstrances; it had refused to interfere for their protection in every instance from the organization of the Territory, whether against invading hordes for the purpose of controlling their elections, or against armed marauders, who came to burn and sack their towns and murder their people. Armed bands from other States, avowing their purpose to drive them from the Territory, were stationed and fortified at various points, from which they would sally forth upon their murderous raids for robbery and plunder. Scarcely a neighborhood was safe from their attacks. The highway could not be travelled with safety. The region south of the Kansas river, embracing the counties of Douglas, Lykins, and Johnson were particularly infested by these bands.

The following account of one of their raids is taken from Gihon's History of Kansas, page 91:

"On the 7th Reid, with one hundred and seventy men, marched into Ossawatimie, and without resistance entered each house, robbing it of everything of value. There were but few men in the town, and the women and children were treated with the utmost brutality. Stores and dwellings were alike entered and pillaged. Trunks, boxes, and desks were broken open and their contents appropriated or destroyed. Even rings were rudely pulled from the ears and fingers of the women, and some of the apparel from their persons. The liquor found was freely drunk, and served to incite the plunderers to increased violence in the prosecution of their mischievous work. Having completely stripped the town, they set fire to several houses, and then beat a rapid retreat, carrying off a number of horses, and loudly urging each other to greater haste, as 'the d—d abolitionists were coming.'"

There are hundreds of well-authenticated accounts of the cruelties

practiced by this horde of ruffians, some of them too shocking and disgusting to relate, or to be accredited if told. The tears and shrieks of terrified women, folded in their foul embrace, failed to touch a chord of mercy in their brutal hearts, and the mutilated bodies of murdered men, hanging upon trees, or left to rot upon the prairies or in the deep ravines, or furnish food for vultures and wild beasts, told frightful stories of brutal ferocity, from which the wildest savages might have shrunk with horror.

In this state of things large numbers resolved to take up arms in their own defence, and drive these marauders from their country. This they believed their own safety imperatively demanded, as their unheeded appeals had shown that they could expect no protection from their government. They had delayed this long, well knowing that their efforts at self-protection would be denounced as treason and rebellion, and in this they were not disappointed. But the government had left them but this alternative or extermination and expulsion.

In order to show what inflammatory appeals were made to the people of Missouri, and how their acts and their purposes were misrepresented, and what sources the government at Washington apparently relied upon for information as to the state of affairs in Kansas, we give the following paper just as we find it in "Message and Documents," 1856-'57, vol. 2, page 75.

As it appears among the documents accompanying the report of the Secretary of War, it would seem that it formed a part of the official correspondence between the military commandant in Kansas and the Department of War.

It appears from the paper itself that the editor derived his information from "Colonel Clark," the murderer of Barber.

HEADQUARTERS, FIRST DIVISION KANSAS MILITIA,
Doniphan county, Kansas, August 18.

SIR: In addition to the extra herewith enclosed, I have received reliable information that a state of actual war exists in Douglas county, and that in other parts of the Territory within this division robberies and other flagrant violations of law are daily occurring by armed bodies of men from the northern States. In the absence of all information from the governor of the Territory, I have taken the liberty of exercising the authority in me vested in cases of invasion, by ordering out the entire strength of my division to rendezvous at various points of the division to receive further orders.

The object of this is to ask of you, as commandant of this district, how far your orders require interference with the militia of the Territory, and whether or not their being thus assembled to repel such invasions is in violation of your instructions.

I am, sir, your most obedient servant,

WILLIAM P. RICHARDSON,
Major General First Division Kansas Militia.

Brigadier General PERSIFOR F. SMITH,
Commanding, Leavenworth, K. T.

ARGUS—EXTRA.

Important from Kansas.—Civil war and rebellion.—Women and children flying from their homes for their lives!

WESTON, August 18, 1856.

From sources of unquestioned credit we have learned, and now chronicle, the following highly important and exciting news from Kansas Territory.

The notorious Jim Lane is now at the head of from 600 to 1,000 armed outlaws and robbers, busily engaged in the work of destruction and devastation on the south side of Kaw river, in the neighborhood of Lecompton. Their depredations thus far have resulted in the breaking up and total destruction of the Georgia settlement on the Meridocene, a large settlement of Alabamians in the same neighborhood, an attack upon the town of Franklin, robbery of the post office at that place, and violent abuse of the postmaster and his wife; the burning of the town, or at least the best portion of it; robbery of citizens of everything on which hands could be laid. It seems that these cowardly assassins, in an attack on a log-cabin containing fourteen armed men, met with quite a warm reception. With about 200 men they made three assaults, and each time were driven back with a loss of killed and wounded that have since died, amounting to 26 in number. Failing in the third assault, these chivalrous demons then proceeded to the prairie, loaded a wagon with dry hay, and, pushing it before them to the door of the house, set the hay on fire, which soon fired the house, and compelled its brave occupants to surrender; but without the loss of a man! Having subdued the defenders of Franklin, the abolitionists then turned their attention to the destruction of isolated houses—residences of pro-slavery settlers, whom they have sworn to drive out of the Territory or exterminate. Having found by experience that the inhabitants of these houses are dangerous customers to deal with, they made their assault upon them with cannon, planted at a safe distance, out of rifle shot. Colonel Titus's house fell first, and it is believed that he fell a bloody sacrifice in its defence. Secretary Woodson's house was bombarded and burnt next; Colonel Clark's almost simultaneously shared the same fate, the colonel and his family having just barely made their escape as the inhuman bandits applied the torch. In every direction the black smoke was seen last Saturday night ascending from private dwellings. Secretary Woodson has either been killed or is a prisoner in the hands of the abolitionists; Colonel Titus is undoubtedly killed, together with many others who bravely fought for their homes and their families.

Colonel Clark is now here with his family, where he has sought an asylum from the merciless fury of the abolition outlaws. Governor Shannon, when last heard from, had fled from Lecompton, and was wending his way on foot towards the Missouri, to escape the vengeance of his pursuers. To sum up the whole the facts are these: the whole pro-slavery party south of Kaw river have either been killed or have fled to places of safety. All the pro-slavery towns in Douglas county

have been pillaged and destroyed; women have been violated, and children driven from their homes to make room for bloody monsters. Robinson and the other prisoners in the custody of the law have been rescued, and the reign of terror has been regularly installed. So sudden and unexpected has been the attack of the abolitionists that the law and order party was unprepared to effectually resist them. To-day the bogus free-State government, we understand, is to assemble at Topeka. The issue is distinctly made up: either the free State or pro-slavery party is to have Kansas.

Above, fellow-citizens, we have given you the facts, as far as we have learned them, of this recent unprovoked, inhuman, and unparalleled attack upon the peaceable citizens of Kansas Territory by a band of as arrant traitors as ever cursed the soil of any country; an attack premeditated and planned in the north to destroy your rights, or to dissolve the Union. Even now, while we write, our beloved Union, purchased by the blood of our ancestors, may be no more. Missourians! the war rages upon your borders—at your very thresholds! Your brethren and friends in Kansas are this day being butchered and driven from their homes, and they now call upon you for succor and protection. The Constitution of your country, and the laws under which you have so long lived, as well as your own rights, menaced by as reckless and abandoned a foe as ever erected its bloody crest to disturb the repose of society, demand that you should rise up as one man and put an instant and effectual quietus to the hired tools of abolition, disunion, and aggression, now roaming rampant over the plains of Kansas with firebrand and sabre.

Citizens of Platte county! The war is upon you, and at your very doors. Arouse yourselves to speedy vengeance, and rub out the bloody traitors. Recollect that, although this unholy and unnatural war is carried on in Kansas, it is against you and your institutions. By a prompt and vigorous action you may put it down and save the Union; but if you lay supinely on your backs, and allow the black treason to get a firm hold in Kansas, you will find, when it is too late, that you have allowed the golden moments to pass, and a long and bloody war, involving all the States of the Union, will be inaugurated; and then you will have to fight, not for your rights, but for your very existence; not for the Union and Constitution—for they will have been destroyed in the onset—but for some sort of an existence among the nations, either as slaves or abject dependants of some power, perhaps, of Europe. While you are inert, the powers of the Union, north and south, will be slowly mustering for the mighty conflict that is to follow; and all Europe will look on with satisfaction at the termination of this republic and the end of liberty. Rouse up, then, and strangle the demon of disunion and destruction. Patriotism and the love of country, law and liberty, demand it at your hands.

Still later.—A despatch, extra, just received this morning from Independence, signed A. G. Boone and others, corroborates the above statements.

Lecompton is burnt down.

In order to show what the operations really were, of which this frightful picture is drawn, we make the following extract from Gilhon's History, page 93 :

The pro-slavery marauders south of the Kansas river had established and fortified themselves at the town of Franklin ; at a fort thrown up near Ossawatimie ; at another on Washington creek, twelve miles from Lawrence ; and at Colonel Titus's house, on the border of Lecompton. From these strongholds they would sally forth ; "press" horses and cattle, intercept the mails, rob stores and dwellings, plunder travellers, burn houses, and destroy crops.

The fort near Ossawatimie, in consequence of outrages committed in the neighborhood and at the solicitation of the settlers, was attacked by a company of free-State men from Lawrence, on the 5th of August. A party of Georgians, who held the position, upon the approach of the enemy, fled without firing a gun, leaving behind a large quantity of plunder. The fort was then taken and demolished.

The defeated party retreated to the fort at Washington creek and thence continued their depredations upon the neighboring inhabitants. On the 11th the people of Lawrence sent Major D. S. Hoyt, a peaceable man, who was much respected, to this camp to endeavor to make some sort of amicable arrangement with Colonel Treadwell, the commander. On his way home he was waylaid and shot, his body being fairly riddled with bullet holes.

This news so enraged the people of Lawrence that on the 12th they attacked the pro-slavery post at Franklin ; the enemy was strongly fortified in a block-house and had one brass sixpo-under. This battle lasted three hours and was conducted with great spirit on both sides. The free-State men at length drew a wagon load of hay against the house and were about to set it on fire when the inmates cried for quarters ; they then threw down their arms and fled. In this engagement the free-State men had one killed and six wounded ; the other side had four severely wounded, one of them mortally ; the cannon taken was one that had been used to batter down the walls of the Lawrence hotel.

A general panic seized the Missouri and other southern intruders on learning these repeated free-State successes. On the 15th the Georgian camp at Washington creek broke up in great confusion, its occupants flying in hot haste as the Lawrence forces approached. This fort was entered without resistance ; large quantities of provisions and goods taken at Lawrence were recovered ; the building was set on fire and entirely consumed.

The next blow was struck at Colonel Titus's fortified house near Lecompton. This was one of the boldest strokes of the Kansas war. Lecompton was the stronghold of the pro-slavery party ; it was the capital of the Territory, the headquarters of Governor Shannon, and within two miles of the house of Titus a large force of United States dragoons was encamped. Captain Samuel Walker, a Pennsylvanian, and as brave a man as ever lived, commanded the attacking army. With about four hundred men and one brass six-pounder, he took up a position upon an elevated piece of ground near the house, soon after sunrise on the morning of the 16th of August. The fight, which was

a spirited one, immediately commenced, and resulted in the capture of Titus, Captain William Donaldson, (who also rendered himself notorious at the sacking of Lawrence and elsewhere,) and of eighteen others. One of his men was killed in this engagement and several others wounded. Titus was shot in his shoulder and hand; Walker's cannon was loaded with slugs and balls cast from the type of the *Herald of Freedom*, fished out of the Kansas river, where it had been thrown on the day that Lawrence was sacked. Walker set fire to the house of Titus, which was completely destroyed, and carried his prisoner to Lawrence.

The time occupied by this battle was greatly magnified by Titus in his account of the affair, as he maintains that he held out for six hours, and did not surrender until a wagon-load of hay was brought up to burn the building. He says that he came out to capitulate with Walker when he received his wounds. On the other hand Walker thinks the action lasted short of half an hour, which was also the opinion of Woodson, whose house was but half a mile distant, and of Major Sedgwick, of the United States dragoons, who hastened to the rescue as soon as he heard the firing, but did not reach the scene of action until the assailants had retired. Walker also states that Titus was found hid under the floor when his party surrendered.

Nothing could exceed the consternation that prevailed in Leecompton during this engagement. A universal stampede succeeded the firing the first gun. The stoutest and most noisy boasters of the town rushed to the river, some on foot and others on horseback, and in their fright and hurry jumped into the water to swim across. Governor Shannon, when Major Sedgwick arrived, was sought for, and after considerable difficulty was found concealed in the bushes on the river bank. He was prevailed upon to accompany the dragoons in pursuit of Walker, and after proceeding a few miles he saw him and his army leisurely crossing the prairies. Major Sedgwick asked for orders to make an attack and rescue the prisoners; but the governor, looking at the formidable force before him, thought it better not to venture an engagement and gave orders for an immediate return to Leecompton.

He thence proceeded to the house of General George W. Clarke, a short distance from the capital, to ascertain whether that had also suffered damage. He found that the general had rapidly fled with his family, not taking time to remove an article or even to fasten or close his doors. Ever since the murder of Barber, Clarke has evinced an almost painful nervousness. He is exceedingly restless and terribly alarmed at the slightest appearance of danger. Is it the ghost of the murdered man haunting the guilty soul? His house was fortified, a large number of arms collected there, and guards stationed during the night. He was in everlasting fear of an attack from some unknown source. On one occasion his wife had sent for a party of neighbors to protect them from some imaginary danger. It was dark when they arrived. Clarke, hearing them coming, rushed out of the back door with a loaded gun, fired it at the party, and lodged its contents in the leg of one of his own friends. This is his statement of

the affair. Others assert that he accidentally wounded his friend in an attempt to shoot a free-State man.

Titus had been one of the most active of the town, giving his orders in a loud voice, and urging on his men to the work of destruction. When Walker brought him into that town, a wounded prisoner, he compelled Titus to sit up in the wagon and look around him, and as he carried him past the ruined buildings would stop and ask him to contemplate his work. At length, when they reached the spot where the hotel had stood, Titus was informed that they intended to put him to death, when no man ever supplicated more pitifully to be spared. After being sufficiently tormented, he was conveyed to a place of confinement and attention given to his wounds. Captain Shombre, of the free-State party, was wounded in the attack upon Titus, and died on the evening of the 17th of August.

The operations here described are what gave rise to the statements in the "Argus Extra," before quoted. The sole object of the "free-State" men was to rid the country of these desperate bands of ruffians, but those bent upon driving all who were in favor of making Kansas a free State, from the Territory, took advantage of it to arouse all Western Missouri, if possible, for that purpose, and the result was the assembling of nearly three thousand men, usually known in Kansas as "Reid's army," who encamped a few miles from Lawrence, on the Wakarusa creek.

We quote again from "Gihon's History," page 98:

August 21.—Governor Shannon receiving official notice of his removal, Secretary Woodson took charge of the government. This was a signal for great rejoicing among the pro-slavery people. Woodson was a creature of their own, and they felt assured that they would now be endowed with legal authority to continue the acts of rapine that had previously been committed without the shadow of law. The acting governor came up to all their expectations. - He forthwith issued a proclamation, declaring the Territory in a state of rebellion and insurrection, and called for help from Missouri, to drive out and exterminate the destroyers of the public peace. Atchison and Stringfellow soon responded to his call, and concentrated an army of eleven hundred men at Little Santa Fé, on the Missouri border.

General L. A. Maclean, chief clerk of Surveyor General Calhoun, who subsequently served as adjutant general under Brigadier General Heiskell in the contemplated attack upon Lawrence, of September, 1856, was the commissary of this invading army. He delights to boast of the skilful manner in which he performed his duties.

In the office of Governor Geary, on the morning of February 24, 1857, Maclean, who was disposed at certain times to be loquacious, was in one of his vamping moods, and the governor's private secretary, who appeared to be pursuing his usual avocation, took notes of a conversation, of which the following is a part:

Maclean. I was lying in my tent one night, on the broad of my back, smoking my pipe, and enjoying myself over a bottle of good whiskey, when Generals Reid and Strickler and several other officers entered, apparently in great distress. They said they had over a

thousand men to feed, and not a d—d ounce of rations for the next day. After much talk, I consented to act as commissary. They wanted me to get up and go to work, but I kept my place, as though utterly unconcerned, and continued to whiff away at my pipe, telling them that the rations would all be ready at an appointed hour in the morning. They didn't know what to make of my coolness; thought I was either drunk or crazy, and went off somewhat disappointed and evidently vexed.

Governor Geary. Well, were the rations ready?

Maclean. Yes, by G—d! ready that morning and every other so long as we were in camp—about two weeks.

Governor. But how did you manage it?

Maclean. That was d—d easy. I was up before daylight; got out a number of wagons, and started parties in every direction, with orders to go to the stores and dwellings, get all the provisions they could find, and drive in all the cattle. And they returned with a pretty generous supply.

Governor. How did you raise the funds to pay for all this?

Maclean. Funds! by G—d, we didn't pay a d—d cent! We "pressed" it all! In these expeditions, which were continued every day, we got some useful information, too. We seized the mails going to and from Ossawatimie, and more than a half bushel of letters fell into my hands; in examining which I found many of them directed to and others written by some of the most wealthy and influential citizens of Boston and other parts of the northern and eastern States.

[Same work, see page 100.]

A detachment of Atchison's army, under General Reid, numbering about three hundred, with one piece of artillery, attacked Ossawatimie on the 30th of August. Brown was in command at the time; and, having only between thirty and forty men, he retreated to the timber on the river or creek known as the Marais Des Cygnes. The battle which ensued lasted about three hours, Brown having a decided advantage. He was overpowered, however, by superior numbers, and driven to the river, in crossing which he suffered some loss from the enemy. Two free-State men were killed in this fight; but the loss of the other party was much greater, though its precise amount has never been ascertained. It has been stated that more than thirty men were killed, and as many wounded; but this probably is an exaggeration. It was the most disastrous battle during the Kansas war.

After the retreat of Brown, Reid's forces burned some twenty or thirty houses, robbed the post office and stores, took possession of all the horses, cattle, and wagons in the town, and committed other depredations. They found a man named Garrison concealed in the woods, whom they killed, and wounded another by the name of Cutter, whom they supposed to be dead, but who has since recovered. A Mr. Williams, a pro-slavery man, was murdered by them in mistake.

[Same work, page 102.]

On the first of September Captain Frederick Emory, a United States mail contractor, rendered himself conspicuous in Leavenworth at the head of a band of ruffians, mostly from western Missouri. They entered houses, stores, and dwellings of free-State people, and, in the name of "law and order," abused and robbed the occupants, and drove them out into the roads, irrespective of age, sex, or condition. Under pretence of searching for arms, they approached the house of William Phillips, the lawyer who had previously been tarred and feathered and carried to Missouri. Phillips, supposing he was to be subjected to a similar outrage, and resolved not to submit to the indignity, stood upon his defence. In repelling the assaults of the mob, he killed two of them, when the others burst into the house and poured a volley of balls into his body, killing him instantly, in the presence of his wife and another lady. His brother, who was also present, had an arm badly broken with bullets, and was compelled to submit to an amputation. Fifty of the free-State prisoners were then driven on board the *Polar Star*, bound for St. Louis. On the next day a hundred more were embarked by Emory and his men on the steamboat *Emma*. During these proceedings an election was held for mayor, and William E. Murphy, since appointed Indian agent by the President, was elected "without opposition."

While "Reed's army" was gathering towards Lawrence, the "free-State" men were collecting there for its defence. About this time the following paper was addressed to Colonel Cook. We find it in *Message and Documents, 1856-'57, vol. 2, page 98*:

A.

LAWRENCE, *September 3, 1856.*

SIR: The free-State men of Kansas are now in arms for the purpose of protecting their property from destruction, and the lives of themselves and families from the inhuman atrocities of organized bands of assassins from an adjacent State. Appeals to the civil authorities have proved fruitless. As a last resort, and to avert the impending evil, we appeal to the authority you possess. We respectfully represent that our ranks are composed of bona fide citizens of Kansas, and none other. To satisfy you of the truth of this averment, we invite you in person to visit and inspect our ranks.

If any other method of proof of this fact would be more acceptable to you, it will be equally convenient to us. We ask you to assure us protection for our lives and property, and to that end, that you will disperse, or cause to be dispersed, the band of house-burners, horse-thieves, and men-scalpers from Missouri, known as the Kansas militia, now assembled at Indianola, on the Fort Riley road, at Lecompton, near your camp, at some point on the Santa Fé road, at Easton, and other places.

If this shall be done, we will lay down our arms, and thankfully return to our ordinary occupations.

If you do not possess the power to do this, perhaps you might feel at liberty to insist that the war be conducted on principles generally recognized among Christian belligerents as just and honorable, prohibiting the destruction of the property of inoffensive persons, and the assassination of prisoners and defenceless people.

Yours, respectfully. By order of the Kansas State central committee:
H. MILES MOORE, *Secretary.*

Col. COOKE,
Commander of United States forces at Leecompton.

Governor Shannon had been removed, and about this time Governor Geary was on his way to Kansas.

We again quote from Gihon's History, page 106, to show the condition of things along the Missouri river, and on the border of that State, and the character of the men there constituting the "Kansas militia:"

BORDER RUFFIANS.

Active preparations for war were discernible at all the river towns. At Lexington a large crowd was assembled on the levee, many of the persons composing it loaded with arms. But at Kansas City the warlike demonstrations were still greater. This town is on the southern side of the mouth of the Kansas river, which, at this point, separates Missouri from the Territory of Kansas. It is situated about five miles from Westport, near the eastern boundary of Kansas, where the Missouri army were concentrating preparatory to an invasion of the Territory. Both of these towns have become notorious as places of refuge for the most desperate characters, whose almost nameless crimes have blackened the annals of Kansas, and as being the resorts of numerous combinations which have been congregated to plot against its peace. In a word, they are the strongholds of the worst of the "border ruffians."

Let it not be understood that this latter term is considered by those to whom it is applied as one of reproach. On the contrary, they boast of it, are proud of it, glory in it, and do all in their power to merit it; and very many of them have been eminently successful. In their manner they assume the character of the ruffian; in their dress they exhibit the appearance of the ruffian; and in their conversation they labor to convey the impression that they are ruffians indeed. They imitate and resemble the guerillas, ladrones, or greasers of Mexico; the brigands of Spain or Italy; or the pirates, robbers, and murderers of the theatre.

On the levee at Kansas City stood a sort of omnibus or wagon, used to convey passengers to and from Westport, upon either side of which was painted, in flaming capitals, the words "BORDER RUFFIAN." Standing about in groups, or running in every direction, were numbers of the men who claim for themselves that gentle appellation. A description of one of these will give the reader some idea of their general character. Imagine a man standing in a pair of long boots covered with dust and mud, and drawn over his trousers; the latter

made of coarse, fancy-colored cloth, well soiled; the handle of a large bowie-knife projecting from one or both boot-tops; a leathern belt buckled around his waist, on each side of which is fastened a large revolver; a red or blue shirt, with a heart, anchor, eagle, or some other favorite device braided on the breast and back, over which is swung a rifle or carbine; a sword dangling by his side; an old, slouched hat, with a cockade or brass star in front or side, and a chicken, goose, or turkey feather sticking in the top; hair uncut and uncombed, covering his neck and shoulders; an unshaved face and unwashed hands. Imagine such a picture of humanity, who can swear any given number of oaths in any specified time, drink any quantity of bad whiskey without getting drunk, and boast of having stolen a half a dozen horses and killed one or more abolitionists, and you will have a pretty fair conception of a border ruffian, as he appeared in Missouri and in Kansas. He has, however, the happy faculty of assuming a very different aspect. Like other animals, he can shed his coat and change his colors. In the city of Washington he is quite another person. You will see him in the corridors of the first-class hotels, upon Pennsylvania avenue, in the rotunda of the Capitol, or in the spacious halls of the White House, dressed in the finest broadcloth and in the extreme of fashion, his hair trimmed, his face smoothed, and his hands cleansed, his manner gentle, kind, and courteous, his whole deportment that of innocence, and his speech so smooth, studied, and oily, as to convince even the sagacious President himself that he is a veritable and a polished gentleman, and obtain from the wise heads that form the cabinet the most important posts of trust, honor, and emolument in the gift of the nation.

The Keystone no sooner touched the shore at Kansas City than she was boarded by half a dozen or more of the leading ruffians who dashed through the cabins and over the decks, inspecting the passengers and the state-rooms to satisfy themselves that no abolitionists were on board. And here let it be distinctly observed that an abolitionist, in border-ruffian parlance, is not simply a man opposed to the extension of slavery, or who favors its abolishment from the States, but every person born in a free State who is unwilling to give indubitable evidence that he will do all in his power to assist in making Kansas a slave State, by means either fair or foul, at any sacrifice, and at every hazard. It is of little consequence what have been and still are his political predilections on every great national question. He must know but one issue—that issue slavery—or be branded, in the language of a resolution unanimously passed by the legislative assembly, as an “ally of abolitionism.” It will not do to assume a neutral ground; it is not sufficient to asseverate that you will give your influence to the cause of slavery. All this may be done; you will be regarded with suspicion and regarded as an enemy. More substantial proof of being “sound on the goose” is demanded. You must join the “Blue Lodges,” take the solemn oath, bind yourself to murder any man who is opposed to making Kansas a slave State, and invoke upon yourself their horrible penalties in case of failure. You must steep your hands in crime deeper than the most rabid of the fire-eaters of the south. You must place yourself utterly in their power, so that

you dare not quail or hesitate, or fail to do their bidding. You must become yourself a slave, bound by stronger bonds than any that holds in servitude the veriest negro wretch, else you are *an abolitionist*. And there are men in Kansas who, though born in free States, are sold body and soul to the slave interest; men who have taken the oaths of the Blue Lodges, who boast, to prove themselves "sound," of the number of crimes they have committed; the horses they have stolen, the women they have outraged, the houses they have robbed, the murders they have done; men, in fact, who have become so deeply steeped in infamy that they dare not now stop, even should they ever so much desire; but who find themselves precisely in the condition of Macbeth, when he exclaimed

"I am in blood
Step'd in so far, that, should I wade no more,
Returning were as tedious as go o'er."

The abolitionists of Kansas are all northern-born men who will not thus prostrate, degrade, and destroy themselves in support of slave power, but who have the honesty and independence to be free and to maintain their freedom.

The governor, arriving at Fort Leavenworth, sends the following despatch to Secretary Marcy:

FORT LEAVENWORTH, KANSAS TERRITORY,
September 9, 1856.

SIR: I arrived here this morning, and having passed the day mostly in consultation with General P. F. Smith, in relation to the affairs of the Territory, which, as I am now on the spot, I begin more clearly to understand, it is no exaggeration to say that the existing difficulties are of a more complicated character than I had anticipated.

I find that I have not simply to contend against bands of armed ruffians and brigands, whose sole aim and end is assassination and robbery—infatuated adherents and advocates of conflicting political sentiments and local institutions, and evil-disposed persons actuated by a desire to obtain elevated positions, but, worst of all, against the influence of men who have been placed in authority, and have employed all the destructive agents around them to promote their own personal interests at the sacrifice of every just, honorable and lawful consideration.

I have barely time to give you a brief statement of facts as I find them. The town of Leavenworth is now in the hands of armed bodies of men who, having been enrolled as militia, perpetrate outrages of the most atrocious character under shadow of authority from the territorial government. Within a few days these men have robbed and driven from their houses unoffending citizens; have fired upon and killed others in their own dwellings, and stolen horses and property under the pretence of employing them in the public service. They have seized persons who had committed no offence, and after stripping them of all their valuables, placed them on steamers and sent them out of the Territory. Some of these bands, who have thus violated

the rights and privileges and shamefully and shockingly misused and abused the oldest inhabitants of the Territory who had settled here with their wives and children, are strangers from distant States, who have no interest in nor care for the welfare of Kansas, and contemplate remaining here only so long as opportunities for mischief and plunder exist.

All the official despatches sent from Kansas to the authorities at Washington represented the operations of the people of the Territory for their own defence as "armed rebellion against the laws," and Governor Geary's earlier despatches have the same coloring to some extent; but he seems in this his first letter from the Territory to have got a slight inkling of the real state of things.

The following correspondence is from Message and Documents, 1856-'57, vol. 1, page 99 :

Letter from Mr. Adams.

LAWRENCE, *September 12, 1856.*

SIR: I arrived here a few moments ago, and distributed the address and proclamations, and found the people preparing to repel a contemplated attack from the forces coming from Missouri.

Reports are well authenticated, in the opinion of the best men here, that there is within six miles of this place a large number of men. Three hundred have been seen. As you have been well informed of the contemplated attack to-morrow, I think the report can be relied upon.

They say if a sufficient protection be given them they will disband on the spot.

They say you will not think hard of them for not disbanding to-morrow, with so formidable a force marching against them. I said certainly you would not.

At this moment one of the scouts came in, and reports the forces marching against them at Franklin, three miles off, and all have flown to their arms to meet them. I have concluded to send this to you at once. I hope that you will come on yourself, as the people want much to see you. I will make no suggestions, but I think action is necessary.

Very respectfully, your obedient servant,

THEODORE ADAMS.

His Excellency JOHN W. GEARY,
Governor of Kansas Territory.

Upon receipt of the foregoing letter a requisition, as follows, was immediately made upon Lieutenant Colonel Cooke, commanding the United States troops stationed near Leecompton :

Requisition for United States troops.

EXECUTIVE DEPARTMENT, LECOMPTON, K. T.,
 1½ o'clock a. m., September 13, 1856.

DEAR SIR: The accompanying despatch, just received from Lawrence, gives sufficient reason to believe that trouble of a serious character is likely to take place there. Mr. Adams, the writer of the despatch, is the special agent whom I sent down last evening to ascertain the state of affairs.

I think that you had better send *immediately* to Lawrence a force sufficient to prevent bloodshed, as it is my orders from the President to use every possible means to prevent collisions between belligerent forces. If desirable, I will accompany the troops myself, and should be glad to have you go along.

Truly, yours, &c.,

JOHN W. GEARY,
Governor of Kansas Territory.

Col. P. ST. GEORGE COOKE.

Despatch from Lawrence.

LAWRENCE,
 12 o'clock, September 14, 1856.

SIR: I went, as directed, to the camp of the militia, and found at the town of Franklin, three miles from this place, encamped three hundred men, with four pieces of artillery. One mile to the right, on the Wakarusa, I found a very large encampment of three hundred tents and wagons. They claim to have two thousand five hundred men, and from the appearance of the camp I have no doubt they have that number.

General Reid is in command. I saw and was introduced to General Atchison, Colonel Titus, Sheriff Jones, General Richardson, &c. The proclamations were distributed.

Secretary Woodson and General Strickler had not, up to the time I left, delivered their orders, but were about doing so as soon as they could get the officers together. The outposts of both parties were fighting about an hour before sunset; one man killed of the militia, and one house burned at Franklin. There were but few people at Lawrence, most of them having gone to their homes after your visit here.

I reported these facts to the officers in command here, and your prompt action has undoubtedly been the means of saving the loss of blood and valuable property.

Secretary Woodson thought you had better *come* with the militia on to the camp as soon as you can. I think a prompt visit would

have a good effect. I will see you as you come this way, and communicate with you more fully.

Very respectfully, your obedient servant,

THEODORE ADAMS.

His Excellency Governor GEARY, *K. T.*

The following was this day despatched to Washington by the hands of Mr. Theodore Adams :

Governor Geary to Mr. Marcy.

EXECUTIVE DEPARTMENT,
Lecompton, K. T., September 16, 1856.

SIR: My last despatch was dated the 12th instant, in which I gave you a statement of my operations to that date. Since then I have had business of the deepest importance to occupy every moment of my attention, and to require the most constant watchfulness and untiring energy. Indeed, so absolutely occupied is all my time that I scarcely have a minute to devote to the duty of keeping you apprised of the true condition of this Territory. I have this instant returned from an expedition to Lawrence and the vicinity, and am preparing to depart almost immediately for other sections of the Territory where my presence is demanded.

After having issued my address and proclamations in this city, copies of which have been forwarded to you, I sent them with a special messenger to Lawrence, twelve miles to the eastward, where they were made known to the citizens on the 12th instant. The people of that place were alarmed with a report that a large body of armed men, called out by the proclamation of the late Acting Governor Woodson, were threatening them with an attack, and they were making the necessary arrangements for resistance. So well authenticated seemed their information, that my agent forwarded an express by a United States trooper, announcing the fact, and calling upon me to use my power to prevent the impending calamity. This express reached me at 1½ o'clock on the morning of the 13th instant. I immediately made a requisition upon Colonel Cooke, commander of the United States forces stationed at this place, for as many troops as could be made available, and in about an hour was on my way towards Lawrence with three hundred mounted men, including a battery of light artillery.

On arriving at Lawrence we found the danger had been exaggerated, and that there was no immediate danger for the intervention of the military. The moral effect of our presence, however, was of great avail. The citizens were satisfied that the government was disposed to render them all needed protection, and I received from them the assurance that they would conduct themselves as law-abiding and peace-loving men. They voluntarily offered to lay down their arms, and enrol themselves as territorial militia, in accordance with the terms of my proclamation. I returned the same day with the troops, well satisfied with the result of my mission.

During Saturday, the 13th instant, I remained at my office, which was constantly thronged with men uttering complaints concerning outrages that had been and were being committed upon their persons and property. These complaints came in from every direction, and were made by the advocates of all the conflicting political sentiments with which the Territory has been agitated, and they exhibited clearly a moral condition of affairs too lamentable for any language adequately to describe.

The whole country was evidently infested with armed bands of marauders, who set all law at defiance, and travelled from place to place, assailing villages, sacking and burning houses, destroying crops, maltreating women and children, driving off and stealing cattle and horses, and murdering harmless men in their own dwellings, and on the public highways. Many of these grievances needed immediate redress; but unfortunately the law was a dead letter, no magistrate or judge being at hand to take an affidavit or issue a process, and no marshal or sheriff to be found, even had the judges been present to prepare them to execute the same.

The next day (Sunday) matters grew worse and worse. The most positive evidence reached me that a large body of armed and mounted men were devastating the neighborhood of Osawkee and Hardtville, commonly called "Hickory Point." Being well convinced of this fact, I determined to act upon my own responsibility, and immediately issued an order to Colonel Cooke for a detachment of his forces to visit the scene of disturbance. In answer to this requisition, a squadron of eighty-one men was detached, consisting of companies C and H, 1st cavalry, Captains Wood and Newby, the whole under command of Captain Wood. This detachment left the camp at 2 o'clock p. m. with instructions to proceed to Osawkee and Hickory Point--the former twelve, and the latter eighteen miles to the northward of Leecompton. It was accompanied by a deputy marshal.

In consequence of the want of proper facilities for crossing the Kansas river, it was late in the evening before the force could march. After having proceeded about six miles, intelligence was brought to Captain Wood that a large party of men, under command of a person named Harvey, had come over from Lawrence, and made an attack upon a log house at Hickory Point, in which a number of the settlers had taken refuge. This assault commenced about 11 o'clock in the morning, and continued six hours. The attacking party had charge of a brass six-pounder, the same that was taken by Colonel Doniphan at the battle of Sacramento. This piece had been freely used in the assault, but without effecting any material damage; as far as has yet been ascertained, but one man was killed, and some half dozen wounded.

About 11 o'clock in the evening Captain Wood's command met a party of twenty-five men with three wagons, one of which contained a wounded man. These he ascertained to be a portion of Harvey's forces who had been engaged in the assault at Hickory Point, and who were returning to Lawrence. They were immediately arrested, without resistance, disarmed, and held as prisoners. Three others

were soon after arrested, who also proved to be a portion of Harvey's party.

When within about four miles of Hickory Point, Captain Wood discovered a large encampment upon the prairie, near the road leading to Lawrence. It was the main body of Harvey's men, then under command of one Bickerton, Harvey having left after the attack on Hickory Point. This party was surprised and captured.

After securing the prisoners, Captain Wood returned to Leecompton, which place he reached about daybreak on Monday, the 15th instant, bringing with him one hundred and one prisoners, one brass field-piece, seven wagons, thirty-eight United States muskets, forty-seven Sharpe's rifles, six hunting rifles, two shot-guns, twenty revolving pistols, fourteen bowie-knives, four swords, and a large supply of ammunition for artillery and small arms.

Whilst engaged in making preparations for the foregoing expedition, several messengers reached me from Lawrence, announcing that a powerful army was marching upon that place, it being the main body of the militia called into service by the proclamation of Secretary Woodson, when acting governor. This information was measurably confirmed by the accompanying despatches from General Heiskell, (marked A and B,) which had reached me within an hour of each other.

Satisfied that the most prompt and decisive measures were necessary to prevent the sacrifice of many lives, and the destruction of one of the finest and most prosperous towns in the Territory, and avert a state of affairs which must have inevitably involved the country in a most disastrous civil war, I despatched the following order to Colonel Cooke :

"Proceed at all speed with your command to Lawrence, and prevent a collision if possible, and leave a portion of your troops there for that purpose."

Accordingly, the entire available United States force was put in motion, and reached Lawrence at an early hour in the evening. Here the worst apprehensions of the citizens were discovered to have been well founded. Twenty-seven hundred men, under command of Generals Heiskell, Reid, Atchison, Richardson, Stringfellow, &c., were encamped on the Wakarusa, about four miles from Lawrence, eager and determined to exterminate that place and all its inhabitants. An advanced party of three hundred men had already taken possession of Franklin, one mile from the camp and three miles from Lawrence, and skirmishing parties had begun to engage in deadly conflict.

Fully appreciating the awful calamities that were impending, I hastened with all possible despatch to the encampment, assembled the officers of the militia, and, in the name of the President of the United States, demanded a suspension of hostilities. I had sent, in advance, the secretary and adjutant general of the Territory, with orders to carry out the letter and spirit of my proclamations; but up to the time of my arrival these orders had been unheeded, and I could discover but little disposition to obey them. I addressed the officers in command at considerable length, setting forth the disastrous consequences of such a demonstration as was contemplated, and the abso-

lute necessity of more lawful and conciliatory measures to restore peace, tranquillity, and prosperity to the country. I read my instructions from the President, and convinced them that my whole course of procedure was in accordance therewith, and called upon them to aid me in my efforts, not only to carry out these instructions, but to support and enforce the laws and the Constitution of the United States. I am happy to say that a more ready concurrence in my views was met than I had at first any good reason to expect. It was agreed that the terms of my proclamations should be carried out by the disbandment of the militia; whereupon the camp was broken up, and the different commands separated, to repair to their respective homes.

The occurrences thus related are already exerting a beneficent influence; and although the work is not yet accomplished, I do not despair of success in my efforts to satisfy the government that I am worthy of the high trust which has been reposed in me. As soon as circumstances will permit, I shall visit, in person, every section of the Territory where I feel assured that my presence will tend to give confidence and security to the people.

In closing, I have merely to add that, unless I am more fully sustained hereafter by the civil authorities, and serious difficulties and disturbances continue to agitate the Territory, my only recourse will be to martial law, which I must needs proclaim and enforce.

Most truly and respectfully, your obedient servant,

JOHN W. GEARY,
Governor of Kansas Territory.

Hon. W. L. MARCY, *Secretary of State.*

[Gillon's History, page 150.]

Before this despatch reached Lecompton the governor had departed, with three hundred United States mounted troops and a battery of light artillery, and, riding speedily, arrived at Lawrence early in the evening of the 14th, where he found matters precisely as described.

Skilfully stationing his troops outside the town, in commanding positions, to prevent a collision between the invading forces from Missouri and the citizens, he entered Lawrence alone, and there he beheld a sight which would have aroused the manhood of the most stolid mortal, and which another writer has thus eloquently described:

“About three hundred persons were found in arms, determined to sell their lives at the dearest price to their ruffian enemies. Among these were many women and children of both sexes, armed with guns, and otherwise accoutred for battle. They had been goaded to this by the courage of despair. Lawrence was to have been the Thermopylae, and every other free town would have proved a Saragossa. When men determine to die for the right, a hecatomb of victims grace their immolation; but when women and children betake themselves to the battle-field, ready to fight and die with their husbands and fathers, heroism becomes the animating principle of every heart, and

a giant's strength invigorates every arm. Each drop of blood lost by such warriors becomes a dragon's tooth, which will spring from the earth in all the armor of truth and justice to exact a fearful retribution. Had Lawrence been destroyed, and her population butchered, the red right hand of vengeance would have gleamed over the entire south, and the question of slavery have been settled by a bloody and infuriated baptism. There are such examples in history, and mankind have lost none of their impulses or human emotions.

“Governor Geary addressed the armed citizens of Lawrence, and when he assured them of his and the laws protection, they offered to deposit their arms at his feet and return to their respective habitations. He bid them to go to their homes in confidence and to carry their arms with them, as the Constitution of the Union guaranteed that right; but to use these arms only in the last resort to protect their lives and property and the chastity of their females. They obeyed the governor and repaired to their homes.”

Early on the morning of the 15th, having left the troops to protect the town of Lawrence, the governor proceeded alone to the camp of the invading forces, then within three miles, and drawn up in line of battle. Before reaching Franklin he met the advanced guard, and upon inquiring who they were and what were their objects, received for answer that they were the territorial militia called into service by the governor of Kansas, and that they were marching to “wipe out Lawrence and every damned abolitionist in the country.” Geary informed them that he was now governor of Kansas, and commander-in-chief of the territorial militia, and ordered the officer in command to countermarch his troops back to the main line, and conduct him to the centre, that being his proper position, which order after some hesitation was reluctantly obeyed. The scene that was presented as the governor advanced was one that no time nor circumstances can ever erase from his mind. The militia had taken a position upon an extensive and beautiful plain near the junction of the Wakarusa with the Kansas river. On one side towered a lofty hill, known as the Blue Mound, and on the other Mount Dread showed its fortified summit. The town of Franklin, from its elevated sight, looked down upon the active scene, while beyond, in a quiet vale, the more flourishing city of Lawrence reposed as though unconscious of its threatened doom. The waters of the Kansas river might be seen gliding rapidly toward the Missouri, and the tall forest trees which line its banks plainly indicate the course of the Wakarusa. The red face of the rising sun was just peering over the top of the Blue Mound as the governor with his strange escort of three hundred mounted men, with red shirts and odd-shaped hats, descended upon the Wakarusa plain. There, in battle array, were ranged at least three thousand armed and desperate men. They were not dressed in the usual habiliments of soldiers; but in every imaginable costume that could be obtained in that western region. Scarcely two presented the same appearance, while all exhibited a ruffianly aspect. Most of them were mounted, and manifested an unmistakable disposition to be at their bloody work. In the background stood at least three hundred army tents and as many wagons, while here and there a cannon was planted

ready to aid in the anticipated destruction. Among the banners floated black flags to indicate the design that neither age, sex, nor condition would be spared in the slaughter that was to ensue. The arms and cannon also bore the black indices of extermination.

In passing along the lines, murmurs of discontent and savage threats of assassination fell upon the governor's ears; but heedless of these, and regardless, in fact, of everything but a desire to avert the terrible calamity that was impending, he fearlessly proceeded to the quarters of their leader.

This threatening army was under the command of General John W. Reid, then and now a member of the Missouri legislature, assisted by ex-Senator Atchison, General B. F. Stringfellow, General L. A. Maclean, General J. W. Whitfield, General George W. Clarke, Generals William H. Heiskell, William H. Richardson, and F. A. Marshall, Colonel H. T. Titus, Captain Frederick Emory, and others of similar character. Some of these men have since been rewarded by the present administration with lucrative offices; if not for valuable services they were about to render in this affair, at least for some others which the government has considered important.

Governor Geary at once summoned the officers together, and addressed them at length and with great feeling. He depicted, in a forcible manner, the improper position they occupied, and the untold horrors that would result from the consummation of their evil designs; that, if they persisted in their mad career, the entire Union would be involved in a civil war, and thousands and tens of thousands innocent lives be sacrificed. To Atchison he especially addressed himself, telling him that, when he last saw him, he was acting as Vice-President of the nation, and president of the most dignified body of men in the world—the Senate of the United States; but now, with sorrow and pain, he saw him leading on to a civil and disastrous war an army of men with uncontrollable passions, and determined upon wholesale slaughter and destruction. He concluded his remarks by directing attention to his proclamation, and ordered the army to be disbanded and dispersed. Some of the more judicious of the officers were not only willing but anxious to obey the order; whilst others, resolved upon mischief, yielded a very reluctant assent. General Clarke said he was for pitching into the United States troops, if necessary, rather than abandon the objects of the expedition. General Maclean didn't see any use of going back until they had whipped the d—d abolitionists. Sheriff Jones was in favor, now they had a sufficient force, of "wiping out" Lawrence and all the free-State towns. And these and others cursed Governor Geary, in not very gentle expressions, for his untimely interference with their well-laid plan. They, however, obeyed the order and retired, not as good, law-abiding citizens, but as a band of plunderers and destroyers, leaving in their wake ruined fortunes, weeping eyes, and sorrowing hearts.

In order to show more clearly the policy of the "pro-slavery party" in Kansas and of the officers of the government, both in the Territory and at Washington, we quote still further from "Gihon's History," and then we close this shameful record:

Page 247. "Let it be observed that, in defending the outrages of

the pro-slavery scoundrels, it is done on the ground that they were committed against bad men, incendiaries, and traitors; and let it be also observed that, in this category, he classes *all free-State men*, even though as free from crime as the Saviour of the world. His special reasoning on that score will be understood at a glance by every intelligent reader."

Observe now what the *Lecompton Union* says of its paragon:

"GENERAL CALHOUN.—To the northern men who, with a devotion amounting to heroism, have bared their breasts and received the blows aimed at the freedom of the south, State equality, and consequently the perpetuity of the Union, are the people of this Union indebted more than others. To this class belongs General John Calhoun, surveyor general of Kansas. Born and raised in the north, *his sympathies are all with the south*, and he is to-day *stronger on the slavery question* than one-half of those born and raised in the south; and we say this, too, without doubting their devotion to the clime of their birth, or for want of confidence in their will to defend us when necessary against any enemy.

"He belongs to the Douglas school of politicians, the men upon whose shoulders the weight of the Union has fallen. Bold in thought, untiring in action, and sound in principle, such men are governed by principle, not motive. There is an under covering of common honesty in their composition that defies the corrupting influence of brain-sick abolitionism—neither gold, the glittering prize that dazzles the ambitious eye, the fear of scorn and contumacy, can tempt them from the strict line of duty; but, planted upon the rock of principle, they resist the seductive influences of the one, and defy the stings of the other.

"To such men, more especially, are the people of Kansas indebted for their firm and unwavering support under circumstances of a peculiarly trying nature. These thoughts occurred to us after listening to the very excellent remarks of General Calhoun on last Saturday evening. We will give the substance of one or two points made by him on the occasion:

"In the first place, he exposed the injustice and fallacy or the policy that is being carried out by the territorial magnates *under the plausible pretext of doing justice to all parties*—the levelling idea that has, since the advent of the last gubernatorial constellation, loomed up in our political sky—recognizing no difference between the good and the bad, but placing upon a common footing the sustainers of the laws and its violators.

"Under the workings of this new policy *some of the best and most law-abiding citizens of the Territory*, [viz: Hays, the murderer of Buffum; Clarke, the assassin of Barber; Emory, who killed Phillips, and many others of that class,] *have been* dragged before the inquisitorial court, 'spotted and stained' with indictments, and made to undergo all the vexations and delays of a legal investigation to vindicate his honor. If he shoots down the incendiary when in the act of applying the torch to his house, or *if he jumps on the back of the first horse that comes within his reach*, or '*presses*' him for the purpose of vindicating the laws of the country when trampled under foot,

must he be placed on an equal footing with the wretch who applies the torch, and with the traitor who breaks the law, and be branded as a murderer and common horse thief? ”

This language is used in defence of men who murdered others simply to rob them of their property, and even stole horses from women and children, not to pursue violators of the law, but to carry them for sale into the adjoining State. Such men, according to the logic of the speaker, were not to be placed on an equality with those whom they robbed and murdered. But the general exposes himself as he proceeds. It was the policy of his party to claim the character of *innocence*, of *justification by circumstances* of their unheard of atrocities, of their numerous robberies, house-burnings, and murders. *This could not be done, if legal investigation were had, and the damning facts be brought out before a court of law.* Their crimes exposed, they could not expect a continuance of the support and encouragement they were receiving from honest though deceived persons at a distance. Hence the opposition to Governor Geary, who could not believe that a murderer was less a murderer because he claimed to belong to a certain party, or that he should be left on that account to run at large unwhipped of justice, or beyond the exercise of the law. The general continues :

“ Is it sufficient to inquire whether such and such an act was done without inquiring into the causes that led to its commission? What will be the effect of such policy upon our party here if persisted in? It will degrade us at home and disgrace us abroad, and it will force us to either one of two extremes, to abandon a country that punished for sustaining its laws, and defending our lives and property when threatened, or we must make up our minds to submit to every humiliation and degradation that can be heaped upon us. What will our friends at Washington, or the States who have fought our battles, say when they hear of this? It will take from them the only weapon that they have used in our defence—*our innocence*—and place in the hands of our enemies a powerful lever to be used *against us—our guilt.* ”

The general appears to have been nervously sensitive on this score. He seems to have been fully aware that their cause would be seriously injured, even in the South, if the truth should, by any chance, happen to get abroad through honest legal investigations. In that case their pretended *innocence* would no longer avail them. And hence their greatest scoundrels must be screened and protected, and though their hands with blood were as red as scarlet, they must be made to appear as white as snow. If one of these wretches stole a horse, it was only from a seditious abolitionist, and to be used in the public service; if he robbed a house and then burned it to the ground, it was to drive out some rebel who had taken refuge there; and if he murdered an unarmed and defenceless man upon the highway, or whilst sleeping in his bed, it was in self defence. This ground must be assumed and maintained, else their cause must fall; and to maintain it, their worst criminals must be kept out of the courts, else destructive secrets would necessarily be revealed. Besides, the Blue Lodges required them to protect each other, and that was another weighty consideration. The general's speech grows richer, as he proceeds:

“The question is, shall we sustain our friends, who, in obedience to the proclamation of Acting Governor Woodson, took up arms in defence of the laws against a set of ‘dogs,’ scoundrels and traitors, who came into the country, not with the intention of supporting the laws, but armed and equipped for fight—traitors at heart, with the treasonable design of overthrowing the laws and trampling them under foot; or shall we surrender them to the mercy of such a miserable policy as is being carried out at present, OR SUSTAIN THEM TO THE LAST?”

“Our position is, that the law and order party is in the right, or it is in the wrong—if the first, it should be sustained; if the last, condemned. We say it is the only true, upright, constitutional party in the country; there may be individual exceptions; we are not bound by their acts, nor do we approve of them.

“The idea of appeasing the insatiable gluttony of abolition rage and fanaticism by harassing and plastering with indictments the law and order men, under the pretence of ‘impartial justice,’ savor of lunacy. If one-half of the law and order men should be swung up by the neck on to-morrow, the sacrifice would not in the least abate their hellish desire, but, like the horse-leach, they would cry ‘give,’ until the life of every man that opposed them was offered up. They came into the country to disturb its peace, to break its laws, to kill, burn and plunder. Outlaws and traitors, they deserve the traitor’s fate.”

This article indicated the character of the pro-slavery party of Kansas, and explains clearly some of the seeming mysteries in the history of the Territory. A brutal murder had been committed. In the annals of crime there is not one recorded of a more diabolical character. A poor cripple is killed in cold blood by a human monster simply to steal his horses. With his hands still reeking with the blood of his inoffensive victim, the assassin also robs a young girl of her pet pony; and then with his booty joins his “law and order” comrades. The governor, with great difficulty and expense, caused the criminal to be arrested. A *partial* judge sets him free, and an *impartial* governor causes his re-arrest. A public meeting is called in consequence, by men holding prominent offices under the general government, to denounce the governor as a *lunatic* for attempting to carry out the policy of “*impartial justice*.” The surveyor general of the Territory tells the people the laws were not made to condemn the “law and order” party for killing abolitionists. It was all right that hundreds of free-State men should be groaning and starving in a loathsome prison, but it was an offence to lay hands upon a “law and order” villain. This offence sealed the governor’s doom. It was decreed that he should be removed. If the government could not be prevailed upon to dismiss him, and he could not be so harassed and embarrassed as to be forced to resign, then the hand of the assassin must do the work. And these advocates for murder, associates of murderers, murderers themselves, succeeded. They did not simply denounce the “impartial policy” of Governor Geary, but they determined that it should not prevail in Kansas; and hence Calhoun and Clarke, and Emory and Jack Thompson, hastened to Washington, and *were admitted to the*

presence of President Buchanan, and introduced to the members of the cabinet, to all of whom they promised they would throw no obstacles in his way if a southern governor was sent to Kansas; and Mr. Buchanan was delighted with these assurances. They called on Mr. Robert J. Walker, and told him they would give him no trouble if he would be the governor; and Mr. Walker felt highly flattered. But they *had* thrown obstacles in the way of Governor Geary; they *had* given him trouble; they had annoyed and abused him to the full extent of their power; they had prevailed upon the authorities to remove from him all the means he had at command to preserve the peace and protect himself, and then surrounded him with bands of assassins, ready to consummate, at the first favorable opportunity, their nefarious designs. And why? Because Governor Geary had conceived the fallacy of exercising "impartial justice"; because he could not discriminate between murder committed by a man who added to the enormity of the crime the black falsehood that it was committed for the public good, and by one who made no such lying pretence; because, in a word, he was determined that the simple fact of being an advocate for slavery, and assuming the name of "law and order," should not screen the guilty wretch from merited punishment. And these men, who, for this reason and none other, so foully persecuted Governor Geary, have been rewarded with lucrative offices by the administration. Since the world was made never were such responsible positions given in any civilized nation on earth to men so notoriously unworthy.

Alluding to the action of a convention held at Leecompton on the last day of the session of the legislature, at which the name of "*The National Democracy of Kansas Territory*" was adopted, Dr. Gihon goes on to say, page 254:

This was a strange procedure, and one which shows an utter disregard of moral principle, when it is understood that these very men, at the last session of the legislature, as will be seen by reference to their published journal, passed the following:

"Mr. Speaker Stringfellow (Mr. Anderson in the chair) offered the following concurrent resolution:

"Whereas the signs of the times indicate that a measure is now on foot fraught with more danger to the interest of the pro-slavery party and to the Union than any which has yet been agitated, to wit: the proposition to organize a *national* democratic party; and

"Whereas some of our friends have already been misled by it; and

"Whereas the result will be to divide pro-slavery whigs from democrats, then weakening our party one-half; and

"Whereas we believe that on the success of our party depends the perpetuity of the Union: Therefore—

"*Be it resolved by the house of representatives, the council concurring therein,* That it is the duty of the pro-slavery party, the Union-loving men of Kansas Territory, to know but one issue, SLAVERY; and that any party making or attempting to make any other IS AND SHOULD BE HELD AS AN ALLY OF ABOLITIONISM AND DISUNION.

"Which was read a first time, and the rule suspended; and the resolution read a second time and agreed to."

Such is the platform of the men who, at last, for sinister motives, styled themselves the "*National Democracy of Kansas*." They were to know but *one issue*—that *issue slavery*, or else be held as "allies of abolitionism and disunion." In carrying out this principle all the free-State democrats of Kansas were excluded from membership with the "*national democracy*," not one of them being received into fellowship, or in any manner allowed to take part in its proceedings.

But it may be asked, is this sort of democracy acknowledged and indorsed by the administration at Washington? Yes! Mr. Buchanan has carried it out to the full measure of perfection. As far as he has had the power, he has ostracized all free-State democrats, no matter how long or how faithfully they have served himself and their party. The most, if not all of his appointments, have been made with especial reference to the slavery question and the pleasure of the southern wing of the democracy. Without an exception, the Kansas appointments were well-known pro-slavery men, and they of the fiercest character.

A despatch was also forwarded to General Smith by the Secretary of War. From the instructions this contained, as well as from the tenor of other documents that will be found in this chapter, it is quite palpable that the administration at Washington had been utterly deceived in regard to the true condition of things in Kansas, and was laboring under the strange halucination that all the difficulties existing there were attributable to free-State settlers and invaders. These were the only persons who were supposed to be violating "the peace and quiet" of the Territory; these were the only offenders whom Governor Geary was expected to "bring to punishment;" these were the parties against whom the troops were to be employed; and hence it is not difficult to account for the fact that the countenance of the administration was withheld and the troops withdrawn from him as soon as it was ascertained that he had so far misunderstood his instructions and the wishes of his employers as to cause the arrest of a pro-slavery murderer.

All went well so long as he continued to cram the filthy jail with free-State prisoners, but his fate was sealed when he exhibited a disposition to punish their political opposers. This was no part of the programme, and the powers at Washington were astonished that Geary did not understand, or understanding, did not lend his aid to further their policy.

Governor Geary, having but a stop to the plan hitherto adopted of "harrassing and driving out of free-State" settlers by means of marauding parties and raids upon free-State towns, next turns his attention to the policy, still pursued, of harrassing them by arrests. "Gihon's History," page 186: "Deputy marshals who, in some instances, had rendered themselves obnoxious by their habits of partisan oppression, were at the head of United States troops, constantly scouring the country, entering free-State towns, and under the shadow of authority and the cover of protection of the soldiers committing offences against decency and the quiet of the community more reprehensible than those ever *alleged* against the parties of whom, in many instances, they were in search; and they were becoming almost as great a terror to unoffending people as the hordes of banditti which

had previously infested the highways. The refusal of the governor, therefore, to continue to furnish the means for these officials to pursue such practices, was followed by the most beneficial results. The free-State people were no longer harrassed with processes issued simply for their annoyance, and were enabled to pursue their lawful avocations, and in peace; and the order and quiet which previous bold and decisive measures had effected were thus, in a great measure, preserved.

Lieutenant Lewis Merrill, who, on one occasion, had been detailed with a company of dragoons to accompany a deputy marshal on one of these expeditions to execute writs, in concluding a lengthy report, remarks:

“I reached Lecompton with the prisoners under my charge without any accident, except losing the way again once. No transportation could be found for the prisoners, and they were compelled to walk.

“Not the slightest evidence was shown anywhere that there would have been any resistance to the civil officer under any circumstances; and I think that if he had been an efficient, energetic man, who had not, by his former conduct, made himself obnoxious to these people, the arrests would have been made of all the warrants called for, and without any show of resistance under any circumstances.

“With this, sir, I have the honor to be, very respectfully, your most obedient servant,

“LEWIS MERRILL,

“*Second Lieutenant 2d Dragoons, U. S. Army.*”

“His Excellency J. W. GEARY,

“*Governor of Kansas Territory.*”

The following, sent by telegraph to the governor, establishes the fact beyond a doubt that the government regarded *all the offences* as coming from *one party*, the free-State, because, while it points out, with exaggeration, outrages alleged to have been committed by that party, it makes no mention of nor reference to the still greater enormities perpetrated by the pro-slavery agitators and invaders.

[Reference is here made to a despatch sent by Secretary Marcy to Governor Geary.]

It is true that the honorable Secretary of State here directs the governor to “*bring to punishment all acts of violence or disorder, by whomsoever perpetrated and on whatever pretext,*” but at the same time, while he distinctly points to every offence that could be charged against the free-State men, even to a *hostile attack upon the house of Clarke*, which house had never been molested, he seems to have been entirely oblivious of the fact that General Reid and Captain Pate and General Whitfield, at the head of armed bands of Missourians, had invaded the Territory, sacked towns, robbed post offices, burned houses, ravished and branded women, stolen horses and cattle, destroyed crops, and committed other enormities too horrible to imagine or describe. He seemed insensible of the fact that a band of marauders, under the command of this very man Clarke, whose house is falsely alleged to have been assailed, had pillaged stores and dwellings, and after having

murdered a man in the most brutal manner, buried him a few inches below the ground, leaving his hands sticking out for tombstones; and at the time the Secretary was writing his despatch an immense army was congregating in Missouri, carrying black flags as the indices of their murderous intentions, for the purpose of invading Kansas, under the authority of the governor, to destroy free-State towns and massacre their inhabitants. These were not men whom Governor Geary was expected to "bring to punishment;" for he no sooner dared to lay his hands upon the worst assassin of them all than he was clearly given to understand that his services were no longer needed.

As frequent reference was made, in the official correspondence between Governor Geary and the military officers in command in Kansas and the departments at Washington, during the fall of 1856, to *Lane's army*, which, it was alleged, was entering Kansas by way of Nebraska, and most extravagant rumors were circulated with reference to the same, both in Kansas and Missouri, we give below Colonel Cook's report of the arrest of said "*army*," also a letter addressed to Governor Geary by Colonel Eldridge and others, in order to show the character of that company of which such extravagant rumors were circulated. Colonel Cook's report we take from Message and Documents, 1856-'57, part 2, page 142.

No. 18.]

HEADQUARTERS, CAMP NEAR NEMAH, K. T.,

October 10, 1856.

MAJOR: I received last night your letter of the 8th instant, &c.

I ascertained yesterday that a large party were at Archer, a town twelve miles north. My camp was very near the "fort" and fortified house. I brought Lieutenant Colonel Johnston early this morning with his command, which was three miles north, and the camp of my combined force covered the road. Between 9 and 10 o'clock the party, with twenty wagons, approached, and were halted by the guard; the troops were all disposed ready for service, 1st cavalry near the road, dismounted. I rode to meet the mounted bodies of the party, Colonel Eldridge, General Pomroy, and several others. Whilst I was questioning them, Colonel Preston, United States deputy marshal, who had come up, produced the governor's proclamation, (of September 10,) and told them it was his duty to search the wagons for arms and munitions of war. There were about five women of marriageable age; and the men in wagons and walking, 240 in number, as reported to me by Colonel Eldridge, a few of them only with arms in their hands. There was at first much temper shown at the search, and some show of a disposition to resist. I forbade trunks or any ordinary packages to be opened. There was *none* of the ordinary baggage of emigrants; not a chair or other furniture; but one tool chest; no agricultural implements. There were, however, boxed, many new saddles, and about 242 percussion muskets, Hall's muskets, and Sharpe's carbines; 2 officers' and 61 common sabres; about 50 Colt's revolvers, *boxed*; 4 boxes ball cartridges, &c., &c.

The deputy marshal said he recognized a number of Lane's former men and leaders.

At the request of the deputy marshal for my opinion, I gave him

the enclosed, that they were a combined body, furnished completely with arms and munitions of war. I requested a categorical answer from Lieutenant Colonel Johnston, Major Sedgwick, and Brevet Major Sibley—their opinions if they were “a combined armed party?” The two latter answered, *yes*; and Colonel J., “armed, don’t know if combined.”

Colonel Preston, deputy marshal, wished to give the party escort towards their destination, they going voluntarily to meet the governor, expecting to get the assent and promise of their leaders to conform. I assented; Colonel Eldridge wished it, but, consulting with his people, could or would give no definite answer; when the deputy marshal arrested them all.

It was late, and had been raining for two hours; so, near 2 o’clock, I sent them with a guard into camp, near mine.

I shall send Brevet Major Sibley, 2d dragoons, with his squadron, to conduct them to the governor, at Leecompton, taking along their arms, agreeably to the requisition on me of September 28.

Before he arrested them the deputy marshal gave me the enclosed requisition for assistance.

I found the deputy marshal and some others very much staggered by the governor’s letter as to Eldridge’s party, of September 30, which was produced. I considered it, as I have reported, as not bearing on the merits of the question.

The leaders of this party reported to me that from 60 to 75 others were coming, several days behind, with ox teams.

The officer of the day reports the number of the party 223.

* * * * *

With great respect, your obedient servant,

P. ST. G. COOKE,
Lieutenant Colonel 2d Dragoons.

Major F. J. PORTER,

*Assistant Adjutant General, Department of the West,
Fort Leavenworth.*

Letter of Colonel Eldridge and others.

TOPEKA, K. T., *October 14, 1856.*

DEAR SIR: We, the undersigned, conductors of an emigrant train, who entered the Territory on the 10th instant, beg leave to make the following statement of facts, which, if required, we will attest upon our oaths:

1st. Our party, numbering from two hundred to three hundred persons, in two separate companies, the rear company, which has not yet arrived, being principally composed of families with children, who left Mount Pleasant, Iowa, three days after this train which has arrived to-day.

2d. We are all *bona fide* settlers, intending, so far as we know, to become permanent inhabitants.

3d. The blockading of the Missouri river to free-State emigrants, and the reports which reached us in the early part of September to the effect that armed men were infesting and marauding the northern portions of Kansas, were the sole reasons why we came in company and were armed.

4th. We were stopped near the northern line of the Territory by the United States troops, acting, as we understood, under the orders of one Preston, deputy United States marshal, and after stating to the officers who we were, and what we had, they commenced searching our wagons, (in some instances breaking open trunks and throwing bedding and wearing apparel upon the ground in the rain,) taking arms from the wagons, wresting some private arms from the hands of men, carrying away a lot of sabres belonging to a gentleman in the Territory, as also one and a half kegs of powder, percussion caps, and some cartridges; in consequence of which we were detained about two-thirds of a day, taken prisoners, and are now presented to you. All we have to say is, that our mission to this Territory is entirely peaceful. We have no organization, save a police organization for our own regulation and defence on the way, and coming in that spirit to this Territory we claim the right of American citizens to bear arms, and to be exempt from unlawful search and seizure.

Trusting to your integrity and impartiality, we have confidence to believe that our property will be restored to us, and that all that has been wronged will be righted.

We here subscribe ourselves, cordially and truly, your friends and fellow citizens,

S. W. ELDRIDGE, *Conductor*.
 SAMUEL C. POMEROY.
 JOHN A. PERRY.
 ROBERT MORROW.
 EDWARDS DANIELS.
 RICHARD RELF.

His Excellency JOHN W. GEARY,
Governor of Kansas Territory.

Message and Documents, 1856-'7, part 2d, page 68.

HEADQUARTERS DEPARTMENT OF THE WEST,
Fort Leavenworth, August 11, 1856.

COLONEL: I have received a letter from Governor Shannon, asking me to take the field with the whole disposable force in the Territory, to prevent the ingress of "Lane's party" by the northern boundary of the Territory. The information given to the governor has been so exaggerated and is, to my knowledge, so incorrect, that I decline making a movement that would introduce as much disorder as existed six weeks ago. Captain T. J. Wood, with his company of first cavalry, is upon the northern frontier, and I shall depend on his report to govern my action.

Some of the companies along the Kansas were sent by the command-

ing officer there, at the governor's request, to break up camps of armed men at several places he designated. On the arrival of the troops at the points designated not only were no camps found, but none had ever existed there, or anywhere else in their neighborhood. I know that each party is trying to engage the action of the troops in expelling their adversaries, and I place no dependence on the reports that do not come from what I consider good authority.

* * * * *

With high respect, your obedient servant,

PERSIFOR F. SMITH,

Brevet Major General, Commanding Department.

Colonel S. COOPER,

Adjutant General of the Army.

If one half the zeal here shown to keep out an imaginary army under Lane had been exerted to keep out marauders upon the free-State people, from Missouri, and elsewhere, much of this shameful history would never have been written.

In this review of the *history* out of which these claims arose your committee have brought to light only some of its leading incidents. We have endeavored to confine ourselves to those events out of which the principal destruction of property arose, and which tend to illustrate the policy of the government, both local and national, as connected with these disorders. To avoid swelling this report to an inordinate length we have omitted a vast mass of testimony bearing directly upon these points, but all going to show a long series of outrages against the political rights, the right of property, and the lives of the people of Kansas, unparalleled in the history of any civilized country; that these outrages were connived at, upheld, and encouraged, and often actually perpetrated by the officers of the government, both local and *federal*, both civil and military. It is with no feelings of pleasure that we again bring this shameful chapter of history to light; but justice to the injured parties demands it—demands that the facts should be known, and that such redress for the wrongs it has *inflicted* or *permitted* should be granted by this government, so far as these losses come within recognized and established principles as creating a just claim upon government for indemnity.

After carefully examining an immense mass of testimony, official correspondence, and documents, as well as the most authentic histories of these disorders, your committee have come to the conclusion that the following facts are most fully and clearly established:

First. That the election of the first territorial legislature was carried by organized invasion from the State of Missouri, by which the people of the Territory were prevented from exercising the rights secured to them by the organic law, and deprived of any voice in the enactment of the laws under which they were to live, and upon which they were to depend for the protection of their lives and their property.

Second. That the legislature thus illegally and fraudulently elected proceeded to enact laws with special reference to the perpetuation of their usurped power, and to fill all the subordinate offices which it created with men of violent partisan principles and prejudices, wholly opposed in sentiment and feeling to a very large majority of the people.

Third. That the laws thus enacted were used by the officers so elected, not to protect the lives and property of the citizens, but to render both as insecure as possible, and to worry and harrass them till they should seek relief in flight from the country which they had chosen for their future homes.

Fourth. That murderous *raids* and *forays*, rendering life and property insecure, and often resulting in great destruction of both, were aided and encouraged, and often *instigated, by government officers, both federal and territorial, under pretence of "enforcing the laws."*

Fifth. That all efforts at self protection, whether in defence of their lives and property, or their homes and firesides, and the chastity of their wives and daughters, were systematically and maliciously misrepresented and charged as rebellion against the laws, with treasonable intent to overthrow the constituted authorities of the country.

Sixth. That no armed organization, whether secret or open, was ever formed among the "free-State" people for the purpose of resisting the laws or constituted authorities, or for unlawful purposes, but were purely defensive in their character, and rendered absolutely necessary for their protection against the outrages to which they were constantly exposed.

Seventh. That the executive authorities at Washington were criminally and wilfully ignorant of the true state of things in Kansas, or they were knowingly parties to these outrages, and failed to use the powers vested in them for the preservation of life and property.

Eighth. That the losses for which indemnity is asked by these claimants were clearly the result of the abuse of the powers of this government, or the failure on the part of its officers to use the powers vested in them for the protection of the rights of the people of the Territory, and that these claimants have a just and equitable claim upon the government for the indemnity which they ask.

The obligation of government to indemnify its citizens for the loss of property resulting from the abuse of official power, or from a failure to exercise the powers vested in it for the purpose of protecting its citizens, is a principle well established, and which has been fully recognized by all just governments.

In a memorial addressed to the legislature of Maryland, where indemnity was asked for property destroyed by a mob in the city of Baltimore, the Hon. Reverdy Johnson used the following language: "The moral responsibility, which with sovereignty is ever deemed the highest responsibility, to redress the wrongs of its citizens in person or property occurring from misgovernment, or from the neglect and defective exercise of the power with which a government is clothed, is a proposition sustained by the clearest principles of reason and approved by every political writer of reputation since man enjoyed political freedom. The duty of allegiance necessarily involves the corresponding obligation of protection. If the property of the citizen is taken in support of government, and personal service exacted in its defence; if his private and natural rights are held subordinate to his social duties and the claims of government, he has a clear right to protection from it. If this be not so, of what avail is our boasted maxim that no man

shall be deprived of life, liberty, or property, without due process of law?—freedom is a mockery; it holds out the word of promise to the ear, and breaks it to the hope. The obligation to protect necessarily assumes the obligation to redress. No good government can be perfect in which the right to both is not secured to the citizens, and no government can be found in these United States in which the right to both is not secured. If you fail to protect, through default, can there be any doubt of the duty to indemnify? ”

The legislature of Maryland recognized the soundness of this reasoning by providing by suitable enactments for full indemnity in the case presented.—(See Laws of Maryland, 1835, chap. 184, “An act to indemnify parties for property destroyed by mobs.”)

In a report submitted to the house of representatives of the Commonwealth of Massachusetts, upon a similar application for indemnity, in April, 1854, by the Hon. Benjamin F. Butler, he uses the following language: “The Commonwealth had a right to call on the community in all things to conduct according to the laws of the land, and to pay their just proportion to the support of the government. These were their duties as citizens, and no man questions that they were faithfully performed. What has the citizen a right then to claim in return? Clearly, to be protected in his person and property. To what extent? If not absolute protection, to put the case in the most favorable light for the government, at least, that the State shall use all due and reasonable diligence to furnish such protection, or to provide an indemnity to the injured. It may be that a sudden and stealthy wrong is done the citizen, which the government cannot guard against. If so, the individual must bear the loss. These principles are so well recognized as to have become almost axiomatic, and need only to be stated to obtain the fullest assent. The inference, then, is irresistible, and the conclusion to which your committee have come obvious and inevitable, that the Commonwealth ought to indemnify the injured parties in this transaction for their actual loss.”

Again, on the application of Aaron Van Camp and Virginus P. Chapin, made to the 35th Congress, 2d session, for indemnity for losses sustained by the wrongful acts of the commercial agent of the United States, at Apia, in the Navigators’ Islands, and referred to the Committee on Claims of the House of Representatives, the Hon. Miles Taylor made a report from which we make the following extract, the reasoning of which, we think, is fully applicable to this case.

“From the situation of the various persons concerned in the perpetration of the wrong, it seems certain that the memorialists are entirely without remedy, unless they can obtain indemnity from the United States for the losses they have sustained through illegal action of a government agent; and the question then presents itself: is the government of the United States bound to indemnify them under the circumstances of this case? The general rule unquestionably is, that a nation is not responsible for the illegal acts of its agents. But to this, like all other rules, there may be exceptions. No matter how just or important any particular rule may be in itself, it cannot properly be applied to cases not embraced within the reasons on which it is founded. The reason of the general rule referred to is sufficiently

obvious. In all well-ordered governments, where the laws are supreme and justice holds the scales and bears the sword, if any public functionary violates the law by usurping powers not conferred on him, or by the abuse of those with which he is actually intrusted, the courts are always open, and it is both the right and duty of every citizen who is aggrieved, to call on them to interfere at once. If this duty is performed, the illegal acts attempted to be done are prevented or restrained, or the damages caused by them may be repaired by enforcing the responsibility incurred by all those who were in any way connected with the transaction giving rise to them. But if, on the other hand, this duty is not performed; if, when one is within reach of courts competent to prevent or restrain the exercise of usurped authority, he fails to invoke their aid, if the means are at hand to enable them to compel the wrong doers to make compensation for the injuries they have done or the damages they have occasioned, then there can be no legitimate claim on the government, either in law or in equity, on the part of the sufferer, because the injury done him may be fairly considered as the consequence of his own fault, or the failure to obtain redress from those directly bound to him may be properly imputable to his own negligence.

“But it must be otherwise when the circumstances under which the wrongful acts are done are such that it is impossible to prevent the injury or to obtain redress for it through the court. In such cases, the reason of the rule “that a nation is not responsible for the illegal acts of its agents” fails altogether, and the rule, in the opinion of your committee, can have no application. It is on that principle that compensation is made for property taken or destroyed in wars, by our own forces, under certain circumstances, as, for instance, when the owner is compelled to yield the possession of it to overpowering, though illegal force, and it was impossible for him to obtain redress for the wrong from the officer ordering, or those who committed it, because *inter arma silent leges*.

“There is also another class of cases in which governments are required, by every principle of justice, to make compensation to those who have suffered loss through the negligence or misconduct of its officers. We allude, of course, to those cases where individuals suffer injury because the ordinary duties of government have not been performed by those appointed to discharge them; as, for instance, when property is destroyed in time of peace by a mob composed of unknown persons, or when through the failure to keep streets and thoroughfares in proper condition, unavoidable accidents, occasioning injuries either to persons or property, are met with.

“It is not necessary to cite adjudicated cases of the kind referred to, where corporations or cities have been condemned to make compensation. All are familiar with their existence, and it can hardly be necessary to say that, so far as to the principle involved in such cases, it is as applicable to claims resulting from them against the governments of States as against those merely municipal in their character.

“The municipal governments of cities, like the governments of States, are established for the accomplishment of objects essential to the well being of the people within their jurisdiction; and, as all the

powers necessary for the attainment of the ends aimed at are vested in them, they are bound to give to their citizens the various benefits and advantages which they were created to secure. If those living under a municipal government so constituted are injured or subjected to losses because the government refuses to exercise the powers conferred on it, or because the agents employed under their authority to carry them into effect either neglect, or violate their duty, the government is held to be responsible to those who are aggrieved, on the ground that there has been a breach of the obligation imposed on it in their favor, by the mere fact of its creation for the benefit and advantage of all. And then we ask, is not this equally true with respect to the governments of States? Is not the same obligation to secure their citizens against violence and wrong, and to extend to them the advantages proposed to be derived from their establishment, necessarily imposed on them also by the mere fact of their creation in the public interest? And do not the same legal and equitable consequences follow from their failure to act at all in discharge of this obligation, or from the neglect or misconduct of the officers to whom they have intrusted the performance of the functions necessary to carry it out? For our own part, we are constrained to say that we can discover no real difference, upon principle, between claims made in cases of the nature referred to, no matter what may be the character of the government under which they arise, and that the only practical difference which exists between them grows out of the fact that the government of a State, being sovereign, cannot be sued, whilst that of a city is amenable to judicial pursuit.

“ Although the determination of the question involved in the present inquiry does not in any way depend upon the rules of international law, yet it is true that cases frequently arise, in the intercourse of nations with each other, connected with the individual rights of their citizens, which are calculated to throw some light on the point under investigation. If a citizen of one country is injured or subjected to loss whilst in another country, by the unauthorized or illegal acts of its officials, it has always been held that the government of the country where the wrong was done is bound to make reparation for it, and that it is the duty of the country to which the person aggrieved belongs to demand it for him. This is the settled practice among civilized nations; and the history of our own negotiations with foreign powers presents various instances in which such claims have been allowed and paid to our own citizens by foreign governments, upon the interposition of our government in their behalf. And why is this? Is it not upon the ground that a government is, in law and equity, bound to make reparation in such cases, and that the obligation is so complete and incontrovertible upon the principles of civil or municipal law, as contradistinguished from the law of nations, that it is not only the right of a nation to claim the fulfillment of the obligation in behalf of its citizens, but it also has the right, by the law of nations, to enforce its fulfillment, in the event of a refusal even by resort to war? If this is so, if by the law of nations it is the duty of our government to compel a foreign government to make reparation to our citizens for the injuries done them by the improper or illegal

acts of its agents, on what ground, or with what show of justice, can it be pretended that our own government is not bound to make the same reparation when similiar injuries are suffered from the improper or illegal acts of our own agents?

“From all these various considerations it seems clear to your committee that the transactions giving rise to the claim before us are in no way embraced in the reason of the general rule that “nations are not responsible for the illegal acts of their agents,” and that they are, in truth, within the reason of those in which it has been uniformly held by our court that an obligation to repair wrongs suffered or losses incurred by individuals is justly imposed on the public. Indeed, it is not easy to conceive of a case which is more entirely within the recognized principles of law. The transactions on which the claim is founded took place beyond the limits of any government competent to protect or vindicate the rights of individuals, and, it may be said, without the pale of civilized society. The only authority which could have been legitimately exercised there over American citizens was vested in the very man who was engaged in the perpetration of the wrong complained of, and that man’s usurpation of power was sustained by an overpowering physical force, which his official position alone enabled him to command. There was no means within reach of the sufferers by which the usurpation of power which caused the injury done could have been prevented, or by which the responsibility incurred by those concerned in depriving them of their property could have been enforced.”

But this is not all. Your committee are constrained to say, in addition to this, that the executive department of the government seems to have failed altogether to make any efforts for the assistance or relief of our citizens who had been so grievously injured after the facts in relation to the injury done them had been brought to their knowledge; and that there is good reason to believe that it was chiefly owing to its unwillingness to act that the principal wrongdoer, when there was an attempt made to bring him to justice upon his venturing within the jurisdiction of our courts, was enabled to escape without a trial, or even a decent judicial investigation.

So far as your committee are informed there has been nothing in the practice of the government which is at all inconsistent with the views to which we have just given expression, whilst on the other hand there has been much in its previous action which seems to indicate a distinct recognition of their correctness.

Without attempting an enumeration of the instances of that character, it will be sufficient for our purpose to refer to a single instance in the action of Congress in which such a recognition is implied.

This is furnished by the act (6 Statutes at Large, p. 679) entitled “An act to provide for the settlement of the claim of Mary O’Sullivan,” approved July 2, 1836.

If the principles laid down by these high authorities be correct, the questions remaining to be considered are, whether the losses for which indemnity is asked by these petitioners from Kansas have been carefully and fairly adjusted and fully proved, whether the circumstances under which they took place are such as to bring them within their

operation, and whether the federal government is the proper source from which to seek redress. In the belief that Congress would fully recognize its obligation to indemnify those who were deprived of their property by the failure of the government to protect it, and in order to lend its aid to the sufferers in procuring indemnity from Congress, the territorial legislature, at its session of 1859, provided by law for the appointment of three commissioners, one by the governor, one by the legislative council, and one by the House of Representatives, to investigate these losses, and make awards to claimants for such losses as they should prove for property actually taken or destroyed. The law also provided for the appointment of an attorney by joint ballot of the two houses of the legislature, whose duty it was to attend the sessions of the commissioners, and resist any extravagant or unreasonable claims.

The acts further provided that upon the presentation of the certificate of award made by the commissioners to the auditor of the Territory, it should be the duty of that officer to issue his warrant upon the treasurer for the amount, providing, however, that said warrant should not be paid before the first of January, 1865, unless Congress should sooner make provision for their payment, thus showing, by this conditional assumption by the Territory of this indebtedness, the conviction of the legislature of the justice of these claims.

For a full report of the proceedings of the commissioners, and for a copy of the law under which they acted, and the rules and regulations which they adopted for the government of their proceedings, the amount and character of the claims presented, and the awards made, your attention is respectfully invited to the report of the commissioners, and the testimony now before the committee.

A full knowledge of the character of these losses, and the circumstances under which they took place, can only be gained by the examination of the testimony taken by the commissioners; and such an examination would clearly show that they all resulted from the neglect or misconduct of the officers of the government.

The destruction of property at Lawrence on the 21st of May, 1856, took place under the following circumstances: It was received throughout the Territory, and on the western border of Missouri, for some weeks prior to that time, that the grand jury at Leecompton had presented the hotel and two or three printing offices at Lawrence as *nuisances*, and that the first district court had issued to the sheriff of Douglass county an order for their abatement. It was also reported that the United States marshal, A. J. Donaldson, had writs for the arrest of several persons in Lawrence, and that said persons would resist the execution of said writs. Soon after, the marshal issued his proclamation calling for a posse to meet him at Leecompton to assist him in the execution of said writs. Before the proclamation was issued, however, certain parties had been congregating at Leecompton for some days; squads of armed men, some from Missouri, and some from various parts of Kansas, had collected there to the number of several hundred, before the proclamation was issued. The people of Lawrence were well satisfied that this body of men were collected for the destruction of their town. They, with the assistance of their

friends who were willing to aid them, if the circumstances justified them in doing so, it was fully believed were able to defend themselves against this force ; but as they were to be brought in as the posse of a United States marshal, acting on the advice of their friends, and in accordance with their own judgment, they resolved to make no resistance to the entrance of the posse, as they could not do so without appearing to resist the authority of a United States officer. They, however, sent a deputation of their most respectable citizens to the marshal, assuring him that he would not be resisted in the execution of any writs in his possession, and offering to furnish him a posse of their own citizens in the arrest of any person in the town against whom he had process to serve, and earnestly remonstrated with the marshal against his bringing a large body of armed men into their town. But these remonstrances were unheeded, and on the 21st of May the marshal entered the town with his armed posse, consisting of some twelve or fifteen hundred men, as it was believed, and one piece of artillery. After arresting those for whom he had writs, as he might have done had he entered alone, he with his principle men dined at the hotel, then just open, on the invitation of Col. Eldridge, the proprietor. The posse was then taken charge of by Samuel J. Jones, sheriff of Douglas county, who gave Col. Eldridge notice that he was going to destroy his hotel, at which he had just dined, and gave him an hour or so to remove his furniture, and then proceeded to demolish the structure. The testimony in the case of Shaler W. Eldridge shows that this hotel had been just completed, at great expense, and furnished in a manner superior to any hotel west of St. Louis. It appears they first attempted to batter it down by bringing the cannon to bear upon it, but failing in this, as it was a heavy stone structure, they then attempted to blow it up with powder ; this also failing, they set fire to the building and thus secured its total destruction. The posse then proceeded to destroy the printing offices, and to a general sack of the town. Before entering the town this posse had burned the residence of General Charles Robinson, then a prisoner, with all its contents, consisting, among other things, of a valuable library, manuscripts, &c., &c.

Your attention is respectfully invited to the case of Shaler W. Eldridge, as it is believed the testimony in that case will fully justify the representation here made. The principal destruction of property at Leavenworth took place about the first of September. At that time the town was at the mercy of armed parties for several days, who were commanded by officers commissioned by the governor of the Territory, and who claimed to be territorial militia.

These parties appeared to have the sanction and co-operation of the civil authorities also. They drove from their homes a large portion of the population, and to a great extent destroyed or appropriated their property to their own use. The testimony in the case of George H. Keller, Hously & Ferrell, and George Wetherell, will furnish a tolerable history of their proceedings.

The sacking of Ossawatimie and the town of Franklin by a large band of armed men, under the command of one General Reid, mostly

from the State of Missouri, about the last of August, are other instances where this kind of plundering was done on a large scale.

For several months during the summer of 1856 armed parties, more or less numerous, sometimes claiming to act under authority of law, and generally calling themselves "territorial militia," ranged at will over various parts of the Territory, plundering and destroying houses and crops, driving off stock, "pressing horses," as they termed stealing them, and plundering travellers of their teams and such other property as they chanced to have with them. Little or no effort was made by the officers of the government to suppress or restrain these parties, but frequently they were called out by them under pretence of enforcing the laws; and that they did to some extent control their operations is shown by the fact that a "pass," as it was termed, from the governor of the Territory or any other prominent official, would generally secure the holder against their operations.

If the circumstances under which these losses took place, as shown by the evidence, does not bring them clearly under the operation of the principles before stated as creating an obligation for indemnity from government, it would seem impossible to conceive of a case that would.

The only remaining question for consideration is whether the federal government is the proper source from which these claimants should look for indemnity. The federal government has, from its inception, claimed and exercised the right to govern the Territories. In the organic law of Kansas, Congress has limited and defined the scope and powers of its legislature, and qualified it by giving the governor the veto power. Its executive and judicial officers are appointed by the President, by and with the advice and consent of the Senate. The people have no voice in their selection and no power to control their action. They can neither compel them to discharge their duties nor prevent the abuse of the powers lodged in their hands, or remove them for inefficiency or malfeasance. It would seem that a simple statement of these facts was a sufficient answer to this question.

The government has power to appoint, control, or remove the officers on whom the people depend for protection, or compel them to do their duty, and on failing to exercise this power, and thus render life and property secure, it would seem perfectly clear that it is the duty of the government to indemnify the parties suffering from this neglect. In view of all the facts and circumstances, it would seem impossible to imagine a case where citizens would have a stronger ground for an appeal to their government for redress or a clearer right to indemnity.

It is undoubtedly the duty of the citizens to make known to the proper authorities threatened danger to their rights, when they have cause to apprehend danger, so that the officers of government may use their powers for protection. This the people of Kansas have not neglected. They have repeatedly appealed to the government officers in the Territory, and invoked the interposition of the military forces stationed there for their protection; presented their grievances to the

President, to Congress, and, finally, to their fellow-citizens throughout the United States, and having failed to secure protection, they now appeal to Congress, as a last resort, for indemnity for losses which they have suffered. They do not ask Congress to restore to life those murdered friends and relatives. That is beyond their power to grant. Neither do they ask compensation for time lost, damage sustained by interruption to their business, or money expended in their own defence, but simply that Congress will restore to them the property of which they have been deprived through the failure of their government to extend to them that protection which they had a right to claim.

Many of these parties are, from the recent unprecedented drought in Kansas, dependent on the bounty of their fellow-countrymen to save them from actual starvation, and many have but this hope of relief from Congress to stand between them and bankruptcy and beggary for the future. It may be said that some of these claimants were themselves participators in these disorders, and it is doubtless true. It is believed, however, that a liberal and enlightened view of the whole case will regard them as the victims of an unfortunate state of things, resulting from the peculiar circumstances under which the Territory was settled and the exciting nature of the question, which Congress had referred to the people of Kansas for settlement, rather than as voluntary wrong-doers.

While your committee are thus of the opinion that the losses complained of are such as the government of the United States ought to remunerate, yet, owing to the great number of these cases and the mass of testimony submitted, they have not been able to examine each case so fully as to enable them to feel justified in recommending the payment of these claims as they were presented without further investigation. Besides, the proceedings before the commissioners in Kansas were had under the authorities of the Territory, without the government of the United States being represented. They have therefore recommended the appointment of three commissioners by the President, by and with the advice and consent of the Senate, and an attorney to be appointed in like manner, to represent the interests of the government for the purpose of reinvestigating these cases, and herewith submit the accompanying bill and recommend its passage.

*Report of Edward Hoogland, H. J. Adams, and S. A. Kingman,
Commissioners of Claims, under act of February 7, 1859.*

*To the convention to frame a constitution and State government for the State of
Kansas :*

Pursuant to the provisions of the act of the territorial legislature, approved February 7, 1859, entitled "an act to provide for the adjustment and payment of claims," the undersigned commissioners, duly appointed under said act, respectfully report as follows :

That in view of the unfortunate circumstances that had attended

the organization of the territorial government, the destruction of property that had taken place during the internecine war, and the excited state of public feeling arising from losses and outrages that the people of the Territory complained of, Governor Geary, in his message, dated January 12, 1857, used the following language :

“ In travelling through the Territory I have discovered great anxiety in relation to the damages sustained during the past civil disturbances, and everywhere the question has been asked as to whom they should look for indemnity. These injuries—burning houses, plundering fields, and stealing horses and other property—have been a fruitful source of irritation and trouble, and have impoverished many good citizens. They cannot be considered as springing from purely local causes, and as such, the subjects of territorial redress. Their exciting cause has been outside of this Territory, and the agents, in their perpetration, have been the citizens of nearly every State in the Union. It has been a species of national warfare waged upon the soil of Kansas, and it should not be forgotten that both parties were composed of men rushing here from various sections of the Union ; that both committed acts which no law can justify, and the peaceable citizens of Kansas have been the victims. In adjusting the question of damages, it appears proper that a broad and comprehensive view of the subject should be taken ; and I have accordingly suggested to the general government the propriety of recommending to Congress the passage of an act providing for the appointment of a commissioner to take testimony and report to Congress for final action, at as early a day as possible.”

Thereupon an act was passed by the legislature and approved February 23, 1857, authorizing the appointment of a commissioner “ to audit and certify claims,” in accordance with the provisions therein specified. Hon. Hiram J. Strickler, who had served as adjutant general of the territorial militia under the laws of 1855, and was presumed to have a full knowledge of the late condition and events of the Territory, was appointed such commissioner. Pursuant to said act, General Strickler proceeded to the discharge of the duties specified, and published a notice containing the following paragraphs, and commenced taking testimony September 1, 1857 :

NOTICE TO CLAIMANTS.

“ Whereas, under the provisions of ‘ an act to provide for the auditing of claims,’ and the act supplemental thereto, both passed and approved February 23, 1857, the undersigned has been appointed commissioner ‘ to audit and certify all claims of all and every person or persons who may present the same for consideration ’ for—

“ 1. (*Public.*) ‘ Moneys actually and necessarily expended for the purpose of maintaining and carrying into effect the laws of this Territory, or for the purpose of suppressing any rebellion or insurrection, whether in sustaining the militia or any posse of the marshal, or any sheriff of any county of the Territory.

“ 2. (*Private.*) ‘ Claims of all persons who may have sustained any loss or damage in consequence of, or growing out of the difficulties in

this Territory, by way of loss of property or consequent expenses, at any time since the passage of the act to organize this Territory, viz: May 31, 1854. The said act provides for the taking of testimony in support of all such claims, collection and certification of vouchers, and making a true and correct statement in duplicate of all such accounts—one to be laid before the next Congress of the United States, and the other before the next legislative assembly of Kansas Territory, to the end that proper and united efforts may be made to obtain from Congress compensation and indemnity for the losses, expenses, and damages incurred by the citizens of this Territory, without distinction of party.' ”

The paragraph contained in Governor Geary's message was the foundation for the presentation of a bill in Congress by General Whitfield, in January, 1857, designed to secure an appropriation for the objects specified; but the prevailing excitement in regard to Kansas affairs prevented final action upon it at that session.

During the session of Congress in March, 1858, General Strickler forwarded to Washington, for presentation, his report and the testimony taken, as required by the said act of February 23, 1857. The territorial delegate, Hon. M. J. Parrott, had the matter referred, and at the same session presented a bill in relation to the losses sustained by the people of Kansas, the provisions of which he believed would meet the views and wishes of his constituents. The unsettled condition of Kansas affairs, and the continued troubles in the southern portion of the Territory, were regarded as sufficient excuse for the committee to refrain from making a practical report.

In January, 1858, General Strickler reported to the legislature in regard to his proceedings. Upon that report no action was had. The legislature of 1858 was the first in which the people of Kansas had had control. Upon the old issues of “free-State” and “pro-slavery,” party feeling continued excited. Owing to the position that a large portion of the free-State settlers had previously assumed, antagonistic to a voluntary recognition of the laws passed by the legislature of 1855, it was well known that many sufferers had not presented their claims, which would mostly range under the “private class;” while, on the other hand, the amounts proven by and allowed to individuals for contributions and expenses sustained, under the head of “public class,” were of a character that the free State men in that legislature did not feel themselves bound to aid in obtaining compensation for. The whole subject, consequently, was again passed by without legislative action.

At the late session of the legislature, 1859, Governor Medary presented General Strickler's report in full. The report was printed, from which it appears that on 357 claims presented, he awarded on the private class \$254,279 25; public class \$38,942 90. His report contained the names of claimants and amounts awarded, but furnished no clue to the nature of the claims, except by a perusal of the actual testimony taken in each case. Hundreds of claimants throughout the Territory, without distinction of party, had already make known their views in regard to the incompleteness of the report, (not through any intentional neglect on the part of General Strickler, but for reasons

already referred to,) and the legislature deemed it expedient to act upon and present the matter to Congress in a spirit of harmony and conciliation—entirely divested of all party feeling and regardless of personal animosities. The following circular, which was the result of the joint action of a committee, composed of representatives of all parties and interests, was laid before the legislature, and its contents favorably received by that body:

INDEMNITY TO KANSAS SUFFERERS.

In another column will be found the bill presented by Mr. Clark, "to provide for the payment of claims," of sufferers by the Kansas difficulties, to which we invite the attention of our readers. It presents a feasible plan for arriving at a correct and just estimate of the losses, and proposes a mode of relief which is worthy of calm consideration. The bill, perhaps, is not perfect, and at first glance, without explanation, may not be received as favorably in all respects as circumstances require, and the interests involved would warrant; but it can readily be amended so as to answer the object designed, without necessarily opening the door to a class of claims against which the feelings of the mass of the people of the Territory naturally revolt.

For some time past the subject has been under consideration by several gentlemen who were appointed a committee on behalf of the sufferers, without distinction of party, and they have corresponded with various members of Congress, and through them virtually ascertained the views and feelings of the government concerning the claims as a matter of just indemnity. From the information obtained, it is evident that no congressional action thereon can be had at the present session, for the following reasons: 1st. Because of the early expiration of the term and the pressure of general business. 2d. The claims are not yet collected together in such a shape as to warrant their presentation. 3d. The Secretary of the Treasury opposes the introduction of any matter having a tendency to deplete and embarrass the public treasury under present circumstances. 4th. The administration members of Congress are opposed to having the subject presented in any form that may revive former discussions on Kansas affairs.

It is known that Mr. Buchanan has, in private conversation, expressed himself favorable to a proper indemnity of individuals, provided the government can have the claims presented in such a form that the Territory stands as voucher and sponsor for the reality and justness of the several demands; and that awards be made, on the auditing of claims, according to some general rule equally applicable to men of all parties, or by a tribunal fairly constituted and representing the several interests and views of the political parties involved. Many members of both houses of Congress coincide in these views, but they will never consent to the appointment of a roving commission with power to come to Kansas and hear and redress grievances *ad libitum*. The whole subject must be compressed in a nutshell, and so presented as not only to avoid discussion, but to secure the support of men of all parties. The next House of Representatives will probably

be opposition—the Senate democratic. Whatever measure of indemnity is proposed, must have such fair and harmonious antecedents in the Territory that representatives of both parties may be called upon to stand together in rendering justice to their friends or fellow-partisans in the Territory. Unless a liberal policy be pursued, all parties unite in their efforts here, success in Congress will be very doubtful.

The bill proposed looks to the general government for indemnity for losses sustained by a great number of our citizens, on the general principle that a government is bound to protect the rights, persons and property of its subjects in return for the fulfilment of the duties of loyalty, obedience, support and contributions which the latter are compelled to yield. The duties of the government and the governed are reciprocal. By a surrender of a portion of his natural rights on becoming an integral part of civil society, man virtually places himself and property at the control of the government, and is entitled to protection of his individual rights. This doctrine was recognized in the Roman civil law, became a portion of the common and statute law of England, was specially declared in the "Code Napoleon," and has long received the sanction and hearty approval of the people of our own country. When the government has neglected or been unable to protect the people of different localities in their lawful rights, or the latter have been damnified through the action, non-action or neglect of the government, indemnity has been given repeatedly, as the claims of and allowances made to California, Oregon, Washington Territory, Florida and several of the States, for Indian depredations and otherwise, will show. The repeal of the Missouri compromise revived the excitement and called to activity all the elements of strife, which had portended serious difficulty in 1820. Statesmen readily understood what might be apprehended as a natural result of the measure. However proper in itself might be the wiping out of a merely geographical line, as incompatible with the equality and unity of the States in political rights, the opening of our Territory to settlement under circumstances and in a manner calculated to invite hither sectional interests which, it was evident, would contend with each other for supremacy, was an experiment in self-government, and an evidence of reliance upon the patriotism and intelligence of the people, highly complimentary to the latter, but dangerous in its character. The government failed to perform its full duty by enforcing the principles of equal and exact justice and protection to all interests alike, social and political. These, emigrants from all sections of the Union had a right to expect; these, the government was bound to maintain. The result we have all seen to our sorrow. Instead of conciliating the representatives of sectional interests by impartial justice, misrepresentations and frauds unparalleled in history induced the adoption of a policy on the part of the administration, the real foundation of which, as well as its results, is now properly appreciated, and its injustice admitted by both instigators and instruments. The sooner amends are made by the general government the sooner will peace, prosperity, and justice prevail in our Territory. The moral as well as legal responsibility of the government for the losses sustained cannot be denied or repudiated.

The bill now proposed authorizes the issue of certificates on awards

made, upon the expectation that a congressional appropriation will redeem them. This can be secured in the form proposed, by incorporating it in the ordinance of the constitution. The Territory owes it to its citizens to protect, and, as far as possible, secure their rights. The success of this bill will cary joy to the hearts of many a worthy household. The certificates, whether in the shape proposed or included in a funded debt, will be available and afford pecuniary relief to many.

Our people had been, for so long a time, working at cross purposes against each other; the interests of the *bona fide* settlers had been so often made the football of politicians and partisans; the development of the material interests of the Territory had been so greatly retarded; the local difficulties arising out of the slavery question, directly or indirectly, had so often caused the shedding of blood; the passions of a considerable body of the people in certain portions of the Territory, where suffering from the loss and destruction of property in 1856 then existed, had been so aroused, that the legislature regarded it as the primary step towards peace and prosperity to allay political asperities by an act of justice, that would respect the views and secure the rights of all, regardless of party proclivities. The unity of action, thus proposed by gentlemen of all political parties, was regarded and hailed as a favorable omen, and one that could not fail to have a beneficial effect upon the future of our Territory. The fact that most of the losses were sustained by *bona fide* settlers, men of substance, men having families, men who had come here to make Kansas their home, presuming that they might here enjoy the same liberty of thought and speech and the same protection to what they understood and believed to be their rights of property, as in the States from which they came, was no longer a matter of doubt. It had been demonstrated to the satisfaction of all, that most of the outrages complained of had been perpetrated and property taken or destroyed by a class of irresponsible and reckless desperadoes, drawn hither through the excitement and appliances of a political campaign and the intervention of parties and partisans outside of the Territory; that many of those desperadoes who came here were governed by self-interest instead of political principles, and that they, to a great extent, participated in the warfare, some on one side and some on the other—in fact, *that outside intervention in territorial affairs, contrary to the wishes and interests of the real settlers of Kansas*, caused and continued the prolonged strife. But for such intervention on either side, the real settlers would soon have settled their political differences in a legal and peaceable manner, provided the general government had afforded them the protection and “fair play” guaranteed them by the Constitution. Time and the ballot-box were all that were necessary to demonstrate and establish whatever the people of Kansas might deem for their best interests.

With a patriotism and disinterestedness that could not fail to secure public approval, party feeling was buried and the act of February 7, 1859, was passed and approved by the governor.

An ACT to provide for the payment and adjustment of claims.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That three commissioners shall be appointed as follows : one by the legislative council, one by the house of representatives, and one by the governor of the Territory, whose duty it shall be to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder which prevailed in this Territory, from November 1, 1855, to December 1, 1856.

SEC. 2. Said commissioners shall have power to fix the times and places when and where their sessions shall be held, and may adjourn from time to time and from place to place, at their discretion. The presence of two of said commissioners shall constitute a quorum for the transaction of business. Said commissioners shall prescribe and publish such rules and regulations concerning the taking of testimony as they may deem expedient, not conflicting with the laws of the Territory. They shall have power to send for persons and papers, to preserve order, issue subpoenas, and enforce the attendance of witnesses in the same manner, and with like effect as the district courts: *Provided*, That parties seeking to prove their claims shall pay officers' and witness' fees in the same manner as required by law in suits in said district court.

SEC. 3. Before entering upon the discharge of their duties, said commissioners and their officers shall each take and subscribe an oath before some competent officer to support the Constitution of the United States, and the provisions of the act organizing the Territory of Kansas, and that they will faithfully and impartially perform the duties enjoined by this act, which oath shall be filed with the Secretary of the Territory.

SEC. 4. Said commissioners may appoint one or more clerks, whose duty it shall be to keep a true and proper record of the proceedings before the commissioners, preserve all papers and testimony filed in relation to claims, and perform such other acts pertaining to that office as the commissioners may direct. They shall be allowed for their services four dollars per day, and ten cents for every mile necessarily travelled.

SEC. 5. The compensation of said commissioners shall be five dollars per day each for every day actually engaged in the discharge of the duties imposed by this act, and ten cents per mile for every mile necessarily travelled in the discharge of said duties ; and their actual expenditures for stationery, postage, and room rent, shall be certified by them and audited by the auditor of the Territory, and warrants be drawn therefor on the territorial treasurer. Warrants shall in like manner be drawn for said commissioners and their clerk or clerks for such sums as may become due to them from time to time for their services.

SEC. 6. Authority is hereby given to said commissioners to fill any vacancy that may occur in their number by death, resignation, or

otherwise, and to administer oaths connected with the duties herein specified. And any person who shall swear falsely on any such investigation, whether a claimant or witness, shall be deemed guilty of perjury.

SEC. 7. It shall be the duty of said commissioners to receive and examine the evidence heretofore obtained by the commissioners appointed under the "Act to provide for the auditing of claims," approved February 23, 1857; and they may adopt or reject the same, or any part thereof, as shall to them seem just and right.

SEC. 8. The provisions of this act shall only apply to citizens of this Territory and those who were citizens at the time of the losses and damages sought to be proven. Executors and administrators shall be permitted to prosecute claims in behalf of deceased persons.

SEC. 9. Said commissioners may appoint a sergeant-at-arms, whose duty it shall be to serve all processes issued by the commissioners, and who shall receive the same fees and mileage as are by law allowed for like services in the district courts of the Territory, to be paid by the claimant.

SEC. 10. Upon the completion of the testimony and the recording of the awards in each case, the commissioners shall, upon demand of the claimant, deliver to him a certificate of such decision or award. And on or before the 1st day of September, 1859, said commissioners shall close their proceedings under this act, and make up and file in duplicate in the office of the secretary and in the office of the auditor of the Territory a statement of all claims presented, and the amount, if any, allowed thereon; and they shall likewise file in the office of the secretary of the Territory all testimony, vouchers, papers, and documents pertaining to their investigations.

SEC. 11. It shall be the duty of the auditor of the Territory, upon the delivery to him of any certificate of award given by said commissioners, to draw his warrants on the treasurer of the Territory, in such sums as may be required, for the amount therein named, in favor of the party to whom such award has been made, or to his order, and deliver the same on demand.

SEC. 12. It shall be the duty of any constitutional convention hereafter to assemble to make suitable provisions for securing the payment of said warrants by the federal government, by incorporating in the ordinance to be submitted with the constitution formed a provision to that effect.

SEC. 13. Nothing in this act shall be so construed as to authorize the payment of the warrants issued in accordance with its provisions before the 1st day of January, 1865, unless provision shall be made for funding these warrants with the other indebtedness of the Territory, or unless Congress shall sooner make provision for their payment; but said warrants shall bear interest at the rate of six per cent. per annum.

SEC. 14. This act shall be in force from and after its passage.

Approved February 7, 1859.

S. MEDARY,
Governor of Kansas Territory.

AN ACT supplementary to an act entitled "An act to provide for the payment of claims."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That the commissioners appointed under and by virtue of the act of which this is a supplement, before entering upon their respective duties, shall enter into bonds to the Territory of Kansas in the sum of ten thousand dollars each, with good and sufficient security to be approved by some one of the judges of the supreme court of said Territory, conditional upon the faithful discharge of their respective duties, and shall take and subscribe an oath before a judge of said court, to support the Constitution of the United States, and the organic act of this Territory, and to faithfully and impartially discharge their respective duties.

SEC. 2. There shall be elected on joint ballot of both branches of the legislative assembly some suitable attorney, whose duty it shall be to attend the said commissioners and the said attorney shall take an oath for the faithful discharge of the duties of said office, with power to subpoena witnesses and attend to all business wherein the Territory is interested, for the purpose of securing an honest and faithful investigation of any and all claims which may be presented for trial before said commissioners.

SEC. 3. That said attorney so appointed shall have such sum allowed him for his services as will be provided by law.

SEC. 4. It shall be the duty of said commissioners to make out and report on the first Tuesday of July next to the constitutional convention, the first day of its meeting at Wyandott, a complete report of their actions, which said report shall be signed by the said commissioners and countersigned by the attorney appointed for and on behalf of said Territory, and shall report all the claims presented before said commissioners for allowance, also all the claims by them allowed and all proceedings by them had upon the same, to the next annual session of the legislature of this Territory.

SEC. 5. That the said commissioners are hereby prohibited from issuing any territorial scrip or bonds.

SEC. 6. That the certificate issued by the governor in pursuance of the tenth section of the act to which this is supplemental shall not be construed as binding the Territory for the payment of said claims until the same shall be fully authorized by subsequent legislation on the part of the Territory.

SEC. 7. This act to be in force from and after its passage.

We must be excused for using party terms in an official report, but the peculiar circumstances involved in Kansas politics are of such a character, and the position of affairs is so complicated, that we confess that the points necessary to be eliminated for a proper understanding of the subject cannot otherwise be arrived at, except by a course of circumlocution now quite unnecessary.

Under the provisions of said act, the governor appointed Edward Hoogland, the counsel elected Henry J. Adams, and the house of

representatives elected Samuel A. Kingman, as commissioners. The object aimed at in distributing the selection in that manner was to divest the board of a partisan character, by combining therein representatives of the different phases of territorial politics.

Under the supplementary act, Hon. William McKay was on joint ballot of both houses duly elected territorial attorney, in regard to said claims, who has been with us, and discharged the duties specified.

The organization of the board of commissioners was effected at Leavenworth city on the 21st day of February last, and ever since that date we have all been constantly engaged in the discharge of the duties devolved upon us by said act. Respecting the good faith implied by the action of the legislature, and in order to avoid even the appearance of party precedence, the selection of a chairman or president of the board was dispensed with.

On organizing we adopted and published throughout the Territory, for a long time, the following rules and regulations :

“ Kansas sufferers—Notice to claimants.

“ Whereas under the provisions of ‘An act to provide for the adjustment and payment of claims,’ approved February 7, 1859, the undersigned have been duly appointed commissioners ‘to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder which prevailed from November 1, 1855, to December 1, 1856.’ The said act provides for the taking of testimony in support or opposition to all such claims; the preservation of all such testimony and accompanying vouchers; and that duplicate copies be made thereof, for the purpose of presenting such claims, in a tangible form, to the Congress of the United States for payment, in connexion with the ordinance to accompany the constitution under which Kansas may apply for admission into the Union.

“ To the end that proper and united efforts may be made to obtain from Congress compensation and indemnity for the losses and damages sustained by the citizens of this Territory, without distinction of party, notice is hereby given that the undersigned commissioners, as aforesaid, will hold sessions, and receive and act upon claims and proofs under said act, according to the following

“ Rules and Regulations.

“ 1. All persons claiming the benefit of said act will do so by sworn petition in writing, reciting in each case all the facts, circumstances and dates upon which the claim is founded, and present the bills of items or other vouchers duly authorized.

“ 2. All claims or amounts presented must be supported by the fullest proof possible to be obtained. The highest legal evidence available will be required.

“ 3. All property claimed for as taken or destroyed must be de-

scribed with reasonable certainty, and the value thereof particularized and stated.

“4. The testimony of two disinterested witnesses, upon a material point or statement of facts, will be received as sufficient *prima facie* evidence.

“5. In case of the absence of material witnesses from the Territory, either commissioner will, upon application, issue a suitable commission for the taking of necessary testimony.

“6. Access will be granted, upon application, to any evidence in possession of the commissioners, or heretofore filed with Commissioner Strickler.

“7. All applications for indemnity or claims for losses must be made anew to the present board without delay.

“8. The act applies only to citizens of the Territory and those who were citizens at the time the losses and damages sought to be proven accrued.

“9. The claims specified in the act are those arising from the taking and destruction of property—*not for services or voluntary contributions.*

“10. Executors and administrators have the right to claim on behalf of deceased persons.

“11. The petition and vouchers can be filed with the central clerk, Caleb S. Pratt, Lawrence, or with either of the commissioners.

“12. Each petition and accompanying vouchers will be forthwith examined by the commissioners severally, for information, and then delivered to the attorney for the Territory.

“13. Public sessions of the commissioners will be held at Leavenworth, Lawrence, Osawatomie, Tecumseh, and Fort Scott, (and perhaps in other localities where the interests of the Territory or the convenience of the parties may require,) at times hereafter to be designated.

“14. The commissioners desire as early information as possible of *all claims intended to be presented.* Such information, giving the names and residences of applicants and their witnesses, may be communicated by letter to the central clerk, or either of the commissioners, *in advance of the filing of the petition.* This is necessary in order that the board may be prepared as early as practicable to estimate the amount and locality of the business to be disposed of.

“15. All petitions and applications will be submitted to the attorney on the part of the Territory (Judge McKay) as soon as practicable, for examination; and upon his suggestion parties will be required to produce before the board, in public session, such witnesses as he or either of the commissioners may desire to examine further. Parties will be duly notified of the time and place, when opposing testimony to any of their claims will be produced and heard.

“16. As a general rule the personal attendance of witnesses, whose testimony may accompany petitions, will be required by the board at a public session, for public examination or cross-examination, in relation to the facts set forth in such petitions.

“17. Subpœnas will be issued, on application of parties, to compel the attendance of witnesses—claimants paying officers' fees for serving.

“18. A final hearing may be had upon any petition, at any public session, where the claimant may be in attendance with his witnesses—provided such petition shall have been filed ten days before such hearing is demanded; but such ten days may be waived by the territorial attorney or either two of the commissioners.

“19. Awards will be made as soon as practicable after final hearing.

“20. The first public session of the board will be held at the Johnson House, in Lawrence, on the first Monday of March next, and continue from day to day as long as business may present or render advisable.

21. When petitions or accompanying affidavits are sworn to before a justice of the peace the county clerk's certificate and seal should be attached.”

The act above mentioned is broad in its provisions, and designed to benefit, without distinction of party, all *bona fide* citizens of the Territory who sustained losses within the period specified. All such are requested to come forward as soon as possible and present just and honest statements of their losses, and unite their efforts in accomplishing the object in view, by enabling the undersigned to present a complete, full, fair, and impartial statement of the losses and damages that have been entailed upon the citizens of Kansas by the political and social questions devolved by Congress upon them for settlement.

EDW. HOOGLAND,

HENRY J. ADAMS,

S. A. KINGMAN,

Commissioners of Claims.

Dated Leavenworth City, K. T., February 21, 1859.

Accordingly, sessions have been held in all the counties where the number of claimants warranted; and by advertisements from time to time, and personal exertions, every possible facility has been afforded to the sufferers to present their claims and produce their testimony, with as little trouble and expense to them as possible.

Since the date mentioned, (February 21, 1859,) we have received petitions and taken testimony in 463 cases. Awards have been made to 417 claimants, amounting to \$412,978 03. Eighteen claims stand suspended for want of proof. Two cases have been withdrawn, and 26 claims have been wholly rejected as inadmissible. The total amount of suspended claims is \$25,972 22, probably two-thirds of which will be properly established.

Amount of crops destroyed, \$37,349 61; number of buildings burned and destroyed, 78; horses taken or destroyed, 368; cattle taken or destroyed, 533. Amount of property owned by pro-slavery men, \$77,198 99; property owned by free-State men, \$335,779 04. Property taken or destroyed by pro-slavery men, \$318,718 63. Property taken or destroyed by free-States men, \$94,529 40. For particulars of names of claimants, amounts awarded, and the principal items of said claims, we respectfully refer to the tabular statement hereto annexed, as a part of our report, and marked “A.”

Of the 357 claims audited by the former commissioner 196 have been presented to us for adjustment, and the action thereon will be found in the said statement. Doubtless nearly all the remainder are abandoned by the parties, or were originally presented by persons who have since removed from the Territory. We know, however, that there are quite a number of just and meritorious claims, which either are not submitted, or, according to the rules by which we have been governed, could not be admitted under the present law. We think \$50,000, in addition to the awards made, will be sufficient, with close inspection, to discharge all such demands that would probably be presented by actual citizens of Kansas.

It is hardly necessary for us to allude to the extent and character of our labors. The result is before you, and to the testimony taken in support of the claims we earnestly invite your attention. The cases are all ready for your inspection. In all cases we have required the fullest and most satisfactory evidence that could be obtained, and have made no award unless we believed it warranted by the proof and the language, spirit, and intent of the act of February 7, 1859, under which we were acting.

We will not enlarge upon the character and bearing of the testimony on file. Many historical facts and incidents, as well as details, which were for a long time regarded as party or individual secrets, are developed and distinctly put upon the record. The future historian will find, in the testimony taken, reliable statements by the actors or eye-witnesses of many interesting and important events, which have heretofore assumed more or less prominence in the public mind, and the particulars of which have been incidentally and necessarily drawn out in the progress of our investigations. Without assuming to direct, advise, or control the language or character of any of the revelations thus made, we have permitted witnesses to tell their stories in their own way, on either side; and, irrespective of the "complimentary" terms in which some of the petitions speak of the respective parties in 1856, we have regarded their ebullitions of feeling as the natural result of the wrongs suffered, the murders committed, the driving off from their claims of defenceless women and children, the sacking of towns, the burning of dwellings, the destruction of crops, the plundering of households, the stealing of horses and cattle, and other unlawful acts, and not attempted to check their expressions; for men of both parties, and their families, had the same complaints to make against those whom they believed to have been their enemies. But the excesses committed by those claiming partisanship in the war on one side bear little equality with those charged on the other, so far as the proofs are before us.

It is an admitted fact that, in the early stage of the difficulties, an invasion and assumption of the rights of the actual *bona fide* settlers of Kansas, (claiming legality through the official certificates of Governor Reeder,) led to resistance against what was regarded by the majority as tyrannical and unconstitutional enactments, which had for their ultimate object the establishment of an institution not consonant with the views and wishes of such majority, and brought the latter into collision with the existing territorial authorities. The federal government recognized and sustained the legislative authority

on record. The ballot-box, violated on one hand and rejected on the other, and the malcontents forced into a *prima facie* illegal and factious position, it is not to be wondered at that misconception of facts prevailed abroad, or that violence, bloodshed, and carnage ensued. An assailing force was introduced from abroad to sustain the laws. Resistance took organization for defence. A compromise was effected, but it proved only an armistice to recruit forces. Both parties became exasperated. Sympathizers and adventurers from north and south rushed into the Territory, some as emigrants, others as armed regiments. May, 1856, witnessed an assault upon a city by an armed force, using artillery; the assailants alleging and many believing that they acted under authority of the United States marshal or the territorial laws. A mutual guerilla warfare ensued. Bands of armed men possessed and scoured the Territory from May till September. All law was abolished. Settlers who participated least, and discountenanced the proceedings, suffered the most loss. A relentless plundering and warfare was kept up in many localities. Robberies were not always confined to political opponents. Hundreds of families were plundered, and other hundreds were compelled to leave their homes and seek safety in flight, abandoning their all. The roads were possessed and guarded by guerillas. The mails were stopped and robbed. Communication with the northern and eastern States was principally cut off. The United States troops interposed for the establishment of law and order. In August, hundreds of armed men came in from Iowa and Nebraska, and actively took the field, according to their sympathies. Alleged guerilla parties were by them attacked and dispersed. Again a neighboring State interfered. A defenceless town was attacked and entirely burned. September 1st, the largest city in the Territory witnessed the expulsion of many of her citizens, the sacrifice of their property, and the shedding of blood. Desperation and revenge induced more active retaliation. Again a neighboring State intervened, and an army of 2,800 men was organized, and marched forty miles into the Territory, to expel or exterminate opponents. Governor Geary, by diplomacy, diverted them from their purpose. They were disbanded and retired from the Territory, committing murders, robberies, and outrages. But the governor finally restored peace. Soon after the governor's proclamation against armed bands was published hundreds of adventurers retired from the Territory, in the directions whence they came, taking with them the results of their expeditions. These facts are in evidence in many cases now on file before us.

From all our investigations we are confident that the entire loss and destruction of property during the warfare, from November 1, 1855, till December 1, 1856, including the fitting out of the several armed expeditions and the private losses incurred on both sides, could not have been less than two millions of dollars (\$2,000 000.) We believe that at least one-half of that amount was directly sustained by and fell upon actual citizens of Kansas—the *bona fide* settlers. This opinion is formed: 1st. From the amount of losses *claimed* before us, (and which we have no doubt were actual losses and expenses to the individuals, but a large proportion of which we could not allow under

the act of February 7, 1859.) 2d. From the amounts proven up before the former commissioner, and which have not been presented to us for adjustment. 3d. From the number of settlers who were driven away from the Territory and have never returned, being spirit broken and discouraged by the scenes of 1856.

Although not within our province, we may be excused for stating that, from the most reliable information that we have been able to gather, by the secret warfare of the guerilla system, and in well-known encounters, the number of lives sacrificed in Kansas during the period mentioned probably exceeded rather than fell short of two hundred. Many affairs, in which life was sacrificed (on either side) were kept secret, and the particulars are only known to the participants. The guerillas, from motives of policy, seldom made known the result of their operations. But the number of missing persons, and the letters of inquiry for individuals addressed so frequently from all parts of the Union to citizens of Kansas, have a meaning and significance not to be mistaken.

That the excitement in the eastern and southern States, in 1856, was instigated and kept up by garbled and exaggerated accounts of Kansas affairs, published in the eastern and southern newspapers, is true, most true; but the half of what was done by either party was never chronicled! Is it, then, to be wondered at that hundreds of honest and peaceable settlers, who deemed the outrages and robberies perpetrated upon them to have been aimed at them individually, on account of their political but really unobtruded sentiments, should feel a dangerous degree of bitterness towards those who had deprived them of the comforts of life and blasted their early prospects in the Territory? May we not look at the revelations now made in a philosophical light, and by presenting to the country, in the most practical shape, well-established facts and their results, contribute our mite to the science of political economy and public policy? The facts stated develop the dangerous tendencies that still exist, to a great extent, in the public mind, and must convince the most skeptical that real peace, friendship, cordiality, and neighborly sympathy will never have full sway over the hearts of those aggrieved, so long as their wrongs and sufferings remain unredressed. The old fires are liable to be relighted at any moment. Old antipathies will override all political issues, however important. In many instances, however, free-State men have voluntarily come up and testified to important facts in favor of pro-slavery men, and pro-slavery men have done the like for their former opponents; in others, political or sectional difficulties have been candidly explained and mutually traced to their origin without prejudice to the honor or principles of either partisan; and, in others again, men have risen above the mere demands of party strife and party influence, and sought to promote the future welfare and aggrandizement of the Territory, shoulder to shoulder, by securing, as far as possible, indemnity to those who were the victims of circumstances that the people of the Territory could not control, but which the general government was in honor and in duty bound to protect them against, by maintaining inviolate the purity of the ballot-box on the one side and the rights of property on the other. To such

men, whether in Congress or in the private abode of the squatter, whether in the legislative hall or a constitutional convention, the candid judgment of the people of a growing and prosperous State will, in due time, do justice.

The movement in regard to obtaining from the general government a just indemnity to the sufferers is not a party movement. It is founded on justice; it is equitable; it is due to the people; it is due to those who participated in the struggle of 1856, in defence of their honest convictions; it is an important step towards obtaining a demonstration of the natural justice and generosity of the American character, and is proposed and urged at a time when a combination of circumstances leaves no doubt of its success, as the more satisfactory condition of affairs in the Territory during the present year demonstrates that truth and justice are no longer overruled by misrepresentation and fraud.

To the following extracts from the late commissioner's report, submitted to Congress, March, 1858, we invite attention, as showing the light in which the subject has been and is yet viewed by the representatives of the administration, and adducing strong reasons for relying upon the general government for that indemnity to which the sufferers are justly entitled:

"It cannot be denied that from the commencement of the agitation relative to the organization and opening of the Indian territory it was foreseen by statesmen and politicians, in all parts of the Union, that a great principle was to be settled; that public excitement would arise, and that consequences dangerous to the peace and welfare of the Union might result from attempting to blend together the principles and interests of people from different portions of the Union, who were alike ignorant of the true social condition and views of each other, and equally prejudiced by education and political associations, against what one or the other regarded as inherent and inalienable rights.

"The Kansas-Nebraska act, in effect, destroyed all compromises, and virtually acknowledged the right of the people of the South to carry their peculiar institutions and property to the extreme North; while it equally sanctioned the right of the people of the North to emigrate to territory south of 36 degrees 30 minutes, and there establish their views and policy, if numerically superior to those who affiliate in sentiment and action with the people of the southern States. Kansas, from its salubrity of climate, fertility of soil, commercial advantages, geographical position, and mineral and agricultural wealth, as well as its location near the old compromise line, was at once regarded by all parts of the Union as the decisive spot where the principles referred to were to be definitely settled, and the future progress or prohibition of the institution determined.

"The issue was made; the trial has been had; the verdict of the people has been rendered, and it becomes the duty of all good citizens, without distinction of party, peaceably to submit to the decision of the majority.

"The agitation consequent upon the trial is about to terminate.

The majority of the people in the formation of a State government will doubtless express and enforce their own views.

“While it is a matter of great congratulation that the great issue, with its trials, dangers, losses, and difficulties, has thus been brought to a termination, the general government, as the representative and agent of all the States, owes to the people of Kansas, to the pioneers, to the settlers, the champions of public opinion in the States from which they came, a debt of gratitude. The United States opened the Territory for settlement under the peculiar circumstances; emigration was stimulated, an ultra political element full of prejudice and sectionalism, which had long disturbed the country, was here brought into the practical issues of life, aggravated by outside interference on the one side and a total failure upon the part of the ‘federal arm’ on the other, to preserve the peace, maintain order, and protect the person and property of loyal and peaceable citizens from the outrages of marauders. The apple of discord, which had so long created trouble and anxiety in the halls of legislation at Washington was cast among those who had sought to make their homes upon the beautiful prairies of Kansas, and for the contentions that thus arose the general government is responsible. It is confidently believed by hundreds of all parties throughout the Territory that Congress should and would make an appropriation for the reimbursement and indemnification of those who have sustained losses directly resulting from the troubles incident to the settlement of the Territory. Political parties and residents of one portion of the Union or the other view the acts of their opponents in Kansas unfavorably.

“But common justice, and a reasonable respect for men who claim the prerogatives of American birthright, demand that the acts of all parties in Kansas be regarded as the legitimate result of the action of the government. The mantle of mutual forgiveness must be spread over all that has passed, and the actors and participants in the territorial troubles be regarded by their opponents as men who zealously contended for their rights and the establishment of principles in which their faith and confidence was sincere. Making due allowance for each other under these circumstances, and uniting their efforts to present the facts to Congress in the manner contemplated by the act under which this commission originated, not doubting that the many worthy and patriotic men who have sustained losses will have their grievances redressed by the authority to which they have a right to present their just demands.

“In reviewing the evidence, it will be seen that the proof in some cases is comparatively slight, in others overwhelmingly convincing.

“It must be borne in mind that, as incident to a state of civil war, the disappearance of individuals, loss of papers, and individual asperities of feeling on the part of persons who might be useful to claimants, are to be expected. The papers herewith submitted are as complete as could be expected under the circumstances.”

Such was the language of the former commissioner, an appointee of the representative of the general government, in his report to Congress above mentioned. His position and familiarity with the events alluded to entitled it to weight and consideration, and secured for

his report a favorable reception, which, but for the reasons already given, would probably have resulted in specific action. We quote the language now for the purpose of showing the position assumed, and the admissions then freely made.

In the discharge of our duties as commissioners under the law, while we have not felt bound to regulate our proceedings by all the technical rules of procedure which govern courts of law, we have nevertheless been guided in our investigations and decisions by the rules of evidence and those great principles of law which the experience of ages have shown to be safe guides to truth and justice; and although we have labored under a heavy sense of responsibility and an earnest desire to do justice to all parties, we dare not claim, or even hope, that, in all cases, we have been able to do exact justice to claimants. We do not doubt but, in some instances, claimants may have proved more than they could justly claim; and again, we have, no doubt, reduced or rejected claims that were meritorious, because the proof was not sufficient to justify us in making an award. We have felt bound to decide according to the evidence which we have put on record, and to which we invite your attention.

We take occasion here to express our regret that the public mind should have been misled, as we fear it has, to some extent, in regard to the amount and character of the awards, by published statements destitute of truth, and by false conclusions drawn from these erroneous statements. Whether private malice or partisan feeling may have dictated such reports we are unable to say, and can only regret that men who profess a zeal for truth and justice should so far have neglected truth, and, by their reckless statements, made without the slightest knowledge of the facts, created a feeling in the public mind which tends to put in peril the only chance a large and meritorious class of our people have of getting from the federal government indemnity for sufferings and losses resulting from the neglect of that government and its failure to extend that protection to our people which was their due.

EDWARD HOOGLAND.
HENRY J. ADAMS.
SAMUEL A. KINGMAN.

WYANDOTTE, *Kansas Territory*, July 11, 1859.

WYANDOTTE CITY, *K. T.*, July 12, 1859.

Having examined the foregoing report I hereby approve of the same.

WILLIAM MCKAY, *Attorney.*

Tabular statement "A," accompanying report of commissioners of claims, under act approved February 7, 1859; presented to the constitutional convention, according to requirements of said act, July 11, 1859.

No.	Name.	County.	Claim.	Award.
1	Sarah E. Hoyt	Douglas	\$650 00	\$610 00
2	Charles Freeman	do	3,376 50	3,193 00
3	A. Cutler	do	550 00	425 50
4	Stephen Bluejacket	Shawnee Reserve	2,819 50	-----
5	Joseph B. Swayne	Douglas	1,075 00	611 80
6	Charles Newman	do	100 45	100 45
7	William Breyman	do	1,443 50	567 45
8	John A. Wakefield	do	4,328 00	4,241 00
9	Harrison R. Rawson	do	1,175 00	857 90
10	Mark W. Delahay	Leavenworth	17,900 00	8,050 00
11	Robert F. Barber	Douglas	299 00	-----
12	Thomas M. Pierson	do	600 00	316 25
13	Frank Quintal	Leavenworth	1,776 64	1,690 08
14	Wm. C. Bridges	Douglas	585 00	442 75
15	David Burton	do	2,025 00	954 50
16	Rufus S. Bassett	do	422 00	370 30
17	John A. Baillie	do	1,801 00	921 15
18	Baker & Street	Franklin	932 70	932 70
19	Erastus B. Heath	Douglas	3,044 35	2,455 73
20	Samuel Walker	do	1,555 00	891 25
21	Thomas Bickerton	do	1,012 00	780 20
22	George Witherell	Leavenworth	4,662 40	2,199 20
23	Susanna Patterson	Douglas	525 00	525 00
24	Clark Stearns	do	450 00	345 00
25	George H. Snyder	do	2,445 00	2,034 35
26	Henry L. Baldwin	do	409 25	298 25
27	Wm. M. Hazeltine	do	932 00	450 75
28	Charles H. Rand	do	161 00	155 75
29	Henry Hurd	do	1,160 00	552 00
30	Artemas W. Dole	do	300 00	278 30
31	Henry Atherton	do	200 75	115 86
32	Charles Dickson	do	350 00	244 37
33	Charles H. Lovejoy	do	100 00	74 75
34	Lyman Rowley	do	1,110 00	258 75
35	Joseph Shuler	do	112 00	71 30
36	John S. Gingerick	do	470 00	425 50
37	Mahlon K. Moore	do	117 00	117 00
38	Newell W. Spicer	do	323 00	319 70
39	L. B. Dennis	do	840 00	391 00
40	Eliza B. Purdom	do	4,740 00	3,045 00
41	William Justice	do	600 00	547 09
42	Robert Morrow	do	34 50	34 50
43	James McGee	do	858 00	756 70
44	Walter D. Jamerson	do	420 73	367 83
45	C. W. Southmayd	do	230 00	230 00
46	Frank McD. Hunt	do	2,330 00	-----
47	Salem Gleason	do	402 50	402 50
48	Charles J. Garrett	do	256 50	207 00
49	William Livermore	do	120 00	69 00
50	R. D. Nichols	do	850 00	57 50
51	Frank M. Baldwin	do	158 00	-----
52	Eli S. Thompson	do	450 00	372 60
53	Hugh O'Neal	do	440 00	258 75
54	Ezekiel A. Coleman	do	574 00	427 05
55	Asaph A. Faxon	do	2,175 00	945 30

TABULAR STATEMENT—Continued.

No.	Name.	County.	Claim.	Award.
56	J. H. Thompson	Douglas	\$540 00	\$234 60
57	L. S. Hall	do	1,275 00	-----
58	Morris Harttman	do	681 00	681 00
59	William Graham	do	595 00	-----
60	William McKianey	do	300 00	200 00
61	Arthur Gunther	do	693 80	510 40
62	S. R. Shepherd	do	160 00	160 00
63	Francis O. Tolls	do	161 30	161 30
64	John Stroup	do	7,005 00	4,605 00
65	Aaron E. Platts	do	158 12	158 12
66	Sheldon C. Russell	do	161 00	161 00
67	Alfonso Jones	do	249 00	171 35
68	John Roe	do	150 00	115 00
69	Daniel Scannel	do	200 00	-----
70	Daniel W. Palmer	do	618 00	135 70
71	James P. Carroll	do	203 50	-----
72	Turner Sampson	do	120 75	120 75
73	Thomas Oliver, sr.	do	4,004 16	4,004 16
74	James Dumare	do	963 00	402 50
75	James McGue	Anderson	207 00	207 00
76	Charles Robinson	Douglas	26,240 00	23,953 00
77	George Cutter	do	5,065 00	74 75
78	David O. Keefe	Leavenworth	260 00	126 50
79	Gs. Jenkins's estate	Douglas	12,350 00	10,292 50
80	Samuel C. Smith	do	135 82	135 82
81	Joseph J. Boyer	do	335 00	57 50
82	James S. Emery	do	3,290 00	1,420 25
83	Robert McFarland	do	1,224 00	910 15
84	Henry B. Lacy	do	2,021 00	9 20
85	John M. Lacy	do	63 25	63 25
86	J. D. Harrington	do	150 00	115 00
87	J. G. McClelland	do	847 90	405 85
88	Ferdinand Fuller	do	210 37	161 00
89	Henry Eggart	do	540 00	293 28
90	Benoni C. Tully	do	1,445 00	488 75
91	Wiley Jones	do	260 00	-----
92	Aaron Neal	do	255 00	-----
93	Archibald Harris	do	284 00	284 00
94	S. C. Harrington	do	1,040 00	828 00
95	John W. Pennoyer	Leavenworth	979 00	690 00
96	Charles A. Wright	Douglas	600 00	287 50
97	John Morehead	do	1,350 00	503 70
98	Thomas Wells	do	675 00	300 00
99	John W. Taylor	do	80 00	80 00
100	A. M. Whedon	do	765 00	460 00
101	Shalor W. Eldridge	do	60,177 00	49,772 00
102	Milligan Wallace	do	1,300 00	411 70
103	D. N. Montague	do	443 00	49 45
104	William S. Hull	do	1,594 00	1,029 25
105	Taylor Stevens	do	2,485 40	1,380 00
106	S. Southerland's estate	do	1,571 00	926 90
107	Michael Gleen	do	400 00	201 25
108	Henry Bronson	do	100 00	90 10
109	George H. Keller	Leavenworth	2,342 00	2,000 00
110	Thomas H. Thomas	Douglas	280 30	280 30
111	John G. Crocker	do	465 00	330 00
112	H. A. Lowe	Leavenworth	2,050 00	1,000 00
113	John Kirth's estate	do	320 00	74 75
114	Thomas Fahey	do	1,600 00	-----

TABULAR STATEMENT—Continued.

No.	Name.	County.	Claim.	Award.
115	John Kelly	Leavenworth	\$235 75	\$235 75
116	Samuel H. Cook	do	146 00	146 00
117	Jeremiah Howald	do	590 00	207 00
118	Samuel R. Trower	do	460 00	460 00
119	Alfred Justice	Johnson	287 50	287 50
120	J. Willoughby's estate	Leavenworth	1,300 00	1,035 00
121	A. Dawson's estate	do	1,100 00	769 35
122	Alex. Traskowski	do	5,788 72	-----
123	Aaron Jeffries	do	567 50	567 50
124	Michael Przybytowicz	do	436 15	273 60
125	John P. Richardson	do	50,355 00	408 25
126	Jeremiah Iseley	do	1,325 00	-----
127	Charles J. Mize	do	135 00	126 50
128	Albert G. Boyd	do	1,500 00	690 00
129	Matt. & S. France	do	1,489 00	1,259 25
130	John S. Danks	do	300 00	264 00
131	Jacob F. Stroble	do	2,315 00	2,300 00
132	Thomas J. Abshire	do	1,630 00	1,367 35
133	L. F. Hollingsworth	do	402 50	402 50
134	David Smith	do	710 00	630 00
135	Gustavus Stahl	do	689 10	555 15
136	James Davis	do	230 00	230 00
137	John T. Sparks	do	200 00	143 75
138	Joseph Elliott	do	400 00	345 00
139	M. H. Comstock	do	404 50	354 20
140	Thomas Suttles	do	276 00	276 00
141	William Freeland	do	242 00	242 00
142	F. & E. Englesmann	do	4,338 83	3,537 86
143	August Kessler	do	394 00	381 80
144	Stephen Sparks	do	200 00	138 00
145	Frederick Reuter	do	391 00	156 40
146	John E. Gould	do	285 00	212 75
147	Hornsby & Ferrell	do	12,249 51	12,249 51
148	Charles W. Ballard	Douglas	500 00	-----
149	J. Carr Johnson	Leavenworth	260 50	260 50
150	John Kendall	do	30 00	30 00
151	David W. Powers	do	246 00	-----
152	John H. Utt	Brown	115 00	115 00
153	Cornelius Dorland	do	355 00	355 00
154	Enoch Spalding	do	28 75	28 75
155	Harmon G. Weibling	Leavenworth	2,500 00	316 25
156	Paul Molke	do	580 00	500 00
157	John Hoegner	do	1,312 50	808 45
158	Alfred S. Addis	do	2,270 25	1,866 70
159	Mary France	do	287 50	287 50
160	Wm H. P. Bristow	do	518 35	518 35
161	Joseph Evans	do	335 00	327 75
162	M. Pierce Rively	do	345 00	345 00
163	Francis Grasmuck	Shawnee	69 00	69 00
164	Hiram Penny	do	316 25	316 26
165	John M. Reed	do	1,247 75	1,247 75
166	Bennett A. Murphy	do	230 00	230 00
167	Thomas J. Johnson	do	172 50	172 50
168	William Matney	do	483 00	483 00
169	John D. Jones	do	500 00	500 00
170	Robert A. Edwards	do	2,810 30	2,810 30
171	Wm B Edwards	do	346 50	346 50
172	Isaac Renfro	do	207 57	207 57
173	James R. Warren	do	307 00	307 00

TABULAR STATEMENT—Continued.

No.	Name.	County.	Claim.	Award.
174	John T. Adams	Shawnee	\$126 50	\$126 50
175	Charles L. Stevenson	do	517 50	517 50
176	L. G. Cleaveland	do	400 00	378 35
177	Joseph H. Weaver	do	230 00	218 00
178	Learner B. Stateler	do	241 50	241 50
179	George Matney	do	431 25	431 25
180	Andrew Irnes	do	230 00	230 00
181	Thomas N. Stinson	do	500 00	500 00
182	Benj. D. Castleman	do	4,025 00	4,025 00
183	James Fletcher	do	1,500 00	1,101 12
184	Jacob Willets	do	257 00	257 00
185	Orville H. Brown	do	1,045 00	1,045 00
186	Mrs Ann Hopper	do	385 82	385 82
187	S. J. Livingston	do	573 20	573 20
188	Martin Young	do	328 00	197 73
189	John L. Hopper	do	716 00	482 49
190	Simeon Gilson	Douglas	225 00	144 50
191	Joseph Oakley	do	6,325 00	1,457 00
192	Baxter C. Dennis	do	100 00	86 25
193	John Graham	do	760 00	-----
194	Sidney Hurd	do	100 00	-----
195	Jonathan F. Taber	do	5,899 50	-----
196	Joseph Merritt	do	800 00	-----
197	Martin L. Gaylord	do	1,462 50	-----
198	Achilles B. Wade	do	1,455 00	1,098 00
199	John Anderson	do	980 00	500 00
200	Wm R. Simmons	do	900 00	-----
201	Anson H. Mallory	do	1,000 00	598 00
202	Augustus Wolfley	Nemaha	929 55	804 40
203	Joab M. Bernard	Franklin	10,567 43	9,524 91
204	Morrow & Blood	Douglas	287 50	287 50
205	Albert D. Searle	do	592 00	410 00
206	William Jesse	do	172 50	172 50
207	Francis Meyer	Anderson	1,141 40	650 07
208	George F. Earle	Douglas	325 50	-----
209	Paul R. Brooks	do	260 00	170 00
210	Rachel E. Lewis	Breckenridge	842 50	523 25
211	George W. Pierce	Douglas	400 50	310 00
212	James H. Carter	do	557 50	484 65
213	George W. Brown	do	17,432 00	12,569 50
214	George W. Hunt	do	541 50	350 00
215	Joel Grover	do	736 00	659 45
216	Francis A. Baily	do	172 50	172 50
217	William S. Wells	do	545 00	366 85
218	Charles Bleakley	Doniphan	85 00	-----
219	Benjamin Johnson	Douglas	1,316 00	1,013 00
220	G. W. & W. Hutchinson & Co.	do	26,910 09	24,770 08
221	Samuel Jones	do	205 95	139 15
222	Benjamin S. Hancock	do	3,906 47	2,255 25
223	Robert G. Elliott	do	1,075 00	603 75
224	Andrew S. Baldwin	do	134 00	134 00
225	John Spicer	do	172 50	172 50
226	John Doy	do	577 30	577 30
227	Eliab G. Macy	do	2,010 00	1,334 00
228	Samuel Smith	do	1,200 00	1,017 75
229	Samuel Y. Lum	do	488 75	488 75
230	Oliver P. Keunedy	do	184 00	184 00
231	Miller & Elliott	do	10,275 00	4,513 75
232	Charles L. Edwards	do	335 00	335 00

TABULAR STATEMENT—Continued.

No.	Name.	County.	Claim.	Award.
233	George W. Deitzler	Douglas	\$350 75	\$350 75
234	Absalom W. White	do	5,150 00	172 50
235	Thomas R. Heard	do	266 00	161 00
236	Andrew White	do	600 00	377 20
237	Henry M. Simpson	do	200 75	200 75
238	Samuel N. Simpson	do	414 00	414 00
239	Abraham Wilder	do	2,535 00	2,133 25
240	Lyman Allen	do	604 00	380 00
241	Ephraim Nute, jr	do	644 00	644 00
242	Levi Woodward	do	172 50	175 50
243	Daniel J. Kezer	Franklin	448 50	448 50
244	Jared Chapman	Lykins	1,219 00	1,219 00
245	William E. Baker	Linn	287 50	287 50
246	Carl A. Krouse	Franklin	76 75	76 75
247	Perry Fuller	do	415 00	316 25
248	Henry Barricklow	Douglas	663 00	474 95
249	Theodore Winer	Anderson	4,500 00	-----
250	Henry Alderman	do	246 00	246 00
251	Silas Sutton	do	674 80	495 45
252	Marian Fraker	do	240 00	115 00
253	Jacob Benjamin	do	1,085 00	862 50
254	Wilber West	do	132 25	132 25
255	Samuel F. Tappan	Douglas	360 00	360 00
256	Hugh Kilborn	Lykins	322 00	322 00
257	John Blunt	Anderson	184 00	184 00
258	James Sutton	do	230 00	230 00
259	Freeman Austin	do	150 00	149 50
260	Jesse Sutton	do	469 50	314 50
261	Mercy Sutton	do	115 00	115 00
262	August Bondi	do	1,191 00	1,000 00
263	Isco Sutton	do	759 00	544 40
264	John Brown, jr	do	510 00	-----
265	Mary Partridge	Lykins	57 50	57 50
266	James J. Holbrook	do	1,190 00	1,167 40
267	John F. Grant	do	296 70	296 70
268	G. Partridge's estate	do	172 50	172 50
269	John Sharkey	do	4,772 50	4,772 50
270	Joseph Janus	do	115 00	115 00
271	Mason T. Summers	do	1,500 00	-----
272	Wakeman Partridge	do	402 50	402 50
273	Thomas Roberts	do	161 00	161 00
274	Orville C. Brown	do	6,111 00	6,111 00
275	George Roberts	do	81 65	81 65
276	Phil. H. Thomas	Lynn	459 00	339 25
277	Thomas Nice	Lykins	431 25	431 25
278	Robert Reynolds	do	556 00	534 40
279	Sam. E. Thompson	do	322 00	322 00
280	Charles H. Withington	do	1,664 00	1,664 00
281	Thomas L. McKinney	do	143 75	143 75
282	Isaac C. Wilson	Shawnee	74 75	74 75
283	Henry M. Martin	do	485 00	398 50
284	J. R. Waysman	do	663 90	270 25
285	Uriah G. Johnson	do	333 50	333 50
286	B. Woodberry's estate	Lykins	392 15	392 15
287	Morgan Cronkhite	do	184 00	184 00
288	Harold Howard	do	172 50	172 50
289	William B. Keith	do	456 55	456 55
290	R. W. Wood	do	224 25	224 25
291	Charles Sturdvan	do	525 00	356 50

TABULAR STATEMENT—Continued.

No.	Names.	County.	Claim.	Award.
292	Henry Carson.....	Lykins.....	\$143 75	\$143 75
293	H. H. Updegraff.....	do.....	721 78	713 00
294	William Saling.....	do.....	100 62	100 62
295	James Fuller.....	do.....	143 75	143 75
296	Thomas Kelly.....	do.....	683 00	620 00
297	John Stotts.....	do.....	97 75	97 75
298	Charles A. Foster.....	do.....	198 00	198 00
299	Amos D. Alderman.....	do.....	270 00	270 00
300	H. Sherman's estate.....	do.....	5,000 00	1,035 00
301	William Patrick.....	do.....	250 00	-----
302	Nat. McVey's estate.....	do.....	600 00	575 00
303	John Yelton.....	do.....	945 00	901 60
304	Charles H. Crane.....	do.....	512 35	428 15
305	Orran Williams.....	do.....	115 00	115 00
306	Benjamin Goodrich.....	do.....	241 50	241 50
307	D. Garrison's estate.....	do.....	379 50	379 50
308	Fred. Brown's estate.....	do.....	333 50	333 50
309	Samuel L. Adair.....	do.....	28 75	28 75
310	Asa S. White's estate.....	do.....	1,740 00	1,713 50
311	J. Merriot Anthony.....	do.....	178 75	119 35
312	A. B. Jackson.....	do.....	115 00	115 00
313	Andrew H. Fadden.....	do.....	794 00	230 00
314	Thomas Totten.....	do.....	250 50	250 00
315	David G. Watt.....	do.....	42 50	42 50
316	John Lay.....	do.....	172 50	172 50
317	David B. Wilson.....	do.....	203 30	203 30
318	Patrick Devlin.....	do.....	46 10	46 10
319	Samuel Geer.....	do.....	8,280 00	8,280 00
320	James Stotts.....	do.....	418 60	418 60
321	David Goodrich.....	do.....	350 00	195 50
322	John Van Hone.....	do.....	745 00	92 00
323	Cyrus Tater.....	do.....	438 55	438 55
324	Andrew Updegraff.....	do.....	63 25	63 25
325	James M. Arthur.....	Linn.....	1,981 45	1,981 45
326	T. J. Addis, sr.....	do.....	1,669 55	1,535 98
327	T. J. Addis, jr.....	do.....	189 00	180 90
328	E. Burnes's estate.....	do.....	172 50	172 50
329	Charles Barnes.....	do.....	135 70	135 70
330	Robert Cottle.....	do.....	680 00	552 00
331	Tilghman Clarke.....	do.....	172 50	172 50
332	M. P. McDonald.....	do.....	225 00	-----
333	Calvin McDonald.....	do.....	115 00	115 00
334	Isaac T. Dement.....	do.....	2,285 00	2,285 00
335	Thomas L. Day.....	do.....	690 00	621 00
336	Nicholas Gony.....	do.....	258 75	258 75
337	Fur. H. Graham.....	do.....	92 00	92 00
338	Benj. Henshaw.....	do.....	97 75	97 75
339	Wm. Hutchin.....	do.....	1,344 00	1,144 00
340	Wm. Hobson.....	do.....	1,525 00	661 25
341	Thomas James.....	do.....	132 25	102 60
342	Wm. King's estate.....	do.....	126 50	126 50
343	Mary Lovell.....	do.....	490 00	460 00
344	Solomon Mason.....	do.....	608 00	529 20
345	Peter Majors.....	do.....	150 00	-----
346	Wm. Rogers.....	do.....	329 00	213 00
347	Samuel Nickel.....	do.....	920 00	920 00
348	Reuben E. Noel.....	do.....	235 75	235 75
349	John W. Ruark.....	do.....	716 35	277 25
350	John R. Robinson.....	do.....	807 00	-----

TABULAR STATEMENT—Continued.

No.	Name.	County.	Claim.	Award.
351	Augustus Wattles	Linn	\$875 00	\$661 25
352	Rutherford Tennison	do	300 00	-----
353	Robert Smith	do	287 50	287 50
354	J. S. Swagarty	do	179 00	148 35
355	David Reese	do	352 75	345 00
356	Oliver Westover	do	94 00	94 00
357	Levi Ward	do	193 00	49 45
358	John R. Williams	do	484 00	484 00
359	John H. Byrd	Atchison	23 00	23 00
360	David C. Piquett	Leavenworth	3,000 00	1,035 00
361	Charles Blakely	Doniphan	97 75	97 75
362	James Cormack	Leavenworth	98 17	98 17
363	L. B. Lawrence	do	675 00	488 75
364	Lorenzo Northrop	Jefferson	1,288 00	1,288 00
365	R. H. Crosby	do	3,805 85	3,805 85
366	Philip Rothchild	Leavenworth	1,274 25	1,274 25
367	Phæbe J. Wilson	Douglas	155 25	155 25
368	G. S. Skielbeck	do	30,000 00	-----
369	D. C. Buffum's estate	do	594 00	558 90
370	Charles H. Thomes	do	707 75	-----
371	Lewis Jenks	do	609 40	609 40
372	Charles W. Smith	do	212 75	212 75
373	William Jones	do	97 75	97 75
374	Samuel Fry	do	1,425 00	575 00
375	Wm. Phillip's estate	Leavenworth	755 00	701 50
376	W. W. Moore	Doniphan	2,700 00	860 00
377	Milton E. Clark	Leavenworth	3,158 00	2,021 70
378	H. Miles Moore	do	735 00	730 25
379	Wm. A. McDowell	Douglas	4,393 00	-----
380	Reuben H. Burr	do	460 00	460 00
381	Wm Haller	Leavenworth	539 25	460 00
382	August M. Sattig	do	264 50	264 50
383	Eli M. Mackeruer	do	170 00	-----
384	Frank G. Adams	Atchison	86 25	86 25
385	Thomas B. Arnett	Bourbon	802 50	-----
386	Etna Ecart	do	274 00	274 00
387	Hiero T. Wilson	do	1,133 50	600 80
388	Charles P. Bullock	do	410 00	74 75
389	James Curry	do	194 50	120 75
390	Isalah Stewart	do	442 75	442 75
391	Benjamin Brantley	do	210 00	57 50
392	Allen Beeson	do	1,425 00	1,095 95
393	William Stone	do	1,477 00	1,457 00
394	Isaac Cody, administrator	Leavenworth	368 00	368 00
395	Henry L. Pennock	do	414 00	414 00
396	James Comstock	Douglas	126 50	126 50
397	Isaac B. Pennock	Franklin	58 65	58 65
398	James Cummings	Douglas	245 00	230 00
399	Thomas B. Heard	do	500 00	-----
400	G. W. Barnes	Nemaha	316 25	316 25
401	Mahlon P. Newell	do	115 00	115 00
402	Byers & Jewett	Leavenworth	79 70	79 70
403	Martin Hefferlin	do	143 75	143 75
404	W. F. & G. M. Dyer	Jefferson	6,000 00	6,000 00
405	Geo. N. Hinchman	Leavenworth	520 00	402 50
406	Joel C. Green	do	54 00	54 00
407	David Bailey	Douglas	36 43	-----
408	Hiram House	Atchison	2,476 00	627 90
409	H. S. McClelland	Douglas	150 00	-----

TABULAR STATEMENT—Continued.

No.	Name.	County.	Claim.	Award.
410	Thomas Fahay	Leavenworth	\$200 00	-----
411	James Cravens	Atchison	125 00	-----
412	D. M. Bevens	do	3, 033 67	-----
413	Harrison Wider	do	67 50	\$57 50
414	John Braley	Buchanan, Mo.	165 00	-----
415	B. F. Ross	Atchison	161 00	161 00
416	W. J. Eagles	do	657 80	657 80
417	Hiram Quiett	do	402 50	402 50
418	John Wright	Leavenworth	375 00	327 75
419	Wm. C. Stagg	Jefferson	125 00	-----
420	Charles F. Brown	do	57 50	57 50
421	J. C. W. Davis	do	184 00	184 00
422	Daniel Low	do	304 95	304 95
423	Adolphus House	Atchison	201 25	201 25
424	Thos. T. Furguson	do	1, 325 00	1, 241 00
425	John W. Farnsworth	Shawnee	841 55	841 55
426	Allen & Gordon	do	92 00	92 00
427	William J. Card	Douglas	450 00	289 80
428	William M. Naco	do	621 50	621 50
429	James C. Evans	do	2, 295 00	2, 133 00
430	James Parsons	Shawnee	115 00	115 00
431	R. D. McCamish	Johnson	10, 150 50	8, 087 00
432	H. S. Randall	Franklin	1, 302 50	1, 302 50
433	Toussaint La Hay	Douglas	1, 564 00	1, 564 00
434	James Campbell	do	1, 346 00	1, 321 25
435	Benj. F. Hopper	do	625 00	625 00
436	J. N. O. P. Wood	do	5, 048 30	-----
437	Allen & Conwell	Shawnee	74 65	74 65
438	Detviot Burton	Douglas	892 00	862 00
439	Samuel R. Ruckel	do	1, 000 00	-----
440	Adam Bauer	Shawnee	681 05	681 05
441	Sylvester H. Davis	Douglas	1, 772 00	1, 319 00
442	Guilford Dudley	Shawnee	165 60	165 60
443	James Fegart	do	431 25	431 25
444	Fry P. McGee	do	2, 091 00	1, 224 75
445	Horace L. Jones	Leavenworth	1, 122 00	851 00
446	P. Skinner, administrator	Calhoun	8, 210 00	6, 210 00
447	Michael Hummer	Wyandott	415 00	333 50
448	James Hurd	Douglas	382 60	382 60
449	Mary S. Pond	Waubonsee	40 25	40 25
450	Joshua A. Davis	Leavenworth	200 00	-----
451	Lucy B. Armstrong	Wyandott	34 50	34 50
452	Wyandott M. E. Church	do	1, 680 00	1, 680 00
453	Asher T. Wykoff	do	1, 050 00	150 00
454	Robert S. Merchant	Leavenworth	175 95	175 95
455	Lewis Burns	do	300 00	150 00
456	Alex. A. Davis	Jefferson	287 50	287 50
457	Benj. Underwood	do	172 50	172 50
458	Wm. H. Coffin	do	149 50	149 50
459	Jasper R. Perkins	Leavenworth	57 50	57 50
460	Ulyses T. Shipp	Wyandott	400 00	200 00
461	John Spaulding	Douglas	120 00	120 00
462	Charles C. Emery	do	300 00	100 00
463	Wyandott M. E. Church South	Wyandott	6, 000 00	3, 500 00
464	Henry D. Oden	Jackson	355 35	355 35
465	Robert Pence	do	287 50	287 50
466	Russell Garrett	Pottawatomie	86 20	86 20
467	Chas. B. Garrett, administrator	do	172 50	172 50
468	Richard M. Ainsworth	Wyandott	2, 540 00	977 50

TABULAR STATEMENT—Continued.

No.	Name.	County.	Claim.	Award.
469	George Ross	Leavenworth	\$1,056 00	\$800 00
470	Thos. H. Ellis, administrator ..	Johnson	7,523 30	800 00
471	Hugh Ward	Leavenworth	430 00	398 50
472	James Kuykendall	Shawnee	465 00	310 50
473	R J. Fulten	Jackson	276 00	276 00
474	Simon Kohn	Leavenworth	69 00	69 00
475	James M. Hands	Jackson	588 00	575 00
476	George H. Ward	Douglas	1,569 75	1,669 75
477	Perry Fleshman	do	431 25	431 25
478	Josiah Goodwin	Lykins	169 00	169 00
479	Ephraim Hustell	do	172 50	172 50
480	David Milne	Jackson	143 75	143 75
481	Nelson McCracken	Leavenworth	4,837 74	4,734 39
482	Frederick Schuyler	do	600 00	600 00
483	Blood & Hutchinson	Douglas	3,450 00	3,450 00
484	Wm. Rusenfield	Leavenworth	200 00	172 50
485	Abels & Cohen	do	3,150 10	1,438 85
486	John C. Grund	do	143 75	143 75
487	Scott J. Anthony	do	1,573 20	1,573 20
	Total amount awarded	454,001 70

MINORITY REPORT.

Mr. MAYNARD, from the minority of the Committee of Claims, submitted the following :

The undersigned, a minority of the Committee of Claims, disagreeing with the action of the committee in relation to a bill reported, "authorizing the appointment of commissioners to settle the claims of citizens of Kansas," begs leave of the House to submit his views in relation to the same.

The bill authorizes the President to appoint three commissioners "to receive and examine all claims of citizens of Kansas against the United States, for the loss of property taken or destroyed, *and damages resulting therefrom*, during the civil disturbances which prevailed in that Territory from November 1, 1855, to December 1, 1856." The ground on which the claim is based and understood to be allowed is, the duty of the government to protect the persons and the property of its citizens. That such duty appertains to every government is but the statement of an elementary, fundamental truth. The nature and extent of this duty, and the obligations imposed by a failure fully to discharge it, require some consideration.

The protection due from the government to the citizen is either special or general—special, as in the case of a consular or diplomatic agent, *eundo, morando aut redeundo*, of a citizen travelling in foreign countries under a passport from his own government, of property held in time of war, as a station for troops or for military stores; general, towards every one alike, in return for and correlative to his allegiance. The obligation is very different in each case, and attended with very different consequences. In the former case it is perfect, and a failure on the part of the government to comply with it must be answered in money, commensurate with the damages sustained by reason of such failure; in the latter case it is imperfect, and the only remedy for a failure is political in its character, to be enforced at the ballot-box. No pecuniary compensation can be demanded for damages resulting from such failure.

The undersigned does not deem it necessary to repeat here the disagreeable, not to say disreputable, chapter of our recent history, embraced within the period covered by the present bill. The House, at least, is already too familiar with it. That lives and property were destroyed, and injuries consequently sustained by many persons, is not denied. That portion of the country was, during the time, in a manifest state either of anarchy or of civil war. In the opinion of the undersigned, both. Civil war raged between the northern and southern elements of the newly arrived population; while bad men seized the occasion to commit numberless villainies and crimes, such as murder, arson, robbery and theft. The people were entitled to the

protection of the government, to the same extent as every other citizen, and no more; that is, to its general protection.

Now, in the opinion of the undersigned, no principle is better settled than this, that for injuries sustained by the citizen in a time of war, whether civil or foreign, the government is not liable to make compensation, nor for depredations committed by criminals. For civil war, unhappily, the government can give no redress; relief must be sought, alone, in the returning good sense and good feeling of the hostile factions; and for criminal injuries, and the consequent damages and loss, the only remedy afforded by the government is in the courts of justice. This principle may be abundantly fortified by legislative and judicial citations, if it were deemed necessary.

It follows, then, that the government is in no way liable to the people of Kansas for any losses they may have sustained during the period of their "border difficulties." Their remedy lay in their own hands, to cease from civil strife and to enforce the criminal laws. And it is no answer that individuals suffered who were in no manner responsible for the outrages. There are certain incidental advantages and disadvantages that the citizen suffers or enjoys from the action of the community, in which he may not participate, and even may actively oppose. This case is one instance of the disadvantages, and must be borne. It is one of the conditions under which men enter civil society.

Having discussed the principle upon which this claim is urged, and shown that it is wholly untenable, the undersigned might here rest the matter. But he begs to call the attention of the House to the consequences of establishing a principle, by which the government would be held liable to make good all losses sustained by them under its general protection, either from the effects of crime or the rapine of enemies in war. It would beggar any government in the world. In this case, the amount appropriated by the bill is limited to half a million. But if the principle of compensation be correct, no limitation is just. The government must pay to the uttermost, until all damages are made good.

There are several details of the bill, in the opinion of the undersigned, subject to grave objections; such, for instance, as that providing the commissioners shall act "upon the testimony heretofore offered before the commissioners appointed under an act of the said Territory, &c.;" testimony, so far as the government is concerned, entirely *ex parte*, and, as the undersigned conceives, of a character very unreliable. But, as such objections might be obviated by amendments in the House, it is not deemed necessary to discuss them here. The undersigned, therefore, rests his objection to the bill upon the ground, that by no principle of governmental action have the claimants any demand whatever, either legal or equitable, in justice or morals, to be reimbursed their losses and damages out of the national treasury.

HORACE MAYNARD.

*To the Honorable Committee of Claims of the House of Representatives
of the United States:*

In conformity with the instructions of the committee, I have examined all the claims of citizens of Kansas for losses of property consequent upon the difficulties in that Territory between November 1, 1855, and December 1, 1856, usually denominated "the war in Kansas."

The claims presented are in number 487. They had been carefully examined by three commissioners appointed under a law of the Territory, authorizing them to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder which prevailed in that Territory from November 1, 1855, to December 1, 1856.

The commissioners, Messrs. Edward Hoogland, Samuel A. Kingman, and Henry J. Adams, seem to have done their duty faithfully, and the papers before this committee bear ample evidence of their fitness and skill to discharge the delicate and responsible duty with which they were intrusted.

So many claims, established by such an immense mass of testimony, could not have been presented to any tribunal in a more clerical and businesslike shape, and every claim bears evidence of most careful and thorough examination by those commissioners, although in a few of them I have come to a somewhat different conclusion from the commissioners, probably in consequence of their being on the ground and being acquainted personally with transactions that could not be known and weighed by one with no knowledge except what is derived from the papers themselves.

I have re-examined every claim carefully. I could not, of course, judge as to the value of articles appraised, nor of the competency of the witnesses. All that I could do was to ascertain whether the award was just under the testimony as it appeared, and admitting that the commissioners, who were on the spot, knew the value of the property taken or destroyed.

This I have done, and I now respectfully submit the conclusions to which I have arrived in each case to the committee, as follows.

Most respectfully,

B. B. FRENCH,

Clerk Committee of Claims, House of Representatives, U. S.

WASHINGTON, December, 1860.

List of claims of citizens of Kansas for losses sustained during the difficulties of 1855 and 1856.

No.	Name of claimant.	Result of B. B. F.'s examination as clerk of committee.	Claim.	Sum awarded.
1	Sarah E Hoyt	Proved	\$650 00	\$610 00
2	Charles Freeman	Proved	3,376 50	3,193 00
3	Abraham Cutler	Not proved	550 00	425 50
4	Stephen Bluejacket	Rejected by commissioners	2,819 50	
5	Joseph B. Swain	Proved for \$496 80	1,075 00	611 80
6	Charles Newman	Proved	104 45	100 45
7	William Breyman	Proved	1,443 50	567 45
8	John A. Wakefield	Proved	4,323 00	4,241 00
9	Harrison R. Rawson	Proved	1,175 00	857 90
10	Mark W. Delahay	Proved	17,900 00	8,056 00
11	Robert F. Barber	Rejected by commissioners	299 00	
12	Thomas M. Pierson	Proved	600 00	316 25
13	Frank Quintal	Loss proved; claimant should have furnished testimony from those he purchased of; query as to amount.	1,776 64	1,690 08
14	William C. Bridges	Proved	585 00	442 75
15	David Burton	Proved	2,025 00	954 50
16	Rufus S. Bassett	Proved	422 00	370 30
17	John A. Baillie	Proved	1,800 00	921 15
18	Baker & Street	Proved	932 70	932 70
19	Erastus Heath	Proved	3,044 35	2,455 73
20	Samuel Walker	Proved	1,555 00	891 25
21	Thomas Bickerston	Proved	1,012 00	780 20
22	George Withereli	Evidence presumptive, but strong; if taken as proved, award just	4,662 40	2,199 20
23	Susanna Patterson	Proved	525 00	525 00
24	Clark Stearns	Proof not clear that horses were taken by armed bands; proof of loss and value satisfactory.	450 00	345 00
25	George H. Snyder	Proved	2,445 00	2,034 35
26	Henry L. Baldwin	Proved	409 25	298 25
27	William Hazeltine	Claimant very badly treated, and corn lost; proof not conclusive as to manner	932 00	480 75
28	Charles H. Rand	Proved	161 00	155 75
29	Henry Hurd	Evidence not perfectly conclusive, though circumstantially strong	1,160 00	552 00

LIST OF CLAIMS—Continued.

No.	Name of claimant.	Result of B. B. F.'s examination as clerk of committee.	Claim.	Sum awarded.
30	Artemas W. Dole.....	Claimant's affidavit alone proves this claim; commissioners say it is substantiated by historical accounts.	\$300 00	\$273 30
31	Henry Atherton.....	Not proved.....	200 75	115 86
32	Charles Dickson.....	Proved; although destruction of horse not fixed on marauding bands, except by inference	350 00	244 37
33	Charles H. Lovejoy.....	Stealing of mare proved; fixed on troops by inference only.....	100 00	74 75
34	Lyman Rowley.....	Proved.....	1,114 00	258 75
35	Joseph Shuler.....	Proved.....	112 00	71 30
36	John S. Gingerick.....	Losses proved; by whom taken inferred.....	470 60	425 50
37	Mahlen K. Moore.....	Not properly proved.....	117 00	117 00
38	Newell W. Spicer.....	Proved.....	323 00	319 70
39	L. B. Dennis.....	Proved.....	480 00	391 00
40	Eliza B. Purdon.....	Proved.....	4,740 00	3,045 00
41	William Justice.....	Proved.....	600 00	547 60
42	Robert Morrow.....	Proved.....	34 50	34 50
43	James McGee.....	Proved.....	858 00	756 70
44	Walter D. Jamerson.....	Proved; property taken in Mc; commissioners decide that it was Kansas property <i>in transitu</i> , and allow it.	420 73	367 83
45	Clark W. Southmayd.....	Evidence, aside from affidavit of claimants, circumstantial; he swears directly to his losses.	230 00	230 00
46	Frank McD. Hunt.....	Rejected by commissioners.....	2,330 00	-----
47	Salem Gleason.....	Proved.....	402 50	402 50
48	Charles J. Garrett.....	Proved.....	256 50	207 00
49	William Livermore.....	Proved.....	120 00	69 00
50	R. D. Nichols.....	Proved.....	850 00	57 50
51	F. M. Baldwin.....	Rejected by commissioners.....	158 00	-----
52	Eli S. Thompson.....	Proof not very strong.....	450 00	372 60
53	Hugh O'Neill.....	Proved.....	440 00	258 75
54	Ezekiel A. Coleman.....	Proved.....	574 00	427 05
55	Asaph A. Faxon.....	Proved.....	2,175 00	945 30
56	James H. Thompson.....	Proved.....	540 00	234 60
57	Lydia S. Hall.....	Proved.....	1,275 00	1,000 00

58	Morris Harttman	Proved	681 00	681 00
59	William Graham	Rejected by commissioners	595 00	
60	William McKinney	Proved	300 00	200 00
61	Arthur Gunther	Proved	693 80	510 40
62	Sanders R. Sheppard	Proved	160 00	160 00
63	Francis O. Tolles	Proved	161 30	161 30
64	John Stroup	Proved	7,005 00	4,605 00
65	Aaron E. Platts	Proved	158 12	158 12
66	S. C. Russell	Proved	161 00	161 00
67	Alfonso Jones	Proved	249 00	171 35
68	John Roe	Proved	150 00	115 00
69	Daniel Scannell	Rejected by commissioners	200 00	
70	Daniel W. Palmer	Proved	618 00	135 70
71	James W. Carroll	Rejected by commissioners	203 50	
72	Turner Sampson	Proved	120 75	120 75
73	Thomas Oliver, sr.	Proved	4,004 16	4,004 16
74	James Dumars	Proved	963 06	402 50
75	James McGue	Proved	207 00	207 00
76	Charles Robinson	Proved	26,240 00	23,953 00
77	George Cutter	Proved	5,065 00	74 75
78	David O'Keef	Proved	260 00	126 50
79	Gaius Jenkins	Proved	12,350 00	10,292 50
80	Samuel C. Smith	Proved	135 82	135 82
81	Joseph J. Boyer	No proof as to revolver except claimant's statement; rifle proved, worth \$40.	335 00	57 50
82	James S. Emery	Allowance, under all circumstances, just	3,290 00	1,420 25
83	Robert McFarland	Proved	1,224 00	910 15
84	Henry B. Lacy	No papers in envelope	2,021 00	9 20
85	John M. Lacy	Proved	63 25	63 25
86	Jacob D. Harrington	Proved	150 00	115 00
87	John G. McClelland	Proved	847 90	405 85
88	Ferdinand Fuller	Proved	210 37	161 00
89	Henry Eggart	Proved	540 00	293 00
90	Benoni C. Tulley	Proved	1,445 00	488 75
91	Wiley Jones	Rejected by commissioners	260 00	
92	Aaron Neill	do.	255 00	
93	Archibald Harris	Proved	284 00	284 00
94	Samuel C. Harrington	Proved	1,048 00	828 00
95	John W. Pennoyer	Proved	979 00	690 00
96	Charles A. Wright	Proved	600 00	287 50

KANSAS CLAIMS.

LIST OF CLAIMS—Continued.

No.	Name of claimant.	Result of B. B. F.'s examination as clerk of committee.	Claim.	Sum awarded.
97	John Morehead.....	Proved.....	\$1,350 00	\$503 70
98	Thomas Wells.....	Not very well proved.....	675 00	300 00
99	John W. Taylor.....	Proved.....	80 00	80 00
100	A. M. Wheedon.....	Proved a loss, and allowance seems to be just.....	765 00	460 00
101	S. W. Eldridge.....	Proof of loss ample; allowance just.....	60,177 00	49,772 00
102	Miligan Wallace.....	Proved.....	1,300 00	411 70
103	Dwight H. Montague.....	Proved.....	443 00	49 00
104	Wm. S. Hull.....	Proved.....	1,594 00	1,029 25
105	Taylor Stevens.....	Proved.....	2,485 40	1,380 00
106	S. Southerland's estate.....	Proved.....	1,571 00	926 90
107	Michael Glenn.....	Proved.....	300 00	201 25
108	Henry Bronson.....	Proved.....	100 00	90 10
109	George H. Ketter.....	Proved.....	2,342 00	2,000 00
110	Thomas H. Thomas.....	Proved.....	280 30	280 30
111	John G. Crocker.....	Proved.....	465 00	330 00
112	H. A. Lowe.....	Not definitely proved; but, under all circumstances, allowance seems just.....	2,050 00	1,000 00
113	Andrew Kirth's estate.....	Proved.....	320 00	74 75
114	Thomas Fahey.....	See indorsement on the papers; allowance seems just.....	1,600 00	1,840 00
115	John Kelly.....	Only \$55 proved, as appears to me; see indorsement on papers.....	235 75	255 75
116	Samuel H. Cook.....	Proved.....	146 00	146 00
117	Jeremiah Howland.....	Proved.....	590 00	207 00
118	Samuel R. Trower.....	Proved.....	460 00	460 00
119	Alfred Justice.....	Proved.....	287 50	287 50
120	J. Willoughby's estate.....	Proved.....	1,300 00	1,055 00
121	A. Dawson's estate.....	Proved.....	1,100 00	769 35
122	Alexander Traskowski.....	Very doubtful; see papers.....	5,788 82	5,106 74
123	Aaron Jeffries.....	Proved.....	567 50	567 50
124	Michael Przbytowicz.....	See papers, and Nos. 114 and 122.....	436 15	273 60
125	John P. Richardson.....	Proved.....	50,335 00	408 25
126	Jeremiah Iseley.....	Rejected by commissioners.....	1,325 00	-----
127	Charles J. Mize.....	Proved.....	135 00	126 50
128	Albert G. Boyd.....	Proved.....	1,500 00	690 00

129	Matt. & S. France	Proved	1,489 00	1,259 25
130	John S. Danks	Proved	300 00	264 00
131	Jacob F. Stroble	Proved	2,315 00	2,300 00
132	Thomas J. Abshire	Proved	1,630 00	1,367 35
133	L. F. Hollingsworth	Proved	402 50	402 50
134	David Smith	Proved	710 00	630 00
135	Gustavus Stahl	Testimony conflicting, and some of it doubted by commissioners	689 10	555 15
136	James Davis	Proved	230 00	230 00
137	John S. Sparks	Proved	200 00	143 75
138	Joseph Elliot	Proved	400 00	345 00
130	M. H. Comstock	Proved	404 50	354 20
140	Thomas Suttles	Claim for money stolen from a trunk ; commissioners thought proof sufficient	276 00	276 00
141	Wm. Freeland	Proved	242 00	242 00
142	F. & E. Englesmann	Proved	4,338 83	3,537 86
143	August Kessler	Proved	394 00	381 80
144	Stephen Sparks	Proved	200 00	138 00
145	Frederick Reuter	Proved	391 00	156 40
146	John E. Gould	Proved	285 00	212 75
147	Hornsby & Ferrell	Proved	12,249 51	12,249 51
148	Charles W. Ballard	Rejected by commissioners	500 00	
149	J. Carr Johnson	Proved	260 50	260 50
150	John Kendall	Proved	30 00	30 00
151	David W. Powers	Rejected by commissioners	246 00	
152	John H. Ult	Proved	115 00	115 00
153	Cornelius Dorland	Proved	355 00	355 00
154	Enoch Spalding	Proved	28 75	28 75
155	Harmon G. Weibling	Proved	2,500 00	316 25
156	Paul Molke	Proved	580 00	500 00
157	John Hoegner	Proved	1,312 50	808 45
158	Alfred S. Addis	Proved	2,270 25	1,866 70
159	Mary Francis	Proved	287 50	287 50
160	Wm. H. B. Bristow	Proved	518 35	518 35
161	Joseph Evans	Proved	335 00	327 75
162	M. Pierce Rively	Proved	345 00	345 00
163	Francis Grasmuck	Proved	69 00	69 00
164	Hiram Penny	Proved	316 25	316 20
165	John M. Reed	Proved	1,247 75	1,247 75
166	Bennett A. Murphy	Proved	230 00	230 00
167	Thomas J. Johnson	Proved	172 00	172 50

LIST OF CLAIMS—Continued.

No.	Name of claimant.	Result of B. B. F.'s examination as clerk of committee.	Claim.	Sum awarded.
168	Wm. Matney	Proved	\$483 00	\$483 00
169	John D. Jones	Award seems just, (see papers.)	500 00	500 00
170	Robert A. Edwards	Proved	2,810 30	2,810 30
171	Wm. B. Edwards	Proved	346 50	346 50
172	Isaac Renfro	Proved	207 57	207 57
173	James R. Warren	Proved	307 00	307 00
174	John T. Adams	Proved	126 50	126 50
175	Charles L. Stephenson	Proved	517 50	517 50
176	Loring G. Cleaveland	Proved	400 00	378 35
177	Joseph H. Weaver	Proved	230 00	218 00
178	Learner B. Stabler	Proved	241 50	241 50
179	George Matney	Proved	431 25	431 25
180	Andrew Jones	Proved	230 00	230 00
181	Thomas N. Stinson	Proved	500 00	500 00
182	Benjamin D. Castleman	Proved	4,025 00	4,225 00
183	James Fletcher	Proved	1,500 00	1,101 12
184	Jacob Willets	Proved	257 00	257 00
185	Orville H. Brown	Proved	1,045 00	1,045 00
186	Ann Hopper	Proved	385 82	385 82
187	Stepen J. Livingston	Proved	573 20	573 20
188	Martin Young	Proved	328 00	197 73
189	John L. Hopper	Proved	716 00	482 49
190	Simeon Gilson	Proved	225 00	144 50
191	Joseph Oakley	Proved	6,325 00	1,457 00
192	Baxter C. Dennis	Proved	100 00	86 25
193	John Graham	Rejected by the commissioners	760 00	-----
194	Sidney Hurd	do	100 00	-----
195	Jon. F. Tabor	do	5,899 50	-----
196	Joseph Merritt	do	800 00	-----
197	Martin L. Gaylord	do	1,462 50	-----

o Interest.

198	Achilles B. Wade	Proved	1,455 00	1,098 00
199	John Anderson	Proved	980 00	500 00
200	Wm. R. Simmons	Rejected by commissioners	900 00	
201	Anson H. Mallory	Proved	1,000 00	598 00
202	Augustus Wolfley	Proved	929 55	804 40
203	Job M. Bernard		10,567 43	9,524 91
204	Morrow & Blood	Proved	287 50	287 50
205	A. D. Searle	Proved	592 00	410 00
206	William Jesse	Proved	172 50	172 50
207	Francis Meyer	Proved	1,141 40	650 07
208	George F. Earl	Proved	325 50	197 00
209	Paul B. Brooks	Proved	260 00	170 00
210	Rachael E. Lewis	Proved	842 50	523 25
211	George W. Pierce	Proved	400 00	310 00
212	James H. Carter	Proved	557 50	484 65
213	George W. Brown	Destruction of "Herald of Freedom"	17,432 00	12,569 50
214	George W. Hunt	Proved	544 50	350 00
215	Joel Grover	Proved	736 00	659 45
216	Francis A. Bailly	Proved	172 50	172 50
217	Wm. S. Wells	Proved	545 00	366 85
218	Charles Blakely	No evidence; no action	85 00	
219	Benjamin Johnson	Proved	1,316 00	1,013 00
220	G. W. & W. Hutchinson & Co.	Case peculiar; award seems just	26,910 09	24,770 08
221	Samuel Jones	Proof somewhat weak	205 95	139 15
222	Benjamin L. Hancock	50 per cent on claim allowed; ample	3,906 47	2,255 25
223	Robert G. Elliot	Proved	1,075 00	603 75
224	Andrew S. Baldwin	Proved	134 00	134 00
225	John Spicer	Proved	172 50	172 50
226	John Doy	Proved	577 30	577 30
227	Eliab G. Macy	Proved	2,010 00	1,334 00
228	Samuel Smith	Proved	1,200 00	1,017 75
229	Samuel Y. Lum	Proved	488 75	488 75
230	Oliver P. Kennedy	Proved	184 00	184 00
231	Miller & Elliot	Proved	10,275 00	4,513 75
232	Charles L. Edwards	Proved	335 00	335 00
233	G. W. Deitzer	Proved	350 75	350 75
234	Abraham W. White	Proved	5,150 00	172 50
235	Thomas R. Heard	Proved	266 00	161 00
236	Andrew White	Proved	600 00	377 20

LIST OF CLAIMS—Continued.

No.	Name of claimant.	Result of B. B. F.'s examination as clerk of committee.	Claim.	Sum awarded.
237	Henry M. Simpson	Proved	\$200 75	\$200 75
238	Samuel N. Simpson	Proved	414 00	414 00
239	Abraham Wilder	Proved	2,535 00	2,133 25
240	Lyman Allen	Proved	604 00	380 00
241	Ephraim Nute, jr.	Proved	644 00	644 00
242	Levi Woodward	Proved	172 50	172 50
243	Daniel J. Kezer	Proved	448 50	448 50
244	Jared Chapman	Proved	1,219 00	1,219 00
245	Wm. E. Barker	Proved	287 50	287 50
246	Carl A. Crouse	Proved	76 75	76 75
247	Perry Fuller	Proved	415 00	316 25
248	Henry Barriklow	Proved	663 00	474 95
249	Theodore Weiner	Rejected by commissioners	4,500 00	
250	Henry Alderman	Proved	246 00	246 00
251	Silas Sutton	Proved	674 80	495 48
252	Marion Fraker	Proved	240 00	115 00
253	Jacob Benjamin	Proved	1,085 00	862 50
254	Wilber West	Proved	132 25	132 25
255	Samuel Tappan	Proved	360 00	360 00
256	Hugh Kilburn	Proved	322 00	322 00
257	John Blunt	Proved	184 00	184 00
258	James Sutton	Proved	230 00	230 00
259	Freeman Austin	Proved	149 50	149 50
260	Jesse Sutton	Proved	469 50	314 50
261	Mercy Sutton	Proved	115 00	115 00
262	August Bondi	Proved	1,191 00	1,000 00
263	Isco Sutton	Proved	759 00	544 40
264	John Brown, jr.	Rejected; petitioner not a citizen	510 00	
265	Mary E. Partridge	Proved	57 50	57 50
266	James J. Holbrook	Proved	1,190 00	1,167 40
267	John F. Grant	Proved	296 70	296 70
268	George Partridge's estate	Proved	172 50	172 50

269	John Sharkey	(History of the battle of Ossawatomie;) proved.....	4,772 50	4,772 50
270	Joseph James.....	Proved.....	115 00	115 00
271	Mason F. Summers	Rejected; petitioner not a citizen	1,500 00	-----
272	Wakeman Partridge	Proved.....	402 50	402 50
273	Thomas Roberts.....	No jurat to Yelton's deposition; otherwise proved.....	161 00	161 00
274	Orville C. Brown.....	(See case.) sum awarded proved.....	6,111 00	6,111 00
275	George Roberts.....	Proof not quite so precise as it should be.....	81 65	81 65
276	Philologus H. Thomas.....	Proved.....	459 00	339 25
277	Thomas Rice.....	Proved.....	431 25	431 25
278	Robert Reynolds	Proved.....	556 00	534 40
279	Samuel E. Thompson.....	Proved.....	322 00	322 00
280	Charles H. Withington.....	Proved.....	1,664 00	1,664 00
281	Thomas L. McKinney.....	Proved.....	143 75	143 75
282	Isaac C. Wilson.....	Proved.....	74 75	74 75
283	Henry M. Martin.....	Proved.....	485 00	398 50
284	James R. Waysman	Proved.....	663 90	270 25
285	Uriah G. Johnson.....	Proved.....	333 50	333 50
286	Benjamin Woodbury's estate	Proved.....	392 15	392 15
287	Morgan Cronkhite.....	Proved.....	184 00	184 00
288	Harrold Howard.....	Proved.....	172 50	172 50
289	William B. Keith.....	Proved.....	456 55	456 55
290	R. W. Wood.....	Proved.....	224 25	224 25
291	Charles Sturdivan	Proved.....	525 00	356 50
292	Henry Carson.....	Proved.....	143 75	143 75
293	H. H. Updegraff.....	Proved.....	721 78	713 00
294	William Saling.....	Proved.....	100 62	100 62
295	James Fretter.....	Proved.....	143 75	143 75
296	Thomas Kelly.....	Proved.....	683 00	620 00
297	John Stotts.....	Proved.....	97 75	97 75
298	C. A. Foster.....	Proved.....	198 00	198 00
299	Amos D. Alderman.....	Proved.....	270 00	270 00
300	Henry Shannon's estate.....	Proved.....	5,000 00	1,035 00
301	William Patric.....	Rejected by commissioners.....	250 00	-----
302	Nat. McVey's estate.....	Proved.....	600 00	575 00
303	John Yelton.....	Proved.....	945 00	901 60
304	Charles H. Crane.....	Proved.....	512 35	428 15
305	Orran Williams.....	Proved.....	115 00	115 00
306	Benjamin Goodrich.....	Proved.....	241 50	241 50
307	David Garrison's estate.....	Proved.....	379 50	379 50

LIST OF CLAIMS—Continued.

No.	Name of claimant.	Result of B. B. F.'s examination as clerk of committee.	Claim.	Sum awarded.
308	Frederick Brown's estate.....	Proved.....	\$333 50	\$333 50
309	Samuel L. Adair.....	Proved.....	28 75	28 75
310	Asa S. White's estate.....	Proved.....	1,713 50	1,713 50
311	J. Merritt Anthony.....	Proved.....	178 74	119 35
312	A. B. Jackson.....	Proved.....	115 00	115 00
313	Andrew H. Fadden.....	Proved.....	794 00	230 00
314	Thomas Totten.....	Proved.....	250 00	250 00
315	David G. Watt.....	Proved.....	42 50	42 50
316	John Lay.....	Proved.....	172 50	172 50
317	David B. Wilson.....	Proved.....	203 30	203 30
318	Patric Develin.....	Proved.....	46 10	46 10
319	James Stotts.....	Proved.....	418 60	418 60
320	Samuel Geer.....	Proved.....	8,280 00	8,280 00
321	David Goodrich.....	Proved.....	350 00	195 50
322	John Van Hone.....	Proved.....	745 00	92 00
323	Cyrus Tater.....	Proved.....	438 55	438 55
324	Andrew Updegraff.....	Proved.....	63 25	63 25
325	James M. Arthur.....	Proved.....	1,981 45	1,981 45
326	Thomas J. Addis, sr.....	Proved by evidence of two sons.....	1,669 55	1,535 98
327	Thomas J. Addis, jr.....	Proved by evidence of father.....	189 90	189 90
328	E. Barnes's estate.....	Proved.....	172 50	172 50
329	Charles Barnes.....	Proved.....	135 70	135 70
330	Robert Cottle.....	Proved.....	680 00	552 00
331	Tilghman Clark.....	Proved.....	172 50	172 50
332	M. P. McDonald.....	No proof of citizenship.....	225 00	-----
333	Calvin McDonald.....	Evidence weak.....	115 00	115 00
334	Isaac T. Dement.....	Proved.....	2,285 00	2,285 00
335	Thomas L. Day.....	Proved.....	690 00	621 00
336	Nicholas Gonya.....	Proved.....	258 75	258 75
337	F. H. Graham.....	Proved.....	92 00	92 00
338	Benjamin Henshaw.....	Proved.....	97 75	97 75
339	William Hutchins.....	Proved.....	1,344 00	1,144 00

340	William Hobson	Proved	1,525 00	661 25
341	Thomas James	Proved	139 25	102 60
342	William King's estate	Proved	126 50	126 50
343	Mary Lovell	Proof not full and satisfactory	490 00	460 00
344	Solomon Mason	Proved	608 00	529 20
345	Peter Majors	No award	150 00	
346	William Rogers	Proved	329 00	213 00
347	Samuel Nickell	Proved	920 00	920 00
348	Reuben E. Noel	Proved	235 75	235 75
349	John W. Ruark	Proved	716 35	277 25
350	John B. Robinson	Petition withdrawn ; no proof of citizenship	807 00	
351	Augustus Wattles	Proved	875 00	661 25
352	Rutherford Pennison	Rejected	300 00	
353	Robert Smith	Proved	287 50	287 50
354	J. S. Swagerty	Proved	179 00	148 35
355	David Reese	Proved	352 75	345 00
356	Oliver Westover	Proved	94 00	94 00
357	Levi Ward	Proved	193 00	49 45
358	John R. Williams	Proved	484 00	484 00
359	John H. Byrd	Proved	23 00	23 00
360	David C. Piquett	Proved	3,000 00	1,035 00
361	Charles Blakely	Proved	97 75	97 75
362	James Cormack	Proved, (see case No. 22)	98 17	98 17
363	Lorenzo D. Lawrence	Proved	675 00	488 75
364	Lorenzo Northrup	Proved	1,288 00	1,288 00
365	R. H. Crosby	Proved	3,805 85	3,805 85
366	Philip Rothchild	Proved	1,274 25	1,274 25
367	Phebe Jane Wilson	Proved	155 25	155 25
368	G. S. Skielbeck	Rejected	30,000 00	
369	D. C. Buffum's estate	Proved	594 00	558 90
370	Charles H. Thomas	Rejected	707 75	
371	Lewis Jenks	Proved	609 40	609 40
372	Charles W. Smith	Proved	212 75	212 75
373	William Jones	Proved	97 75	97 75
374	Samuel Fry	Evidence in case No. 2 proved	1,425 00	575 00
375	William Phillips's estate	Proved	755 00	701 50
376	W. H. Moore	Proved	2,700 00	860 00
377	Milton E. Clark	Proved	3,158 00	2,021 70
378	H. Miles Moore	Spencer's affidavit not signed, and no jurat attached ; proved	735 00	730 25

LIST OF CLAIMS—Continued.

No.	Name of claimant.	Result of B. B. F.'s examination as clerk of committee.	Claim.	Sum awarded.
379	William A. McDowell	No proof of citizenship	\$4,393 00	
380	Reuben H. Burr	Proved	460 00	\$160 00
381	William Haller	Proved	539 25	460 00
382	August M. Sattig	Proved	264 50	264 50
383	Eli M. Mackemer	No award	170 00	
384	Frank G. Adams	Proved	86 25	86 25
385	Thomas B. Arnett's estate	No award	802 50	
386	Etna Ecart	Proved	274 00	274 00
387	H. T. Wilson	Proved	1,133 50	600 80
388	Charles P. Bullock	Proved	410 00	74 75
389	James Curry	Proved	194 50	120 75
390	Josiah Stewart	Proved	442 75	442 75
391	Benjamin Brantley	Proved	210 00	57 50
392	Aller Beeson	Proved	1,425 00	1,095 95
393	William Stone	Proved	1,457 00	1,457 00
394	Isaac Cody's estate	See papers	368 00	368 00
395	Henry L. Pinnock	Proved	414 00	414 00
396	James Comstock	Proved	126 50	126 50
397	Isaac B. Pinnock	Proved	58 65	58 65
398	James Cummings	Proved	245 00	230 00
399	Thomas R. Heard	Allowed in case 235 R.	500 00	
400	G. W. Barnes	Proved	316 25	316 25
401	Mahlon P. Newell	Proved	115 00	115 00
402	Eyers & Jewett	Proved	79 70	79 70
403	Martin Hefferlin	Proved	143 75	143 75
404	W. F. & G. M. Dyer	Proved	6,000 00	6,000 00
405	George N. Hinchman	Proved	520 00	402 50
406	Joel C. Green	Proved	54 00	54 00
407	David Baily	Rejected	3,643 00	
408	Hiram House	Proved	2,476 00	627 90
409	H. S. McClelland	Rejected	150 00	
410	Thomas Fahay	Rejected	200 00	

411	James Cravens	Rejected	125 00	
412	D. M. Bevens	Proved	3,933 67	2,000 00
413	Harrison Wider	Proved	57 50	57 50
414	John Bradley	Rejected	165 00	
415	B. F. Ross	Proved	161 00	161 00
416	W. J. Eagles	Proved	657 80	657 80
417	Hiram Quiet	Proved	402 50	402 50
418	John Wright	Proved	375 00	327 75
419	William C. Stagg	Rejected	125 00	
420	Charles F. Brown	Only \$10 proved in this case, except by petitioner's statement in petition	57 50	57 50
421	J. C. W. Davis	Proved	184 00	184 00
422	Daniel Lowe	Proved	304 95	304 95
423	Adolphus House	Proved	201 25	201 25
424	Thomas J. Ferguson	Proved	1,325 00	1,241 00
425	John W. Farnsworth	Proved	841 55	841 55
426	Allen & Gordon	Proved	92 00	92 00
427	William J. Card	Proved	450 00	289 80
428	William N. Nace	Proved	621 50	621 50
429	James C. Evans	Proved	2,295 00	2,133 00
430	James Parsons	Proved	115 00	115 00
431	R. D. McCarmick	Proved	10,150 50	8,087 00
432	H. S. Randall	Proof not very strong	1,302 50	1,302 50
433	Toussaint La Hay	Proved	1,564 00	1,564 00
434	James Campbell	Proved	1,346 00	1,321 25
435	Benj. F. Hopper	Proved	625 00	625 00
436	J. N. O. P. Wood	For taking care of prisoners, &c	5,048 00	5,048 00
437	Allen & Conwell	Proved	74 65	74 65
438	Detroit Burton	Proved	892 00	862 00
439	Samuel R. Runkl	Rejected	1,000 00	
440	Adam Bauer	Proved	681 05	681 05
441	Sylvester H. Davis	Proved	1,319 00	1,319 00
442	Guilford Dudley	Proved	165 60	165 60
443	James Fegart	Proved	431 25	431 25
444	Fry P. McGee	Proved	2,091 00	1,224 75
445	Horace L. Jones	Proved	1,122 00	851 00
446	Thomas Skinner's estate	Proved	8,210 00	6,210 00
447	Michael Hammer	Proved	415 00	333 50
448	James Hurd	Proved	382 60	382 60
449	Mary S. Pond	Proved	40 25	40 25

LIST OF CLAIMS—Continued.

No.	Name of claimant.	Result of B. B. F.'s examination as clerk of committee.	Claim.	Sum awarded.
450	Joshua A. Davis.....	Rejected	\$200 00	-----
451	Lucy B. Armstrong	Proved	34 50	\$34 50
452	Wyandotte M. E. Church.....	Proved by evidence in No. 463.....	1,680 00	1,680 00
453	Asher T. Wykoff	Proof hardly sufficient	1,050 00	150 00
454	Robert S. Merchant	Proved	175 95	175 95
455	Lewis Burns	Proved	300 00	150 00
456	Alexander A. Davis.....	Proved	287 50	287 50
457	Benjamin Underwood	Proved	172 50	172 50
458	William H. Coffin.....	Proved	149 50	149 50
459	Jasper R. Perkins.....	Proved	57 50	57 50
460	Ulysses T. Shipp.....	Proved	400 00	200 00
461	John Spaulding	Proved	120 00	120 00
462	Charles C. Emery.....	Proved	300 00	100 00
463	Wyandotte M. E. Church, south	Proved	6,000 00	3,500 00
464	Henry D. Oden.....	Proved	355 35	355 35
465	Robert Pence.....	Proved	287 50	287 50
466	Russell Garrett.....	Proved	86 20	86 20
467	Charles B. Garrett, adm'r	Proved	172 50	172 50
468	Richard M. Ainsworth.....	Proved	2,540 00	977 50
469	George Roof	Proved	1,056 50	800 00
470	Thomas H. Ellis, adm'r.....	Proved	7,523 30	7,523 30
471	Hugh Ward	Proved	430 00	398 50
472	James Kuykendall.....	Proved	465 00	310 50
473	Raleigh J. Fulton.....	Proved	276 00	276 00
474	Simon Kohn.....	Proved	69 00	69 00
475	James M. Hands.....	Proved	588 00	575 00
476	George W. Ward	Proved	1,569 75	1,569 75
477	Perry Fleshman.....	Proved	431 25	431 25
478	Josiah Goodwin.....	No petition and but one witness	875 00	169 00
479	Ephraim Husted	Proved	172 50	172 50
480	David Milne.....	Proved	143 75	143 75
481	Nelson McCracken.....	Proved	4,857 74	4,734 39

482	Frederick Schluter	Proved	600 00	600 00
483	Blood & Hutchinson	Proved	3,450 00	3,450 00
484	William Rosenfield	Proved	200 00	172 50
485	Abels & Kohn	Proved	3,150 13	1,438 85
486	John C. Grund	Proved	143 75	143 75
487	Scott J. Anthony	Proved	1,573 20	1,573 20
				<u>449,498 11</u>
		Add error in No. 8		4,198 59
		Add error in No. 333		15 00
		Add error in No. 395		300 00
				<u>454,001 70</u>

No. 1.

The petition of Sarah E. Hoyt, a citizen of Lawrence, in Kansas Territory, to the honorables Edward Hoogland, Henry J. Adams, and — Kingman, commissioners appointed by authority of the legislature of said Territory to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder which prevailed in this Territory from November 1, 1855, to December 1, 1856, and by virtue of an act entitled "An act to provide for the adjustment and payment of claims," approved February 7, 1859, and an act supplemental thereto, entitled "An act supplementary to an act entitled 'An act to provide for the payment of claims,'" approved February 11, 1859, respectfully showeth :

That this petitioner was on the 21st day of May, A. D. 1856, and for some time before had been, a citizen of Kansas Territory, and residing in Lawrence, in Douglas county therein ; that she was then the head of a family, (having been deserted by her husband, one Lorenzo Hoyt, about — years,) and resided in her own house, with her family, on the said twenty-first day of May, and that her said family consisted at that time of five children ; that on the said twenty-first day of May her said dwelling-house, situated in said town of Lawrence, was broken open and ransacked, and the principal contents thereof of personal property were plundered, carried away, or destroyed by a collection of armed men, to this petitioner unknown, but she believes and avers they were not the citizens of Lawrence. And this petitioner was then informed, and has good reason to believe, and does believe, and charges the fact to be, that the said collection of men who carried away or destroyed, as herein alleged, the property of her, this petitioner, contained in her said dwelling-house, were a portion of a posse of Israel B. Donaldson, then United States marshal for said Territory, to aid him, the said Donaldson, in the execution of certain processes of law requiring him to arrest certain persons in the said town of Lawrence. And this petitioner further states that the said acts of the said collection of men, in carrying away and destroying petitioner's property, were not done in obedience to the orders of said United States marshal, or of said or any other processes of law served by him, but were done after the said posse, and all and every of them, had been dismissed and discharged by said marshal, and after the said processes were executed by him. And this petitioner avers the fact to be that the said acts of the said armed collection of men, in so carrying away and destroying her property, were contrary to law, and that the said losses of this petitioner were in consequence of and did grow out of the difficulties of this Territory and her damages consequent upon her said loss of property, which was, and all of the same was, the property of this petitioner. And the losses of property are, to petitioner's best recollection, knowledge, and belief, as stated in the schedule to this petition annexed, and made a part hereof. And this petitioner further states that she was on said twenty-first day of May, and had been for several months before said twenty-first day of May, a keeper of a boarding-house, or of boarders in her said house, and

that she suffered in the breaking up of her said business, and in refitting and refurnishing her said boarding-house for the reception of boarders, great damages.

Account of goods, provisions, and other personal property belonging to this petitioner, which were carried away or destroyed, in the dwelling-house of this petitioner on the 21st day of May, A. D. 1856, being the same as hereinbefore referred to, as follows, to wit :

1. Two cushions, worth each \$10.....	\$20 00
2. Three pair of pants, worth each \$7.....	21 00
3. Three pair of pants, worth each \$11.....	33 00
4. One blanket shawl, worth	15 00
5. One coat, worth	15 00
6. One coat, worth	20 00
7. One overcoat, worth.....	16 00
8. One lot of crockery broken, worth.....	15 00
9. One six-shooting pistol, worth.....	20 00
10. One choice rifle, worth.....	40 00
11. One superior rifle, worth.....	50 00
12. Twelve trunks broken open and all their contents, consisting of a great variety of wearing apparel, both male and female, viz: drawers, shirts, stockings, handkerchiefs, linen goods too numerous to mention, and of too many pieces for petitioner to remember all of the items, and jewelry mostly carried away, but some left in and around the house in a damaged condition, but worth at least.....	200 00
13. One large work-box and contents, worth.....	10 00
14. Provisions taken and destroyed.....	75 00
15. A lot of miscellaneous books.....	25 00
16. In being broken up in business and loss of boarders, and expenses in refitting and refurnishing said boarding-house.	75 00

This petitioner further avers that one Lorenzo Hoyt, her former husband, did make application to the Hon. H. J. Strickler, a commissioner, acting under authority of the legislature of said Territory, to audit and certify to the claims of all persons sustaining any loss of, or damage to property, growing out of any of the disturbances in this Territory since the passage of the act organizing said Territory, to audit the loss and certify to the claim hereinbefore presented by this petitioner, which claim the said H. J. Strickler audited for the sum of \$650. This petitioner further states that on the said 21st day of May she was deserted by her said husband, and had been for the period of one year prior to that time, and that she was doing business upon her sole and separate accounts on the said 21st day of May, and had been for one year prior to that time, and that the said articles hereinbefore mentioned belonged wholly to this petitioner, and that the said Lorenzo Hoyt had no legal or equitable right to them or any part thereof. And this petitioner further avers that the said Lorenzo Hoyt has been a common drunkard for the period of twenty-five years last passed, and for twenty-three years prior to the 21st day of May

aforsaid, and that the entire duty, labor, and expense of raising her family, consisting of four children, has devolved upon her. Therefore she prays your honorable body to disallow the sum of \$650 audited and allowed to the said Lorenzo Hoyt by the said H. J. Strickler, and award the same to this petitioner.

S. E. HOYT.

Subscribed and sworn to before me, a notary public duly qualified in and for the county of Douglas and Territory of Kansas, by Sarah E. Hoyt, to me well known to be the identical person represented as the petitioner in the foregoing petition.

In testimony whereof, I have hereunto set my hand and seal this first day of March, A. D. 1859.

[L. s.]

OWEN A. BASSETT, *Notary Public.*

TERRITORY OF KANSAS, }
 County of Douglas, } ss:

On this first day of March, A. D. 1859, before me, Owen A. Bassett, a notary public duly commissioned in and for the said county of Douglas, personally appeared Mary E. Hoyt, to me well known to be of lawful age, who, being duly sworn according to law, deposes and says, that she heard read the above and foregoing petition of Sarah E. Hoyt, setting forth the loss of goods, provisions, and other personal property belonging to said petitioner, and which was carried away or destroyed from and in the dwelling-house of said petitioner, in Lawrence, Kansas Territory, and that the statements of said petitioner are true according to the best of her knowledge; and also that the property in said account enumerated was, on the said 21st of May, destroyed or carried away, or lost from said dwelling-house, between the hours of 12 o'clock m. and sundown of that day, and that the value of said articles enumerated therein respectively in said account is just. And this deponent further saith that she was personally acquainted with the facts set forth in the said petition respecting the loss of said petitioner, and that the facts set forth in said petition relative to the said desertion of one Lorenzo Hoyt, formerly the husband of said petitioner, are true, and that she fully believes that the prayer of said petitioner asking that the petition of said Lorenzo Hoyt, to the said H. J. Strickler, be disallowed, and the said claim be awarded to the said Sarah E. Hoyt, is just.

MARY E. HOYT.

Subscribed and sworn to before me. In testimony whereof, I have hereunto set my hand and seal this first day of March, A. D. 1859.

[L. s.]

OWEN A. BASSETT, *Notary Public.*

TERRITORY OF KANSAS, }
 County of Douglas, } ss:

On this first day of March, A. D. 1859, before me, Owen A. Bassett, a notary public duly qualified in and for the county aforesaid, personally came Charles H. Hoyt, to me well known, of lawful age, who, being duly sworn according to law, deposes and says, that he heard read the above and foregoing petition of Sarah E. Hoyt, and the account therein contained, and that nearly all of the facts therein contained are within his own personal knowledge, and that they are true according to the best of his knowledge and belief; and further that the value of the goods alleged to have been destroyed is just.

CHARLES H. HOYT.

Subscribed and sworn to before me. In testimony whereof, I have
 [L. S.] hereunto set my hand and seal this first day of March, A. D.
 1859.

OWEN A. BASSETT,
Notary Public.

TERRITORY OF KANSAS, }
 County of Douglas, } ss:

On this first day of March, A. D. 1859, before me, Owen A. Bassett, a notary public duly qualified in the county aforesaid, personally came Turner Sampson, of lawful age, who, being duly sworn according to law, deposes and says, that Sarah E. Hoyt, the petitioner in the above and foregoing petition, is well known to him; that said petitioner was the keeper of a boarding-house, and he was one of the boarders therein, on the 21st of May, A. D. 1856; that he has heard read the said petition, and he believes the same to be true. And this deponent further saith that the said petitioner was doing business on her sole and separate account on the said 21st day of May, and that some time previous to that time the said petitioner had been deserted by her husband, one Lorenzo Hoyt, and that when the said petitioner commenced keeping said boarding-house she was possessed of but little or no property which she had received from or which had formerly belonged to her said husband, but that all or nearly all of the property that she had at the time of her loss aforesaid had been obtained by her individual exertion and credit; that the said petitioner had a family of five children at the date of said 21st day of May, which children she clothed, fed, and educated, paying the expenses therefor out of her daily earnings; and he fully believes that the prayer of the said petitioner, asking that the claim of said Lorenzo Hoyt, certified to by the said H. J. Strickler, may be disallowed, and that the same may be awarded to the said petitioner, is just. And further this deponent saith not.

TURNER SAMPSON.

Subscribed and sworn to before me. In testimony whereof, I have
 [L. s.] hereunto set my hand and seal this first day of March, A. D.
 1859.

OWEN A. BASSETT,
Notary Public.

TERRITORY OF KANSAS, }
 County of Douglas, } ss:

On this first day of March, A. D. 1859, before me, Owen A. Bassett, a notary public duly commissioned in and for said county, personally came Sheldon C. Russell, to me known to be of lawful age, and being duly sworn according to law, deposes and says, that he well knows Sarah E. Hoyt, the petitioner in the above and foregoing petition; that he boarded with said petitioner on the said 21st day of May; that the facts set forth in said petition, which he has heard read, are, according to the best of his information, knowledge, and belief, true in in substance and in fact; that he believes the petitioner aforesaid is duly entitled to said claim, as alleged in said petition, to the entire exclusion of the said Lorenzo Hoyt, or any other person or persons, for it is within the personal knowledge of this deponent that all and every, or nearly all and every, piece or parcel of personal property in the possession of the said petitioner on the said 21st of May, belonged solely and exclusively to the said petitioner, for it is within the personal knowledge of this deponent that the said petitioner obtained the property in her possession at that time by her own skill and labor. And further this deponent saith not.

SHELDON C. RUSSELL.

Sworn and subscribed to before me. In testimony whereof, I have
 [L. s.] hereunto set my hand and seal this first day of March, A. D.
 1859.

OWEN A. BASSETT,
Notary Public.

In the matter of the petition of Sarah E. Hoyt.

DOUGLAS COUNTY, ss:

Charles H. Hoyt, being duly sworn, saith: I am son of the petitioner. My age now is between 17 and 18.

On 21st day of May, 1856, I was residing in Lawrence with my mother. She was keeping a boarding house; had about ten or twelve boarders at that time. On that day the mob or posse commanded by Colonel Donaldson or Sheriff Jones took possession of Lawrence. Jones took command of the posse after the marshal disbanded them. That posse, about 600 in number, entered Lawrence. For several days previous they had been encamped in the country surrounding Lawrence. On coming into Lawrence, the men forming said posse

formed a line, planted their cannon between Massachusetts and New Hampshire streets, and then removed to the front on Winthrop street. They entered the Free State hotel; ransacked it; put two or three kegs of powder in the cellar, endeavoring to blow up the building, and not succeeding in that they fired their cannon a good many times, till all their balls were gone, at the Free State hotel building; think they fired about thirty balls. They then set fire to the building and destroyed it. During their possession of the town I remained here and saw all their operations. Frank Baldwin, another boy, was with me. They ransacked the south building of Johnson's hotel, broke open Mr. Blood's store, F. Conant's store, and many other buildings.

I went to our house about supper time that day, and found the house in possession of a portion of the posse. They had ransacked the house and plundered everything of value that was available there.

By their breaking open of her house mother lost property, which was taken and destroyed by said men. The property belonged to mother and her family.

There was taken, one double-barrelled shot gun, belonging to me; one revolver, the revolver was mine; a Sharpe's rifle, belonging to Mr. Golliday, left with mother for safe keeping, was also taken. Mr. Golliday had assisted mother in getting started in business, and left property with her when he went east, and has not been back since. I never heard anything of Golliday saying if he did not return all the property he left should be mother's.

Other property was taken: two of my coats; one or two belonging to Mr. Golliday; one overcoat taken that belonged to my dead brother; can't say how many pair of pants were taken; several pair. There was a blanket shawl taken, worth \$8 or \$9. My trunk was broken open and a revolver taken out. Mother had two trunks and one of my sisters had a trunk, all broken open. Don't know the value of what was taken out of those trunks. Don't know about the work-box, nor books, nor cushions, or their value.

Crockery ware was broken; mother had two packing boxes full; do not know the value of the quantity broken or destroyed. Don't know that any provision was destroyed or taken. We had enough left for supper.

The revolver taken was worth \$20; the shot gun worth \$25; the Sharpe's rifle worth \$40. Don't know that mother was damaged by losing boarders consequent upon said ransacking of the house.

Cross-examined.

Do not know of any other guns being taken from the house. Never received any pistol or rifle in lieu of those taken, nor did mother.

CHARLES H. HOYT.

Sworn to before me this 15th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

Cross-examination.

DOUGLAS COUNTY, ss:

Turner Sampson sworn. I know that the house of Mrs. Hoyt was sacked by the crowd that came into Lawrence on May 21, 1856, and every trunk in the house broken open. I know that property was taken away from the house at that time, but I cannot specify the items. Almost every one in the house, (12 or 15 boarders,) lost something, and Mrs. Hoyt lost also by said crowd. I think Mrs. Hoyt sustained full \$75 damage besides the special items set forth, in being broken up in her boarding-house business, and loss of boarders.

I do not know where Mr. Hoyt was at that time; he was not in the Territory; I boarded with Mrs. Hoyt from 1st May, 1856, till 13th January, 1857, and did not see Mr. Hoyt during that time; do not know how many trunks Mrs. Hoyt had.

T. SAMPSON.

Lyman Allen sworn. I know that I became acquainted with Mrs. Hoyt in Lawrence, in 1856. She was then doing business, and I sold her goods in spring of 1856, on her own account. Her husband was not here. She was called Widow Hoyt. I sold her goods and stores to start her boarding-house, on credit. She paid us along from time to time, on collection of her board bills.

LYMAN ALLEN.

DOUGLAS COUNTY, ss:

George Ford being duly sworn, saith: On the night of March 8, 1857, I stayed on the other side of Kansas river with Lorenzo Hoyt, husband of petitioner, who stated to me at that time that he was on the way to join his family, as he had not seen them for nearly two years. I was then coming into the Territory; did not then know Mrs. Hoyt; he said she was keeping a boarding-house in Lawrence; he invited me to come and board with them.

GEORGE FORD.

Sworn to before me, March 12, 1859.

EDWARD HOOGLAND,
Commissioner.

Shuler W. Eldridge sworn. Mr. and Mrs. Hoyt both worked for me in Kansas City in the spring of 1855. Mr. Hoyt left her, deserted her early in that spring, leaving her and her family at my house. I brought her here to Lawrence; I boarded the family for her services; she thought to do better by keeping a boarding-house, and I brought

her here in the winter of 1855 and 1856. She had then no property at all, as far as I knew ; do not think she had any money ; on arrival here she was introduced by me, and through such introduction she obtained credit to get necessary means and conveniences for keeping a boarding house. She kept boarding house one or two years ; made well by it, and supported her family ; clothed the children and sent them to school ; do not know of her receiving any assistance during that time from her husband ; understood he was dissipating in St. Louis.

SHULER W. ELDRIDGE.

Sworn to before me, this 12th day of March, 1859.

E. HOOGLAND,
Commissioner.

DOUGLAS COUNTY, ss :

Mary E. Hoyt sworn. Am a daughter of petitioner. On May 21, 1856, when mother's house was plundered by a body of armed men, there were two cushions taken away ; they were worth I do not know how much.

Also taken, three pairs of pantaloons ; also, three other pairs of pants ; all taken from the house at that time. Do not know their value ; they were black pants.

Also taken, one blanket shawl, worth \$5. Also, two dress coats and one dress coat ; do not know their value.

A great deal of crockery ware was broken, destroyed. Mother had to get cups and saucers, plates, &c., to replace what was broken ; the crowd threw things down, and searched every place they could. A pistol, a six-shooter, belonging to the family, my brother's, was also taken ; do not know its value.

Also taken, one Sharpe's rifle and one common rifle. These things were all in the house that day before we left, and were not there when we returned. There were in the house, belonging to mother and her daughters and family, a large number of trunks, containing wearing apparel, jewelry, &c. One large trunk was broken open up stairs ; it belonged to mother. Three trunks broken open down stairs ; they also belonged to mother. All the trunks of our family, except mine and my sister's, were broken open ; best of the articles contained in the trunks were taken and carried away by the mob. I cannot particularly describe the contents of said trunks respectively. The remainder were scattered about on the floor, and more or less destroyed. The value of the four trunks, altogether, belonging to us, that were broken open as aforesaid, I do not know and cannot estimate. A large work-box belonging to me was taken away, with its contents, worth \$3, box and contents.

We had provisions in the house when we left home that day, on seeing the mob coming into town. We left about 11 a. m. The mob took and destroyed all the provisions we had in the house ; provisions worth \$5.

A lot of miscellaneous books were taken away or destroyed, about

six in number ; nice and valuable books, that we had on the parlor table, worth in all about \$5.

From the time that mother first came to the town of Lawrence until Lorenzo Hoyt, my father, came here to live, she never received any money or assistance from him.

Cross-examined.

The cushions spoken of were valuable pin or needle cushions, belonging to my sister under age, worth \$3. Pantaloon were cloth, whole and new, and belonged to father, the six pair. The coats and overcoat belonged to father. The Sharpe's rifle belonged to mother ; the other rifle belonged to my brother, aged then 17 years. He was then in the free-State army, and used this rifle for army purposes.

Mother was then doing business for herself. The pistol belonged to the same brother.

MARY E. HOYT.

Sworn to before me this 15th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

Testimony.

DOUGLAS COUNTY, ss :

Mrs. Sarah E. Hoyt sworn. Saith that she is the petitioner in this case. That the facts set forth in her petition in relation to her position in May, 1856, and the sacking of her house on the 21st of that month, are true. That the posse carried away two cushions, worth ten dollars each—they were velvet cushions ; one blanket shawl was also carried away, worth about ten dollars ; one lot of crockery broken up and damaged to the amount of forty dollars or fifty dollars. There were four or five trunks broken open, belonging to me and the members of my family, and also two boxes. These were packed full. As many of the articles of the contents of the trunks as those who broke them open desired they took and carried off ; the residue of the contents they scattered about, injured, and spoiled, more or less. The damage to the contents of these trunks was about one hundred dollars or one hundred and fifty dollars. There were other trunks, which were left in my special care, belonging to other persons, served in the same way. The provisions taken and destroyed were worth about twenty-five dollars. There was a lot of miscellaneous books, about twelve in number—some nicely-bound books, others not so good—worth — dollars. The work-box taken was worth about five dollars. The pants taken were six pairs in number. I can't say what they were worth ; they were good pants. The coats and overcoat taken were worth about what is charged in the petition. The Sharpe's rifle that was taken was left with me by Mr. Golliday for safe keeping, with the understanding that if he did

not return from the east the rifle, as well as other things left with me, would be mine. He has never returned.

By Mr. Bassett:

The petition filed contains some charges that may be too high. I was advised by my counsel, when I suggested that fact to him, when I was sworn to the petition, to let the charges remain as they are, as they are (as he stated) an exact copy of those made by Mr. Hoyt in his claim before H. J. Strickler.

SARAH E. HOYT.

Sworn to before me, March 19, 1859.

SAM'L A. KINGMAN,
Commissioner.

MAY 19, 1859.

Petitioner claims for property destroyed at sacking of Lawrence, May 21, 1856, \$650.

The proof is general; in some respects positive and satisfactory, in others vague and contradictory.

The board allows, without interest, \$610.

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

No. 2.

To the honorable the commissioners appointed to audit and certify claims:

Your petitioner, Charles Freeman, would respectfully represent that in the spring of A. D. 1855 he removed into what is now Douglas county, Kansas Territory, and from that period to the present has been a *bona fide* citizen of said Territory.

1. Your petitioner would further represent that on or about the 25th of November in the year last aforesaid, while residing on the Wakarusa where Eudora is now located, in said county, a band of Missouri marauders came to his house, with teams and wagons, and forcibly loaded up and took from petitioner four hundred bushels of corn, worth at that time one dollar per bushel—four hundred dollars, (\$400.)

2. Your petitioner would further represent that on or about the 23d day of May, A. D. 1856, at the place last aforesaid mentioned, a company of Missourians, commanded by the notorious H. C. Pate, came to the storehouse of your petitioner, at the place last aforesaid, and forcibly and against the will of petitioner robbed his store of a large amount of provisions and groceries, to the amount of five hundred dollars' (\$500) worth, consisting of pork, flour, bacon, soap, and various other articles usually kept in a retail grocery and provision

store. But to specifically state the particular articles, or the exact quantity of each taken, with accuracy, at this remote period, would be quite impossible. Yet petitioner was at that time, and still is, confident that a fair estimate of his loss at that time would exceed, rather than fall below, the amount above specified.

3. Your petitioner would further represent that, in consequence of the robbery last aforesaid, he was thrown out of employment—being at the time engaged in keeping a hotel, as well as selling groceries and provisions—and was obliged to suspend each of said pursuits from the 23d day of May till the 25th of the following July, occasioning a loss of not less than four hundred dollars (\$400) to your petitioner—having been disturbed in the midst of a profitable business, yielding him at that time over two hundred dollars per month clear profit after paying all expenses.

4. Your petitioner would further represent that on or about the 15th day of September, A. D. 1856, a similar party, belonging, as petitioner was informed and believed, to Colonel Reed's army, composed mostly of Missourians, broke into petitioner's grocery and provision store, at that time located and situated at a place in said county known as Blue Jackets, and robbed your petitioner again of a large amount of groceries and provisions, worth, at a fair estimate, at least eight hundred dollars, (\$800,) which said groceries and provisions consisted of flour, bacon, pork, sugar, soap, rice, candles, molasses, coffee, tea, raisins, and various other articles not now distinctly remembered, but your petitioner is enabled to state with accuracy the amount and value of said groceries and provisions from the fact that he had but a short time previous to the said robbery purchased the same.

5. Your petitioner would further represent that at the time and place last aforesaid he had a large amount of household and kitchen furniture taken by the same party and appropriated to their own use, amounting in all to about the sum of seven hundred and seventy-six dollars and fifty cents, (\$776 50,) consisting of the following items, to wit: one large hotel cooking-stove, with the necessary furniture thereto attached, worth sixty dollars, (\$60;) one China tea-set, worth thirty dollars, (\$30;) one dining set of China, worth forty-five dollars, (\$45;) and one breakfast and one tea set of bluestone Chinaware for a boarding house, worth each twenty dollars, (\$40;) two large castors, worth six dollars each, (\$12;) twenty-four glass tumblers, worth six dollars, (\$6;) twelve jelly glasses, worth three dollars, (\$3;) four large glass fruit or preserve dishes, worth twenty dollars, (\$20;) twelve glass preserve dishes or plates, worth one dollar and fifty cents, (\$1 50;) four glass syrup pitchers, worth eight dollars, (\$8;) three barrels of tin-ware, consisting of a baker's utensils, also of candlesticks, candle moulds, tin cups, tin pans, and various other articles of tin necessary to furnish a large hotel, worth one hundred dollars, (\$100;) twenty-four knives and twenty-four forks, with a mahogany knife-box, worth thirty dollars, (\$30;) two large walnut falling-leaf dining tables, worth twenty-five dollars, (\$25;) twelve parlor chairs, worth twenty-four dollars, (\$24;) twelve dining-room chairs, worth eighteen dollars, (\$18;) four bedsteads, worth thirty-

two dollars, (\$32 ;) eight beds and bedding, worth one hundred and fifty dollars, (\$150 ;) twenty-five yards of three-ply carpet, worth fifty dollars, (\$50 ;) five large looking-glasses, worth thirty-eight dollars, (\$38 ;) one large box, containing pillow slips, sheets, valuable table-cloths, towels, books, and window curtains, worth one hundred and fifty dollars.

Your petitioner would further represent that in the month of September, A. D. 1856, he was associated with one Samuel Fry, in the city of Lawrence, in said county, in the bakery business ; it being the only establishment of the kind in said city of Lawrence ; that the free-State party, about that time, organized an army in and adjacent to said city of Lawrence, parties of which during the said month of September, being unable to procure bread and flour, hams and other provisions, from any other source, the surrounding country being filled with hostile parties, called upon the said Fry and your petitioner for bread, flour, hams, and different articles of provisions which said firm then and there had on hand, saying, as often as they demanded food, that they were resolved to have the same with or without the consent of the said Fry and your petitioner—peaceably if they could, but forcibly if they must ; that under such circumstances the said firm discovered it was utterly useless to resist, and allowed themselves to be robbed by said parties, at different times during said month, of large quantities of bread, flour, hams, and other provisions, to the amount of not less than one thousand dollars, one-half of which, five hundred dollars, (\$500,) belonged to petitioner ; that the said provisions were usually taken from said firm by persons who were strangers and wholly irresponsible.

Recapitulation.

1855.—Nov. 25. To 400 bushels corn, \$1 per bushel.....	\$400 00
1856.—May 23. To groceries and provisions	500 00
May 23. To damages from loss of employment....	400 00
Sept. 15. To groceries and provisions.....	800 00
Sept. 15. To household and kitchen furniture.....	776 00
Sept. To bread, flour, and provisions.....	500 00
	<hr/>
Total.....	3,376 50
	<hr/> <hr/>

All of which has been an entire loss to your petitioner, never having received a compensation or remuneration in whole or in part.

CHARLES FREEMAN.

Sworn to and subscribed before me this 5th day of March, A. D. 1859.

JOHN M. COE,
Notary Public.

TERRITORY OF KANSAS, *Douglas County, ss :*

Personally appeared before me, John M. Coe, a notary public in and for said county, Mrs. Helen M. Hutchinson, who, after having been by me first duly sworn, deposes and says: That she has been acquainted with Mr. Charles Freeman, the petitioner, since the fall of A. D. 1855; since which time he has been a citizen of Kansas; that upon the 23d day of May, A. D. 1856, affiant stopped at the residence of the said Mr. Freeman, near the Wakarusa, where Eudora is now located, and was informed by Mr. and Mrs. Freeman that their store had just been robbed by H. C. Pate's company; affiant found Mr. Freeman destitute of everything in the shape of eatables, they having been carried off as aforesaid; affiant looked into Mr. Freeman's storeroom and found it stripped of about everything; it looked as though the Goths and Vandals had been there; I had been at Mr. Freeman's some time previous; he had a large and commodious storeroom, and had it pretty well filled with groceries and provisions, but at the time of affiant's last visit everything had been stolen and carried off; affiant saw in the neighborhood of Mr. Freeman's residence and store a camp of Missourians, which she was informed were those who had just robbed Mr. Freeman.

HELEN M. HUTCHINSON.

Sworn to and subscribed before me this 8th day of March, 1859.

JOHN M. COE, *Notary Public.*

Also, personally appeared before me, at the same time and place, Samuel Fry, of lawful age, who, after having been by me first duly sworn, deposes and says: That he has been acquainted with Mr. Charles Freeman since the spring of A. D. 1855, since which time he has been and now is a resident of Douglas county, said Territory; affiant further deposing says, that Mr. Freeman was engaged in keeping hotel, and also a grocery and provision store in the spring of A. D. 1856, at the place where Eudora is now situated; in both branches of his business Mr. Freeman was making money rapidly; affiant was at the store of Mr. Freeman a very few days before his store was robbed; and Mr. Freeman had six or seven hundred dollars' worth of groceries and provisions in his store, all of which were taken and carried off by H. C. Pate, as affiant was soon after informed and believed; affiant has no doubt, not the least, that at the time Mr. Freeman was robbed he was making clear of all expense two hundred dollars per month; that after he was robbed he was compelled to suspend business both in the store, also in the tavern, as he had nothing left to either keep store or tavern, and that it was, at least, two hundred dollars damage to him per month during the time he was out of business, which, I think, was over two months; affiant further deposes that, about the last of July, in the year last aforesaid, Mr. Freeman purchased a stock of groceries and provisions and took them to a place commonly called Blue Jackets; I should say there was not less than eight or nine hundred dollars' worth of groceries and provisions; very few, if any, of them were sold by Mr. Freeman; Mrs. Freeman having taken sick,

the goods were boxed up by Mr. Freeman and left at Blue Jackets, together with a large amount of crockery and glass ware, carpet, chairs, tables, bedsteads, beds and bedding, and cooking stove, and various other articles of household and kitchen furniture, I should say worth at that time, at least, eight hundred dollars; such furniture being at that time hard to be got and very costly. After boxing up his groceries and provisions and furniture he left them at Blue Jackets and brought his wife to this place, (Lawrence,) and went into partnership with me in the baking and provision business in Lawrence city, Kansas Territory; affiant further deposes and says, that soon after Colonel Reed's border ruffians dispersed and left, so it was safe, Mr. Freeman went to Blue Jackets for his furniture, groceries, and provisions, and upon reaching there he did not find a single article of either, all having been taken away by some of Colonel Reed's invading army; affiant further deposing says, that about the first of September, A. D. 1856, he went into partnership with the said Mr. Freeman, in Lawrence, in the business of baking and provisions; that while thus engaged in the business aforesaid the free-State party organized an army which was quartered in the city of Lawrence, and as they were hemmed in by hostile parties, so it was difficult, if not impossible, for the army to get out or to get any provisions, the said army called upon affiant and said Freeman and demanded bread, flour, and other provisions, and having at all times during the said months sufficient flour to carry off what they chose; they according did take, at their pleasure, bread, flour, bacon, and other provisions, amounting to about one thousand dollars, and perhaps a little upward, one-half of which belonged to the said Charles Freeman; I have no doubt, if we had resisted them, they would have resorted to any violence necessary to have procured the desired articles.

SAMUEL FRY.

Sworn to and subscribed before me this 5th day of March, A. D. 1859.

JOHN M. COE, *Notary Public.*

Also, personally appeared before me, at the same time and place, Mrs. Louise W. Gates, of lawful age, who, after having been by me first duly sworn, deposes and says: That she has been acquainted with Mr. Charles Freeman for about the period of seven years, some two years before he came to this Territory; has been frequently at Mr. Freeman's residence and store, when he lived on the Wakarusa, where Eudora is now situated, both before and after he was robbed at that point. Mr. Freeman had a good assortment of groceries and provisions, such as flour, bacon, pork, sugar, corn meal, rice, cigars, and all the various articles usually kept in a retail grocery and provision store in the country, at the time I was there, previously to his being robbed, which was only a few days. His storeroom was large and well filled, but I could not say what it was worth, as I am no judge of the value of such articles. He was keeping a hotel at the same time, and was doing a very fine and, I doubt not, a very profitable business, both in the store and in the tavern. Mr. Freeman's Indian

trade with the Indians was large, and I have known him to take in often fifty dollars per day, twenty-five of which I believe to have been profit. From what I knew of his business at that time, I think two hundred dollars per month profit was less than what he was making at that time in his tavern and store. Affiant further deposing, says: That she was acquainted with Mr. Freeman in Worcester, Massachusetts, where he kept a first-class boarding-house, with some twenty rooms all amply furnished, and in coming to this Territory he brought nearly all his furniture with him, a large amount of glass ware, several sets of china ware, numerous chairs, tables, bedsteads, eight beds and bedding, knives and forks, and various other articles of household and kitchen furniture too tedious to mention, which, at a low estimate, in my judgment, were worth eight hundred dollars, and I think it very questionable whether the furniture above described cost Mr. Freeman any less than eight hundred dollars in Massachusetts, all of which was taken from Mr. Freeman in September, 1856, by marauding Missouri parties belonging, as is said, to Colonel Reed's army.

LOUISE W. GATES.

Sworn to and subscribed before me this 5th day of March, A. D. 1859.

JOHN M. COE,
Notary Public, Douglas County.

Also, personally appeared before me, Charles G. Hancock, of lawful age, who, being first duly sworn by me, deposes and says: That he has known Mr. Charles Freeman, of Lawrence, since the latter part of August, A. D. 1856; when I first knew him he was engaged with a Mr. Samuel Fry in the baking business in Lawrence; he had a large quantity of flour, hams, and other provisions; during the month of September of that year Colonel Harvy had a company to which I belonged, in Lawrence; there were several other companies here during that month, and I saw them frequently go to the bakery of Freeman & Fry, and carry away large quantities of provisions, particularly bread, not paying for it or even intending to pay for it; I do not now recollect of having seen the Chicago company, or any of them at any time rob Messrs. Freeman & Fry, but I have seen different companies of individuals at different times carry off large quantities of bread during the early part of September of that year from that firm, but I could not form anything like an accurate estimate of the amount or value taken at any one time, or at all the different times, but this much I can say, that what I saw at different times would amount to several hundred dollars worth; flour was at that time commanding a high price in this Territory, as well as other provisions.

CHARLES G. HANCOCK.

Sworn to and subscribed before me this 5th day of March, A. D. 1859.

JOHN M. COE,
Notary Public.

Also, personally appeared before me George Blue Jacket, of lawful age, who, after having been by me first duly sworn according to law, deposes and says: That he has been acquainted with Mr. Charles Freeman since the spring of A. D. 1855. In November, 1855, Mr. Freeman had between four and five hundred bushels of corn, where Eudora now stands, worth in cash at that place one dollar per bushel. I think it was about the middle of that month when some three or four hundred Missourians came along and took it all off. Affiant, further deposing, says, that in the month of May, A. D. 1856, Mr. Charles Freeman was keeping a grocery and provision store on the Wakarusa, where Eudora now stands, and I think it was about the 23d of that month when two companies, one of them commanded by H. C. Pate, and the other by a man of the name of Bell, and robbed Mr. Freeman's store of all he had; about five hundred and fifty or six hundred dollars' worth of groceries and provisions, about all he had. Mr. Freeman then moved his furniture, about nine hundred dollars' worth, to Mrs. Blue Jacket's, and purchased a new stock of groceries and provisions, with the intention of opening a store on the Wakarusa, at Mrs. Blue Jacket's. He had nine hundred or a thousand dollars' worth of groceries and provisions, in boxes, all ready to commence business, when Mrs. Freeman took sick, and Mr. Freeman left his furniture and store goods in boxes, and took Mrs. Freeman to Lawrence; and afterwards, about the 15th of September, 1856, a portion of Colonel Reed's army came and broke open Mr. Freeman's house and took all his groceries and provisions, excepting two bottles of preserves, and, at the same time, all his furniture, stove, carpets, everything. I saw them carry them all off and load them into their wagons, and take them away. I suppose the reason they did not take the two bottles of preserves they were afraid they were poisoned, and would poison them.

his
GEORGE × BLUE JACKET.
mark.

Sworn to and subscribed before me this 7th day of March, 1859.

JOHN M. COE,

Notary Public.

Also, at the same time and place, personally appeared before me, Stephen Blue Jacket, who, after having been by me first duly sworn, deposes and says: That he has heard the foregoing deposition of his brother George read, and concurs with him fully in all of his said deposition.

STEPHEN BLUE JACKET.

Sworn to and subscribed before me this 7th day of March, 1859.

JOHN M. COE,

Notary Public.

TERRITORY OF KANSAS, }
Douglas County, } ss :

Personally appeared before me, Henry Williams, an acting justice of the peace in and for said county, Paschal Fish, of lawful age, who, after having been by me first duly sworn according to law, deposes and says: That he has been acquainted with Mr. Charles Freeman since the spring of A. D. 1855. Affiant, further deposing, says, that on or about the 25th day of November, A. D. 1855, a company of Missourians, about four hundred of them, all armed, came here, to the place where Eudora is now situate, and stole and carried away from said Freeman, who was at that time engaged in business here, four hundred bushels of corn, worth one dollar per bushel, cash. They loaded it up in their wagons and hauled it, just as if it were their own.

Affiant, further deposing, says, that on or about the 23d day of May, A. D. 1856, H. C. Pate and a Captain Bell came here with about thirty-five men each, and robbed Mr. Charles Freeman's grocery and provision store. They took flour, bacon, sugar, rice, and, indeed, everything that was in the store that was worth carrying away, not less than between five and six hundred dollars' worth. Freeman and I stood out in the street and looked on, but what could three or four men unarmed do with seventy or eighty well armed and infuriated men.

Affiant, further deposing, says, that soon after Mr. Freeman was robbed here, he moved up to Mr. Blue Jacket's. He took with him from here a large amount of household and kitchen furniture. There was a great deal of it, and it was valuable, but a great many of his articles of furniture I could not judge of as to their value, but if I had owned it, I would not have been willing to part with it for less than eight or nine hundred dollars.

After Mr. Freeman moved over to Blue Jacket's and purchased a new stock of groceries and provisions, I was there several times, and I think he had at least one thousand dollars' worth. He did not sell any of them, I believe, until his wife took sick, when he took her up to Lawrence, his groceries and provisions still being in boxes, stored in an old log-house then at Blue Jacket's, when they were stolen by Reed's men. They, Reed's marauders, left things in a bad shape when they took Freeman's goods at Blue Jacket's. The windows of the house were all broken in and the doors were split and chopped down.

PASCHAL FISH.

Sworn to and subscribed before me this 7th day of March, A. D. 1859.

HENRY WILLIAMS, J. P.

TERRITORY OF KANSAS, }
 Douglas County, } ss :

William Stevens, attorney for the above named petitioner, being duly sworn, saith : That he is personally acquainted with Henry J. Williams, esquire, before whom the above petition and testimony were sworn to, and that, to the personal knowledge of this deponent, the said Henry Williams is an acting justice of the peace in and for Douglas county aforesaid, and resides at Eudora, in said county.

WILLIAM STEVENS.

Sworn to before me this 16th day of March, 1859.

EDWARD HOOGLAND,
 Commissioner.

Petitioner claims for property taken or destroyed, &c.:

I. November 25, 1855.—For 400 bushels corn taken by the Wakarusa army, \$1 per bushel.....	\$400 00
II. May 23, 1856.—Groceries and provisions taken and destroyed by Pate's company, &c., returning from the sack of Lawrence.....	500 00
III. Damages from loss of employment.....	400 00
IV. September 15, 1856.—Groceries and provisions in old Blue Jacket house, Wakarusa, taken by Reed's army...	800 00
V. Household and kitchen furniture, same.....	776 50
VI. August and September.—Bread, flour, and provisions, taken as forced contributions by free-State army in Lawrence—roads blockaded, &c., &c.—half of \$1,000 worth,	500 00
	3,316 50
	3,316 50
I. The testimony of Paschal Fish and others, sustains first charge	400 00
II. The sacking and robbery of the store on May 23, 1856, is proven, but no particulars of stock exhibited. From personal knowledge of the contents of said store in May, 1856, commissioners regard the amount claimed therefor as extravagant. Think the proof will not warrant an allowance of over.....	300 00
III. Damages from loss of employment, inadmissible.	
IV. The value of the new purchase of groceries is pretty well sustained at.....	800 00

V. The household furniture is described, valued, and specified at.....	\$776 50
VI. Bread, flour, and provisions taken by threats and intimidation	500 00
	<hr/>
	2,776 50
Add interest, 2½ years, at 6 per cent.....	416 50
	<hr/>
	3,193 00
	<hr/> <hr/>

EDW'D HOOGLAND.
 SAM'L A. KINGMAN.
 HENRY J. ADAMS.

APRIL 12, 1859.

No. 3.

To the honorable commissioners for the adjustment of claims :

GENTLEMEN: Your petitioner would respectfully represent to your honorable body that in June, 1856, his house was entered by persons unknown to your petitioner, and did feloniously take therefrom mathematical and engineering instruments, of the value of one hundred and fifty dollars; one trunk and contents, of the value of one hundred dollars; household furniture, of the value of one hundred dollars; and valuable books and papers, in two hundred dollars; making in value five hundred and fifty dollars. And your petitioner would respectfully ask of your honorable body to make reparation for said damages, if in your discretion they shall seem just, and your petitioner will ever pray.

A. CUTLER.

LAWRENCE, KANSAS, *February 24, 1859.*

A. Cutler, being duly sworn, says the matters and things set forth in the above petition are true in substance and in fact.

A. CUTLER.

Sworn to before me and subscribed in my presence this 24th day of February, anno Domini 1859.

CALEB S. PRATT,
Clerk of the Probate Court, Douglas Co., K. T.

A. Cutler's Claim.

John G. Crocker, of Lawrence, K. T., being duly sworn, upon oath says: I visited Mr. Cutler's claim during the month of May and June at several times, from the first of April to the first of August, 1856; I went to his house during that time about fifteen or twenty times; I was intimate with Mr. Cutler. During the month of May,

when I was at Mr. Cutler's house, there was in his house mathematical instruments, books, clothing, bed and bedding, cooking utensils, small amount of dishes, some farming tools, rakes, hoes, shovels, &c. There was a trunk which I saw open several times about the month of May; I was at that time in the habit of opening the trunk, as we used many of the articles contained therein in common; at the time I went to the trunk, as aforesaid, it was nearly full of good clothing; I should think there were two complete suits of summer clothing of linen and marseilles; there was other clothing which I cannot now recollect; I never knew Mr. Cutler to carry anything away from his cabin; there was in May, when I was in the house, some fifteen or twenty dollars worth of provisions and garden seeds; there were some papers in the trunk the last time I saw it; the books were on a shelf; I recollect Burns's Poems, Byron's Works, Shakespeare, (a large volume;) I think there were some twelve or fifteen books besides those I have named, most of them mathematical works. The mathematical instruments consisted of a compass and tripod chain, and others that I don't recollect; the bed was a mattress; I should judge it was a hair mattress; cooking utensils and dishes were worth about fifteen dollars; the farming tools were worth about ten dollars; I should judge the mathematical instruments were worth \$175 to \$200. During the month of June I went to Mr. Cutler's house with Mr. Cutler, after a surveyor's chain; we found that the house had been ransacked and nearly all the contents had been taken out; I don't recollect that any of the articles that I have named were then remaining in the house.

JOHN G. CROCKER.

Sworn to before me this 28th day of April, 1859.

EDWARD HOOGLAND.

Commissioner.

A. Cutler's claim.

Jefferson B. Conway, of Lawrence, Kansas Territory, being duly sworn upon oath, says: About June, 1856, Mr. Cutler and myself resided together in a house on his (Mr. Cutler's) claim, about seven miles from Lawrence. We came to Lawrence one day in June, 1856, and staid in Lawrence a day or two; when I returned to the house on the claim I found a trunk broken open, and empty, with the exception of some seed-corn and paper, and a valise had also been broken open and emptied of its contents; the premises generally had been robbed; I think there were some mathematical instruments in the house when we left the house for Lawrence; there was a set of engineer's instruments and appurtenances in the house; they were all gone except a mahogany box in which he usually kept his compass; the lid of the box was broken; I can't say positively whether the compass had been taken or not. I can't state what the contents of the trunk were; I think they consisted principally of clothing; it was pretty well packed

with something. There was in the house, at the time of the robbing aforesaid, a large bed; I think it was a mattress, value unknown; cooking utensils, pots, kettles, pans, &c., value about thirty dollars; a buffalo robe, value 6 to \$10; I remember that there were a number of tools such as are usually used around a claim cabin, such as axes, spades, &c., number and value I cannot state precisely. At a subsequent time to the robbery aforesaid, within, I think, two or three months after said robbery, while Mr. Cutler was in prison at Leecompton, the house was again entered and all the articles then remaining in the house were taken out, among which articles I recollect some books which he had arranged on a shelf; I think there were about twenty books; I recollect that a number of the books were treatises on engineering, but I cannot state the *kind* of the remainder of the books nor their value. I saw some papers in Mr. Cutler's trunk in the cabin after the first robbery I have mentioned; don't know their value or the nature of them; these papers were taken from the cabin when the other articles were taken, at the time Mr. Cutler was in prison at Leecompton.

J. B. CONWAY.

Sworn to before me, April 28, 1859.

SAMUEL A. KINGMAN,
Commissioner.

DOUGLAS COUNTY, ss:

George W. Hutchinson, being duly sworn, saith: That he is acquainted with petitioner, and has known him as a resident citizen of Kansas since 1854. Said Cutler is yet a resident citizen of Kansas, but is at present absent, surveying a route up the Smoky Hill Fork to the Kansas gold mines.

G. W. HUTCHINSON.

Sworn to before me, April 29, 1859.

EDWARD HOAGLAND,
Commissioner.

In the matter of the petition of A. Cutler.

Petitioner claims for mathematical and engineering instruments taken.....	\$150; allowed.....	\$150 00
One trunk and contents, clothing, &c.....	100; allowed	100 00
Household furniture, tools, &c....	100; allowed	100 00

Brought forward.....	\$350	\$350 00
Valuable books and papers, (no proof of value of papers).....	200 ; allowed for books.	20 00
Claimed.....	550 ; allowed	370 00
Add interest, 2½ years, at 6 per cent.....		55 50
Total award.....		425 50

EDW'D HOOGLAND.
SAM. A. KINGMAN.
HENRY J. ADAMS.

MAY 11, 1859.

No. 4.

To the honorable the commissioners appointed to audit and certify claims:

Your petitioner, Stephen Blue Jacket, respectfully represents: That in May, A. D. 1856, he was a resident on the Wakarusa, in Douglas county, Kansas Territory, and still is a resident of said county.

Your petitioner would further represent, that in the month aforesaid a company of Missourians, about six hundred in number, mostly upon horseback, camped in the immediate vicinity of your petitioner's residence, and remained there encamped for over one week; that during their stay they took from petitioner's farm, enclosing his corn and potatoes, six hundred rails, and burnt them, worth thirty dollars; and at the same time they turned their horses into petitioner's cornfield and potato patch; there were fifteen acres of the corn and four acres of potatoes. The corn was about four feet high and in a most flourishing condition, and the potatoes were growing finely and indicating a most promising crop, at the time the rails were taken away and the horses turned into the field. The horses entirely destroyed both corn and potatoes, so that your petitioner never harvested even one bushel of either corn or potatoes. That your petitioner had finished cultivating both his corn and potatoes at the time they were destroyed, and judging from the amount of corn and potatoes that were harvested that fall by different of your petitioner's neighbors upon similar soil and similar cultivation, your petitioner does not entertain a doubt that he would have harvested at least sixty bushels of corn to the acre upon the entire field, making nine hundred bushels, and that he would have harvested not less than one hundred bushels of potatoes to the acre, making four hundred bushels of potatoes. That the corn in the fall of 1856 was worth one dollar per bushel, making nine hundred dollars, and potatoes the same fall were worth one dollar and twenty-five cents per bushel at the time of harvesting, and about double that amount during the following winter, making four hundred and twenty-five dollars.

Your petitioner would further represent, that about the same time the same company stole and took off three of your petitioner's horses,

one of which horses was worth one hundred and sixty dollars, and each of the other horses was worth one hundred and thirty dollars, making in all for the horses four hundred and twenty dollars.

Your petitioner would further represent, that afterwards, to wit: about the fifteenth day of September, A. D. 1856, a portion of Colonel Reed's army stole a brindle ox of your petitioner and slaughtered him, which ox was worth fifty dollars, and slaughtered at the same time six of petitioner's hogs, worth ten dollars apiece, making in all for the hogs sixty dollars; and, at the same time, stole from your petitioner one thousand bushels of oats, worth at that time one dollar per bushel, making for the oats one thousand dollars; and at the same time the said company stole and carried away from your petitioner one rifle-gun, worth twenty dollars, and two shovels and one spade; the shovels worth one dollar and fifty cents apiece, and the spade worth one dollar and fifty cents, making in all four dollars and fifty cents; also one bedstead worth ten dollars; also at the same time the said company damaged and destroyed a ferry-boat on the Wakarusa, belonging to your petitioner, worth one hundred dollars.

Recapitulation.

To 600 rails.....	\$30 00
900 bushels of corn, at one dollar per bushel.....	900 00
400 bushels of potatoes.....	425 00
1 ox.....	50 00
3 horses.....	320 00
6 hogs, at ten dollars per hog.....	60 00
1,000 bushels of oats, at one dollar per bushel.....	1,000 00
1 rifle-gun.....	20 00
2 shovels and 1 spade	4 50
1 bedstead.....	10 00
1 ferry-boat.....	100 00
 Total	 <u>2,819 50</u>

Your petitioner would further represent, that the above and foregoing constituted his losses during hostilities between the pro-slavery and free-State parties in this Territory, and in consequence of said hostilities, for no part of which has he ever been remunerated.

STEPHEN BLUE JACKET.

Sworn to and subscribed before me this 9th day of March, 1859.
[L. s.] JOHN M. COE, *Notary Public.*

TERRITORY OF KANSAS, *Douglas County, ss:*

Personally appeared before me, John M. Coe, a notary public within and for said county, George Blue Jacket, who, after having been by me first duly sworn according to law, deposes and says he was living with Stephen Blue Jacket at the time he sustained the losses

mentioned in his petition, which I have heard read. Affiant, further deposing, says that the rails mentioned in petitioner's petition were burnt, as therein specified, and that they were worth thirty dollars, and that the Missourians at the same time turned their horses into petitioner's corn and potato fields; there were fifteen acres of the corn, and four acres of potatoes, both of which were entirely destroyed, so that he never harvested a bushel of either; the corn would have yielded about sixty bushels to the acre, and the potatoes one hundred bushels to the acre, and I came to this conclusion from what was produced in the neighborhood; corn was worth that fall one dollar per bushel, and potatoes were worth a dollar and fifty cents a bushel. About the time of the loss of the corn and fence rails, the said Missourians stole three of petitioner's horses, one a seed horse was worth two hundred dollars, and each of the other horses was worth one hundred and thirty dollars.

Affiant, further deposing, says that on the 15th day of September, 1856, another company of Missourians stole and killed an ox of petitioner's worth fifty dollars, and stole and slaughtered six of his hogs, very large fine ones, worth ten dollars apiece; and at the same time they took from him a very large quantity of oats, I would say about one thousand bushels, worth at that time one dollar per bushel; also, one rifle-gun worth twenty dollars, two shovels and one spade worth four or five dollars, one bedstead worth ten or twelve dollars, and destroyed a ferry-boat for him worth one hundred dollars.

GEORGE ^{his} + BLUE JACKET.
mark.

Sworn to and subscribed before me this 9th day of March, A. D. 1859.

[L. s.]

JOHN M. COE, *Notary Public.*

Also, personally appeared before me, at the same time and place, Thomas Blue Jacket, of lawful age, and, after having been by me first duly sworn, deposes and says that he, too, was living with Stephen Blue Jacket at the time he sustained the losses mentioned in his petition, and knows of his own knowledge that he lost all that he claims in his petition, and that the value of the several items mentioned in said petition, as put upon them by petitioner, is not above the actual value at the time they were taken.

Affiant, further deposing, says that he has heard read the foregoing deposition of George Blue Jacket, and he fully concurs with him in his various statements.

THOMAS BLUE JACKET.

Sworn to and subscribed before me this 9th day of March, 1859.

[L. s.]

JOHN M. COE, *Notary Public.*

Also, personally appeared before me Charles Freeman, of lawful age, who, after having been by me first duly sworn according to law, deposes and says that he is well acquainted with Mr. Stephen Blue-Jacket; that his acquaintance with him commenced in the early part

of 1855, at which time Mr. Blue Jacket resided upon the Wakarusa, in Douglas county, Kansas Territory, at which place he still resides.

Affiant, further deposing, says that in May, A. D. 1856, a party of marauders encamped near Mr. Blue Jacket's farm and took down a long string of his fence and burnt the rails. I did not of course count the rails, but I would say there were somewhere between five and seven hundred of them destroyed. It was worth all of five dollars per hundred to buy and lay up rails in a fence. The fence rails were taken from a fence which enclosed Mr. Blue Jacket's cornfield and potato patch; there were fifteen acres in corn, and four acres in potatoes. The Missourians who encamped there and burnt the rails had a great many horses, all of which they turned into Mr. Blue Jacket's cornfield and potato patch, there being no fence between the corn and potatoes, and completely ruined both. I never saw finer corn and potatoes; they were planted upon bottom land upon the Wakarusa, as rich soil as there is any out of the valley of the Nile. The ground had been cultivated previously and was in good condition. If his corn and potatoes had not been destroyed as above stated, I have no doubt at all but he would have had seventy-five bushels of corn to the acre, and one hundred and twenty bushels of potatoes per acre. Corn during the fall and winter of that year sold at from one dollar to a dollar and fifty cents per bushel, and potatoes were worth about a dollar and a quarter per bushel, and a little one dollar and a half, and higher afterwards.

Affiant, further deposing, says that about the middle of September, A. D. 1856, another party of marauders, commanded by a Colonel Reed, robbed Mr. Blue Jacket of not less than one thousand bushels of oats, and affiant thinks more than that quantity, as he helped Blue Jacket to harvest them; there were about and perhaps a little over twenty acres of them, and they were very heavy. Oats were worth in Lawrence at that time one dollar and a quarter per bushel, and soon after one dollar and a half, and it would cost less than a quarter to haul them to Lawrence. Affiant also knows that the same company which robbed Blue Jacket of his oats killed an ox worth, at a low estimate, fifty dollars, and six very fine hogs, worth at least ten dollars apiece; they also took two shovels and one spade worth five dollars, one bedstead worth twelve dollars, carried off three of his horses, one a stallion, worth over two hundred dollars, and the other two horses were worth about one hundred and forty dollars each; and, at the same time, after compelling Mr. Blue Jacket to be up all night ferrying them across the Wakarusa river without paying him, destroyed his ferry-boat worth one hundred dollars.

The horses above alluded to were all valuable; the stud-horse, if mine at the time, I would not have taken two hundred dollars for him, and the others were both valuable work-horses.

CHARLES FREEMAN.

Sworn to and subscribed before me this 9th day of March, A. D. 1859.

[L. s.]

JOHN M. COE.

In the matter of the petition of Stephen Blue Jacket.

Petitioner claims for property taken and destroyed, \$2,819 50.

It is admitted by William Stevens, esq., counsel for petitioner, and is a fact within the knowledge of the commissioners, that petitioner is a Shawnee Indian; was, during the year 1856, an occupant of the "Shawnee reserve," and yet resides there, and has taken his lands as an Indian under the Shawnee treaty of 1854, within said reserve. The Shawnee Indians have not yet become citizens by treaty.

The commissioners do not think that petitioner was or is a citizen of Kansas Territory within the meaning of the act organizing this commission, and therefore cannot claim the benefits of said act.

According to Indian treaties with the Shawnees, and the Indian intercourse law, his remedy for losses by the whites is through the agent of his tribe upon the general government direct.

The organic act excludes Indian reserves from the Territory of Kansas.—(See last proviso of section 19, Kansas and Nebraska act.)

Petition rejected.

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

MARCH 16, 1859.

No. 5.

In the matter of the petition of Joseph B. Swain.

DOUGLAS COUNTY, ss:

William M. Haseltine, being duly sworn, saith: I have known petitioner since March, 1855; he has resided and now resides in Clinton township; I know that Swain had a fine rifle in the spring of 1856, a Sharpe's sporting rifle, with globe sights; I know he lost it while we were in quarters here in Lawrence; it was stolen or taken; don't know the particular value of it—never saw one sold; it was far superior to the ordinary Sharpe's rifles; was acquainted with Swain's cornfield in 1856; I broke 10 acres of it for him, and there was some broke; I know it was destroyed in September, 1856, during his absence, about the time of roasting ears; it was likely to have produced 50 bushels per acre—not sod corn; corn at the time of harvesting that year was worth \$1 to \$1 50 per bushel; this field of corn at the time it was destroyed was worth, as it stood, standing, \$1 per bushel. Swain was forced away from home during that summer; it would not have been safe for him to have remained on his claim. I was compelled to leave home in that neighborhood from same cause, as armed bands had possession of that vicinity who were hostile to Swain and myself.

Cross-examined.

The rifle was taken from him here at Lawrence; we were in the second story of Ford's store; he might have sold it, but I don't believe he did; we all understood in quarters that the rifle was stolen from him; do not know of his getting any arms in lieu of it; he had a Sharpe's rifle, a common one, previously; do not think he has ever been compensated for his losses.

Swain was absent from home, as mentioned; his crop was not cultivated, that is the reason I put it down to 50 bushel per acre; part of the time Swain was here, in quarters, aiding to keep back the Missourians.

Direct.—We happened to be in quarters in Lawrence, as a necessity to save our own lives and those of our neighbors, that his gun was taken.

WM. M. HASELTINE.

To the commissioners appointed to audit and certify claims:

Your petitioner, Joseph B. Swain, would respectfully represent: That he has been a citizen and resident of Douglas county, Kansas Territory, since March, A. D. 1855, and now is a citizen of said county.

Your petitioner would further represent, that in the latter part of August, 1856, he was robbed in Lawrence, in said county, of a valuable Sharpe's sporting rifle, with globe sights, of the value of one hundred dollars.

Your petitioner would further represent, that in the spring of A. D. 1856 he planted twelve acres of corn upon his claim, situated in Douglas county, Kansas Territory, and cultivated the same up to the twenty-ninth day of May, in the year aforesaid, at which time he was forced away from said claim by marauding bands of hostile men, who infested the neighborhood of said claim and compelled him to remain away from his said claim till the 25th day of September, 1856, and upon his return to his said claim he found his said corn crop destroyed; that said corn, if it had not been destroyed, would have yielded fifty bushels of corn to the acre, making six hundred bushel; that corn that fall and winter was worth, at petitioner's claim, one dollar and fifty cents per bushel, making nine hundred dollars, (\$900.)

Your petitioner would further represent, that between the 29th day of May and the 25th day of September, A. D. 1856, three months, that he was compelled to be out of employment, concealing himself, as best he could, to avoid assassination from the bands of hostile parties then in the neighborhood of his claim, and that his labor would have been worth to him during those three months not less than twenty-five dollars per month, seventy-five dollars (\$75) in all, if allowed to remain on his claim.

Recapitulation.

One Sharpe's sporting rifle.....	\$100
600 bushels of corn.....	900
Three months' labor lost.....	75
	<hr/>
Total.....	1,075
	<hr/> <hr/>

Your petitioner would further represent, that while he has sustained all of the above losses, as therein specified, he has never received any consideration or remuneration therefor whatever.

JOSEPH B. SWAIN.

Sworn to and subscribed before me this 9th day of March, A. D. 1859.
[L. s.] JOHN M. COE, *Notary Public.*

TERRITORY OF KANSAS, *Douglas County, ss:*

Personally appeared before me, John M. Coe, a notary public within and for said county, Robert F. Barber, who, after having been by me first duly sworn, deposes and says that he is well acquainted with Joseph B. Swain, and has been since the twelfth of March, A. D. 1855, and that said Swain has been a citizen of Douglas county, Kansas Territory, from that time to the present, and now is a citizen of said county.

Affiant, further deposing, says that the said Swain was, in August, 1856, the owner of a very fine Sharpe's sporting rifle, worth one hundred dollars, and about the last of that month the said Swain was robbed of his said rifle. Affiant is unable to give the name or names of the individuals who robbed him of his gun; there was so much excitement at that time in and about Lawrence when the thing occurred, and so many strangers in and about there, that I can say I scarcely knew anybody, but I know he lost the rifle.

Affiant, further deposing, says that in the fall of A. D. 1856 the said Swain had a field of corn on his claim in said Douglas county, about twelve acres, which was totally destroyed during the absence of Swain. He was forced away from home on the 29th day of May, 1856, and compelled to remain until about the 25th day of the following September. During any portion of which time, had he been upon his said claim, he would have been in great personal danger, and probably lost his life. Corn was worth that fall, in the neighborhood of Mr. Swain, about one dollar and fifty cents per bushel, and in the spring following it was worth two dollars per bushel.

R. F. BARBER.

Sworn to and subscribed before me this 9th day of March, 1859.
[L. s.] JOHN M. COE, *Notary Public.*

In the matter of the petition of Joseph B. Swain.

Petitioner claims for one Sharpe's sporting rifle	\$100 00
600 bushels corn taken and destroyed.....	900 00
3 months' labor lost.....	75 00
	1,075 00
	1,075 00

The proof sustains the claim for the rifle as an extraordinary one.....	\$100 00
12 acres of corn, at 40 bushels per acre, 480 bushels, which at \$1 per bushel, less 10 cents per bushel.....	432 00
Add interest, 2½ years, at 6 per cent.....	79 80
Total amount.....	611 80
	611 80

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

MAY 4, 1859.

No. 6.

I, William Livermore, of the county of Douglas, Kansas Territory, and a resident of Lawrence township, do testify and say: That Charles Newman was a resident of Lawrence township, in said county of Douglas, on the first day of July, in the year eighteen hundred and fifty-six (1856;) that on or about the said first of July, in the year before mentioned, the said county of Douglas was in a state of civil commotion; that on the first of July, as above mentioned, said Charles Newman was in possession of a dark sorrel horse called "Charley;" that said horse "Charley" was worth, in my judgment and belief, eighty-five dollars (\$85;) that there were several armed bands of men in the vicinity of his residence about the first and third day of July, in the year before mentioned; that it is my belief that said Charles Newman's horse called "Charley" was feloniously taken from his premises on the night of the first or second day of July, in the year eighteen hundred and fifty-six (1856;) that myself being about five miles from the city of Topeka on the morning of the fourth day of July, in the year before mentioned, I did then and there see the said Charles Newman's horse called "Charley" with other horses, said sorrel horse "Charley" being in possession of a person unknown to me; that said horse "Charley," the other horses and horsemen came from the direction of the city of Topeka, and returned toward the same city; that said Charles Newman has not been in possession of said sorrel horse "Charley" since the aforesaid first or second day of July, or received any compensation for said horse, to my knowledge.

WILLIAM LIVERMORE.

LAWRENCE TOWNSHIP, *March 9, 1859.*

TERRITORY OF KANSAS, *Douglas County*:

On this ninth day of March, one thousand eight hundred and fifty-nine, personally appeared before me the above-mentioned William Livermore, and made oath that the statements herein made are true and correct.

CLARK TEFFT,
Justice of the Peace.

To the honorables Edward Hoogland, Henry J. Adams, and — Kingman, commissioners of claims, Kansas Territory:

I, Charles Newman, of the county of Douglas, Kansas Territory, humbly represent: That I have been a resident of the Lawrence township, in said county of Douglas, from April, in the year eighteen hundred and fifty-five (1855,) to the present date, March 5, eighteen hundred and fifty-nine (1859.) That on the first day of July, eighteen hundred and fifty-six (1856,) I was owner and was in possession of a light bay or dark sorrel horse called "Charley," worth as I believe ninety dollars (\$90;) also a saddle worth seven dollars (\$7;) also a chain lariat worth two dollars (\$2;) also a chain halter worth seventy cents (70 cents,) the chain lariat and halter being about thirty-three feet long; also a bridle worth seventy-five cents (75 cents,) the aggregate of the above-mentioned property being worth, in my judgment and belief, one hundred dollars and forty-five cents (\$100 45.) That on and about the first of July, eighteen hundred and fifty-six (1856,) the county of Douglas was in a state of civil commotion. That several armed bands of men were in the vicinity of my residence, to wit: A gathering of armed men near Blue Mound so called, said mound being about three miles east of my residence; another band of armed men near Blanton bridge, it being about two miles north of my residence. That on the first or second day of July, in the afternoon, an armed band of men were passing on the highway, said highway being about twenty rods east from my house; some of the men were mounted, some were on foot, and I believe were from the neighborhood of Prairie City; some of the band came from the highway and did view and examine my horse "Charley;" the horse was feeding and tied to a stake with the before-mentioned chain lariat and chain halter, between the house and highway, about ten rods from each; myself being near by, I was seen by the men. That this last-mentioned armed band of men made their camp the same evening, near the bridge called Blanton bridge, being about two miles north of my residence. That before nightfall I took my horse from the feeding stake east of the house to a stake west of my house; said stake being about six feet from the front of my stable and about ten rods west from the house; the horse being tied in short with the before-mentioned chain lariat and chain halter, as was my usual custom to secure my horse every night. That my saddle and bridle were in their usual

place, that is, in the stable over head, immediately under the roof. That my horse was at his place at about nine o'clock on the same evening, that is to say, on the evening of the first or second of July, in the year above mentioned. That the said light bay or dark sorrel horse "Charley," the saddle, bridle, chain lariat, and chain halter, were stolen from my premises the same night, that is to say, on the night of the first or second of July, eighteen hundred and fifty-six (1856,) and by some person or persons unknown to me. That I believe the before-mentioned property was feloniously taken from my premises. That I have not been in possession of the horse or any article of the before-mentioned property since the aforesaid first or second night of July. That I have not received any indemnification therefor. That I believe my horse "Charley" was in the city of Topeka on the fourth of July, that being two or three days after the same was feloniously taken from my premises, and was there without my consent or knowledge, and in possession of persons unknown to me. Therefore your petitioner prays the honorable board of commissioners will award such indemnity as may seem to them just.

CHARLES NEWMAN.

LAWRENCE TOWNSHIP, *March 5, 1859.*

Charles Newman, being duly sworn, says the facts set forth in the foregoing petition are true and correct.

Sworn to before me this 9th day of March, A. D. 1859.

[L. S.]

CALEB S. PRATT,

Clerk of Probate Court, Douglas County, K. T.

I, Josiah S. Houghton, of the county of Douglas, and a resident of Lawrence township, do testify and say: That Charles Newman, was a resident of Lawrence township, in said county of Douglas, in the Territory of Kansas, on the first day of July, in the year eighteen hundred and fifty-six (1856.) That on the said first day of July he owned and was in possession of a dark sorrel horse called "Charley." That said horse "Charley" was worth, in my judgment and belief, seventy-five dollars (\$75.) That there were several bands of armed men gathering and camped in the vicinity of his residence about the first and third days of July in the year before mentioned. That it is my belief that said Charles Newman's horse "Charley" was feloniously taken from his premises on the night of the first or second day of July, in the year eighteen hundred and fifty-six (1856.) That the said Charles Newman has not been in possession of said horse called "Charley" since the aforesaid first or second day of July, or received any compensation for said horse, to my knowledge.

JOSIAH S. HOUGHTON.

Sworn to and subscribed before me this 9th day of March, A. D.

[L. S.] 1859.

CALEB S. PRATT,

Clerk of the Probate Court, Douglas County, K. T.

In the matter of the petition of Charles Newman.

Amount claimed by petitioner for loss of horse, saddle, bridle, &c., \$100 45.

Some of the testimony values the horse at \$85 ; some at \$75 ; petitioner swears the horse is worth \$90.

It is considered by the commissioners that the proof is satisfactory.

There is therefore awarded to petitioner the amount of his claim, \$100 45.

Interest taken into consideration in making the gross allowance.

EDW'D HOOGLAND,
HENRY J. ADAMS,
SAM'L A. KINGMAN,
Commissioners.

MARCH 14, 1859.

No. 7.

To the honorable commissioners of claims :

Your petitioner, William Breyman, claims the benefit of an act passed by the legislative assembly of Kansas Territory, approved February 7, 1859, entitled " An act to provide for the payment and adjustment of claims," and states as follows in support of his claim in the premises : That he is now, and during the whole of the year 1856 was, a citizen of Kansas Territory ; that in September, 1856, he was residing on his claim which he held and rightfully occupied and cultivated, and he had and owned, growing on said claim, during said month of September up to the time of its destruction, a field of corn of twenty acres nearly ripe, which would have produced when harvested not less than thirty bushels to the acre ; that on or about the — day of September, and before the first day of December, 1856, said field of corn was totally destroyed by an armed body of men amounting, according to report, to about twenty-seven hundred in number, who were at that time marching towards the town of Lawrence, Douglas county, said Territory, with the purpose, as your petitioner has always heard and believes, of destroying said town ; and your petitioner says that the corn and all of the same growing in said field as aforesaid was totally destroyed and lost to your petitioner by the means aforesaid and without his default.

And your petitioner further says that a day or two after the said destruction of said field of corn, and before December 1, 1856, he lost from premises temporarily occupied by his family, whither they had fled from fear of harm from said body of armed men, and in the immediate vicinity of a place near said Lawrence, where said armed body of men were encamped or were temporarily stopping, the following articles of property, which after diligent search he has never been able to recover or find, and which he has no doubt were stolen or taken by said army, or some person or persons connected therewith, to wit :

two saddles, worth, one \$20, the other \$10; two bridles, both worth \$2 50; one ox, worth \$40; two cows, worth \$20 each; one three year old steer, worth \$30.

And this petitioner further says that he lost from the said claim occupied by him, at or about the time the said armed body of men were encamped in its vicinity, the following articles of property, to wit: one ox yoke, worth \$3; three log chains, \$9; and three dozen chickens, \$9.

And this petitioner states that he was one of the prisoners taken and detained, and indicted for murder of one Newhall, at Hickory Point, a place so called in Kansas, and on the north side of Kansas river, in said Territory; and that in pursuance of said arrest he was brought a prisoner to the town of Lecompton, in said Territory, and his two-horse wagon and span of horses which he had with him were taken to Lecompton, and while there the said horses and wagon, on his making proof of ownership, were ordered by the proper authority to be given up to him, but the said wagon was wholly lost to your petitioner, and the same was worth \$100. And your petitioner further says that corn was worth, and could in the fall of 1856 have been sold for \$2 a bushel. Your petitioner further states that the following is a correct account of the property belonging to him, and of its value, which he claims as his losses by the taking or destruction of the same, between November 1, 1855, and December 1, 1856, resulting from the disorder which prevailed in said Territory of Kansas, that is to say:

Amount of losses and damages sustained in the year of 1856 by the invaders:

Twenty acres of corn destroyed, averaging 30 bushels per acre, at \$2 per bushel.....	\$1,200 00
One steer and two cows—steer worth \$40, cows worth \$20 each.....	60 00
One three year old steer, worth \$30.....	30 00
One wagon thimbelshine, worth \$100	100 00
Two saddles and two bridles, one worth \$20 the other \$10, bridles worth \$2 50.....	32 50
One new ox yoke.....	3 00
Three log chains.....	9 00
Three dozen of chickens.....	9 00
	<hr style="border-top: 1px solid black;"/>
	1,443 50
	<hr style="border-top: 3px double black;"/>

DOUGLAS COUNTY, ss.

William Breyman, the above-named petitioner, and Zerelda Breyman and George G. Breyman, having been by me first severally sworn on oath say, and each for himself or herself says that the aforesaid petition has been read to them and they know the contents thereof, and that the facts and statements set forth therein are true to the best of their knowledge and belief, and that the said Zerelda Breyman and

George G. Breyman have no interest in the claim set forth in said petition.

WILLIAM BREYMAN.
ZERELDA BREYMAN, per Coe.
GEORGE G. BREYMAN, per Coe.

Given under my hand and official seal this 7th day of March, 1859.
[L. s.] JOHN M. COE,
Notary Public.

In the matter of the petition of William Breyman.

DOUGLAS COUNTY, ss :

George Garrett Breyman sworn : I am now 18 years old ; am son of petitioner ; my father now lives east of the Little Wakarusa, and within the old lines of the Shawnee reserve ; have lived there three or four years ; lived there in September, 1856. Father had corn and potatoes then growing on his claim there situated. During the warfare then existing we all (the family) moved up to Lawrence for protection. We lived four miles south of Blue Jacket's. All that section of country was then overrun by scouting and plundering parties of armed men, so it was unsafe for families to live on their claims. The corn was all destroyed by the Missourians and scouting parties. I saw the armed parties encamped near the field ; saw the camp fires, and saw their horses' tracks in the field where they had turned their horses in ; tore most of the fences of the field down. The corn was planted in April, 1856 ; had not been cultivated, and bid fair to become an average crop. Had a quarter of an acre of potatoes ; they were growing well ; they were good, and ready to dig ; we had used some of them ; had dug only a few messes during a week or two previous to the time we were compelled to leave. (No claim for potatoes.) The corn was destroyed and used up at the time that the 2,700 men came up from Missouri. There were 80 or 100 camp fires ; some within a quarter of a mile of the field, and scattered all over ; encamped near a piece of timber of my father's. I saw the corn a day or two before it was destroyed ; visited it with my father.

In September aforesaid, and at the time of Reed's invasion with the 2,700 men, my father was living here in the edge of Lawrence ; he had thirty head of cattle about there then ; the Missourians under Reed collected a drove of cattle, and took them off with them to Missouri. Father lost three head that day, viz : 1 steer, worth \$40 ; young steer ; cow, worth \$20. About the same time my father was at the Hickory Point battle ; he took a wagon and team with him ; we got the horses ; his wagon was taken from him at Lecompton after his arrest and capture ; I never saw the wagon afterwards ; wagon worth \$100 ; the bed was green and running gear red ; he had had it about three or four months—a new wagon. In the edge of town, (while we were living in the edge of Lawrence,) during the dispersion of the 2,700

men, there were two saddles and two bridles taken from father's premises worth \$30 or \$35; also, an ox yoke, ox chain, and some chickens. I did not see who took these things; merely know the general course pursued by the dispersing men, and, from their robberies elsewhere, suppose they took these. I saw the wagon in possession of Titus's men at Lecompton after father's capture; it was necessary to prove ownership; while waiting for witnesses the wagon disappeared, and was never recovered. The corn would have brought about 30 bushels per acre.

GEORGE G. ^{his} × BREYMAN.
mark.

Attest:

E. HOOGLAND.

Sworn to before me, March 19, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of William Breyman.

Petitioner claims for crops destroyed.....	\$1,200 00
Three head of cattle and other property.....	243 50
	<u>1,443 50</u>

The proof is weak in regard to the corn crop being all destroyed.	
The claim for three head of cattle and other property is allowed	
	\$243 50
Allow as indemnity for corn and crops.....	250 00
	<u>493 50</u>
Add interest, two and a half years, at 6 per cent.....	73 95
	<u>567 45</u>

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

JULY 1, 1859.

No. 8.

To the honorable commissioners appointed to audit and certify claims:

Your petitioner, John A. Wakefield, respectfully represents to your honorable board, that he moved into the Territory of Kansas, and became a *bona fide* citizen and inhabitant thereof, in July, 1854, and has continued from that time up to the present to reside in Lecompton.

ton township, Douglas county, Kansas Territory; that on or about the 28th day of August, 1856, the petitioner and his family were compelled to vacate his house on the California road, where they then resided, having been threatened at sundry times by a person called Colonel Titus, and men accompanying him, (the said Colonel Titus,) that they would commit personal injury to him (the said petitioner) and his family, so that he (the said petitioner) believed, and had reason to believe, that it was highly dangerous for him and his family to remain in his house; that while absent from his residence on account of said threats, on the evening of the 1st of September, 1856, an armed body of men (the said armed body of men being a portion of a body of men then stationed near Lecompton, at Coon Point, under the command of J. H. Stringfellow) burned his dwelling-house, valued at one thousand dollars, and all the furniture and goods contained therein, with the exception of a small amount of said furniture and goods, which the petitioner only secured from the building, immediately before the burning of the said dwelling-house, at the imminent peril of his life. The petitioner represents that the contents of said house, which are set forth in the schedule hereto annexed, were of the value of \$1,463.

Your petitioner further represents, that at the same time aforesaid, to wit, on the evening of the 1st of September, 1856, the said armed body of men burned a large double log barn, situated about eight rods in the rear of his dwelling-house, and also all the contents of said barn, consisting of a large quantity of grain, one barouche top, two sets of harness, and various other articles of value, consisting principally of farming implements, the said barn having been used as a place of storage for the farm implements, carriages, grain, and other articles used and raised on his farm; all of which are set forth, as far as the same may be ascertained, in the schedule hereto annexed, the value of said barn and contents being \$400.

Your petitioner further represents, that the said body of men, at the same time aforesaid, to wit, on the 1st of September, A. D. 1856, did throw down the fence enclosing a tract of about eighty acres of cultivated land, said land being contiguous to said house and barn, and having thereon a crop of corn, potatoes, and garden vegetables; which said crop of corn, potatoes, and garden vegetables the body of men aforesaid entirely destroyed or carried away; and that but for the said destruction and carrying away of the said crop the said petitioner would have harvested five hundred bushels of corn, of the value of \$1 per bushel, more than he did harvest, and 200 bushels of potatoes and other vegetables of the value of \$200.

Your petitioner would further represent, that during the month of September, and within a day or two after the burning of said house, and during the absence of the petitioner and his family, the said body of men drove off and slaughtered a large fat hog, valued at \$20, and 150 chickens, valued at 30 cents each; that during the month of September, in the year aforesaid, one of the said parties drove away from the premises of the petitioner three head of cattle, as follows: one steer, one milch cow, and one bull, all of which the petitioner never recovered, the value of said cattle being \$50.

Your petitioner further represents, that, in consequence of the destruction and carrying away of his property as aforesaid, he suffered damage to his business to the amount of six hundred dollars.

Your petitioner further represents, that, in the month of May, 1856, a body of armed men, said to be commanded by Colonel H. Titus, came to the stable of the petitioner and took therefrom one pair of large horses, and notwithstanding the protests and objections of the said petitioner, made to the said parties, some of the said parties, by force of arms and threats, rode said horses away from his premises; that he was unable, though making all the efforts that the circumstances would admit, to recover the said horses for about ten days, and when so recovered, the said horses were damaged to the amount of over fifty dollars.

SCHEDULE.

House burned, a large double hewed log house, divided into six rooms, finished off with pine floor, pine window casings, seven panel doors, nine windows, good shingle roof, with framed kitchen attached, loss		\$1,000 00
Goods, chattels, furniture, tools, &c., in said house, and burned at the same time, as follows:		
Two stoves.....	\$75 00	
Pork and lard.....	40 00	
Two rifles.....	35 00	
Wearing apparel.....	75 00	
Eight excellent bedsteads and bedding....	300 00	
Cross-cut saw, farming and other tools.....	25 00	
Bureau and contents, principally clothing.....	150 00	
Two dozen chairs and two tables.....	28 00	
One barrel molasses	20 00	
Manuscript of a history of the early settlement of Iowa, 700 pages foolscap	700 00	
	<hr/>	1,463 00
One double log barn, with partition.....	100 00	
Contents of said barn:		
Two hundred bushels of oats, at 75 cts.....	150 00	
Two sets of harness	50 00	
Barouche top	50 00	
Two saddles and farming implements.....	60 00	
	<hr/>	400 00
Crop in field destroyed and carried away:		
Five hundred bushels corn, at \$1.....	500 00	
Two hundred bushels potatoes and other vegetables	200 00	
	<hr/>	700 00
One hog	20 00	
One hundred and fifty chickens, at 30 cts.....	45 00	
	<hr/>	65 00
Damages.....		600 00

Three cattle, viz: one steer, one milch cow, and one bull.....	\$50 00
Injury to horses stolen and recovered.....	50 00
	<hr/>
Total	4,328 00
Interest on the above, at 10 per cent. per annum .	1,082 00
	<hr/>
	5,410 00
	<hr/> <hr/>

All of which has been lost by your petitioner without any payment or remuneration, in whole or in part, from any source whatever.

JOHN A. WAKEFIELD.

TERRITORY OF KANSAS, *Douglas County, ss:*

Personally appeared before me, clerk of the probate court in and for said county, John A. Wakefield, and after being by me first duly sworn, deposes and says that all the several matters and things set forth in the foregoing petition are true, according to the best of his knowledge, information, and belief.

Sworn to before me this 4th day of March, 1859.

CALEB S. PRATT, *Clerk.*

Amended and resworn before the board March 12, 1859.

E. HOOGLAND,
Commissioner.

In the matter of the petition of John A. Wakefield.

DOUGLAS COUNTY, *ss:*

Samuel Walker, being duly sworn, saith: I reside 7 miles west of Lawrence; am acquainted with petitioner; he is a citizen of Douglas county, and was one of the first men in that portion of Kansas. I know that in September, 1856, a party of armed men under Captain Miller, or Colonel Miller, of Leavenworth, and calling themselves Kansas militia, burned petitioner's house, on the California road; many other houses were burned the same night. Besides, the house had some furniture burned. The value of the house, I think, was about \$1,200 or \$1,500; it was a good house, with pine floors; was plastered, &c. Wakefield's family were warned away by armed parties, repeatedly. Colonel Titus, with 60 men, took Wakefield prisoner, and marched him to Lecompton before their bayonets. Wakefield's house, in which I had frequently been, was well furnished—better than any of our western houses at that time. He had mahogany spring-seat chairs, sofas, good stoves, bedsteads, &c. Bedsteads worth \$8 or \$10 each. The bedding looked well—I could not tell particularly; there seemed an abundance of it, and very good. Wakefield's log barn was worth \$200 or \$250—a double barn. Don't know how

many rats he had ; he had some. Don't know about the harness. Wakefield had, as near as I could judge, about 80 acres in corn ; it was a fine crop of corn—a second year's corn—and ought to have yielded 40 bushels per acre. Don't know about potatoes. The destruction of property was by the armed men mentioned. The fences were thrown down, and all who desired went in and got corn ; the pro-slavery and free-State men both helped themselves to it. Judge Wakefield was then a hotel keeper with a good run of custom. The destruction of his property damaged him by his being turned out of house and home and broken up in business, and causing him and his family to live during the winter in a board shed ; which was a damage I estimate at more than \$600.

SAMUEL WALKER.

Sworn to before me this 12th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

John A. Wakefield, jr., sworn : I reside 6 miles west of Lawrence ; am a son of petitioner ; my age is 22 years. Father has been a citizen of Kansas since spring of 1854. About 1st September, 1856, an armed body of Missourians and others were camped at Lecompton, under command of J. H. Stringfellow, as understood. About that time—September, 1856—father and our family were all warned to leave the house ; father was a hotel keeper, doing a good business. The dwelling-house was burned on the night of 1st September, 1856, by a body of armed men ; I saw the burning. The stable was burned, with the contents, and most of the furniture of the house, including two stoves, one of them a cooking stove, worth \$30 or \$35 ; a box stove, worth \$15 or \$20 ; also a quantity of pork, worth seven cents per pound—between 600 and 800 pounds. We had in the house two rifles, one worth \$16 in Iowa, and the other worth \$30 or \$40. A large amount of wearing apparel, belonging to all the family, was also destroyed or carried away ; can't say how much ; full \$100 worth. We had beds, bedsteads, and bedding ; eight bedsteads cost in Westport six or seven or eight dollars ; here worth \$10 ; bedding good ; don't think any feather beds were burned ; straw beds and bedding were burned or destroyed ; bedding worth \$50 or \$60 in all. Cross-cut saw and farming tools, such as planes and carpenter's tools, were burned or stolen ; they were worth \$25. A bureau, clothing, and contents, were burned—worth \$150. One dozen chairs (new) and two tables were burned ; chairs alone were worth \$28 ; tables were worth \$6 to \$10, respectively. One barrel of molasses, worth 75 cents to \$1 per gallon ; it contained 40 gallons, then worth \$40. By the destruction of the house a manuscript, upon which my father had bestowed a long time and much labor, and prepared for publication, entitled "A History of the Early Settlement of Iowa," was destroyed ; it contained 700 pages of foolscap, written out ; it was worth one dollar per page to prepare it.

The log barn that was burned was double, with a passage between—

the two wings were fifteen or twenty feet square—and was worth \$250; it had a good board roof, and was pointed up. There was burned also about ten acres of oats in sheaf, which would have yielded from thirty to forty bushels per acre; oats then were worth 75 cents per bushel; in the spring sold for one dollar per bushel. We had two sets of harness in the stable brought from Iowa with us; they were worth \$20 or \$25 each set; also a barouche top, taken off the buggy and placed in the barn for safe-keeping; it was worth \$50; two saddles destroyed were worth \$10 each. In the barn were some farming utensils—hoes and little things used on the farm—worth \$40; all these things were destroyed. Father had eighty acres of second years' corn growing; looked well, and ought to have yielded fifty bushels per acre. The fences were torn down by said bands of armed men, horses turned in, and part of the crop totally destroyed. Corn then was worth one dollar per bushel. We had to buy corn in the spring. We had potatoes, about two acres; they were nearly all dug and carried away by said men; would have yielded 200 bushels, worth \$1 50 per bushel. Our garden vegetables were all taken—cabbages, beans, and garden truck; all worth about \$40. A hog that was in a pen was shot by said men; she was worth \$7 or \$8; she was a breeding sow, and for breeding purposes worth \$20; we got her in Missouri. We lost the chickens mentioned, about 150 or upwards, worth 50 cents apiece. All the property mentioned was either destroyed or taken away by said armed parties.

Taking into consideration the damages by being thrown out of business, I think \$600 a small item for such. I know the steer mentioned in petition; it was lost at that time, and as the armed parties mentioned subsisted on the country it was probably taken by them; it was worth \$25; also one cow, worth \$25; also one bull, worth \$25; all lost or taken at same time; father had a couple of horses taken from his stable one night by said men; they were valuable; one was a breeding mare, worth \$200; horse, worth \$150; they were kept by said men eight or ten days before recovered, and were damaged so that the mare died last fall; was always lame after the taking; the horse was run down and stiffened; we finally got the horses from Titus's command; father has never received any compensation or remuneration for his losses from any source; the losses took place, and the property was taken and destroyed against the will of my father.

JOHN A. WAKEFIELD, JR.

Sworn to before me this 12th day of March, 1859.

EDWARD HOOGLAND,

Commissioner.

John A. Wakefield sworn: The manuscript history of the early settlement of Iowa, for which I have claimed, was the result of great labor and research; I had bestowed nearly two years time on it, off and on, and gathered materials for its composition; it was prepared ready for the press; there were 700 pages of it; I have no copy of it; it was the original manuscript, and no copy of it is in existence; I

have never received any compensation for my losses from any source whatever.

JOHN A. WAKEFIELD.

Sworn to before me this 12th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of John A Wakefield.

Claim filed for \$4,328.

The board, after full examination of the petition, inventory, and proofs, allow as proven, and award to petitioner :

For dwelling-house destroyed.....	\$1,000
Household furniture, provisions, rifles, and personal property in the house.....	1,463
Log barn and contents destroyed.....	410
500 bushels corn destroyed and carried away, allowed at \$1 per bushel, less 10 cents per bushel for gathering.....	450
200 bushels potatoes and vegetables.....	200
1 hog, \$20 ; 150 chickens, at 30 cents, \$45	65
3 cattle taken.....	50
Damage to horses taken and subsequently recovered.....	50
	<hr/>
	3,688
Damages by way of interest 2½ years, at 6 per cent.....	553
	<hr/>
Award.....	4,241
	<hr/> <hr/>

Claim for incidental damages, \$600, inadmissible.

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

MARCH 16, 1859.

No. 9.

TERRITORY OF KANSAS, }
Douglas County. }

Personally appeared before me, a notary public in and for said county, Henry Hurd, of lawful age, and after having been by me first duly sworn, deposes and says that he has been well acquainted with Mr. Harrison R. Rawson, of Clinton township, in said county, and acquainted with his farm, in said township, since the year A. D. 1856.

Affiant further deposes and says, that the said Rawson had, in the month of June, in the year last aforesaid, growing upon his farm two acres of wheat, which was destroyed by cattle in the absence of Mr. Rawson, and which, from its appearance when he, Mr. Rawson, was compelled to leave, I think would have yielded at least thirty bushels to the acre. When Mr. Rawson returned it was completely destroyed, and he never harvested a straw of it.

Affiant further deposes and says, that Mr. Rawson had a field of corn growing upon his farm in said township, in the summer of A. D. 1856, and I think there was as much as fifteen acres of it. It was a very good crop of corn; I should say there were sixty bushels to the acre, at least; and, in the absence of Mr. Rawson, General Richardson's men threw down the fence enclosing the said cornfield and turned in their horses, and the entire crop was destroyed. Corn was worth during that fall and winter from seventy-five cents to a dollar and a half per bushel.

Affiant further states, that all he knows in relation to the heifer set forth in Rawson's petition is, that he, about that time, owned such an animal, and that she was missing and has never been seen about the premises since; but what become of her affiant is unable to state, except from hearsay, that she was slaughtered by General Richardson's men.

Affiant further deposes and says, that he knows, of his own knowledge, that Mr. Rawson had a Sharpe's rifle, a sporting pistol and a navy revolver, worth what he claims for them in his said petition, and that he saw them in the possession of said Rawson about three weeks before they were said to have been stolen, but affiant did not see the said arms taken.

Affiant, further deposing, says that the said Mr. Rawson, during the months of May and June, of A. D. 1856, was driven from home, and compelled to remain away from his home and his labor for about six weeks, and had he been at home it would have been worth a great deal more than thirty dollars to him. He would have been in great personal danger had he been on his farm during any portion of the time he was absent.

HENRY HURD.

Sworn to and subscribed before me this 3d day of March, A. D. 1859.

JOHN M. COE,
Notary Public.

Also personally appeared before me, at the same time and place, Charles H. Rand, of lawful age, who, being by me first duly sworn, deposes and says that he is and has been acquainted with the said Harrison R. Rawson since the spring of A. D. 1856, and well acquainted with his farm, located in Clinton township, in Douglas county, K. T., upon which he then resided. Said Rawson had two acres of wheat, a very fine crop, destroyed by cattle and horses, during the time Rawson was driven away by marauding parties, who were lurking about and watching for him. There would have been sixty

bushels or more of the wheat, had it not been destroyed. Wheat was worth during the fall of 1856, from a dollar and a half to two dollars per bushel.

Affiant, further deposing, says that in the month of August or first of September, A. D. 1856, he saw a company of men who camped at Coon creek, near Mr. Rawson's farm, throw down the fence around Mr. Rawson's cornfield, and turn in their horses to feed upon the corn. There were at least fifteen acres in the field, all in corn; a portion of it was old ground, and the balance, though broken the year before, had not been planted until that year. The corn was all eaten up and destroyed. My best impression is, that there was not less than sixty bushels of corn to the acre, take the whole field through. Corn that fall and winter was worth from a dollar to a dollar and a half per bushel. Affiant knows that Rawson bought a very fine heifer, such as he has described, worth twenty-five dollars, and which affiant missed about the time of the marauding party camped at Coon creek, and has never seen her since, but he does not, of his own knowledge, know that they killed her.

Affiant, further deposing, says that he saw a party of men, calling themselves Kickapoo Rangers, carry off a Sharpe's rifle, one sporting pistol and a navy revolver, from the house of petitioner, and knows they belonged to petitioner. The rifle was worth thirty-five or forty dollars; the pistol was worth fifteen or eighteen dollars, and the navy revolver was worth from twenty-five to twenty-eight dollars. They were just coming out of Mr. Rawson's house with these arms when I got there. Mr. Rawson had to leave home in the months of May and June of 1856, I think, five or six weeks. He was driven away, and would not have been safe at home. I think there is no doubt he would have lost his life had he remained at home during any of the time he was absent. Mr. Rawson is a carpenter by trade, and could have had a dollar and fifty cents per day for every day he was absent.

CHARLES HENRY RAND.

Sworn to and subscribed before me this 3d day of March, A. D. 1859.

JOHN M. COE,
Notary Public,

Also, at the same time and place, came George Hurd, of lawful age, who, after having been by me first duly sworn, deposes and says that he was acquainted with Mr. H. R. Rawson, and the farm upon which he lived in the spring, summer, and fall of A. D. 1856; was acquainted with Mr. Rawson's wheat and cornfields; there were two acres of wheat and fifteen acres of the corn. The wheat would have yielded thirty bushels to the acre, and the corn at least sixty bushels to the acre. The cattle destroyed the wheat after Mr. Rawson was driven away, the fence having been thrown down; and I saw four or five men throw down the fence of the corn-field and turn their horses in upon the corn, and the crops, both corn and wheat, were entirely destroyed. Wheat sold for one dollar and a half and from that to two dollars; and corn was worth from a dollar to a dollar and a quarter.

I knew Rawson had a heifer, worth twenty-five dollars, about that time, but I don't know what became of her. I saw three men, about the middle of September, 1856, go into Mr. Rawson's house and take a Sharpe's rifle, a sporting pistol and a navy revolver. The rifle was worth at that time from forty to fifty dollars; the pistol was worth fifteen or eighteen dollars, and the revolver was worth at least twenty-five dollars. Mr. Rawson was forced away from home in May and June, in 1856, to save his life, and was absent from a month to six weeks, and his time was worth a dollar and a half a day to him, as he is a first rate mechanic, and could have got good wages

GEORGE R. HURD.

Sworn to and subscribed before me this 3d day of March, A. D. 1859.

EDWARD HOOGLAND,
Commissioner.

To the honorable commissioners appointed to audit and certify claims:

Your petitioner, Harrison R. Rawson, respectfully represents that he moved into, and became a *bona fide* citizen, and inhabitant of the Territory of Kansas, in April A. D., 1855, and has continued from that time up to the present to reside in Clinton township, Douglas county, said Territory. That in the month of June A. D., 1856, he was driven off his farm in said county by a party of marauders which then infested the Territory, and compelled to remain absent therefrom for several successive weeks; and upon his return he found that cattle and horses had either broken into his inclosure, or been turned in, and destroyed two acres of wheat then and there growing in the ground, and which would yield your petitioner sixty bushels of wheat had he been permitted to remain upon his farm and taken care of it, which wheat was worth two dollars per bushel.

Your petitioner would further represent, that afterwards, to wit: about the first day of September, 1856, a similar party threw down the fence enclosing fifteen acres of corn, belonging to your petitioner, and turned in a large number of horses, by which means said crop of corn was entirely destroyed, and that, but for said destruction by the means aforesaid, petitioner would have harvested as much as sixty bushels of corn off said field per acre, amounting to about nine hundred bushels, worth one dollar per bushel.

Your petitioner would further represent, that during the month of September, in the year last aforesaid, one of said parties drove off and slaughtered one three year old heifer, belonging to petitioner, worth twenty-five dollars; and that upon the 15th day of September aforesaid, a party of General Richardson's men stole and carried away from the house of petitioner, situated upon his said farm, one Sharpe's rifle worth forty dollars, one sporting pistol worth twenty dollars, and one heavy navy revolver worth twenty-five dollars.

Your petitioner would further represent that ring the months of

May and June, in the year aforesaid, he was forcibly driven away, and off his premises, situated in said township, and compelled by said marauding parties to remain therefrom for the period of six weeks, and that his services would have been worth to him, if permitted quietly to have labored at home on his farm, about forty-five dollars.

Recapitulation:

To 60 bushels wheat, at \$2 per bushel.....	\$120 00
To 900 bushels corn, at \$1 per bushel.....	900 00
To one heifer.....	25 00
To gun and pistols.....	85 00
To worth of month and a half labor.....	45 00
Total.....	<u>1,175 00</u>

All of which has been lost by your petitioner without any payment or remuneration, in whole or in part, from any source whatever.

H. R. RAWSON.

TERRITORY OF KANSAS, }
Douglas County, } ss:

Personally appeared before me, a notary public in and for said county, Harrison R. Rawson, and after being by me first duly sworn, deposes and says that all the several matters and things set forth in the foregoing petition are true, according to the best of his knowledge and belief. March 3, 1859.

JOHN M. COE,
Notary Public.

In the matter of the petition of Harrison R. Rawson.

CROSS-EXAMINED BY MCKAY.

DOUGLAS COUNTY, ss:

Henry Hurd sworn: There were about two acres of wheat destroyed by cattle about the time Rawson left, which was about the last Saturday in May, 1856, and within two weeks of that time Governor Shannon came round to make arrests, and Rawson went away. The wheat was destroyed in June; it was worth at the time it was destroyed, and standing in the field—I cannot say how much; it was generally calculated less the cost of harvesting. The corn was destroyed in September, 1856; corn was worth 75 cents per bushel in the fall after the new crop came in; there were ten or fifteen acres; estimated the whole crop, according to Mr. Stevens's calculation, at fifty or sixty bushels per acre, for it was good corn which might possibly yield that much; it was not all destroyed so far as my own knowledge goes.

The gun was a Sharpe's rifle, worth \$40, the ordinary value of such arms; the pistol was worth \$10 or \$15, and the revolver worth double that; don't know that he ever received any other arms in lieu of those mentioned; can't state positively how the gun was taken or by whom.

By Stevens, direct.—Corn was very high at the time this was destroyed; I should not wonder if corn would have brought \$1 25 per bushel then; no particular means of knowing exact value; new crop had not come in, and old crop was exhausted; the wheat was very good looking wheat; heard many speak in praise of it; I was not a farmer myself at that time; don't remember the price of wheat; it was worth \$1 50 per bushel as I understood, as I bought at that price in the fall to sow.

HENRY HURD.

Sworn to before me this 12th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

Charles H. Rand sworn on cross-examination: The wheat was destroyed last of May or 1st of June, 1856; in the field it was worth \$1 per bushel before it was harvested; it would have yielded 30 bushels per acre; it was a good crop; it was destroyed by cattle getting in and eating it up; it was a good fence; the cattle broke in of their own accord and ate it up while Rawson was away from home. The corn was destroyed by a party turning their horses in; such party camped at Coon creek; the corn was worth \$1 per bushel standing in the field at that time, and more in the fall; there were 15 or 17 acres; it would have yielded 50 or 60 bushels per acre. The gun was worth \$40; it was a Sharpe's rifle; don't know that Rawson ever received any gun for it; Rawson brought pistol to the country; don't know of his receiving any compensation for any of the property mentioned.

Direct by Stevens.—At the time this wheat was destroyed I think wheat was worth \$1 50 per bushel; it was hard to get. The corn would, most of it, have produced 60 bushels per acre.

Cross-examined.

Can't say that all the corn was destroyed; saw the field after the horses were turned in; never saw Rawson gather any of it.

Direct.—From the time the fences were thrown down by the soldiers they remained down, and the field open to cattle and stock, until Rawson's return. During the destruction of the wheat and corn Rawson was absent from home, necessarily, to save his life from being taken by the bands of marauders in possession of the country.

CHARLES H. RAND.

Sworn to before me this 12th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Harrison R. Rawson.

Petitioner claims for 60 bushels of wheat, at two dollars per bushel.....	\$120 00
900 bushels corn, 10 to 17 acres, at one dollar.....	900 00
One heifer taken.....	25 00
Gun and pistols.....	85 00
Time, 1½ months.....	45 00
	<hr/>
	1,175 00
	<hr/> <hr/>
The board allow and award for 60 bushels of wheat, at one dollar, on general proof.....	60 00
16 acres of corn, 40 bushels per acre, 640 bushels, at one dollar per bushel, less 10 cents per bushel for harvesting.....	576 00
Sharpe's rifle, \$40; pistols, one at \$20, and one at \$25.....	85 00
One heifer taken and destroyed.....	25 00
	<hr/>
	746 00
Claim for time inadmissible; interest, by way of damages, 2½ years, at 6 per cent.....	111 90
	<hr/>
Total award.....	857 90
	<hr/> <hr/>

EDWARD HOOGLAND.
HENRY J. ADAMS.
SAMUEL A. KINGMAN.

MARCH 16, 1859.

No. 10.

To the honorable the board of commissioners, sitting under an act of the territorial legislature, approved February, 1859, for the purpose of hearing proof and adjusting claims for losses sustained during the disorder that prevailed from November 1, 1855, to December 1, 1856, in the Territory of Kansas:

Your petitioner would respectfully represent: That he was a large sufferer from the unbridled passions of a drunken, irresponsible, malicious, lawless, plundering banditti or mob; that he was the owner and proprietor and editor of a newspaper called the Territorial Register, which was published weekly in the city of Leavenworth, which was published for six months next preceding December, 1855; that

your petitioner had paid and laid out a large sum of money for materials and labor in and about the business of the said paper, and in the purchase of lots, and the erection of a large two story building expressly for the use and convenience of the publication of said paper, and for the job work demanded by the wants of the community ; that from threats that had been made, and which had reached the ear of your petitioner, that the destruction of the office had been agreed upon, and was a thing sure to be done, your petitioner, being anxious to save something, had to sell to a pro-slavery citizen of Leavenworth the building and the two lots at the corner of Second and Cherokee streets in said city, at a great sacrifice, to wit: for the sum of thirty-one or thirty-two hundred dollars on a long credit without interest, which property your petitioner avers is now worth nine or ten thousand dollars. Your petitioner would state that by great energy and expense of agents he had secured a subscription list of good and responsible subscribers, numbering between thirteen and sixteen hundred, at the rate of two dollars each for a copy of said paper per year, not more than three hundred of which ever paid for the paper, and generally refused to pay when afterwards requested, because the volume was not completed, (the loss of the books of the office renders exactness impossible,) which was a heavy loss to your petitioner, which subscription list to the office, in the continuation of its regular business, would have been reasonably and well worth \$2,500 to \$3,000 dollars in the next succeeding year or at the end of the first and the beginning of the second volume of said paper. Your petitioner employed hands at high wages for the half year the paper was published, and paid out the full sum of twelve hundred dollars for labor in said office. Your petitioner had secured to the paper an unusually large, permanent and valuable advertising patronage, and which was rapidly increasing, and was worth to the office at least \$3,000 dollars per annum, in proof of which *exhibit* will be made of the file of said paper and other testimony before said commissioners. Your petitioner had also a complete job office in connexion with the news office, and had at much expense secured a large run of job work, which was well worth in the year fifteen hundred dollars ; that the news office, job office, office furniture, paper, and ink, was well worth \$3,000 ; that the labor and services of editor and book-keeper were well worth to your petitioner, from the time the paper was first started up to the time it was destroyed, \$1,200. It is hard to estimate the loss of an established business, one that had just attained a basis that would sustain its own *expenses* and at the same time remunerate handsomely the proprietor and continue to rapidly increase in every department with large profits. To one who had a large and expensive family entirely dependent upon such a business for support, your petitioner knows of no rule by which such a loss could well be measured. Such was the situation of your petitioner at the time he was robbed and broken up in his business in the manner aforesaid. Beside the items above stated your petitioner avers that if he could have had extended to him his rightful guarantees under the constitution of his country, he would have been now in independent pecuniary circumstances and in a far better situation than he can be by any award that can be made to him for his losses by this

honorable board. Your petitioner further estimates that he sustained a loss beyond the items specially set forth in this petition, which would be more properly assignable under the head of general damages from the loss of a permanent business in the line of a profession in which a great part of his life had been employed, beginning first in the year 1837; that in the estimate of the loss of a business which was established and which was profitable just from the time or about the time of the loss, forward to a series of years, the sum of \$5,000 would be a low estimate for the general loss.

Your petitioner would further represent, that by reason of *imminent violence and meditated destruction* of his residence on the military road in the city of Leavenworth, together with a tract of land of near three acres, upon which his family residence had been built, in order to save whatever he could, was compelled to sell and dispose of his land and residence for a nominal price, which said property is now worth a large sum of money, to wit: the sum of twelve or fourteen thousand dollars, and which property your petitioner intended for his permanent home; such was the prejudice against your petitioner resulting from a *sectional bitter party struggle* in Kansas, that he was compelled to make disposition of his houses and land at great sacrifice, as he would not have been permitted to enjoy the profits and possession of the same. The items of paper used in the office and extra work paid to hands, ink, &c., are not computed in any of the foregoing charges for losses, but are estimated against the money received for subscription, &c. For the wantonness of the injury done to the property and business of your petitioner, the honorable board of commissioners are invited to inspect the entire files of the Territorial Register now ready to be shown to the board. That if it is within the province of the honorable board to compute the loss upon the lots, houses, and land within the city of Leavenworth, which he sustained by reason of the weakness, impotency, and prostration of the civil arm of the territorial government and the inefficiency of, and the neglect of, the military arm of the general government then in Kansas, the utter failure of the latter to afford protection to life and property of the citizens of said Territory in the immediate vicinity of a strong military force. To the commandant of which force your petitioner made application for protection from mob violence, and was utterly refused such protection.

Your petitioner, in view of the premises, assumes that under this state of facts, the government from its refusal to stay the hand of violence and save from destruction the property and business of your petitioner, has become legally and morally, in the highest degree, liable to pay and reimburse to the last farthing all losses by him sustained as aforesaid. And your petitioner prays that inasmuch as the hands that were in his employ when his losses occurred are now non-residents, and who are his best witnesses, that he be allowed to offer in proof their affidavits heretofore taken as to the value of his office and business so destroyed as aforesaid, as the residences of said witnesses have been changing from time to time, which circumstance may render it impossible to retake their testimony before the close of the labors of this honorable board of commissioners; and that such other and further

relief may be granted to your petitioner as equity and justice may reasonably demand, is the prayer of your humble petitioner.

M. W. DELAHAY,

Subscribed and sworn to in my presence this 23d day of February, 1859. Witness my hand and notarial seal.

[L. s.]

MARCUS N. BLAKEMORE,
Notary Public.

Recapitulation of losses by M. W. Delahay.

1,300 subscribers, worth from.....	\$2,500 to \$3,000
Paid out for hands, wages, and labor in and about the printing office.....	1,200
Advertising patronage.....	3,000
Job patronage and profits.....	1,500
News and job office and furniture, books, &c., and paper....	3,000
Services of editor and book-keeper for the office for 6 months	1,200
Damage by the loss of his permanent business.....	5,000
	17,900
Amount of losses direct and incident to loss of office.....	17,900

For the loss growing out of the disposition of houses and real estate, the board is referred to proof as to the difference in the value of the same when sold and what it is now worth.

M. W. DELAHAY.

LEAVENWORTH CITY, *February 23, 1859.*

Affidavit of Thomas Newman,

Who, being duly sworn, states: My name is Thomas Newman; I am a printer; I was employed as such by M. W. Delahay, esq., in the office of the "Territorial Register," published in Leavenworth city, Kansas Territory, for some months previous to its destruction by a mob, in December, 1855. The office was one of the most complete newspaper and job offices I ever saw in the west; entirely new, and of the best materials, and cost, I should judge from my knowledge of such things, about twenty-five hundred (\$2,500) dollars. I do not remember the exact date of the starting of the paper. At the time of its destruction it was doing a good business in all the departments, and I consider the loss of that far greater than that of the materials, and estimate the loss at from fifteen to twenty thousand dollars.

THOMAS NEWMAN.

MILLS COUNTY, IOWA, *January 17, 1859.*

MILLS COUNTY, *State of Iowa, ss:*

I, George W. Palmer, a notary public in and for said county, hereby certify that Thomas Newman, being by me duly sworn, subscribed the within statement as true.

Witness my hand and notarial seal, this seventeenth day of January, A. D. 1858.

[L. s.]

GEORGE W. PALMER,
Notary Public.

Affidavit of W. H. Wells.

W. H. Wells, being duly sworn, states: My name is W. H. Wells; I am a printer. I was employed as a compositor in the office of the Territorial Register, at Leavenworth City, Kansas, for some months previous to the destruction of the press and materials in that office by a mob some time in December, 1855, and know what was the value of the press and office, and what was the damage done to Mr. Delahay's business. His office was one of the most complete newspaper and job printing establishments that I have ever seen in a country place. All the materials were new and of the best quality, and at the time of the mob no printing office in the whole upper Missouri country had equal facilities for executing all kinds of printing. The press, type, and equipment of the establishments were worth at the lowest estimate about twenty-five hundred dollars. I do not remember the exact time when the "Register" was started, but I am very sure that, at the time of its destruction, it had succeeded far beyond the expectations of its proprietor and friends. The list of subscribers was large and rapidly increasing; the advertising and job patronage (the great source of profit to a newspaper) was, beyond question, larger and more profitable than that of any other printing office in Kansas. The paper was sustained by a large majority of the citizens, and although the press and materials were valuable, and their destruction involved a heavy loss to the proprietor, I estimate that as a small matter compared with the ruin of an established business. The "Register" was fairly established upon a paying basis, and I estimate the damage sustained by Colonel Delahay, from its destruction by the mob, to have been from six to eight thousand dollars. In making this statement I am actuated only by a desire to see justice done to a citizen whose property was wantonly destroyed by the unbridled passions of a mob. I have no personal interest whatever in Colonel Delahay's claim.

W. H. WELLS.

Subscribed and sworn to before the undersigned, a notary public duly authorized by law to administer oaths, this thirteenth day of May, 1858.

G. C. GRAMMER,
Notary Public.

LEAVENWORTH COUNTY, ss :

H. Miles Moore being duly sworn saith: I reside in the city of Leavenworth, and have resided here as my home ever since June, 1854; during the year 1855 I was a constant resident of Leavenworth and am familiar with the general facts and circumstances set forth in the petition of Mark W. Delahay. In the month of July, 1855, Mr. Delahay started and commenced, in the city of Leavenworth, the publication of a weekly newspaper, known as the "Territorial Register," and regularly continued such publication until the 22d day of December, 1855, when the printing office of said paper was entered by a body of armed men known as Kickapoo Rangers, under the command of Captain J. W. Martin, and all the presses, type, materials, furniture, cases, chases, stands, and property relating to said printing office, both job and newspaper departments, wholly destroyed by force and violence; the materials thrown out of the windows, and the greater part thereof thrown into the Missouri river, at the foot of Cherokee street; said "Territorial Register" was a free-State democratic paper, and as such was exceptionable to and opposed by the pro-slavery men, of whom the said Kickapoo Rangers were then an active, influential, and important body; during the fall season of 1855 the Territory of Kansas was in a state of civil war, the contending parties being the pro-slavery and free-State parties of the Territory.

The facts and circumstances connected with the destruction of said property are as follows :

In the fall of 1855 aforesaid, the Topeka constitution and State government had been formed by the free-State men. Delahay was a member of said convention and his paper favored and defended its objects and views; the pro-slavery men of Leavenworth county were violent in their denunciations of said paper; subsequently an election was held, under said constitution, for State officers, &c. During the pendency of the Topeka movement, threats were frequently made in and about Leavenworth, by the pro-slavery men, that said Delahay should be driven away and his newspaper be destroyed or silenced; these threats continued to increase in force and apparent certainty of execution from day to day until December aforesaid; on the evening of December 22, 1855, a mob of men, armed with guns, pistols, and other weapons, attacked said printing office, during the absence of Mr. Delahay, who was at Lawrence at the time, and wholly destroyed as aforesaid; I saw said mob, through the windows of the printing office, breaking up the press, throwing type and materials into the street, and carrying some to the river. Everything relating to the printing office was either destroyed, taken away, or rendered wholly valueless. I knew many of the individuals then ranking themselves as Kickapoo Rangers; cannot now name them particularly. The printing office was situated on the southwest corner of Cherokee and Second streets, in a two-story frame building, belonging at that time to Mr. Delahay. The printing office occupied the whole of the second floor; the building was about 25 by 40 feet. The printing establishment comprised a large newspaper press and a job press, a full assortment of newspaper and job type, books, and papers, connected with the business—a sup-

ply of paper and printing ink, and all the materials, furniture, and apparatus necessary for the conducting of a printing business in the then growing city of Leavenworth.

H. MILES MOORE.

Sworn to before me June 10, 1859.

EDWARD HOOGLAND,
Commissioner.

WYANDOTTE, K. T., July 5, 1859.

I certify that the annexed editorial article was published in and clipped from the Leavenworth Herald, about December 29, 1855.

EDWARD HOOGLAND,
Commissioner of Claims.

“THE TERRITORIAL REGISTER.—The press and materials of the ‘Register’ office were destroyed on Saturday evening, December 22, about eight o’clock. The press was put in the river.

“The public mind had become highly excited in consequence of several inflammatory and abusive articles that had appeared in the few last numbers that were issued. Though it was established as a conservative high-toned national democratic paper, it soon doffed the robe it had put on, and appeared in its true colors, as an ally of the abolition party. It had been floundering about, denouncing first one and then another, until finally it made a bold and reckless charge, without any justification, charging upon the troops, who, like good citizens, responded promptly to the call of the governor, that they went swearing vengeance, to ‘raze Lawrence, RAVISH the women, and kill children.’ This, with other gross and unwarrantable articles, so inflamed the people that they determined to put a stop to it. Accordingly, on the evening above mentioned, they went without molestation and silenced the press by putting it in the river.

“The original proprietors of the paper, after the last abusive article referred to had appeared, transferred the paper to other hands, thereby showing they feared the consequences of their violence would be visited upon their own heads. The press had never been paid for, and was purchased by the indorsement of several gentlemen, outsiders, upon whom the loss of the press will fall. The press was destroyed by the citizens of the Territory, not a single Missourian was concerned in it.

“The paper was in a sickly condition and fast dying out, and we counselled that it be let alone, to die of an over-dose of abolitionism. We did not know, until about eleven o’clock next day, the press had shared the fate of a watery grave.”

J. Champion Vaughan, having been duly affirmed, testified as follows: I am a newspaper publisher; this is my occupation; I am conversant with the value of newspaper offices; I have been in the business about eight years; I have examined the evidence in this case as

to the value of the materials used in the publication of the "Territorial Register" and the business of that paper, and I estimate the value of the said "Territorial Register," at the time of its destruction, at two thousand dollars; I include in this estimate the material used in the publication of said newspaper and the subscription list, and the good-will of said newspaper, all of which go to make up the value of a newspaper, and which must enter into the computation of the value of a newspaper office.

J. CHAMPION VAUGHAN.

Affirmed before me this 18th day of June, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Mark W. Delahay.

George W. McLane, being duly sworn, testified as follows: He is a newspaper publisher; has been in that business in Leavenworth city since September, 1857, and is thoroughly acquainted with the business in all its branches. He further says that he was in Leavenworth when the newspaper called the Territorial Register was being published by Mark W. Delahay. He was at the time conversant with the business of said newspaper to a considerable extent, and knows that it had a good position and a large and increasing patronage. From his knowledge of the publishing business and of the establishment of the Territorial Register, he would estimate the value of said establishment, at the time of its destruction, at from six thousand dollars to eight thousand dollars. This estimate includes the material, subscription list, and good-will, all of which are legitimate portions of the property of a newspaper establishment.

G. W. McLANE.

Sworn by me this 18th day of June, 1859.

HENRY J. ADAMS,
Commissioner.

Before the Board of Claim Commissioners.

The evidence in this case shows the following state of facts —(No. 185.) Colonel Delahay came to Leavenworth city, and impressed with the idea of the future prosperity of Kansas, and that Leavenworth was to be the commercial centre of the Territory, by a large outlay of money established a newspaper called the Territorial Register. This enterprise was, at the time it was started, both hazardous and difficult. The uncertainty of the future of the then embryo Territory, the remoteness from a market, the expenses of transportation, the comparatively ruinous prices of labor, together with the thousand minor expenses

and annoyances incident to the establishment of such a business in a country so new—all these must be taken into the account in computing the outlay of the proprietor of this journal. By untiring exertion and a constant outlay of money to meet the current expenses of the establishment in its infancy, the paper was at last placed upon a firm and paying basis. From the very nature of the business of newspaper publishing, it is almost impossible that during the first few months after the establishment of a paper it will pay its expenses. The projector of such an enterprise regards the money expended by him in the early days of his paper as a part of the capital invested, and in estimating the expenses of the enterprise invariably takes into account the inevitable deficit of the first few months; and yet he regards this outlay not as money lost, but as money legitimately invested in his business and for which he looks to the future prosperity of his paper for a return.

In the establishment of the Territorial Register all these troubles and annoyances had to be met. The expenses incident to the publication of a new paper were of necessity incurred, and at last, having conducted his paper through this trying ordeal, Colonel Delahay was about to commence reaping the reward of all his toil, and risk, and capital. His subscription list was large and constantly increasing, his advertising patronage was the most profitable west of St. Louis, and he had the control of a very large proportion of the job business of the Territory. Then it was that his office was destroyed and his paper broken up by violence. To compensate men who suffered like Colonel Delahay from the early troubles in this Territory your commission has been instituted. There is no question but this case comes within the meaning of the act. The only question then remaining is, what shall be the measure of damages. First, in briefly examining this question, I beg leave to call your attention to the language of the act under which you sit, "to audit and certify all claims for the loss of property taken or destroyed and damages resulting therefrom."

Now, were there nothing in this act in regard to "damages," &c., I would still contend for the same rule of damages which I shall now seek to establish. In estimating the value of any property all the circumstances which surround the same, which go either to enhance or depreciate the value of that property, are to be taken into consideration. So in estimating the value of the "Territorial Register" office, for the destruction of which Colonel Delahay here claims damage, it is not only your right, but your duty to inquire, not simply how many pounds of type were there taken away and what was the value of the presses broken in St. Louis, adding freight; but you are to take into your account the surrounding circumstances—that intangible but most valuable of all other accessories to a printing office, its good-will, meaning by that the very thing for which the proprietor of such an office is willing to spend his money almost without any immediate remuneration, in starting his paper, as I have before stated. If, for instance, a man had a house upon a leased lot, and that house was destroyed, and by the destruction thereof the lessee forfeited his lease, which at that time he could have sold for one thousand dollars, will this commission say that they will give him bare compensation for the

boards, the nails, the paint, and the labor, which built his house; or will they seek to make recompense to him for his loss—the one thousand dollars which he actually lost over and above his house. And yet a lease is as incorporeal and as intangible as this thing called a good-will, and in many things they bear a strong analogy to each other. But when we come to examine the language of the act by which your board is created, to which I have referred above, I cannot well see how any reasonable objection can be urged against the measure of damages upon which I insist, which is simply this: *the value of the "Territorial Register" at the time of its destruction.*

It seems to me that any other rule would be a rank violation of the principles of justice and equity. The testimony shows that the material used in the publication of the Register cost no more than \$2,500, yet was the loss of that material, in any sense of the word, the only damage Colonel Delahay sustained by the destruction of his office? And here I beg leave to call your attention to the best definition of damages within my reach. I quote from Greenleaf Ev., vol. 2, page 276: "Damages are given as a compensation, recompense, or satisfaction to the plaintiff, for an injury actually received by him from the defendant. They should be precisely commensurate with the injury," &c.

By the act which created you, and the legal interpretation and meaning of its language, are you bound. The obligation thus created you cannot avoid by any rules of your own making. I do not conceive, however, that the measure of damages for which I contend is within the strictest construction of your own rules. These damages are neither "vindictive" (which means, I believe, those damages which blend together the interest of society and of the aggrieved individual, and which not only recompense the sufferer but punish the offender,) nor are they "exemplary," (which means, I believe, almost precisely the same as "vindictive;") nor are they even "consequential," (which means, I believe, those damages which arise not from the immediate act of the party, but in consequence of that act.) These damages are in contradistinction from "immediate damages." How much soever I might in other cases be disposed to resist the rule so far as "consequential" damages are concerned, I do not feel it necessary in this case to urge a swerving either to the right or left from its strictest application. I have only to ask that the usual and ordinary method of estimating the value of property shall prevail in this case. Whatever the Territorial Register was worth at the time it was destroyed is what, in my judgment, Colonel Delahay is entitled to receive at your hands. We do not ask that consequential damages, such as being thrown out of employment, and the thousand other incidents of remote damage which flows from this destruction, shall be rendered to us. We care not how the computation is made. In fact, I suppose it would be impossible to establish and prove with minute exactitude the loss or damage accruing from this destruction of property. It is proved that the office was destroyed and the paper broken up; and now upon what principle can you give Delahay damages for the material destroyed, recompense him for the money he actually expended in its purchase, and not recompense for what cost him more

toil, more trouble, and probably a larger amount of money—the surroundings of that material—the newspaper which gave to the office its name and its patronage. As well might you attempt to recompense the loser of a diamond with the gasses into which it can be decomposed.

In this brief summary I have not alluded to the position of this paper as the pioneer advocate of free-State principles in Leavenworth, and the prominence and importance which that position must have given the paper. We have attempted no proof as to items, and we should have signally failed if we had. We prove the value of the materials in the office, the position and patronage of the paper, and then rely upon the testimony of those acquainted with the value of such offices—men versed in the business—to prove the value of the office at the time of its destruction. In the estimate I purpose to make I will exclude Colonel Delahay's estimate entirely from the computation, but rely upon what has been proved aliunde. It would be unfair for the Territory or the public to be bound by the highest computation of the witnesses introduced, and equally unfair for Colonel Delahay to be bound by the lowest. We are willing to accept the golden mean.

In one of the affidavits the loss is estimated at.....	\$15,000
In another.....	6,000
G. W. McLane says the value of the office was from.....	6,000
To.....	8,000
J. Champion Vaughan says.....	10,000
	<hr/>
	5)45,000(9,000

Taking, then, this estimate, which seems to me the only fair one for both parties, we find that the damage which Colonel Delahay is entitled to recover, or rather the value of his office at the time of its destruction, was \$9,000; and were it left to the commissioners, without the assistance of "*experts*," I cannot believe they would put the value of the office at that time one dollar below this mark. The above rule, which I have suggested, of arriving at the actual value, from the conflicting testimony of many witnesses, is, I believe, both the legal and the true rule, where all the witnesses, as in this case, are equally credible.

This sum of \$9,000, together with interest from the day of the destruction to the time of the award, is, I believe, the true and legitimate award to which Colonel Delahay is entitled from the evidence, and from the commissioners' construction of the law; although it is well known to every member of the board that this sum would be but a small compensation for the actual damage sustained by my client, or, rather, my friend, (for I appear in this matter as an act of personal kindness to Col. Delahay, he being unavoidably absent from the Territory at this time.)

The computation above does not include the destruction of the account books. These were not included, of course, in the valuation of the office. They were rather the record of the earnings of the office, and, so far as they related to prior debts, were no part of the Register office, properly

speaking, and would not have passed with a transfer of the office. The nature of the accounts charged in these books precludes the possibility of collecting them in the absence of the books. The amounts are small, the debtors numerous and scattered over the whole country. With the books was destroyed all hope or prospect of ever realizing any considerable portion of the accounts of which they were the evidence. Of the value of these books Col. Delahay alone can speak, as he alone had charge of them. As to these books I urge the same rule of damages, "what were they worth to Col Delahay at the time of their destruction." We ask, then, damages as follows:

Value of office at the time of its destruction.....	\$3,000
Interest at 6 per cent. for three years.....	1,620
	<u>10,620</u>

Reasonable compensation for the account books.

In the matter of the petition of Mark W. Delahay.

Petitioner claims for printing establishment, "Territorial Register," destroyed, and damages resulting therefrom....	\$17,900
The proof warrants an award in favor of petitioner for, say...	7,000
Add interest 2½ years at 6 per cent.....	1,050
Total award.....	<u>8,050</u>

EDWARD HOOGLAND,
HENRY J. ADAMS,
SAM. A. KINGMAN.

JULY 1, 1859.

TERRITORY OF KANSAS, }
County of Leavenworth, } ss :

Now at this day comes Augustus M. Sattig, of the county and Territory aforesaid, of lawful age, and a citizen of the United States, who, being duly sworn according to law, deposes and says: That he came to the city and county of Leavenworth, and Territory of Kansas, early in the spring of the year A. D. 1855; and affiant further states that he has lived and resided in the city, county, and Territory aforesaid ever since; and affiant further states that he, affiant, is well acquainted with Mark W. Delahay, who was the owner and proprietor of a printing establishment in the city and county aforesaid during the summer, fall, and winter of the year A. D. 1855. And affiant further states that he knew and was familiar with said printing establishment so owned by said Delahay, and that on the night of the 22d day of December, A. D. 1855, the aforesaid printing establishment was destroyed by a *pro-slavery, or law and order mob*, (as they, the mob, called themselves.) And affiant further states that he was present at the time said printing establishment was

so destroyed as aforesaid. And affiant further states that the only reason given by aforesaid mob as the cause of the destruction of the aforesaid printing establishment was, that it was a free-State establishment. And affiant further states that the presses, type, and all the fixtures belonging to said establishment were totally destroyed by aforesaid *pro-slavery* mob on the night aforesaid, and that said M. W. Delahay's loss in the aforesaid establishment by reason of its total destruction was from fifteen thousand to twenty thousand dollars.

And affiant further states that the loss to said Delahay, in a consequential point of view, would have been doubtless double the sum at which affiant estimates his, Delahay's, actual loss in the destruction of his, Delahay's, printing establishment as aforementioned in this affidavit. And affiant further states that he, Delahay, was put to a great deal of expense and trouble by reason of said loss as aforesaid, and it being at that time in the middle of winter, and no communication open to any point where he, Delahay, could procure another press and fixtures. And further, by his, Delahay's, not being able by reason of said loss and destruction as aforesaid to fulfil his, Delahay's, contracts for printing, which contracts were at the time of aforesaid destruction commenced and in an unfinished state, and further affiant saith not.

AUGUSTUS M. SATTIG.

Sworn to and subscribed before me this 11th day of December, A. D. 1860.

JAMES L. McDOWELL, *Notary Public.*

TERRITORY OF KANSAS, *County of Leavenworth, ss:*

Now at this day comes H. Miles Moore, of said county and Territory, of lawful age, who, being duly sworn according to law, deposes and says: That he was examined by the Kansas board of claim commissioners in regard to the loss sustained by Mark W. Delahay in the destruction of his printing establishment by a *pro-slavery* mob on the 22d day of December, A. D. 1855; and that at the time he testified before said board he was not prepared, for the want of time, to make a proper calculation of the value of the printing establishment aforesaid; and that he is well satisfied that the allowance and award made to said Delahay by said board was inadequate and far below the actual amount to which he is entitled to have allowed him. That affiant was intimate with said Delahay and his printing establishment; that said Delahay and affiant roomed and occupied an office together before and at the time of the destruction of said office; was very familiar with said office, and frequently in and about the same. Affiant has been an editor of newspapers before and since the loss of said Delahay, and has a correct knowledge of the general value of a printing establishment by looking through it. Affiant would further state that since the award was made by said commissioners to said Delahay he has had frequent occasion to estimate the value of said printing establishment, and that the office was worth, and the allowance by said commissioners should have been, fifteen thousand dollars; that the printing

and job departments were first class and largely supplied ; that freights up the river when the establishment was received, and up to the time of its destruction, were very high ; and the stock of paper and printing materials laid in for the winter was of excellent quality and valuable, and the stock large ; that the whole establishment was totally destroyed and lost to said Delahay ; that at the time the claim of said Delahay was presented and acted upon by said commissioners said Delahay was absent in the eastern States, and was not present to look after his claim ; and affiant would further state that the loss of subscription, advertising, and job work accounts by the destruction of the books with the office, and the good-will of the paper, would, if taken into account in the way of damages sustained, amount to at least fifteen thousand dollars more, as the future prospect of the paper and office was of the most prosperous and hopeful character, and would have proven a source of great pecuniary profit to said Delahay ; by the loss of his establishment he was broken up in his business and ruined in a pecuniary sense ; that said Delahay from the profits of his business aforesaid relied for the support and maintenance of his large family. I make this affidavit as a matter of justice to a much injured fellow-citizen, and further affiant saith not.

H. MILES MOORE.

Attest :

JAMES L. McDOWELL.

Sworn to and subscribed before me, a notary public, this tenth day of December, A. D. 1860.

JAMES L. McDOWELL,
Notary Public.

TERRITORY OF KANSAS, *County of Leavenworth, ss:*

Now at this day comes George W. McLane, of the county and Territory aforesaid, of lawful age, who, being duly sworn according to law, deposes and says: That he was examined by the board of Kansas claim commissioners relative to the loss and damage sustained by Mark W. Delahay by a pro-slavery mob in the destruction of his printing establishment in Kansas on the 22d day of December, A. D. 1855 ; at the time he testified he was called before said board without any previous notice, and did not have proper time to estimate the value of the printing establishment destroyed as aforesaid ; that now, upon a careful investigation and estimate of the same, he is fully satisfied the estimate of real loss allowed by said board of commissioners was below the real value, and should have been at least fifteen thousand dollars ; that the office was a first class newspaper and job office ; and that he was intimately acquainted with the amount of material belonging to said printing establishment, and that the whole was totally destroyed ; affiant further states that he is a publisher and editor, and has been connected with printing establishments for many years before and since the destruction of the establishment above referred to ; and this affiant further states that the loss to said Delahay,

in a consequential point of view, would have been, doubtless, double the sum at which he estimates his actual loss in the destruction of his establishment in this affidavit; and further affiant saith not.

G. W. McLANE.

Sworn to and subscribed before me this 8th day of December, Anno Domini 1860.

JAMES L. McDOWELL,
Notary Public.

No. 11.

To the commissioners appointed to audit and certify claims:

Your petitioner, Robert F. Barber, respectfully represents that he is now, and has been, a citizen of Douglas county, Kansas Territory, since April, A. D. 1855.

Your petitioner would further represent that in the month of November, A. D. 1855, he was compelled to leave his home, situated in said county, by hostile parties who were then in the neighborhood, and obliged to remain concealed away from home about three weeks; and in the months of August and September, in the following year, he was from the same cause obliged to absent himself from home for the period of six weeks, and that during all of which time his life would have been in most imminent danger from the fierce hostile bands of merciless Missourians and their associates; that his services would have been worth to him, had he been permitted to remain peaceably at work on his farm, at least sixty-five dollars in all.

Your petitioner would further represent that on account of his having been forced from home in the summer and fall of 1856, at the season for cutting and curing hay, and being unable to buy hay at any price in the following winter, he lost eight head of his cattle, they having literally starved to death, the winter being very severe. Three cows, worth at that time forty dollars each; two heifers, worth at that time thirty dollars each; and two bulls and one steer, worth at that time eighteen dollars each; making in all the sum of two hundred and thirty-four dollars for the cattle.

Your petitioner avers, and hopes to prove, that if he had been permitted to remain at home during the months of August and September, in A. D. 1856, he could and would have cut and cured hay sufficient to have kept his said cattle and saved them.

Recapitulation.

To two months and one week loss of time.....	\$65 00
To three cows, at \$40 each.....	120 00
To two heifers, at \$30 each.....	60 00
To two bulls and one steer, at \$18 each.....	54 00
Total.....	299 00

All of which has been lost by your petitioner, and for which he has never received any compensation or remuneration whatever, in any shape or manner whatever.

ROBERT F. BARBER.

Sworn to and subscribed before me this 10th day of March, A. D. 1859.

JOHN M. COE,
Notary Public.

TERRITORY OF KANSAS, }
Douglas County. } ss.

Personally appeared before me, John M. Coe, a notary public in and for said county, Thomas M. Peirson, who, after having been by me first duly sworn, deposes and says: That he has been acquainted with Robert F. Barber in Kansas, since April, 1855. I know that he was driven from his home and his work upon his farm in said county, in November, 1855, about three weeks, and also in August and September, 1856, not less than six weeks, and labor was worth about thirty dollars per month, and hands scarce. It would not have been safe for him to have been at home during any portion of the time he was absent. After his return home in October, 1856, it was too late for him to cut and put up hay, in consequence of which he lost, in the winter of 1856, eight head of his cattle—three cows, two heifers, two bulls and one steer. I have seen Mr. Barber's petition, and the amount he claims in his said petition, for his eight head of cattle, and think it a fair price for them.

I ought to have said that Mr. Robert F. Barber was prevented, at the usual time for corn planting in the spring of 1856, from putting in his corn at the proper time and in the proper manner, by the disturbances and political troubles of the country, and consequently he had no corn to feed his cattle, and could not buy either hay or corn, and the result was that his cattle, for want of feed which it was impossible for him to procure at that time, died.

THOMAS M. PEIRSON.

Sworn to and subscribed before me this 10th day of March, 1859.

JOHN M. COE,
Notary Public.

Also personally appeared before me, at the same time and place, Lewis Duffee, of lawful age, who, after having been by me first duly sworn, deposes and says: That he has heard the above deposition of Mr. Thomas M. Peirson read, and says he is acquainted with Mr. Robert F. Barber, and has been since the spring of 1855, in Kansas, and is also acquainted with all the facts to which Mr. Thomas M. Peirson has sworn in his deposition above, and he fully concurs with him in the truth of all his statements therein made.

LEWIS DUFFEE.

Sworn to and subscribed before me this 10th day of March, 1859.

JOHN M. COE,
Notary Public.

In the matter of the petition of Robert F. Barber.

DOUGLAS COUNTY, ss :

Harrison R. Rawson, being duly sworn, saith: I know that in *August* and *September*, 1856, petitioner with many others was driven away from home, in common with many others in that neighborhood, and kept away five or six weeks, can't say exactly how long; he was absent during the time of cutting and curing hay, or when it should have been cut to be good feed for cattle; he might have cured such hay as there was on his return, but it was not such as would have been good to keep stock on; grass was getting dry and hardly worth cutting. Barber was driven away and prevented from cultivating a crop of corn in the spring of 1856.

He had quite a number of cattle died during the winter of 1856-'57 from want of proper feed; don't know number or value of them; think some cows, and some young stock.

Cross-examined.

He had no feed for them; in March, 1857, there was no feed for them. On his return home he might have gathered some hay, but it would not have been sufficient to keep cattle without corn.

Chief.—Hay harvested in October is generally poor. That fall it was very dry; it would have been better than such as had stood out and bleached. In the winter of 1856-'57, it would have been and was impossible to purchase hay, and corn could only be had by hauling from the river; it was a severe winter and was almost impossible to haul from Kansas city, owing to the melting of the snow.

HARRISON R. RAWSON.

Sworn to before me this 12th day of March, 1859.

EDW'D HOOGLAND, *Commissioner.**In the matter of the petition of Robert F. Barber.*

In the above case the board cannot see any ground for making an award for petitioner. *Primarily* there must have been property "taken or destroyed;" then damages might be allowed. It is too remote a case of damages resulting for us to presuppose the taking or destruction of property. If the cattle had died from want of hay, &c., and it had been proven that *any* hay had been put up and was destroyed, then the claim might be allowed. It appears to be a hard case, but it is owing to the language of the act that we cannot allow the claim. The stock died after 1st December, 1856.

No. 12.

To the honorable commissioners appointed to audit and certify claims:

Your petitioner Thomas M. Pierson, would respectfully represent that he has been a citizen of Douglas county, Kansas Territory, since April, A. D. 1855, and is now a citizen of said county.

Your petitioner would further represent that in the month of November, A. D. 1855, he was forced, for the purpose of saving his life, as he then and still believes, to leave his home and his work on his farm for the period of three weeks, by a party of marauders who were at that time prowling about the neighborhood of petitioner; also, in the month of May, A. D. 1856, he was again driven from his home by a similar party, and compelled to be absent about ten days. And again, in the months of August and September of the same year, he was again forced to seek safety in flight from home and compelled to be absent for the period of six weeks; and petitioner avers it as his conviction that he would have been in most eminent danger of losing his life had he remained at home during that portion of time above specified; that petitioner's services were worth to him thirty dollars per month, in all seventy-five dollars. Your petitioner would further represent that on the sixth day of December, A. D. 1855, he lost a very valuable black mare, worth two hundred and fifty dollars, under the following circumstances, to wit: at the murder of Thomas Barber, southwest of Lawrence, his brother, Robert F. Barber, who was in company with him and myself, was riding the above described mare, and I was riding a match to said mare, the two were worth five hundred dollars, and during the fight, in which Thomas was killed, my mare was shot under Robert F. Barber, and died the following night; and in the same affray I lost a fine Colt's revolver worth twenty-five dollars. And subsequently, and during the first of April, A. D. 1857, a party of three individuals robbed your petitioner of the other of his said black match mares worth two hundred and fifty dollars.

Recapitulation.

To 2½ months lost time.....	\$75 00
To 1 black mare.....	250 00
To 1 revolver.....	25 00
To 1 black mare.....	250 00
	<hr/>
Total.....	600 00
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Your petitioner avers that he has sustained the above damages and losses, and that he has never received any compensation or remuneration whatever therefor.

THOMAS M. PIERSON.

Sworn to and subscribed before me this 10th day of March, 1859.

JOHN M. COE,
Notary Public.

TERRITORY OF KANSAS, *Douglas County, ss:*

Personally appeared before me, John M. Coe, a notary public, in and for said county, Robert F. Barber, of lawful age, who, after having been by me first duly sworn, deposes and says: That he has been acquainted with Mr. Thomas M. Pierson, in Kansas, since April, 1855, and that in November, 1855, said Pierson was driven off his farm in said county by a marauding party and compelled to stay away three weeks; also ten days in May, 1856, and in August and September of the year last aforesaid six weeks. That the said Pierson was forced to leave home each of said periods above stated, and had he been at home at any time during his absence I have no doubt his life would have been in great danger from the numerous marauding bands of Missourians who infested the neighborhood in which Mr. Pierson then lived. I think that thirty dollars per month is a fair price for the time he lost at that time; hired men at that time were hard to be got, and wages high. I was present when Mr. Pierson's black mare was shot, and was riding her at the time she was shot; she died that night from the effects of the wound she received; she was either shot by Clark or Burns; the mare was a most splended animal, worth two hundred and fifty dollars; she was one of a fine pair of black mares, worth five hundred dollars. Mr. Thomas M. Pierson lost at the same time that his mare was shot a Colt's revolver, worth twenty-five dollars, and that early in the spring of 1857 he was robbed of the other mare, a match to the one which had been shot, by three or four individuals belonging to the marauders of the previous fall, as I supposed.

ROBERT F. BARBER.

Sworn to and subscribed before me this 10th day of March, 1859.

JOHN M. COE,

Notary Public.

Also personally appeared before me, at the same time, Lewis Duffee, and after having been by me first duly sworn, deposes and says: That he is familiar with the facts set forth in the above deposition of Robert F. Barber, which I have just heard read, and fully concur with Mr. Barber in the truth of all the statements therein made. I have been acquainted with Mr. Thomas M. Pierson ever since he came to this county, in 1855, in April, I believe.

LEWIS DUFFEE.

Sworn to and subscribed before me this 10th day of March, 1859.

JOHN M. COE,

Notary Public.

In the matter of the petition of Thomas M. Pierson.

Petitioner claims for a span of matched mares taken and destroyed, valued at.....	\$500 00
1 revolver taken, lost or destroyed.....	25 00
Lost time, 2½ months	75 00
	<hr/>
	600 00
	<hr/> <hr/>

The proof shows that one of said mares was shot by James Burns or G. W. Clark, in the affair in which Barber was killed, worth.....	\$250 00
1 revolver lost or taken in the affray.....	25 00
The proof shows that the other mare was taken in April, 1857, and is not within the act; loss of time inadmissible.	

Total of proof.....	275 00
Damages by way of interest, 2½ years, 6 per cent.....	41 25
	<hr/>
Award on proof.....	316 25
	<hr/> <hr/>

EDW'D HOOGLAND.
HENRY J. ADAMS.
SAM'L A. KINGMAN.

No. 13.—A.

Three barrels of Bourbon whiskey, 120 gallons, \$1 per gallon.....	\$120 00
Three barrels of rye whiskey, 120 gallons, \$1 25 per gallon...	150 00
One pipe brandy, 42 gallons, \$2 50 per gallon.....	105 00
Twenty gallons brandy, \$3 50 per gallon.....	70 00
One barrel port wine, 40 gallons, \$2 per gallon.....	80 00
One barrel Holland gin, 40 gallons, \$2 50 per gallon.....	100 00
Five thousand cigars, \$30 per thousand	150 00
Eight dozen boxes oysters, \$8 per dozen.	64 00
Five dozen boxes sardines, \$3 per dozen.....	15 00
Four boxes Scheidam schnapps, \$6 per box.....	24 00
Four boxes ginger brandy, \$6 per box.....	24 00
Six barrels common whisky, 200 gallons, 50 cents per gallon	100 00
Six boxes candy, \$3 50 per box.....	21 00
Two hundred and thirty pounds brown sugar, 7 cents per pound.....	16 10
One sack coffee, 170 pounds, 14 cents per pound.....	22 40
Two baskets champagne, quarts, \$18 per basket.....	36 00
Two baskets cherry brandy, \$9 per basket.....	18 00
One cheese, 74 pounds, 11 cents per pound.....	8 14

Two boxes lemons, \$4 per box.....	\$8 00
Two boxes oranges, \$4 per box.....	8 00
Decanters and glassware.....	50 00
Twenty gallons lemon syrup, \$1 per gallon.....	20 00
Twenty gallons Irish whiskey, \$3 per gallon.....	60 00
Six barrels Pittsburg ale, \$10 per barrel.....	60 00
One stove.....	30 00
House furniture.....	100 00
Water-cooler.....	10 00
Freight, insurance, and charges on said goods from St. Louis, Missouri.....	207 00
Fencing around house.....	75 00
Damage to house.....	25 00
	1,776 64

TERRITORY OF KANSAS, }
 County of Leavenworth, } 88 :

Before the undersigned, personally appeared Moses M. Smith and George H. Folsom, who, being duly sworn, depose and say: That they are acquainted with Frank Quintal, whose petition is hereunto annexed; that they have read his petition and the annexed bill of particulars; further, affiants aver that on or about the month of August, 1856, the said Frank Quintal left the city of Leavenworth and proceeded to St. Louis to purchase a stock of liquors, &c, such as are described in annexed bill of particulars; that he subsequently returned with the same, and opened his stock of the same on Delaware street, in said city; that at the time of his arrival with said goods, and about the time of the opening of the same, the city and Territory generally was distracted with political difficulties; that your affiants are satisfied that the said Frank Quintal was by force driven from said Territory; and your affiants are of this opinion from the fact that the said Frank Quintal was suddenly missing; also, from the expressions of a party of men in possession of said stock of goods, and his, Quintal's, premises; said expressions being to the effect that it was well for the said Quintal that he had left in pursuance to their instructions; further, affiants aver that after the departure of the said Quintal they saw said stock in possession of a body of men, armed, and under command of Captains Emery and Miller, and by them used, wasted, and destroyed; further, affiants aver that three months thereafter, and even prior to the return of Frank Quintal, all of said stock, as comprised in said bill of particulars, marked A, had been wasted and destroyed; further deponents say not.

GEORGE H. FOLSOM,
 MOSES M. SMITH.

Sworn to and subscribed before me this 26th of February, A. D. 1859.

[L. s.]

WILLIAM PERRY, *Notary Public.*

TERRITORY OF KANSAS, }
 County of Leavenworth, } ss:

Your petitioner, Frank Quintal, would respectfully represent to your body: That he is, and has been for a long space of time, a citizen of the Territory of Kansas, and that heretofore, to wit, on or about the first day of September, A. D. 1856, last past, your petitioner arrived here with a large stock of goods, amounting in all to the sum of seventeen hundred and seventy-six dollars and sixty-four cents, (\$1,776 64,) an account of which goods are herewith filed, marked A; that with said stock of goods petitioner opened a place of business, in the city of Leavenworth; that after, or about five days from the time of said opening, he was driven by force from the city of Leavenworth and compelled to leave the Territory, and did leave all said stock of goods in the lawless possession of a band of men, under the command of one Captain Emery; that petitioner was compelled, by reason of the political disturbances agitating the country, to remain away for three months, when, upon his return, all his stock, comprised in annexed bill of particulars, were taken away, used, or destroyed by those who had ordered him away from the country and others.

FRANK QUINTAL.

Hon. Messrs. EDWARD HOOGLAND, HENRY J. ADAMS, — KINGMAN,
Commissioners on Claims, &c.

Sworn to and subscribed before me this 26th day of February, A. D. 1859.

WILLIAM PERRY,
Notary Public.

In the matter of the petition of Frank Quintal.

TESTIMONY.

George H. Folsom, being duly sworn, says: I have known Frank Quintal, the petitioner, about four years. In the summer of 1856 he was living on Delaware street, between 3d and 4th streets, Leavenworth, Kansas Territory. He kept a saloon and boarding house; I was in his house every day; I helped him put away some of his goods when they came from the levee; was several times in his cellar. I have heard the list of articles appended to his petition read; know that he had such articles; can't say whether the list is correct, but should think he had that amount there, as near as I can judge. His stock had not been opened for customers; I helped him get his goods in, two or three days before his store was robbed. On the same day that Phillips was killed I was at petitioner's store, when a party of men, under the command of Captain A. B. Miller, came to the place and ordered petitioner to leave, or they would have his scalp. They gave no reason for ordering him to leave. I saw A. B. Miller and Fred Emery in the party. Petitioner left immediately, and the party took possession of the place and went to drinking and carousing. They

pitched into the champaign first. I saw the place several days after; everything was broken up or destroyed. A part of the men camped in the back yard of the premises for several days, and had a fire there to do their cooking. I believe they used up everything in the house that they wanted. When I last saw the place there was nothing of value there. I think they broke up boxes and barrels for fuel, to cook with. Petitioner kept a saloon and boarding-house on Chero'kee street, till two or three weeks prior to his being plundered; he had just been to St. Louis to purchase a stock of goods, to open on Delaware street.

GEORGE H. FOLSOM.

Sworn by me this 26th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

Frank Quintal, being duly sworn, says: He had 3 barrels of Bourbon whiskey, worth \$1 per gallon in St. Louis; 3 barrels of rye whiskey, worth \$1 25 per gallon; one pipe of brandy, worth \$2 50 a gallon; had a barrel of port wine, worth \$2 50 a gallon; one barrel of Holland gin, worth \$2 50 a gallon; 5,000 cigars, worth \$30 a thousand; 8 dozen cans of oysters, \$8 a dozen; 8 dozen boxes sardines, \$3 a box; 6 boxes ginger brandy, same quantity of Scheidam schnapps, at \$6 a box for each; 6 barrels of common whiskey, at 50 cents a gallon; 1 barrel brown sugar; 1 sack of coffee; 2 baskets champagne, \$18 a basket. Don't remember how many boxes cherry brandy—four, I think, worth \$9 a dozen; 1 large cheese; 2 boxes lemons; 2 boxes oranges; decanters and glasses. Decanters cost \$2 50 each decanter. Had more than \$50 worth glassware and decanters. Lemon syrup, 20 gallons, \$1 a gallon; Irish whiskey, about 20 gallons, worth \$3 a gallon; Pittsburg ale, 6 barrels, worth \$10 a barrel; two stoves, all broke to pieces; house furniture, worth \$200. Had all the articles mentioned in schedule; never recovered anything; never received any compensation. Captain Emery, A. B. Miller, Captain Clarkson, Mr. Burges, one with white house, took possession after I left. Destroyed everything.

Had just been to St. Louis to purchase goods; had returned with this stock of goods three days before Mr. Phillips was killed. Notes, papers, bills of lading, &c., destroyed by these men; got nothing. Each man had a revolver, and told me to go on board the Emma, then at the wharf. I went and told my wife to be ready to start, that they had driven us off because we were free-State; took some of our best clothes and about \$75 in money. Was put aboard the Emma by a large body of men, and we went down to St. Louis. About three months after I returned, and found my place destroyed; fence burned down; sash all broke; all plastering knocked off; bullet holes in the ceiling; floor partly broken. The prices in schedule are the prices paid in St. Louis. The freight, insurance and charges, as near as I

can recollect, amounted to \$207. The fence cost \$75, and this was totally destroyed. Damages on the house about \$25.

FRANK QUINTAL.

Sworn to and subscribed before me this 29th day of March, A. D. 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Frank Quintal.

In September, 1856, petitioner was put on board a steam-boat at Leavenworth and sent down the river; his stock of groceries, liquors, &c., just received, household furniture, &c., were taken or destroyed; he claims for value of same and other items..... \$1,776 64

The proof is clear that he was sent away by force, and his property taken possession of and used by Captain Emory's men and other armed parties.

He presents no original bills, although he might have obtained them probably from St. Louis. His recollection of prices is quite minute; his witnesses are candid in their statements. He evidently had the property claimed for. In the absence of more positive and direct testimony, the board can only assume the probabilities, and believe that the general footing of values will compensate for what was destroyed 1,469 64

No testimony but his own as to damage to fence and house, although witnesses could readily have known in relation thereto. Such witnesses should have been introduced according to the rules and regulations.

Add interest on \$1,469 64, 2½ years, at 6 per cent..... 220 44

1,690 08

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

APRIL 19, 1859.

No. 14.

To the commissioners appointed to audit and certify claims under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, A. D. 1859, to audit and certify all claims for loss of property taken and destroyed, and damages resulting therefrom during the disorder that prevailed from November 1, 1855 to December 1, 1856.

ACCOUNT FOR LOSS AND DAMAGES.—PETITION.

TERRITORY OF KANSAS, *County of Douglas:*

Petitioner states that he is a *bona fide* citizen of Douglas county, Kansas Territory, and was an actual resident of the same at the time mentioned in the above act, viz: during the years 1855 and 1856. Petitioner further states that on the 15th day of September, A. D. 1856, and for some time previous, he was the legal owner and in peaceable possession of the following property, to wit:

Three work oxen of the value of \$60 each.....	\$180 00
Four two-year old steers of the value of \$20.....	80 00
One frame-house burned.....	75 00
Corn	50 00
	385 00

In all, amounting and of the value of three hundred and eighty-five dollars.

That the said property of the value aforesaid, at the date last aforesaid, was forcibly seized, destroyed, and carried away by the Kansas militia, called into service, as petitioner understands and believes, by Acting Governor Woodson, of Kansas Territory. That at the date aforesaid said property was taken or destroyed, and that this petitioner, although he made diligent efforts, has been unable to obtain any portion of said property taken away, or any remuneration whatever for said property, or any part thereof, and that he was and still is deprived of the use or possession of the same, or any part thereof.

Petitioner further states that at the time said property was taken and destroyed he was a farmer, and that by the loss of the same he was prevented from raising a crop and carrying on his said business, to his injury two hundred dollars.

Petitioner therefore prays your honors to allow him, as damages, five hundred and eighty-five dollars, that amount being reasonable for his losses as aforesaid suffered by him.

Petitioner, after being duly sworn, upon his oath states that the facts in this his said petition recited are true, in substance and in fact, and that his loss as aforesaid is in the sum of \$585, and that amount is reasonable for his losses so suffered; and further saith not.

WILLIAM C. BRIDGES.

Sworn to and subscribed before me this 10th day of March, 1859,
[L. s.] as witness my hand and notarial seal.

CHAS. P. TWISS,
Notary Public.

Witness in support of the claim of William C. Bridges for losses in 1856.

TERRITORY OF KANSAS, *County of Douglas :*

William Burton, of lawful age, being duly sworn, deposeth and saith : That I am well acquainted with William Bridges, who has made and signed the above petition, and know that he was the owner of the property mentioned in the above petition ; and that on or about the 14th day of September, A. D. 1856, the company of men that came from Missouri under General Reed came and took and carried away and otherwise destroyed the property above mentioned, so that it was a total loss to said Bridges. Deponent states that said property was reasonably worth the sum of \$385. Deponent further states that said Bridges was a resident of Kansas at the time of said losses, and is now a resident of Kansas. Deponent saith that said Bridges was injured and hath sustained damages, over and above the amount of the value of said property, to the amount of \$200—in all, to the amount of \$585 ; and further saith not.

WILLIAM BURTON.

Sworn to and subscribed before me this 10th day of March, A. D.
[L. s.] 1859.

CHAS. P. TWISS,
Notary Public.

Witness in support of the claim of William C. Bridges.

TERRITORY OF KANSAS, *County of Douglas :*

David Burton, of lawful age, being duly sworn, deposeth and saith : That I am well acquainted with William C. Bridges, who made and signed the above petition, and know that said Bridges was the owner of the property mentioned in the above petition ; and that on or about the 14th day of September, A. D. 1856, the said property was taken and carried away by the company of men that came from Missouri under the command of General Reed, so that it was a total loss to the said Bridges. Deponent further states that said property was reasonably worth the sum of \$385, and that said Bridges was injured and hath sustained damages, over and above the value of the said property, to the amount of \$200—in all, to the amount of \$585 ; and further saith not.

DAVID DURTON.

Sworn to and subscribed before me this 10th day of March, A. D.
[L. s.] 1859.

CHAS. P. TWISS,
Notary Public.

In the matter of the petition of William C. Bridges.

TESTIMONY.

Benonie C. Talley, being duly sworn, says: I live in Franklin, Douglas county; I know William C. Bridges; he lives in Beoria city. In the summer and fall of 1856 he lived about one and a half mile southeast of Franklin, in Douglas county. I know Mr. Bridges had cattle; saw some of his cattle in the herd driven off by General Reed's men on or about the 13th of September; don't know how many of his cattle I saw; should think three or four of his oxen; his young cattle I did not know; could not say as to the value of his cattle; they were good average cattle; should think good work cattle were worth from \$100 to \$120 per yoke. I saw Mr. Bridges's house burning, and knew that it was set on fire by Reed's men; it was burned on the day they left; I could see his house from where I was staying; should think it cost at least \$75; lumber was very high. Mr. Bridges had a field of corn of about fifteen acres I should think. All the corn in that neighborhood was more or less damaged or destroyed; could not say how much it was damaged; Reed's army was understood to contain 2,700 men; they had a great many teams and horses, and turned their horses in the cornfield, or rode them in, or hitched them round; corn was getting hard at that time.

BENONIE C. ^{his} + TALLEY.
mark.

Sworn before me this 21st day of March, 1859.

HENRY J. ADAMS, *Commissioner.*

John G. McClelland, being duly sworn, says: I have heard the testimony of Benonie C. Talley in the case of William C. Bridges; concur in his statements as to the facts in that case; I resided during the summer of 1856 near Mr. Bridges, and do still; I saw the animals of Reed's army in Mr. Bridges's cornfield; I should say they damaged the field at least \$50, if not more; I know Mr. Bridges had some fine young stock, and some fine cows; I know that he lost considerable stock—can't say how much.

JOHN G. McCLELLAND.

Sworn by me this 21st day of March, 1859.

HENRY J. ADAMS, *Commissioner.*

In the matter of the petition of William C. Bridges.

Petitioner claims for three work oxen.....	\$180 00
Four two-year old steers.....	80 00
One frame-house burned	75 00
Corn	50 00
	385 00
Damages, (inadmissible,) \$200.	
The evidence sustains the claim.	
Add interest, 2½ years, at six per cent.....	57 75
	442 75
Total award.....	442 75

EDW'D HOOGLAND.
 SAM'L A. KINGMAN.
 HENRY J. ADAMS.

APRIL 11, 1859.

No. 15.

To the commissioners appointed to audit and certify claims under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, A. D. 1859, to audit and certify all claims for loss of property taken or destroyed, and damages resulting thereupon, during the disorder that prevailed from Novembr 1, 1855, to December 1, 1856.

ACCOUNT FOR LOSS AND DAMAGES.—PETITION.

TERRITORY OF KANSAS, *County of Douglas.*

Petitioner states that he is a *bona fide* citizen of Douglas county, Kansas Territory, and was an actual resident of the same at the time mentioned in the above act, viz: during the years 1855 and 1856. Petitioner further states that on the 15th day of September, A. D. 1856, and for some time previous, he was the legal owner and in peaceable possession of the following property, in Douglas county, Kansas Territory, to wit:

Three yoke of oxen, of the value of \$125.....	\$375 00
Six cows and calves, at \$40.....	240 00
Six two-year old steers and heifers, at \$25.....	150 00
One wagon.....	100 00
Lot of bed-clothing and wearing apparel.....	50 00
Two guns, at \$20	40 00
One gun.....	10 00
Vegetables and corn.....	50 00
Hay.....	10 00
	1,025 00
	1,025 00

In all, amounting to and of the value of \$1,025 ; that the said property of the value aforesaid, at the date last aforesaid, was forcibly seized and carried away by the Kansas militia called into service, as petitioner understood and believed, by the acting governor of Kansas, Woodson ; that at the date last aforesaid said property was taken, and that this petitioner, although he made every effort in his power, was, and still is, unable to obtain it, or any part thereof, and that for the reasons aforesaid, at the time aforesaid, said property was totally lost to petitioner.

Petitioner further states that, at the time said property was taken and carried away, he was, and still is, a farmer ; that by the loss of the property as aforesaid he was deprived of the only team he had, of his milch cows and young cattle ; and was by said loss prevented from raising a crop and carrying on his business as a farmer, and was otherwise greatly injured to the amount of \$1,000.

Petitioner therefore prays your honors to allow him as damages the sum of two thousand and twenty-five dollars, that amount being reasonable for his losses as aforesaid suffered by him, and that the facts recited in this petition are true, in substance and in fact; and he will ever pray, &c.

DAVID BURTON.

Sworn to and subscribed before me this 10th day of March, 1859,
[L. s.] as witness my hand and notarial seal.

CHAS. P. TWISS, *Notary Public.*

TERRITORY OF KANSAS, *Douglas County, ss:*

Personally appeared before the undersigned, a notary public duly authorized to administer oaths, William C. Bridges, of lawful age, who, after being duly sworn by me, upon his oath states: That he is personally acquainted with David Burton, the petitioner ; that on the 15th day of September, 1856, and for two years before that time, the said David Burton lived on a farm near the town of Franklin, in the said county of Douglas, and that he has and now does reside in said Territory, in the county of Franklin, he having removed from Douglas county to Franklin county in the spring of 1857 ; that on the said 15th day of September, 1856, the said David Burton owned and possessed the property mentioned in his said petition, viz: three yoke of oxen of the value of \$375, six cows and calves of the value of \$240, six two-year old steers and heifers of the value of \$150, one wagon of the value of \$100, lot of bed-clothing and wearing apparel of the value of \$50, two guns of the value of \$40, one gun of the value of \$10, vegetables and corn of the value of \$50, hay of the value of \$10 ; that the said property, in all, was of the value of \$1,025 ; that on the said 15th day of September, 1856, an army from the Missouri border, calling themselves Kansas militia, under the command of one Reed, called into service, as deponent is informed and believes, by the acting governor of Kansas Territory, (Woodson,) marched into the neighborhood of the said David Burton, and by force seized, carried, drove away, and destroyed all the property above described, of the value above named ;

that the said David Burton used every exertion to recover said property, but failed to obtain any part thereof.

Deponent further states that, by the loss of said property as aforesaid, the said David Burton was disabled from prosecuting his business as a farmer, and was thereby injured in the sum of one thousand dollars; and further this deponent saith not.

WILLIAM C. BRIDGES.

Sworn to and subscribed before me this 10th day of March, A. D. 1859, as witness my hand and notarial seal.

[L. s.]

CHARLES P. TWISS,
Notary Public.

TERRITORY OF KANSAS, *Douglas County, ss:*

Personally appeared before the undersigned, a notary public duly authorized by law to administer oaths, William Burton, of lawful age, a citizen of Kansas, who, after being by me first duly sworn, deposes and says: That he is personally acquainted with David Burton, the petitioner; that on the 15th day of September, A. D. 1856, and for two years before that time, the said David Burton lived on a farm near the town of Franklin, in the said county of Douglas, and that he has and now does reside in said Territory, with his family; that in the spring of 1857 the said David Burton removed from Douglas county to the county of Franklin, in said Territory, where he now resides; that on the said 15th day of September, 1856, the said David Burton owned and possessed the property mentioned in his said petition, viz: three yoke of oxen of the value of \$375, six cows and calves of the value of \$240, six two-year old steers and heifers of the value \$150, one wagon of the value of \$100, lot of bed-clothing and wearing apparel of the value of \$50, two guns of the value of \$40, one gun of the value of \$10, vegetables and corn of the value of \$50, hay of the value of \$10; that the said property, in all, was of the value of \$1,025; that on the said 15th day of September, 1856, an army from the Missouri border, calling themselves Kansas militia, under the command of one Reed, called into the service, as deponent is informed and believes, by the acting governor of Kansas Territory, (Woodson,) marched into the neighborhood of the said David Burton, and by force seized, carried, drove away, and destroyed all the property above described, of the value above named; that the said David Burton used all exertions to recover the said property, but failed to secure any part of the same.

Deponent further states that, by the loss of said property as aforesaid, the said David Burton was disabled from prosecuting his business as a farmer, and was thereby injured in the sum of one thousand dollars; and further deponent saith not.

WILLIAM BURTON.

Sworn to and subscribed before me this 10th day of March, A. D. 1859, as witness my hand and notarial seal.

[L. s.]

CHARLES P. TWISS,
Notary Public.

In the matter of the petition of David Burton.

DOUGLAS COUNTY, ss :

William Burton sworn, says: I am a son of the petitioner, David Burton; my father moved into the Territory of Kansas in the fall of 1854; has been a citizen ever since and is now; in the year 1856 he lived near the town of Franklin, in Douglas county; he was at that time the owner of the following property: 3 yoke of oxen; 6 cows and calves; 6 two-year old steers and heifers; 1 wagon; a lot of bed-clothing, wearing apparel, &c.; 3 guns; a garden and field of corn, potatoes, &c.; 1 lot of hay. On or about the 15th of September of that year a large number of armed men encamped near Franklin, and in the neighborhood of my father, under the command of General Reed, of Missouri, the Territory then being in a state of war, and the country generally infested with bands of armed thieves. On the evening of the 15th of September a part of this armed band came to the house of my father and carried off a quantity of bed-clothing, wearing apparel, &c., by force; my mother and the children were at the house; I was concealed in the field, where I could and did see them carrying off the property from the house; they encamped around the house and garden, and eat up, destroyed, and fed to their horses the corn, hay, and vegetables; they yoked up one yoke of the oxen, hitched them to the wagon, and took it off; the balance of the cattle they drove up, and put them in a herd of cattle they had gathered up in the bottom, and drove them all off to Missouri; they took off about 170 head of cattle at the same time; from my place of concealment in the field I could see them driving off my father's cattle; some of these men I was acquainted with; they had formerly lived in the neighborhood, but had left here before that time and joined the Missourians; one of the men was Luke Calone, and another was by the name of Koonts; the commander of that company was John Wallace. The oxen were worth, and could at that time have been sold for \$125 per yoke; the 6 cows and calves were worth \$40 each; the 6 two-year olds were worth \$25 each; the wagon was worth \$100; it was a good wagon; the bedding and clothing were, I think, worth \$50; they took nearly everything out of the house, even my mother's shawl; two of the guns were worth \$20 each, the other was worth \$10; the corn, hay, and garden vegetables, were worth at least \$60, it was all destroyed; the cattle were all fine stock, large and good. And further saith not.

WILLIAM BURTON.

Sworn to and subscribed before me this 28th day of May, A. D. 1859, as witness my hand and seal.

[L. s.]

CHAS. P. TWISS,
Notary Public.

In the matter of the petition of David Burton.

The petitioner claims for loss of 3 yoke of oxen.....	\$375
6 cows and calves.....	240
6 two-year old heifers.....	150
1 wagon	100
Lot of bedding and wearing apparel.....	50
2 guns.....	40
1 gun.....	10
Garden and corn, \$50; hay, \$10.....	60
	<hr/>
	1,025
Damages (inadmissible).....	1,000
	<hr/>
	2,025
	<hr/> <hr/>
The proof shows the entire losses as to property, but in fixing the values it is believed by the board that an award can be made only for fair values.....	\$830 00
Interest on same, 2½ years, at 6 per cent.....	124 50
	<hr/>
Total award.....	954 50
	<hr/> <hr/>

SAM'L A. KINGMAN.
 HENRY J. ADAMS.
 EDW'D HOOGLAND.

JUNE 24, 1859.

No. 16.

Witness in support of the claim of R. S. Bassett.

TERRITORY OF KANSAS, *Douglas County, ss:*

Personally appeared before the undersigned, a notary public duly authorized by law to administer oaths, Warren Bassett, of lawful age, a citizen of Kansas, who, after being sworn, upon his oath states: That he was in company with the petitioner, R. S. Bassett, in the afternoon of the 15th day of September, 1856, when we were beset by the Missouri army of invaders, as recited in the petition of the said R. S. Bassett, herewith attached and made a part of this affidavit, and the property therein recited of the value stated, viz: \$322, being the property of the said petitioner, forcibly taken and carried away, and not recovered, or any part thereof, nor any remuneration therefor.

That the said petitioner was, at the time, farming; that he was by said taking and carrying away deprived of a team, and thereby prevented prosecuting his said business to his injury \$100.

Deponent further states that in December, 1855, petitioner, R. S. Bassett, was the owner and possessor of a fat ox and a fat cow, of the

value of \$80 ; 20 bushels of corn, of the value of \$10 ; 20 pounds of butter, of the value of \$10 ; which said property, of the value aforesaid, was received and necessarily consumed for subsistence by the settlers of Kansas, at that time assembled at the city of Lawrence, in Douglas county, in arms to defend said city and Territory against an invading army from the State of Missouri, who came to destroy said city and conquer said Territory ; and said deponent further saith that the said petitioner, R. S. Bassett, has suffered loss as aforesaid to the amount of \$522, as in his petition recited herewith annexed ; and further deponent saith not.

WARREN BASSETT.

Sworn to and subscribed before me this eleventh day of March, A. D. 1859. In witness whereof, I have set my hand and notarial seal.

CHARLES P. TWISS,
Notary Public.

To the commissioners appointed to audit and certify claims under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, A. D. 1859, to audit and certify all claims for loss of property taken or destroyed, and damages resulting thereupon, during the disorder that prevailed from November 1, 1855, to December 1, 1856 :

ACCOUNT FOR LOSS AND DAMAGES.—PETITION.

TERRITORY OF KANSAS, *County of Douglas, ss :*

Petitioner states that he is a *bona fide* citizen of Douglas county, Kansas Territory, and was an actual resident of the same at the time mentioned in the above act, during the years 1855 and 1856.

Petitioner further states that, on the 14th day of September, A. D. 1856, and for some time previous, he was the legal owner and in peaceable possession of the following property, to wit :

Two horses, of the value of \$75 each.....	\$150
Two Sharpe's rifles, of the value of \$40 each.....	80
Two revolvers	40
Two saddles.....	30
Two bridles	5
One spy-glass	12
Accoutrements	5
	<hr/>
	322
	<hr/> <hr/>

And that the said property, in all, was of the value of \$322; that said property was forcibly seized and taken from the said petitioner at the time last aforesaid by an army of invaders from Missouri, under the

command of one Reed, they calling themselves Kansas militia, being called into the service of Kansas by Acting Governor Woodson, as petitioner is informed and believes, under the following circumstances: Said petitioner and his son, on the morning of the said day, were on the road from the farm of petitioner, situate about one and one-half mile from the city of Lawrence, Douglas county, when they were fired upon by said Missouri army, and, overpowered by superior numbers, were compelled to surrender, and were forcibly dispossessed of the said property; petitioner further states that, though he has made earnest efforts, he has been unable to procure the return of said property or any part thereof, or any remuneration therefor; petitioner further states that, at the time said property was taken, he was a farmer, and that, by said taking, he was deprived of his only team, and was prevented from carrying on his said business to his damage one hundred dollars.

Petitioner further states that, on the 10th day of December, 1855, he was the owner and possessor of one fat ox and one fat cow, of the value of \$80; 20 bushels of corn, of the value of \$10; 20 pounds of butter, of the value of \$10—all of the value, in the aggregate, of \$100. That, at the time last above recited, the actual settlers of Kansas were assembled in arms at the city of Lawrence, in said Territory, to defend said city against an army of invaders from the State of Missouri, who sought to destroy said city and conquer said Territory; that said assembled defenders, citizens of Kansas Territory, received said property and consumed the same while thus engaged in the defence of said city and Territory, and petitioner was thereby deprived of and lost said property. Your petitioner therefore prays your honorable court to allow for damages so suffered by him the sum of \$522.

Petitioner further states that the facts recited in this his petition are true, in substance and in fact, as he verily believes.

R. S. BASSETT.

Sworn to before me this 11th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

Sworn to and subscribed before me this 11th day of March, A. D. 1859. In testimony whereof, I have set my hand and notarial seal.

CHARLES P. TWISS,
Notary Public.

In the matter of the petition of Rufus S. Bassett.

DOUGLAS COUNTY, ss:

Warren Bassett, being duly sworn, saith: On the 15th September, 1856, I was coming into Lawrence in the afternoon with my father, Rufus S. Bassett, the petitioner; we had two horses of the value of

\$75 each; two saddles, worth \$10 and \$20, respectively; 2 bridles, worth \$5; 2 Sharpe's rifles, worth \$30 each; two revolvers, worth \$15 each; 1 spy-glass, \$12; accoutrements, \$5. As we were coming into Lawrence a portion of Captain Reed's army of 2,700 men fired upon us a double-barrelled shot gun; one buckshot went through my cap; we were obliged to surrender, and all the property above mentioned was taken from us, and we were sent home without anything. The property nor any of it was never recovered. That deprived us of a team; it was all the team we had. (I was 17 years old last 4th July, and I was living with my father at the time mentioned.) The breaking up of the team damaged my father \$100. At that time arms were necessary for personal protection in going to or from home. Arms could not be purchased then, except at very high prices, owing to the demand; could hardly be bought at any price.

My father owned a fat ox and a fat cow, of the value together of \$60 or \$70; I don't know exactly how much; also, 20 bushels of corn, worth then 50 cents a bushel or more, can't say how much; 20 pounds butter, worth 50 cents per pound. All that property was used here in Lawrence during the troubles; it was necessarily furnished for the subsistence of the armed men assembled here in Lawrence. I drove the ox into town and brought the cow in after butchering her. There were scouting parties of hostile men in the vicinity where we were living, and we did not think it safe to leave the cattle in that vicinity.

Cross-examined.

I was in the free-State army at the time I speak of; had a Sharpe's rifle and revolver; got them of my father; he bought them. He paid for them, \$29 for the rifle, and \$10 for the revolver. Don't know what he paid for the other rifle. He paid \$25 for Colt's revolver and \$10 for the other. Don't know of his having others furnished in lieu of those arms taken. Don't know whether he received any pay from any source. Father ordered me to drive the ox into Lawrence as aforesaid, and he had the cow slaughtered and brought in; he sent in the butter; he remained on his farm; it was voluntary on the part of my father. Don't know that he was forced to kill his cow. The cow was also furnished and sent in by my father; he did not receive any pay for the things he sent in.

Direct.

When taken, the rifles and pistols were worth more than when purchased. The property—ox, cow, butter, and corn—sent in by my father I supposed was in danger of being taken by the bands of hostile men mentioned. The main body of the enemy were stationed then within two or three miles of our house.

WARREN BASSETT.

Sworn to before me this 12th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Rufus S. Bassett.

Petitioner claims for 2 horses, 2 Sharpe's rifles, 2 revolvers, 2 saddles, bridles, spy-glass, and accoutrements, valued at	\$322 00
Said property taken by force.	
1 fat ox, 1 cow.....	\$80
20 bushels corn.....	10
20 pounds butter.....	10
	<u>100 00</u>
	<u>422 00</u>
The board readily award the first part of the claim, it being fully proven.....	322 00
The proof in regard to the ox, cow, corn, and butter, is that the same were voluntarily contributed. There is no proof that the same was a forced contribution, or contributed and furnished under duress or threats. It is therefore inadmis- sible.	
Damages awarded by way of interest, 2½ years, at 6 per cent	48 30
	<u>48 30</u>
Total.....	<u>370 30</u>

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

No. 17.

In the matter of the petition of John A. Baillie.

Petitioner claims for 1 large bay mare with foal...	\$200 00
1 large bay horse.....	150 00
1 set double harness, \$12; coat and cap, \$16.....	28 00
Items, \$3; cash robbed from him, \$45.....	48 00
	<u>\$426 00</u>
15 acres of corn destroyed, at \$25.....	375 00
Damages resulting from wound received in endeavoring to recover horses.....	1,000 00
	<u>1,000 00</u>
Total.....	<u>1,801 00</u>

The proof shows that the horses were taken from petitioner, and that he was shot for attempting to recover them, robbed of his clothes and money, and left on the prairie for dead. That his crop of corn was destroyed. The alleged value of the property is sustained by proof.

There is, therefore, awarded to him for the horses.....	\$350 00
Clothing, cash, &c., taken from him.....	76 00
Corn	375 00
	<hr/>
	801 00
Interest thereon, 2½ years, at 6 per cent.....	120 15
	<hr/>
Damages for wounding inadmissible.	
Total award.....	921 15
	<hr/> <hr/>

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 12, 1859.

MARCH SESSION, LAWRENCE.

To the board of commissioners appointed under an act to provide for the payment and adjustment of claims, approved February 7, A. D. 1858.

Your petitioner, John A Baillie, respectfully shows to your honors that he came to Kansas early in the spring of 1855, and ever since that time has been a citizen of said Territory and a resident of Douglas county, and is at the present time. On the 10th day of June, A. D. 1856, while your petitioner was going after a load of provisions, he was set upon by an armed band of men, and the following described property was forcibly taken from your petitioner, to wit:

One large bay mare with foal, worth.....	\$200 00
One large bay horse, worth.....	150 00
One set double harness, worth.....	12 00
One coat and cap	16 00
One currycomb and brush, one bucket, and two bushels of oats.....	3 00
Also, forty-five dollars in cash.....	45 00
	<hr/> <hr/>

Said property was worth in all \$426, and belonged to your petitioner; and the same was totally lost to your petitioner; and for it he has received no compensation whatever from any source. And your petitioner further says that on the said 11th day of June, when trying to recover said property taken, said company took your petitioner out, and one of them gave the word, and another fired a gun loaded with a leaden bullet upon your petitioner; and said bullet entered the body of your petitioner near the left shoulder; and your petitioner was left for dead. And, for the space of about six months, your petitioner was entirely disabled from the effects of said wound, and became sick and lame and unable to perform any labor. And your petitioner

is still unable, from the effects of said wound, to perform the usual labor of a man, and can only with great difficulty and fatigue accomplish half as much labor as formerly, to the damage of your petitioner one thousand dollars.

Petitioner further shows that, in consequence of said wound and being so disabled, your petitioner was unable to complete the fencing of a field of corn, including fifteen acres, and was unable to guard the same, or to hire the same fenced in proper manner, because his money was stolen as aforesaid. Whereas your petitioner lost the value of said field of corn by cattle breaking in and destroying the same. And your petitioner says that in consequence of the loss of said money and property and of said wound he lost said field of corn wholly, and that said corn was worth \$25 per acre, to the further damage of petitioner three hundred and seventy-five dollars. And therefore your petitioner prays your honors to certify and audit the said several claims for the losses of property taken and destroyed, and the damages resulting therefrom, amounting in all to \$1,801; and, as in duty bound, your petitioner will ever pray.

SAFFERD & SAFFERD,
Attorneys for Petitioner.

TERRITORY OF KANSAS, *Douglas County, ss:*

John A. Baillie, being duly sworn, says: That he is the claimant in the above petition, and that he believes all the facts stated therein to be true.

JOHN A. BAILLIE.

Sworn to and signed before me this 11th day of March, 1859, by John A. Baillie.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of John A. Baillie.

EVIDENCE.

Sylvester B. Prentiss, being duly sworn, says: I am acquainted with John A. Baillie, the petitioner. I am a physician by profession. I was a practicing physician in Lawrence during the year 1856. In June of that year Mr. Baillie called upon me to examine a wound. It had the appearance of a gunshot wound, made by a small rifle or buck shot. It was left of the spine and below the scapula. I merely examined it sufficiently to determine that it was a gunshot wound, and I think, from discoloration on the surface, the ball passed inwardly and to the left. I did not probe the wound. I did not attend upon him, as he did not reside in Lawrence.

S. B. PRENTISS.

Sworn by me this 18th day of March, 1859,

HENRY J. ADAMS.

John A. Baillie, being duly sworn, says: I left home on the 10th of June with the property described in my petition, and reached Bull creek on the afternoon of that day, when Coleman stopped me and searched my wagon, and asked me where I was going and where I lived, and told me I had better stay there that night, which I concluded to do. About 9 o'clock they stole my horses. Mr. McCamish came to my wagon and told me they were gone. I had just gone to sleep in my wagon. The horses were picketed to the wheels of the wagon, one on each side. Coleman had, I should think, that night about ten or twelve men, and in the morning they had increased to the number of thirty or forty.

They told me in the morning I would find my horses by going to Cedar creek, and three of the company volunteered to accompany me there, and I started with John B. Foreman and one Slade, and a young man whose name I do not know. They were all armed. About five miles from Bull creek we met about two hundred and fifty men, armed with United States muskets, and held themselves out as Shannon's militia. Buford and Coleman, I was informed, were with them. A young man of the party, an officer apparently, was riding one of the horses of my team. I demanded the horse. The officers seemed to hold a conversation, then they ordered me about fifty yards from the road, in the prairie. The officers left me with Slade, Foreman, and the young man above mentioned, and moved on with the main body. Slade then demanded my money, which I gave him. Foreman told Slade there was a clean shirt for him, pointing to the one I had on. Slade then demanded my coat and cap, which I gave him. He then demanded my pants. I told him they were mine while I was alive; but when I was dead, they might do with them as they liked. They then ordered me to step out sixty paces. At the sixth pace they ordered me to halt, when Slade fired at me. The shot took effect under the left shoulder blade. I fell, when Slade struck at me with the butt end of his rifle, and the other men left to follow the company. After striking two or three blows at my head, I succeeded in wrenching the rifle from him. When I first seized hold of his rifle he stamped upon me as I was lying on my back. As soon as I took the rifle from him he left to follow his companions. As soon as he left, I crawled into the long grass and concealed myself, where I lay for about three hours. This happened about 9 a. m. About 12 m. I started for the Blue Mound, aiming to reach Lawrence. I travelled in great pain in my breast, and could go but slowly. Saturday morning I reached Dr. Still's, at the Blue Mound, while they were at breakfast. I was wounded on Wednesday morning. I had nothing to eat during the three days and nights. The distance is about twenty or twenty-four miles, I should think. Arrived home in a wagon from Lawrence, having borrowed a horse at Still's. I was disabled from labor over six months. Have not, since that time, been able to perform a half day's labor within a day, on account of the wound received.

I had about fifteen acres of corn, worth \$25 per acre. It was destroyed on account of the difficulties, and, owing to the wound, could not attend to it. My fence was generally six rails high. The man who shot me took from me, with the aid of the two others, \$25 in

cash. Have never recovered any part of this property, except the double harness, which was damaged \$12.

JOHN A. BAILLIE.

Sworn by me this 18th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

BULL CREEK, K. T., *June 12, 1856.*

Mrs. BAILLIE: Mr. Baillie camped near my house on Tuesday night last, and about 9 o'clock his horses were stolen, and he started to Westport, Missouri, on search of them. He left his wagon with me. I heard of him on the road the day he left, but nothing since. I know not what to do about the matter, but I am in hopes he will be up in a few days.

Yours, respectfully,

H. McCAMISH.

Forwarded by S. H. Davis, esq.

TERRITORY OF KANSAS, *Shawnee County:*

John A. Baillie, being sworn, saith, that this is the identical letter sent by Mr. McCamish to his, petitioner's wife, in order to prepare her mind for news of petitioner's death, at the time and under the circumstances set forth in petition of deponent, now pending before the board of claims.

JOHN A. BAILLIE.

Sworn to before me this 18th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

Testimony.

Ralph C. Dix, being duly sworn, says: I am acquainted with John A. Baillie, the petitioner. I know that he was residing in Kansas in the spring of 1855. I know he had a large bay mare, very valuable—one of a span. I should judge she was with foal. I should think she was worth two hundred dollars; she was young and sound, and a fine brood mare. I know Mr. Baillie was shot about the time alleged in his petition.

RALPH C. DIX.

Sworn by me this 18th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

William Anderson, being duly sworn, says: I am acquainted with John A. Baillie, the petitioner. He was a citizen of Kansas in the spring of 1855, and is now; he resides about ten miles south of Law-

rence. I lived with Mr. Baillie in 1855, and still live with him ; was living with him at the time he was shot. I know Mr. Baillie started about the 10th of June to go to Kansas city for a load of provisions. His team consisted of a large bay mare and a large bay horse. I should think the mare was worth two hundred dollars ; she was with foal, I think, and was very valuable. I should think the horse was worth one hundred and fifty dollars. He had with him also a set of double harness, nearly new ; had only been in use a short time. He afterwards recovered a part of his harness. I should think it was damaged about fifteen dollars. He had a coat and cap taken at the same time. The coat I think was worth about eight or ten dollars ; the cap about one dollar and a half. I know he had some oats, a currycomb and brush, bucket, &c. I should think they were worth three dollars. I know Mr. Baillie had a good deal of cash with him ; I don't know how much. This property belonged to Mr. Baillie, except the horse, which he accounted for to the owner. About a week after he left he was brought back in a wagon, without any of the articles above mentioned. He was disabled by a shot, the ball entering below the left shoulder. In July, while at Bull creek after some of Mr. Baillie's cattle that had strayed away, I had a talk with one of the men that had robbed and shot Mr. Baillie. He asked me if Mr. Baillie left his coat and other things, and the gun which Mr. Baillie had taken from him in a struggle after he was shot, on the prairie, where the difficulty occurred. Mr. Baillie was confined to bed, and disabled six or eight months, so that he was unable to perform any labor. He can perform a little labor now, but not half so much as before he was shot. The injury sustained by Mr. Baillie by his wound and his loss of time I should think damaged him more than two thousand dollars. Mr. Baillie had fifteen acres of corn planted ; nearly all of it was second-crop corn. When he went away he was making a fence around the field, and the corn looked well. But from his wound he was unable to complete the fence, and the cattle got in and entirely destroyed the corn. The fence was most of it six rails high. I should think the corn was worth about twenty-five dollars per acre. I don't believe Mr. Baillie has ever received any pay for the damage done him. I live with him, and therefore I should know if he had. Mr. Baillie pays me wages for my labor. I am his "hired man."

WILLIAM ANDERSON.

Sworn by me this 18th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

No. 18.

The United States to Baker & Street, Dr.

One gray four-year old horse.....	\$125 00
One sorrel horse.....	150 00
Four saddles	50 00
Half dozen bridles.....	15 00

Cash.....	\$42 00
One silver hunting watch.....	50 00
One English lever watch.....	30 00
One full stock rifle.....	15 00
One pair holster pistols and holsters.....	15 00
One small Colt's revolver.....	15 00
Five pair mens' kip boots, \$4 50 per pair.....	22 50
Two pair cassimere pants, \$5 each.....	10 00
Six fur hats, \$2 50 each.....	15 00
Seven pounds Missouri tobacco, 35 cents per pound.....	2 45
Two powder horns, 75 cents each.....	1 50
Six thousand percussion caps, 75 cents per thousand.....	4 50
One double-barrel shot gun.....	25 00
Twenty pair 2½ feet colored blankets, \$10 each.....	200 00
Twelve pair No. 6 ribbons, \$1 each.....	12 00
Six crambo combs, 10 cents each.....	60
One blue cloth coat.....	10 00
One leather belt.....	50
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WYANDOTTE COUNTY, ss :

Alexander Street, being duly sworn, saith the above is a true account and statement of property taken from the premises and possession of Isaac G. Baker, of the firm of Baker & Street, in Franklin county, Kansas Territory, by a party of men on or about the 25th August, 1856, according to the best information, knowledge, and belief of deponent, and that the prices and values affixed to said articles are fair, reasonable, and just, as he verily believes.

ALEXANDER STREET.

Sworn to before me, July 5, 1859.

EDW'D HOOGLAND.
Commissioner.

To the commissioners of claims under act of February 7, 1859 :

The undersigned respectfully represents that Isaac G. Baker and Alexander Street, copartners in trade, trading and doing business together under the name, style, and firm of Baker & Street, have been for many years past engaged in trading and doing business within Kansas Territory, having their store and trading house as licensed Indian traders at Agency city, Franklin county, in said Territory ; that the said Isaac G. Baker has resided in and been a citizen of said Territory ever since March, 1855, and is now a citizen of said Territory.

Deponent is the other partner of said firm. Said firm sustained

losses by reason of the difficulties in the Territory in 1856, a true statement of which is hereto annexed, marked A.

Said firm, nor either of them, never received any compensation for the property mentioned in said schedule, or any part thereof, from any source whatever.

Application is therefore hereby made for compensation for the loss thus incurred, according to the provisions of the act passed February 7, 1859.

ALEXANDER STREET.

WYANDOTTE COUNTY, ss :

Alexander Street, being duly sworn, saith that the statements contained in the above petition are true, in substance and in fact.

ALEXANDER STREET.

Sworn to before me, July 2, 1859.

EDWARD HOOGLAND,
Commissioner.

WYANDOTTE COUNTY, ss :

James Jacobs, being duly sworn, saith : I reside at Ottumwa, Coffee county, Kansas Territory ; am acquainted with Baker & Street, merchants ; have known them four years last past. The firm consists of Isaac G. Baker and Alexander Street. They are doing business in this Territory. They had a store and were doing business as merchants in this Territory in 1856. I know that Isaac G. Baker was a citizen of Kansas in August, 1856, and is now such a citizen ; he has resided here ever since 1855.

About August 25, 1856, I was in the store of Baker & Street mentioned, when a company of fifteen men, four of them mounted on horses and the rest afoot, came to the building between 1 and 2 a. m. and took prisoners Mr. Baker and four or five employees, including myself. Then the said men began plundering said store, and took therefrom about \$40 in money, about \$12 of which they made Mr. Baker give up from his pockets ; two watches, belonging to the store establishment and dwelling house, one worth \$50, the other about \$25 ; one double-barrelled shot gun, worth \$25 ; two large pistols and a rifle, and one Colt's revolver. I have not seen the schedule attached to petition. They took, also, two horses—one horse worth \$125 and the other \$150—a lot of clothing, boots, shoes, blankets, and other articles, the particulars of which I cannot now state. The total amount of an inventory of what we found missing, according to our calculations next morning, was about \$700, as near as I can recollect. They also took three or four saddles.

(Schedule shown now to witness.) Upon examination of the schedule handed to me here I recognize most of the articles specified. I remember all such articles checked ✓ were taken, but the precise amounts and values I cannot specify. I remember the blankets particularly. The captors compelled me to go with them and show what

they demanded, while Baker and the others were kept under guard. I think they took as many as twenty pairs of large Indian blankets, worth about \$9 a pair. I do not know exactly what they sold at—\$9 or \$10 a pair. I think the prices in the schedule are correctly stated as to values. The men stayed till nearly daylight and then went off towards and through Centropolis with said property, horses included; do not know of any of said property being recovered.

On their departure we were all released. After daylight we started to Lecompton and got United States troops and tried to find the parties committing the depredations, but did not succeed.

I did not then know either of said men. I have since seen and recognized one of the men; he resides in California township, Coffee county, Kansas Territory, and is commonly known and designated as Jim Lane. I do not know whether that is his real name or not.

JAMES JACOBS.

Sworn to before me this 2d day of July, 1859.

EDWARD HOOGLAND,
Commissioner.

WYANDOTTE COUNTY, ss:

Fletcher C. Hedding, being duly sworn, saith: I know the firm of Baker & Street, merchants, Franklin county, Kansas, and have known them as such merchants ever since July, 1856. I know that Isaac G. Baker, of said firm, is a citizen of Kansas, and has been such citizen ever since said July, 1856.

I have heard read the deposition of the foregoing witness, Jacobs. I was in the said store and taken prisoner at the time mentioned. The attacking party, I think, numbered about fifteen men. There was no fight or collision. The general facts stated by Jacobs I know to be correct. I saw the party plunder the store and take away the horses. I cannot specify all the articles taken, without having seen the inventory or schedule, or heard it read. I remember two horses taken, worth about as follows: one gray horse, I should think, worth \$140 or \$150. The color of the other I cannot define. There were also taken two pistols and holsters, one Colt's revolver, one rifle, one shot gun. I saw them loaded down with two or three ponies of Indian blankets; should think as many as twenty blankets; boots and other items. Some of them took off old pants and boots, and put on and wore off new ones from the store. I cannot give the values or specify all the items taken.

FLETCHER C. HEDDING.

Sworn to before me, July 2, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Isaac G. Baker & Alexander Street.

Petitioners claim for two horses and other property taken from their store in Franklin county, August 25, 1856, amounting to.....	\$811 05
The evidence sustains the claim.	
Add interest, 2½ years, at 6 per cent.....	121 65
	<hr/>
Total award.....	932 70
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EDW'D HOOGLAND.
HENRY J. ADAMS.
SAM'L A. KINGMAN.

JULY 2, 1859.

No. 19.—A.

Bill of damages sustained during the year 1856.

Sept. 2.—One house burned.....	\$643 00
Sept. 2.—One keg white lead, \$6 25, one jug and oil \$4 75..	11 00
Sept. 2.—Two boxes glass, \$8, one sack putty, \$1 75.....	9 75
Sept. 2.—One grindstone and frame, \$6, one alarm clock, \$8.	14 00
Sept. 2.—Four dozen cans of peaches, tomatoes, and berries, \$12 per dozen.....	48 00
Sept. 2.—One dozen papers farina and corn starch.....	3 00
Sept. 2.—One sack of dried apples, 4 bushels.....	12 00
Sept. 2.—One barrel and molasses, \$10, one sack flour, \$5..	15 00
Sept. 2.—Twenty pounds rice, 10 cents per pound, \$2, one barrel and pork, \$10, plumb preserves \$10..	22 00
Sept. 2.—Spices and extracts, \$5, 10 pounds star candles, 35 cents per pound, \$3 50.....	8 50
Sept. 2.—Soap, hard and soft, \$3, 4 dozen milk pans, \$7 50 per dozen, \$30.....	33 00
Sept. 2.—Jugs and jars, \$5 50, stove furniture and porcelain kettle, \$15.....	20 50
Sept. 2.—One coffee mill, 75 cents, one seive, 60 cents, one cullender, 50 cents, 4 flat-irons, \$4.....	5 85
Sept. 2.—Five mirrors, 4 small and 1 large, \$10, 1 table, \$3.	13 00
Sept. 2.—Five chairs, \$6 25, one bedstead, \$3, lounge and covering, \$5.....	14 25
Sept. 2.—Two stools, \$1 25 each, \$2 50, 1 toilet rack, \$2, one set dishes, \$15.....	19 50
Sept. 2.—Two toilet set dishes, \$7, 1 cupboard, \$5.....	12 00
Sept. 2.—One wardrobe, \$7, 4 window shades, \$6.....	13 00
Sept. 2.—Bed, window, and toilet curtains... ..	20 00
Sept. 2.—Eight pairs sheets and pillow cases.....	24 00
Sept. 2.—Four comfortables, \$10, 4 quilts, \$16.....	26 00

Sept. 2.—One extra white spread	\$15 00
Sept. 2.—Five straw mattresses, \$20, 5 pair of pillows, \$15..	35 00
Sept. 2.—Twenty-five yards cotton and wool carpeting, 37½ cents per yard, \$9 38.....	9 38
Sept. 2.—Twenty-five yards new rag carpet, 50 cents per yard, \$12 50.....	12 50
Sept. 2.—Trunks and clothing belonging to self.....	50 00
Sept. 2.—Clothing belonging to Mrs. Heath and three chil- dren, including one set of furs.....	85 00
Sept. 2.—One walnut crib cradle, \$10, five pair blankets, \$3 each, \$15.....	25 00
Sept. 2.—One pair brass top shovel and tongs, \$5.....	5 00
Sept. 2.—Four drawings, rosewood frames, \$10 each, \$40, two gilt frames, \$10.....	50 00
Sept. 2.—Two drawings, mahogany frames, \$14.....	14 00
Sept. 2.—Three tea trays, \$6, two complete set of maps of the world, \$20.....	26 00
Sept. 2.—One United States map on rollers, \$5, one map, township of New York, \$5.....	10 00
Sept. 2.—One historic map, \$3, miscellaneous books, \$25...	28 00
Sept. 2.—One side-saddle, \$30, one chest carpenter's tools, \$50.....	80 00
Sept. 2.—One log-chain, \$2, one steel bar, \$3 25, two hoes, \$1 each, \$2, one iron wedge, \$1.....	8 25
Sept. 2.—One horse killed, \$175, one horse damaged, \$175..	350 00
Sept. 2.—Time and expenses in Lawrence during siege.....	75 00
Sept. 2.—Loss on six milch cows.....	20 00
Sept. 2.—Loss on well by caving in	50 00
Sept. 2.—Forty-five acres of ground prepared for wheat and damage to crops.....	500 00
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	2,435 48
Resulting damages, including interest.....	608 87
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	3,044 35
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ERASTUS HEATH.

MARCH SESSION, HELD AT LAWRENCE, DOUGLAS COUNTY, KANSAS TERRITORY.

PETITION.

To the board of commissioners appointed under "An act to provide for adjustment and payment of claims." Approved February 7, 1859.

Your petitioner, Erastus Heath, respectfully represents to your honorable body that on November 1, A. D. 1855, and ever since that time, he has been, and is now, a citizen of Kansas Territory, and a resident of Douglas county.

And your petitioner further represents that during the months of August and September, A. D. 1856, the country was infested with an armed band of men, said to have been mostly from the State of Missouri, and commanded by one Colonel Richardson and others, who encamped most of the time aforesaid near Corn Point, about one-half of a mile from the residence of your petitioner, in said Douglas county. That your petitioner was at that time the lawful owner of and had possession of a certain claim of 160 acres of land situate in township No. 12, range 19, being the NE. $\frac{1}{4}$ of section 24, (in said county,) upon which described land your petitioner with his wife and family then and there resided in a good and comfortable house, which your petitioner erected and built in the spring and summer of 1856.

Your petitioner further represents that on or about the 2d day of September, A. D. 1856, in the night time, said armed band of men, said to have been commanded by Colonel Richardson and others, forcibly and by force and arms broke into the close of said described premises, set fire to, burned to the ground and totally destroyed your petitioner's before described house, together with the contents of said house. A bill of said house, together with the items of furniture and other personal property then and there burned and destroyed, with the prices and real value of said house and property is hereby attached, marked A, and made part of this petition.

Your petitioner further represents that on or about the — day of August, A. D. 1856, a portion of aforesaid body of armed men, when under the command of one Colonel Titus, shot and killed one of said petitioner's horses, valued at one hundred and seventy-five dollars. Your petitioner also represents that on or about the 10th day of September, A. D. 1856, some one unknown to your petitioner feloniously stole and took away from the possession of your petitioner one large sorrel horse, valued at \$200, which was subsequently found, about six weeks afterward, in possession of a band of armed men from Missouri, at or near Lecompton, Kansas Territory, very much reduced in flesh and otherwise badly injured, of which injuries and bad treatment said horse subsequently died, to the damage of petitioner of \$200.

Your petitioner further represents that on or about the aforesaid 2d day of September, A. D. 1856, he together with his family were forcibly driven from his aforesaid claim by the aforesaid (first named) band of armed men, and prevented by fear of personal violence from said armed band from returning upon his said premises for the space of four weeks, upon which time lost from his usual business and expenses when absent from home your petitioner asks damages for seventy-five dollars.

Your petitioner further represents that at the time he was thus driven away from his home as aforesaid, that he had just dug a well sixty feet in depth, which he was about stoning up and completing, and which he was prevented from doing, in consequence of being, as aforesaid, driven from his home, and that said well afterwards, and before said petitioner was allowed to return, caved in and filled up, which, in consequence of not being properly stoned, put this petitioner to the extra expense of \$50 in proper cleaning out and repairing.

Your petitioner further represents that he had planted upon his

aforesaid claim, eighteen acres of corn and one-half an acre of garden vegetables; that by means of the destruction of fences, pulling up of vegetables and carrying away of both vegetables and corn by said band of armed men at various times before and on the said 2d day of September, 1856, said petitioner was damaged to the amount of three hundred dollars.

Your petitioner further represents that, on and before the said 2d day of September, A. D. 1856, he had broken and prepared for sowing to wheat forty-five acres of land upon his aforesaid claim, which he was prevented from sowing, by being driven from his said premises by said band of armed men as aforesaid, whereby your petitioner was damaged in the sum of two hundred dollars.

And your petitioner further represents that, on account of being driven away from his premises as aforesaid, he was deprived of the use of six cows which were giving milk at the time, for the space of four weeks, to his damage of twenty dollars. For recapitulation, together with prices of items and total amount, reference is made to bill, which is hereto annexed, marked A, and made part of this petition.

Your petitioner therefore prays your honorable body to audit and certify his claim for loss of property destroyed and damages resulting therefrom, during the disorders from November 1, 1855, to December 1, 1856, in the amount of two thousand four hundred and thirty-five dollars and forty-eight cents, together with resulting damages, \$608 87; amount claimed, \$3,044 35.

SAFFORD & SAFFORD, *Attorneys.*

TERRITORY OF KANSAS, *Douglas County, ss:*

Erastus Heath, being first duly sworn, deposeth and saith that he is the claimant in the above petition, and that the facts and several matters therein set forth are true, as he verily believes, according to his best knowledge and belief.

ERASTUS HEATH.

Subscribed and sworn to, before me, this 11th day of March, A. D. 1859.

EDWARD HOOGLAND,
Commissioner.

Amended and resworn before the board, March 12, 1859.

E. HOOGLAND, *Commissioner.*

In the matter of the petition of Erastus Heath.

DOUGLAS COUNTY, *ss:*

Samuel Walker, being duly sworn in presence of the commissioners aforesaid, saith: I reside in Douglas county, seven miles west of Lawrence; have heard the items of said petition read; am acquainted

with petitioner ; he resides neighbor to me ; has resided there three years this spring. I know that I was in Lawrence about September, 1856, when report came into town that bands of armed men were burning the dwelling-houses on the California road and in the vicinity of Lecompton. It was said to have been Colonel Miller, of Leavenworth, and his men, who did the burning. I heard men say so who were in his company at the time. Said men were called the "Kansas militia," and were collected from the different States. Bands of such men were camped at Lecompton and at Crow Point. Know that Mr. Heath's house was burned about September, 1856 ; the precise date I cannot state. I think, from the way that such buildings were costing then, that said Heath's house cost and was worth \$600 or \$800. Said house was located on the claim mentioned in petition, and was erected by Mr. Heath. Mr. Heath's fences, I know, were thrown down by the armed bands of men mentioned, and his corn destroyed by such men and by cattle. I cannot specify particulars. It was not safe for Heath to remain about home for two or three months that season ; he could not stay on his claim, for he had no place there to stay in. Heath owned a very fine span of horses that season. One of said horses was shot at Colonel Titus's house at the time of the fight there and the other was stolen ; I never knew what became of him. Said horses were then worth \$400. Horses then were high priced. Heath had on his claim a well partially completed, in September, 1856 ; it was forty or fifty feet deep, not then stoned ; was still digging ; subsequently I learned it caved in or was filled up. Heath had nearly twenty acres in corn at that time, (September, 1856,) which looked well. It was sod corn ; can't tell what it would have yielded per acre. Heath had a garden there, but I don't know what it was worth. Vegetables and everything else eatable were worth a great deal then. The result of throwing down the fences was the destruction of the crop, or nearly all of it ; do not suppose he gathered any of it. Heath had some ground broke for wheat—about forty-five acres—but before he could return, after being driven away, he was unable to put in the crop of wheat in said ground. Heath had a number of cows ; I do not know how many. Cows not milked dry up and injure very soon. The reason why Heath could not return to his claim until October was on account of the troubles, difficulties, and hostilities existing in Douglas county.

SAMUEL WALKER.

Sworn to before me March 11, 1859.

EDW'D HOOGLAND,
Commissioner.

Henry L. Baldwin sworn : I reside near Mr. Heath, the petitioner, and have known him since the spring of 1856. He resided there then and resides there now. In September, 1856, there were bands of armed men encamped near Heath's. He had a farm or claim and a house there. I assisted him in building the house, and was there frequently. His house was burned in September, 1856, by these bands

of armed men, about the 1st or 2d of the month. It was worth \$400 at least. There were burned with the house (judging from what I saw there before and from what I know he has now) a quantity of white lead and oil, worth \$11. He had two boxes of glass and some putty, worth \$9 75. I saw, in aiding to clear out the cellar, the remains of the glass and white lead. He had a grindstone burned, and we found the weights of an alarm clock that he had in the ruins. I know that Mr. Heath had cans of peaches, tomatoes, and berries, preserved and put up; don't know how many. They were worth \$1 per can. Know he had farina or corn starch, dried apples, and such things, but the particular quantity cannot say. He bought a sack of dried apples, about four bushels, of a Mr. Black, shortly before the burning, worth \$3 per bushel. He had molasses there; don't know how much. Can't say how much flour he had. Flour was worth \$5 per sack. He frequently cooked rice, worth 10 cents. He bought a barrel of pork of Mr. Hazletine some time before. He had a quantity of preserves; don't know what it was worth. He gathered a large quantity of plums. He used soap and lard; had milk pans; we found a good many among the ruins. He had stoves and other items of household furniture mentioned in the bill, but cannot specify how many or quantity of each, respectively. Think the prices charged are reasonable. Remember seeing nearly all the items of the bill, including bedsteads, stands, racks, chairs, stools, &c. He had recently got boxes of goods from Kansas city which had been delayed. He had dishes, remains of which we found in the cellar; had wardrobe; window sash he had just bought; bed and window and bed curtains, mattresses, white spread and carpeting, ingrain and rag carpeting; can't state particulars. He had such things before the burning, which I have not seen since; cradle, bedding, blankets, and apparel, belonging to Mrs. Heath and children. He had four drawings, with rose-wood frames, worth \$10 each, and two gilt frames, two drawings in mahogany frames, all fine drawings on pictures; had maps, complete sets; one United States map, on rollers, and map of New York, historic map, and had many books; can't say how many. Did not see side-saddle; had many carpenter tools; found some among the ruins in the cellar and the other items mentioned. A horse belonging to Mr. Heath was killed at Colonel Titus's. It was shot there and died on return home on the claim. The horse was taken by some armed men who went to the fight at Colonel Titus's. It was the horse that was ridden by Captain Shaumtre, as I have understood from parties who were present. Heath had bought a pair of horses that spring. This horse was worth \$175. I saw the horse brought back by a company of armed men returning from the direction of Titus's. The other horse was taken away and gone two or three weeks before recovered; was found in possession of a company in Lecompton; he was in poor condition and broke down; was originally worth \$175 to \$200; on return would not sell for \$75; finally died, as I am informed. Heath and his family left their premises. It was not safe for him to remain home; was absent necessarily, living in Lawrence some three or four weeks. His time and expenses lost and incurred were worth \$75. He had six milch cows; was making considerable butter.

I milked them after his return; they were nearly dried up, and injured by not being milked at least \$20. He had a well in course of digging, down 63 or 65 feet, 45 feet in rock, not completed or stoned. It stood during the winter and caved in. Loss on the well by being prevented from stoning up and using it, \$25 to \$30. He had 45 acres of ground prepared for wheat, which he could not use that season by reason of being kept away until too late to put it in. Had he not been off he would have put in the wheat. He thereby lost the use of the land that year, worth \$4 per acre. He had 16 or 18 acres of good-looking corn destroyed by the breaking down of the fences by the armed bands of men and the inroads of cattle. Part of the fence was burned when the house was destroyed. He had garden vegetables destroyed at the same time—half an acre; saw some of them dug out and scattered around. I estimate damage on corn and vegetables at \$200 to \$300. He was compelled to buy corn that season; did not gather any corn. Corn was then worth 50 cents a bushel. Heath had bought timber for barns, which he has been unable to use.

I think, from the circumstances in which Mr. Heath was placed, in being deprived of a house and being prevented from building a barn and getting to living again, (for he had \$250 worth of lumber, besides timber for a barn, which he has been unable to use,) and in being rendered unable to go on, about \$——, worth more than mere interest of money and value of property.

HENRY L. BALDWIN.

Sworn to before me this 12th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Erastus Heath.

Petitioner claims for house and furniture burned and other property destroyed, and damages resulting therefrom..	\$3,044 35
The house—proof by Walker, that it was worth \$600 to \$800; proof by Baldwin, that it was worth \$400.	
Commissioners allow for it at petitioner's estimate.....	643 00
Commissioners allow for the two horses, petitioner's estimate.....	350 00
Time and expenses in Lawrence, &c., rejected.	
Loss on milch cows allowed.....	20 00
Loss on well by caving in, (average).....	40 00
Loss on 18 acres of sod corn, at 30 bushels per acre, 50 cents per bushel.....	\$270
And $\frac{1}{2}$ acre garden vegetables.....	30
Making the amount claimed by petitioner.....	300 300 00

The claim for the 45 acres of land prepared for wheat is inadmissible, as it is not for property taken or destroyed, nor damages resulting therefrom. It is a class of damage that is not covered, in a legal sense, by the act.

Petitioner's inventory of household stuff destroyed	\$782 48
	<hr/>
	2,135 48
No proof in relation to measure of additional damages.	
Interest at 6 per cent., 2½ years, by way of damages.....	320 25
	<hr/>
Total.....	<u>2,455 73</u>

HENRY J. ADAMS,
SAMUEL A. KINGMAN,
EDWARD HOOGLAND,
Commissioners.

MARCH 14, 1859.

No. 20.

PETITION.

To the commissioners appointed to audit and certify claims, under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, A. D. 1859, to audit and certify all claims for loss of property taken or destroyed, and damages resulting thereupon, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

TERRITORY OF KANSAS, }
County of Douglas. } Account for loss and damages.

Petitioner states that he is a *bona fide* resident of Douglas county, Kansas Territory, and was an actual citizen of the same at the time mentioned in the above act, viz: during the years 1855 and 1856.

Petitioner further states, that on the 15th day of September, A. D. 1856, and for some time previous, he was the legal owner and in peaceable possession of the following property, to wit:

1 log dwelling house and a lot of carpenter's tools.....	\$250 00
1 yoke of oxen.....	100 00
15 tons of hay, \$15 per ton.....	225 00
2 crops of corn, on 12 acres of ground.....	144 00
1 shed and fence, for stock, burned.....	20 00
1 grindstone.....	3 00
600 feet of walnut lumber.....	21 00
40 young apple trees destroyed.....	12 00
Six months' lost time, actually lost by being driven from home, at \$30 per month—in all to the sum of.....	180 00
	<hr/>
	<u>955 00</u>

Petitioner states that said property was lost and destroyed by a company of men said to be Kansas militia, under Dr. Stringfellow, during the disturbances in Kansas within the time mentioned in the above recited act.

He further states that the time lost was owing to the disturbances in Kansas, and that his life was greatly in danger from the invading hordes that were ravaging the country; that he was compelled to seek a place of safety.

He further states that the above named property, lost and destroyed as aforesaid, was reasonably worth the sum of...	\$775 00
And that the time lost in consequence of the disturbances was worth.....	180 00
	<hr/>
In all, to the amount of.....	955 00
	<hr/> <hr/>

Petitioner states that he was injured and hath sustained *damages* over and above the sum of \$955; the value of losses in the further sum of \$600. In all, in the sum of \$1,555. He, therefore, asks for allowance for the sum of \$1,555.

Petitioner states that the matters and things set forth in the above petition are true, according to the best of his knowledge and belief, and further saith not.

SAMUEL WALKER.

Sworn to and subscribed before me this 11th day of March, A. D. 1859.

[SEAL.]

CHARLES P. TWISS,
Notary Public.

Resworn to before the board, March 12, 1859.

E. HOOGLAND, *Commissioner.*

Witness in support of the claim of Samuel Walker, for loss and damages, during the year 1856.

TERRITORY OF KANSAS, }
County of Douglas. }

Robert F. Barber, of lawful age, being duly sworn, deposeth and saith: I am well acquainted with Samuel Walker, who has made and signed the above petition; I know that said Walker was the owner of the above described property, and that the same was reasonably worth the sum of \$775; said Walker was also driven off from his home, over six months, in the year of 1856, and that his account for loss of time is reasonable; that labor was worth 30 dollars per month during that season. Said Walker, in my opinion, has sustained *damages* over and above the actual value of the property destroyed and taken, to the amount of \$600. Said property was taken and destroyed between the 1st day of November, 1855, and the 1st day of December,

1856. Said Walker was, at the time of the taking and destroying of the said property, an actual and *bona fide* resident of Kansas Territory, and still is a resident of Kansas Territory, and further saith not.
ROBERT F. BARBER.

Sworn to and subscribed before me this 11th day of March, A. D. 1859.

[SEAL.]

CHARLES P. TWISS,
Notary Public.

In the matter of the petition of Samuel Walker.

Cross-examination.

DOUGLAS COUNTY, ss :

John A. Wakefield, jr., being duly sworn, saith : Walker's house must have cost \$200 or \$300 ; it had good floors ; timber and work were high ; can't say particularly about the floors ; they were oak floors. Said house was destroyed by Stringfellow's company in September, 1856 ; said company being Georgians, Missourians, and Alabamians, who burned nearly all the houses on the California road. The yoke of cattle belonging to Walker were worth \$100 ; they were lost or stolen at the time above specified. It was generally supposed they were stolen or butchered by Stringfellow's company for their own use. Walker had a hay stack, suppose about ten tons or more, which was burned ; hay was worth \$15 per ton when it was burned. The cornfield contained about — acres of corn, which was destroyed by fences thrown down and cattle and horses going through it, worth \$144. A shed for stock, I cannot say particularly what it was worth, but it was burned—\$20 a reasonable charge. Don't know about the grindstone. Walker had as much as 600 feet of walnut lumber, which I think was burned, and a number of apple trees, all destroyed. Walker was driven from home and dared not come home for a long time to remain there, but don't know exactly how long. I know that Walker, being deprived of his house, farm, cattle, and utensils, and obliged to live elsewhere with his family, sustained general damages, as a necessary result, which, I think, cannot be less than \$600.

JOHN A. WAKEFIELD, JR.

Sworn to before me March 11, 1859.

EDWARD HOOGLAND,
Commissioner.

*In the matter of the petition of Samuel Walker.**Cross-examination.*

DOUGLAS COUNTY, ss :

Robert Barber sworn: I consider that Captain Walker's house, which was a log house, was worth, with its contents, \$200 or \$250; there were carpenter's tools in the house to a considerable amount; the house was destroyed by men calling themselves "Kansas militia;" I called them Missourians or border ruffians. Walker had a good yoke of cattle worth \$100; they were stolen in August or September, 1856; don't know who by. Walker had hay as stated; it was burned by a company of those men setting fire to the prairie; there were 10 or 15 tons; don't know what hay was worth then; the following spring hay was worth \$20 per ton. Walker lost his corn (about 20 acres) by same men; it was looking well; the charge of \$144 was, I think, a reasonable value for the corn. A grindstone was stolen from Walker by same men. The shed or fence for keeping stock was destroyed; it was worth \$20. Don't know anything about the walnut lumber. Walker had a number of apple trees set out, which were destroyed; don't know how many, but think \$12 a reasonable charge. Walker was driven away from home. Those armed bands sought for Walker and wanted to get hold of him; his life was in danger. Walker is a carpenter; his services would have been worth, that season, \$2 or \$2 50 per day. The charge of \$30 per month is a very reasonable charge for lost time.

By reason of the destruction of his house and property as aforesaid, at the beginning of winter, I believe that Walker's additional losses were large; I think he sustained \$600 of other damage than that above mentioned, by being obliged to hire a house for his family, living in Lawrence, loss of cattle, &c.

ROBERT F. BARBER.

Sworn to before me this 11th day of March, 1859.

E. HOOGLAND,
Commissioner.

*Witness in support of the claim of Samuel Walker for loss and damages.*TERRITORY OF KANSAS, *County of Douglas:*

John A. Wakefield, jr., of lawful age, being duly sworn, deposeth and saith: I am well acquainted with Samuel Walker, who has made and subscribed the above petition, and know that he was the owner of the above-described property, and that the same was *lost* and destroyed in the year 1856. I was acquainted with the property, and know that it was reasonably worth the sums charged in the above petition. I know that said Walker lost most of the summer of 1856, and that labor was worth thirty dollars per month. Said Walker was

and is a resident of Douglas county, Kansas Territory. And, in my opinion, said Walker has sustained damages over and above the value of the property to the amount of six hundred dollars. And further saith not.

JOHN A. WAKEFIELD, JR.

Sworn to and subscribed before me this 11th day of March, A. D. 1859.

CHAS. P. TWISS,
Notary Public.

In the matter of the petition of Samuel Walker.

1. Petitioner claims for log dwelling house and carpenters' tools destroyed.....	\$250 00
2. 1 yoke of cattle taken or destroyed.....	100 00
3. 15 tons of hay, at \$15 per ton, destroyed.....	225 00
4. Corn destroyed.....	144 00
5. Shed and fence destroyed.....	20 00
6. Grindstone taken; walnut lumber destroyed, \$21.....	24 00
7. 40 young apple trees destroyed.....	12 00
	<hr/>
	775 00
8. Also, for six months lost time, at \$30 per month.....	\$180 00
9. Damages by extra expenses, &c., caused by destruction of house and property, and resulting therefrom.....	600 00
	<hr/>
	780 00
	<hr/>
Total.....	1,555 00
	<hr/> <hr/>
The board consider the items on lines numbered 1 to 7, inclusive, as proven, and allow and award the same at... No. 8, for lost time, is inadmissible.	775 00
Damages by way of interest—two years and a half, at six per cent.....	116 25
	<hr/>
Total award.....	891 25
	<hr/> <hr/>

SAM'L A. KINGMAN.
EDW'D HOOGLAND.
HENRY J. ADAMS.

No. 21.

MARCH SESSION, HELD AT LAWRENCE, DOUGLAS COUNTY, KANSAS TERRITORY.

PETITION.

To the board of commissioners appointed under "An act to provide for the adjustment and payment of claims." Approved February 7, 1859.

Your petitioner, Thomas Bickerton, respectfully represents to your honorable body that from and after the 7th day of April, A. D. 1855, and up to this time, he has been a resident and citizen of Douglas county, Kansas Territory. That on or about the 10th day of September, A. D. 1856, your petitioner, with others, was taken prisoner by the United States troops under the command of Captain Wood, and by force of arms taken by said body of armed men to Lecompton, Kansas Territory, and confined as prisoner then and there, contrary to his wishes, in prison and under guard, until on or about November 1, 1856, when your petitioner was removed from said Lecompton to the prison at Tecumseh, Kansas Territory, under guard of the United States troops, and there confined until the 10th day of December, 1856.

Your petitioner also further represents that at the time he was taken prisoner as aforesaid the following-described property was forcibly seized and taken from him, to wit: One Colt's revolver, navy size, worth thirty dollars, together with holster and straps; one sword, with ivory hilt, and silver-plated, fifty dollars. Said property was never returned, nor has any compensation therefor been received by petitioner whatever.

Your petitioner further shows that while he was so confined against his will, away from his home, there was no one there, and, in consequence of neglect and the absence of any care, one sow and five pigs, the property of petitioner, worth twenty-five dollars, died from want of food and care. Also seventy-five chickens, worth twenty-two dollars, were destroyed by wolves or otherwise. The said petitioner also lost while so confined away from his home three-quarters of an acre of potatoes, by being frozen, in consequence of the absence of petitioner, worth one hundred and seventy-five dollars; also thirty bushels of sweet potatoes, which were also frozen in the ground, worth sixty dollars; also two acres of beans, never harvested, which would have yielded fifty bushels, worth three dollars and fifty cents per bushel—one hundred and seventy-five dollars; also eleven acres of corn, which were lost and destroyed, averaging thirty bushels per acre, worth four hundred and ninety-five dollars; also garden vegetables—beets, onions, &c.—worth in all thirty dollars; also tools and provisions, stolen from the house of said petitioner while he was so absent, worth twenty-five dollars. All of which property was lost and destroyed and stolen as aforesaid, in consequence of and during the aforesaid imprisonment of your petitioner and absence from his home, arising from the disorder then prevailing in the said Territory.

Wherefore your petitioner prays your honors to audit and certify said losses above stated, amounting in all to one thousand and eighty-seven dollars, and also further to compensate your petitioner by auditing and certifying the worth of petitioner's time while so confined, amounting, as your petitioner believes, to fifty dollars per month, or in all, during the said three months, to one hundred and fifty dollars; and further, that your honors will award him in all, as aforesaid, the sum of one thousand two hundred and thirty-seven dollars, his losses so as aforesaid sustained, and the interest on the same from said December 1, A. D. 1856.

SAFFORD & SAFFORD,
Petitioner's Attorneys.

TERRITORY OF KANSAS, *Douglas County, ss :*

The said Thomas Bickerton, being duly sworn, says that he is the claimant in the aforesaid petition, and that the facts stated above are true.

THOMAS BICKERTON.

Sworn to before me, and signed in my presence, this 10th day of March, A. D. 1859.

HENRY J. ADAMS,
Commissioner.

DOUGLAS COUNTY, *ss :*

George W. Pearce, being duly sworn, saith: I reside in Clinton township, Douglas county, half a mile or a mile from petitioner; he and I both resided, respectively, during the summer of 1856, where we do at present; I was frequently at his claim during that season; that neighborhood was infested all that season by bands of armed men claiming to be territorial militia and pro-slavery volunteers, who committed depredations upon the settlers, and burned a number of houses in the vicinity, robbed and destroyed the contents of the houses, drove away the inhabitants, tore down fences, and by turning their horses into fields, or leaving the fences down, destroyed the growing crops; it was unsafe for any man from a free-State to remain at home in that vicinity; I do not know one who was not molested and driven from his home, and his property more or less injured; nearly every quarter section in the vicinity was occupied by actual settlers; petitioner had a dwelling house on his claim; he was driven away from home, and had to be away for personal safety; understood he was taken prisoner by United States troops for participation in the battle at Hickory Point; he was absent from home from August till March, 1857; when driven away from home he had two separate patches of growing produce, one of nine acres, and the other of four acres, containing and consisting of eleven acres of corn on second-crop land; looked well, and was well fenced, being a fair average crop for such land, and worth the usual price, whatever that may have

been, per acre; the average yield would have been thirty or forty bushels per acre, worth that fall one dollar per bushel. He also had two acres of beans or thereabouts; some of them planted among the corn; a fair average crop of beans is about twenty-five bushels per acre, worth one-fourth less for gathering and harvesting; beans were then worth three dollars to four dollars per bushel. He also had about three-quarters of an acre of potatoes growing; were well planted, and doing well. Judging from the ratio that potatoes yielded that season in the neighborhood, think the potato patch would certainly have yielded one hundred bushels of potatoes, worth one dollar to one dollar and fifty cents per bushel when dug. He also had turnips, beets, sweet potatoes, and other vegetables growing, worth probably fifty dollars. Cattle got into the field to some extent, but the crops were destroyed and wasted in the field for want of care and attention, so that there was a complete and absolute loss of all the above property by reason of the disorder which prevailed in the Territory during the time. It was impossible for petitioner to hire any one to take care of and save said property during his absence and before cold weather set in, on account of the unsettled condition of the country and the danger from the marauding bands mentioned. I never knew the extent and value of the goods taken out of his house. They consisted of tools and other items which I knew he had, and which he mentioned on his return, the particulars of which I cannot give now. My impression is, that he thought the amount taken was about twenty or twenty-five dollars. From the same causes he lost about seventy-five hens, worth three dollars per dozen; and a sow, with a litter of five young pigs, worth twelve or fifteen dollars. The pigs were worth in all ten dollars. I know Bickerton had a sword and pistol that season, but I do not know what became of them. He remained in the lower part of the Territory during the winter.

GEORGE W. PEARCE.

Sworn to before me this 27th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

DOUGLAS COUNTY, ss:

Chester Hay, being duly sworn, saith: I reside in Bloomington township, Douglas county; am acquainted with Captain Bickerton, and was with him in the battle at Hickory Point on the 13th September, 1856; next night after the battle we were taken prisoners by United States troops, and all our arms, accoutrements, and munitions of war taken from us. Captain Bickerton, on that occasion, wore a sword with an ivory hilt and silver plated, and a Colt's revolver, worth about twenty-six dollars; do not know the value of the sword. These arms were taken from him at Newell's Mills, Jefferson county; do not know what became of them. Captain Wood ordered the arms to be given up by our men.

CHESTER A. HAY.

Sworn to before me this 27th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Thomas Bickerton.

Petitioner claims for—

1 Colt's revolver, navy size, \$30; 1 sword, \$50, (taken by United States troops).....	\$80 00
1 sow and 5 pigs, \$25; 75 chickens, \$22, (destroyed).....	47 00
$\frac{3}{4}$ of an acre of potatoes, \$100; sweet potatoes, \$60; beans, \$175	335 00
11 acres of corn, averaging 30 bushels, worth.....	495 00
Garden vegetables, \$30; provisions, tools, &c., \$25.....	55 00
	1,012 00

Petitioner proves taking, or destruction of—

11 acres of corn, 30 bushels per acre, equal 330 bushels, at \$1, less 10 cents per bushel for harvesting.....	297 00
2 acres beans, 25 bushels per acre, equal 50 bushels, less one-fourth for harvesting, equal 37 $\frac{1}{2}$ bushels, at \$3 per bushel.....	112 50
Potatoes, 100 bushels, less one-quarter for gathering.....	75 00
Turnips, beets, and garden vegetables, sweet potatoes, &c.	50 00
Goods taken out of his house, tools, &c	25 00
6 dozen chickens, at \$3, \$18; sow and pigs, \$25.....	43 00
Colt's revolver, \$26; sword, \$50*.....	76 00
	678 50
Add interest, 2 $\frac{1}{2}$ years, at 6 per cent.....	101 70
	780 20

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

MAY 4, 1859.

No. 22.

A.

The Territory of Kansas to George Wetherell, Dr.

To destruction of one cellar	\$100 00
To destruction of one house.....	462 40
To destruction of merchandise, supposed to be worth.....	1,500 00
To destruction of books and indebtedness.....	100 00
	2,162 40
To damage by loss of regular trade and business.....	2,500 00
	4,662 40

SEPTEMBER 1, 1856.

* It must be an uncommonly fine sword to be worth \$50.—F.

B.

§462 40.]

LEAVENWORTH CITY, *March 9, 1859.*

This is to certify that we, Moses Young & A. Culver, built for George Wetherell a storehouse on Delaware street, between 2d and 3d streets, lot —, block —, for the sum of four hundred and twenty-six dollars and forty cents for the main building; side walk, thirty-six dollars; amount in all, \$462 40; for which we acknowledge the receipt hereby for the same.

MOSES YOUNG & A. CULVER.

To the honorable board of commissioners of the Territory of Kansas to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856, under an act to provide for the adjustment and payment of claims:

Your petitioner, George Wetherell, a citizen of Leavenworth city, and county of Leavenworth, and Territory of Kansas, represents unto your honorable body that, on or about the 1st day of July, A. D. 1856, he was the sole possessor of a certain house and a stock of groceries, situate and being in the city of Leavenworth, and county of Leavenworth, and Territory of Kansas. And your petitioner further represents unto your honorable body that, on or about the 1st day of September, A. D. 1856, the house and the goods aforesaid were burned and destroyed "by a pro-slavery mob," amounting to the sum of twenty-one hundred and sixty-two dollars and forty cents, (\$2,162 40;) the account of your petitioner is herewith filed, marked A, and made part of this petition; and your petitioner also files his receipt for the payment of the work on said house, marked B, and made part of this petition. And your petitioner further avers and showeth unto your honorable body that, by the loss and destruction of his house and his regular business in an established city provision and grocery trade your petitioner is damaged in the sum of twenty-five hundred dollars, (\$2,500,) and that your petitioner was thrown out of business, and remained out of business for the space of two years, and that the destruction of the said property entirely broke up your petitioner and ruined his business; wherefore your petitioner prays that your honorable body may render him judgment, decree, and allowance for the sum of forty-six hundred and sixty-two dollars and forty cents, (\$4,662 40,) and for such other and further relief as your honorable body may deem according to law and equity.

GEORGE WETHERELL.

By DELAHAY & GALLAGHER,

Attorneys for Solicitor.

TERRITORY OF KANSAS, *County of Leavenworth, ss :*

Personally appeared before me, the undersigned, a notary public in and for said county, George Wetherell, who, being first duly sworn by me, says that the foregoing account herewith filed, marked A, is just and correct after all deductions are made, and that the receipt herewith filed, marked B, is true, and was given for work and labor done upon the house of this affiant; and this affiant says that the matter and facts set forth in the foregoing petition are true, as he verily believes.

GEORGE WETHERELL.

Sworn and subscribed before me this 10th day of March, 1859.

Witness my hand and notarial seal.

[L. s.]

MARCUS N. BLAKEMORE,
Notary Public.

TERRITORY OF KANSAS, *Leavenworth County, ss :*

*To Frederick Reuter, John Quinn, Andrew T. Keyle, and Mr. Martin,
clerks of Hensley, Russell & Co. :*

You are hereby commanded to forthwith be and appear before the board of commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, 1859, at their office, in the city of Leavenworth, to testify as witnesses in the matter of the petition of George Wetherell, on behalf of petitioner, and fail not.

Given under my hand this 2d day of April, A. D. 1859.

By order of the board.

WM. SPENCER, *Clerk.*

LEAVENWORTH COUNTY, ss :

Benjamin Luce, being duly sworn, saith: I am 56 years of age; I have resided in Leavenworth city ever since the fall of 1854 or winter of 1854-'55; am acquainted with George Wetherell, the petitioner; he resides now in Leavenworth city; I first became acquainted with him in the summer of 1855, when he was putting up his store building in this city. During 1855-'56 Wetherell was keeping a grocery store, on Delaware street, next door but one to my hardware store. About September 1, 1856, said Wetherell was occupying his said store as such grocery; it was a one-story frame building, about 24 by 40 feet; the building alone was worth then, with its walled cellar and sidewalk, about \$600. In his store he had a fair stock of groceries, apparently worth about \$1,500, more or less; I don't know the particulars and can only guess at the amount; I think \$1,200 would be a nearer esti-

mate than \$1,500 ; I know that Wetherell's property was taken and destroyed in September, 1856 ; at the election held in Leavenworth to vote on the Topeka constitution on the 15th December, 1855, Wetherell acted as one of the clerks of such election ; during such election a temporary adjournment took place and the ballot-box was left in charge of Wetherell until the other officers should return from dinner ; the poll was held on Cherokee street, near Main ; while so waiting for the other officers of election, a party of men, under command of Captain Dunn, came there and seized and destroyed the ballot-box, and beat and abused Wetherell. From that time Wetherell was a marked man, and it was generally understood that the pro-slavery men intended to drive him away or kill him.

On the first Monday of September, 1856, a municipal election was to take place in Leavenworth under the city charter ; for several months previous civil war had prevailed in Kansas Territory ; Leavenworth city was then principally occupied by men from Missouri ; Georgians, South Carolinians, and other southerners assembled here, in arms, waging war against the "abolitionists" or free-State men of Kansas. The *bona fide* inhabitants of Leavenworth, about that time, formed but a very small minority of the whole actual population here assembled ; an election poll was opened during the day ; I started to go to the polls to vote ; on coming in sight of the house where the election was to be held (a building known as Dick Murphy's and Burnham's office on Delaware street, between Main and Second,) I saw a body of armed men, twenty or thirty in number, standing in a row before the door of the building, the butts of their muskets resting on the ground ; do not know who then had command of them ; I backed out and refused to vote, as it had been generally reported that any man who should go there and vote for a free-State candidate would be shot ; I do not know that a single vote for any free-State candidate was cast, none were reported ; I then went back to my store. There was a general terrorism prevailing throughout the city at that time ; it was dangerous for two or three free-State men to be seen talking together ; the course previously pursued by the pro-slavery men throughout the city had been such as to warrant the belief in the threats mentioned ; parties of armed men were riding furiously through the streets, calling upon the people to turn out and join in their ranks, accompanied with threats that all who refused to do so should be driven away ; it was a general scene of confusion among the inhabitants ; during that day a great many of the inhabitants were driven away from the city, and some were put on board steamboats and compelled to leave—men, women, and children. I noticed one instance when three, four, or five men were compelling a woman to go toward the boats ; the men had guns with bayonets on, pointed, as "charge bayonets," towards her, driving her in front of them ; she had a child in her arms and seemed fatigued and frightened to death. The men so pursuing or urging her along were of the class of men then known as the "law and order men," and understood to be southerners—South Carolinians or Georgians—as companies of those men were then stationed here in Leavenworth. Nearly every free-State man in the city had to secrete himself or leave ; public proclama-

tion was made throughout the streets, by men on horseback, warning all to leave immediately who did not take up arms and join their ranks ; that day William Phillips, a citizen of Leavenworth, was killed by a party of men, under command of Captain Fred. Emery; Phillips had previously been tarred and feathered by the pro-slavery men ; a brother of Phillips was shot and wounded at the same time, and lost an arm thereby; I was at Phillips's house fifteen or twenty minutes after he was killed ; this killing took place between 10 and 12 o'clock, and, as soon as known, the excitement and terrorism was greatly increased ; the same day it was reported that Fred. Emery shot and killed a Dutchman near the Planters' House, just about where Smoot, Russell & Co.'s banking house now is ; the Dutchman was one who had come in with Rev. Mr. Nate and had made some harsh remarks about being arrested by Emery's party.

On the morning of the day above mentioned, Wetherell was in his store, but had to leave and secrete himself for personal safety during the day and ensuing night ; he went up to Fort Leavenworth, thence escaped from the Territory, and did not return here again until the summer of 1858 ; understood that evening that the pro-slavery men had captured Nelson McCracken, Engleman, Milton E. Clark, Dr. Norton, and other prominent citizens and their families, and "coralled" on the levee that afternoon and evening, by the armed men mentioned, and were afterwards put on board boats, as prisoners, and sent away.

Several days previous to this the condition of affairs was such that many prominent citizens of Leavenworth—M. J. Parrott, Thomas Shoemaker, H. Miles Moore, and others—were obliged to leave for personal safety.

About midnight of said election day, my family and I had gone to bed ; we lived in the house where my store was ; my building was about 70 feet deep ; the intermediate building between Wetherell's and mine was not more than 20 feet deep ; our living room was in the back part of my building. During the evening two men were seen skulking around our house ; my wife mentioned it to me. After we had retired we were aroused by a light, seen through our windows, when we discovered that Wetherell's store was on fire ; I dressed as soon as possible, expecting that my house and the intermediate one would also be burned ; the fire seemed to have been set in the back part of the cellar of Wetherell's store, which was open ; said cellar being partly above ground on account of the slope of the land ; I went out and found a large company of men there ; did not notice particularly about the front of Wetherell's store, as I expected my house to be burned too, and went to work immediately at removing my own goods and furniture ; Wetherell's building and its contents, and the sidewalk in front of his store, were wholly destroyed by said fire ; the small building between Wetherell's and mine took fire also, and was partly torn out to stop the fire.

BENJAMIN LUCE.

Sworn by me this 30th day of March, 1859.

HENRY J. ADAMS.

In the matter of the petition of George Wetherell.

LEAVENWORTH COUNTY, ss :

William Haller, being duly sworn, saith : I was acquainted with petitioner in 1856 ; he resided in Leavenworth and kept store here ; I passed his business house every day ; Wetherell kept a family grocery store on Delaware street, a building one story high, about 18 or 20 feet wide and 30 or 40 feet deep ; the fire that destroyed his store and stock took place about 9 p. m., September 1, 1856, the same day that Phillips was killed. I used to trade with him, and was frequently in his store from day to day for several weeks before the fire occurred ; on the Saturday before his store was burned ; on Monday I was in his store ; I am engaged in the jewelry business ; his stock at that time consisted of family groceries and provisions ; cannot estimate the amount or value of his stock then on hand ; the store seemed to be pretty full and usually well supplied ; I saw the light of the burning of the building that night ; I was then detained as a prisoner at the house of George Keller ; I was taken prisoner that Monday morning, the first day of September, about 7 or 8 a. m., then released and rearrested about 11 o'clock that day, when I was taken at Phillips's house ; taken there both times ; the first time I was taken at Phillips's house was by Captain Emery, about 7 or 8 a. m. ; he kept me there about an hour and a half ; I was on the portico with John J. Luce and John Shinn when Emery attacked Phillips's house and killed him and wounded his brother, Jared Phillips ; after I was ordered down we were all discharged ; I went home and told my wife we had better go out to Frank Adams's, about two and a half miles from town ; while we were getting ready Mrs. Jared Phillips came to me and asked me if I would not go over and get William ready for burial ; I told her if she would see Emery and get him to protect me while there, I would go ; she came back in about an hour and stated that Emery promised to do so ; I went to Phillips's house alone, got some water and washed the face of the corpse, which was lying on the floor in the northeast room of the upper floor ; examined the body and found seven bullet wounds in the body, five in the shoulder, one in the side of the neck, and one in the right eye, taking off one half of the eyelid ; after washing the body I came down stairs and was going home, when Simeon Scruggs rearrested me and took me to Keller's house, where I was kept till next morning, and then taken by a guard of three of Emery's men, or men under the control of William H. Russell, and kept there until Thursday evening following ; Jared Phillips and Albert Phillips were also taken over to the Phillips's building with me ; they were liberated when Governor Geary came ; on said Thursday evening I was released upon condition that I would leave the Territory never to return ; such order was communicated by Mayor William S. Murphy to me, who said that was the order or desire of William H. Russell ; I nominally consented to that arrangement, and just about dusk I was taken, together with my wife, under escort of Mayor Murphy and one guard, and conducted to the steamboat David Tatum, lying at the levee, and ordered to go aboard ; my wife and I did so and went down to St. Louis ; I was

absent until May, 1857, when I returned to the Territory and remained here in town till the last day of July, 1857; when Phillips's house was fired upon and into by Emery's men there were women inside, viz: Mrs. Jared Phillips, Mrs. Myers and Mrs. Baillie; they were not warned nor permitted to leave the house until the firing was over, when Mrs. Baillie was carried out on a bed; I know that Wetherell was obnoxious to the men who were with Emery, and so many citizens were driven out of Leavenworth that day by those men, and their buildings and stores broken into and plundered, that I am confident Wetherell's store was set on fire and destroyed by those men or their comrades in arms. who had then inaugurated here a reign of terror that drove away Wetherell and many others; Wetherell was known as a free-State man and Emery's party as pro-slavery men; by William H. Russell's order the pews were torn out of McAfie's church, and a commissariat made of the building, into which were stored and deposited the goods taken from the different stores and warehouses that were plundered; most of them were Lawrence goods.

W. HALLER.

Sworn to before me this 31st day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

Frederick Reuter sworn: My house or saloon was robbed on the night of the burning of Wetherell's store; late that night, in company with Kesler, I came down to see the fire and found my saloon open and armed men inside; Wetherell's store, near by, was then burning; after I left my saloon I went close to the burning store; among the pro-slavery soldiers or armed men, assembled at the fire, I saw a German whom I knew in Weston, Missouri, named "Black Butcher;" next morning Black Butcher was in my saloon, who said "they" set fire to Wetherell's building, (meaning the company,) and he did not care as he got \$3 a day for serving; a company that Black Butcher belonged to was hired in Weston, and served in Leavenworth; knew a good many of the company at the time by sight, but can't state their names now.

FREDERICK REUTER.

Upon oath I declare that the above testimony was by me duly interpreted to the above named witness, Frederick Reuter, April 2, 1859.

JOHN C. GRUND.

Sworn to before me this 2d day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

George Wetherell sworn: I am the petitioner in this cause; my store was burned on the night of the 1st of September, 1856; I was at the fort at the time the fire took place, having been compelled to leave the city during that day for personal safety; I left town about 3 or 4 o'clock that afternoon and did not return to Leavenworth at all until the summer or fall of 1858; I had a stock of goods, groceries, provisions, wooden ware, and a little hardware and nails, in the building, with vegetables, butter, and eggs, when I left town that afternoon, and did not set fire to the building myself; there had been no fire in the building that day, to my knowledge; all my books and papers relating to my business were burned up; I commenced business in Leavenworth in that building in the fall of 1855; when I commenced business I had between \$900 and \$1,000 in money, which I used principally in purchasing my first stock; the building, lumber and labor, exclusive of the cellar, cost me between \$400 and \$500; the cellar cost me about \$100; I had leased the lot, but did not own it; I think there were about \$1,500 worth of groceries, provisions, goods and fixtures in the store at the time of the fire; I never saved or recovered any of those goods or any compensation for those goods; I had a few accounts on my books, some of which I have not been able since to collect, probably amounting to, at least, \$100; do not remember upon whom they all were; small amounts on different individuals; some accounts were I knew parties owed me I have never presented, because I could not make out correct bills.

GEORGE WETHERELL.

Sworn to before me this 2d day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of George Wetherell.

Petitioner claims for a store and stock of goods destroyed in Leavenworth, the night Phillips was killed.

Store and cellar.....	\$562 40
Merchandise.....	1,500 00
Books and indebtedness.....	100 00
	<hr/>
	2,162 40
Damages, general.....	2,500 00
	<hr/>
	4,662 40
	<hr/> <hr/>

The proof brings the claim within the general rules and presumptions. The city of Leavenworth, September 1, 1856, was in possession of anarchists, and petitioner was compelled to flee for his life. His store and its contents were destroyed by fire.

Under the proof, the particular value of the building, cellar, and side-walk is adopted and allowed..... \$562 40

Mr. Luce thinks the stock was worth \$1,200 to \$1,500— average.	\$1,350 00
The item for books and indebtedness is not specific. No proof of value of books. Indebtedness inadmissible.	
Award, (general damages inadmissible).....	1,912 40
Add interest, 2½ years, at 6 per cent.....	286 80
Total award	2,199 20

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

APRIL 18, 1859.

No. 23.

ACCOUNT FOR LOSS AND DAMAGES.—PETITION.

To the commissioners appointed to audit and certify claims under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, A. D. 1859, to audit and certify all claims for loss of property taken or destroyed and damages resulting thereupon, during the disorder that prevailed from November 1, 1855, to December 1, 1856:

TERRITORY OF KANSAS, *County of Douglas, ss:*

Petitioner states that she is a bona fide citizen of Douglas county, Kansas Territory, and was an actual resident of the same at the time mentioned in the above act, during the years 1855 and 1856. Petitioner further states that on the 21st day of May, A. D. 1856, and for some time previous, she was the legal owner and in peaceable possession of the following property, to wit:

A large lot of provisions and wearing apparel, of the value of	\$150 00
Two horses, of the value of.....	250 00
Lot of lumber, of the value of.....	100 00
Two saddles, of the value of.....	25 00
Two bridles, of the value of.....	5 00
	530 00

all of the value of five hundred and thirty dollars; that on the 21st of May, the day last mentioned, a body of men from Missouri and Kansas, under the command, as petitioner is informed and believes, of Jones, Atchison, and the deputy marshal of the United States, invaded the city of Lawrence, in said Territory, and by force took, carried away, or destroyed the property aforesaid, of the value aforesaid.

Petitioner further states, that at the time aforesaid she subsisted the free-State settlers at her house in said city of Lawrence, from necessity, and under the impression that they could compel her, if she

refused, to the amount of three hundred dollars, that amount being reasonable for her said subsistence so furnished.

Petitioner further states, that by the loss of the team of horses she was greatly injured, it being her only team, to her damage two hundred and fifty dollars. She therefore prays your honors to allow her the sum of one thousand and twenty-five dollars, that being reasonable for the losses so occurring and damages resulting from said losses, and she will ever pray. Petitioner states that the facts in this petition are true, as she verily believes.

SUSANNA PATTERSON.

Sworn to and subscribed before me this 11th day of March, A. D. 1859.

[L. s.]

CHA'S P. TWISS,
Notary Public.

TERRITORY OF KANSAS, *Douglas County, ss:*

Personally appeared before the undersigned, a notary public duly authorized by law to administer oaths, P. Jane Wilson, of lawful age, who, after being duly sworn, upon her oath states: That she is personally acquainted with Susanna Patterson, the petitioner; that said petitioner was peaceably enjoying the property in said petition firstly set forth, viz: A lot of provisions and wearing apparel, of the value of \$150; two horses, of the value of \$250; lot of lumber, of the value of \$100; two saddles, of the value of \$25; all in the value of \$525; and that said property was forcibly seized, carried away, or destroyed by the band or army of marauders, as in said petition recited, and lost to petitioner, and she has been unable to recover any part thereof, or remuneration therefor.

Deponent further states that about the time stated in said petition, viz: in the summer of 1856, said petitioner subsisted a large number of free-State settlers assembled for the protection of Lawrence and the Territory, and that said subsistence so furnished by petitioner was of the value of three hundred dollars, which said amount was lost to petitioner, and deponent believes that the said settlers imperiously demanded said subsistence, and could have enforced it from petitioner.

Deponent further states that the loss of the two horses, as in said petition recited, broke up the only team of said petitioner, greatly to her damage.

Deponent further states that the petitioner, Susanna Patterson, lost, as aforesaid, by the troubles in Kansas, in all, the sum recited in her said petition, as the sum of one thousand and twenty-five dollars.

P. JANE WILSON.

Sworn to and subscribed before me this 11th day of March, A. D. 1859.

[L. s.]

CHA'S P. TWISS,
Notary Public.

TERRITORY OF KANSAS, *Douglas County, ss :*

Personally appeared before the undersigned, a notary public duly authorized by law to administer oaths, Angeline L. and Helen P. Patterson, who, after being duly sworn, depose and say, that they are the daughters of petitioner, Susanna Patterson; that the facts recited by their said mother in her said petition, they are conversant with; and that the facts in her said petition are true in substance and in fact. And further they say not.

ANGELINE L. PATTERSON.
HELEN P. PATTERSON.

Sworn to and subscribed before me this 11th day of March, A. D. 1859.

[L. s.]

CHA'S P. TWISS,
Notary Public.

DOUGLAS COUNTY, *ss :*

George W. Hutchinson, being duly sworn, saith: I am acquainted with petitioner. She is the widow of William Patterson, deceased. Her husband died in Lawrence, in the fall of 1858. He removed to Lawrence with his wife, the petitioner, between three and four years ago, and resided here in Lawrence up to the time of his death. He was a lawyer by profession. In Lawrence, in 1856, he and his family lived in Massachusetts street. He was blown up at the steam saw-mill in Lawrence, in the season of 1855, and was a cripple for life afterwards. He left quite a large family, who now reside with their mother, the petitioner above named, in Lawrence. He had some property in the season of 1856. He had a team that he kept, and drove a span of horses. He worked at the saw-mill in 1856, and sometimes paid me for goods in lumber. Do not know how much lumber he had, nor what became of the horses, further than general report at the time that his horses were rendered tributary to public service, during the difficulties in Lawrence, in 1856.

G. W. HUTCHINSON.

Sworn to before me this 29th day of April, 1859.

EDW'D HOOGLAND,
Commissioner.

TERRITORY OF KANSAS, *County of Douglas, ss :*

To all persons to whom these presents shall come, greeting: Know ye, that whereas William Patterson, late of the county of Douglas, Kansas Territory, died intestate, as it is said, having, at the time of his death, property in this Territory, which may be lost, destroyed, or diminished in value if speedy care be not taken of the same: to

the end, therefore, that the said property may be collected, preserved, and disposed of according to law, we do hereby appoint Susanna Patterson administratrix of all and singular the goods and chattels, rights and credits, which were of the said William Patterson at the time of his death, with full power and authority to secure and dispose of said property according to law, and collect all moneys due said deceased, and, in general, to do and perform all other acts and things which are or hereafter may be required of her by law.

In testimony whereof, I, Caleb S. Pratt, clerk of the probate court in and for the county of Douglas, hereunto sign my name and [L. s.] affix the seal of said court, at my office, this 21st day of December, A. D. 1858.

CALEB S. PRATT,

Clerk of the Probate Court of Douglas County.

I, Caleb S. Pratt, clerk of the probate court aforesaid, certify that the preceding letters of administration are truly recorded in my office this 21st day of December, A. D. 1858.

[L. s.]

CALEB S. PRATT, *Clerk.*

In the matter of the petition of Susanna Patterson.

P. Jane Wilson, being duly sworn, deposeth and saith: That she is acquainted with the petitioner, Susanna Patterson; that she was a citizen of the Territory of Kansas, and has been since the month of July, 1855. And that in 1856 she was the owner of two horses, the one a chesnut sorrel mare, the other a bright sorrel; also two saddles. In the fall of 1855 she was residing in the city of Lawrence, and does now reside there. On the 21st of May, 1856, at the time the city of Lawrence was sacked by the forces under the command of the United States marshal, Sheriff Jones, D. R. Atchison, and others, the house of the petitioner was broken open and robbed; at the commencement of the attack the family, with most others of the town, left and stopped for safety west of the town; all the provisions, furniture, clothing, &c., were left in the house. At the time the petitioner was keeping a boarding house, and had about 25 boarders. On the return of the family, on next morning, it was stripped of the provisions and most of the clothing and other articles. There was a good supply of provisions for a boarding house for the accommodation of 25 persons. At that time the country was new and provisions scarce and had to be brought from a distance, which made it necessary to keep on hand a much larger supply than would now be necessary, when any deficiency might be supplied at short notice. I cannot state particularly the items of provisions in detail; there was flour, meat, coffee, sugar, molasses, &c., and I am very confident the loss was over \$150. On or about the 5th or 6th day of July, 1856, the day I cannot certainly state, it was immediately after the return of the people from Topeka after the dispersion of the free State legislature, early in the morning the chesnut sorrel mare was grazing on the commons near the house of petitioner; a man came along, caught the mare, and took her off by force, and she has never been recovered. She was worth \$150. The sorrel was taken, I think, about the month of September, I

believe immediately after the dispersion of the 2,800 men who had been encamped near Franklin. She was taken in the night by persons unknown. The country at the time was filled with armed men, who were in the habit of taking all they could get hold of; the horse was worth \$100. The saddles were taken from the house of the petitioner at the time of the battle at Franklin; the affiant and the daughter of the petitioner were the only persons at home on the night on which they were taken. She did not go out of the house, being fearful of violence, and I cannot tell who the parties were who took them; they were worth \$25. There were two bridles taken at the same time the saddles were taken; they were worth \$5.

There was a lot of lumber, some part of it was fencing, and a portion was good dry lumber prepared for building; during the time the militia were encamped in and about Lawrence the lumber was burned and destroyed by them; it was worth at least one hundred dollars.

P. JANE WILSON.

Sworn to and subscribed before me this 23d day of May, A. D. 1859.

CHARLES P. TWISS,
Notary Public.

Miss Angeline Patterson, being duly sworn, deposes and saith: She is the daughter of the petitioner; her mother is a citizen of Lawrence, and has been since July, 1855. I know that in 1856 she was the head of the family; my father was then alive, and continued to live until the year 1858. He was in 1856, and continued, mentally and physically incompetent to attend to business; consequently, all the business and management of the affairs of the family devolved upon my mother, and she was regarded as the owner of the property at that time; she was the owner of two horses, two saddles and bridles, and a lot of lumber, and was keeping a boarding-house, and had about twenty-five boarders.

On the 21st of May, 1856, at the time the city of Lawrence was sacked, the house was robbed of all the provisions and much of the other property and clothing. The property taken from the house at that time belonging to my mother was worth at least \$150. The chestnut sorrel mare was taken from the common near the house about the 5th or 6th of July, 1856, by a person unknown, and has never been recovered; the sorrel horse was taken in the night some time in the month of September, 1856, by some of the armed bands of men then in the country. The saddles and bridles were taken from the house or outside the door in the night some time in the month of August of that year; it was at or about the time of the battle at Franklin; they were taken by persons unknown, but assisted by some persons connected with the militia. The horses were worth \$250, the saddles and bridles \$30. The lumber was burned and destroyed in the fall of

1856 by the armed men then encamped in and about Lawrence; it was worth \$100; I think that \$100 was a very low price.

ANGELINE PATTERSON.

Sworn to and subscribed before me this 23d day of May, A. D. 1859.

CHARLES P. TWISS.

Notary Public.

P. Jane Wilson, being recalled and cross-examined, states that William M. Patterson, the husband of the petitioner, was living at the time of losses set forth in the petition, and continued to live until the year 1858. And in the year 1856, and until the time of his death, he was mentally and physically incompetent to attend to or transact business; and that Mrs. Patterson was regarded and treated as the head of the family, and was in fact the sole and proper owner of the property.

P. JANE WILSON.

The above testimony of P. Jane Wilson and Angeline Patterson was sworn to and subscribed before me this 23d day of May, A. D. 1859. In witness whereof, I have hereunto set my hand and notarial seal.

[L. s.]

CHARLES P. TWISS,

Notary Public.

In the matter of the petition of Susanna Patterson.

Petitioner claims for provisions, &c., (May 21, 1856).....	\$150
Two horses.....	250
One lot of lumber.....	100
Two saddles and bridles	25
	525
	525

The testimony is full and direct. The prices charged, taken in connexion with the evidence, are sufficient to include interest.

Claim allowed as presented.

EDWARD HOOGLAND.

SAMUEL A. KINGMAN.

HENRY J. ADAMS.

JULY 1, 1859.

No. 24.

TERRITORY OF KANSAS, *Douglas County, ss:*

Personally appeared before the undersigned, a notary public duly authorized by law to administer oaths, Lewis Stearnes, of lawful age, a citizen of Kansas, who, after being duly sworn, upon his oath

states: That he is personally acquainted with petitioner, Clarke Stearnes, and knows all the facts recited in his said petition, herewith annexed and made a part of this affidavit, to be true in substance and in fact. That the said horses were at the time recited owned and in the peaceable possession of the said petitioner, Clarke Stearnes, and that they were of the value of \$300 at the time they were taken. That said horses were fastened to petitioner's wagon in his enclosure, some thirty feet from his door. That the country and neighborhood were beset by armed and hostile bands of both political parties, and that said horses were taken by such armed bands deponent has no doubt; and that the said horses were lost to said petitioner by the troubles in which Kansas was then involved.

That the said horses constituted the only team of said petitioner, and that by the breaking up his only team petitioner was injured in the sum of \$150, as in said petition recited.

That the said petitioner has never received any remuneration whatever for his said losses so as aforesaid suffered. And further deponent saith not.

LEWIS STEARNES.

Sworn to and subscribed before me this 12th day of March, A. D. 1859, as witness my hand and notarial seal.

[L. s.]

CHAS. P. TWISS,
Notary Public.

TERRITORY OF KANSAS, *Douglas County, ss:*

Personally appeared before the undersigned, a notary public duly authorized by law to administer oaths, G. J. Mathews and William Mathews, citizens of Kansas, of lawful age, who, after being duly sworn, upon their oaths state that they are personally acquainted with the petitioner, Clarke Stearnes; that the facts stated in said petition are known to them to be true. That the said horses in said petition mentioned were of the value therein stated, and that the damage recited in said petition is reasonable as resulting from the loss of said horses. That at the time said horses were taken the neighborhood was invested by armed and hostile bands of men of both political parties; that the horses were taken under cover of the darkness of the night; and although deponents cannot identify the parties who took the said horses, yet they have no doubt they were so taken by the armed bands then investing the neighborhood, and that the loss was incident to the troubles then prevailing in Kansas. And further deponents say not.

G. J. MATHEWS.
WM. MATHEWS.

Sworn to and subscribed before me this 12th day of March, A. D. 1859, as witness my hand and notarial seal.

[L. s.]

CHAS. P. TWISS,
Notary Public.

To the commissioners appointed to audit and certify claims under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, A. D. 1859, to audit and certify all claims for loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

ACCOUNT FOR LOSS AND DAMAGES.—PETITION.

TERRITORY OF KANSAS, *County of Douglas:*

Petitioner states that he is a *bona fide* citizen of Douglas county, Kansas Territory, and was an actual citizen of the same at the time mentioned in the above act.

Petitioner further states that on the 16th of June, A. D. 1856, and for some time previous, he was the legal owner and in peaceable possession of the following property, to wit:

Two horses of the value of..... §300 00

That on the night of the day last named the said horses were taken from the house of the said petitioner and lost by him, and that he has had no remuneration for them or either of them, or any part thereof; that at the time said horses were taken the country was being scoured by armed and hostile bands of both political parties, and petitioner believes the said property was taken by said armed bands and was lost to him by the troubles in which Kansas was at the time involved.

That your petitioner was at the time of the loss of said property living with his family upon his farm, about one mile east of the city of Lawrence, on the Kansas bottom. That the horses above named constituted his only team and only means of supporting his family; that his is a timbered farm, and by hauling said timber to Lawrence he supported himself and family; and by the loss of said team he was greatly injured to the amount of at least \$150. Petitioner therefore says by the troubles in Kansas being the loss as aforesaid, he has suffered damage to the amount of \$150; for which amount he prays your honors to allow him.

Petitioner further states that the facts recited herein are true in substance and in fact.

CLARKE STEARNES.

Sworn to and subscribed before me this 12th day of March, A. D. 1859.

[L. S.]

CHAS. P. TWISS,
Notary Public.

In the matter of the petition of Clarke Stearnes.

DOUGLAS COUNTY, ss:

Lewis Stearnes, sworn, says: I am a son of petitioner; now 21 years of age; my father had a pair of horses on the 16th June, 1856, and they were taken from his wagon, in the yard, near our house; do not know by whom; were taken at night; they were tied. The country about here was then filled with bands of armed men. One of the horses was worth \$100; the other, \$200. Father lived in the bottom, about a mile from here, and had a family. The taking of the horses broke up his team; the team was necessary for the use of the family, and hauling wood and timber from there to Lawrence. In my opinion, the loss of the team damaged him \$50. Lawrence was then occupied by armed men. The horses were in an enclosure near the house the night they were taken. We made pursuit for the horses, but never found them, nor got any compensation for them.

LEWIS STEARNES.

Sworn to before me March 12, 1859.

EDWARD HOOGLAND,
Commissioner.

William Mathews, sworn, says: The horses lost or taken away from Mr. Stearnes on 16th June, 1856, were both work-horses; one worth \$100; the other \$150, a stud horse, a good one—was a three-year old, past. Cannot say how they were lost; I saw them tied with the ropes in the evening, near his house, inside his enclosure, and in the morning they were gone. I was passing by Stearnes's house when I saw them so tied. The country about here was at that time filled with armed men. Cannot say what it damaged him. Much damage to take away a man's team at that season of the year, and situated as Stearnes was; I would not have mine so taken for \$200. It was impossible at that time to replace the horses for money.

WILLIAM MATHEWS.

Sworn to before me this 12th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Clarke Stearnes.

Petitioner claims for two horses taken.....	\$300
Incidental damages.....	150
Total.....	<u>450</u>

The board allow and award the claim for the horses, at.....	\$300
Incidental damages inadmissible.	
Interest, as damages, 2½ years, at 6 per cent.....	45
Total.....	<u>345</u>

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

No. 25.

To the commissioners appointed to audit and certify claims under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, A. D. 1859, to audit and certify all claims for loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

ACCOUNT FOR LOSS AND DAMAGES.—PETITION.

TERRITORY OF KANSAS, *County of Douglas.*

Plaintiff states that he is a *bona fide* resident of the county of Douglas, Kansas Territory, and was an actual citizen of said Territory at the time of the disorder mentioned in the above act, viz: during the years 1855 and 1856.

Plaintiff further states that on the 2d day of September, A. D. 1856, and for some time previous, he was the legal owner and in peaceable possession of the following property, to wit:

1 dwelling-house, situated on the claim that he then owned, near Lecompton, in Douglas county, of the value of four hundred dollars.....	\$400 00
½ dozen of chairs and rocker.....	14 00
1 table.....	6 00
2 bedsteads, \$6 each.....	12 00
Bookcase and books.....	45 00
1 cupboard.....	15 00
1 cookstove and furniture, damaged.....	25 00
Dishes taken and destroyed.....	20 00
Tin ware and crockery.....	10 00
Clothing and bedding.....	80 00
Looking-glass and clock.....	8 00
Carpenters' tools and farming tools.....	150 00
Provisions on hand in the house.....	50 00
Hogs killed, 14, at \$5 each.....	70 00
Chickens killed, 7 dozen.....	15 00

14 acres of corn destroyed, worth \$70 per acre, including pumpkins.....	\$980 00
1½ acre of potatoes.....	350 00
7 acres of oats.....	35 00
Garden vegetables.....	50 00
A lot of hay destroyed.....	10 00

2,345 00

And that the same was lost during the year 1855-'56.
 Plaintiff also states that in December, 1855, he lost corn and fodder of the value of.....

100 00

2,445 00

Plaintiff states that the above account of \$2,445 is a full, just, and true account of the losses he sustained between the 1st day of November, 1855, and the 1st of December, 1856, and the true value of each item mentioned in the above account, according to the best of his knowledge and belief.

Plaintiff states that he has been *injured*, and hath sustained *damages*, over and above the value of the articles mentioned, to the amount of one thousand dollars, (\$1,000.) Plaintiff states that he has not sold nor disposed of his interest in said property, nor has he ever received the same back, nor any compensation for the same, from any person or persons whatever.

Plaintiff further states that the matters and things set forth in the above petition are true, in substance and in fact, and that he is truly entitled from your honors to an allowance of \$3,445 in all.

GEORGE H. SNYDER.

Sworn to and subscribed before me this 3d day of March, A. D. 1859.
 [L. S.]

CHARLES P. TWISS,
Notary Public.

Witnesses in support of the claim of George H. Snyder for loss and damages in 1855-'56.

TERRITORY OF KANSAS, }
 County of Douglas. }

John A. Wakefield, jr., of lawful age, being duly sworn, deposeth and saith: That I am well acquainted with George H. Snyder, who has made and signed the above petition as a party thereto. I know the property above described, and believe that the prices set to each article to be just and correct, and that the same was reasonably worth the amounts there charged. I have examined each article in the above petition mentioned. I know that said George H. Snyder had the property mentioned in his schedule, being well and intimately acquainted with him and his property. I know (only from general

reputation) that his house and its contents were burned by a company of men from Leecompton, under Dr. Stringfellow. I know, from the same reputation, that his corn was taken and destroyed by the same body of men. I know that the corn fodder mentioned in his petition was taken by the territorial militia in December, 1855, and that it was worth, at that time, about one hundred dollars. George H. Snyder was, and is now, a resident of Kansas Territory.

To the best of my judgment, said Snyder was damaged, by loss of his property at that season of the year, and compelled to sell his claim at a great sacrifice, without being able to pre-empt the same, in order to get means to support his family, his house and furniture and provisions being all taken and burned, up to over \$1,000 actual loss, over and above the value of the articles mentioned in said petition; and further saith not.

JOHN A. WAKEFIELD, JR.

Sworn to and subscribed before me this 12th day of March, A. D. 1859.

[L. s.]

CHARLES P. TWISS,
Notary Public.

TERRITORY OF KANSAS, }
County of Douglas. }

John A. Wakefield, of lawful age, being duly sworn, deposeth and saith: That I am well acquainted with George H. Snyder, who has made and subscribed the above petition, and know that he was the owner of the above-described property. I was well acquainted with said property, and believe the value set to each article to be reasonable and correct. I know, from the general reputation in the neighborhood, that said property was destroyed in September, 1856, by a body of men from Leecompton, under the command of Dr. Stringfellow, by being burned. Said Snyder was and is a citizen of Kansas Territory at the time of the disturbances; and further saith not.

JOHN A. WAKEFIELD.

Sworn to and subscribed before me this 12th day of March, A. D. 1859, by John A. Wakefield.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of George H. Snyder.

John A. Wakefield, jr., being duly sworn, deposeth and saith: That he is acquainted with the petitioner, George H. Snyder; that he was a citizen of Kansas Territory in the years 1855 and 1856, and resided between Lawrence and Leecompton, in the county of Douglas; the pe-

tioner had a good log-house, with pine floors, shingle roof, &c., with a kitchen attached; the house was burned, about the month of September, 1856, by a company of armed men, belonging to the Kansas militia, called the *Doniphan Tigers*. The principal part of his furniture was burned in the house; the house was worth, I should think, \$500 or \$600; the chairs, I do not know what they were worth certainly—I believe there was one set—they were probably worth \$8; he had a table, it cost \$6 in Kansas city; I think there were two bedsteads burned, they were worth \$6 or \$7 each; there was a bookcase, I cannot say what it was worth, but suppose it was worth \$10; he had a cupboard, but I cannot say what it was worth, it was a very good one; he had a good cooking stove, I think it was worth \$30 with its furniture; as to the amount or value of the dishes charged in the bill accompanying the petition, I cannot say what they were worth—he had a good lot of them—they were all destroyed; he had a large lot of tin pans; the crockery I could not say much about; I should think the tin and crockery were worth \$10. I know he had a fine chance of bedding and bed clothes; I believe it was principally all burned, the value of it I could not state; he had a clock, I think it was worth \$8; he had a good set of carpenters' tools—he worked at the trade before removing to Kansas, and brought his tools with him; he had every kind of tool used on farms, they were all new and good, but I could not particularly specify the different items, or their value; the amount or value of provision in the house at the time of its destruction I could not state; I know that he had brought with him from St. Louis provisions sufficient to last his family for one year; he had sugar, coffee, &c.; he had a lot of hogs, they were all killed and eaten by the Missourians—there were fourteen that I know of—the young hogs were worth \$4, the old ones were worth \$10; he had a large lot of chickens, the number I do not know, they were also eaten; they were worth \$3 per dozen; there were probably 75 of them; there were between 20 and 25 acres of corn, second year crop; the corn was very good, there would have been at least 50 bushels per acre; corn was worth \$1 per bushel; had one and a half or two acres of potatoes, they were very good, raised on timbered land; I could not say what number of bushels would be on an acre; potatoes were worth \$1 50 per bushel; he had seven acres of oats, I do not know what they were worth per acre; he had a good garden; he had every kind of vegetable usually produced in gardens; I could not say what it was worth; there was a lot of hay taken and hauled away, the quantity or value I cannot particularly state. I do not know anything of the losses in 1855; he had a very good library; I think he had at least \$50 worth of books.

JOHN A. WAKEFIELD, JR.

Thomas H. Thomas, sworn, states: That he is a citizen of Kansas; is acquainted with the petitioner; he resided in the Territory of Kansas in the years 1855 and 1856; about the 1st of September, 1856, affiant was living with the Hon. Daniel Woodson, then acting governor of the Territory; on Sunday morning I left the house of Governor Woodson to come to the house of George Lewis. in the direc-

tion of Lawrence ; when I came down the road near Mr. Snyder's I met a party of armed men, numbering about thirty or forty ; they were stationed on the road and guarding the spring, and waiting for persons passing on the road ; they halted me and interrogated me about my business, and where I was going ; some of them were of the *Kickapoo Rangers*, some of the *Doniphan Tigers*, and some of the *Missouri Pole Cats*, all known as Kansas militia ; while there I met some teams hauling off oats from the farm of Mr. Snyder. I at that time and place met a preacher of the Southern Methodist Church, who had an appointment to preach in Iecompton on that day, by the name of Johnson, among this armed band ; I inquired of him what *he* was doing there ; he stated they were getting some feed and provisions for the militia. I was well and intimately acquainted with Mr. Snyder ; was frequently at his place ; know that he had a fine crop of corn, and abundance of everything usually raised on farms, and had a good stock of hogs, and a well-furnished house ; the house was burned the night after I saw them hauling off his oats. The country at that time was completely under the control of armed bands of marauders, who termed themselves Kansas militia, and who were robbing and stealing from all who came in their way. I know that all the property in the house and on the farm of Mr. Snyder was carried off, burned up, or destroyed, and that it was done by these men ; the particular items or value I could not state.

THOMAS H. THOMAS.

In the matter of the petition of George H. Snyder

Petitioner claims for—

One dwelling-house burned.....	\$400	
Chairs, \$14 ; table, \$6 ; bedsteads, \$12 ; bookcase and books, \$45.....	77	
One cupboard, \$15 ; one cook stove, \$25 ; dishes, \$20..	60	
	—	\$537 00
Tin ware, \$10 ; clothing and bedding, \$80 ; looking-glass and clock, \$8.....	98	
Carpenters' and framing tools, \$150 ; provisions in house, \$50.....	200	
Fourteen hogs, at \$5 each, \$70 ; 7 dozen chickens, \$15..	85	
	—	383 00
Fourteen acres of corn, at 70 bushel per acre, including pumpkins.....	980	
One and a half acres of potatoes.....	350	
Seven acres of oats.....	35	
Garden vegetables.....	50	
A lot of hay destroyed.....	10	
	—	1,425 00
		2,345 00
Fodder.....		100 00
		2,445 00

Upon the proof and prices charged in the petition—

The board allows the amount claimed for the house.....	\$400 00
For household furniture, hogs, and chickens.....	520 00
For fourteen acres of corn, average proof, at 40 bushels per acre, \$1 per bushel, less 10 cents.....	504 00
For 1½ acre of potatoes, in the ground, unmatured, &c., \$100 per acre is abundant	150 00
Seven acres of oats, charged at.....	35 00
Garden vegetables, \$50; hay, \$10.....	60 00
Fodder destroyed.....	100 00
	<hr/>
	1,769 00
Add interest, 2½ years, at 6 per cent.....	265 35
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Total award.....	2,034 35
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EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

MAY 5, 1859.

No. 26.

MARCH SESSION, LAWRENCE.

To the board of commissioners appointed under an act to provide for the adjustment and payment of claims, approved February 7, 1859.

Your petitioner, Henry I. Baldwin, represents to your honorable body that he has been a citizen of Kansas Territory, and a resident of Douglas county, ever since April, A. D. 1855, and is at the present time; and on or about the 30th day of August, A. D. 1856, during the disorder which prevailed in the Territory at that time, a company of armed men took possession of and camped in the neighborhood of Judge Wakefield's, in said Douglas county; and many of the residents thereof, and with them your petitioner, were by threats driven from their homes, and by said disorder was compelled to be away from his home, and that during that time there was stolen from his house or taken away and destroyed and entirely lost to your petitioner the property mentioned in the schedule hereto attached and marked A, and made a part of this petition, amounting in all to \$184 25, for which he has never received any compensation whatever.

And during the occupancy as aforesaid by the said armed body of men of said neighborhood the cattle of your petitioner were driven away by some persons unknown and were not recovered by him for several weeks, and then in a very weak and poor condition, to the damage of petitioner \$25.

And during the time aforesaid said armed body of men greatly damaged a field of corn and potatoes belonging to petitioner, in said locality, by turning in their horses and digging potatoes, and in divers other ways, to the amount of \$50.

And your petitioner at the time aforesaid had a field ready for sowing with wheat, and was prevented from sowing by the said difficulties and by his said absence, until so late that his crop was only part put in and almost wholly tailed, to the further damage of petitioner of \$50. And your petitioner, by the said disorder and disturbances above mentioned, was kept away from his home during the period of time between November 1, 1855, and December 1, 1856, for the space of three months, at great expense and trouble and damage, amounting to at least \$100.

And your petitioner further represents that all said losses, amounting in all to \$409 25, were caused by the said disorder and disturbance prevailing during the time above specified, and that he has never received any compensation therefor. Wherefore he prays your honorable body to audit and certify accounts to said act; the said loss of your petitioner amounting as aforesaid to the sum of \$409 25, together with interest on the same from said August 30, A. D. 1855, and to award to your petitioner for his losses and damages so as aforesaid sustained, the said amount of \$409 25, and interest.

SAFFORD & SAFFORD,
Claimant's Attorneys.

TERRITORY OF KANSAS, *Douglas County, ss:*

Henry L. Baldwin, being duly sworn, says: That he is the claimant in above petition, and that all the facts stated therein he believes to be true.

HENRY L. BALDWIN.

Sworn to and signed before me this 12th day of March, A. D. 1859.
SAM'L A. KINGMAN,
Commissioner.

A.

Bill of damages sustained during the years of 1855 and 1856.

Farming tools—	
One ox-yoke.....	\$6 00
One spade.....	1 25
Two augers.....	1 00
Clothing, including hats, coats, pants, and vests, shirts, handkerchiefs, and stocks, amounting to.....	74 00
Bedding.....	100 00

Shaving and toilet apparatus.....	\$5 00
One watch, at	20 00
One pistol and appendages.....	12 00
One large bowie-knife.....	5 00
Cash and purse.....	15 00
Household furniture and things left in the house.....	30 00
One grindstone.....	5 00
	<hr/>
	184 25
	<hr/> <hr/>

In the matter of the petition of Henry L. Baldwin.

DOUGLAS COUNTY, ss :

Erastus Heath, being duly sworn, saith : Have been acquainted with petitioner three years ; he and I reside about seven miles west of Lawrence ; his claim joins mine ; he is a citizen of Douglas county ; during the summer of 1856, from about the month of April till August and September of same year, armed bands of men, not residents of the neighborhood, had possession of that portion of the Territory, and petitioner, myself, and other citizens were frequently driven away from home during that summer, sometimes a short time and sometimes for weeks ; it was not safe for any man to remain on his claim ; in our vicinity being wood and water, the marauding bands mentioned occupied that vicinity, as it also commanded the California road between Topeka and Kansas City. About May, 1856, some parties of armed men from the camp mentioned took possession of Baldwin's house, arrested men on the road, and took from them such things as they wanted ; I know that Baldwin had an excellent ox-yoke, worth \$6 ; a spade, worth \$1 25 ; two augers, worth \$ — ; he had a hat, clothing, &c., in the house, which I remember as of the very best class ; should estimate the articles that I know he lost at about \$74 ; I helped Baldwin make out the bill presented with petition, partly from recollection of myself ; know of most of the items ; his bedding was worth \$10 ; shaving and toilet apparatus, \$5 ; watch, I remember, \$20 ; he had a pistol and appendages, but of the kind or value I cannot say particularly ; I think he had a bowie-knife, but most of my recollection concerning it is based upon conversations ; he had some money in bills on an Indiana bank, worth face, less 15 per cent. discount ; I know that petitioner's trunk was broken open and robbed by the bands mentioned ; when we returned to his house, after things got quieted in October, found his furniture all broken, destroyed, or stolen ; a grindstone burned in my house, belonged half to petitioner, his half worth \$5 ; the cattle mentioned were lost when we were obliged to leave home ; his cattle were found in possession of a man who said he had been using them some ; they were much injured, stiff and lame ; they were damaged \$25 ; he paid \$130 for them. Petitioner had a 25-acre field, of which 15 or 18 acres were in corn ; it

looked well for that year, being second year land ; he would probably have realized about 30 bushels per acre ; it belonged to him and his brother ; the field was used as a pasture by the bands of armed men mentioned ; part of his potatoes, about one acre, was partly dug up ; he and his brother owned the corn and potatoes ; total damage on corn and potatoes \$100 ; I estimate petitioner's share at \$50 ; same season petitioner had some ground broke for wheat, about seven or ten acres, which he was prevented from using, except a very small part of it, which was put in last of September ; next season he did not harvest said wheat, but it seeded itself ; his damage, which was his own exclusively, is lightly stated at \$50 ; he could not put in wheat in 1856, because of his being driven away from home ; he was absent from home not less than three months ; the expense, trouble, and damage for said three months I estimate at \$100 ; I have never seen any of the property claimed for, as having been lost, in possession of petitioner or any one else since, nor do I know of his having received any remuneration for the same, or any part thereof. After the property was taken, I was at petitioner's house as early as any people from Lawrence dared to go to that neighborhood, and all the property mentioned seemed to have been taken away.

ERASTUS HEATH.

Sworn to before me this 12th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

Henry L. Baldwin sworn : The pistol claimed for in my petition I was the owner of ; it was stolen from my house with the other articles specified in my bill ; on my return to my house I found my trunk broken open and property stolen by a band of armed men who had possession of my house ; pistol and appendages were worth \$12 ; the bowie-knife stolen was worth \$5 ; in my purse was \$14 Indiana bank bills at 15 per cent. discount ; the book they were in was worth \$1 ; the bill of clothing is a just and true list of what I lost by said robbery, and the real value thereof ; I have never received any compensation for said property, nor recovered any portion thereof.

HENRY L. BALDWIN.

Sworn to before me this 12th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Henry L. Baldwin.

Total claimed..... \$409 25

Petitioner claims for and proves losses of farming tools, clothing, bedding, and household furniture, according to his inventory with petition, which amount is allowed as stated, at.....	\$184 25
Damage to cattle.....	25 00
Damage to corn and potatoes destroyed.....	50 00
	<hr/>
Total	259 25
The claim for contingent or prospective damages in loss of use of wheat land is inadmissible.	
The claim for lost time is also inadmissible.	
Damages, by way of interest, 2½ years, at 6 per cent.....	39 00
	<hr/>
	298 25
	<hr/> <hr/>

EDWARD HOOGLAND.
 SAMUEL A. KINGMAN.
 HENRY J. ADAMS.

MARCH 15, 1859.

No. 27.

MARCH SESSION, LAWRENCE, DOUGLAS COUNTY, KANSAS TERRITORY.

To the board of commissioners under "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859.

Your petitioner respectfully represents that he is a citizen of the Territory of Kansas, and has been a citizen thereof since the 7th of April, A. D. 1855, and a resident of Douglas county; and further, that on or about the 30th day of May, A. D. 1856, he was driven away by an armed body of men, who were overrunning the said county of Douglas, and compelled to leave his home; and for the space of six weeks it was unsafe for him to return, and he was compelled to remain absent. And on or about the 1st day of November, A. D. 1856, your petitioner was arrested on a charge of being at the taking of Colonel Titus, and imprisoned during the whole of that month and for some time afterwards, and, in consequence of said imprisonment, was able to save but one hundred and fifty bushels of corn from fifteen acres, which yielded upon an average forty bushels per acre, the remaining four hundred and fifty bushels being wholly lost and destroyed by cattle and otherwise. Said corn was worth one dollar and fifty cents per bushel, and was the property of petitioner. And in consequence of the said imprisonment, and the exposure while so imprisoned and in returning, your petitioner was taken sick with lung fever, and was confined for two months to his bed, and was put to an expense of fifteen dollars for the attendance of a physician, and to an expense of seventeen dollars for the services of a man to supply his place in feeding his stock, &c. On the said 30th day of May petitioner was driven from his home for having been at Captain Walker's at the time a party

from Lecompton attacked his house, about the 16th day of May, A. D. 1856. Your petitioner further says that said losses of property and time occurred during and in consequence of the disorder that prevailed in said Territory between November 1, 1855, and December 1, 1856; and that he has never received any compensation therefor.

Your petitioner therefore prays your honors to audit and certify the loss of your petitioner of the said corn, amounting to six hundred and seventy-five dollars; also the damage to said petitioner for the loss of his time for the said six weeks, and the said month of his imprisonment, and two months of his sickness, amounting to two hundred and twenty-five dollars; and also the said expenses, amounting to thirty-two dollars—in all, nine hundred and thirty-two dollars; together with interest on the said amount, *damage resulting* from said losses, and award certificates therefor.

WM. M. HASELTINE.

Sworn to and signed before me this 12th day of March, A. D. 1859.

SAM'L A. KINGMAN,

Commissioner.

In the matter of the petition of William M. Haseltine.

DOUGLAS COUNTY, ss:

Samuel Walker sworn; I reside seven miles west of Lawrence. Am acquainted with petitioner. He came here in the spring of 1855, and has been a citizen ever since. He was driven away from his home in the summer of 1856 by bodies of armed men; by Governor Shannon, with a posse of United States troops, once. He was driven away several times. It was not safe for any free-State man to stay at home on a claim in that vicinity that summer. He was one of the men who were obnoxious to the bands in possession of that vicinity, where he resided. He resided near me—about two miles from my house. He was kept away from his home nearly all the time for several months—at least two months altogether. Haseltine was arrested and imprisoned, by order of Colonel Titus, about November 1, 1856; was imprisoned nearly two months at Lecompton and Tecumseh. He had a field of eight or ten acres of corn; don't know how many acres. The corn looked very well; don't know of its being destroyed, except from hearsay. He was sick a long time after he came out of jail. He was well when he went away. Sickness caused by confinement. A physician attended him nearly two months; he was confined to his bed most of the time. He was driven away from his home at one time on a charge of having been one of the defenders of my house. I met Governor Shannon, with some United States troops, hunting up those who had aided me in resisting Titus's attack. He secreted himself in the ravine; and was necessarily secreted, to save his life, from time to time. His lost time was worth one dollar per day. His time during sickness I estimate at like amount. Hands could not be hired for less than one dollar per day that season. Do not know of his having ever received any remuneration or compensation for said losses.

Cross-examined.

The property claimed for is corn, which was destroyed incident to the difficulties. I cannot state how it was destroyed.

SAMUEL WALKER.

Sworn to before me this 12th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

Joseph B. Swain sworn: I know that Haseltine, the petitioner, was driven away from his home in the summer of 1856 by Governor Shannon, Colonel Titus, and bands of armed men and United States troops. It was not safe for him to have remained at home. He was kept away six weeks. He was first driven off on the 29th of May. It was not safe for him to be at home any time during that summer. Altogether he was kept away as much as three or four months. In the summer of 1856 petitioner had fifteen acres in corn—second year's planting—which would have averaged about fifty bushels per acre. It was a good field of corn. Don't know how much of it was destroyed, as I was out of the Territory a while. Corn was worth in that neighborhood in the fall about one dollar to one dollar and fifty cents per bushel. He was sick on his claim when I came back, in March, 1857. Labor that summer, in the position that he occupied, was worth fifty dollars or sixty dollars per month. He is not a relative of mine. He is a baker by trade.

JOSEPH B. SWAIN.

Sworn to before me this 12th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

William M. Haseltine, the petitioner, sworn: I was kept from my business and claim, by being driven away, about six weeks, from the 29th of May, 1856. In November, 1856, I was arrested by Kramer, of Leecompton, by a posse of thirteen, under Colonel Titus's command, and was in prison about seven weeks at that time. I had fifteen acres of corn planted that season, which would have yielded forty bushels per acre. Four acres of it was sod corn. During my absence my fences were torn down, and hogs and cattle and mules destroyed a proportion equal to at least four hundred and fifty bushels of corn.

WM. M. HASELTINE.

Sworn to before me this 12th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of William M. Haseltine.

Petitioner claims for 450 bushels of corn destroyed, which he values at \$1 50 per bushel.....	\$675 00
Sickness expenses	32 00
Loss of time.....	225 00
	<hr/>
	932 00
	<hr/> <hr/>
The board allow the claim for the corn, 450 bushels, at \$1, less 10 cents per bushel for gathering.....	\$405 00
Sickness expenses inadmissible.	
Lost time inadmissible.....	75 75
	<hr/>
Total award.....	480 75
	<hr/> <hr/>

EDW'D HOOGLAND.
SAMPL A. KINGMAN.
HENRY J. ADAMS.

MAY 4, 1859.

No. 28.

To the honorable commissioners appointed to audit and certify claims:

Your petitioner, Charles H. Rand, would respectfully represent that in the fall of A. D. 1855 a company of free-State cavalry took a valuable horse of your petitioner, worth one hundred dollars, and rode him about four weeks, and after petitioner procured his said horse, and petitioner thinks about two weeks afterwards, he died in consequence of the abuse he was subjected to while in the army aforesaid.

Your petitioner would further represent that in November, A. D. 1855, he had forty dollars' worth of clothing, consisting of one cloth coat, worth twenty-five dollars, one pair of pantaloons, worth eight dollars, one vest, worth eight dollars, and collars and handkerchiefs amounting to four dollars' worth, stolen and taken from him in Lawrence by the free-State army then quartered in Lawrence.

Your petitioner would further represent that in August, A. D. 1856, he had stolen from him and slaughtered a fine young steer, worth twenty dollars, by the free-State soldiers quartered at that time in and about Lawrence.

RECAPITULATION.

For one horse.....	\$100 00
Clothing.....	41 00
Steer.....	20 00
	<hr/>
Total.....	161 00
	<hr/> <hr/>

Your petitioner would further represent that for neither or any of the above specified losses has he ever received any compensation or remuneration whatever.

CHARLES H. RAND.

Sworn and subscribed before me the 12th day of March, A. D. 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Charles H. Rand.

DOUGLAS COUNTY, ss :

George Hurd, being duly sworn, saith: I have heard the petition read. Know that Rand had a gray horse in fall of 1855. That horse was taken and used by the free-State cavalry. I saw him in use. After he was recovered the horse died in two weeks. He was all run down when recovered by Rand; think he died from excessive abuse while in use by the army. The horse was worth when taken \$125.

Rand had some clothing taken from him at Lawrence, by the free-State men at Lawrence. He lost it while he was here by force. That clothing was coat, pants, vest, &c. Coat worth \$25; a fine broadcloth frock coat, nearly new. Pants worth \$6 or \$7. Vest worth \$4; it was satin.

Cross-examined.

I had known the horse six months before he was taken. He was taken in November, 1855. He was taken from the Cincinnati house, in Lawrence. Mr. Rand did not belong to the cavalry. The horse was once taken by Rand's consent. It was in November that he was taken by Rand's consent. The last time the horse was taken he was taken against Rand's will and consent.

GEORGE HURD.

Sworn to before me, March 12, 1859.

EDW'D HOOGLAND,
Commissioner.

Henry Hurd, sworn. I am acquainted with petitioner; have known him eight years; known him since May or June, 1855, and has lived here ever since. He is a citizen of Kansas and now resides here. He had a gray horse in the fall and winter of 1855-'56. The free-State army got said horse and used him up. I was on guard one night and rode said horse myself, without Rand's consent. The horse, when Rand recovered him, was injured, and died soon after the close of the Wakarusa war. That horse was worth \$100. The use or abuse of the horse in the army killed him.

Know Rand lost clothing, but I cannot state particulars. They were left in a box, back of the Cincinnati house, in Lawrence, and were taken from there. Rand was stopping there at the time. The free-State army were quartered in Lawrence at the time.

HENRY HURD.

Sworn to before me this 12th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Charles H. Rand.

Petitioner claims—	
For one horse.....	\$100 00
Clothing	41 00
Steer	20 00
	<hr/>
Total.....	161 00
	<hr/> <hr/>
The proof shows the taking and destruction of the horse....	100 00
Also, the taking of clothing. Coat \$25; pants \$6 or \$7=	
\$6 50; vest \$4	35 50
No proof in regard to the steer.	
	<hr/>
Allowed.....	135 50
Add interest, 2½ years, at 6 per centum.....	20 25
	<hr/>
Total award.....	155 75
	<hr/> <hr/>

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

MAY 3, 1859.

No. 29.

ACCOUNT OF LOSS AND DAMAGE.

To the commissioners appointed to audit and certify claims under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856:

TERRITORY OF KANSAS, *Douglas County, ss:*

Petitioner states that he is a *bona fide* citizen of Douglas county, Kansas Territory, and was an actual resident citizen thereof at the time mentioned in said act.

Petitioner further states that on the — day of September, A. D. 1856, he was the owner and in peaceable possession of five acres out growing corn, of the value of \$250; and six tons of hay, of the value of \$90; and seven cows and three yearlings, of the value of \$240; in all of the value of \$580. That said property, of the value aforesaid, was lost to said petitioner by his being driven from his farm, some eight miles southwest of Lawrence, in said county and Territory, by the marauding bands then infesting said Territory. That the Missouri band under the command of Major General Richardson were encamped at Coon Point, in sight of said property, and that said property was lost and destroyed to your petitioner on account and by the troubles then prevailing in that portion of said Territory.

Petitioner further states that he has received no remuneration whatever for said loss and damage, amounting to the said sum of \$580, but that the same is totally lost to your petitioner; he therefore prays your honors to allow him the said sum of \$580.

Petitioner further states that the facts herein recited are true.

Petitioner further states that on the — day of September, A. D. 1856, he was the owner of one fat ox, of the value of \$40, and one Sharpe's rifle, of the value of \$40, in all of the value of \$80; that the said ox was lost to your petitioner and driven into the city of Lawrence, killed and eaten by the armed free-State men then assembled at said city for the defence of said Territory; that said Sharpe's rifle was taken by force from said petitioner by a body of armed men under the command of one Wood; that he has received no remuneration whatever for said property, but the same was totally lost to petitioner by the troubles in Kansas prevailing at that period.

Petitioner further says that he was illegally seized and deprived of his liberty by an armed body of men, for six months, to his damage \$500.

Petitioner therefore prays an allowance by your honors in the sum of \$1,160.

Petitioner further states that the facts herein recited are true, and that he is justly entitled to the said allowance.

HENRY HURD.

Sworn to and subscribed before me this 12th day of March, A. D. 1859, as witness my hand and notarial seal.

CHA'S P. TWISS,
Notary Public.

Harrison R. Rawson sworn: I am and was acquainted with petitioner in September, 1856; he then resided on his farm, 8 miles south of here, at that time; he had 4 or 5 acres of out growing corn at that time; corn at any time about there was worth \$1 per bushel; it was rather scarce; that field of corn was worth \$40 per acre; he had some hay cut, about several tons in cocks; might be 5 to 8 tons, judging from the number of cocks; he lost 7 cows and 3 yearlings during

the winter and spring of 1857; cows worth \$30 each; there were 7 cows; yearlings (3) about \$10 each.

The army of General Richardson was camped at Coon Point, near Hurd's, in September, 1856; in sight of Hurd's part of the time; the corn was all destroyed during the troubles; hay went to waste on account of his being absent, and cows died from starvation principally during the winter; the family emptied their straw beds during the winter to feed the cows; the neighborhood was occupied by these armed bands going into every field, throwing fences down; men folks were all driven away by this army and no one left to put up the fences or save the crops; the ox mentioned in petition I know nothing about, except that I had seen him; he had had said ox in August or September, 1856; the rifle was worth \$35 or \$40; the ox was worth \$40 or \$45; I am a farmer; knew Hurd's farm; Hurd was a prisoner from November till March; his services during that time, considering the necessity and advantages that presented for getting rails, &c., at that time for farm work, were worth \$1 50 to \$2 per day.

H. R. RAWSON.

Sworn to before me this 12th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

George Hurd sworn: I am 23 years old; am brother of petitioner, Henry Hurd; in September, 1856, had about 5 acres of corn growing on his farm, worth \$20 or \$30 per acre; the cows were worth \$30 each and \$10 for yearlings; he had about 8 tons of hay destroyed; the men camped at Coon creek, tore down the cornfield fence, and turned their horses in; the cows and yearlings died from starvation; the ox that Henry had strayed down to Lawrence and was killed, I understand, by the free-State men, who were then in Lawrence for defence in arms.

Cross-examined.

I do not know that Henry ever gave orders or consent to kill the ox.
GEORGE HURD.

Sworn to before me this 12th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Henry Hurd.

DOUGLAS COUNTY, ss:

Charles H. Rand sworn: I am acquainted with petitioner and was acquainted with him in September, 1856; he then lived about 8 miles from here, on a farm southwest from Lawrence; at that time a Mis-

souri army under General Richardson was encamped at Coon Point at the head of Coon creek, about several hundreds, who were marauding about the country and camped within sight of Hurd's farm; Hurd then had five acres of outgrowing corn, worth per acre \$50; he had six tons of hay cut; I helped cut; it was then worth \$15 per ton, at least; before spring worth \$25; he had seven cows and three yearlings, cows worth \$30 each and yearlings \$10 each; during that period, while the men were so encamped, Hurd could not remain on his farm in safety; his life would have been in danger. About this time Hurd was seized, in September, 1856; kept in prison six months; the property mentioned was destroyed as follows: cattle got into the corn and ate it up; the hay went to waste in consequence of his not being there to take care of it; the cattle died for want of attention and food, for food could not be had for them; the fat ox mentioned was last seen on the island east of Lawrence; the hide was seen in Duncan's store here after the troubles; I know that Hurd had one rifle; don't know what became of it. For six months confinement I think the damage by loss of labor was worth at least \$50 per month; laboring men's wages that winter were \$2 per day.

Cross-examined.

Hurd was taken prisoner in September, 1856, and released in March, 1857; was held as a prisoner at LeCompton; he was indicted and tried as being concerned in the battle at Hickory Point. It was sod corn, I think, five acres; sod corn generally yields, in good seasons, about 40 bushels per acre; in dry seasons perhaps not over 20 bushels; it had not been cultivated, only planted; corn was worth then, at the time destroyed in the field, \$1 per bushel; there were 5 or 6 tons of hay; it was cocked up in the prairie; Hurd had to leave just then; it was worth \$15 per ton in the cock; cattle and horses broke over the fence and destroyed the corn about 1st of September; most of the fence was picket, the rest rail fence 4½ feet high; the cows died, some in February, but most of them (7 in number) in March; one or two died 1st of April; they died from want of attention and feed; the ox ran about Lawrence a year before Hurd got him; Hurd drove him up to his farm and the ox ran away; don't know that Hurd gave any orders to kill the ox, nor that he ever received any compensation for the property destroyed. There were melons in the field, and from the course pursued by the said armed parties of men in relation to other fields, where there were such articles as they wanted, I think they threw down Hurd's fences. I heard at the time that said ox was killed and eaten by the free-State army in Lawrence.

CHARLES H. RAND.

Sworn to before me this 12th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

Ezekiel D. Whipple sworn: I know that Mr. Hurd had a Sharpe's rifle in September, 1856; it was worth between \$30 and \$40; he lost it at Hickory Point; he was arrested with the 100 prisoners taken there; it was taken from him on his arrest; I was one of the prisoners; he was a prisoner six months; labor then was worth \$1 50 to \$2 per day.

Cross-examined.

The United States troops took the gun from him; I came home with him when we were released; I do not think he got his gun for I did not get mine, and I have never heard of any getting their guns. After they were taken it was understood that the guns would be returned; such was expressed to us while we were in the United States camp at Lecompton. I am a carpenter by trade and a farmer; six months time, from September to March, to a farmer working his farm would be worth more than carpenter's wages, as he could make more; carpenter's wages were \$2 50 per day in February.

EZEKIEL D. WHIPPLE,

Sworn to before me March 12, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Henry Hurd.

Petitioner claims for—

Five acres of corn destroyed.....	\$250 00
Six tons of hay destroyed.....	90 00
Seven cows and three yearlings.....	240 00
Fat ox—strayed and used up.....	40 00
One Sharpe's rifle.....	40 00
Damages for six months detention in prison.....
Amount claimed.....	<u>1,160 00</u>

Upon examination of petition and proofs the board award compensation to petitioner as follows:

For five acres of sod corn—full average forty bushels per acre—\$1 per bushel—less 10 cents per bushel for harvesting.....	\$180 00
Six tons of hay destroyed.....	90 00
Seven cows and three yearlings—value.....	\$240
Deduct value of hay which was cut for, and would have been fed to them.....	90
	<u>130 00</u>
One fat ox.....	40 00
One Sharpe's rifle.....	40 00
	<u>480 00</u>

Damages by interest at six per cent.—two and a half years	\$72 00
	<hr/>
	552 00
	<hr/> <hr/>

The claim for personal damages on six months' detention is inadmissible.

EDW'D. HOOGLAND.
 SAM'L. A. KINGMAN.
 HENRY J. ADAMS.

MARCH 15, 1859.

No. 30.

ACCOUNT FOR LOSS AND DAMAGES.—PETITION.

To the commissioners appointed to audit and certify claims, under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, A. D. 1859, to audit and certify all claims for loss of property taken or destroyed, and damages resulting thereupon, during the disorder that prevailed from November 1, 1855, to December 1, 1856:

TERRITORY OF KANSAS, *County of Douglas:*

Petitioner states that he is a *bona fide* citizen of Douglas county, Kansas Territory, and was an actual resident citizen of the same at the time mentioned in the above act, being the years 1855 and 1856.

Petitioner further states that on the fifth day of June, A. D. 1856, and for some time previous, he was the legal owner, and in peaceable possession, of the following property to wit:

One yoke of work cattle.....	\$125 00
One wagon (covered).....	125 00
Two pairs of double blankets, at \$10	20 00
One axe and helve.....	1 50
Two log-chains.....	4 00
Cooking utensils....	5 00
Provisions.....	1 00
One keg of molasses	8 00
Twenty-five pounds of crushed sugar, at 14 cents.....	3 50
Clothing (wearing apparel).....	8 00
	<hr/>
In all of the value of.....	301 00
	<hr/> <hr/>

That said property was taken under the following circumstances: Petitioner started from Topeka, Shawnee county, in said Territory, with said team, to Kansas city, State of Missouri, for a load of goods for Allen & Gordon, Allen & Conwell, and Harrison Nichols of said city of Topeka. That he proceeded to Kansas city, in said State of

Missouri, and procured his load of goods, consisting of one iron safe for the said Allen & Gordon; three sacks of meal, two barrels of sugar, three sacks of flour, one stove drum, and settees for Allen & Conwell; and four boxes of segars for the said Harrison Nichols; and for himself the molasses and sugar recited in his bill of particulars. That on his return from the said Kansas city, when about six miles west of Westport, and in the Territory of Kansas, about noon of the said 5th day of June, A. D. 1856, he was attacked by a body of armed men, under the command of the notorious Coleman, who, before that time, had murdered Dow, near Palmyra, in said Territory—taken prisoner by them, stripped, searched, and otherwise grossly maltreated. His said team, and all the property in his wagon, seized and taken by them, and driven towards Westport, and petitioner, by threats and violence, driven in the contrary direction into the Territory. That \$301 was the real cash value of the property at the time thus taken from petitioner, and totally lost to him—although he afterwards found one of the oxen, but in a worthless condition.

Petitioner further states that he was deprived by the loss of said property of his only means of subsistence. That he lost by said taking the entire expenses of his said trip and the proceeds of the hauling of said load. That he expended a large amount of money and a great deal of time in endeavoring to recover his said property; and that the damage resulting from the loss is reasonably worth \$250. He therefore respectfully prays your honors to allow him the said sum of \$551, and thus give him some slight indemnification for his losses and damages thus suffered by him. And he will ever pray, &c.

Petitioner further states that the facts herein recited are true.

ARTEMAS W. DOLE.

Sworn to and subscribed before me this 12th day of March A. D. 1859, as witness my hand and notarial seal.

[L. S.]

CHAS. P. TWISS, *Notary Public*.

TERRITORY OF KANSAS, }
Second Judicial District, Shawnee County, } *ss:*

Artemus W. Dole, aged 21 years, being duly sworn, doth depose and say: That he resides on Mission creek, about twenty miles southwest from Topeka, in said Shawnee county; that, on the 31st day of May, 1856, he left home with his team, consisting of one yoke of large oxen and a wagon, and went to Topeka aforesaid, whence, in pursuance of engagement as a teamster, he went through Tecumseh and along the California road to Kansas city, Missouri, where he loaded upon and put into his wagon, to be taken thence to Topeka, the following goods and chattels, viz: One large iron safe, of the value of say one hundred dollars, for Allen & Gordon, of Topeka; two barrels of sugar, of the value of fifty dollars; one keg of nails, worth six dollars; three bags of cornmeal, worth six dollars; two settees, or seats, worth three dollars; one stove drum, worth two dollars; one keg of molasses, worth seven dollars; all for Allen & Conley, of Topeka,

except the molasses, which was for a Mr. Scales, of Topeka; and one tent, belonging to deponent, worth fifteen dollars. That, with his said wagon and team and the goods and chattels aforesaid, together with other articles not mentioned, deponent started on his return from Kansas city to Topeka, on Thursday last, the fifth day of June instant, about 8 o'clock a. m.; passed through Westport about 10 or 11 o'clock a. m., and, without interruption, passed on to a distance of three or four miles west of Westport, and while peaceably pursuing his journey along the said California road, four men on horseback came riding up to deponent. One of them pointed his pistol at deponent, and ordered him to stop. I did stop. They then questioned me as to my former place of residence. I told them I came from Massachusetts. They then talked very harshly about "Yankees," and said they were coming up to the upper part of the Territory during the present week to kill off every one of them. Deponent considered the latter threats as mere bravado, and did not believe any such intention. They then demanded the bill of goods in my wagon. The bills were in letters, addressed to said Allen & Gordon and Allen & Conley. The said men then, by threats and the exhibition of revolvers, ordered and compelled deponent to break open said letters and hand them the bills. They then searched deponent's pockets and took away a note for \$13, against Ebenezer Butler, of Winchenden, Massachusetts, but left in deponent's possession what money he had with him, amounting to about one dollar and fifty cents. One of said men, whose name deponent could not learn, then took possession of said wagon and goods, and turning the same around, drove off towards Westport. The other three men then ordered deponent to accompany them, (I being on foot,) a distance of seven or eight miles, to Turkey creek, when they allowed deponent to go on alone. At the place where they let me go these men spoke with others, who formed a camp of about 200 men. I then went on as far as Donaldson's, where a man, who declared himself a pro-slavery man, and who was merely called "colonel," said he would try to help deponent to get his team and goods. I then went back towards Westport, but stopped over-night at an Indian's. The next morning I went on towards Westport, and when I was about four miles from Westport this "colonel" passed me and told me to come on, that he would wait for me at Westport. I went on, and when within one mile of Westport one of those same four men, whose name I have reason to believe is Coleman, met and questioned me as to where I was going and what for. I told him I was going back to try and get my team and wagon. He told me to come back and go with him; not to go to Westport; that he would shoot me if I did. I accordingly surrendered and went with him, or under his observation, several miles. He said if I would turn round and go west, that he would protect me through their or his camp. I then pursued my way safely to Lawrence, and thence to Topeka.

The said oxen were worth one hundred and twenty dollars, and the wagon eighty dollars.

ARTEMAS W. DOLE.

Sworn to and subscribed before me this 12th June, 1856.

S. S. CATO, *Judge, &c.*

In the matter of the petition of Artemas W. Dole.

Petitioner claims for the following property taken from him, June 5, 1856, on the California road, near Westport:

1 yoke of work cattle, value.....	\$125 00
1 wagon, covered.....	125 00
2 pairs double blankets, at \$10.....	20 00
1 axe and helve.....	1 50
2 log-chains.....	4 00
Cooking utensils.....	5 00
1 keg of molasses.....	8 00
25 pounds crushed sugar.....	3 50
Clothing, wearing apparel.....	8 00
	<hr/>
	300 00
	<hr/> <hr/>

The petitioner does not introduce any witnesses. His testimony is thoroughly substantiated by historical documents, so that the facts mentioned became a matter of public notoriety; and the annexed affidavit, made by petitioner a few days after the robbery, shows that while the matter was yet warm and in "hue and cry," he made complaint, pursuant to law, for process against the robbers. In that affidavit Dole says:

The oxen were worth.....	\$120 00
Wagon.....	80 00
2 pairs blankets, \$20; 1 axe, \$1 50; 2 chains, \$4; cooking utensils, \$5; clothing and wearing apparel, \$8, are allowed, as usual, probable and necessary articles for teamsters; and sugar, \$3 50.....	42 00
1 keg of molasses, was for Mr. Scales, of Topeka—see affidavit.	
	<hr/>
	242 00
Add interest 2½ years, at 6 per cent.....	36 30
	<hr/>
	278 30
	<hr/> <hr/>

The board, therefore, award to petitioner the said sum of \$278 30.

EDWARD HOOGLAND.
HENRY J. ADAMS.
SAMUEL A. KINGMAN.

APRIL 18, 1859.

No. 31.

ACCOUNT FOR LOSS AND DAMAGE.

To the commissioners appointed to audit and certify claims, under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, A. D. 1859, to audit and certify all claims for the loss of property, taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856 :

TERRITORY OF KANSAS, *Douglas County:*

Petitioner states that he is a *bona fide* resident citizen of said Territory, of the county of Douglas, and was an actual resident citizen of the said county and Territory at the time mentioned in said act, viz: during the years 1855 and 1856.

Petitioner further states, that on the 26th day of November, A. D. 1855, and for some time previous, he was the legal owner and in peaceable possession and enjoyment of the following property, viz:

4 tons hay, of the value of.....	\$32 00
25 bushels corn, 75 cents per bushel.....	18 75
1 shed burned.....	50 00
	<hr/>
Of the value in the aggregate of.....	100 75
	<hr/> <hr/>

That said property was lost to petitioner by being fired, burned, and destroyed by the armed bands then investing said Territory, being on his farm, about one mile of the city of Lawrence, said party being attached to the army under the command of one Richardson.

Petitioner further states that by the destruction of said forage and shed his stock greatly suffered, to his damage one hundred dollars.

Petitioner further states that he has received no remuneration whatever for said property, but that the same was totally lost to him.

He therefore prays your honors to allow him the sum of \$275.

Petitioner further states that the facts herein recited are true.

HENRY ATHERTON.

Sworn to and subscribed this 12th day of March, 1859, as witness my hand and notarial seal.

[SEAL.]

CHARLES P. TWISS,
Notary Public.

In the matter of the petition of Henry Atherton.

DOUGLAS COUNTY, ss :

Horace A. Hancock sworn : I reside about two miles south of Lawrence on the claim adjoining petitioner; he and I resided where we do now during the years 1855 and 1856. In November, 1855, petitioner

had some hay stacked up on his claim near his house, about four tons; said hay was burned by the prairie near by being set on fire by some armed men who were encamped near there, and occurred about the last of November, 1855; this was during the Wakarusa war; hay was then worth \$10 or \$15, according to quality. At the same time, he had some corn, a pile of 20 or 30 bushels stowed away in a shed on his premises; the shed took fire from the hay stack so set on fire and shed and corn were all destroyed; corn was worth then 75 cents per bushel; shed was worth \$100; it was a good large frame shed. Don't think of any other damage that he sustained. He had household furniture and farming utensils in there at the time; Mr. Atherton was then in Lawrence, assisting the citizens in their defence against the forces assembled against the town.

HORACE A. HANCOCK.

Sworn to before me this 18th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Henry Atherton.

Petitioner claims for 4 tons hay.....	\$32 00
25 bushels corn, at 75 cents.....	18 75
1 shed burned	50 00
Damages incident thereto.....	100 00
	<hr style="width: 100%;"/>
	200 75
	<hr style="width: 100%;"/>
The proof establishes the destruction of the hay, corn, and shed, value.....	100 75
Add interest, 2½ years, at 6 per cent.....	15 11
Incidental damages inadmissible.	
	<hr style="width: 100%;"/>
Total award.....	115 86
	<hr style="width: 100%;"/>

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 11, 1859.

No. 32.

To the commissioners appointed to audit and certify claims under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorders that prevailed from November 1, 1855, to December, 1856 :

TERRITORY OF KANSAS, *Douglas County, ss :*

Petitioner states that he is an actual citizen of Kansas Territory, an actual resident citizen thereof at the time mentioned in said act, being the years 1855 and 1856.

Petitioner further states, that on the 26th day of November, A. D. 1855, he was the owner and in peaceable possession of one horse, of the value of \$150; and 50 bushels of potatoes, of the value of \$2 per bushel, \$100.

That said horse was lost to your petitioner by being killed at the time aforesaid on his farm, five miles south of Lawrence. That petitioner cannot identify the parties who killed his said horse, but he has no doubt he was slain by the marauding parties at the time investing the Territory from the State of Missouri; that on the same night the horse was killed petitioner saw a party of some twenty-five of said marauding parties coming from the direction of his said farm.

Petitioner further states, that owing to said marauding parties he was driven from his home and the said potatoes in his absence were destroyed and lost to your petitioner.

Petitioner further states that he has received no remuneration whatever for said loss; and further states that the horse killed was necessary to enable him to carry on his business of farming; and that the potatoes were necessary for the subsistence of his family; and that being deprived of them was of great damage to him, to wit, of the damage of \$100.

Petitioner therefore prays your honors to allow him the sum of \$350 for his losses and damages so suffered by him, and he will ever pray, &c.

CHAS. DICKSON.

Sworn to and subscribed before me this 12th day of March, A. D. 1859.

[L. s.]

CHAS. P. TWISS,
Notary Public.

ACCOUNT FOR LOSSES AND DAMAGES.

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856."

TERRITORY OF KANSAS, *Douglas County, ss :*

Charles Dickson, complainant, states that, on the 26th day of November, A. D. 1855, and for some time previous thereto, he was an actual resident citizen of Douglas county, and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the 26th day of November, A. D. 1855, the actual owner, and in the peaceable enjoyment, of the following property, to wit: 1 horse, of the value of \$150; 50 bushels potatoes, of the value of \$100 = \$250;

that said property was of the value, in the aggregate, of \$250, and was lost to petitioner, as follows: he was at the time residing on his farm, some six miles south of Lawrence; his said horse was tethered to the hay yard; the potatoes dug in his field; by marauding bands then investing his neighborhood from slave States, committing every enormity against the peaceable settlers, was the horse killed, by having his skull broken in with the axe owned by petitioner; he was by them driven, to save his life, from his farm, and while thus a refugee his potatoes were lost and destroyed.

Petitioner further states that the horse killed was his only one, and the potatoes were necessary for the subsistence of his family, and by being deprived of them he was damaged to the amount of \$100 over and above the value before recited.

Petitioner further states that, in May, 1856, while residing at the place before recited, he was the owner, and in possession, of a mule, of the value of \$125; that said mule was in fine order; that at the time last aforesaid said mule was taken by an armed band of men, and detained some three or four weeks, and when obtained was almost worthless; injured to the amount of at least \$50.

Petitioner therefore prays your honors to allow him for his loss and damages the sum of \$400, that amount being reasonable.

Petitioner further states that the facts herein recited are true, and that he has never received any remuneration whatever for his losses and damages so suffered.

CHARLES DICKSON.

Sworn to before me this 15th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Charles Dickson.

DOUGLAS COUNTY, ss:

Charles H. Dickson sworn, says: I am a son of petitioner; on the night before the last Thursday in November, 1855, father had a horse, which was tied up to the fence near the stack yard, where we kept our stock at that time; the horse appeared perfectly well at night; that night we were gone to protect Blanton's bridge, in force; next morning when we returned home the horse was lying, yet tied, and dead; he had evidently been killed with an axe; the axe had been sunk into his skull; the axe was a small one, belonging to my father, and was found near where the horse lay afterwards; that night a body of men, about fifteen or twenty in number, passed the ford near where we were stationed, coming from the direction of our house; we then resided (father and his family) about six miles south of Lawrence; the horse was a large and very fine animal, worth, at that time, \$150. At and about that time there were demonstrations of force by bands of armed men prowling about that part of the country, whose acts and threats rendered it unsafe for my father or me to remain on the farm,

and finally the women folks of our family were driven away from home, and had to seek shelter and protection in Lawrence; it would not have been safe for the women to have remained there. In said month of November, 1855, my father had fifty bushels of potatoes dug, and we being obliged to be away could not take care of them, and they were all lost and destroyed by freezing, except two or three bushels of them. Father has never received any compensation for said property that I know of. The potatoes were worth \$1 25 per bushel.

Father owned a mule in February, 1856; in May, 1856, or thereabouts, said mule was taken away from a neighbor to whom he had loaned him; said mule at that time was in good order, and worth \$125. Said mule was subsequently recovered by father, much reduced, and in poor condition; not worth then more than \$75; was damaged \$50. The horse that was killed, and the potatoes that were destroyed, were necessary for the use of the family. I think the damage, over and above the property, was \$100 to my father.

Cross-examined.

The mule was loaned to William Livermore; Livermore was lame, and borrowed the mule to go to see a neighbor; at such neighbor's house the mule was hitched, broke loose, ran away to the bridge, and was there taken and kept by the men.

CHARLES H. DICKSON.

Sworn to before me this 15th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Charles Dickson.

William Livermore sworn, says: I have heard the testimony of Charles H. Dickson. I saw the horse mentioned lying dead, with marks of an axe sunk in his skull. Know the potatoes were destroyed; they were worth \$1 25 per bushel; don't know how many bushels. I borrowed the mule mentioned of Mr. Dickson to visit Simeon Gilson, who resided about one and three-quarters of a mile from Dickson's; I was boarding with Dickson at the time; the mule got away from me at Gilson's, and ran in the direction of Blanton's bridge; I was lame, and followed him as fast as I could; when I got to the bridge the mule was in possession of a body of armed men, who were then making preparations to move to another post; notwithstanding my entreaties they would not give him up; they had him three or four weeks; on his return I saw him; he was much injured and reduced by hard usage; I think the mule was injured by the reduced value at least \$50. I know that the horse mentioned was the only horse that Dickson had, and I estimate the damage of Dickson by loss of horse and potatoes at \$100 as a small estimate. The disturbance in the

neighborhood at the time was such that it was unsafe for Mr. Dickson or his family, or any of them, to remain at home.

WILLIAM LIVERMORE.

Sworn to before me, March 15, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Charles Dickson.

Amount claimed \$350.

Petitioner has proven the destruction of his horse, and the value thereof.....	\$100 00
Fifty bushels of potatoes destroyed, at \$1 25 per bushel...	62 00
Damages on mule taken.....	50 00
	212 50

The claim for special damages sustained by loss of the use, &c., of said property is inadmissible.

Damages awarded by way of interest, 2½ years, at 6 per cent	31 87
	244 37

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

MARCH 15, 1859.

No. 33.

ACCOUNT FOR LOSS AND DAMAGES.—PETITION.

To the commissioners appointed to audit and certify claims under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, A. D. 1859, to audit and certify all claims for loss of property taken or destroyed, and damages resulting thereupon, during the disorder that prevailed from November 1, 1855, to December 1, A. D. 1856;

TERRITORY OF KANSAS, *County of Douglas, ss :*

Petitioner states that he is a *bona fide* resident citizen of Atchison county, Kansas Territory, and was an actual resident citizen of Douglas county at the time mentioned in the above act.

Petitioner further states that on the — day of June, A. D. 1856, and for some time previous, he was the legal owner and in peaceable possession of the following property, to wit: One brown horse, of the value of \$65; that at the time above recited said horse was taken from

petitioner in the city of Lawrence, in said Territory, in the night time; that although said petitioner is unable to identify the said parties who took said horse, he has no doubt said horse was taken and rode away by the armed bodies who were at the time devastating and destroying the said city of Lawrence, calling themselves a posse, under the command of Jones, Atchison & Co.; that the said horse was of the value of \$65, and was at the time lost to said petitioner, nor has he ever recovered said horse or received any remuneration therefor; that by said loss he was deprived of the use of said horse, and greatly damaged thereby, to the amount of \$35. Petitioner therefore prays your honors to allow him the sum of \$100 for his loss and damage resulting therefrom.

Petitioner further states that the said claim was audited and allowed by Commissioner Strickler, to the sum of \$65; that the witness, Graham, by whom he proved said loss, is now absent from the Territory, and his testimony cannot at this time be procured; he therefore respectfully refers your honors to the evidence taken in said case before the said commissioner, Strickler.

Petitioner further states that the facts herein recited are true, to the best of his knowledge and belief; and further saith not.

CHARLES H. LOVEJOY.

Sworn to and subscribed before me this 12th day of March, A. D.
[L. s.] 1859.

CHARLES P. TWISS,
Notary Public.

In the matter of the petition of Charles H. Lovejoy.

DOUGLAS COUNTY, ss:

John M. Graham, being duly sworn, deposes and says: That he is acquainted with the petitioner, Charles H. Lovejoy; that he is now a citizen of Kansas Territory, and was such in 1856. Mr. Lovejoy was the owner of a brown mare in the summer of 1856. The affiant was at that time living in the city of Lawrence. Mr. Lovejoy had gone east at the time, and left his mare in care of the affiant. On Monday night, after the 4th of July, 1856, she was stolen by some persons unknown to the affiant; she was lariatied near his house. The country at the time was overrun with bands of armed men stealing horses and other property; robbery was at that time an almost every day occurrence, and she was undoubtedly stolen by some of these armed men; she was worth \$60 or \$65. Mr. Lovejoy has never recovered the mare, nor any compensation therefor, to my knowledge; and further saith not.

JOHN M. GRAHAM.

Sworn to and subscribed in my presence this 12th day of May, 1859.
[L. s.]

CHARLES P. TWISS,
Notary Public.

In the matter of the petition of Charles H. Lovejoy.

The petitioner claims for the loss of a brown horse.....	\$65 00
For damages for the loss.....	35 00
	<hr/>
	100 00
	<hr/> <hr/>
The last item is inadmissible, as there is no averment of proof of specific damage.	
For the horse we award.....	\$65 00
Interest, 2½ years, at 6 per cent.....	9 75
	<hr/>
Total award.....	74 75
	<hr/> <hr/>

SAMUEL A. KINGMAN.
HENRY J. ADAMS.
EDWARD HOOGLAND.

No. 34.

ACCOUNT FOR LOSS AND DAMAGE.

To the commissioners appointed to audit and certify claims under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, A. D. 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855 to December 1, 1856:

TERRITORY OF KANSAS, *Douglas County, ss:*

Petitioner states that he is a *bona fide* resident citizen of said Territory, of the county of Douglas, and was an actual resident citizen of the said county and Territory, at the time mentioned in said act, during the years 1855 and 1856. Petitioner further states that on the 21st day of May, A. D. 1856, and for some time previous, he was the legal owner and in peaceable possession and enjoyment of the following property, viz :

One tool chest of the value of.....	\$25
One set of carpenters' and joiners' tools of the value of.....	200
	<hr/>
In all of the value of.....	225

which was lost to him as follows : said chest and tools were in the Free-State Hotel, in the city of Lawrence, in said Territory, when said hotel was destroyed by fire, at the time first above recited, by a band of drunken marauders, under the command of Atchison, Jones & Co., and said chest and tools were burned and destroyed with said

hotel, and lost to your petitioner ; nor has he ever recovered any of said property, or received any remuneration therefor.

Your petitioner further represents that on the — day of October, 1856, he was the owner and peaceably enjoying the following property, viz: 150 bushels of threshed wheat, of the value of \$2 per bushel, amounting to \$300 ; two cows of the value of \$55 ; four tons of hay of the value of \$80. That on the night of the said last-mentioned day, the said wheat and hay was lost and destroyed by fire, set to it by the marauding bands then devastating the Territory, and the two cows above named, driven off by said marauding parties—all lost to your petitioner ; that he never was able to recover the cows, nor has he received any remuneration whatever for any of said property ; that said last-mentioned property was of the value, in the aggregate, of \$435.

Petitioner further represents that by the destruction of said tools he was disabled from carrying on his trade of house carpenter, being unable to procure work or complete the same for want of said tools, to his damage \$150. Petitioner further represents that by the destruction of his hay, his stock, viz: four milch cows of the value of \$120, and six calves of the value of \$60, perished during the winter, and he was otherwise greatly injured to the amount of \$300 ; he therefore respectfully prays your honors to allow him the sum of \$1,090 for losses and damages thus suffered by him. Petitioner further states that the facts herein recited are true.

LYMAN ROWLEY.

Sworn to and subscribed before me this 12th day of March, A. D. 1859.

[L. s.]

CHAS. P. TWISS,
Notary Public.

In the matter of the petition of Lyman Rowley.

DOUGLAS COUNTY, ss :

Charles A. Wright, being duly sworn, saith : I saw Lyman Rowley when he was at work from day to day on the Free-State Hotel, in Lawrence, immediately preceding the 21st of May, 1856. He is a carpenter and was at work there as such. He had a chest of carpenters' tools there, but the amount and value thereof I cannot tell. A day or two after the fire Rowley mentioned the loss of his tools, saying he had lost \$200 worth.

C. A. WRIGHT.

Sworn to before me this 28th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

DOUGLAS COUNTY, ss :

Lyman Rowley, the above-named petitioner, being duly sworn, saith : That his principal witnesses in the matters mentioned in his

petition are now absent and beyond his reach. That his brother, A. W. Rowley, is in the State of New York; A. F. Burcaw has gone to the Kansas gold mines; N. S. Storrs is living down on the Neosho; and John Hutchinson has gone east. These were all material witnesses, and unless their testimony can be obtained it will be impossible for me to prove and substantiate the other items of my claim. Perhaps before the close of the commission I may be able to furnish proof, but it is doubtful. The John Hutchinson mentioned is not the brother of William Hutchinson. I do not know where he is.

LYMAN ROWLEY.

Sworn to before me this 28th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Lyman Rowley.

DOUGLAS COUNTY, ss:

Norman Bryant, being sworn, says: He is acquainted with petitioner, Lyman Rowley. He owned a chest of tools, carpenters' tools, in May, 1856. He left it in the Free-State Hotel, in Lawrence, in charge of witness. He (witness) is a carpenter and judge of the value of tools; the tools were worth at least \$200; the chest was worth \$25; a large, fine, carpenters' chest.

The chest remained at the Free-State Hotel till it was burned, in May, 1856, when it was destroyed by a sheriff's posse, and the chest was burned up with the hotel. I saw a part of the irons of the tools among the ruins of the hotel afterwards.

The charge which I had of the chest was merely that I was to look to it and see it taken care of. I was at work on the hotel. Petitioner is a citizen of the Territory, and was when the property was destroyed.

N. L. BRYANT.

Sworn to before me this 18th day of March, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Lyman Rowley.

Petitioner claims for one tool chest.....	\$25	
I. Carpenters' tools therein and therewith destroyed, by burning of Free-State Hotel, May 21, 1856.....	200	\$225 00
II. Fifty bushels threshed wheat.....		300 00
III. Two cows.....		55 00
IV. Four tons of hay.....		80 00
V. Damage by loss of tools.....		150 00
VI. Damage by loss of cattle, hay, &c.....		300 00
		<hr/>
		1,110 00
		<hr/> <hr/>

The proof shows all the necessary facts concerning the loss of the tools and chest.....	\$225 00
Petitioner offers no proof in regard to his other losses ; explains the cause by affidavit.	
The chest and tools are allowed.	
Add interest, 2½ years, at 6 per cent	33 75
	<hr/>
Total award.....	258 75
	<hr/> <hr/>

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

No. 35.

ACCOUNT FOR LOSS AND DAMAGES.

To the commissioners appointed to audit and certify claims under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856 :

TERRITORY OF KANSAS, *Douglas County :*

Petitioner states that he is a *bona fide* resident citizen of said Territory, of the county of Douglas, and was an actual resident citizen of the said county and Territory at the time mentioned in said act—during the entire month of September, 1856.

Petitioner further states that on the — day of September, A. D. 1856, and for some time previous, he was the legal owner and in peaceable possession and enjoyment of the following property, viz : One milch cow and calf of the value of sixty dollars. That at the time above named your petitioner was living on his claim in said county, near the mouth of the Wakarusa river ; that on the return of the Missouri army of invaders from Lawrence, at the date aforesaid, (said army under the command of one Reed,) they, the said invaders, by force and arms drove said cow and calf off towards Missouri ; that said petitioner made diligent pursuit of the said property, but could never recover the same, and that said property was thus lost to petitioner, and that he has never received any remuneration therefor.

Petitioner further states that at the time he had a large family to maintain of small children, and that this was the only milch cow, and that by the loss of her he was greatly damaged ; that she had on her when taken a large bell, worth at the time two dollars, which was lost to petitioner ; and that he was thus damaged, in addition to the value of the said milch cow, fifty dollars.

The petitioner therefore prays your honors to allow him the sum of

one hundred and ten dollars, that amount being reasonable for his loss and damage so suffered by petitioner.

Petitioner further states that the facts herein recited are true.

JOSEPH SHULER.

Sworn to and subscribed before me this 12th day of March, A. D. 1859, as witness my hand and notarial seal.

[L. S.]

CHAS. P. TWISS,
Notary Public.

TERRITORY OF KANSAS, *Douglas County, ss:*

Personally appeared before the undersigned, a notary public duly authorized by law to administer oaths, George W. Shuler, who, after being by me duly sworn, saith: That the facts in the above petition, herewith annexed, he is conversant with, and knows them to be true; that the cow and calf were of the most valuable kind, and that the family were greatly discommoded and injured by the loss of said cow; that when she was driven away by said army she had on a valuable bell, and that one hundred and ten dollars is reasonable for the value and damage resulting from the loss of said cow; that said cow and calf were never recovered, but were totally lost to petitioner; and further deponent saith not.

GEORGE W. ^{his} X SHULER.
_{mark.}

Attest: J. T. GORDON.

Sworn to and subscribed before me this 12th day of March, A. D. 1859. In witness whereof, I have set my hand and notarial seal.

[L. S.]

CHAS. P. TWISS,
Notary Public.

DOUGLAS COUNTY, *ss:*

Joseph Shuler, the above-named petitioner, being duly sworn, saith: The cow specified was a first-class cow, worth at the time fifty dollars. Afterwards I tried to buy one of the butcher here, but I had not the means. Would rather have given that amount than done without. For my cow I had been offered forty dollars where I came from; here she was worth fifty dollars. The calf was worth ten dollars—nearly six months old. After that time I sold a mate to that calf, but a little older, for twelve dollars. Never received any compensation for the cow and calf. I lived on the Wakarusa. Understood and believe that the cow and calf were driven off by a party of Captain Reed's army, of two thousand seven hundred men, in September, 1856.

JOSEPH SHULER.

Sworn to before me this 15th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Joseph Shuler.

Petitioner claims for one cow and calf "taken".....	\$60 00
One cow-bell.....	2 00
Incidental damages.....	50 00
	<hr/>
	112 00
	<hr/> <hr/>

His own testimony is the evidence; deemed admissible. Proof satisfactory.

Compensation awarded for cow and calf.....	62 00
Incidental damages inadmissible.	
Damages by way of interest, 2½ years at 6 per cent.....	9 30
	<hr/>
Award.....	71 30
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EDW'D HOOGLAND,
SAM'L A. KINGMAN,
HENRY J. ADAMS.

MARCH 15, 1859.

No. 36.

ACCOUNT FOR LOSS AND DAMAGE.

To the commissioners appointed to audit and certify claims under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, A. D. 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856:

TERRITORY OF KANSAS, *Douglas County:*

Petitioner states that he is a *bona fide* resident citizen of said Territory, of the county of Douglas, and was an actual resident citizen of the said county and Territory at the time mentioned in said act, during the years 1855 and 1856.

Petitioner further states that on the 6th day of September, A. D. 1856, and for some time previous, he was the legal owner and in peaceable possession and enjoyment of the following property, viz:

A span of work horses of the value of three hundred dollars	\$300 00
Also one young horse of the value of.....	50 00
One two year old ox of the value of.....	20 00
	<hr/>
	370 00
	<hr/> <hr/>

That said property was stolen from petitioner after night, but that he has reason to believe that they were taken by the Kansas militia; that he is a farmer, and that by the loss of said span of horses he was greatly injured and hath sustained damages to the amount of one hundred dollars, (\$100,) over and above the actual value of said property; he therefore prays the commissioners to allow him the sum of \$475, his *loss and damages* as aforesaid. Petitioner states that he has never received the same back, nor has he ever received any compensation for the same from any person or persons whatever.

He further states that the matters and things set forth in the above petition are true in substance and in fact.

JOHN S. GINGERICH.

Sworn to and subscribed before me this 14th day of March, A. D. 1859.

[L. s.]

CHAS. P. TWISS,
Notary Public.

Witness in support of the claim of John S. Gingerich.

TERRITORY OF KANSAS, *Douglas County:*

John Wise, of lawful age, being duly sworn, deposeth and saith: That I am well acquainted with John S. Gingerich, who has made and subscribed the above petition; I know the contents thereof; I saw the horses picketed out, just at dark on the night that they were taken, and next morning I found the ropes cut and horses gone; I hunted them all next day, but could not find them; I afterwards heard of their being in Lecompton; it was owing to the disturbances that said property was lost; I resided in the family of said Gingerich at the time, and know that he was the owner of said property, to wit: two work horses of the value of three hundred dollars, one young unbroke horse of the value of about fifty dollars; also, one young steer of the value of twenty dollars; in all to the value of about \$375.

And that on or about the 6th day of September, A. D. 1856, after night, said property was stolen from petitioner by, as this deponent verily believes, a portion of the Kansas militia, they having been seen in Lecompton soon after they were stolen.

Deponent further saith that from the loss of said span of work horses to said Gingerich, he being a farmer, and that being the only team that he had to support his family with by their use and labor, he was damaged to the the amount of one hundred dollars.

Deponent further saith that said Gingerich was at the time of the taking of said property a citizen of Kansas Territory, and now is a citizen of Douglas county, Kansas Territory; and further saith not.

JOHN WISE.

Sworn to and subscribed before me this 14th day of March, A. D. 1859.

[L. s.]

CHAS. P. TWISS,
Notary Public.

Cross-examination.

John Wise being duly sworn, deposes and says: Petitioner resides 2½ miles south of this place, (Lawrence;) there were no armed bands nearer petitioner than Lawrence at the time the petitioner's property was taken; also an armed band camped at Wakarusa bridge, two miles distant. The horses were taken the 5th or 6th of September, 1856; were the property of petitioner; roan horse worth \$150, other horse worth \$140. Heard from his neighbors that the horses were in the camp at Lecompton; the camp referred to was the camp of United States troops; young horse, worth \$70; the ox was over two years old, fat, running on the Wakarusa bottom at the time the last army of invaders left Kansas, never heard of since, worth \$20.

Petitioner has never received any compensation to witness's knowledge; petitioner resides here now, and has since 8th of May, 1855.
 JOHN WISE.

Sworn to before me this 14th March, 1859.

S. A. KINGMAN.

R. S. Bassett, being sworn, deposes and says: That the petitioner, Gingerich, had 3 horses, and that they were taken from him about September, 1856, and that he has never recovered them to witness's knowledge; he lived right by petitioner till last spring; roan horse worth \$150, mare \$100; young horse worth \$50 or \$60; don't know the circumstances attending the loss of the horses; there had been armed bands roving through the country, but can't say whether at the time the horses were lost; the young steer or bull was one or two years old, was petitioner's property, and was running on the Wakarusa bottom, and was supposed to have been driven off in the herd driven off by the Missourians from that neighborhood; about 300 were driven out of that immediate neighborhood by the Missourians, none of which have been recovered.

R. S. BASSETT.

Sworn and subscribed to March 14, 1859.

SAMUEL A. KINGMAN, *Commissioner.*

In the matter of the petition of John S. Gingerich.

Petitioner claims for a span of horses "taken".....	\$300 00
1 young horse, (colt).....	50 00
1 ox.....	20 00
Incidental damages.....	100 00
	470 00
The board admit the claim for the horses, colt, and ox taken	370 00
Incidental damages inadmissible.	
Damages by way of interest, 2½ years, at 6 per cent.....	55 50
Total award.....	425 50

EDWARD HOOGLAND.
 SAMUEL A. KINGMAN.
 HENRY J. ADAMS.

MARCH 15, 1859.

No. 37.

MARCH SESSION, LAWRENCE

To the commissioners of claims appointed under an act of the legislature of Kansas to provide for the adjustment of claims, approved February 7, 1859:

Your petitioner, Mahlon Moore, respectfully shows: That he is a citizen of Kansas, and has been a citizen thereof ever since the spring of 1855, May 25, and a resident of Douglas county; that on or about the first of July, 1856, he was taken sick, and being an unmarried man, for care and attendance was compelled to be removed from his house, and for the space of several weeks was confined to his bed; and during the period of the said sickness armed bands of men were overrunning the said county and the neighborhood of your petitioner's house.

And your petitioner further says that while he was so confined by sickness away from his house, his house was broken open and ransacked, and the following property was taken therefrom:

5 coats: 2 worth together.....	\$30 00
3 worth together.....	15 00
1 pair of boots.....	8 00
1 case of draughting instruments.....	20 00
1 vest, worth.....	4 00
3 blankets and 2 quilts, worth.....	25 00
1 game bag, &c.....	3 00
2 undershirts, 1 pair of drawers.....	3 00
30 bits, worth.....	4 00
1 drawing knife.....	1 00
Cloth, about 2 $\frac{3}{4}$ yards, for pants.....	4 00
	<hr/>
	117 00
	<hr/> <hr/>

Your petitioner further says that all the said property was stolen and taken away about the 10th or 20th day of August, A. D. 1856, while he was so confined to his bed by sickness, and that he has not received any compensation therefor.

Wherefore he prays your honors to audit and certify the said amount of \$117, his loss so as aforesaid sustained, and award him certificate therefor.

SAFFORD & SAFFORD,
Attorneys.

TERRITORY OF KANSAS, *Douglas County, ss:*

Mahlon Moore, being duly sworn, says that he is claimant in the above petition, and the facts stated therein he believes to be true.

MAHLON MOORE.

Sworn to and subscribed before me this 14th day of March, A. D. 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Mahlon K. Moore.

DOUGLAS COUNTY, ss.

Whitford Thurber, being duly sworn, saith : I am acquainted with Mr. Moore. He lives in Douglas, about five miles northwest from Lawrence. He was in May, 1856, and is now a citizen of Douglas county ; he then had a claim there. I was then living on his claim with him. He had no wife. He had a cabin on his claim ; his house was broken open and pillaged about July, 1856 ; know that his trunk and tool chest were broken open ; do not know by whom. I saw armed men, in parties on horseback, pass by there that day. I was on same claim then ; he was absent from home, sick, and had locked up his house ; do not know what was taken away, except from what he said. He had coats and other property in the house before that time ; cannot specify particulars. The house evidently showed indications, the same day, that it had been broken open ; it was eighty rods from where I was living. Do not know the value of the goods taken or destroyed. This house-breaking was between the 10th and 20th of August, 1856.

WHITFORD THURBER.

Sworn to before me this 18th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

George B. Thurber sworn : I resided on the claim of Mr. Ward in August, 1856. I passed by said house about that time, and saw it had been broken open ; knew Moore was sick and elsewhere at the time. Cannot specify particulars of what was taken away ; know that some bedding, and blankets, of the value of \$4 each, in all \$15 or \$20, were taken.

GEORGE B. THURBER.

Sworn to before me this 18th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

DOUGLAS COUNTY, ss.

Mahlon K. Moore, above-named petitioner, sworn, says : The inventory attached to my petition of property taken away from my claim as specified, is as full, complete and direct as I can furnish. The same was all taken, and of the value mentioned, as near as I can recollect.

MAHLON K. MOORE.

Sworn to before me this 18th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Mahlon K. Moore.

Petitioner claims for wearing apparel, tools, instruments, &c., taken, \$117.

The proof as to value of the articles is vague. No one would know as well as petitioner himself. Some of the items are extravagant.

The board award as compensation, including interest two and a half years, at six per cent, \$117.

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

APRIL 11, 1859.

No. 38.

TERRITORY OF KANSAS, *County of Douglas, ss:*

The petitioner, Newell W. Spicer, a citizen of Lawrence, Douglas county, Kansas Territory, to the honorables Edward Hoogland, Henry J. Adams, and S. A. Kingman, commissioners appointed by authority of the legislature of said Territory, by virtue of an act entitled "An act to provide for the adjustment and payment of claims," approved February 7, 1859, and an act supplemental thereto entitled "An act supplemental to an act entitled an act to provide for the payment of claims," approved February 11, 1859, respectfully showeth: That this petitioner was on the twenty-fifth day of June, A. D. 1856, a citizen of Kansas Territory; that on the said twenty-fifth day of June he was a passenger on the good steamboat "Star of the West," Captain Dix commanding, said boat being upon the waters of the Missouri river, and within the jurisdiction of the Territory of Kansas, opposite the town of Leavenworth, in said Territory; and that on said twenty-fifth day of June, this petitioner was possessed of the articles of personal property hereinafter enumerated, and the said articles of personal property were in petitioner's trunk on said boat, on said twenty-fifth day of June; that on said twenty-fifth day of June the said boat was boarded by a band of armed men, whom this petitioner believes and avers were citizens of the town of Leavenworth, in said Territory, and that the said articles of personal property were carried away or destroyed by said armed men, and this petitioner was held as a prisoner for the period of four days; and further, that he was not so held or his property was not taken or destroyed by law or any process under the law. And petitioner's loss and damage of and to his property was in amount as hereinafter shown, and such loss was in consequence of and did grow out of the troubles which existed in this Territory.

And this petitioner further avers that on the fourteenth day of September, A. D. 1856, he was possessed of other personal property and was set upon by a body of armed men, a portion of whom were wearing the uniform of United States troops, and all were said to be under the command of one ———; and that this petitioner had

said property taken from him, and the same or value thereof has not yet been paid; and was held in duress five days. Said property was taken from this petitioner in the county of Jefferson, upon the road leading from Lecompton to the city of Leavenworth.

Account of loss of property on said twenty-fifth day of June, A. D. 1856.

One share of company provisions and tents, worth.....	\$43 00
One rifle, worth.....	20 00
One revolver, six-shooter.....	15 00
Clothing: shirts, pants, coat, vest, and socks, worth.....	25 00
Four days imprisonment, at \$5 per day.....	20 00
Account of property taken or destroyed on said fourteenth day of September, A. D. 1856 :	
One horse, worth.....	125 00
One rifle, Sharpe's, worth.....	25 00
One saddle and bridle, worth ..	25 00
Five days imprisonment, at \$5 per day.....	25 00
	323 00
In amount.....	323 00

Before me, Owen A. Bassett, a notary public in and for said county, came Newell W. Spicer, the petitioner in the above and foregoing petition, and being duly sworn, according to law, deposes and says : That the several matters and things set forth in said petition, and the prices of the several articles therein enumerated is true and just, and that he is now a citizen of Kansas Territory.

NEWELL W. SPICER.

Subscribed and sworn to before me. In testimony whereof, I have
 [L. s.] hereunto set my hand and seal this 14th day of March, 1859.
 OWEN A. BASSETT,
Notary Public.

In the matter of the petition of Newell W. Spicer.

TESTIMONY.

Edmond R. Falley, being duly sworn, says: I was, at or about that time, (Sunday night, September 14, I think,) at Hickory Point, on the Leavenworth and Fort Riley road. We started for Lawrence about dark on that evening; we camped at a place called Newell's Mill, about 9 or 10 o'clock in the evening, on or near the road leading from Leavenworth to Lecompton. About 12 at night, Captain Wood, of the United States army, rode up and ordered us to surrender our arms; he had, I think, about one hundred and twenty men under his command. He put our arms into a government wagon, and escorted us to Lecompton in our own wagons. We were taken as prisoners to the

camp of the United States troops about one mile south of Lecompton. Our horses were picketed in front of the camp a few rods from it. The next morning about twenty of our horses were missing, and we never could find what had become of them. About half of the horses remaining were delivered to the friends of the prisoners. Most of the horses remaining were afterwards turned loose to prevent them from starving, as there was no grass to sustain them. I think there were between forty and fifty horses in our party when we were taken prisoners, and I think six or seven wagons. Our saddles and bridles were thrown in a pile in our camp. Parties would come in and claim saddles, bridles, &c., as their own, and were allowed to take them away without offering any proof of ownership. Marshal Cramer told them if there was anything that they claimed to take it. The marshal told us that our arms had been given to the governor. I think we had fifty Sharpe's rifles if not more. Governor told me afterwards that there was only eighteen turned over to him. Mr. Spicer's gun was not in possession of the governor. On our company roll each man had the number of his gun opposite his name, and there were but eighteen guns left with the governor, and fifteen of these belonged to our company. Mr. Spicer did not belong to our company. Mr. Spicer did not get either of the three remaining guns. Mr. Spicer was with us at Hickory Point and was taken prisoner with us; he had a large bay horse, a saddle and bridle, and a Sharpe's rifle when he was taken. I should think the horse was worth about a hundred and twenty or thirty dollars; he was a very nice horse; the saddle and bridle was worth from twenty-five to thirty dollars, the Sharpe's rifle was worth about twenty-five or thirty dollars. Mr. Spicer never recovered either horse, saddle, or bridle. Mr. Spicer was a prisoner about five days.

E. R. FALLEY.

Sworn to before me this 18th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Newell W. Spicer.

DOUGLAS COUNTY, ss:

Charles G. Hancock, being duly sworn, says: Have heard the petition read; know that Mr. Spicer was a passenger on the boat as therein stated, and that the boat was boarded by a party of armed men at Leavenworth in June, 1856, as set forth; I was a passenger on same boat; Mr. Spicer was held as a prisoner four or five days by this body of armed men; there were several officers with the men so armed, but I did not know them; Spicer at that time made complaint that he had lost property by those men; cannot say what Spicer lost; nearly all the company on board complained that their trunks had been broken open by these armed men, and their property, therein contained, taken away by said armed men. The company property was held in com-

mon, and each man owned an equal share ; Spicer was a member of the company ; all persons who came into the Territory at that time were armed. The company had agricultural implements, tents and farming utensils, powder, arms, &c., in common ; can't say what was the value of each member's proportionate share of such property. The company was organized in Chicago and numbered about 70 men. Spicer complained of losing his personal clothing from his trunk at that time, but I do not know what it was nor what it was worth ; he lost a revolver at that time, taken from him by force by said armed men, and he then reported that he had also had his rifle taken from him. The revolver was worth \$16 or \$18 ; the rifle was a common western or Kentucky rifle. All the other members of the said company were also detained as prisoners four or five days by said armed men ; were treated not very pleasantly.

Cross-examined.

Can't say what was the value of the rifle ; it was a common rifle ; Mr. Spicer had not been in Kansas ; was just arriving and coming into the Territory ; we were coming into the Territory to settle and for peaceable purposes, and came armed for self-protection ; we were coming in as farmers, mechanics, and laboring men, to become permanent settlers ; many of our company brought their tool chests and mechanical implements with them ; some property was owned in common ; don't know who commanded the boarding party.

CHARLES G. HANCOCK.

Sworn to before me this 15th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Newell W. Spicer.

DOUGLAS COUNTY, ss:

Joseph J. Boyer, being first sworn, saith : On the 14th of September, 1856, the petitioner, Newell W. Spicer, was the owner of a horse, saddle, and bridle, which he was riding near Hickory Point, in Kansas Territory ; that night he was taken prisoner and kept in confinement several days, probably a week, then made his escape in the night through the guards ; I don't think any of the boys, taken prisoners at the same time with petitioner, ever recovered any of the property taken with them and from them except Sharpe's rifles, delivered to them by Gov. Geary ; all the rifles were not recovered.

JOSEPH J. BOYER.

Sworn to before me this 19th day of March, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Newell W. Spicer.

Petitioner claims for personal property amounting to \$103, taken from him on his arrival at Leavenworth, June, 1856, by a party of armed men who boarded the boat, &c.....	\$103
Damages for four day's imprisonment.....	20
Also for one horse \$125, rifle \$25, saddle and bridle \$25, taken from him by the United States troops who captured Harvey's party at Hickory Point.....	175
Damages for five day's imprisonment.....	25
	<hr/>
	323
	<hr/> <hr/>

The first question that arises is that of citizenship ; petitioner swears he had come to Kansas to settle as a citizen ; the boat was within the jurisdiction of Kansas on arriving at Leavenworth ; as soon as he entered the jurisdiction of Kansas, citizenship attached ; he is entitled to recover for the personal property so taken..... \$103 00

The charge for imprisonment is inadmissible.

The loss of the horse, saddle and bridle, being fully established, and value proven, it being the result of a warlike expedition, he is entitled to compensation..... 175 00

Charge for imprisonment inadmissible.

	<hr/>
	278 00
Add interest two and a half years at 6 per cent.....	41 70
	<hr/>
	319 70
	<hr/> <hr/>

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 12, 1859.

No. 39.

In the matter of the petition of Levin B. Dennis.

COUNTY OF DOUGLAS, }
Kansas Territory. }

Mrs. Lucetta S. Young, being sworn, says : She is the daughter of the petitioner ; he has resided in, and been a citizen of Kansas Territory since the month of June, 1855 ; in the month of November, of that year, he was residing about one mile from the city of Lawrence ; I was at that time living at home with my father ; the country was infested with bands of armed men, and the citizens, generally, from the surrounding country assembled in Lawrence for its defence. My father, at the time, had on hand a large lot of hay, and corn, and provisions for his family ; the provisions, hay and corn were taken, and

used by the people so assembled in and about Lawrence; the exact amount I could not state, but am very certain that the hay and corn was worth at least \$50, and the provisions \$25. My father continued to reside at the same place in the month of May, 1856; he was at that time absent from home, attending general conference at Indianapolis; on the 21st of May, at the time of the sacking of Lawrence, the country being again overrun with bands of marauders, his house was taken possession of by these men; previous to their taking possession of the house I remained for safety most of the time in Lawrence, but was at the house every night and morning; the provisions of the family, the household and kitchen furniture, a very large amount of books, &c., were all in the house; when the house was abandoned by them the provisions and everything of that kind was all gone, and much of the bedding and other property gone; the number of books taken, I could not tell how many; there was a great many of them, and I could not know what or how many of them had been taken. The house was completely ransacked, furniture broken and destroyed, trunks broken open, &c. I should think the amount of provisions on hand, and used or taken away by them at that time, could not be less than \$25 or \$30. I cannot tell to a certainty what amount of property was lost and destroyed aside from the provisions, including books, &c., but think it could not be less than \$500.

LUCETTA S. YOUNG.

Sworn to and subscribed before me this 25th day of May, A. D. 1859. In witness whereof I have hereunto set my hand and notarial seal.

CHARLES P. TWISS,
Notary Public.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, A. D. 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

Complainant states that on the — day of November, A. D. 1855, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was on the — day of November, A. D. 1855, the actual owner and peaceably enjoying the following property, to wit: a large amount of hay and corn of the value of \$50; a large amount of provisions of the value of \$25; that at the time

aforesaid he was residing in the suburbs of the city of Lawrence, in said county; that the settlers of Kansas were in force and arms to the number of 1,000 men at said city; a considerable number mounted; assembled for the defence of said city and territory; that said forage and provisions was of the value aforesaid and was taken and consumed by said army, and lost to petitioner, and that he has never received any remuneration whatever therefore.

Petitioner further states that said provisions and forage was necessary for the subsistence of his family and stock, and that the said loss was of great damage to petitioner to the amount of \$500.

Petitioner further states that in May, 1856, he was and still is a resident citizen of said city, county and Territory, in the same house above referred to, and was in possession and the owner thereof of a large amount of provisions, of the value of \$15, and a large amount of household furniture, beds, bedding, &c., wearing apparel, male and female, of the value of \$10; that at the time last above recited an army of drunken desperadoes, under the command of Atchison, Jones & Co., marched to Lawrence for its destruction, and took forcible possession of petitioner's house and property above described, consumed or destroyed said provisions, broke open trunks, ransacked everything about the said house, took, carried away, destroyed, and injured a large proportion of said household furniture, beds, bedding, and male and female clothing, to the value of \$200, and that the said petitioner actually lost of the said property of the value of \$215, for which he has never received any remuneration whatever.

Petitioner further states that by the said occupation of his said house and property, as aforesaid, he was greatly damaged to the amount of \$500; he therefore prays your honors to allow him that amount for his losses and damage thus suffered by him, the said sum of \$840.

Petitioner further states that the facts herein recited are true as he verily believes.

L. B. DENNIS.

Sworn to and subscribed before me this 14th day of March, 1859, as witness my hand and notarial seal.

[l. s.]

CHARLES TWISS,
Notary Public.

In the matter of the petition of Levin B. Dennis.

Petitioner claims for property taken and destroyed.....	\$340 00
Damages.....	500 00
	840 00
	840 00

The case is made out by proof.....	\$340 00
Damages inadmissible.	
Add interest, two and a half years, at 6 per cent.....	51 00
	<hr/>
Total award.....	391 00
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EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

JULY 1, 1859.

No. 40.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss :*

To the commissioners appointed to audit and certify claims under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, A. D. 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

Complainant states that on the 14th day of September, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was on the 14th day of September, A. D. 1856, the actual owner and peaceably enjoying the following property :

Lot of dry goods, groceries, notes of hand, and other papers, of the value of.....	\$1,600 00
Household goods, books, and male and female wearing apparel, of the value of.....	550 00
One cow and calf of the value of.....	40 00
Injury to storehouse, of the value of.....	50 00
Injury to dwelling house, of the value of.....	50 00
Twelve acres of corn, of the value of.....	400 00
Ten ox-yokes, of the value of.....	25 00
Lumber burnt, of the value of.....	25 00
	<hr/>
	2,740 00
	<hr/> <hr/>

That said property was lost to petitioner, as follows : That, at the time last above named, the Missouri army invading said Territory, calling themselves Kansas militia, under the command of one Reed, marched to the town of Franklin, in said county and Territory, where said petitioner then and still resides, and where said petitioner was

doing business as a merchant and grocer, and living comfortably with a large family; that said army, composed of drunken desperadoes, took, carried away, and destroyed said property, of the value aforesaid, which was totally lost to said petitioner, and for which said petitioner has never received any remuneration whatever.

Petitioner further states that, by said loss, he was totally broken up in his business as a merchant and grocer, and himself and his family deprived of the necessary furniture and clothing, to their great deprivation and suffering; that the business he was engaged in was profitable, and therefore and thereby said petitioner was damaged over and above his actual losses, above recited, to the amount of two thousand dollars, which amount is reasonable for his said damages so suffered by him.

Your petitioner, therefore, respectfully prays your honors to allow him the said sum of \$4,740 for his said losses and damages resulting therefrom, and he will ever pray, &c.

Petitioner further states that the facts recited in this petition are true in substance and in fact.

ELIJAH B. PURDOM.

Sworn to before me this 12th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Elijah B. Purdom.

Testimony.

DOUGLAS COUNTY, ss :

Thomas G. Murray, sworn, deposes and saith : That he left Franklin, in this county, on the 11th of September, 1856; had been, up to that time, occasionally a clerk for Elijah B. Purdom, and was acquainted with a stock of goods owned by said Purdom; the stock was in the town of Franklin; was worth \$1,600 or \$1,800; it consisted of dry goods and groceries, such as are usually kept in a country store; is a judge of the value of such goods. Mr. Purdom had wearing apparel, male and female, household goods, beds and bedding, books in his house to the value of \$600 or \$800; he had a cow and calf, an extra cow, worth \$40; he had 12 acres of growing corn, (I sold it to him,) I think it would make 30 bushels per acre, worth \$1 per bushel in the field, part sod corn and part second year's ground; he had also ten ox-yokes, worth \$2 50 each; he had a lot of lumber in Stroup's mill yard. I returned to Franklin on the 1st of October, 1856; this property, above set forth, was then all gone; it was reported and believed to have been destroyed by the Missouri army, under General Reed; the lumber in the mill yard was burnt; the storehouse was injured, it was partially burnt, doors smashed in, damaged, I think, at least \$50; the dwelling house had been set on fire,

part of the roof and floor burnt or torn off, doors smashed in, and the house damaged \$50 or \$60; I think Mr. Purdom had six or seven in his family and some boarders, some 10 or 12 in the family; house well furnished for such a family; I am acquainted with Mr. Purdom, his business and affairs, and think he was injured by the losses, above set forth, some \$2,000 over and above the value of his property destroyed.

THOMAS G. MURRAY.

Sworn to before me this 19th day of March, 1859.

SAMUEL A. KINGMAN,
Commissioner.

John Stroup, being first duly sworn, saith: That he is acquainted with the petitioner, Elijah B. Purdom, his business, and affairs. I was in Franklin on the 14th day of September, 1856, in the morning, and remained there till the Missouri army, under Reed, hove in sight; at that time petitioner owned a country store in Franklin; was keeping house in another house with his family, and had some lumber at my yard; don't know how much; had a cow and calf, and a field of corn, which he bought from Thomas Murray, and a lot of ox-yokes; owned a storehouse and dwelling house; all these goods were in the town when I left Franklin, at the approach of the Missourians, on the afternoon of the 14th; I returned before the Missourians had got out of sight; found the town sacked, partly burned, and this property of Purdom's gone or destroyed; the beds ripped open and the feathers scattered; they made a clean sweep of Purdom, destroying or carrying off all; he had a large family, with beds and bedding for ten or twelve persons, and other conveniences for accommodating a family of that size; they (the thieves) did not leave a change of clothing for petitioner's children; they even stole his well-bucket and rope. The cornfield was principally destroyed by being used as forage for Reed's army of patriots; the storehouse was injured, doors smashed, shelving torn down, burnt, and injured at least \$40 or \$50; the floor of the dwelling house was burned through, the ceiling overhead torn out, and the roof partly torn down; the beds had been ripped open, the feathers scattered, and set on fire, and had been put out; the damage to the dwelling was \$50.

Mr. Purdom, as well as the rest of us, had to lay out; caught cold, got sick, and was sick all winter. I think his damage, over and above the value of his property destroyed, was at least \$2,000. Corn, at that time, was worth \$1 to \$1 25; the field destroyed would yield 30 bushels per acre; he had a tolerable stock of goods for a country store, consisting of dry goods and groceries; I can't say what its value was; I am not a judge of goods.

Petitioner has been a citizen of this Territory over four years, and is now a citizen.

JOHN STROUP.

Sworn to before me March 19, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Elijah B. Purdom.

Petitioner claims for property taken or destroyed by Reed's army at Franklin, September 14, 1856:

Stock of dry goods and groceries.....	\$1,600 00
Household goods, wearing apparel, &c.....	550 00
Cow and calf driven off.....	40 00
Damage to storehouse.....	50 00
Damage to dwelling house.....	50 00
Twelve acres of corn.....	400 00
Ten ox-yokes, value.....	25 00
Lumber burnt.....	25 00
Damages sustained.....	2,000 00
	<u>4,740 00</u>

The proof is sufficient to sustain an award for stock of dry goods, groceries, &c., including ox-yokes, for sale, say.	1,600 00
Household goods, wearing apparel, &c., as claimed.....	550 00
Cow and calf, \$40; damage to house, \$50; do. to store, \$50	140 00
12 acres of corn—sworn 30 bushels per acre = 360 bushels at \$1, less 10 per cent. for harvesting.....	334 00
Lumber, say.....	25 00
	<u>2,649 00</u>
Add 2½ years interest, at 6 per cent.....	397 00
	<u>3,046 00</u>

Incidental damages inadmissible.

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

APRIL 12, 1859.

No. 41.

A.

Four horses taken, on or about September 15, 1856, worth \$100 each.....	\$400 00
September 15. Two buffalo robes, \$5 each.....	10 00
One rifle.....	12 00
One shot gun.....	8 00
Side-saddle	10 00
Good gentleman's saddle.....	25 00
Pair of pants.....	3 00
One sifter.....	35
One spring balance.....	60
One set of harness.....	12 00
One bed quilt.....	4 00
	<hr/>
Total.....	484 95
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MARCH SESSION, HELD AT LAWRENCE.

KANSAS TERRITORY, }
 Douglas County, } ss:

PETITION.

To the commissioners of claims appointed under an act of the legislature of Kansas Territory to provide for the adjustment of claims, approved February 7, A. D. 1859.

Your petitioner, William Justice, respectfully represents: That on the first day of November, A. D. 1855, he was a citizen of Kansas Territory; that he is now a citizen of said Territory, and has been a resident of Douglas county ever since the said 1st day of November, A. D. 1855. Your petitioner further represents, that he was the lawful owner of the property described in schedule marked A, hereunto attached and made part of petition, at the time of the several dates therein set opposite the several items. Said property was wrongfully and unlawfully taken, during and in consequence of the disorder and troubles then prevailing in said Territory, and was taken and stolen, on or about the 15th day of September, A. D. 1856, by an armed body of men. Your petitioner has received no compensation therefor, or any part thereof: Wherefore your petitioner prays your honors to audit and certify said losses, amounting to \$484 95, together

with the lawful interest thereon since the said 15th day of September, A. D. 1856, and to award your petitioner said amount and interest.

WILLIAM ^{his} + JUSTICE.
mark.

Witness: H. C. CLOFFER.

Sworn to and subscribed before me this 15th day of March, A. D. 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of William Justice.

DOUGLAS COUNTY, ss:

William M. Hazletine, being duly sworn, saith: I reside seven miles west of Lawrence; am acquainted with petitioner; his farm adjoins mine; he is a citizen of Kansas, and has been a citizen since before April 7, 1855. Have heard the schedule of losses attached to petition read; William Justice was owner of all the property therein specified, on 15th September, 1856. Do not know that he has received any compensation for losses sustained in 1856. On said 15th September, 1856, the horses mentioned, four in number, were taken from petitioner's premises by a party of armed men—12 or 13 men—who called themselves "Lane's men." I was not personally acquainted with either of said men. The horses were actually worth \$100 each; they were all good horses. At same time, those men took two buffalo robes, worth \$5 each; one rifle, worth \$12; one shot-gun, worth \$8; two saddles, a side saddle, worth \$10; man's saddle, worth \$25, a very good one. Also a set of harness, worth \$12, single; saw the horses put in a wagon by said men; one pair of pants, value not known, must have been worth \$3. Did not see the sifter taken; know nothing about the bed quilt. Those articles that I have fixed a price to I saw taken. The articles mentioned were all taken by force and against the wishes of said William Justice. Petitioner's wife was sick and in bed at the petitioner's house when said property was taken. Being a neighbor of Mr. Justice and a free-State man myself, I was applied to by Mr. Justice to go to his house and stay that night; Mr. Justice was known as a pro-slavery man, but one whom I knew generally staid at home and minded his own business. He informed me that in the afternoon of that day a couple of young men had been at his house, inquiring for "stray horses," and had looked around his premises, and from all the existing circumstances he believed the design was for a party of free-State men to come to his house and take his property from him that night, and he besought my assistance and influence to counteract the movement. I accordingly complied with his request; was at his house when the party came; they were from Lawrence, and part of the company commanded by Captain Harvey. When they arrived at Justice's house I endeavored to persuade them

not to take the horses and property mentioned, but without avail. Some things additional, such as provisions, &c., that they, from time to time during their visit, determined to take from the family, I induced them to leave. I knew that Justice had some of the articles mentioned, which he claims for as taken, but which I did not see taken.

WILLIAM M. HAZELTINE.

Sworn to before me, March 15, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of William Justice.

Petitioner claims for four horses \$400; and other property, claims \$600.

The corroborating testimony fully proves the entire demand stated in the schedule. We consider the claim just and proper—award

.....	\$484 95
Damages allowed by way of interest, two and a half years, at six per cent.....	62 74
Total.....	547 69

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

MARCH 15, 1859.

No. 42.

To the commissioners of claims under act of February 7, 1859:

Your petitioner, Robert Morrow, represents that he is, and was on the 21st day of May, 1856, a citizen of Kansas Territory, residing in the city of Lawrence; that by the burning and destruction of the Free State hotel in Lawrence on said day, the following property, belonging to your petitioner, was taken or destroyed by the body of armed men who destroyed said building, the said property being then in said hotel as a part of the furniture in use there, viz.:

Seven counterpanes, of the value of \$30.

And your petitioner states that he has never received any compensation for the taking or destruction of said property, from any source whatever.

ROBERT MORROW.

Sworn to before me this 15th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

George W. Dietzler, being duly sworn, saith : That he has heard read the foregoing petition ; that during the month of April, or about the first of May, 1856, when the congressional investigating committee were in session at Lawrence, he borrowed of Robert Morrow the seven counterpanes mentioned in said petition, and placed them for use in said hotel, and they were there used. And deponent believes that they were all taken or destroyed at the time of the destruction of said building, on the 21st day of May, 1856, by the armed mob mentioned in said petition.

G. W. DIETZLER.

Sworn to before me this 15th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Robert Morrow.

The proof in this case being brief and satisfactory, it is only necessary to say that the board admit the claim.

Seven counterpanes, valued at.....	\$30 00
Damages by way of interest, at six per cent, two and a half years	4 50
Total	34 50

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

MARCH 15, 1859.

No. 43.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss :*

To the commissioners appointed to audit and certify claims under the provisions of " An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

James McGhee, complainant, states : That on the 14th day of September, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was on the 14th day of September, A. D. 1856, the actual owner and peaceably enjoying the following property, viz :

Two yoke of work oxen, of the value of \$300 ; 2 milch cows, of the value of \$60 ; 1 pony, of the value of \$70 ; 1 saddle, of the value of \$15 ; 1 bridle, of the value of \$3 ; 1 calf, of the value of \$10 ; 200 bushels of oats, of the value of \$200—of the value, in the aggregate, of \$658.

Petitioner further states that at the time aforesaid he was residing on his farm where he now lives, near Franklin, in said county, and at the time the Missouri army, under the command of General Reed, camped on the Wakarusa, and in Franklin, in September, A. D. 1856, when the same was taken by them and drove into Missouri, so that complainant lost the same. He further states that it was owing to the disturbances in Kansas that said property was lost. Complainant further states that he was injured and hath sustained damages by reason of the loss of said property to the amount of two hundred dollars over and above the actual value of said property. He further states that he has not recovered the said property back, nor any compensation for the same ; nor has he sold or disposed of his interest in the same. He further states that the matters and facts set forth in the above petition are true in substance and in fact.

JAMES MCGHEE.

Sworn to and subscribed before me this — day of March, A. D. 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of James McGhee.

Testimony.

DOUGLAS COUNTY, ss :

Susan Coral, being first sworn, deposes and says : That on the 14th or 15th day of September, 1856, she was at home, and within sight of the house of petitioner ; the Missourians came, armed and mounted, and drove off the petitioner's cattle—two yoke of work oxen, two milch cows, one pony, one calf, (they shot down,) and took off one saddle and bridle ; the men folks had to flee for their lives, *i. e.*, petitioner and sons ; the property above recited belonged to the petitioner, James McGhee ; the oxen were good cattle, worth at that time from \$140 to \$150 per yoke ; Mr. McGhee paid \$35 each for the cows a short time before that time ; the pony was worth \$60 or \$70 ; saddle was a good saddle, worth, I guess, \$15 ; bridle worth \$2, perhaps more.

The petitioner is my father, and has never received any compensation for said property, nor recovered any part thereof. A stack of oats was destroyed at the same time by the same men ; I don't know what it was worth ; I think there was 200 bushels in the stack, worth one dollar per bushel.

The loss of this property was a great loss and inconvenience to my

father. It was all the cows he had; broke up his breaking team, destroyed his oats, and think it damaged him at least \$200.

The petitioner resided in the Territory at the time, and has ever since, and now does, in this county, between Franklin and Lawrence. The men who stole and destroyed the property were said to be under the command of General Reed.

SUSAN CORAL.

Sworn to before me this 18th day of March, 1859.

SAMUEL A. KINGMAN,
Commissioner.

Miles McGhee, being duly sworn, says: That the statements made in the foregoing deposition of Susan Coral are true; that at the time the said property was destroyed he was at the house of his sister, Mrs. Coral, and in full sight of his father's house, and knows her statements are true.

MILES MCGHEE.

Sworn to before me this 18th day of March, 1859.

SAMUEL A. KINGMAN,
Commissioner.

Adam N. McGhee, being first duly sworn, saith: That on the morning of the 14th of September, 1856, he was at the house of his father, the petitioner, and we were compelled to flee for our lives to escape from Reed's Missouri army; father had to flee also. Father lost two yoke of oxen, worth \$140 or \$150; two milch cows, worth \$30 each, or more; a pony, worth \$65 or \$75; saddle worth about \$10 or \$15, and bridle about \$2. The calf they shot was worth at least \$6. A stack of oats was destroyed worth \$200 or more; there were twenty-four bushels sown, and the crop all harvested and destroyed. Though I did not see this property taken or destroyed, I have no doubt it was done by the Missourians under Reed. It was taken 14th of September, 1856. The damage to petitioner above the value of the property was at least \$250.

ADAM N. MCGHEE.

Sworn to before me this 18th day of March, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of James McGhee.

Petitioner claims for property taken and destroyed, viz: seven head of cattle, one horse, and crop destroyed, of the value of.....	\$658 00
For damages therefor.....	200 00
	<hr style="width: 100%; border: 0.5px solid black;"/>
	858 00
	<hr style="width: 100%; border: 0.5px solid black;"/>
The commissioners think the proof sustains the charge for property taken and destroyed	658 00
They cannot allow the claim for damages as charged, but allow damages by way of interest, 2½ years, at 6 per cent.	98 70
	<hr style="width: 100%; border: 0.5px solid black;"/>
Award.....	756 70
	<hr style="width: 100%; border: 0.5px solid black;"/>

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

No. 44.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

Complainant states that, on the 17th day of August, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the 17th day of August, A. D. 1856, the actual owner, and in the peaceable enjoyment, of the following property, viz:

Two yoke of work oxen, of the value of \$200; 1 ox, (bull,) of the value of \$50; lot of provisions, of the value of \$10; 1 buffalo robe, bed and bedding, of the value of \$15; lot of cooking utensils, of the value of \$5; 1 vise, of the value of \$1 75; 1 log chain, of the value of \$2; 1 three-pronged hay fork, of the value of \$1 25; 1 mule whip, of the value of \$1 25; 181 pounds bar iron, of the value of \$14 48; 2 ox yokes, of the value of \$10; wearing apparel, of the value of \$10—the said property, in the aggregate, of the cash value, at the time aforesaid, of \$320 73; which was lost to petitioner as follows:

With the two yoke of work cattle, with a wagon belonging to one of his neighbors, and the property therein above recited, except the second item above enumerated, he started from Kansas city, Missouri, on his return to his home, near Franklin, in said county and Territory; that while on the road he was seized by a band of armed marauders and imprisoned, and the said property taken from petitioner; and although he, some three months after, recovered a portion of the said property, yet such was its condition, and the expenses and loss of time attending its recovery, that petitioner avers that all of the said property was really lost to him.

Petitioner further states that the said ox was driven away and lost to him in September, 1856, being driven away by the army of marauders under the command of one Reed. Petitioner further states that he was at the time a farmer, and that this was his only team, and that by their loss he sustained damages over and above the value of said property to the amount of \$100, that amount being reasonable. He therefore prays your honors to allow him the sum of \$420 73 for his losses and damages aforesaid. Petitioner further states that the facts herein recited are true.

W. D. JENNERSON.

Sworn to before me this 15th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Walter D. Jennerson.

DOUGLAS COUNTY, ss:

Charles Dickson, being duly sworn, saith: I am acquainted with Jennerson. I reside six miles south of Lawrence. Jennerson, in 1856, lived about six miles from my house—east of my house. At the time specified in the petition—17th of August, 1856—there was a report in Lawrence, and all through our vicinity it was reported, that Jennerson, who is a nephew of mine, had been captured, with his team and wagon, and that he, Jennerson, was killed. So general was the report that I made much inquiry of stage drivers and travelers to ascertain what I could, for I did not see nor hear of Jennerson himself until five or six weeks afterwards. Jennerson had started for Kansas city for a load, and the report was that he was taken prisoner at Westport and killed. I knew the oxen that Jennerson drove away as his team; two yoke of cattle; saw them two weeks before Jennerson went away; they were worth \$100 a yoke when started. He got them all back on their return or recovery late in the fall; but they were so reduced that I would not take them to winter; understood he had to pay \$35 for keeping them down at Westport; the cattle were not worth anything to buy to winter, for their condition was such that it was doubtful whether they would live through the winter, and one of them did die shortly after their return. I know the yokes that were returned with the cattle; no better than

straight sticks, with holes bored in them. He lost a bull that season; it was reported that said bull was driven off by Reed's army; I knew the bull; he was worth \$40; I went to Jennerson's house to see to his stock and property during his absence, and then heard of the driving off of said bull; he never recovered the bull; it was found that said bull was finally obtained by a neighbor under pretence of returning him to Jennerson; afterwards found the hide for sale in Lawrence, and identified it, and it is now at my house, Jennerson having purchased it. The damage to Jennerson by loss of team, &c., and from the transaction, I think would be \$200; it would have damaged me that much; I was teaming, and so was Jennerson, that season.

CHARLES DICKSON.

William Livermore sworn: I reside six miles south of Lawrence, and about six miles from Jennerson's; I know that Jennerson was absent from home for some weeks after the 1st of August, 1856; he had started to Kansas City for goods, and it was reported that he was taken and killed. The bull mentioned by last witness was formerly mine; I sold him to Jennerson; it was generally understood, about the time that Reed's army was up here, that said bull had been driven off by said army; the bull could be and had been worked, and was a good animal; at the time he was taken he was worth \$40.

WILLIAM LIVERMORE.

Walter D. Jennerson sworn: I am the above-named petitioner; I went to Kansas City in August, 1856, for provisions, with my team; after making my purchases, Colonel McCarty gave me the "pass," now here presented, as he said it was doubtful whether I could get through the lines of armed men on the road; I took it; passing through Westport I was surrounded by a body of armed men; I showed the pass to Colonel Boone, but it would not "pass;" and as he said he was not in command, Colonel Boone said he had not authority to give a permit to travel on the road into the Territory. At the time of such capture I lost all the property mentioned in the schedule annexed to my petition, except the "working bull;" said bull being driven away subsequently, as stated in my petition, and was of the value of \$50.

Colonel Boone or Colonel Hin-
kle, if necessary, will please give
these two teams a pass. They
are loaded with goods for the
pro-slavery men at Leecompton
and Tecumseh.

Yours, &c.,
JOS. McCARTY.

Cross-examined.

Westport is in the State of Missouri. I was taken prisoner, as aforesaid, on the 17th or 18th of August, 1856. I had those articles in my wagon, and was on my way home. Only got the cattle back, as mentioned. The provisions, flour and meal, taken, and other

items mentioned, I had, and they were worth the prices set forth, according to the best of my knowledge and belief; lost all of said items at that time; each of said items, respectively, being worth the price named.

In order to get out of the crowd and make my escape I was compelled to disguise myself. I had a long natural beard at the time, which I shaved off. The circumstances were as follows: In driving through town I was ordered to halt by a band of armed men, led by the notorious Coleman, of Kansas; did not know him at the time, but learned soon after his name; Coleman demanded my business, and where I was from; I told him frankly and truly; he said my case should be considered, or something to that effect; Coleman had eight or ten armed men with him at the time; there were 200 or 300 others in the street; there appeared to be a disposition on the part of the crowd, who were mostly armed, to shoot me; I was told by a man in the crowd, whose name I do not know, not to attempt to escape, or I would be riddled with bullets; was afterwards told by a gentleman, whose name I afterwards ascertained to be William T. Ellis, a merchant or grocery keeper in Westport at the time, that if there was any opportunity to enable him to aid me in getting away he would do all he could for me; there was much contention in the crowd at the time as to what disposition should be made of me; the men even got into a fight among themselves, apparently, concerning the matter; one man knocked another down, and ran up the street; the crowd ran in pursuit of him, and partially left me; while the attention of the crowd was thus diverted from me, Mr. Ellis took me into his store and furnished me a temporary shelter there; towards night, after the crowd abated, he took me to his dwelling-house, in the back part of the town, by a private way; I stayed there about two days secreted, or a prisoner, an "involuntary guest;" was told it would not be safe for me to leave the house during that time unless in disguise; was afterwards told, just before noon of the third day of my capture, that I must leave the house immediately, or it would be pulled down by the mob, and I would be slain, and it was necessary for me to leave accordingly for the safety of the house; consequently I did disguise myself by removing my beard, cutting my hair, and putting on other clothing loaned to me by Ellis, and in that condition leaving the house at midday, (as it was intended to search the house about 2 p. m.;) Mr. Ellis and I walked out boldly, I being accompanied by him as a friend; he went with me three-quarters of a mile from the town to the timber, when I entered the timber, secreted myself until night, and then crossed the river to the Indian country; on the Delaware side I was again taken prisoner by armed bands, but not detained long.

WALTER D. JENNERSON.

Sworn to before me March 15, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Walter D. Jennerson.

Petitioner claims for four head of cattle destroyed, (said cattle taken and subsequently recovered in an almost valueless condition).....	\$200 00
One working bull, taken and destroyed.....	50 00
And a variety of articles in his wagon.....	70 73
	<hr/>
	320 73
Being a farmer, claims resulting damages	100 00
	<hr/>
	420 73
	<hr/> <hr/>

The board allow and award, upon the proof, the claim for—	
The cattle	\$200 00
The ox or bull.....	50 00
Specific items stolen or taken from wagon.....	70 73
	<hr/>
Total.....	320 73
The general claim for damages is inadmissible.	
Damages allowed—interest, two and a half years, at 6 per cent.	47 10
	<hr/>
	367 83
	<hr/> <hr/>

☞ This loss occurred in Missouri.

It was property that belonged in the Territory—was legitimately in use, and legally *in transitu*. The right of citizen ownership was not impaired. The “right of search” could not be resisted!

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

MARCH 15, 1859.

No. 45.

TERRITORY OF KANSAS, *County of Douglas, ss:*

The petition of Clark W. Southmayd, a citizen of Lawrence, in Kansas Territory, to the Hons. Edward Hoogland, Henry J. Adams, and S. A. Kingman, commissioners appointed by authority of the legislature of said Territory, by virtue of the provisions of an act entitled “An act to provide for the adjustment and payment of claims,” approved February 7, 1859, and an act supplemental thereto, entitled “An act supplemental to an act entitled ‘An act to provide for the payment of claims,’ ” approved February 11, 1859, respectfully showeth:

That this petitioner was, on the twenty-first day of May, A. D. 1856, and for some time before had been, a citizen of Kansas Territory, and residing in the town of Lawrence, in Douglas county. That on the said twenty first day of May he was residing in his own house in said

town, and was possessed of the articles of personal property hereinafter enumerated; and the said articles of personal property were, on said twenty-first day of May, in petitioner's house aforesaid.

That on the said twenty-first day of May the said house was broken open and ransacked, and the said articles of personal property were carried away from said house by a collection of armed men who, this petitioner believes and avers, were not the citizens of Lawrence. And this petitioner was then informed, and has good reason to believe, and does believe, and charges the fact to be, that the said collection of men, who carried away, as herein alleged, the property of him, this petitioner, was a portion of a posse of Israel B. Donaldson, then United States marshal for said Territory, to aid him, the said Donaldson, in the execution of certain processes of law, requiring him to arrest certain persons in said Lawrence. And this petitioner further states that the said acts of said collection of men, in carrying away petitioner's property, were contrary to law, and that the said losses of this petitioner were in consequence of, and did grow out of, the disturbances in this Territory. And that his damage, consequent upon the said losses of property, which was, and all of the same was, the property of this petitioner, and the losses of property, are according to this petitioner's best recollection, knowledge, and belief, as stated in the following enumeration and account, showing the just value of the various articles of said property.

This petitioner further states that on or about the sixth day of September, A. D. 1856, he was possessed of one Indian pony, which, on said sixth day of September, was stolen by some person or persons to him unknown; and that he has never yet been able to find or recover said pony, and has good reason to believe, and does believe, that he never will be able to recover said pony; that said pony was taken from where he was staked out to feed.

One pony, worth	\$50 00
Six shirts, at \$2, worth	12 00
Two dress coats, at \$15, worth	30 00
One overcoat, worth	35 00
Two linen coats, at \$3, worth	6 00
Three pairs of pantaloons, at \$6, worth	18 00
Three pairs of white pantaloons, at \$3, worth.....	9 00
One velvet vest, worth.....	8 00
One satin vest, worth	4 00
Two white vests, at \$2, worth.....	4 00
One pair of calf boots, worth.....	5 00
One pair of gaiter boots, worth.....	3 50
Handkerchiefs, cravats, socks, gloves, and other articles too numerous for petitioner to remember	10 50
One trunk, broken and destroyed.....	5 00
	<hr/>
In amount.....	200 00
	<hr/> <hr/>

Before me, Owen A. Bassett, a notary public duly qualified in and for said county, came Clark W. Southmayd in his own proper person,

and, being duly sworn according to law, deposes and says that he is the petitioner mentioned in the above and foregoing petition, and that the statements and facts therein set forth are true, and that the enumeration of the various articles of personal property, alleged to have been taken and destroyed on said 21st day of May and said 6th day of September, and the prices of each annexed, is true and just; and further says that he now is a citizen of Kansas Territory.

CLARK W. SOUTHMAYD.

Sworn and subscribed to before me. In testimony whereof, I have hereunto set my hand and seal this 15th day of March, A. D. [L. S.] 1859.

OWEN A. BASSETT,
Notary Public.

In the matter of the petition of Clark W. Southmayd.

DOUGLAS COUNTY, ss :

Frank McD. Hunt, sworn, saith: That he is acquainted with the petitioner. Has known him for the past three years or more. I lived at Lawrence, in Kansas Territory, on the 1st day of May, 1856. Mr. Southmayd was then living in and was a citizen of this city. He was at that time living in a house near the river bank, which he claimed as his own. Prior to the 21st day of May, 1856, I was at the house of the petitioner. He had a trunk full of clothing. I stopped a short time, to wait for him to dress. He took some clothes from the trunk. I noticed it was full. The clothing appeared to be good. The trunk was of common size. I was intimately acquainted with Mr. Southmayd. I have never seen him wear any very fine clothing since the 21st of May of that year.

Cross-examined.

I do not know the particular items of clothing, nor the kind.

FRANK McD. HUNT.

Sworn to before me this 26th day of April, 1859.

EDW'D HOOGLAND,
Commissioner.

Charles F. Garrett, sworn, saith: That he is acquainted with the petitioner, Mr. Southmayd. I resided near and was acquainted with him on the 21st of May, 1856. He was the owner of a pony in the month of May of that year. I do not recollect whether before or after the sacking of Lawrence—it may have been in the fall; the river was very low; he came and borrowed my pony to search for his own, and I saw him ford the river. He crossed over in search of the pony; he was a bay or brown color. I understood that on the same night that the pony was lost three or four horses were stolen. It was about the season of horse-stealing times. He came back in the evening without his pony, and said he was gone; he supposed the devil had got

him. The pony was worth fifty dollars. I have seen his trunk of clothing; he had coats, pants, shirts, &c. I have frequently been present at his house on Sunday, and times when he was dressing, and know that he had about the amount of clothing set forth in his petition. I frequently spoke to him about having so much good clothing in this country. I did not see his house broken open on the 21st of May, but I did see the Missourians on that day break open a number of other houses on the same street, above and below it, and saw them running around with clothing taken from these houses. I have been intimate with Mr. Southmayd ever since that time. I have never seen him have any of the clothing *since*; have heard him say that they took everything he had, except what was on his back.

CHARLES F. GARRETT.

Sworn to before me this 26th day of April, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Clark W. Southmayd.

DOUGLAS COUNTY, ss:

Clark W. Southmayd, being duly sworn, saith: On the 21st day of May, 1856, my dwelling-house in Lawrence was broken open by the armed men or posse led into Lawrence by Sheriff Jones. My own clothing and apparel, as mentioned in the petition, was all stolen, taken, and carried away by the plunderers; the clothing was nearly all in my trunk, which was broken open and destroyed; the property taken was, as near as I can now recollect, and according to my belief of the actual value, item by item, as set forth in the petition. The trunks of several other persons who lived with me were broken open and robbed at the same time. Other articles belonging to me were taken, but, as I do not now recollect the particulars, I have not included them in the inventory. My pony was taken, as near as I could ascertain from all the facts and circumstances, by a company of Missourians or Georgians encamped at Franklin, the latter part of August or early part of September; I never recovered him, or received any compensation for any of my property so taken; the pony was worth \$50. The miscellaneous items taken, handkerchiefs, collars, cravats, socks, &c., &c., were reasonably worth ten dollars or more. By the taking of my clothing as aforesaid I was left nearly destitute of apparel; in my trunk was my watch, a silver lever, worth \$20 or \$25, which I had rolled up in a dirty shirt and put in my trunk a day or two before; the plunderers fortunately had some ideas of cleanliness, and threw out and left upon the floor the said dirty shirt without having noticed that it contained my watch; I found my watch therefore on my return to my room.

CLARK W. SOUTHMAYD.

Sworn to before me this 26th day of April, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Clark W. Southmayd.

Petitioner claims for one pony.....	\$50
Property pillaged 21st of May, 1856.....	150
	<hr/>
	200
The proof fully sustains the claim.	
Add interest, 2½ years, at 6 per cent.....	30
	<hr/>
Total award.....	230
	<hr/> <hr/>

EDW'D HOOGLAND.
 SAM'L A. KINGMAN.
 HENRY J. ADAMS.

MAY 4, 1859.

No. 46.

TERRITORY OF KANSAS, *County of Douglas, ss :*

The petition of Frank McD. Hunt, a citizen of Lawrence, in Kansas Territory, to the Hons. Edward Hoogland, Henry J. Adams, and S. A. Kingman, commissioners appointed by the authority of the legislature of said Territory, under the provisions of an act entitled "An act to provide for the adjustment and payment of claims," approved February 7, 1859, and an act supplemental thereto, entitled "An act supplemental to an act entitled 'An act to provide for the payment of claims,' " approved February 11, 1859, respectfully showeth: That this petitioner was, on the 21st day of November, A. D. 1855 and for some time before had been, a citizen of Kansas Territory, and residing in the town of Lawrence, in Douglas county; and that on the said 21st day of November, A. D. 1855, he was joint owner (with Morris Hunt, who has since died,) in a steam saw-mill; and that on said 21st day of November, A. D. 1855, the boiler of said steam mill burst, thereby doing considerable damage to said mill. This petitioner further states that on or about the first day of December he went to Independence, Missouri, and ordered some new pieces of casting, by means of which he might be enabled to repair his mill aforesaid, and that he also purchased a new boiler for said mill, which boiler was, on the first day of December, (the date of purchase,) at St. Mary's Mission, on the Pottawatomie reserve, in said Territory. This petitioner further states that on or about the 10th day of December, A. D. 1855, the said town of Lawrence was besieged or surrounded by bands of armed men, and that all the public highways between Lawrence and Independence, Missouri, and between Lawrence and St. Mary's Mission aforesaid, were blocked up or obstructed by federal bayonets, rendering it utterly impossible for any person or persons (excepting those styling themselves pro-slavery in principle) to travel upon said highways, or to haul merchandise, goods, chattels, or any kind of personal property, over said highways. This petitioner further states that during the month of December, A. D. 1855, the

said highways were in excellent order, being dry, so that large loads could be hauled with ease upon them; and that he could, had he been permitted to have hauled his castings from said Independence, and his boiler from said St. Mary's Mission, during the said month of December, when said highways were dry and in good order, have finished the repairs of his said steam saw-mill on or before the first day of February, A. D. 1856, and that the cost of hauling said boiler from said St. Mary's Mission to said Lawrence would not have exceeded \$120 if it could have been done in said month of December. And this petitioner further states that he did not complete the repairs on said steam saw-mill until on or about the first day of May, A. D. 1856, and that it was impossible to do so sooner on account of the reasons hereinbefore and hereinafter given; and that the cost of hauling said boiler from said St. Mary's Mission to said town of Lawrence in the month of April was \$650, for that the said highways were almost impassable in said month of April, on account of heavy rains and spring thaws; and that petitioner's damage or loss in being obliged to wait for said armed men to depart or raise the siege of Lawrence, and the extra time it took to haul said boiler from said St. Mary's Mission, resulted in petitioner's damage to the amount hereinafter stated. Petitioner further states that the actual loss resulting to him on account of loss of time of saw-mill aforesaid, and extra charges in hauling boiler as aforesaid, is as follows:

Ninety days' lost time of saw-mill, worth at least \$20.....	\$1,800
Extra cost hauling boiler.....	530

In amount.....	2,330

Before me, Owen A. Bassett, a notary public in and for the county aforesaid, duly qualified, personally came Frank McD. Hunt, of lawful age, who, being duly sworn according to law, deposes and says that he is the petitioner in the above and foregoing petition, and that the statements and facts set forth in the same are true, and that the account of damages sustained is just, and the amount claimed is not an over estimate of the actual damage sustained, and that he is now a citizen of Kansas Territory.

FRANK McD. HUNT.

Subscribed and sworn to before me. In testimony whereof, I have hereunto set my hand and seal this 14th day of March, A. D. 1859.

[L. S.]

OWEN A. BASSETT,
Notary Public.

In the matter of the petition of Frank McD. Hunt.

Petitioner claims for damages sustained in being unable to prosecute his business, and get to where a certain boiler and machinery had

been left, at St. Mary's Mission, owing to the difficulties, including expenses alleged, and damages to business, at \$50 per day for use of steam mill, \$2,330.

The board consider the whole claim inadmissible under the law. Rejected.

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

MARCH 15, 1859.

No. 47.

MARCH SESSION, HELD AT LAWRENCE.—PETITION.

TERRITORY OF KANSAS, *Douglas County*:

To the commissioners of claims appointed under an act of the legislative assembly of Kansas, to provide for the adjustment and payment of claims, approved February 7, A. D. 1859.

Your petitioner, Salem Gleason, respectfully represents: That on the 1st day of November, A. D. 1855, he was a citizen of Kansas Territory, and that he, ever since that time, has been and is now a citizen of said Territory, and a resident of Douglas county.

Your petitioner further represents that he was the lawful owner of the property described in the schedule hereunto attached, marked A, and made part of this petition, at the time of the date, therein specified.

That said property was wrongfully and unlawfully taken from your petitioner during and in consequence of the disorders which prevailed in said Territory from November 1, 1855, to December 1, 1856, at the several times and in the manner set forth in said schedule, and that your petitioner has received no compensation for the same, or any part thereof. That your petitioner believes he is entitled to four hundred dollars (\$400) for his loss of property so taken, and interest on the same from said 20th of July, 1856, for his damages which resulted therefrom.

Your petitioner prays your honorable body to audit and certify the above sum as his claim, as before specified.

SALEM GLEASON.

Sworn to and subscribed before me this 15th day of March, 1859.

SAM'L A. KINGMAN,
Commissioner.

Schedule of property marked A.

July 20, 1856.—One span of bay mares, one five and the other four years old, stolen in the night time by a band of armed men, supposed to be Missourians and Georgians, horses worth \$200 each—\$400.

In the matter of the petition of Salem Gleason.

DOUGLAS COUNTY, ss :

Thaddeus Prentice, being duly sworn, saith : I reside about twelve miles south of Lawrence ; am acquainted with petitioner ; have known him since May, 1856 ; he resides about ten miles south of Lawrence, and owns a claim there ; he resided there in 1856. On the 20th July, 1856, he owned a span of bay mares—young and well matched ; at that time horses were high ; they were a very good team ; do not know precisely their value ; think they were worth \$300 to \$350 at that time in cash. The country about there was infested by a band of Georgians and others, under command of a man named Coleman. I was boarding with Gleason, the petitioner, at that time ; said band were in the habit of taking horses from the settlers at that time ; same night ten or eleven horses were taken from settlers in that neighborhood ; do not know the exact date the horses were taken ; recollect the circumstance ; it must have been after July 4, 1856, for the team was at Topeka on said 4th July. Said horses, on the night they were taken, were picketed out about thirty rods from the house of petitioner ; in the morning I saw where the ropes had been cut, and the horses were missing.

Cross-examined.

Petitioner never recovered the horses nor received any compensation for them.

THADDEUS PRENTICE.

Sworn to before me this 16th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

Jasper Gleason sworn : I reside with the petitioner, who is my father ; I knew the horses described by last witness. On Sunday night, the 19th or 20th of July, 1856, said horses were taken from where they were staked, about thirty rods east of his house ; I fastened them out myself at night, and in the morning found the picket pins, with part of the ropes remaining, which had been cut. I tracked the horses south about half a mile and then lost the trail ; one of the horses had a bell on when picketed out. Next spring, in ploughing, I found the bell lying near where said trail passed as I followed it ; other trails of horses ran in the same direction as father's horses were taken. Three or four other horses of that neighborhood I knew were

taken from the neighborhood the same night. This span of horses were actually worth in cash, at that time, \$350. Father has made inquiry, and I have frequently searched for said horses, but never heard of the horses after they were taken. Father has received no compensation for said horses from any source.

JASPER GLEASON.

Sworn to before me this 16th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Salem Gleason.

The petitioner, Salem Gleason, claims in this case, for the loss of two horses, \$400.

The proof shows the loss of the horses, and their value at \$350, which sum we award to him.....	\$350 00
Also damages on same, at six per cent., for two and a half years	52 50
Amount awarded	<u>402 50</u>

SAM'L A. KINGMAN.
HENRY J. ADAMS.
EDW'D HOOGLAND.

No. 48.

MARCH SESSION, HELD AT LAWRENCE.—PETITION.

TERRITORY OF KANSAS, *Douglas County, ss :*

To the commissioners of claims appointed under an act of the legislative assembly of Kansas Territory, to provide for the adjustment and payment of claims, approved February 7, A. D. 1859.

Your petitioner, Charles Garrett, respectfully represents: That on the first day of November, A. D. 1855, he was a citizen of Kansas Territory; that he is now a citizen of said Territory, and has been a resident of Douglas county ever since the 1st day of November, A. D. 1855.

Your petitioner further represents that he was the lawful owner of the property described in the schedule hereto attached marked "A," and made part of this petition at the time of the several dates therein set opposite the several items; that said property was wrongfully taken from your petitioner during, and in consequence of, the disorders which prevailed in said Territory from November 1, 1855 to December 1, 1856, at the several times and in the manner set forth in said schedule, and that your petitioner has received no compensation for

the same or any part thereof; that your petitioner believes he is entitled to one hundred and ninety dollars for his loss of property so stolen, which he never has been able to recover or any part thereof, although he has made due diligence so to do, and to \$66 50 for his damages resulting therefrom, for which amount of \$256 50, your petitioner prays your honorable body to audit and certify as his claim, as before specified.

KANSAS TERRITORY; *Douglas County, ss:*

Charles Garrett, being first duly sworn, says: That the several matters and facts set forth in the above petition are true, as he verily believes.

CHARLES T. GARRETT.

Sworn to and subscribed before me this 15th day of March, A. D. 1859.

SAM'L A. KINGMAN,
Commissioner.

A.

Schedule of property stolen from Charles Garrett during the troubles of A. D. 1855.

1856, Oct. 15.—One yoke of oxen stolen by an armed body of men from Missouri, worth.....	\$125 00
1856, Oct. 15.—Four ox-yokes taken, worth \$5 each	20 00
1856, Oct. 15.—Four large log-chains taken, worth \$5 each	20 00
1856, Oct. 15.—1 large long cable-chain taken, worth.....	15 00
	<hr/>
	190 00
Resulting damages, at 10 per cent	66 50
	<hr/>
	256 50
	<hr/> <hr/>

In the matter of the petition of Charles Garrett.

DOUGLAS COUNTY, *ss:*

John M. Speers, sworn: I reside on the edge of Lawrence city limits; am about fifteen years of age; am acquainted with Charles Garrett, the petitioner. I have resided here in Lawrence four years. Garrett, has resided here ever since the winter of 1854-'55, and now resides here. He owned and had a number of cattle, seven yoke, in partnership with my father.

I know that Mr. Garrett lost one yoke of cattle when the Missourians came up here in the summer of 1856. A large number of cattle were gathered by said Missourians in the bottom near Lawrence, at that time, and driven away. I never saw them afterwards. I knew said cattle well; was in the habit of driving them up to use. They never went off far. They ranged in the bottom mentioned. I and my

brother searched for said cattle after the Missourians gathered a herd, but could never find them. This yoke of cattle were the individual property of Charles Garrett.

JOHN M. SPEER.

Sworn to before me this 16th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

Clark W. Southmayd, sworn: I know that Charles Garrett owned and had a yoke of cattle in the month of September, 1856, about the time that Reed's army of 2,700 men came up to Lawrence. Said cattle were about Lawrence bottom, near Mathews's claim. I had cattle running with them. I had four yoke so running. I saw the Missouri army drive off a large drove of cattle which they had collected in the country and bottom about Lawrence. They drove said cattle to Franklin. I went to look for mine and Garrett's. Garrett had seven yoke of cattle at that time. I found some of his cattle, but three head were missing. *One pair of roan cattle were missing.* The third head above mentioned was afterwards found. They were fat cattle, worth for the yoke \$125 at that time.

Garrett had four ox-yokes and chains taken; know where they were left; I worked my teams with his. Said yokes were missing at the same time the cattle were taken away. Yokes were worth five dollars each. Four log-chains and a cable-chain, all belonging to Garrett, were also missing at same time; the log-chains were worth four or five dollars each, being long, large, heavy chains, for six yoke of cattle. The cable-chain was twenty or thirty feet long, weighed about one hundred pounds, and worth fifteen dollars.

Don't know that he has ever recovered any of the said property, or received any compensation therefor.

Cross-examined.

The ox-chains were long, large, and heavy, uncommonly so. I had a similar one, which I sold for four dollars.

C. W. SOUTHMAYD.

Sworn to before me, March 16, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Charles T. Garrett.

The petitioner, Charles T. Garrett, claims in this case, for loss of oxen and ox-yokes, and chains, \$180, and interest.

Total claim..... \$256 50

Which amount of losses are proven by the witnesses, and are therefore awarded to him.....	\$180 00
Also, damages for said loss in interest, for 2½ years, at 6 per cent.....	27 00
	<hr/>
Making amount awarded.....	207 00
	<hr/> <hr/>

SAMUEL A. KINGMAN.
HENRY J. ADAMS.
EDW'D HOOGLAND.

MARCH 16, 1859.

No. 49.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856."

Complainant states that on the — day of August, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county, and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the — day of August, A. D. 1856, the actual owner and in the peaceable enjoyment of the following property, to wit: Four tons of hay, of the value of \$60, which was lost to petitioner in the manner following: The neighborhood in which he lived, five and a half miles south of the city of Lawrence, in said county, was invested by armed bands of brutal marauders from the slave States, committing every and all kinds of enormities, which made it unsafe for petitioner to remain on his farm, and thereby was compelled to flee for his life; and thus, while a refugee, the above property, of the value of \$60, was destroyed and lost to petitioner, and that he has never received any remuneration whatever for said loss; that during the fall and winter he had stock to feed, and by the loss of said hay was damaged to the amount of \$35.

Petitioner further states that he was the legal owner of a note, of the value of \$25, at the time first above named, on a man by the name of Edwin Sackett; that said note was good and would have been paid, but that about the time last above named, the said Sackett was shot through the head and killed by one of the marauding bands before referred to, at Franklin, in said county, and thus did petitioner lose the said amount of \$25.

Petitioner therefore prays your honors to allow him the said sum of \$125 for his losses and resulting damages as above. Petitioner states that the facts herein recited are true.

WILLIAM LIVERMORE.

Sworn to and subscribed before me this 15th day of March, 1859.
HENRY J. ADAMS,
Commissioner.

In the matter of the petition of William Livermore.

DOUGLAS COUNTY, ss:

Charles H. Dickson, being duly sworn, saith: In August, 1856, I was living about six miles south of Lawrence, on a farm adjoining Mr. Livermore, the petitioner. The neighborhood at the time was infested by bands of armed men, so that it was not safe for Livermore to remain on his claim. He cut and put up some hay, I cannot say exactly how much, judge about four tons. He was compelled to leave home about that time, and the hay was lost, destroyed, and ruined thereby. Its value was about \$60, for very little hay was put up anywhere in that vicinity. I was not at the siege of Franklin; I knew Sackett, named in the petition. I know that Livermore had a note against Sackett which was lost to petitioner by said Sackett being killed by said marauding bands at Franklin. Livermore had two yoke of cattle and a horse, and the damage to them in the loss of the hay that winter was \$35.

Cross-examined. The hay was cut and cocked up, not in stack.

CHARLES H. DICKSON.

Sworn to before me this 15th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

Charles Dickson sworn: I know Livermore, and lived near him in 1856. I know that he had about four tons of hay cut and cocked up when he was compelled to flee from home for personal safety; and during his absence said hay was ruined, lost and destroyed, and that its value I cannot specify; hay was then worth about \$15.

CHARLES DICKSON.

Sworn to before me this 15th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of William Livermore.

Petitioner claims for four tons of hay destroyed.....	\$60 00
And for want of the hay, damages (not specified) injury to his stock.....	35 00
Also, for one note on a man named Sackett, killed.....	25 00
	<hr/>
	120 00
	<hr/> <hr/>
The board allow the claim for the hay destroyed.....	\$60 00
The facts and proportions of hay and stock do not warrant allowance of compensation for the hay and the small proportion of injury to stock.	
The claim for the note is inadmissible.	
Damages by way of interest, 2½ years, at 6 per cent.....	9 00
	<hr/>
Award.....	69 00
	<hr/> <hr/>

EDW'D HOOGLAND.
 SAM'L A. KINGMAN.
 HENRY J. ADAMS.

MARCH 15, 1859.

No. 50.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856."

Richard D. Nickols, complainant, states: That on the 14th day of September, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county, and Territory aforesaid, and still is an actual resident citizen of said Territory; and was on the 14th day of September, A. D. 1856, the actual owner and in the peaceable enjoyment of the following property, to wit:

1 Sharpe's sporting rifle of the value of.....	\$50 00
1 box wearing apparel of the value of.....	300 00
	<hr/>
Aggregate value.....	350 00
	<hr/> <hr/>

That said property was lost to petitioner as follows: The Sharpe's

rifle was by force taken from him by an armed body of men near Hickory Point in said Territory. The box of clothing was taken by the marauders then investing the Territory, on the Lane, road near Holton, in Calhoun county in said Territory. That said property was lost to petitioner as aforesaid and was of the value aforesaid.

Petitioner further states that at the time aforesaid he was by an armed band illegally seized and, for 11 weeks, illegally restrained of his liberty, away from his family and business, and that by the loss of said property and the illegal seizing and holding in imprisonment he was damaged to the amount of \$500. He therefore prays your honors to allow him the sum of \$850, that amount being reasonable for his losses and damage resulting therefrom as aforesaid.

Petitioner further states that he has never received any remuneration whatever for said losses, and that the facts herein recited are true.

R. D. NICHOLS.

Sworn to before me this 15th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Richard D. Nichols.

DOUGLAS COUNTY, ss :

Dwight H. Montague, being first duly sworn, saith: I was acquainted with the petitioner Richard D. Nichols on the 14th day of September, 1856; he was then and is now a citizen of Kansas Territory; petitioner, myself and several others were on that day taken prisoners at Hickory Point, and detained in custody nearly three months; at the time we were taken prisoners the petitioner was the owner of a Sharpe's sporting rifle, worth \$45 or \$50, possibly more; this was taken from petitioner and never recovered; petitioner was damaged by reason of his imprisonment as aforesaid in the sum of \$400.

D. H. MONTAGUE.

Sworn to before me this 21st March, 1859.

SAMUEL A. KINGMAN,
Commissioner..

In the matter of the petition of Richard D. Nichols.

Petitioner claims for one rifle, taken from him at Hickory Point capture.....	\$50 00
1 box wearing apparel, taken near Holton.....	300 00
Damages by imprisonment.....	500 00
	<hr/>
	850 00
	<hr/> <hr/>

The proof sustains the first charge, and the same is allowed
 with interest, two and a half years, at 6 per cent..... \$57 50
 The second item not proven.
 The third item inadmissible.

EDWARD HOOGLAND.
 SAMUEL A. KINGMAN.
 HENRY J. ADAMS.

JULY 1, 1859.

No. 51.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County*, ss:

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

Francis M. Baldwin, complainant, states that, on the — day of August, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the — day of August, A. D. 1856, the actual owner and in the peaceable enjoyment of the following property, to wit :

One horse, of the value of	-	-	-	-	-	\$75 00
One Minie rifle, of the value of	-	-	-	-	-	10 00
One Whitney's patent revolver, of the value of	-	-	-	-	-	18 00
1 pair blankets, of the value of	-	-	-	-	-	5 00
Of the aggregate value of	-	-	-	-	-	<u>108 00</u>

That said property was lost to petitioner as follows: That at the time above named his neighborhood was invested with armed bands of marauders, committing all sorts of depredations upon the people of Kansas; that said horse was at Lawrence, and although said petitioner is unable to identify the parties, he has no doubt the said horse was taken from him by said marauders. The other property, above enumerated, was seized and taken by an armed band of men at Hickory Point, by force and arms, from petitioner, and lost to him.

Petitioner further states that he was greatly damaged by the loss of said property to the amount of \$50; he therefore prays your honors to allow him the sum of \$158 for his losses and damages resulting therefrom.

Petitioner further states that the facts herein recited are true, and that he has never recovered any portion of said property nor received any remuneration whatever therefor.

F. M. BALDWIN.

Sworn to before me this 15th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Francis M. Baldwin.

Petitioner claims for property destroyed \$158. Petition filed March 15, 1859; no proof offered; rejected.

EDWARD HOOGLAND,
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

JULY 1, 1859.

No. 52.

MARCH SESSION, AT LAWRENCE.

KANSAS TERRITORY, *Douglas County, ss :*

To the commissioners of claims under act of February 7, 1859 :

Your petitioner, Eli S. Thompson, respectfully represents : That he is a citizen and was a citizen on the 16th day of April, A. D. 1856, of Kansas Territory, and has ever since that time resided in said Douglas county. Your petitioner further represents, that he was the lawful owner of nine acres of corn, which was growing and in good condition, upon his claim in said county, in the month of September, A. D. 1856 ; that said corn would have yielded at least fifty bushels per acre ; that the neighborhood of your petitioner was infested by a body of armed men, said to be under the command of one Titus and one Clarkson ; that your petitioner was forcibly driven from his home by said armed band, and was prevented from returning for the space of six weeks. That said corn was entirely destroyed, in consequence of your petitioner being thus driven away and kept away from his home, as before stated ; that your petitioner believes his life would have been in danger had he not left, as above stated :

Wherefore your petitioner asks that he may be allowed \$450, for his loss of property so destroyed, and his lawful interest, as damages resulting therefrom ; which amount your petitioner prays your honorable body to audit and certify as his claim.

SAFFORD & SAFFORD,
Attorneys,

TERRITORY OF KANSAS, *Douglas County, ss:*

Eli Thompson, being first duly sworn, says that the facts set forth in the above petition are true, as he verily believes.

ELI S. THOMPSON.

Sworn to and subscribed before me this 16th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Eli S. Thompson.

DOUGLAS COUNTY, *ss:*

James H. Thompson, a brother of petitioner, sworn: I reside nine miles southwest of Lawrence, on the Wakarusa river; on 16th April, 1856, petitioner resided and boarded with me. In the month of September, 1856, he had growing on his claim, adjoining mine, about nine acres of corn, (second crop corn,) growing well, and which would have yielded full 50 bushels per acre. The corn was worth \$1 per bushel then. The country about there then was infested by bodies of armed men, under command of Colonel Titus, Colonel Clarkson and others. My brother was driven from home, for it was not safe for him or the neighbors generally to remain. They were part of the same gang that controlled the country about Wakefield's, and destroyed by fire the dwelling-houses in that vicinity. During my brother's absence the corn was destroyed; it was pretty much all destroyed in consequence of his absence. The armed men mentioned threw down a number of fences of settlers in that neighborhood; I saw them throw down some; did not see them throw down mine nor my brother's. My brother's fence was thrown down about the same time, and I supposed that it was done by said armed men. By the throwing down of the fences the crop was destroyed. We were obliged to be absent, and could not keep stock out.

Cross-examined.

Brother's fence was a three-rail fence, around part of it, and the rest was a six-rail fence, all sufficient to keep stock out. Brother did not gather any of the corn; it was a total loss. Men from Missouri, just before the troubles commenced, had a quantity of cattle and mules herding in the neighborhood, and after the troubles began they scattered, and neighbor's cattle and others got in. We drove cattle out of the field from time to time, when we dared; there was only a little fodder left in the field, not enough to pay for cutting.

JAMES H. THOMPSON.

Sworn to before me this 16th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Eli S. Thompson.

Petitioner claims for nine acres of corn destroyed, at 50 bushels per acre, at \$1 per bushel = \$450.

The proof is sufficient that a loss was sustained by the destruction of property.

According to the general rule adopted, 40 bushels per acre is considered an average yield and a fair award.

9 acres, at 40 bushels = 360 bushels, at \$1 per bushel, less	
10 cents per bushel for harvesting	\$324 00
Interest by way of damages, 2½ years, at 6 per cent.	48 60
	372 60
Award for	372 60

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

MARCH 16, 1859.

No. 53.—A.

Hugh O'Neil's losses.

November 15, 1855. One mare, four years old, stolen.....	\$200
December 11, 1855. Damage to a horse stolen, but recovered lame and foundered and otherwise injured, afterwards sold at \$40	100
May 22, 1856. Two silver watches, worth \$55, stolen.....	55
May 22, 1856. One revolver, 8-inch, stolen.....	25
May 22, 1856. One red cow.....	30
November 20, 1856. One cow, stolen.....	30
	440
	440

TERRITORY OF KANSAS, }
County of Douglas, } ss :

To the commissioners of claims under an act of the legislative assembly of said Territory, approved February 7, A. D. 1859, in session at Lawrence, March, 1859 :

Your petitioner, Hugh O'Neil, respectfully shows that he has been since the 25th day of March, A. D. 1855, a citizen of Kansas Territory and a resident of Douglas county, and is so at this time, and that during and in consequence of the disorder prevailing in said Terri-

tory between the 1st day of November, A. D. 1855, and the 1st day of December, A. D. 1856, the property of petitioner mentioned in the accompanying schedule, marked A, and made a part of this petition, was stolen from him on or about the times stated in said schedule, and that he has never received any compensation therefor; and in consequence thereof he has sustained loss to the amount of \$410 and interest thereon from the 20th day of November, A. D. 1855, as damage resulting from said loss.

He therefore prays that his loss, amounting to \$410 as aforesaid, sustained, and the interest aforesaid, may be duly certified and audited and certificates awarded therefor.

HUGH O'NEIL.

Sworn to and signed before me this 16th day of March, A. D. 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Hugh O'Neil.

DOUGLAS COUNTY, ss:

David Evans, being sworn, says: That he is acquainted with the petitioner and has known him three years last fall, during which time he has resided in the Territory of Kansas ever since I have known him. In the fall of 1855, in the month of November, he had a bay mare, worth \$250 or \$300; she was I don't know how old, six or seven years, perhaps. The petitioner was a mason, working here in Lawrence, his home on the prairie; when he went home at night the bay mare was gone; about three or four days afterwards she was brought back again, sick and used up; she had been overheated and died in less than a week. He also, at same time, had a sorrel horse, worth \$150; he had loaned him to Bigelow, and while Bigelow was riding him it was taken away from him by the Missourians; in a week or ten days O'Neil recovered the horse, pretty well used up, he never was much account after that; I think the horse was damaged \$100.

DAVID ^{his} + EVANS.
_{mark.}

Witness: S. A. KINGMAN.

Sworn to before me, April 29, 1859.

SAMUEL A. KINGMAN,
Commissioner.

Asaph A. Faxon, being first duly sworn, says: He is acquainted with petitioner, he is a citizen of the Territory of Kansas and has been since the fall of 1855; in the month of May, 1856, petitioner had two cows, worth, both of them, \$55; he lost the cows at the time Lawrence was sacked; they were probably driven off, as hundreds of others were, by the Missourians; he has never had them since.

In the fall of the same year he lost two horses, worth \$250; one was brought back and died, the other was brought back very much injured; I would think he was of no value in his condition; I know nothing of the loss of his watches and revolver; I was living in Lawrence at the time and knew about his stock; I think I have given the right date to the loss of the horses.

ASAPH A. FAXON.

Sworn to before me, April 29, 1859.

SAMUEL A. KINGMAN,
Commissioner.

TERRITORY OF KANSAS, }
County of Douglas, } ss:

James S. Emery, being duly sworn, saith: I knew the mare belonging to petitioner, above described, and once rode the animal from Lawrence to Leavenworth, during the fall of 1855; the animal was a fair piece of horse-flesh, but nothing extraordinary in size, build, carriage, or speed; do not know what such an animal was worth, precisely; from my knowledge of the mare at the time mentioned and subsequently, should not estimate her above the average of common animals.

J. S. EMERY.

Sworn to before me this 10th day of June, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Hugh O' Neil.

The petitioner claims for the loss of one mare	-	-	\$200 00
Damage to a horse recovered	-	-	100 00
Two silver watches	-	-	55 00
One revolver	-	-	25 00
Two cows	-	-	60 00
			<u>440 00</u>
The watches and revolver are not proven; the board award			
on the other property	-	-	225 00
Interest on same, 2½ years, at 6 per cent.	-	-	33 75
Total award	-	-	<u>258 75</u>

SAMUEL A. KINGMAN.
HENRY J. ADAMS.
EDWARD HOOGLAND.

JUNE 23, 1859.

No. 54.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners of claims under act of the legislative assembly of Kansas, approved February 7, 1859, in session at Lawrence, March, A. D. 1859.

Your petitioner, E. A. Coleman, respectfully shows that he is and since the 27th day of October, A. D. 1854, has been a citizen of Douglas county and Territory of Kansas. That during the troubles and disorder that prevailed in said Territory between the 1st day of November, 1855, and 1st day of December, 1856, and in consequence thereof, he lost and had stolen and taken away of his goods and chattels the property mentioned in the annexed schedule, at the time and in the manner therein stated, which schedule is annexed to and made a part of this petition, for which property he has never received any compensation whatever.

He further alleges that about the 1st day of September, and for several weeks thereafter, armed bands of men were infesting said county and the neighborhood of petitioner, and he, with others of his neighbors, was driven away from his home and unable to save his crops, and thereby the crops mentioned in said schedule were totally lost and destroyed.

He further alleges that his occupation at that time was that of a teamster, which was entirely broken up by said loss of his team, to his damage \$50, as set forth in said schedule.

Wherefore he prays your honors to audit and certify said losses, amounting to \$574 in all, and the interest thereon from said 1st day of September, A. D. 1856, as damages resulting from said loss, and to award him certificate therefor.

E. A. COLEMAN.

Sworn to and signed before me this 16th day of March, A. D. 1859.

SAMUEL A. KINGMAN,
Commissioner.

Statement of the losses of E. A. Coleman.

September 1, A. D. 1856.—Two horses, valued at \$100 each, one of which was reclaimed two years afterwards, damaged to the amount of \$50, and at an expense of about \$75. Value of one horse	- - - - -	\$100 00
Damage to the other and expense of reclaiming	- - - - -	125 00
Loss of use of said horse, two years	- - - - -	50 00
Two headstall bridles, \$2 each	- - - - -	4 00
Two halters, (leather)	- - - - -	3 00
One hunting gun	- - - - -	12 00

One hundred bushels of corn, at \$1 - - - - -	\$100 00
Fifty bushels potatoes at \$2 - - - - -	100 00
Ten bushels of white beans, at \$3 - - - - -	30 00
Damage to business of teaming by having team stolen -	50 00
	574 00
	574 00

In the matter of the petition of Ezekiel A. Coleman.

DOUGLASS COUNTY, ss :

George Gilbert being duly sworn, deposes and says: I reside about two miles southwest from here, near where Mr. Coleman lived; am acquainted with him; he is a resident of the Territory and has been since November, 1854. In September, 1856, a body or bodies of armed men were prowling about in this section of the country, driving men out of the country, destroying property. Mr. Coleman was peculiarly obnoxious to these bands of marauders. He was suspected of being a free State man; left his home for some time and while absent his horses were taken; the day before they were taken, I saw two men whom I suspected and watched them till they had been a mile, hid my own horses; next morning Mr. Coleman's horses were gone as I heard, they were worth \$100 each; he had a law suit for one of the horses here last winter, recovered the horse after he had been gone two years, the man who had the horse claimed that he had brought him from Iowa. He, Mr. Coleman, was put to trouble and expense in obtaining said horse, can't say how much; the other horse never recovered.

Cross-examined.

At the time Mr. Coleman was driven away he had considerable corn, some of it was destroyed; Mr. Coleman's family remained at home while he was away; some boys, 14 years old, they attended to the horses; did not take care of the corn, that was destroyed by cattle breaking down the fence and getting in; horse recovered is worth \$60, was in very good plight when recovered, rather better than when taken; damaged some by use and increase of age.

Armed bands, in small companies of a few were prowling around at the times the horses were taken; they were numerous and thinks they were all connected; their object being plunder.

GEORGE GILBERT.

Subscribed and sworn to before the board March 16, 1859.

SAMUEL A. KINGMAN.

Charles J. Coleman sworn, says, he is 17 years old and resides with his father, the petitioner.

In September, 1856, a body of armed men were about in the neighborhood of my father's house, they were pro-slavery men; don't think it would have been safe for my father to have remained at home; he was obnoxious to them; he left home and was gone about two months; he lost two horses, they were tied in the yard about eight or ten rods from the house at 8 p. m., and before sunrise they were gone; don't know what time in the night they were taken; one of the halters was cut, the other untied, were leather halters, worth \$1 or \$1 25 each; two bridles were taken at same time, worth \$2.

One hunting gun was stolen, don't remember when; don't know by whom.

Had 12 acres of corn, about 100 bushels were destroyed; fence was a good three rail fence, staked, was broke down by Mr. Davidson's cattle in the night.

The potatoes were frozen in the ground; my father was driven away and could not come home to save the corn or potatoes; we gathered all we could, between 40 and 50 bushels of potatoes, worth \$1 per bushel, were lost.

Father has since recovered one of the horses by a suit, tried in Lawrence October, 1858; he was in pretty good condition when recovered; the other horse has never been recovered; father has never received any compensation that I know of; don't know how much damage father has sustained by breaking up his team, it was considerable; he was teaming.

Over 10 bushels of beans were lost, worth \$3 per bushel, because we had not time to thrash them out.

Cross-examined.

Gathered part of the corn, 4 or 5 acres in old ground, gathered about 200 bushels of that; the sod corn we gathered before; corn destroyed by neighbor's cattle, breachy cattle; kept them out in the day by watching; father has received no gun or pistols in lieu of the gun lost.

CHAS. J. COLEMAN.

Subscribed and sworn to before me this 16th March, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Ezekiel A. Coleman.

DOUGLAS COUNTY, ss:

Ezekiel A. Coleman, the above named petitioner, being duly sworn, saith: That in order to recover the horses stolen and mentioned in the petition I made efforts. I found one of said horses in Lawrence last July; I replevied him; had one trial before a jury; they did not agree; in obtaining his recovery I actually expended in cash \$80, expense incurred in sending for and procuring attendance of witnesses,

&c.; had three trials; finally recovered the horse on a compromise and now have him; was deprived of the use of that horse nearly two years. The gun was brought from my house to Lawrence at the time we made up our minds to fight the United States posse in May, 1856. It was left here, I having a permit to go home. Finally the posse entered the town and took away my gun. Living on the bottom below me were a number of pro-slavery men who came from Kansas city and vicinity; they all knew me, and as I had been in the habit of teaming, having passed over the road from here to Kansas city 103 times, the posse considered me obnoxious, for I had told many of them that I was an abolitionist; many of the posse were friends and acquaintances of the men living in the bottom; it was unsafe for me to remain on my claim. Free-State men generally in my neighborhood had to leave their homes. The pro-slavery men came after me two or three times. In consequence of my being driven away from home my crops were destroyed. After Governor Geary came to Kansas, I employed three of Colonel Harvey's men to assist me in securing my crops or what remained of them. We went to work and saved about half of the potatoes, about thirty bushels of white beans, about two hundred bushels of corn. Out of fifty bushels of white beans we saved about thirty-five or forty; of potatoes, I saved 150 bushels; the last day the balance all froze in the wagon; did not save a half bushel. This was the cold snap that came on in November, 1856.

I ascertained sufficient to convince me that said horses were taken by a man named Kennedy, one of Buford's party or company of armed men. I knew him in Savannah, Georgia, some years ago, where he and I both resided at that time. He has left the Territory. The gun I paid \$12 50 for in Boston.

E. A. COLEMAN.

Sworn to before me this 16th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Ezekiel A. Coleman.

The petitioner claims for one horse stolen	-	-	-	\$100 00
For damage to another and expenses of reclaiming	-	-	-	125 00
Loss of said horse for two years	-	-	-	50 00
Two headstall bridles, \$2 each	-	-	-	4 00
Two halters, leather	-	-	-	3 00
One gun	-	-	-	12 00
One hundred bushels of corn	-	-	-	100 00
Fifty bushels of potatoes, at \$2 per bushel	-	-	-	100 00
Ten bushels of white beans, at \$3 per bushel	-	-	-	30 00
Damage by having his team stolen	-	-	-	50 00
				574 00
				574 00

We think the proof sustains the following items and prices. (Those not herein specified are disallowed, either because not proven or not admissible.)

One horse stolen	-	-	-	-	-	\$100 00
One horse stolen and recovered, damage	-	-	-	-	-	100 00
Two halters, \$3; two bridles, \$2	-	-	-	-	-	5 00
Gun, \$12; ten bushels beans, at \$3 per bushel	-	-	-	-	-	42 00
Corn, 100 bushels, at \$1, less 10 cents for gathering	-	-	-	-	-	90 00
Fifty bushels potatoes, at \$1 per bushel	-	-	-	-	-	50 00
						<hr/>
						367 00
Interest on same at the rate of six per cent per annum for						
2½ years	-	-	-	-	-	55 05
						<hr/>
Award	-	-	-	-	-	427 05
						<hr/> <hr/>

SAM'L A. KINGMAN.
EDW'D HOOGLAND.
HENRY J. ADAMS.

No. 55.—A.

Statement of A. A. Faxon's losses.

1856, May 21.—Twelve cattle lost at the sacking of Lawrence, at \$27 50 each	-	-	-	-	-	\$330 00
1856, May 21.—Store broken open and two guns taken out, worth \$32, and groceries, \$10	-	-	-	-	-	42 00
1856, May 21.—Clothing, including shirts, pantaloons, and coat, &c.	-	-	-	-	-	30 00
1856, Sept.—Thirteen head of cattle, driven off by troops at the second invasion of Lawrence; seven of them at \$55 each, and 6 at \$30 each	-	-	-	-	-	565 00
1856, Oct.—Sixty-three hogs taken and butchered while absent from Lawrence, at \$16 each	-	-	-	-	-	1,008 00
1856, Oct.—One horse, worth \$140	-	-	-	-	-	140 00
						<hr/>
Amount allowed	-	-	-	-	-	2,043 72
1856, May 22.—One steer killed just after the sacking of Lawrence	-	-	-	-	-	60 00
						<hr/> <hr/>
						2,103 72
						<hr/> <hr/> <hr/>

Allow interest from said October, 1856.

TERRITORY OF KANSAS, *Douglas County, ss :*

To the commissioners of claims under an act of the legislative assembly of Kansas, approved February 7, A. D. 1859, at their March session, Lawrence.

Your petitioner, A. A. Faxon, respectfully shows that he is now and since the 14th day of May, A. D. 1855, has been a citizen of said Territory and county ; that during and in consequence of the disorder that prevailed in said Territory between the 1st day of November, A. D. 1855, and the 1st day of December, A. D. 1856, he lost and had taken away from him and destroyed of his goods and chattles the property mentioned in the accompanying schedule, marked A, and made part of this petition, at the time and manner therein stolen, for which he has never received any compensation therefor, and that in consequence of said loss he sustained the damages therein set forth.

Therefore he prays your honorable body to audit and certify his said loss and the said damage resulting therefrom, amounting to the sum of \$2,103 72, and interest on the same from said 31st day of October, and allow him certificates therefor.

ASAPH A. FAXON.

Sworn to and signed before me the 16th day of March, A. D. 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Asaph A. Faxon.

DOUGLAS COUNTY, *ss :*

Hugh O'Neill, being duly sworn, saith : I now reside at Franklin, in this county ; in 1856 I resided in Lawrence, and from March, 1855, till about March, 1857, lived in Lawrence ; I know Mr. Faxon ; he came to Lawrence to reside before I did ; he was then, and has been ever since, engaged in the butchering business ; he generally kept on hand a number of cattle, and other animals, for butchering purposes ; in May, 1856, Mr. Faxon had a cattle and butchering yard adjacent to his slaughter house ; several times, during that spring, I helped him drive in cattle to the pen ; I know that, on the 21st day of May, 1856, when the forces under Sheriff Jones attacked Lawrence, Faxon had, of his own, 12 head of young cattle and steers, worth from \$37 50 to \$40 each, in the pen ; on the morning after the sacking of Lawrence I was at the pen ; Faxon then complained that he had lost 12 head of cattle from his pen, which he charged had been taken by the marauders and plunderers who had sacked the town ; I saw that the pen was broken down and the cattle gone ; he hunted for them ; I loaned him my horse to hunt his cattle ; do not know or believe that he recovered any of them.

I know that, on said 21st May, said Faxon's meat and provision

market or store was broken open, but I do not know what or how much property was taken therefrom.

Again, in September, 1856, Mr. Faxon had cattle taken from him ; at that time he was tending them on the flat a little west of Lawrence ; he then had 18 or 19 head of heifers, cows, and steers, tolerable good beef cattle, worth from \$30 to \$50 each ; I think he lost most of those cattle ; he may have butchered some of them, or sold some ; I was present when he bought that number of cattle of a man calling himself Black ; this was in August.

In October, 1856, Mr. Faxon had a great many hogs ; I helped put into the pen, in that month, some 50 or 60 head ; they were of various sizes, from small to large, weighing from 50 or 75 to about 150 or 200 pounds ; he, all the time, kept buying and killing stock ; pork was worth then 7 or 8 cents a pound ; I think the hogs, on an average, were worth, in October, \$5 to \$8 each. In October, 1856, he had to go east, and was gone several weeks ; a man named John Easter had charge of his stock, as I saw him acting for Faxon during his absence ; I do not know what became of the hogs that Faxon left, whether they were sold, butchered, or stolen, during his absence.

I know Faxon had a horse, but know nothing as to what had become of it, except Faxon's declaration that it was stolen by the armed bands mentioned, and I loaned him my horse to hunt for his ; his horse, that I allude to, I do not know the value of ; I do not know, of my own knowledge, any further particulars of Faxon's losses, except that a shot-gun and rifle, that were in his store on 21st May aforesaid, were taken by the armed men mentioned ; the rifle was worth \$30 or \$40, and the shot-gun I had agreed to buy from him at \$20.

HUGH O'NEILL.

Sworn to before me this 26th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Asaph A. Faxon.

A. H. Mallory, sworn, saith : That he is acquainted with Asaph A. Faxon ; he was a citizen of Lawrence in the years 1855 and 1856 ; in 1856 he had from 12 to 15 head of cattle, most of them oxen ; I should think it was about the first part of May ; Mr. Faxon was, at that time, engaged in the butchering business, and was supplying beef to the free-State men ; about the time Lawrence was invested by the Missouri forces the cattle were lost ; I recollect that such was the fact, as Mr. Faxon, in consequence, could not furnish us with beef ; I should think that most of the cattle were about four-year olds, and were probably worth about \$30 per head. The Missourians, at that time, drove off everything they could find, both cattle and horses, and no doubt got Mr. Faxon's cattle.

A. H. MALLORY.

Sworn to before me this 26th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

William Hutchinson, sworn, deposeseth and saith: I am acquainted with the petitioner, A. A. Faxon; he was a citizen of Lawrence in the years 1855 and 1856, and is now; I have examined the account of the petitioner filed with the board, and find that a portion of it I am not particularly acquainted with; Mr. Faxon was, at the time of the losses alleged in his petition, in the butchering business in this town; and I know kept on hand a large number of cattle, and other kinds of stock, connected with his business; I never saw any cattle taken from Mr. Faxon directly, but it was the general report and well understood that, on the 21st of May, he lost a number of cattle by the band of men who were engaged in the sacking of Lawrence on that day; I also recollect that his store was broken open on that day, as well as all other stores in the town.

On the 14th of September, when Lawrence was again besieged by the Missourians, it was then said and understood that he lost other cattle; it was stated that his loss was heavy, but the number and value of the cattle lost, I am unable to state; it was well understood, however, that Reed's army, when leaving Franklin, took off with them some 300 or 400 head of cattle, which had been taken from the citizens in and about Lawrence; Mr. Faxon kept and owned most of the hogs in the place, and, from the condition of things then existing, no doubt, lost many of them; and it was said at the time that he had so lost them, as well as his cattle. I have no doubt that his account is generally correct.

WILLIAM HUTHINSON.

Sworn to before me April 26, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Asaph A. Faxon.

Testimony.

DOUGLAS COUNTY, ss:

Benjamin Johnson, being first duly sworn, says: That he knows that, at the time Lawrence was sacked on the 21st May, 1856, the petitioner resided in Lawrence, and was keeping a meat market; he was the only butcher in town at the time; he usually had a good stock on hand; I don't know anything of his stock that day; I know, by general report, that a large drove of cattle were driven off in September by the invading army; almost everybody that had stock had it driven off; he, petitioner, had no competition, and we were usually well supplied in the city from his house.

B. JOHNSON.

Sworn to before me April 26, 1859.

SAMUEL A. KINGMAN,
Commissioner.

Asaph A. Faxon, being sworn, says: That he is the petitioner in this case; that, at the first invasion of Lawrence, on the 21st of May, 1856, he lost 12 head of cattle; a boy was herding them out south of town; we turned them out of the yard that morning, thirteen in number, twelve of them I never saw again; the boy got frightened, ran into town, and left them; I don't know what became of them; they were three-year old steers, bought for beef, worth on an average \$30 a piece; the Missourians did not drive off any cattle that time to my knowledge.

On the same day I went out to hunt the cattle and the enemy drove me in; while I was gone they broke open my store and took a cheese, some bread and dried apples, worth \$10 or \$12; they took, also, two guns; one rifle, worth \$25, and a double-barrel shot-gun, worth \$12 or \$15 or more.

On the opposite side of the river, on the next day, they butchered a fine steer of mine and took his hind quarters; the Indians told me about it; so soon as I dared I went across the river, but the rest was spoiled by the wolves; that steer was worth \$30.

In September, 1856, thirteen head of cattle were driven off by the army under Reed; one of them came back; I kept them on the bottom, down toward Franklin, three miles from here. The cattle were worth \$55 each; I paid that for them.

I lost the horse about a week after General Lane came here with the troops; he was stolen a mile and a half from here, where he was feeding, on the prairie; I had a man named Pierce watching him; he has cleared out; gone to Indiana, I believe; I think it was in September or October, 1856, he was stolen; that horse was worth \$150, six years' old, white, good size; I got him from George Holt, who lives here now.

I left Lawrence for Massachusetts in October, 1856, and was gone six weeks; when I left I left in my pen and yard 70 head of hogs, in charge of Jonas Colbert; when I returned there were but seven of them left; Colbert said they had been stolen; the town was full of folks that had nothing to eat, drink, or wear; the hogs would have been worth to me \$20 a piece, but they would not have sold for that; they were worth \$15 or \$16 a piece; they would weigh, dressed, about 250 lbs. or 260 lbs. a piece; I intend to say that a boy was watching the cattle that were driven off in September, and that I don't remember his name; Mr. Eastis was my clerk; Colbert is in Massachusetts.

I lost some clothing on the 21st May, consisting of several shirts, one fired bran new pair of pantaloons, coat, and what I had in my trunk, including a black satin vest, worth in all \$30 sure.

ASAPH A. FAXON.

Sworn to before me April 26, 1856.

SAMUEL A. KINGMAN,
Commissioner.

DOUGLAS COUNTY, ss:

George W. Hutchinson, being duly sworn, saith: I know Mr. Faxon was a butcher, in Lawrence, during the seasons of 1855-'56 and from time to time kept a large number of hogs, bought droves of cattle and droves of hogs, which he killed and sold from time to time, as the market demanded. On the Sunday of Reed's arrival at Franklin, near Lawrence, with the 2,700 men, Faxon and I were on guard opposite Lawrence; we heard the firing of guns, and Faxon returned to the south side of the river to take care of his cattle; understood afterwards, from different sources, that quite a number of Faxon's cattle, ranging on the bottom, between Lawrence and Franklin, were driven away by Reed's forces when they retired; do not know how many, nor their value.

G. W. HUTCHINSON.

Sworn to before me this 30th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Asaph A. Faxon.

Petitioner claims for—

I. Twelve head of cattle, taken at time of sacking of Lawrence, May 21, 1856, worth \$27 50 each	-	-	\$330
II. Store broken open and goods taken out, May 21	-	-	42
III. Clothing—shirts, pants, &c., May 21	-	-	30
IV. One steer killed, opposite Lawrence, May 22	-	-	60
V. Thirteen head of cattle by Reed's army, September, 1856			
—seven at \$55, six at \$30	-	-	565
VI. October, 1856. To sixty-three hogs taken and butchered, while absent from Lawrence, at \$16	-	-	1,008
One horse, worth	-	-	140
			2,175
			2,175

In this case the proof is not as clear and definite as it might be. Evidence is accumulated upon unimportant points, but there is no witness who seems to have a direct and personal knowledge of the facts, except Hugh O'Neill.

I. The twelve head of cattle taken at time of sacking Lawrence are regarded as proven, at \$27 50 each, and allowed	-	-	\$330 00
II. and III. These items are allowed, as proven	-	-	72 00
IV. The steer killed opposite Lawrence, petitioner in his examination swears was worth \$30	-	-	30 00

- V. The proof generally warrants the allowance for the thirteen head of cattle alleged to have been taken by Reed's army. Petitioner, in his examination, swears he paid \$55 each for them. His petition claims \$55 for seven and \$30 for six of them, and witness O'Neill puts them at \$30 to \$50 each. Under all the uncertainties and generalities of the proof, allow thirteen head of cattle, at \$30 - - - - \$390 00
- VI. The proof in regard to the hogs does not warrant a full allowance of the claim. He had hogs in October, 1856; went to Massachusetts to attend to his own business; left his hogs in charge of his clerk. He was not driven away. The state of war had ceased to exist in Lawrence the latter part of September. The board do not consider the hogs, under the circumstances, as coming within the spirit of the act. The loss of the hogs must be regarded as the effect of the negligence of petitioner or his clerk.

Total - - - - -	822 00
Add interest, two and a half years, at six per cent. -	123 30
Total award - - - - -	* 945 30

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

MAY 3, 1859.

No. 56.

In the matter of the petition of James H. Thompson.

DOUGLAS COUNTY, ss.

Eli S. Thompson, being duly sworn, saith: I am a brother of petitioner, and reside about nine miles southwest of Lawrence, and resided there in September, 1856. Brother is a citizen of Kansas, and has been since May, 1855. My brother owned a claim there in summer of 1856. In September of 1856 my brother, petitioner, owned on his claim a breeding sow, worth \$15; he also had a piece of corn there, of seven acres, second crop, which would have yielded seventy-five bushels per acre—a very good crop; it was on his claim, on bottom land, at edge of timber. Corn then was worth \$1 per bushel. That section of the country was then overrun by bands of armed men, under command of Titus and Clarkson, who were daily committing

^o Total amount of Faxon's award, on correction of figures, nine hundred and forty-five dollars and thirty cents.

E. HOOGLAND.
HENRY J. ADAMS.
S. A. KINGMAN.

violence on settlers and destroying property. My brother was driven away from his claim by said armed men. It would not have been safe for him to remain at home. He was kept away four to six weeks. The crop of corn was pretty much destroyed during his absence; he saved about one-fourth of it; three-fourths of the crop was destroyed. A herd of Missouri cattle in the neighborhood was turned loose about same time. Brother's fences then were sufficient to protect crops. At the time mentioned the fences to said seven acres were thrown down. Said bands of men subsisted upon the country, and took cattle, hogs, and provisions for their support, wherever found; and my brother's hog was missing during our absence; supposed to have been taken or destroyed by said men. The hog was a fat hog and in good condition for killing; searched for the hog but never found her. Brother never received any compensation for hog, or corn destroyed.

ELI S. THOMPSON.

Sworn to before me March 16, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of James H. Thompson.

Amount claimed, \$540; extra damages, \$100. Petitioner claims, for one hog stolen, \$15; for damage to corn in field, \$525.

The board allow him for the hog	-	-	-	-	\$15 00
The board allow him, at the rate fixed by them on <i>general</i> proof, 40 bushels per acre, 7 acres—280 bushels, three-fourths destroyed, 210 bushels—at \$1 per bushel, less ten cents, cost of harvesting, ninety cents	-	-	-	-	189 00
Interest on amount allowed, by way of damages, two and a half years, at six per cent	-	-	-	-	30 60
Amount awarded	-	-	-	-	<u>234 60</u>

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

MARCH SESSION, AT LAWRENCE.

KANSAS TERRITORY, }
County of Douglas, } ss:

To the commissioners of claims, under act of February 7, A. D. 1859.

Your petitioner, James H. Thompson, respectfully represents: That he is a citizen, and was, on the 1st day of November, A. D. 1855, a

citizen of Kansas Territory, and has ever since that time resided in said Douglas county.

Your petitioner further represents that he was the lawful owner of the property described in the schedule hereunto attached, marked A and made part of this petition, at the time of the several dates therein set opposite each item. That said property was wrongfully and unlawfully destroyed and taken from your petitioner, during and in consequence of the disorders which prevailed in said Territory from November 1, 1855, to December 1, 1856, at the several times and in the manner set forth in said schedule, and that your petitioner has received no compensation for the same, or any part thereof. That your petitioner believes he is entitled to \$540 for his loss of property, and \$— for his damages, which resulted therefrom; which amount of \$540 and interest your petitioner prays your honorable body to audit and certify as his claim, as before specified.

SAFFORD & SAFFORD,
Attorneys.

TERRITORY OF KANSAS, }
Douglas County, } ss:

James H. Thompson, being first duly sworn, says that the several matters and facts set forth in the above petition are true, as he verily believes.

JAMES H. THOMPSON.

Sworn to and subscribed before me this 16th day of March, A. D. 1859.

HENRY J. ADAMS,
Commissioner.

A.

Schedule of property destroyed and stolen from James H. Thompson, during the troubles of A. D. 1856.

September, 1856.	One hog stolen, worth	-	-	-	-	\$15	00
“	“	7 acres of corn destroyed, in consequence of being driven from home by a body of armed men, under command of Titus and Clarkson; corn would have yielded 75 bushels to acre, and worth \$1 per bushel	-	-	-	525	00
Amount of damages	-	-	-	-	-	540	00

No. 57.

IN SESSION AT LAWRENCE.

TERRITORY OF KANSAS, }
Douglas County, } ss :

To the commissioners of claims, appointed under an act of the legislative assembly of Kansas to audit and certify claims, approved February 7, 1859.

Your petitioner, Miss L. S. Hall, respectfully represents: That she is and has been since the 1st of July, A. D. 1855, a citizen of Kansas Territory and a resident of Douglas county; that during the disorder and troubles that prevailed in said Territory, between the first day of November, A. D. 1855, and the 1st day of December, A. D. 1856, and in consequence thereof, she lost the following property, to wit:

Five pairs of blankets, worth \$5 per pair	-	-	-	-	\$25
One mahogany table, (solid,) worth	-	-	-	-	50

Said property was at the Free State hotel, and consumed in the destruction of said hotel, at Lawrence, on the 21st day of May, A. D. 1856. Your petitioner has never received any compensation for said property from any source whatever. She therefore prays your honors to audit and certify her said loss as aforesaid, amounting to the sum of \$75, together with interest on the same, as damages resulting from said loss, and award her certificates therefor.

L. S. HALL.

Sworn to and subscribed before me this 15th day of March, A. D. 1859.

A. C. W. SAFFORD,
Notary Public, Douglas County.

LAWRENCE, KANSAS TERRITORY,
June 10, A. D. 1859.

To the commissioners of claims under act of February 7, A. D. 1859:

Your petitioner, Lydia S. Hall, respectfully represents: That she is now, and since the 15th day of June, A. D. 1855, has been a citizen of Kansas Territory, and a resident of Lawrence. In the month of August, A. D. 1855, she commenced keeping a public boarding house in Lawrence aforesaid—also, for the accommodation of travellers. Along in the latter part of December of that year, at the time of the first invasion of Lawrence, the citizens were organized into armed companies and mustered into service. Supplies from abroad were cut off in a measure and the state of the town and the necessities of the citizens such, that private property was taken for the use of the pub-

lic, and it was impossible to prevent it. With one exception your petitioner kept the only boarding house for the public accommodation, and during the sixteen days while the excitement continued her house was thronged by persons who came in and filled the tables without leave, and whom it was impossible to keep away, and unsafe and dangerous to make the attempt. They came in and took their meals and took possession of her house to lodge in. And though application was made to the leaders, it was of no avail to prevent the occupancy of your petitioner's premises, and appropriation of her provisions by the "so-called" soldiers organized for the defence of the town. During the sixteen days aforesaid, upon an average, your petitioner believes one hundred persons daily were thus quartered in her house; fed from her table upon provision furnished by her. During the winter and spring also, persons often came in and in a similar manner helped themselves to meals, &c., without permission and without ever giving your petitioner any compensation. In consequence of this state of things the provisions of your petitioner were used up, her health impaired, her furniture and house damaged to some extent, and her business so broken in upon and injured, that she was finally compelled to abandon it at a great pecuniary sacrifice. The actual loss of your petitioner in consequence of the quartering of the "soldiers" at her house, and in provision, &c., consumed by them, could not have been less than \$1,000 or \$1,200. Her loss from the damage to her business and its being broken up as above mentioned was equally large. Your petitioner also lost at the burning of the Free State hotel, in May, 1856, a table and blankets of the value, taken together, of at least \$75. For all these losses, occurring in consequence of the disorder then prevailing in the Territory, your petitioner has never received any compensation. Therefore, she prays that they may be allowed and certificates issued for them according to law.

LYDIA S. HALL.

Sworn to and signed before me this 10th day of June, A. D. 1859.

A. C. W. SAFFORD,

Notary Public, Douglas County, K. T.

In the matter of the petition of Lydia S. Hall.

DOUGLAS COUNTY, ss:

Charles Robinson, being duly sworn, deposes and says: That he is acquainted with the petitioner, Miss L. S. Hall. She is a citizen of Kansas Territory, and has been since the year 1854 or 1855. In the year 1855 and 1856, she was the keeper of a boarding house and public hotel in the city of Lawrence. In the fall of 1855, at the time of the Wakarusa war, Lawrence was occupied by a large body of armed men, assembled for the defence of Lawrence, as mentioned, set forth, and detailed in the testimony of deponent and others, heretofore given

in and filed in the case of G. W. & W. Hutchinson & Co., now pending before this board of commissioners. Deponent therefore reaffirms all his testimony in said case, and asks that the same be considered and applied as his testimony in this case, as far as the same may be applicable.

And this deponent further saith that while Lawrence was thus occupied, while martial law prevailed, and private property was necessarily taken and used for public purposes either by force, threats, or duress, and when resistance or opposition to the necessary demands of the soldiery and citizens for food and sustenance would have been attended with danger and absolute loss to the parties thus opposing, the premises of Miss Hall were daily invaded by such soldiers and citizens, her tables taken possession of, and her victuals eaten or seized by them daily, to a very great extent. Frequently, during November and December, 1855, from seventy-five to one hundred persons a day seated themselves at her table, ate her meals, and departed without paying her any compensation therefor. During January, February, and March, 1857, the same course continued to some extent, but not so great as during November and December; but from April till October the same course was pursued to so great an extent as to ultimately absorb petitioner's entire substance and break up her business. I cannot give the particulars of the number of meals or amount of forced contributions thus made upon her, but from what I saw daily from November, 1855, till May, 1856, am confident the value of her property thus taken and destroyed must have exceeded one thousand dollars or one thousand two hundred dollars. Perhaps this gross sum may be sufficient to cover the demands thus made upon her during the subsequent period of the war, but the greatest amount of her loss occurred during the early part of the troubles, when she was well supplied with means, accommodations, and provisions. During the summer of 1856, her facilities for providing for boarders or others were greatly diminished, as supplies could not be obtained. Her business gradually being broken up, her furniture worn out and destroyed, and the results of the war called to other localities for foraging the persons who had to some extent during the previous winter subsisted on her, I think her claim just and equitable. From what I know of her pecuniary condition during the summer and fall of 1855, and her resources during the winter of 1856-'57, I am confident her actual losses must have amounted to one thousand dollars or one thousand five hundred dollars.

C. ROBINSON.

Sworn, to before me this 10th day of June, 1859.

HENRY J. ADAMS,
Commissioner.

DOUGLAS COUNTY, ss:

George W. Deitzler, being duly sworn, saith: I am acquainted with petitioner; have known her ever since the summer of 1855, when she was keeping a hotel in Lawrence. I have resided in Lawrence ever

since March 1855, and am familiar with all the facts and circumstances mentioned and detailed in the case of G. W. and W. Hutchinson & Co., above referred to by Dr. Robinson, and fully coincide with him in the opinions expressed concerning the losses sustained by Miss Hall during the war. I know that her house was overrun daily by the persons assembled for the defence of Lawrence, and that, as a consequence, she was reduced from comparative comfort to almost destitution. She furnished meals and provisions whenever demanded, with or without pay, and I know that hundreds of meals were eaten in her house during the troubles and disorder mentioned, for which she received no compensation. Destitution compelled the men to get their meals wherever they could, and they quartered themselves at her house whenever their necessities required. I think, from my general knowledge of all the facts and circumstances that then existed, as well as from my knowledge of her available means and pecuniary responsibility previous to the war, compared with her means and condition subsequently, that her losses by the taking and destruction of her property and resources, as aforesaid, could not have been less than one thousand dollars.

G. W. DIETZLER.

Sworn to before me this 10th day of June, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Miss L. S. Hall.

DOUGLAS COUNTY, ss :

Sharon W. Eldridge, being duly sworn, saith : That he has heard the petition of Miss L. S. Hall read. Deponent kept the Free State hotel in Lawrence, in May, 1856, prior to and at the time of the destruction of said building by the sheriff's posse. Miss Hall resided in Lawrence then and resides here now. I remember that there was some furniture put into the hotel by various citizens, about the time the congressional committee commenced their session in Lawrence, in May, 1856. Do not know the particulars, nor the names of the owners, severally. Cannot say, definitely, whether the property mentioned in the petition was in the house when said house was destroyed.

S. W. ELDRIDGE.

Sworn to before me this 19th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

Henry Hurd, being duly sworn, says : I reside in Douglas county. I came here in May, 1855. I am acquainted with Miss L. S. Hall, the petitioner. She was a citizen in July, 1855, and is now, and has

resided during that time in Lawrence. She had some blankets, as many as five pairs, and a mahogany table in the Free State hotel when it was destroyed. I carried them there myself.

The blankets were worth from five to ten dollars per pair. The table, I should think, was cheap at fifty dollars. It was solid mahogany. They were carried into the hotel for the use of the congressional investigating committee, and were used by said committee. This was before most of Col. Eldridge's furniture was brought up.

HENRY HURD.

Sworn by me this 19th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Lydia S. Hall.

Petitioner claims for provisions taken, furniture destroyed,
property burned, &c..... \$1,275 00

The proof warrants an award in her favor, in full of inter-
est, &c., for..... 1,000 00

and the said sum is hereby awarded.

SAMUEL A. KINGMAN.
HENRY J. ADAMS.
EDWARD HOOGLAND.

JULY 1, 1859.

No. 58.

To the honorable commissioners appointed in pursuance of an act of the legislative assembly entitled "An act to provide for the adjustment and payment of claims," approved February 7, 1859.

Your petitioner, Maurice Harttmann, of the town of Lawrence, respectfully represents :

That he settled in the town of Lawrence, in the Territory of Kansas, in the month of November, 1855, and that he is now, and has been ever since, a *bona fide* resident of said Territory.

That in the month of December, 1855, at Franklin, Douglas county, Territory of Kansas, a load of goods and merchandise was searched and therefrom forcibly taken by a company of armed men, calling themselves Kansas militia : four bags of shot, one hundred pounds ; one bale of lead, one hundred pounds, and one keg of powder, twenty-five pounds ; worth \$55.

That the petitioner had piled up on his lot, No. 37 Massachusetts street, in Lawrence, various kinds of lumber, for the purpose of building

a house, and that in the month of December, 1855, a large quantity of this lumber, worth \$60, was taken, without his knowledge and consent, and used for buildings in the forts erected in the town of Lawrence against the threatened attack of the forces assembled at and near Franklin.

That in the winter of 1855-'56 he was the owner of two fine, young horses, which he kept, for want of another shelter, in an open sod-house; that these horses were pressed for military services during all that time of hostilities; and that, in particular, in the month of January one of his horses was taken by a company of armed men to the northeastern part of the Territory and the neighborhood of the town of Easton, and that then and there this horse was used so hard that it was expected to die, and was unable to do any services for more than six weeks, and that it has never since entirely recovered from the consequences of the hardships endured, being affected from that time with the stringhold, &c.; the owner thereby suffering a loss of at least \$50.

That on the 21st day of May, 1856, the petitioner resided in the town of Lawrence—his office adjoining the printing office of the Kansas Free State; that while a company of men, acting under the orders of S. J. Jones, at that time sheriff of Douglas county, and deputy United States marshal, were destroying the printing press, &c., a large number of the same company entered his office and destroyed a part of his medicines and fixtures, worth \$150.

That at the same time, and by the same men, his drawers and trunks were opened and ransacked, and part of the contents taken away—in particular, one pair of pistols, with case, worth \$40; one single pistol, with powder-flask, mould, ammunition, &c., worth \$15; one gold chain, worth \$40; clothing, worth \$35; and silver money, \$25.

That during the months of August and September, 1856, his house on lot No. 37 Massachusetts street, in Lawrence, not quite finished, was, against his consent, and notwithstanding his protest, taken possession of by several companies of armed men, and every part thereof occupied, and by the rough and regardless use damaged to the amount of \$60.

That by the same persons, and at the same time, ready-made doors, lumber, seasoned and partly dressed for doors, frames, shelves, &c., scaffolding timber, &c., were ruined, destroyed, and burned—worth \$45.

That at the same time the petitioner had on said lot in Massachusetts street, stacked up, eight tons of hay, worth \$96, and that said hay was taken without his consent, and used for the armed forces occupying the town of Lawrence at that time.

That about the same time his stable was forcibly broken open, and his saddle, blanket, &c., worth \$15, taken away and pressed for war purposes, and never returned.

And further, that the petitioner has never been indemnified, in whole or in part, for any of the losses above named.

Recapitulation.

Lead, powder, and shot.....	\$55 00
Lumber	60 00
Damage of horse.....	50 00
Medicines and fixtures.....	150 00
Arms, clothing, jewelry, and money.....	155 00
Damages on house.....	60 00
Lumber, timber, doors, &c.	45 00
Hay—8 tons, at \$12.....	96 00
Saddle, blanket, &c.....	15 00
	<hr/>
	681 00
	<hr/> <hr/>

Which amount your petitioner asks may be awarded him under the provisions of an act of the legislative assembly entitled "An act to provide for the adjustment and payment of claims," approved February 7, 1859.

MAURICE HARTTMANN.

Sworn to before me this 16th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Maurice Harttmann.

DOUGLAS COUNTY, ss:

George W. Hunt, being duly sworn, saith: I have heard the petition read; I know that petitioner had a pile of lumber piled up on his lot in Massachusetts street, in Lawrence, in December, 1855. It was taken to build barracks in the forts by the free-State party or troops then in Lawrence. That lumber was worth \$40 per M. Did not measure it; judge that he had two thousand feet; think it was not all taken; some refuse left. Don't know whether petitioner consented to it.

The next summer, of 1856, I tried to buy some of the lumber that petitioner had in his new store that he was putting up. That was taken also by the free-State soldiers against his wish. Don't know its value; mostly in process of being worked up. Estimate his loss thereby \$75. I was building a building next to Harttmann's at the time, and thus knew about the lumber and the quantity taken comparatively.

Harttmann's house, in process of erection, was occupied by the said troops. I was a commissary and provided accommodations for said troops there. The troops were in there about a month. They of course damaged the building some, destroyed the building to the amount of \$50. It was against Harttmann's wish it was occupied. I know that Harttmann had a quantity of hay stacked up on his premises;

cannot say exactly how much, six or eight tons, worth then \$12 per ton. This was all taken and used for the horses of the troops. This was in August, 1856. Don't know of his having ever received any compensation from any source for such injuries and losses. The soldiers occupied the house of petitioner as aforesaid in August and September, 1856.

GEORGE W. HUNT.

Sworn to before me this 16th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Maurice Hartmann.

DOUGLAS COUNTY, ss :

Robert G. Elliott, being duly sworn, saith: On examination by Mr. McKay: I have heard petition read; knew Hartmann's office in Lawrence in 1856. Was in his office on the evening of May 21, 1856; his office adjoined mine; knew the contents of the office. He is a physician. A great many jars of medicine, liquors, powders, &c., were wantonly broken, destroyed and scattered about by members of the posse brought into the city on that day by Sheriff Jones. I cannot estimate the value of the medicines and fixtures destroyed. He spoke at that time of many other things that had been taken away. I know he had two very fine horses during the winter of 1855-'56. Don't know particulars of their taking or injury. The petitioner had a much larger number of jars of medicines, drugs, &c., than is usual in a physician's office. They were partly thrown down and broken up.

R. G. ELLIOTT.

Sworn to before me this 16th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

Ralph C. Dix being duly sworn, saith: I have known petitioner since the fall of 1855; he has resided here since that time. Do not know about the loss of powder, shot, &c. In November, 1855-'56, Dr. Hartmann had a quantity of lumber, preparing for building, which I understood at the time had been taken and used for war purposes.

In the winter of 1855-'56, one of his horses was taken on a trip to Easton; it was a rough time for horses; was taken by a company of armed men. The horse was brought back very much fatigued and injured. Saw the horse several times while he was sick immediately afterwards; think the horse was stifled by use during the trip; they doctored the horse three or four weeks after that; I think the horse was damaged some considerable; know nothing about the destruction of the medicines except what I saw on 22d May, 1856. I was then

in his office; things in the office were in a bad condition. The jars were thinned out. The doctor remarked that he had dispensed considerable medicine the day before. Do not know the damage fully; I think I remarked to him then that he ought to recover \$500. Don't know about clothing, money, &c. A company of armed men made barracks of his store for four or five weeks in August and September, 1856; injured and destroyed the house some. They used any thing they could get for fuel; occupied the whole house. The doctor laid in a large supply of hay, a great portion of which was taken to feed the horses of the men from the country then assembled here in arms. Hay was then worth about \$12 or \$15 per ton. He had probably eight or ten tons, more or less. He lost a saddle about that time; don't know who took it. It was taken at the time those men were here, for company use.

RALPH C. DIX.

Sworn to before me this 16th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

Maurice Harttmann sworn: I am the above named petitioner; I lost the lead, powder, and shot under the circumstances mentioned in petition. A teamster was bringing the goods from Kansas City to me here at Lawrence. The value of the articles so taken was \$55. The teamster brought me a receipt from the military men who had seized and confiscated the powder, lead, &c. Don't know who the receipt was signed by. It purported to be signed by an officer of the Kansas militia. That receipt I filed with General Strickler, auditor of claims under act of February 23, 1857, when I proved up my claim before him. The receipt was written on a card.

In regard to the quantity of lumber I can only say I had joists sufficient for two floors; enough for one floor, worth \$60, was taken. The damage to the horse was considerable. He was taken in January, 1856, by a company of armed men on a military expedition. He was damaged \$50. Could not use him for six weeks afterwards. He was gone about a week.

The medicines and fixtures were injured. I was in my office at the time that a part of Jones's posse rushed into my office, which was only three feet from Elliott's newspaper office, "The Free State." At first they behaved very well in my office; towards evening some drunken fellows came in and commenced calling the office a damned abolition shop, one side of the office was all filled with shelves and jars; they then threw down and at each other the jars and other things. Damaged me then \$150, by destroying medicines and fixtures to that amount. I remonstrated; more came in; they pretended that they had orders to search every house in Lawrence for Sharpe's rifles; was obliged to open my bedroom, trunks, &c.; they then took and carried away the articles mentioned, the gold chain, clothing, money, &c., amounting to \$155, including a pair of fine pistols that I brought from Europe, worth \$40. The other was a common European pistol.

Next summer, viz, in September, 1856, I was obliged to hire and occupy another house, as my own was occupied by these armed men. They prevented me from going on with my work; they told my carpenters if they did not quit working they would cut down and destroy everything they had put up. House was damaged \$60. The plastering was just commenced; scaffolding thrown about and against walls; part of the lumber was dressed and prepared for use, and piled up and burned. I remonstrated, and they politely informed me that they were here to protect me, and I should shut up my God-damned mouth. They then destroyed full forty-five dollar's worth.

The saddle was taken off; do not know by whom. Stable was broken open by the armed band that went down to Bull creek. I got my horses back, but the saddle and bridle, worth \$15, I never obtained. I never received any allowance or compensation for my losses.

MAURICE HARTTMANN.

Sworn to before me this 16th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Maurice Harttmann.

Petitioner's claim is for property taken and destroyed at the sacking of Lawrence—\$681.

The witnesses testify in support of the whole claim complete, but are general in their estimates. Petitioner's estimates differ slightly from those originally presented to Commissioner Strickler. It is believed petitioner's estimates are sufficient to cover interest, &c. The claim is awarded as presented.

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

MAY 20, 1859.

No. 59.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855 to December 1, 1856."

William Graham, complainant, states that, on the — day of November, A. D. 1855, and for some time previous thereto, he was an

actual resident citizen of Douglas county, and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the — day of December, A. D. 1855, the actual owner, and in the peaceable enjoyment, of the following property :

One grey mare of the value of	-	-	-	-	-	-	\$150
One double-barrelled shot gun of the value of	-	-	-	-	-	-	25
One wagon of the value of	-	-	-	-	-	-	125
							<hr/>
Of the aggregate value of	-	-	-	-	-	-	300
							<hr/> <hr/>

That said property was lost and injured under the following circumstances : the said grey mare was taken from the house of petitioner in Prairie City, of said county, at the time last above named, by a band of marauders from Missouri, under the command of McGee, who were at the time prowling about the neighborhood ; that petitioner afterwards heard of the said mare being in the possession of said McGee, in Missouri, but was unable to obtain her, although he made every effort to do so, and that she was totally lost to petitioner. That the gun was taken from petitioner by armed bands of men at the time aforesaid, then assembled at the city of Lawrence for the protection of said city and Territory ; that at the same time and place, and by the same parties, the said wagon was greatly injured to the amount of \$50. Petitioner further states, that in June, 1856, he was the owner and in peaceable possession, at the place first above named, of the following personal property, viz :

One bay mare, of the value of	-	-	-	-	-	-	\$100
One carriage and household furniture, of the value of	-	-	-	-	-	-	270
One lot of books and wearing apparel, of the value of	-	-	-	-	-	-	75
							<hr/>
Of the aggregate value of	-	-	-	-	-	-	445
							<hr/> <hr/>

That said property was lost and injured under the following circumstances : that at the time last above named, the neighborhood of Prairie City was in a state of war ; the said bay mare was taken and so used and rode by the parties engaged in said war as that she died therefrom, and was thereby totally lost to petitioner ; that the said books, carriage, furniture, and wearing apparel, petitioner was compelled, by the state of the country and the said war parties, to hide out in the brush to save them from said marauding parties, and by said exposure to the weather the said carriage was injured \$100 ; the household furniture, being looking glasses, broken and destroyed to the value of \$20 ; the books and wearing apparel lost and injured to the amount of \$50 ; and the loss of the said property to the value of \$270, and by the loss of said property he was damaged over and above said losses and injuries to the amount of \$100. Petitioner therefore prays your honors to allow him the sum of \$595 ; that amount being reasonable for his losses, injuries, and damages, as above suffered. Petitioner further states that he has received no remuneration whatever for any of said losses, and that the facts herein recited are true.

WILLIAM GRAHAM.

Sworn to and subscribed before me this 16th day of March, A. D. 1859.

H. J. CANNIFF,
Justice of the Peace.

In the matter of the petition of William Graham.

Petitioner claims for property taken and destroyed - - \$595

Petition filed March 17, 1859.

No proof offered. Rejected.

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

JULY 1, 1859.

No. 60.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss :*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855 to December 1, 1856."

William McKinney, complainant, states that, on the 15th day of August, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county, and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the 15th day of August, A. D. 1856, the actual owner, and in the peaceable enjoyment of the following property :

One mare and colt of the value of - - - - - \$200

That the property aforesaid, of the value aforesaid, was lost to petitioner, as follows : the band of desperadoes routed by Lane's men at the time aforesaid from Fort Washington, took and carried away said horse on their race out of said Territory. Petitioner further states that by the said loss he was greatly damaged over and above the amount here stated, to wit : to the amount of \$100 ; that the said petitioner has received no remuneration whatever for said loss. He therefore prays your honors to allow him the said sum of \$300 for his

loss and damage so suffered. Petitioner further states that the facts herein recited are true, as he verily believes.

WILLIAM McKINNEY.

Sworn to and subscribed before me, a justice of the peace for Palmyra township, Douglas county, Kansas Territory, March 16, 1859.

H. J. CANNIFF,
Justice of the Peace.

In the matter of the petition of William McKinney.

DOUGLAS COUNTY, ss:

William S. Wells, being duly sworn, deposeth and saith: That he is acquainted with the petitioner, William McKinney; that he is a citizen of Douglas county, Kansas Territory, and has been since May, 1856, and before; I first knew him in the Territory in May of that year. About the 15th day of August, 1856, I was passing down the road from Washington creek, going eastward; when about a mile or more from the house of the petitioner, (being travelling in company with Capt. Sanders and part of his men, and part of Treadwell's,) a young man, I have since learned was in the employ of Mr. McKinney, was met on the prairie, riding a sorrel mare, belonging to him, the petitioner, and a fine colt following her. Saw four or five of them take the mare and colt from the young man by force, contrary to my remonstrance, and took them off to Missouri. As I have been informed, the mare and colt was worth \$200. I was acquainted with Mr. McKinney at that time, having been frequently at his house. I know that it was his mare, and I know that he has never recovered her, nor has he ever received any compensation therefor, to the best of my knowledge. Not choosing to travel in company with men who were taking my neighbor's property, after travelling with them about a mile, after they had taken the mare and colt, I made an excuse to stop, and thus got rid of them.

W. S. WELLS.

Sworn to and subscribed before me this 27th day of May, A. D. 1859. In witness whereof I have hereunto set my hand and notarial seal.

[L. s.]

CHAS. P. TWISS,
Notary Public.

In the matter of the petition of William McKinney.

The petitioner claims in this case for mare and colt lost	\$200
Damages - - - - -	100
	<hr/>
	300
	<hr/> <hr/>
The items for damages inadmissable.	
For the mare and colt the board allow, including interest	\$200
	<hr/> <hr/>
Total award.	

SAM'L A. KINGMAN,
HENRY J. ADAMS,
EDW'D HOOGLAND.

JUNE 23, 1859.

No. 61.

To the honorable board of commissioners for the auditing and certifying of claims, appointed under an act of the Kansas territorial legislature, entitled "An act to provide for the adjustment and payment of claims," and approved February 7, A. D. 1859 :

Your petitioner, Arthur Gunther, respectfully represents to your honorable board: That he has been an actual and *bona fide* resident of Kansas Territory since the first day of August, A. D. 1854, and that he had property taken or destroyed during the disorder which prevailed in this Territory from November 1, A. D. 1855, to December 1, A. D. 1856, and thereby sustained certain losses and damages, as hereinafter mentioned.

Your petitioner represents that his house, situated on a certain claim owned by him, and lying in the county of Douglas, and about seven miles south of the city of Lawrence, was, on or about the 25th day of December, A. D. 1855, set fire to and destroyed, as supposed, by a party of men from the State of Missouri; and your petitioner avers that the burning, destruction, and total loss of said house, as aforesaid, did injure and damage him in the sum of two hundred dollars.

And your petitioner further represents, that at the time his house was burned and destroyed, as aforesaid, there were in said house, and then and there taken and destroyed, divers articles of personal property belonging to your petitioner, consisting of valuable papers, furniture, shingles, provisions, medicines, books, and many other articles, which are enumerated, and the amount of damages resulting from the loss thereof set forth in the schedule which is hereunto annexed, and made a part of this petition.

And your petitioner avers that the damages to him resulting from the loss of the personal property taken or destroyed, as aforesaid, amounts to the sum of four hundred and ninety-three dollars and eighty cents, as by the annexed schedule shown.

And your petitioner further avers that he has never been reimbursed, either in whole or in part, for losses and damages sustained by him, as hereinbefore mentioned. And your petitioner therefore prays that your honorable board will audit and certify the claim of petitioner for his losses of property taken or destroyed, and the damages resulting therefrom, as aforesaid.

Schedule.

Two beds and bedding	-	-	-	-	-	\$25 00
One chest of clothing	-	-	-	-	-	50 00
Furniture	-	-	-	-	-	20 00
Cooking utensils	-	-	-	-	-	10 00
Tools	-	-	-	-	-	20 00
Six thousand shingles, five dollars per thousand	-	-	-	-	-	30 00
Provisions	-	-	-	-	-	25 00
One small chest of medicines	-	-	-	-	-	15 00
Books	-	-	-	-	-	75 00
One tent	-	-	-	-	-	15 00
One keg of powder	-	-	-	-	-	3 50
One powder-flask	-	-	-	-	-	1 30
One small trunk	-	-	-	-	-	2 50
Valuable papers, notes, &c.	-	-	-	-	-	200 00
One pocket-book, &c.	-	-	-	-	-	1 50
						<hr style="width: 100%;"/>
Value of house	-	-	-	-	-	493 80
						<hr style="width: 100%;"/>
Total	-	-	-	-	-	693 80
						<hr style="width: 100%;"/>

A. Gunther, being duly sworn, says the matters and things set forth in the foregoing petition are true in substance and in fact.

ARTHUR GUNTHER.

Sworn to before me, and subscribed in my presence, this 17th day of March, A. D. 1859.

CALEB S. PRATT,
Clerk Probate Court, Douglas county, K. T.

In the matter of the petition of Arthur Gunther.

DOUGLAS COUNTY, ss :

Jonathan R. Kennedy, being first sworn, says : That he is acquainted with petitioner, Arthur Gunther ; that he is a citizen of Kansas Territory, and has been for about four years ; I lived within three-quarters of a mile of petitioner from June, 1855, till his house was burned in December, 1855 ; at the time the house was burned I

was in Lawrence; a shingle was brought to Lawrence from the claim, signifying that Gunther was an abolitionist, and that was why his house was burned. I was in Lawrence eight days; when I came to Lawrence the house was standing; when I returned it was burned. The house was seven miles about southwest from Lawrence. There were armed bands roving through the neighborhood; armed and drunken men burring and destroying property. It was a tolerable log cabin, good for that time, about fourteen by sixteen or eighteen feet, covered by two-foot boards, with stone chimney; can't say how much it was worth; labor was high, and it cost a good deal to build at that time.

J. R. KENNEDY.

Sworn to before me this 21st day of March, 1859.

SAMUEL A. KINGMAN,
Commissioner.

Henry Bronson, sworn, says: That he was living in the house of petitioner, Arthur Gunther, in December, 1855, during the Wakarusa war. I left the house, I think, the 22d—it was at the beginning of the war—and came to Lawrence to guard the town. I went back to the place as soon as peace was declared—about a week from the time I left the house aforesaid. When I returned the house was burned. The house at that time would have cost \$150 any way. Mr. Gunther left in the house two beds, bedding, &c., nearly new, worth about \$35; also a chest of clothing, new and good, for summer and winter use, and just sent him by his father. I saw the clothing, but can't say how much it was worth; I should say \$50 or more—can't say. There was also a table, stools, box fixed for a cupboard, &c., worth \$20; also cooking utensils, worth \$15 or \$20; carpenters' tools—saws, chisels, axes, &c., &c.—a pretty good supply of tools for building—worth \$40 or \$50; may be mistaken, perhaps not over \$30. He lost by the fire from four to six thousand shingles, worth \$5 per thousand. I had sold shaved shingles of the same quality as Mr. Gunther's for \$6 per thousand. He had flour, meal, bacon, sugar, and coffee, worth at least \$12—might be more; also a small medicine chest, with medicines, about ten by fifteen inches in size, and six or eight inches deep—homeopathic medicines; also a number of books and magazines, in German and English, nicely bound—ten or fifteen volumes bound; a lot unbound, and magazines, worth, I think, \$25; also one tent, worth \$10—good tent; one keg of powder, worth \$3 or \$4—partly used; one powder-flask, worth seventy-five cents; also one small trunk, worth about \$2. I saw him have one note of \$100, with \$20 indorsed on it, and other notes and accounts. He said, when told of the loss of the house, that he regretted it on account of the loss of the papers as much as in any other way. All this property was either taken away or destroyed in the house by the fire, and he has never recovered any part of it, or any compensation therefor, to my knowledge. Before I left the house of petitioner there was a pro-slavery rendezvous about three-

fourths of a mile from the house, where whiskey was sold. We frequently saw armed men riding up and down the creek, and we got word several times that we had got to leave; that that abolition hole Gunther was obnoxious to them, and I have no doubt they set fire to would be cleaned out. The Missourians were all about there. Mr. his house.

HENRY BRONSON.

Sworn to before me March 21, 1859.

SAM'L A. KINGMAN,
Commissioner.

Arthur Gunther, being first sworn, says: That he is the petitioner in the case. In the fire by which my house was burned I lost an original recipe that was sent out to me, for which my father paid \$200. My father neglected to keep a copy of it; I had made none; so that the same is lost entirely. Besides, I lost very valuable correspondence, in the shape of letters; also one album that cost \$10. I lost one note calling for \$100, credited with \$20. It had been on interest one year. I suppose I could have collected the money if I had had the note. The books I lost were German classics and medical works—twelve or fifteen volumes in all; many numbers of reviews and magazines; and fourteen volumes of Burns's works, unbound, worth \$10. The books, magazines, &c., destroyed, were worth more than \$75.

ARTHUR GUNTHER.

Sworn to before me March 21, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Arthur Gunther.

Petitioner claims for house destroyed	\$200 00
Household and other property	293 80
Valuable papers, notes, &c.	200 00
	693 80
	693 80

The testimony authorizes an award in favor of claimant for household and other property of..... 293 80
The proof in regard to the valuable papers, notes, &c., is not so presented as to warrant an allowance therefor.

Petitioner does not swear that his house was worth \$200, but that its destruction was to his damage that sum. One witness says the house was worth \$150. The board therefore award for the house.. \$150 00

443 80

Add interest, 2½ years, at 6 per cent., as damages..... 66 60

510 40

EDW'D HOOGLAND.
 SAM'L A. KINGMAN.
 HENRY J. ADAMS.

APRIL 11, 1859.

No. 62.

To the honorable commissioners of claims for Kansas, under the act approved February 7, 1859.

The undersigned, Saunders R. Shepherd, of Topeka, in the county of Shawnee, in the Territory of Kansas, respectfully represents to your honorable body: That he is a citizen of the United States; that he was a resident of said Territory during the summer of 1856; that he was residing in said Shawnee county then, and is now; that on or about the 22d day of September, 1856, your petitioner was seized and possessed of the within described personal property, while the same was upon the premises and near the residence of one Paul Shepherd, the father of your petitioner, about three miles from said Topeka; that said property, to wit, a fine young bay mare, was stolen and carried away by a body of armed men, and converted to their own use, as your petitioner believes, since said Paul Shepherd and one Orlando Moffitt says that they saw said body of men near said Shepherd's residence on said day, and believe that on the night of said day said men crossed the Kansas river, at Topeka, and went in the direction of Nebraska; that your petitioner was wholly unable to recover said property, and that the same was wholly lost to him; that said body of men were unknown to your petitioner, but believes, from accounts, that they claimed to be free-State men; that said mare was the property of your petitioner; that the same was young, sound, and worth \$160; that your petitioner has never recovered said property nor received any compensation therefor. Your petitioner prays, therefore, that said claim may be allowed and paid with interest.

SAUNDERS R. SHEPHERD.

TERRITORY OF KANSAS, *County of Shawnee, ss :*

Saunders R. Shepherd, of Topeka aforesaid, being duly sworn, deposes and says that the facts stated in the foregoing petition are true.
SAUNDERS R. SHEPHERD.

Sworn before me this 19th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

SHAWNEE COUNTY, *ss :*

Paul Shepherd, sworn : I reside on section 15, township 12, range 16 east ; have resided there nearly four years last past. Petitioner is my son. I knew the horse mentioned in the petition ; he belonged to my son, the petitioner, who was, in September, 1856, and is now, residing in Topeka. On or about the 22d day of said September, petitioner was at my house, with his horse ; I live about four miles SW. of Topeka. About dusk of that day said horse was staked out on the prairie, about fifty rods from my house. About dark I went out to bring the horse nearer to my house for the night, and found him missing. The stake to which he had been tied was pulled up, and the ground showed that the stake had been worked and wrenched to get it loose. I never saw the horse afterwards. In the morning, in company with my son, I tracked the horse in the direction of Topeka. I was confident that the horse did not pull away, as there were no signs of the rope having been dragged over the ploughed ground, through which we tracked him ; from which fact it was evident that whoever took the horse pulled up the stake and rode him off, there being no foot prints or other horse tracks across said ploughed ground. The horse was a bay, five or six years old, sound ; had a star in the forehead and one white hind foot. Think the horse, at that time, would have readily sold for \$125 to \$150, but people in those days were afraid to buy or own horses, as they were dangerous property ; were greatly in demand, but were hard to keep, owing to the general system of horse-stealing that then and for a long time before had prevailed throughout the Territory. Before we got to Topeka we lost the track in the main public road leading to Topeka. We went to Topeka to look for him ; could not find the horse, but learned from several citizens of Topeka that on the night before (being the same night that the horse was taken) a company of men, five or six in number, with horses that they were riding and leading, had forded the Kansas river at Topeka, and crossed to the north side. Deponent knows that about that time a large body of armed men, who had entered the Territory from Nebraska, under the command of General Lane, were countermarched, in accordance with Governor Geary's proclamation, and went in the direction of Nebraska, taking with them, as deponent understood, a number of horses and other property. Deponent therefore felt confident that said horse had been taken, and

was taken from the Territory by some individual or individuals connected with such armed body of men.

I was a witness to prove this claim before Hon. H. J. Strickler, late commissioner.

PAUL SHEPHERD.

Sworn to before me this 19th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Saunders R. Shepherd.

Petitioner claims for one horse, taken September 22, 1856, by the rear-guard of Lane's army, on retreating to Nebraska. Amount claimed, \$160.

Value of horse proven, about \$125 to \$150.

Average of proof, say	-	-	-	-	-	-	-	-	\$140	00
Add for interest, 2½ years, at 6 per cent.	-	-	-	-	-	-	-	-	20	00
									<hr/>	
Award	-	-	-	-	-	-	-	-	160	00
									<hr/> <hr/>	

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 19, 1859.

No. 63.

MARCH SESSIONS, AT LAWRENCE.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners of claims under act of February 7, 1859:

Your petitioner, Francis O. Tolles, respectfully represents: That he is now, and has been a citizen of Kansas Territory ever since the month of September, A. D. 1854, and has during that time resided in said Douglas county.

Your petitioner further represents, that on the night of the 19th day of June, 1856, he had taken and stolen from his claim, six miles southwest of Lawrence, one black horse, worth one hundred dollars.

Your petitioner further represents, that on or about the 24th of July, 1856, his house upon his said claim was, during his absence to Lawrence, broken open, and the following articles taken away, viz:

One pair blankets, \$8; sheets and pillow-cases, \$2.....	\$10 00
Overcoat.....	15 00
Pair of pants, \$5; one pair boots, \$4; shoes, \$2.....	11 00
Crockery, \$3; axe, \$1 50; Bowie knife, \$1 50.....	6 00

that the above described property, at the time it was stolen, was the property of your petitioner; that during the said months of June and July, armed bodies of men infested the neighborhood of your petitioner, driving away many of the settlers, stealing horses and other property, and doing various other wrongs; that your petitioner believes that men belonging to said body of armed men stole his property and carried it away, as above stated; that he has made diligent search for said property and has been unable to recover any part thereof; and that he has received no compensation for any of said property, from any source whatsoever.

Your petitioner would therefore pray your honorable body to audit and certify his claim, one hundred and forty-two dollars, and forty dollars resulting damages.

FRANCIS O. TOLLES.

Subscribed and sworn to before me this 18th day of March, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Francis O. Tolles.

TESTIMONY.

Larkin C. Tolles, being first duly sworn, deposeth and saith: He resides in the town of Lawrence, and will have resided here four years next May. The petitioner, Francis O. Tolles, is a citizen of this Territory, in Douglas county, and has been since September, 1854.

I know of bodies of armed men being near and about my brother's residence during the months of July and June, 1856, driving away settlers and stealing horses. About the 19th day of June, my brother, the petitioner, had a horse which was stolen from him. The horse was fastened to petitioner's cabin by a rope, when taken. My brother told me at the time that the rope was cut. I saw it a day or two afterwards. One end was fastened to the house. It had been cut.

In the latter part of July, 1856, petitioner's house was broken open by some of the bands prowling about the neighborhood, and stripped of its contents. I have heard the petition read. Know the petitioner had the same articles therein described. I was at the house a short time afterwards, and saw from its condition that it had been pillaged, and it was generally understood to have been done by the bands of armed men above referred to.

He, my brother, lost the property, and has never recovered it to my knowledge. Horse was a good horse, worth one hundred dollars. He had bed-clothes and bedding, which I have not seen since, worth at least ten dollars. He had a good over-coat taken, worth twelve dol-

lars or fifteen dollars. He had pants, five dollars; boots, four dollars; and shoes, two dollars, taken; worth eleven dollars in all; and crockery taken, worth three dollars. Also an ax, one dollar or two dollars; and Bowie knife, one dollar or two dollars. Petitioner has received no compensation for the loss of his property.

LARKIN C. TOLLES.

Subscribed and sworn to before me, by the witness, this 18th March, 1859.

SAM'L A. KINGMAN,
Commissioner.

Lyman Rowley, being duly sworn, says: He knows petitioner. He resides six or seven miles southwest of Lawrence. I know he had a horse in the summer of 1856. It was missing, as well as many other horses. Petitioner and common rumor both reported the horse as stolen. I think the horse was worth about one hundred dollars. There was a great many houses pillaged and horses stolen in the neighborhood of the petitioner, in June and July, 1856, by the armed bands roaming through the neighborhood.

LYMAN ROWLEY.

Sworn by me this 18th March, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Francis O. Tolles.

Petitioner claims for one horse.....	\$100 00
Bedding, \$10; over-coat, \$15; other apparel, \$11.....	36 00
Crockery, &c.....	6 00
	<hr/>
	142 00
The case is fully proven, and allowed.	
Add interest, 2½ years, at 6 per cent.....	19 30
	<hr/>
Total award.....	161 30
	<hr/> <hr/>

EDW'D HOOGLAND.
HENRY J. ADAMS.
SAM'L A. KINGMAN.

No. 64.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss.*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856."

John Stroup, complainant, states that, on the 14th day of September, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the 14th day of September, A. D. 1856, the actual owner and in the peaceable enjoyment of the following property :

One saw and grist mill, of the value of	-	-	-	\$3,500
One frame dwelling house, of the value of	-	-	-	250
Lot of household and kitchen furniture, bed, bedding, and wearing apparel, of the value of	-	-	-	500
Three yoke of work oxen, of the value of	-	-	-	300
Three milch cows and calves, of the value of	-	-	-	100
One extra circular saw, of the value of	-	-	-	100
One set double harness, of the value of	-	-	-	25
One lot lumber, of the value of	-	-	-	220
One rifle gun, of the value of	-	-	-	10
				<hr/>
Of the aggregate value of	-	-	-	5,005
				<hr/> <hr/>

That said property was destroyed and lost to petitioner in the following manner : Petitioner was residing, at the time aforesaid, with his family, in the town of Franklin in said county ; running successfully and profitably the said saw and grist mill, at the said town of Franklin in said county. That on the day aforesaid an army of murderous wretches, from the State of Missouri, numbering some twenty-seven hundred men, under the command of one Reed, calling themselves Kansas militia, marched into said town, fired, burnt, and thereby totally destroyed the said saw and grist mill, the said dwelling house, the said household and kitchen furniture, the said beds and bedding, and the said wearing apparel ; the said extra saw, the said set of double harness, and the said three yokes of work oxen, cows, calves, and rifle gun, they drove and carried away. Petitioner further states that the said property, of the value aforesaid, was thus taken, destroyed, drove and carried away, and totally lost to petitioner, and that he has never recovered possession of any part of said property, nor received any remuneration whatever for said property.

Petitioner further states that by the destruction of said mills he was thrown entirely out of business ; that by the destruction of said

dwelling house, furniture, beds, bedding, and wearing apparel, his family was greatly distressed, being thrown almost destitute and naked upon the world, and that petitioner was put to great expense thereby.

Petitioner therefore saith that he has suffered resulting damages to the amount of two thousand five hundred dollars. Petitioner therefore prays your honors to allow him the sum of \$7,505 for his losses and damage as aforesaid. Petitioner further states that the facts in this petition are true, as he verily believes.

JOHN STROUP.

Sworn to before me this 18th day of March, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of John Stroup.

DOUGLAS COUNTY, ss.

Elijah B. Purdom recalled and sworn, says: I was well acquainted with the saw mill of Mr. Stroup, at Franklin. I saw it burning, but was not very near it when destroyed. I resided within less than a quarter of a mile of the mill. The mill was erected and put in running order in the fall of 1855. The engine was 16-horse power. I have run the mill over a year. The machinery, boilers and fixtures were all new when put up. The boiler was a long double-flue boiler, twenty-eight feet long. The machinery, boiler, &c., were made at St. Louis. The engine was a horizontal engine, about twenty-two inch stroke, cylinder eight inch bore. One eight-foot balance-wheel, weighing about 1,500 pounds, I suppose. The boiler weighed about 7,000 pounds. Smoke stack two and a half feet in diameter, and forty feet in length. Used single circular saw; length of carriage twenty-four feet for sawing; all leather belting; cold water pump and fixtures. The machinery, boiler, fixtures and carriage were all on one level. The boiler was set on stone foundation and covered over with clay, nearly all of it, with stone fire arch, &c. The building was sixty-five or seventy feet long, by eighteen feet wide; posts about ten feet; rafter roof, and covered with long shingles. The posts were set in the ground; no sills. Plates for roof were framed from post to post. The north end was enclosed, with a grinding apparatus for grinding corn meal; Todd's apparatus; usually ground eight to twelve bushels per hour when running. When the fire took place it burned up the frame.

Subsequently the mill was set in running order again. I was at the mill daily during October and November, 1856, while Stroup and his hands were engaged in putting the mill in operation again. They got it to running about the 1st of December, 1856, and it is running now. It has always been considered a good, serviceable saw mill, and is now. In putting the mill in operation again the same

boiler and the same iron engine frame, cylinder and fixtures were used; also used the smoke stack. The boiler, engine, and other machinery were all greatly injured and damaged by the fire, the falling of timbers, &c. The rods and saws and shafts were bent, and many portions of the whole machinery were rendered useless.

The engine, boiler and machinery cost, in St. Louis, about \$2,300. The freights, insurance, drayage, carriages, timbers, frame, enclosure, corn apparatus, &c., all together, cost about \$1,200 more, making the total value of the mill, at the time of its destruction, about \$3,500. It was burnt on the 14th and 15th of September, 1856; got in operation again about the 1st of December. From my knowledge of the mill and its machinery, fixtures, &c., I think the total value of the boiler, engine, smoke pipe and materials and appurtenances, saved or recovered from the ruins, were not worth more than \$800 toward use in putting up the new mill. The boiler was nearly ruined, and has had to be used very carefully ever since. It is not very safe now. I think probably \$800 would be a fair estimate of the value of all of it that was saved or subsequently used. It probably cost nearly the difference, counting expenses, losses, wages, &c., to make the mill go again, put up covering, &c.

ELIJAH B. PURDOM.

Sworn to before me this 27th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of John Stroup.

TESTIMONY.

Elijah B. Purdom, being first duly sworn, says: He is acquainted with the petitioner; that he is a citizen of this Territory, and was during September, 1856; I reside in Franklin, in this county; I know the contents of the petition of Stroup, and believe the statements thereof to be correct; I know that petitioner owned a steam saw and grist mill, in Franklin, in this county; it was considered the finest mill in this section of country. On the 14th day of September, 1856, an armed band of men, reported to be 2,700 in number, under General Reed, entered Franklin, and soon after the entry of said army I saw the mill on fire, and surrounded by men; the fire was subdued by two citizens of Franklin; and the next day was set on fire again and totally burned up and destroyed; the saw and grist mill was worth at the time \$3,500.

A short time before the mill was set on fire, and on the same day, his dwelling house was burned up by the same set of men; it was a frame house, with two rooms, worth \$250. Petitioner and myself were neighbors, and I was often in his house; was familiar with its contents, but cannot specify the items; his family consisted of self, wife, and four children; and from three to six hands boarded and lodged

there. The beds, bedding, clothing, furniture, cooking stove, parlor stove, bureau, and other articles, which I remember that he had, were worth, in my judgment, at least \$500. These, and all the contents of the house, were taken or destroyed by the fire.

Petitioner was the owner of three yoke of oxen and three milch cows and calves on the 14th of September, 1856; they were taken and driven off by the same body of men above referred to, when they left Franklin on the 15th day of September, 1856; the oxen were worth \$100 a yoke; the cows and calves were worth all of \$100—all of them. There was an extra circular saw in the mill ruined by the fire, it was worth \$100.

Stroup, the petitioner, had a pair of double harness, worth \$25; I never saw the harness after the fire, but saw the chains belonging to them, after the fire, with the fire marks on them; presume the harness was destroyed. A short time before the destruction of the mill there was a pretty good lot of lumber in the mill-yard, as there had been most of the summer; I don't think there was less than \$220 worth of lumber in the yard at any time; what amount was there was destroyed.

Petitioner had a small rifle gun before the fire, claimed by his little boy; I never saw it after the fire, understood it was destroyed, it was worth \$10.

I think the petitioner, by reason of the destruction of his mill at that time, and of his house, household furniture, and stock, suffered damage to the amount of \$2,500 or \$3,000 over the value of his property.

Cross-examined.

My opportunities for knowing the facts above set forth are as follows: When the army of Richardson approached Franklin, all of us males had to leave for safety; I went about half a mile north of Franklin and secreted myself in some brush; was unwell and could get no further; when I stood up I could see over the brush; I saw, when I raised up, the house on fire and afterward the mill. Reed's army was in the town at the time; other property was destroyed. We returned into town on the morning of the 16th of September, found that everything was in confusion and every house but one (belonging to old man Wallace) was ransacked. I understood that old man Wallace's son was a captain in Reed's army; they claimed to be territorial militia; Governor Gearey told me, a few days afterward, that he had ordered the same army to march to camp near the State line and be disbanded.

ELIJAH B. PURDOM.

Sworn to before me this 18th March, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of John Stroup.

DOUGLAS COUNTY, ss :

Daniel Scannell, being first duly sworn, saith : That he knows the petitioner, and was the clerk and manager of the saw mill of the petitioner at the time it was destroyed, in September, 1856 ; was intimately acquainted with his household affairs ; in his house every day. The saw mill of petitioner was burned up on the 14th or 15th day of September, so was his dwelling house. I have had some experience about a saw mill, and think I am a judge of such property ; it was a steam saw mill, with circular saw, considered as good a mill as there was in Kansas—a grist mill attached, “ Todd’s patent.” The mill was worth \$3,500, excluding the burrs. The dwelling house was a frame, 20 feet square, finished on the inside with ceiling, worth, I think, \$500. His house was well furnished with beds, bedding, stoves, chairs and other furniture, and wearing apparel; the whole of which, I think, were worth \$500 ; he had three yoke of oxen stolen, worth \$300 ; also three cows and calves stolen, worth \$100 ; he had an extra circular saw in the mill, besides that in use, worth \$100 or \$125, which was not then used in the mill ; it was burned ; I did not include this saw in my estimate of the value of the mill ; he had a pair of harness, worth \$15 ; they were gone when the Missouriians left ; whether burned or stolen cannot say. There were more than \$220 worth of lumber in the mill yard at the time it was burned belonging to the petitioner, which was burned by the Missouriians; he had a rifle gun, small, it was taken or burned at the same time, worth \$10. I am intimate with Mr. Stroup’s business, and was in September, 1856, and think he was damaged by the loss of his mill and property, over and above the value of his property, more than \$2,000.

DANIEL SCANNELL.

In the matter of the petition of John Stroup.

1. Petitioner claims for saw and grist mill burned	-	-	\$3,500
2. Frame dwelling house burned	-	-	250
3. Household and kitchen furniture burned	-	-	500
4. Three yoke of cattle driven off by Reed’s army	-	-	300
5. Three milch cows driven off by Reed’s army	-	-	100
6. One extra circular saw	-	-	100
7. Harness	-	-	25
8. Lumber	-	-	220
9. Rifle-gun	-	-	10
			<hr/>
			5,005
10. Extra damages	-	-	2,000
			<hr/>
			7,005
			<hr/> <hr/>

The proof is beyond all question that all said property was destroyed by Reed's army September 14, 15, 1856, and the value thereof is generally established, but inasmuch as no details of property is given in the matter of household and kitchen furniture, or as to the quantity, and as the petitioner and his witnesses carefully concealed the fact that any part of the mill machinery had been saved from the fire, it is but reasonable to infer that, in addition to the deduction of \$800 on the mill, a deduction of \$200 on the household furniture and lumber would be just and right. Deducting these amounts from the direct losses, leaves

amount of award	-	-	-	-	-	\$4,005
Interest on above amount for 2½ years, at 6 per cent.	-					600
Total award	-	-	-	-	-	<u>4,605</u>

Extra damages, no specific items proven, is inadmissible.

HENRY J. ADAMS.
SAMUEL A. KINGMAN.
EDWARD HOOGLAND.

MAY 4, 1859.

No. 65.—A.

LECOMPTON TOWNSHIP, K. T.

We, the undersigned, do hereby certify, that on Wednesday, September 3, 1856, a large body of men, reported to be militia of Kansas, encamped near our house, and that a detachment from said company took possession of our house and premises, and robbed us of the following named property :

September 3, 1856. 9 silver spoons and butter knife, value	\$12 00
Clothing - - - - -	65 00
Between 30 and 40 hens and chickens	10 00
Tin ware, knives, forks, razors and books - - - - -	8 00
Table-spreads and towels - - - - -	5 50
Purses, money, and bed clothing - - - - -	11 00
Box pens, stamps and envelopes - - - - -	2 25
Silk shawl, stockings and handkerchiefs - - - - -	9 00
Carpet bag, oak pail, butter and salt	3 50
Corn, potatoes, melons - - - - -	5 50
Curtain tassels, crockery, matches - - - - -	2 25
Damage to trunks and boxes - - - - -	3 50
	<u>137 50</u>

AARON E. PLATTS.
SUSAN W. PLATTS.

MARCH SESSION, AT LAWRENCE.

KANSAS TERRITORY, }
 Douglas County, } ss:

To the commissioners of claims, under act of February 7, A. D. 1859:

Your petitioner, Aaron E. Platts, respectfully represents: That he is a citizen, and was on the 1st day of November, A. D. 1855, a citizen of Kansas Territory, and has ever since that time resided in said Douglas county.

Your petitioner further represents that he was the lawful owner of the property described in the schedule hereunto attached, marked "A," and made part of this petition, at the time of the several dates therein set opposite each item.

That said property was wrongfully and unlawfully taken from your petitioner during and in consequence of the disorders which prevailed in said Territory from November 1, 1855, to December 1, 1856, at the several times and in the manner set forth in said schedule, and that your petitioner has received no compensation for the same, or any part thereof.

That your petitioner believes he is entitled to \$137 50 for his loss of the property so taken, and thirty-four dollars (\$34) interest for his damages which resulted therefrom, which amount of one hundred and seventy-one dollars and eighty-nine cents your petitioner prays your honorable body to audit and certify as his claim, as before specified.

SAFFORD & SAFFORD,
Attorneys.

TERRITORY OF KANSAS, }
 Douglas County, } ss:

Aaron E. Platts, being first duly sworn, says that he believes the several matters and facts set forth in the above petition are true, and that he is the claimant therein.

AARON E. PLATTS.

Subscribed and sworn to before me this 18th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Aaron E. Platts.

DOUGLAS COUNTY, ss:

Aaron Sims, sworn, says: I know Mr. Platts; have known him three years; have lived near him; in September, 1856, I resided about three-quarters of a mile from Platts; he then resided and now resides eight miles west of Lawrence, near Thomas Hurd's and Sam. Walker's; on 3d September, 1856, I saw parties of armed men in possession of

that whole neighborhood; I did not personally see them commit any acts of violence; I saw such men, probably 40 or 50, go on his claim and enter his house; I was then within a quarter of a mile of them; they were firing at chickens on Platts's premises; I was in the habit of visiting Mr. Platt daily; knew what furniture he had; I know that those armed men took away various articles of clothing, household utensils, &c., such things as they could take readily; more articles they had laid out to take, but they left in a hurry, as they discovered some dragoons after them; know they took silver spoons, one dozen, worth —, can't say; tin pans, &c.; took nearly all the wearing apparel of Mr. and Mrs. Platts; they killed about fifty chickens; cannot specify what particular articles they took, nor the precise value; I did not see the marauders vacate Platts's house; I went down after looking over the hill; did not measure all their transactions.

AARON SIMS.

Sworn to before me this 18th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

DOUGLAS COUNTY, ss:

Mrs. Susan W. Platts, wife of petitioner, sworn: We reside near Sam. Walker's claim, in Douglas county, and resided there in September, 1856; in September, 1856, a company of armed men, do not know who commanded them, came to our house and took our property, viz: the several items of property mentioned and specified in the schedule attached to the petition in this cause; said articles, respectively, were of the value there stated; my husband and I jointly made out said inventory according to a memorandum made about the time of the robbery.

On the third of September mentioned, knowing the course being pursued by the armed men then in possession of the neighborhood when we saw the party of armed men approaching our house, my husband and I left home and escaped to the house of a neighbor about a mile south; do not know how many men entered the house; some 400 or 500 men of the kind mentioned were camped within half a mile of our house; we had no conversation with any of them; the robbers ransacked the house, broke open trunks and scattered our property around on the ground; think we have sustained loss by said robbery to the amount of \$137 50.

SUSAN W. PLATTS.

Sworn to before me this 18th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Aaron E. Platts.

The petitioner claims for personal property taken and destroyed the sum of	\$137 50
Which is sustained by the proof; damages allowed by way of interest, at the rate of 6 per cent., for 2½ years	20 62
Amount awarded	158 12

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

APRIL 11, 1859.

No. 66.

To the commissioners appointed by virtue of "An act to provide for the payment and adjustment of claims," passed by the legislative assembly of the Territory of Kansas, and approved February 7, A. D. 1859:

Your petitioner, S. C. Russell, being first duly sworn, deposes and says: That on the 21st day of May, A. D. 1856, an armed party entered the town of Lawrence, where he then resided, and entered a house occupied as a boarding-house, and kept by Mrs. Hoyt,

and took therefrom one Sharpe's rifle, valued at forty dollars	\$40 00
One navy revolver, valued at	25 00
One overcoat, valued at	25 00
	90 00

belonging to your petitioner.

And also broke open his trunk and took therefrom valuables to the amount of fifty dollars

Total amount	140 00
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All of which your petitioner prays may be awarded him.

S. C. RUSSELL.

Sworn to and subscribed in my presence this 18th day of March, A. D. 1859.

OWEN A. BASSETT.
Notary Public.

In the matter of the petition of Sheldon C. Russell.

TESTIMONY.

Turner Sampson, sworn, says: That he knew the petitioner, Sheldon C. Russell, and boarded in the house with him for about a month previous to the 21st day of May, 1856, at the house of Mrs. Hoyt. On that day Mrs. Hoyt's house was broken open by Sheriff Jones's posse. Petitioner had a rifle in the house, which was taken by these

men, of the value of \$50; he also had a revolver taken at same time; it was a small revolver, worth \$20 or \$25. He had an overcoat then; I never saw it afterwards; the house was generally sacked; I cannot say who took it; it was worth \$25 or \$30; it was a very good one; was in my room up to the time of the sacking of the house, after that time it was missing. His trunk, in the house, was broken open, I think; none in the house escaped. I had previously seen his trunk open; it was filled with a general assortment of men's wearing apparel, of a good quality. Everything those gentlemen thought worth taking they took and carried off. Two trunks were emptied into wash-tubs; Mr. Russell's trunk was not one of them.

TURNER SAMPSON.

Sworn to before me, March 18, 1859.

SAMUEL A. KINGMAN.

Sheldon C. Russell, being duly sworn, says: That he is the petitioner in this case; that there is no other witness by whom he can prove the specific items of his account than Mr. Sampson; that he is a citizen, and was on the 21st May, 1856; that the facts stated in his petition are true; that on the 21st May the armed men who entered Lawrence sacked the house of Mrs. Hoyt, where he boarded, and took from him a revolver, worth \$25, and a Sharpe's rifle, worth \$40, and an overcoat, worth \$25, all the property of petitioner. They also broke open his trunk and took from it shirts, handkerchiefs, boots, vests, pants—in fact, made a clean sweep of its contents, not now sufficiently remembered to give all the items, but worth more than \$50. None of which he ever recovered. Never received arms in lieu of those lost, and never received any compensation in any way for the losses above sustained.

S. C. RUSSELL.

Sworn to before me this 18th March, 1859.

SAMUEL A. KINGMAN,

Commissioner.

In the matter of the petition of Sheldon C. Russell.

Petitioner claims for personal property taken at time of sacking of Lawrence.

The testimony sustains the entire demand of the petition	-	\$140
We also allow damages, by way of interest, at 6 per cent. per annum, for 2½ years	- - - - -	21
Award	- - - - -	161

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

APRIL 11, 1859.

No. 67.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856:"

Alfonso Jones, complainant, states that on the — day of November, A. D. 1855, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was on the — day of November, A. D. 1855, the actual owner and in the peaceable enjoyment of the following property, to wit:

One cow (milch) of the value of \$40; that the said property was lost to petitioner in the following manner:

Petitioner was at the time and still resides near Lecompton, between the said town and the residence of the notorious marauder G. W. Clark; that at the time aforesaid an army of several hundred drunken rioters from the border were encamped near petitioner's residence, under the command of Richardson, &c., and that by them the said cow was shot, and from said wound so inflicted shortly afterwards died.

Petitioner further states that in September, 1856, he was the owner and peaceably enjoying the following property, to wit:

One heifer, of the value of	-	-	-	-	\$25 00
Two Suffolk sows, of the value of	-	-	-	-	14 00
Ten bushels of beans, of the value of	-	-	-	-	40 00
Twenty bushels of corn, of the value of	-	-	-	-	20 00
Potatoes, melons and other vegetables, of the value of	-	-	-	-	10 00
					<hr/>
Of the aggregate value of	-	..	-	-	109 00
					<hr/> <hr/>

That the property lost last above recited was taken and destroyed in the following manner: an army from Missouri and the border was at the time aforesaid encamped near petitioner's residence, and the said property was taken and used by said army. And petitioner further states that he has never recovered any of said property, nor received any remuneration whatever therefor. And petitioner further states that he was greatly damaged by the loss of said property to the amount of \$100; he therefore prays your honors to allow him the sum of \$249 for his losses and damages so suffered. Petitioner further states that the facts herein recited are true.

ALPHONSO JONES.

Sworn to before me this 18th March, 1859.

S. A. KINGMAN.

In the matter of the petition of Alphonso Jones.

TESTIMONY.

DOUGLAS COUNTY, ss :

Sarah F. Lopez, being sworn, says: She is the mother of the wife of petitioner, and an inmate of his family; he is a citizen of this Territory, and has been for nearly five years last past living on his claim, two miles this side of Lecompton. During the Wakarusa war, while a large body of troops, over seven hundred in number, were camped near petitioner's house, his cow was shot, of which wound she died shortly after; I don't know who shot her, but have no doubt from the general proceedings of the armed men encamped there that they shot the cow; she was a valuable cow, worth all of \$40; in September, 1856, the whole country about petitioner's house, as well as elsewhere, was infested with armed bodies of men taking what they wanted and when it suited them; one heifer, worth \$20, was missing, and two valuable Suffolk sows also were missing, worth \$14 and more; these same men that I have no doubt took the heifer and hogs came to the fields and got and destroyed more than 10 bushels of beans, worth \$4 per bushel, and corn as they wanted it; I have no doubt that the amount they took thus was more than 20 bushels, worth \$1 per bushel; they took potatoes and other garden vegetables to the value of \$10 at least; a large number of men were encamped near petitioner's house at this time; petitioner was obliged to go away for safety; his life was in danger.

SARAH F. LOPEZ.

Sworn to before me April 30, 1859.

SAMUEL A. KINGMAN,
Commissioner.

Amount claimed \$144. All proven.

S. A. K.

In the matter of the petition of Alphonso Jones.

Petitioner claims for one cow	-	-	-	-	-	\$40 00
One heifer	-	-	-	-	-	25 00
Two Suffolk sows	-	-	-	-	-	14 00
Ten bushels beans	-	-	.	-	-	40 00
Twenty bushels corn	-	-	-	-	-	20 00
Potatoes, vegetables, &c.	-	-	-	-	-	10 00
						<hr/> 149 00
Special damages	-	-	-	-	-	100 00
						<hr/> 249 00
						<hr/> <hr/>

The proof sustains the claim for all the above items, except the	
damages	\$149 00
Interest, 2½ years, at 6 per cent.	22 35
	<hr/>
Total award	171 35
	<hr/> <hr/>

SAMUEL A. KINGMAN.
 EDWARD HOOGLAND.
 HENRY J. ADAMS.

MAY 4, 1859.

No. 68.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, }
 Douglas County, } ss:

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856:"

John Roe, complainant, states that on the 27th day of August, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was on the 27th day of August, A. D. 1856, the actual owner and in the peaceable enjoyment of the following property, to wit:

One sorrel horse, of the value of - - - - - \$100

That the said horse was lost to petitioner in the following manner: he was at the time residing on his farm, ten miles south of Lawrence, in said county; that said horse was lariated in his field near his house, when an armed band of murderous wretches from Missouri came to his house, numbering some thirty men, and by force and arms took said horse and led him away. That petitioner was unable to recover him, and has not seen or heard of him since, and that he has received no remuneration whatever for him.

That this was his only horse, and that he was greatly damaged by his loss to the amount of \$50. He therefore prays your honors to allow him the sum of \$150 for his damages thus received. Petitioner further states that the facts recited in this petition are true.

JOHN ROE.

KANSAS TERRITORY,
Douglas County, May 5, 1859.

On this day appeared before me, a justice of the peace for Douglas county, the above-named John Roe, and testified on oath that the foregoing complaint was signed by him, and that the facts therein set forth are true. Before me.

AMASA SOULE,
Justice of the Peace.

In the matter of the petition of John Roe.

TESTIMONY.

DOUGLAS COUNTY, ss:

Joseph Roe, being first duly sworn, says: That he is a son of John Roe; is fifteen years old. That on the — day of August, 1856, the petitioner was the owner of a sorrel horse; that he broke twenty-five acres of prairie for the horse; it was a tolerable good horse, worth \$100. That on that day the Missourians, thirty in number, came to the house of petitioner, went into the field where the horse was fastened, cut the lariat, and led the horse off. The horse has never been recovered. Father told them to let the horse alone. At that time my father was living on his farm in this county, about ten miles south of here; has lived there ever since, and now resides there. Father has never received any remuneration for the horse from any source whatever, to my knowledge. This was the only horse my father had. By his loss my father was damaged, I reckon, \$25, besides his value.

JOSEPH ROE.

Sworn to before me this 18th March, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of John Roe.

Petitioner claims for one horse.....	\$100
Damage for loss of horse	50
	150
	150
The board allow the claim for the horse proven.....	100
Damages by way of interest, 2½ years, at 6 per cent.....	15
	115
	115

SAMUEL A. KINGMAN.
 EDWARD HOOGLAND.
 HENRY J. ADAMS.

No. 69.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County*, ss :

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855 to December 1, 1856:"

Daniel Scannel, complainant, states that on the 14th day of September, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the 14th day of September, A. D. 1856, the actual owner and in the peaceable enjoyment of the following property, viz :

One hundred head Cochin China chickens, of the value of	\$50 00
One calf, of the value of - - - - -	10 00
Household furniture, books, &c., of the value of - - -	20 00
Six acres outgrowing corn, of the value of - - - - -	60 00
	<hr/>
Of the aggregate value of - - - - -	140 00
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That the said property was lost to petitioner in the following manner : he was residing at Franklin, in said county, at the time aforesaid, when the army of drunken marauders, calling themselves Kansas militia, marched into said town and took and destroyed said property of the value aforesaid; and petitioner avers that he has never recovered any of said property, nor received any remuneration whatever therefor. Petitioner further states that at the time aforesaid he was residing in said town with his family; that by the loss and destruction of said property he was greatly damaged, to wit : to the amount of \$60, over and above the value of said property ; he therefore prays your honors to allow him the sum of \$200 for his losses and damages so incurred. Petitioner further states that the facts herein recited are true, as he verily believes.

DANIEL SCANNEL.

Sworn to before me this 18th day of March, 1859.
 SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Daniel Scannel.

Petitioner claims for stock, crops, &c., taken and destroyed at	
Franklin - - - - -	\$140
Damages - - - - -	60
	<hr/>
	200
	<hr/> <hr/>

Petition filed March 18, 1859.

No proof offered. Rejected.

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.

JULY 1, 1859.

No. 70.

TERRITORY OF KANSAS, }
County of Douglas, } ss:

To the honorable board of commissioners appointed by authority of the legislature of said Territory to audit and certify to all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder which prevailed in this Territory from November 1, A. D. 1855, to December 1, A. D. 1856:

The petition of Daniel W. Palmer, a citizen of Kansas Territory, respectfully sheweth: That this petitioner was, on the ——— day of ———, A. D. 1855, and for some time before had been, a citizen of Kansas Territory, and residing in Lawrence, in Douglas county; that on the said ——— day of ——— he was possessed of a chest of gunsmith tools and fixtures; that he had placed the same in charge of George W. Hutchinson, while he went to the State of Massachusetts to settle up his business, and during his absence he directed his agent aforesaid to forward said chest of tools, &c., to him, in the State of Massachusetts, and that he never received said chest or any portion of the contents thereof, but it was taken from the town of Lawrence by some person or persons unknown to your petitioner, and either destroyed or converted to the use of others.

And your petitioner further states that on or about the 1st of October, A. D. 1856, the shop in which he was at that time working at his trade, in the town of Lawrence, was broken open and various articles of personal property were then carried away or destroyed by some person or persons to your petitioner unknown, and that he has never recovered said articles or either of them.

And your petitioner further states that on the twenty-first day of May he lost personal property, which was taken by some person or persons unknown to him, but he believes and avers that they were a portion of a posse of Israel B. Donaldson, United States marshal.

And your petitioner further states that some time during the month of September, A. D. 1856, he lost certain other personal property, which was taken or destroyed by some person or persons to him unknown.

And your petitioner further states that some time in the month of October, A. D. 1856, he lost certain other personal property, taken or destroyed by some person or persons to him unknown.

And this petitioner further states that the said personal property, or any of the articles hereinafter enumerated, were not taken in accordance with law or by any process under the law; and that the said losses of this petitioner were in consequence of, and did grow out of, the difficulties in this Territory, and that his damages consequent upon the said losses of property, which was, and all of the same was, the property of your petitioner, and the losses of property are, to petitioner's best recollection, knowledge and belief, as stated in the schedule hereinafter found.

And this petitioner further states that the following is a correct showing and enumeration of the articles of personal property as hereinbefore referred to:

One chest of tools and fixtures for gunsmithing, consisting in part of chisels, screw-cutting apparatus, gouges, drills, stamp-cutting apparatus, steel letters, screw plates, vices, cheries, calipers, locks, dividers, hammers, gun tubes, gun locks, gun trimmings, brace and bits, squares, and a large amount of stock for manufacturing purposes, and a large amount of unfinished work, also a large amount of work finished and ready for sale, and many other articles too numerous to mention, but worth	-	-	-	\$500 00
May 21, 1856. Boys' clothing, worth	-	-	-	10 00
Sept. 1, 1856. 17 chickens, worth	-	-	-	8 00
Oct. 1, 1856. Two revolvers, worth	-	-	-	45 00
Other articles, being gun fixtures	-	-	-	30 00
One cow, worth	-	-	-	25 00
Damages in being without work, by which to support his family; compelled to sell property at less than its value to get provisions and clothing, being obliged to run into debt to live, and pay interest upon his indebtedness	-	-	-	1,000 00
In amount	-	-	-	1,618 00

Before me, Owen A. Bassett, a notary public, personally appeared Daniel W. Palmer, the petitioner to the above and foregoing petition, who, being duly sworn according to law, deposes and says that the various statements and facts herein set forth are true, and that the enumeration of the various articles alleged to have been lost is true, and the prices thereto annexed is just; and further he saith not.

DANIEL W. PALMER.

Subscribed and sworn to before me. In testimony whereof, I have hereunto set my hand and seal this March 18, 1859.

[L. s.]

OWEN A. BASSETT,
Notary Public.

In the matter of the petition of Daniel W. Palmer.

Aseph A. Faxon, being first duly sworn, saith : That he knew Mr. Palmer, the petitioner, in Boston, and found Mr. Palmer here in May, 1855, soon after I came into the Territory. I got in here the 14th May, 1855. After I had been here a week or ten days, the petitioner brought a chest of tools to the meat-house of Sampson & Faxon. Besides the chest of tools, there were some other tools. They were gunsmith's tools. I am not a judge, but thought them excellent tools. When petitioner brought them to our shop, he said the tools had cost him over five hundred dollars in Massachusetts. Afterwards (perhaps in a month or six weeks) petitioner came to our shop, said he was going after his family, and wanted his tools to remain where they were till he returned. Mr. Hutchinson came in the summer, and said Mr. Palmer had sent for the tools, and took them away with him. They were in the same condition when taken by Mr. Hutchinson that they were received by us.

ASEPH A. FAXON.

Sworn to before me this 18th March, 1859.

SAM'L A. KINGMAN,
Commissioner.

Calvin G. Hoyt, being first sworn, says: That he lived near Mr. Palmer, the petitioner, in the fall of 1856, while the town was occupied by militia. I heard Mr. Palmer's chickens in the night; told Mr. Palmer; he said he had lost many; got me to watch; one night heard the chickens again; went with petitioner; found a crowd of men there; some of the militia; we caught one man with one chicken. Mr. Palmer had forty or fifty at first. I think he lost as many as seventeen, in all. They were worth from thirty cents to seventy-five cents or one dollar apiece.

CALVIN G. HOYT.

Sworn to before me this 18th March, 1859.

SAM'L A. KINGMAN,
Commissioner.

Stillman Andrews, sworn, says: That in the fall of 1856 he lived in Lawrence. The petitioner, Daniel W. Palmer, had a cow, worth thirty dollars or twenty-five dollars. He lost her and supposed she had been driven off. We hunted for her about three days; could not find her; never has. The cow was lost about the middle of October, 1856. Suppose she was driven off. It was generally understood that a good deal of stock had been driven off by the Missourians about that time.

Mr. Palmer's shop was broken open in October, 1856. He lost a good many tools and some stock, and, I think, some guns. He told me so. It was broken open when the militia were in Lawrence. His shop was in Lawrence. He was a citizen of Kansas then, and is now.
STILLMAN ANDREWS.

Sworn to before me this 18th March, 1859.

SAM'L A. KINGMAN,
Commissioner.

Owen A. Bassett, sworn, says: That in the fall of 1856 he lived in Lawrence; was assistant quartermaster general of the free-State Kansas militia; was in the habit of employing Mr. Palmer, the petitioner, to repair guns for the militia. Sent some guns to him one morning, and he said he could not fix them, for the reason that his shop had been broken open the previous night, and the articles needed to fix the guns had been all taken, (taken.) He said his loss had been over one hundred dollars. Mr. Palmer frequently came to me that fall, and stated that he could not get work; that he was unable to get provision and clothing. I often sent him to the commissary department for provisions. Petitioner used frequently to refer to the loss of his tools, and I fully believe that he could have well clothed and fed his family if he had been in possession of them. Mr. Faxon used also to give him provisions during the fall. Some time in August petitioner was arrested, by order of J. H. Lane, for refusing to mend the guns of the militia, and was ordered to perform the work assigned him, on pain of having nothing to eat. The petitioner then used his material and fixtures in repairing guns for the free-State army.

OWEN A. BASSETT.

Sworn to before me this 18th March, 1859.

SAM'L A. KINGMAN,
Commissioner.

TERRITORY OF KANSAS, *Douglas County, ss:*

Before me, Owen A. Bassett, a notary public duly qualified, personally came James B. Scott, of lawful age, who, being duly sworn according to law, deposes and says: I live in Coffey county, Kansas Territory. I sold Daniel W. Palmer a cow in the month of September, A. D. 1856, for the sum of twenty-five dollars. She was an excellent cow and well worth that amount of money. Said Palmer paid me the gold for said cow. When I sold him the cow I lived in the town of Lawrence. I have seen the cow once, and only once, since I sold her, and that was a few days after the sale. The next spring Mr. Palmer's son inquired of me if I had seen anything of the cow. He stated that the cow was gone.

And further this deponent saith not.

JAMES B. SCOTT.

Sworn and subscribed to before me. In testimony whereof, I have
[L. s.] hereunto set my hand and seal this 16th day of March, A. D.
1859.

OWEN A. BASSETT,
Notary Public.

In the matter of the petition of Daniel W. Palmer.

DOUGLAS COUNTY, ss :

Daniel W. Palmer, the above-named petitioner, being duly sworn, saith : In the fall of 1856, about October, my shop was broken open by some persons unknown ; said shop was in Lawrence. The town of Lawrence was then occupied by the free-State militia ; I was a gunsmith, and carried on my business in said shop. At that time I lost two large army revolvers, worth \$30 each, \$60 ; also a lot of gun tools and fixings for guns of different kinds, and my kit of tools, worth \$25 or \$30. About 21st of May, 1856, the carpet-sack, clothing, and apparel of my son, Charles A. Palmer, a minor, who was in the Free-State Hotel at work, was all destroyed and burned up ; he had not time to get his things out ; the carpet sack and contents were worth \$10. In October, 1856, or thereabouts, seventeen hens were taken by a number of men calling themselves the Kansas militia ; they took them from my hen-house and yard, in Lawrence ; I was aroused by the noise made by the chickens and went out ; it was about 9 p. m. ; I captured one of the men with my rifle and brought him into Colonel Harvey's camp, and he acknowledged him as one of his men ; Harvey commanded in the free-State army ; Harvey asked what he had been doing ; I told him the prisoner had been robbing my hen-roost ; Harvey said the prisoner should pay for them ; that he would retain it out of prisoner's wages when the troops were paid off ; did not say when the troops would be paid off. The hens were worth 50 to 75 cents each. They were Shanghais. Shanghais are not as good as some other kinds of poultry for eating purposes, but the prisoner and his comrades were not particular in their selections.

DANIEL W. PALMER.

Sworn to before me this 18th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

DOUGLAS COUNTY, ss :

George W. Hutchinson, being duly sworn, saith : That he is acquainted with Daniel W. Palmer. In the fall of 1855, having occasion to go to Massachusetts, said Palmer left in my care and custody a box or chest about 2½ or 3 feet long, and 1½ or 2 feet wide, and the usual proportional height for such chest, which weighed about 200 pounds. According to his directions I shipped that box to

said Palmer, directed to him in Massachusetts. I paid the charges on the box to Kansas City, care of Walker & Chick. I sent it by one of our teamsters; understood the box contained gunsmith tools and was valuable. I sent it in March or April, 1856, at a time when our teams were hauling goods and passing back and forth without actual interruption. Some time afterwards I heard from Palmer that the box or chest had not been received. In obeying his directions as to sending the box I took the same care of it that I should of my own goods, and the same care that I took of goods that I forwarded for other parties. I subsequently went to Kansas City to Walker & Chick's, but could obtain no information in regard to it from their books or otherwise.

G. W. HUTCHINSON.

Sworn to before me this 30th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Daniel W. Palmer.

Petitioner claims for—

One box of tools, (miscarried)	-	-	-	-	\$500 00
Boys' clothing burned in Free-State Hotel, May 21	-	-	-	-	10 00
Seventeen chickens, \$8; two revolvers, \$45	-	-	-	-	53 00
Other articles, gun fixtures, &c.	-	-	-	-	30 00
One cow	-	-	-	-	25 00
Damages by being without work, &c., inadmissible.					
					618 00
					618 00

The proof shows that petitioner in fall of 1855 left a box of tools to be shipped to Massachusetts, petitioner having then concluded to abandon the Territory. In the spring he ordered the tools to be sent to him. The blanks left in the petition preclude the allowance. No citizenship at that time proven. They were sent according to usual course of business; paid for to Kansas City and not received. The proof does not warrant an inference that the trunk was taken or destroyed.

The other articles are proven and allowed	-	-	-	-	118 00
The claim for damages in gross is inadmissible.					
Add interest, 2½ years, at 6 per cent	-	-	-	-	17 70
Total award	-	-	-	-	135 70
					135 70

EDWARD HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

MAY 4, 1859.

No. 71.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856:"

James P. Corell, complainant, states that on the 17th day of June, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid and still is an actual resident citizen of said Territory, and was on the 17th day of June, A. D. 1856, the actual owner and in the peaceable enjoyment of the following property, to wit:

One sorrel mare of the value of	-	-	-	-	\$150 00
Two saddles and bridles, one of the saddles was of the value					
of	-	-	-	-	25 00
The other of the value of	-	-	-	-	18 00
One bridle of the value of	-	-	-	-	3 00
The other	-	-	-	-	2 50
					<hr/>
					198 50
Two saddle blankets, \$2 50 each	-	-	-	-	5 00
					<hr/>
Total amount	-	-	-	-	<u>203 50</u>

Petitioner states that said mare and saddles and bridles were taken from petitioner by a party of men to him unknown; but he states that on hearing a noise among his horses, and the dogs barking, he rose from his bed and saw four or five men standing guard, while some two or three others were catching the horses; two of the horses got away, but the mare they took and carried away. The party of men also took two saddles, two bridles, and two saddle blankets at the same time; one of the saddles was worth \$25, the other was worth \$18; the two bridles were worth \$7 50, and the two blankets were worth \$5; in all, \$203 50. Petitioner states that it was owing to the disturbances in Kansas that said property was lost. He states that he has never recovered the same back, nor has he ever received any compensation for the same.

He further states that the matters and things set forth in the above petition are true in substance and in fact.

JAMES P. CORELL.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of James P. Corell.

Petitioner claims for one horse and other property taken \$203 50.

Petition filed March 18, 1859.

No proof offered. Rejected.

EDWARD HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

JULY 1, 1859.

No. 72.

PETITION IN COURT OF CLAIMS.

TERRITORY OF KANSAS, *County of Douglas, ss:*

The petition of Turner Sampson, a citizen of Lawrence, in Kansas Territory, to the honorables Edward Hoogland, Henry J. Adams, and S. A. Kingman, commissioners appointed by authority of the legislature of said Territory, to audit and certify to all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder which prevailed in this Territory from November 1, A. D. 1855, to December 1, A. D. 1856. And by virtue of an act entitled "An act to provide for the adjustment and payment of claims," approved February 7, 1859, and an act supplemental thereto entitled "An act supplemental to an act entitled 'An act to provide for the payment of claims,'" approved February 11, 1859, respectfully showeth: That this petitioner was, on the 21st day of May, A. D. 1856, and for some time before had been a citizen of Kansas Territory and residing in Lawrence, in Douglas county therein; that on the said 21st day of May, A. D. 1856, he was residing as a boarder in the house of Sarah E. Hoyt in said town of Lawrence; and that on said 21st day of May he was possessed of the articles of personal property hereinafter enumerated; and that said articles of personal property were, on said 21st of May, in the said house of Sarah E. Hoyt; that on said 21st day of May the said house was broken open and ransacked, and that the said articles of personal property were carried away from or destroyed in said house by a collection of armed men, who this petitioner believes and avers were not the citizens or any of them of Lawrence; and this petitioner was then informed and has good reason to believe and does believe and charges the fact to be that the said collection of men who carried away or destroyed as herein alleged the property of him this petitioner, contained in said house, was a portion of a posse of Israel B. Donaldson, then United States marshal for said Territory, to aid him, the said Donaldson, in the execution of certain processes of law requiring him to arrest certain persons in said Lawrence.

And this petitioner further states that the said acts of said collection of men in carrying away or destroying petitioner's property were not

done in obedience to the orders of said United States marshal or of said processes of law served by him, but were done after the said posse and all and every of them were said to have been dismissed by said marshal, and after the said processes were executed by him.

And this petitioner avers the fact to be that the said acts of the said armed collection of men in so carrying away and destroying his property were contrary to law, and that the said losses of this petitioner were in consequence of and did grow out of the difficulties of this Territory, and that his damages consequent upon this said losses of property which was and all of the same was the property of this petitioner. And the losses of property are, to the petitioner's best recollection, knowledge and belief, as stated in the schedule hereinafter found.

And this petitioner further states that the following is a correct showing and enumeration of the articles of personal property lost on the said 21st of May, to wit:

One pair of pants, worth -	-	-	-	-	-	-	\$10 00
One pair of boots, calf, worth -	-	.	-	-	-	-	5 00
Three pair of shirts, at \$5 -	-	-	-	-	-	-	15 00
One rifle, very superior, worth	-	-	-	-	-	-	50 00
One revolver, 6-shooter, worth	-	-	-	-	-	-	25 00
							<hr/>
In amount -	-	-	-	-	-	-	105 00
							<hr/> <hr/>

On this second day of March, A. D. 1859, before me, Owen A. Bassett, a notary public in and for said county, came Turner Sampson, to me well known to be the person described in this above and foregoing petition, and being duly sworn according to law deposes and says, that the statements and facts hereinbefore set forth are true, and that the above account of items of goods, the personal property aforesaid of this petitioner, destroyed on the said 21st day of May, A. D. 1856, and the prices and value of each as set forth are true and just; and further this deponent saith not.

TURNER SAMPSON.

Subscribed and sworn to before me. In testimony whereof I have hereunto set my hand and seal this second day of March, A. D. 1859.

[L. S.]

OWEN A. BASSETT,
Notary Public.

In the matter of the petition of Turner Sampson.

TESTIMONY.

DOUGLAS, ss:

Shelden C. Russell says that in the spring of 1856, some time in April, he first became acquainted with the petitioner, Turner Sampson, at the boarding house of Mrs. Hoyt, in Lawrence, in this county; we both boarded there and occupied the same room; he was then a citi-

zen of the Territory and is now. On the 21st day of May, 1856, the same day that the Free State hotel was destroyed, the house of Mrs. Hoyt was broken into and sacked by the posse under Sheriff Jones. At that time he was the owner of a Sharpe's rifle, worth \$40 or \$50; he had a revolver, worth about \$25. I know that he had various articles of clothing in the house at the time. The house was sacked, and all that the eyes of the sackers coveted they carried off. Mr. Sampson said that his clothing was missing. The rifle and revolver were in the house; I suppose taken by the mob, have never seen them since. They generally took all firearms in the house.

The citizens of Lawrence, by general arrangement, left their arms at home when they went into the street that day. I cannot state accurately the value of the clothing taken, \$40 or \$50, perhaps more. He had a trunk in the house; no trunk escaped the vigilant search of Mr. Sheriff Jones's posse on that occasion, they were all broken open; I recollect now that Mr. Sampson's trunk was broken open and considerably injured; the job was not as well done as it ought to have been, considering the practice that the gentlemen had in that line.

S. C. RUSSELL.

Sworn to before me March 18, 1859.

SAMUEL A. KINGMAN.

In the matter of the petition of Turner Sampson.

The petitioner claims for loss of personal property the sum of	\$105 00
The testimony fully proves the entire demand.	
Damages allowed, by way of interest, at 6 per ct., 2½ years	15 75
Amount awarded	120 75

SAM'L A. KINGMAN.
EDW'D HOOGLAND.
HENRY J. ADAMS.

APRIL 12, 1859.

No. 73.—A.

Statement of the losses of Thomas Oliver, sr.

18 pine window frames, 10 by 12, at \$2 50.....	\$45 00
12 pine window frames, 8 by 10, at \$2 25.....	27 00
4 pine window frames, 10 by 15, at \$3.....	12 00
1 pine window frame, 10 by 14, at \$2 87.....	2 87
6 pine 6-lights frames, 8 by 10, at \$1 75.....	10 50
6 pine ledge or batten doors, at \$3.....	18 00

18 pine pannel doors, 2½ inch, at \$7.....	\$126 00
8 pine outside door frames, at \$3 25.....	26 00
9 pine inside door frames, at \$3.....	27 00
1 pine side-light door frame.....	6 00
288 lights, 10 by 12, sash 10 by 12, at 6 cents.....	17 28
18 dozen sash, 10 by 12, at \$1.....	18 00
4 dozen sash, 10 by 15, at \$1 25.....	6 00
1 dozen sash, 10 by 14.....	1 25
3 dozen sash, 8 by 10, at 75 cents.....	2 25
1 transom sash.....	75
2 side-light sash.....	4 50
10,000 pine flooring, at \$75.....	750 00
1,500 clean worked boards, at \$85.....	127 50
32 pieces moulding, at 37½ cents.....	12 00
1 dozen No. 11 locks with 2 keys each.....	12 00
1 dozen No. 15 locks with 2 keys each.....	7 25
¼ dozen No. 8 locks with 2 keys each.....	6 00
1 dozen thumb latches.....	1 20
¼ dozen gate latches.....	75
¼ dozen gate hinges.....	1 25
¼ dozen clique latches.....	1 00
¼ dozen spring latches.....	1 00
¼ gross 2 prong hooks.....	75
¼ gross 3 prong hooks.....	75
2 dozen shutter pieces.....	60
6 gallons linseed oil, at \$1 50.....	9 00
2 gallons boiled oil, at \$2.....	4 00
2 gallons turpentine, at \$1.....	2 00
200 pounds zinc paint, at 12½ cents.....	25 00
3 pounds green paint, at 40 cents.....	1 20
5 pounds umber, at 40 cents.....	2 00
50 pounds putty, at 10 cents.....	5 00
1 paint brush.....	1 50
1 paint brush.....	1 25
2 sash tools 6 by 8.....	75
1 putty knife.....	40
2 boxes glass, 8 by 10, at \$7.....	14 00
5 boxes glass, 10 by 12, at 8 cents.....	40 00
60 lights, 10 by 15, at 10 cents.....	6 00
18 lights glass, 10 by 14.....	2 00
10 lights glass, 5¾ by 13¾.....	1 00
10 lights glass 5¾ by 11¾.....	1 00
3 dozen butt hinges, at \$3.....	6 00
2 dozen butt hinges, at \$2 75.....	5 50
3 gross screws, at \$1 25.....	3 75
2 gross screws, at \$1.....	2 00
1 gross screws.....	75
1 bolt.....	31
½ dozen sickles.....	4 00
1 keg 4-inch spikes.....	7 00
1 keg 10d nails.....	7 00

1 keg 8d nails.....	\$7 00
1 keg 6d nails.....	8 00
1 keg 4d nails.....	8 00
1 keg 3d nails.....	8 00
1 No. 1 plough.....	6 75
1 cultivator.....	5 00
1 bag coffee, 162 pounds, at 16 cents.....	25 92
1 barrel N. O. sugar, 250 pounds, at 16 cents.....	40 00
1 box tea, 12 pounds, at 80 cents.....	9 60
3 barrels flour, at \$12.....	36 00
2 bags dried apples, 4 bushels.....	12 00
1 bag peaches, 2 bushels.....	12 00
1 barrel salt.....	12 00
6 pounds mustard, at 50 cents.....	3 00
6 pounds pepper, at 25 cents.....	1 50
3 pounds ginger, at 25 cents.....	75
5 barrels biscuit, at \$6.....	30 00
1 box cut and dry tobacco.....	6 50
	<hr/>
1856.	1,656 88
June 6.—2 horses, at \$150.....	300 00
July 26.—2 mules, at \$150.....	300 00
Aug. 10.—1 mule.....	125 00
Aug. 10.—1 pony.....	100 00
Sept. 15.—3 two-story log houses, 16 by 16 feet, pine shingle roof, at \$333 each.....	1,000 00
	<hr/>
	3,481 88
	<hr/> <hr/>

The petitioner in support of his above claim exhibited to the board of commissioners his book of bills of purchases of the doors, casings, and other property above charged for. Most of the stuff was shipped a short time previously from Pittsburg, Pennsylvania.

E. HOOGLAND, *Commissioner*.

TERRITORY OF KANSAS, *Douglas County, ss :*

To the commissioners of claims under the act of the legislative assembly of February 7, A. D. 1859, March session :

Your petitioner, Thomas Oliver, sr., respectfully shows: That he is now, and since April, A. D. 1856, he has been a citizen of Kansas Territory, and a resident of the county of Douglas; that on or about the 15th day of September, 1856, during the disorder which prevailed in 1855 and in 1856 in said Territory, and in consequence thereof, the following buildings, the property of petitioner, to wit: a stable, barn, and storehouse, each 16×16 feet square, and two stories high, with pine shingled roof and doors, worth \$1,000, were burned down and entirely destroyed by a band of men at that time ravaging said county,

called the Kickapoo Rangers. There was burned in said buildings, or stolen and carried away, all the property of the goods and chattels of said petitioner, mentioned in the annexed schedule marked A, and made a part of this petition, of the value therein stated, for which and said buildings your petitioner has received no compensation.

Wherefore he prays your honors to audit and certify his said losses as aforesaid, amounting to \$3,481 88, and the interest thereon, as resulting damages, from the said 15th day of September, A. D. 1856, and award him certificate.

THOMAS OLIVER, Sr.

Sworn to and signed before me this 17th day of March, A. D. 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Thomas Oliver, sr.

EVIDENCE.

Benjamin S. Hancock, being duly sworn, says: I reside in Lawrence, and have resided in Douglas county, Kansas Territory, nearly four years; I am acquainted with petitioner, he is a citizen of this Territory, and has been since April, 1856; he resides two miles this side of Lecompton, I sold him the claim on which he lives; I was living on the claim with him during the summer and fall of 1856; about the first of September nearly all the improvements were destroyed by the Kickapoo Rangers; the building destroyed was a two-story hewed log building, consisting of three apartments, each sixteen feet long and of the same width, separated by hewed log partitions; the building was covered with a good shingle roof, had good pine floors, doors, &c.; the building was worth one thousand dollars, I should think; there was stored in the building, and destroyed with it, a large quantity of lumber, doors, windows, and other material, which Mr. Oliver had brought in with him, sufficient to build several houses; there was also a barrel of sugar, a sack of coffee, and other provisions stored there, which the party carried away.

I have examined carefully the schedule annexed to Mr. Oliver's petition, and so far as I can judge it is a correct list of the articles taken or destroyed with the building; most of the goods I hauled myself from Kansas City for Mr. Oliver. The two horses mentioned in Mr. Oliver's schedule were taken on the sixth of June, 1856, between Westport and Kansas City, in Missouri; I was present when they were taken; they were attached to a wagon loaded with Mr. Oliver's goods, which he was hauling up to his place; my son was driving the horses taken, and I was driving another team in company; they were taken by a company of armed men, about a hundred in number, said to be Buford's men; the horses I should say were worth four hundred dollars; I know Mr. Oliver paid one hundred and eighty-five dollars for one, and the other was equally valuable. At or about the time Mr. Oliver's house was destroyed, two mules were taken, for

which I saw Mr. Oliver pay \$300; Mr. Oliver lost a mule, worth \$200, and a pony, worth \$100, shortly after the house was destroyed; they were chained to a wagon in front of the door, and were taken the same night on which Buffin was killed, and I think by the same party, as they passed there that night on their return to Missouri, having been disbanded and sent home by Governor Geary.

Mr. Oliver has never received any compensation, to my knowledge, for the loss of this property.

The mule and pony were chained in front of the house in which I was living, and which was not destroyed when the other building was burned, and about eighty yards from the building destroyed.

B. S. HANCOCK.

Sworn by me this 19th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

Thomas Oliver, sr., being duly sworn, says: I am the petitioner in this case; I purchased the goods mentioned in the schedule annexed to my petition in Pittsburgh, Pennsylvania, about the last of April, 1856; every article except the animals; I had bills of all these articles, with their cost, which I copied into the memorandum book, now shown to the commissioners. The original bills were destroyed with the house. I copied these items into my memorandum book at the time of purchasing them.

THOMAS OLIVER, SR.

Sworn by me this 19th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

Margaretta Hancock, being duly sworn, says: I was living on Mr. Oliver's place during the summer of 1856, and was present when his building and property was destroyed by the Kickapoo Rangers, commanded at that time by John Randolph, of Atchison, who ordered them to take everything that would be useful to the southern army, and then ordered the building to be destroyed with the remainder of its contents. The building contained a large quantity of lumber, windows, doors, and other building material, besides groceries and provisions in large quantities. I know that Mr. Oliver had the animals mentioned in his petition, and that they were taken about the time mentioned in the petition. The pony and one of the mules I have often rode myself.

MARGARETTA ^{her} + HANCOCK.
_{mark.}

Sworn by me this 19th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Thomas Oliver, sr.

Petitioner claims for three buildings destroyed by fire, by Randolph's company - - - - -	\$1,000 00
Building materials, hardware, groceries, &c. - - - - -	1,656 88
Two horses, \$300 ; two mules, \$300; one mule, \$125; one pony, \$100 - - - - -	825 00
Total - - - - -	3,481 88

The commissioners think the evidence supports the entire claim, and award for buildings burned - - - - -	1,000 00
Materials, hardware, groceries, &c. .. - - - - -	1,656 88
For the animals taken - - - - -	825 00
	3,481 88
Interest at 6 per cent., 2½ years - - - - -	522 28
Total award - - - - -	4,004 16

HENRY J. ADAMS.
EDWARD HOOGLAND.
SAMUEL A. KINGMAN.

APRIL 11, 1859.

No. 74.

ACCOUNT FOR LOSS AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County* :

To the commissioners appointed to audit and certify claims under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, A. D. 1859, to audit and certify all claims for loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

PETITION.

Petitioner states that he is a *bona fide* resident of Douglas county, Kansas Territory, and was an actual resident of the same at the time mentioned in the above act.

Petitioner further states that on the 1st day of June, A. D. 1856, and for some time previous, he was the legal owner, and in peaceable possession, of the following property, to wit: One bay horse, of the value of \$175, and of one bay mare, of the value of \$175, and of the goods contained in the schedule herewith annexed, and made a part

of this petition, of the value of \$613. The above property was lost by the petitioner by the troubles in the year 1856, and was of the value of nine hundred and sixty-three dollars, which amount he prays may be allowed him, with interest, from the day of said loss.

Petitioner further states that he is informed, and believes, that the former commissioner, Strickler, allowed him \$550 for losses, to which case, and the evidence then taken in support of his claim, he respectfully refers your honorable court; and your petitioner will ever pray.

JAMES DUMARS.

Sworn to and subscribed before me this 4th day of March, 1859, as witness my hand and notarial seal.

[L. s.]

CHARLES P. TWISS, *Notary Public.*

Taylor & Bro., Manhattan, to James Dumars, Dr.

MAY 21, 1856.—To goods stored with them, as follows :

One roll of carpet, 20 yards, \$1 per yard	-	-	-	\$20
Three feather beds, \$15 each	-	-	-	45
Six ticks, \$2 each	-	-	-	12
Quilts, comforters, and woolen sheets	-	-	-	61
One hundred yards of cloth, at 75 cents per yard	-	-	-	75
Pillows	-	-	-	12
Pillow slips	-	-	-	3
One mirror	-	-	-	3
One brass kettle	-	-	-	3
Three hats for daughters	-	-	-	5
Two shawls	-	-	-	20
One cloak	-	-	-	9
One shawl	-	-	-	3
One berege dress	-	-	-	8
One berege delaine dress	-	-	-	5
Two lawn dresses	-	-	-	8
Two gingham dresses	-	-	-	5
One skirt	-	-	-	6
Two flannel dresses	-	-	-	10
Six flannel dresses, for children	-	-	-	15
Twenty yards of flannel	-	-	-	13
Two dresses, for girls	-	-	-	5
Three skirts	-	-	-	5
One pair of pantaloons	-	-	-	4
One vest	-	-	-	2
One pair of pants	-	-	-	3
One pair of pants	-	-	-	2
One coat	-	-	-	10
One coat	-	-	-	15
One pair of boots	-	-	-	3
One cap	-	-	-	3
Four pairs of shoes	-	-	-	6

Three pairs of gaiters	-	-	-	-	-	-	\$4
Six shirts	-	-	-	-	-	-	6
Sheets and linen clothing	-	-	-	-	-	-	25
Towels and table-cloths	-	-	-	-	-	-	20
Stockings and stocking yarn	-	-	-	-	-	-	10
Six tow-linen bags	-	-	-	-	-	-	3
Tin ware	-	-	-	-	-	-	7
Tea ware, &c.	-	-	-	-	-	-	18
Dried fruit, hams, and dried beef	-	-	-	-	-	-	15
Honey	-	-	-	-	-	-	3
Books and papers	-	-	-	-	-	-	25
Common clothing	-	-	-	-	-	-	10
Carpenters' tools	-	-	-	-	-	-	10
One bureau	-	-	-	-	-	-	18
Miscellaneous articles	-	-	-	-	-	-	40
							<hr/>
							613
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In the matter of the petition of James Dumars.

DOUGLAS COUNTY, ss :

Samuel Gill, sworn: I reside nine miles south of Lawrence; have resided there since the spring of 1856; have resided in the Territory since 1855; all the time in that neighborhood; know Mr. James Dumars; have known him seven or eight years. First saw him some time in May, 1856; he came to my house, direct from Pennsylvania; he came to the Territory then to settle; said he had brought his goods as far as Kansas City; he had a team and wagon. The public roads and highways were then blockaded between the vicinity of Lawrence and Kansas City, so that it was unsafe for him to leave and go after them until some two months or more afterward. During that time it was dangerous for men residing in the interior of the Territory to go down into Missouri either for provisions or furniture; men were daily robbed and murdered on the highways; loaded teams were plundered and wagons and horses taken from their owners or drivers; bodies of armed men, from different parts of the country, roamed through that portion of the Territory in every direction; Dumars was once taken prisoner by such bands while peaceably going along the road, and I was taken prisoner two or three times, and once was tied and robbed of three horses. We regarded any attempt to go after the goods as hazardous, and likely to be attended with more loss than the mere sacrifice of the goods, which would have been taken, doubtless, by such bands; those bands of armed men had their headquarters and companies of comrades at Westport and vicinity; in order to get to Kansas City we should have had to go through Westport.

About the 1st July, 1856, Dumars and I went down to Kansas City with a team after the goods; went to the store formerly occupied by

Taylor & Co., as forwarding merchants and storers ; the storehouse was nearly empty ; found none of the goods there ; could not learn from any one what had become of them ; the doors of the building were open ; understood from Dumars that that was the place where the furniture was stored by him in May.

SAMUEL GILL.

Sworn to before me this 18th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

James Dumars, sworn : I am the petitioner in this case ; I made out and presented my claim for the horses stolen to General Strickler, late commissioner, but did not present the claim now here presented for the goods lost and taken at Kansas City ; I was on my way, in good faith, accompanied by my wife and four children, to become a citizen of Kansas when I stored my goods in Kansas City.

JAMES DUMARS.

Sworn to before me this 18th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of James Dumars.

EVIDENCE.

Samuel Gill, being duly sworn, says : I am acquainted with petitioner, and was acquainted with him in June, 1856 ; he was then and is now a citizen of Kansas ; he and his family were living with me a part of that summer ; I live about nine miles south of Lawrence, in Douglas county ; I know Dumars owned a young bay horse, worth about one hundred and fifty dollars or one hundred and seventy-five dollars ; Dumars and myself were each hauling a load of goods to Cedar Creek ; about five miles north of our place of destination, we stopped to camp for the night, on Potawatomie Creek, in Anderson county ; this was on Friday evening ; while preparing to picket our horses they broke away, in an easterly direction. On Sunday, about noon, we found one of them, and two more we found at Batices, near Peoria ; while there a company of about twenty men, who were going to reinforce H. Clay Pate's company, took the three horses from me, and tied my hands behind my back ; they kept me a prisoner about a week, when they released me and gave me a pass, which I have yet at home. When I was released they gave me one of my horses, the other I found at the head of Bull Creek the evening of the same day of my release. I took these two horses of my own home, and then started in search of the other horses, and ultimately obtained one through a

Mr. Hurgus; this was a horse belonging to a neighbor of mine, and which I had in my team. While I was at the Peoria Mission a man came in and said he had seen a horse resembling Mr. Dumars's, with a halter on; Mr. Dumars's horse had a halter on when he left; I was a prisoner at the time, and could not go and look for him. While on this trip I was a second time taken prisoner, near Bull Creek; in the company that took me prisoner, I saw a horse which looked very much like Mr. Dumars's; from the appearance of the horse I believed at the time that it was Mr. Dumars's horse; the horse was picketed out with other horses, some five or six rods from where I was. I was a prisoner at the time, and did not feel safe in going to examine the horse to see if it was Mr. Dumars's. Mr. Dumars has never recovered the horse, I know, as I live near him; and that, by the loss of the horse, he was damaged, I think, \$75.

SAMUEL GILL.

At this stage of the testimony of this witness, it was continued by Mr. Hoogland.

This witness was sworn by me this 18th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of James Dumars.

EVIDENCE.

George Cutter, being duly sworn, says: I live ten miles southeast of Lawrence; I know James Dumars. In the last week in August, 1856, I started to go from Mr. Dumars to Osawatomie, riding a bay mare belonging to James Dumars. On my return, I stopped at Mr. Carr's, some two miles this side of Osawatomie, for the night. In the morning of the next day General Reed's army passed there, on their way to the attack of Osawatomie. Frederick Brown was one of our party, and staid at a neighbor of Mr. Carr. In the morning, about sunrise, he started to go to Mr. Adair's, in the same neighborhood, and on the way was shot dead by a scouting party of Reed's army, News was immediately brought to us, and I went out where he lay, and found that he was dead. I then returned to the house, and with a spyglass could see the main body of Reed's army approaching. I then started to return to where Brown lay, and was suddenly set upon by an advance party of the army; they shot at me and I returned their fire, and then run for the mare aforesaid, which was picketed a short distance from the place, but not having my saddle and bridle, I was compelled to abandon the idea of getting her and fled for the bushes under their fire. They immediately found me lying in the brush, and fired four shots at me, wounding me severely, and breaking my right thigh; they then robbed me and left me for dead. I lay there, I should think, some ten hours helpless. While I was lying

there, I heard Reed's men on their return from Osawatomie. I heard some of his men come down where the horses were. As Reed's men were passing, two men, Haws and Adamson, came to me and remained concealed with me till they had passed, when they discovered that the mare was gone. One of them also lost a horse, which was picketed near the mare. The mare has never been seen or heard of since. This was the best beast that ever I rode, and was worth one hundred and seventy-five dollars. Mr. Dumars told me he had refused one hundred and fifty dollars for her. She was an entire loss to Mr. Dumars.

GEORGE CUTTER.

Sworn by me this 18th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of James Dumars.

Amount claimed for two horses stolen by Reed's army; attack on Osawatomie; horses valued at \$175 each	-	\$350 00
Goods lost by storage at Kansas City	- - - -	613 00
		<hr/>
		963 00
		<hr/> <hr/>
The proof is satisfactory in relation to the taking of the two horses, and the same are allowed accordingly	-	350 00
Interest, 2½ years, at 6 per cent	- - - -	52 50
		<hr/>
Award - - - - -	- - - - -	402 50
		<hr/> <hr/>

The claim for the goods stored at Kansas City, and lost through the treachery, default or dishonesty of the warehousemen is inadmissible. Dumars might have had his remedy against the Taylors by a legal action. The Taylors reside at Manhattan, K. T., and have generally been reported as responsible.

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

LEAVENWORTH, *March 30, 1859.*

No. 75.

Petition of James McGue before the board of commissioners appointed to audit claims of sufferers in the Territory, between the 1st day of November, 1855, and 1st day of December, 1856.

Your petitioner represents, that on or about the 11th of August, 1856, one Emanuel Van Hoorbeck, came to your petitioner and asked him to buy his claim; that your petitioner refused to do so. Where-

upon said Hoorbeck said, he, your petitioner, *must* buy it, and made other and violent threats, by which your petitioner, through fear of great bodily harm, and through fear of injury to his property, was induced to give to said Van Hoorbeck, one hundred and fifty dollars. Your petitioner states that said money was wrested from him by threats of violence, by which he was put in fear. Judgment is asked at your hands for said one hundred and fifty dollars. I am a resident of Kansas, and have been since the fall of 1855

JAMES MCGUE.

Sworn to and subscribed before me this 11th day of May, 1859.

SAMUEL A. KINGMAN,
Commissioner.

Petition of James McGue before the board of commissioners appointed to audit and adjust claims, &c.

Your petitioner, James McGue, would respectfully represent, that he is a citizen of Anderson county, Kansas Territory, and has been since November, 1855; that he was the owner of two horses, of the value of one hundred and eighty dollars; that said horses were taken from your petitioner on the night of the 27th of July, 1856, without the knowledge or consent of your petitioner, by some person or persons unknown to your petitioner. Your petitioner further states that he has never recovered said horses or any compensation for them since. An award is asked for one hundred and eighty dollars.

Respectfully,

JAMES MCGUE.

Sworn to before me, May 12, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of James McGue.

ANDERSON COUNTY, ss:

John H. Wolken, sworn, says: That he is acquainted with the petitioner; that he is a citizen of this Territory, and has been since November, 1855, residing all the time in Anderson county. In July, 1856, the petitioner was the owner of a gray mare of the value of one hundred dollars; also of a dark cream-colored mare of the value of eighty dollars, I think. On one Sunday night, in the month of July, 1856, these mares were on the prairie near Mr. McGue's house.

On the next morning they were gone, and I have never seen them since. I was down in Missouri in October, and while there a man told me he had one of the horses of petitioner. This man's name was Krendall; he was a Belgian; he had bought the horse. At the time petitioner's horses were stolen every horse on the creek was stolen or taken, with the exception of those that were taken to Missouri for safety. McGue has never got the mares, or either of them, nor has he got anything for them that I know of. I have lived near neighbor to him ever since.

JOHN H. WOLKEN.

Sworn to before me, May 12, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of James McGue.

James McGue, being duly sworn, says: I am the petitioner; have been a citizen of Kansas, Anderson county, ever since the 14th of November, 1855, and am still a citizen. Previous to the 11th of August, 1856, one Emanuel Van Hoorbeck offered to sell me a claim, and I encouraged him by saying that I thought I would buy it. On the 11th of August, 1856, he came to me again and wanted me to buy it. I then refused to take it on account of fears I had. I thought I could not hold two claims, I having another one already. On my refusing he said I must buy his claim for \$150. I was afraid, and gave him the money on that account. I think Mr. Van Hoorbeck was inclined to the free-State side. I was on the free-State side, but never took any part in the disturbances. I was not in fear of violence from any one at the moment I gave Mr. Van Hoorbeck the money. My fear was for the consequences on myself and property if I refused to comply with his demands. Previous to the 11th of August, 1856, Mr. Van Hoorbeck's son, who lived with him, one day, while riding with me home from Kansas City, heard that his father had been robbed of all he had. On hearing this he told me that he did not know but that he would join these parties, and that if he did I and Wolken, one of my neighbors, would not escape. This threat was partly what made me fear to refuse paying the money mentioned. I never have recovered any of this money taken, nor any compensation for it.

JAMES MCGUE.

Sworn to and subscribed before me this 11th day of May, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of James McGue.

Leon Phillips, being duly sworn, says: I am acquainted with the petitioner, and have known him since November, 1855. I have been a citizen of Kansas Territory since November, 1855. About the 11th of August, 1856, Mr. Van Hoorbeck came to Mr. McGue and told him that he had bought his claim and wanted him to pay for it \$150. McGue said he did not want to buy the claim, but being afraid of him he took him over to his house and paid him the money. I did not see him pay the money. I do not know of Mr. McGue's agreeing to buy Mr. Van Hoorbeck's claim. Mr. Van Hoorbeck said he did not care much what party he belonged to. McGue was a free-State man. Mr. Van H. made a big fuss, and told McGue he must pay him the money. McGue was in danger. Van Hoorbeck's son lived with his father at the time. McGue has never recovered the money, nor anything for it; do not know of his ever getting any title for the claim. Mr. Van Hoorbeck was robbed shortly before this of all he had. I only know of his being robbed from what Mr. Van Hoorbeck told me. Van Hoorbeck said that he would not be particular about the money, if he had not been robbed. I saw evidences afterward of the robbery, wine bottles thrown out of doors and molasses spilled.

L. PHILIPS.

Sworn to and subscribed before me this 12th day of May, 1859.

SAMUEL A. KINGMAN,
Commissioner.

John H. Wolken, being duly sworn, says: Mr. Van Hoorbeck made Mr. McGue his agent to sell his claim—the one he wanted McGue to buy. I think McGue bought the claim before he made him an agent for it. McGue paid the money through fear. I do not believe Mr. Van Hoorbeck would have done anything to McGue if he had not paid the money. McGue, I think, was not in danger from Van Hoorbeck's son, though he was a hotter man than his father.

JAN H. WOLKEN.

Sworn to and subscribed before me this 12th day of May, 1859.

SAMUEL A. KINGMAN,
Commissioner.

Before the board of commissioners to audit claims for the distressed of the Territory of Kansas, March 9, A. D. 1859.

PETITION.

TERRITORY OF KANSAS, *County of Anderson, ss:*

Personally appeared before me, the undersigned, a justice of the peace in and for the above named county, James McGue, and, after being

by me first duly sworn according to law, upon his oath says: That he had two horses taken away from him on the night of the 27th of July, A. D. 1856, by a company who called themselves the pro-slavery party, who run the said horses into the State of Missouri, and deprived the owner of them without giving any recompense whatsoever; and he further says that he was a citizen at that time of this Territory, and is yet, and that the said horses were worth the sum of one hundred and eighty dollars in gold.

JAMES MCGUE.

Subscribed and sworn to before me this 9th of March, A. D. 1859.
MATHEW G. KARR, *J. P.*

TERRITORY OF KANSAS, *County of Anderson:*

Personally appeared before me, the undersigned justice of the peace in and for the above-named county, John H. Walkens, John H. Rockers, and John Rockers, and, after being by me first duly sworn according to law, upon their oath say: That they are acquainted with James McGue, and lived neighbors to him at the time when his horses were taken away from him on the night of the 27th of July, A. D. 1856; and they further say that the said horses were taken away from the said James McGue, and that the said horses were worth the sum of one hundred and eighty dollars in specie.

JOHN H. WALKENS.

JOHN H. ROCKERS.

JOHN ^{his} + ROCKERS.
mark.

Subscribed and sworn to before me this 9th of March, A. D. 1859.
MATHEW G. KARR, *J. P.*

TERRITORY OF KANSAS, *Anderson County:*

I, Alanson Simons, clerk of the probate court in and for said county, do hereby certify that Mathew G. Karr, whose name is signed to the above instrument of writing, is, and was at the time of signing the same a regularly elected, commissioned, and acting justice of the peace in and for said county, and that his signature thereto is genuine, and that full faith and credit are due his official acts as such.

In testimony whereof, I have hereunto set my hand and affixed [L. s.] the seal of this office. Done at Shannon, county seat of Anderson county, Kansas Territory, this 14th day of March, A. D. 1859.

ALANSON SIMONS, *Clerk.*

In the matter of the petition of James McGue.

The petitioner has presented his claim for losses in two separate petitions: No. 1 is for two horses of the value of	\$180 00
No. 2 is for loss of money paid for a claim	- - 150 00
	<u>330 00</u>

The losses and values, as set up in the petition No. 1, are sufficiently proven	- - - - \$180 00
The claim in petition No. 2 is not conceived to be within the province of this board, and is disallowed.	
Add to amount allowed interest on same, two and a half years, at 6 per cent	- - - - 27 00
Total award	- - - - <u>207 00</u>

SAMUEL A. KINGMAN,
HENRY J. ADAMS,
EDWARD HOOGLAND,
Commissioners.

MAY 16, 1859.

No. 76.

To the board of commissioners appointed to audit and certify claims:

Your petitioner, Charles Robinson, of Douglas county, states that he is a citizen of Kansas, and has been since the first day of September, 1854, and that on the 21st day of May, A. D. 1856, he was the owner of the property set forth and described in the schedule annexed, in addition to the property set forth and claimed in the petition heretofore filed with your board, and which was presented to and partially allowed by H. J. Strickler, esq., and to which I would refer you, and ask that this petition may be made a supplement thereto; and the value of said property is truly and justly set forth in said schedule, and which is incorporated into and made part of this petition.

Your petitioner states that on said day a body of armed men said to belong to the territorial militia, and forming part of the posse of the United States marshal, whose names are entirely unknown to your petitioner, set fire to, burned and destroyed his house, furniture, library, &c.; among which property so destroyed was the following (in addition to that set forth in the former petition aforesaid:) a manuscript history of California, embracing the period of its early settlement, with a minute description of the route across the plains; a manuscript work on anatomy and physiology, and a series of popular lectures on the same subjects, all of which losses were sustained by your petitioner on the day last above referred to; it being done on the same

day and by the same body of men who burned the Free-State Hotel and sacked the city of Lawrence.

In explanation of the charges for his manuscripts, petitioner states that in the preparation of the historical work he had bestowed a large portion of time during his residence in California and subsequent thereto; that the same consisted of about six hundred pages, and the manuscript in connexion therewith, had cost in the preparation months of labor and travel in the collection of materials. The anatomical and physiological manuscripts had been prepared with great care and labor, and adapted to the non-professional reader and hearer, and were prepared ready for the press, all of which manuscripts your petitioner lost on the 21st day of May, 1856, by the burning of his house as aforesaid.

By the destruction of the above manuscripts the whole labor of their preparation was lost, as no copies or data were saved; at the time said destruction took place the petitioner was a prisoner charged by indictment with usurpation of office of governor of Kansas and treason, and remained such prisoner until the month of September following.

Schedule.

A manuscript history of California - - - -	\$3,500
A manuscript work on anatomy and physiology, ready for the press - - - -	2,500
A series of popular lectures on the above subjects - -	1,000
	7,000
	7,000

Petitioner states that he has received no compensation for his property so lost either in whole or in part, and he prays that his claim may be audited, allowed, and certified by the board.

C. ROBINSON.

Sworn to and subscribed before me this 19th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

To the Hon. H. J. Strickler, commissioner for the auditing of claims under the provisions of an act to provide for the auditing of claims, and the act supplemental thereto, passed and approved February 23, 1857:

Your petitioner, Charles Robinson, of Douglas county, Kansas Territory, respectfully shows: That your petitioner, as hereinafter stated, was engaged as an agent in said county; that on the 21st day of May, A. D. 1856, your petitioner was then living in said county; that on the day and year above mentioned there was taken from the possession of your petitioner, by some men who were said to belong to the territorial militia and marshal's posse, whose names are entirely unknown to your petitioner, the following, which is fully set forth in a schedule hereto annexed, and valued at fifteen thousand eight hun-

dred dollars. And your petitioner further states that he has not received any pay from any person or persons for the same. Your petitioner therefore prays that he may receive the sum of fifteen thousand eight hundred dollars for the loss which he has sustained, as is set forth in the foregoing petition, and that the same may be paid therefor, pursuant to the statutes made and provided in such cases, and for such further relief as your petitioner is entitled to in the premises.

C. ROBINSON.

Subscribed and sworn to before me, D. H. Weir, a notary public, on this 17th day of November, A. D. 1857.

[L. s.]

D. H. WEIR,
Notary Public.

Schedule of the property referred to in the foregoing petition.

One frame house	-	-	-	-	-	\$3,500 00
Barn, hay, stable, and furniture	-	-	-	-	-	1,500 00
House furniture	-	-	-	-	-	2,000 00
Library	-	-	-	-	-	3,000 00
Medical library and surgical instruments	-	-	-	-	-	1,500 00
Clothing, jewelry, and private papers	-	-	-	-	-	3,000 00
Furniture in hotel, and used by congressional committee	-	-	-	-	-	600 00
One Porter's rifle	-	-	-	-	-	40 00
Two Sharpe's rifles	-	-	-	-	-	70 00
Two Colt's revolvers	-	-	-	-	-	40 00
One horse stolen	-	-	-	-	-	150 00
Two horses poisoned	-	-	-	-	-	400 00
False imprisonment four months,						\$500.

15,800 00

TERRITORY OF KANSAS, *Douglas County, ss:*

J. S. Emery, Joel Grover, and George F. Earl, of Douglas county, being duly sworn, say: That they have heard the foregoing petition read, and know the contents therein contained and the facts stated are true, according to these affiants' knowledge and belief. And these affiants further say that they know, on or about the 21st day of May, 1856, the above-named petitioner sustained the above loss of property, in the manner in the said petition described, in the sum of \$15,800, the said property being the same as is stated and specified in the schedule which is annexed; and further these affiants saith not.

J. S. EMERY. [L. s.]
JOEL GROVER. [L. s.]
GEO. F. EARL. [L. s.]

TERRITORY OF KANSAS, *Douglas County, ss :*

Before me, David H. Weir, a notary public in and for said county, duly commissioned and sworn, personally appeared J. S. Emery, Joel Grover, George F. Earl, who, being duly sworn, upon their oaths say that the facts set forth in the above affidavit are true, as they verily believe.

In testimony whereof, I have hereunto set my hand and affixed my notarial seal this 17th day of November, 1857, at Lawrence.

[L. s.]

D. H. WEIR,
Notary Public, Douglas County.

I certify that upon the within petition and proof I have awarded to Charles Robinson the amount therein proven, rejecting the damages for imprisonment, and certify the same at the sum of fifteen thousand eight hundred dollars, (\$15,800.)

H. J. STRICKLER, *Commissioner.*

In the matter of the petition of Charles Robinson.

DOUGLAS COUNTY, *ss :*

Mrs. Sarah T. D. Robinson, wife of petitioner, sworn : In May, 1856, during the absence of my husband, and while he was a prisoner, as set forth in his petition, our dwelling-house on Mount Dread, in the south part of Lawrence, was entirely destroyed, together with its contents, by a body of armed men, as deponent has been informed and believes. In the house were furniture, books, manuscripts, private papers, and silver plate, wearing apparel, and jewelry ; these were all taken or destroyed. In May, 1856, my husband and I were on our way down the Missouri river on a steamboat, when a body of armed men came on board the boat at Lexington, Missouri, and compelled us to go ashore ; consequently neither of us was at home when the scenes and excitements of May 21, 1856, occurred. I know that my husband had in his library many valuable manuscripts and documents. Among the papers destroyed were the manuscripts of two or three works upon which he had bestowed a great deal of time and labor. I remember the manuscript history of California mentioned in his petition ; it contained a great deal of writing in a very fine hand, and contained about 800 pages. During his absence to California from 1849 to 1851 my husband, from time to time, sent home to me, for care and proper preservation, portions of the manuscript of said work ; sometimes one hundred or two hundred pages.

I also remember the work on anatomy and physiology. From time to time he was devoted to its completion and preparation for the press. My husband is a physician. It contained 400 or 500 pages. I also remember that he had a course of popular lectures prepared ready for delivery, such lectures being on the subject of medicine, anatomy, and physiology. Cannot state the value of said works, or either of them.

SARAH T. D. ROBINSON.

Sworn to before me this 19th day of March, 1859.

EDWARD HOOGLAND, *Commissioner.*

DOUGLAS COUNTY, ss :

Samuel C. Smith, being duly sworn, saith : That he is acquainted with Charles Robinson, and has known him since the spring of 1855, and has resided with him most of the time since then. I know that Charles Robinson had the manuscripts in regard to California and anatomy mentioned in the petition ; had frequently heard Robinson and his wife speak of them both before and after the 21st of May, 1856 ; have read extracts from the California manuscript. I was at the house of Dr. Robinson, or its location, immediately after it was set on fire, and saw the building burned ; everything belonging in the house was taken away or destroyed by Sheriff Jones's posse. Cannot estimate the value of the manuscripts. Dr. Robinson is a man of literary habits and taste, and ordinarily devoted a large share of his time to writing. His dwelling-house was a very good one, and when built, in 1855-'56, was valuable. Labor was high. The building must have cost a large sum ; it then cost double what materials and labor now cost. A barn and fixtures, appurtenant to the house, were also burned. His household furniture was new and of good quality ; the house was fully and well furnished, becoming a man of his position. He had a very large library, the largest that I had seen anywhere in the Territory. He had a case of surgical instruments ; have since learned that they are in Leavenworth, having passed hands from those who plundered the house ; Dr. Robinson has never recovered them. Dr. Robinson had some furniture in the Free-State Hotel when it was destroyed. He had a Porter's rifle stolen, and two revolvers. There were Sharpe's rifles in the house. I lost mine there at the same time by the destruction or sacking of the house. Robinson had three horses in 1855-'56 ; do not know what became of them ; understood he lost them, or they were taken or destroyed in the difficulties.

SAMUEL C. SMITH.

George W. Hunt sworn : I know that Charles Robinson, in May, 1856, had in his possession a work in manuscript, prepared by himself, relating to the history of California ; I had seen and read extracts from it. Know that Robinson prepared some lectures in Fitchburg, Massachusetts, previously to that time. I resided in Fitchburg previous to 1854, and for some time Dr. Robinson, the petitioner, was my family physician. I do not know anything of the value of these works as literary labors prepared for the press.

GEORGE W. HUNT.

George W. Deitzler sworn, saith : Am acquainted with Dr. Robinson ; have known him about four years. I am somewhat acquainted with the value of literary labors. The general ability and standing of Charles Robinson is very good. He is regarded as a skilful physician and a man of education. I have read the petition and testimony above. I regard him as a man highly capable of writing a history of California, or on almost any other subject. He made one of the

first overland journeys to California, and passed through Kansas in going there. Being a man of observation and intelligence, would regard his notes and collections of data as valuable. He has heretofore been elected, almost unanimously, by the free-State men, as governor of the State of Kansas. Considering his position, the value of his observations that would be all embraced or hazarded by the publication of any work by him, I am confident his reputation would be sufficient guarantee that the work would be valuable and salable. Think a manuscript work by him on California, with his advantages and experience so well known, and containing 600 or 800 pages, would be worth from \$2,000 to \$3,000. A manuscript ready for the press, as stated, on anatomy and physiology, &c., I would estimate at a comparative ratio, and so with the series of popular lectures. The preparation of such works would require a great deal of labor and valuable time, aside from the ordinary and necessary one of preparatory preparation and study.

G. W. DEITZLER.

Sworn to before me this 19th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

DOUGLAS COUNTY, ss:

James S. Emery sworn, saith: I am acquainted with Charles Robinson; have heard read the foregoing affidavit of Mr. Deitzler; have had some experience in the writing of lectures for public delivery; I fully appreciate and coincide with the testimony of Mr. Deitzler as to Governor Robinson's standing, popularity, and ability, and the general value of any literary production that he might deem it necessary to prepare for publication. As a literary production, salable to any eastern publishers, I think the works mentioned were worth, and would have brought Dr. Robinson, \$4 to \$5 a page, or more. I am an attorney by profession.

J. S. EMERY.

Sworn to before me this 19th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Charles Robinson.

Petitioner claims on Strickler's award	-	-	-	\$15,800 00
Interest, 2½ years, at 6 per cent	-	-	-	2,370 00
				<hr/>
				18,170 00
Supplemental claim for three manuscript works	-	-	-	7,000 00
Interest on this amount, 2½ years, at 6 per cent	-	-	-	1,050 00
				<hr/>
				26,220 00
				<hr/> <hr/>

The board, upon the proof before Commissioner Strickler, confirm the amount awarded by him	-	-	-	15,800 00
Also interest thereon, 2½ years, at 6 per cent	-	-	-	2,370 00
Petitioner's supplemental claim is for three manuscript works, the loss of which is proven by Mrs. Robinson and Mr. Smith; Mrs. Robinson proves that the history of California contained 800 pages, the work on anatomy and physiology 400 or 500 pages, and the same prepared for the press. G. W. Deitzler estimates the work on California worth, average	-	-	\$2,500	
Other works in proportion	-	-	2,050	
				\$4,550
J. S. Emery estimates them worth \$4 50 a page, which would make \$5,508				
An average of the value placed on these manuscripts is awarded by the board	-	-	-	5,029 00
Interest on same, 2½ years, at 6 per cent	-	-	-	754 00
				23,953 00
				23,953 00

RECAPITULATION.

Strickler's award confirmed	-	-	-	\$15,800 00
Interest on same	-	-	-	2,370 00
Three manuscript works	-	-	-	5,029 00
Interest on same	-	-	-	754 00
Total award	-	-	-	23,953 00

SAMUEL A. KINGMAN,
EDWARD HOOGLAND,
HENRY J. ADAMS.

APRIL 14, 1859.

No. 77.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County*, ss :

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting thereupon, during the disorder that prevailed from November 1, 1855, to December 1, 1856 :"

George Cutter, complainant, states that, on the 31st day of August, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the 31st

day of August, A. D. 1856, the actual owner and in the peaceable enjoyment of the following property, to wit :

One Sharpe's rifle, of the value of	-	-	-	-	-	\$40 00
One four-inch Colt's revolver, of the value of	-	-	-	-	-	20 00
Accoutrements of the value of	-	-	-	-	-	5 00
						65 00
Of the aggregate value of	-	-	-	-	-	65 00

That said property was lost to petitioner in the following manner : He, in company with Fred. Brown, John Still, Haws, and Adams, near Ossawatomie, in Lykins county, in said Territory, stopped at the house of Mr. Carr over night ; that in the morning, being the 31st day of August, Brown started on foot over to the house of a Mr. Adair, and on the road was shot down. Adair was coming over, and found the body of Brown. Shortly after, with a spy-glass, I saw a detachment of Reid's army, numbering 400, approaching. When their army was behind some timber I started to Brown's body. Before I reached Brown's body the army came upon me and fired. I returned the fire once, but the second time I drew trigger my fire missed. I then fled for my horse, but before I could mount they were so close upon me that I was compelled to leave him and hide in the brush. They pursued me and fired upon me, one buckshot taking effect just above the ball of the eye and below the eyebrow ; another load of buckshot striking me in the thigh, breaking it and inflicting some sixteen wounds. One of them dismounted and took from me the property above named, while the main body passed, and then, after killing Garrison, returned to where I lay weltering in blood. They turned me roughly over, and after tearing off my cartridge-box, kicked and left me to die. I laid there until night, while the miscreants were engaged in burning the town of Ossawatomie. I was so injured as that I could not be moved any distance until the following March, and from the wounds thus received I am and will be a cripple. I therefore pray your honors to allow me the sum of \$5,000 for my losses and damages thus sustained, that amount being reasonable for said losses and damages. Petitioner further states that he has never recovered any of said property, nor received any remuneration therefor.

Petitioner further states that the facts herein recited are true.

GEORGE CUTTER.

Sworn to before me this 18th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

DOUGLAS COUNTY, ss :

William Soule, being duly sworn, saith : I now reside on Coal creek, in Douglas county, Kansas ; have resided in Kansas ever since the fall of 1854. I know the petitioner ; he came to Kansas in the spring of 1856, and took a claim near where I now reside. In the month of August, 1856, viz : on the 28th, I was at Ossawatomie. On leaving the town that afternoon I met petitioner, George Cutter, in

company with four or five other men entering Ossawatomie. Reports were in circulation at the time that General Reid, of Missouri, was approaching with a large body of men to burn Ossawatomie. I understood at the time that Cutter, with his companions, were come down to aid in defending the town. He was mounted on a horse, and was armed with a Sharpe's rifle, revolver, cartridge-box, and accoutrements. I belonged to the same military company that Cutter did. Each man furnished his own equipments. I had been to Ossawatomie on military service. Did not see Cutter again till the spring of 1857. On the muster-rolls of our company Cutter was, subsequent to the fight at Ossawatomie, reported killed; a few days afterwards heard he was badly wounded. During the winter he was nursed and attended at Ossawatomie. On the muster-rolls of our company it was reported that Cutter was stripped of everything by the conquering force—his gun, revolver, and equipments, worth \$65 at least. He has always been enfeebled and shown severe wounds since that time.

WM. SOULE.

Sworn to before me, April 26, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of George Cutter.

Petitioner claims for gun, revolver, and equipments taken from him at the battle of Ossawatomie	-	-	-	\$65
Damages by wounds received in said battle	-	-	-	5,000
				5,065
The taking of the gun, revolver, and equipments, and their worth are established at	-	-	-	\$65 00
The damages claimed inadmissible.				
Add interest, two and a half years, at 6 per cent	-	-	-	9 75
Total award	-	-	-	74 75

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

No. 78.

A.

Territory of Kansas to David O. Keefe, Dr.

To 95 days' use of horse, at \$2 per day, by Captain, A. B. Miller	-	-	-	\$190 00
To damage caused to horse	-	-	-	40 00
To saddle, bridle, martingale and blanket	-	-	-	30 00
				260 00

To the honorable board of commissioners approved and appointed to audit and certify claims for losses in and for the Territory of Kansas in the years 1855 and 1856:

Your petitioner, David O. Keefe, respectfully shows unto your honorable body that on or about the first of July, A. D. 1856, he was the sole owner and possessor of one horse, saddle and bridle, martingale and blanket. Your petitioner further represents unto your honorable body that on or about the first day of August, A. D. 1856, the said horse, saddle, bridle, martingale and blanket, were taken by a company under the command of one A. B. Miller, and that the said company kept said horse and used him in the troubles of 1855 and 1856, for the term of ninety-five days; a copy of said account is hereto attached marked A, and made part of this petition. And your petitioner further states that the said horse was returned to him greatly damaged, and that your petitioner did not recover said saddle, bridle, martingale and blanket; wherefore the said petitioner prays that your honorable body may award him said claim, and for such other and further relief as shall conform to law and equity.

DAVID O. KEEFE.

DELAHAY & GALLAGHER,
Attorneys for Petitioner.

TERRITORY OF KANSAS, *County of Leavenworth, ss:*

Personally appeared before me, the undersigned, a notary public in and for said county, David O. Keefe, who, being first duly sworn by me, says that the matter and facts set forth in the foregoing petition are true, as he verily believes.

DAVID O. KEEFE.

Sworn to and subscribed before me this 17th day of March, A. D. 1859. Witness my hand and notarial seal.

[L. s.]

MARCUS N. BLAKEMORE,
Notary Public.

In the matter of the petition of David O. Keefe.

R. G. Newland, being first duly sworn, deposeth and saith: I am acquainted with the petitioner; he was a citizen of Leavenworth in August, 1856; some time in that month, one morning, a party of men under the command of A. B. Miller went to the house of petitioner and forcibly took away the horse named in his petition, saddle and bridle and blanket; frequently seen the horse in possession of the same company; afterwards seen Miller himself riding him; some time in the month of September the horse was left at my stable by some of

the company; I informed Mr. Keefe of that fact, and requested him to come and take him away, which he did; no saddle, bridle and blanket was returned; the horse had been badly injured; rode down, back sore, and poor; the horse was worth when taken \$100; when returned about \$20; I at this time kept a livery stable near Mr. Keefe's; horse hire was worth at that time \$2 per day.

RUFUS G. NEWLAND.

Sworn by me this 30th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of David O. Keefe.

Claim for use of horse taken by Captain Miller's company...	\$190 00
Damage to horse	40 00
Saddle and bridle	30 00
	260 00
	260 00

The claim for the use of the horse is inadmissible according to the rule adopted.

The proof is that the horse when taken was worth - - -	\$100 00
When returned, the horse was damaged - - -	80 00
	20 00
	20 00

There is, therefore, allowed as compensation for damages sustained by the taking of the horse - - -	80 00
Saddle and bridle - - - - -	30 00
	110 00

Interest, 2½ years, at six per cent - - -	16 50
	126 50
	126 50

EDWARD HOOGLAND.
HENRY J. ADAMS.
SAM'L A. KINGMAN.

MARCH 30, 1859.

No. 79.

To the commissioners appointed by virtue of "An act to provide for the payment and adjustment of claims," passed by the legislative assembly of the Territory of Kansas, and approved February 7, 1859 :

Your petitioner, Ann M. Jenkins, administratrix of the estate of Gaius Jenkins, deceased, being first duly sworn, deposes and says : That on or about the 14th day of May, A. D. 1856, near Westport, in the State of Missouri, while *en route* for Lawrence, Kansas, at which place he then resided, the said Gaius Jenkins was by force dispossessed and robbed of the following property, to wit :

One iron-gray horse, worth	-	-	-	-	\$300 00
Two navy revolvers, worth	-	-	-	-	50 00
One saddle and bridle, worth	-	-	-	-	30 00
					<hr/>
					380 00
					<hr/> <hr/>

And further your petitioner saith : That on the 21st day of May, A. D. 1856, an armed mob entered the town of Lawrence, where the said Jenkins was doing a hardware business, and by force broke into the store occupied by the said Jenkins as his place of business, and took therefrom, against his will, and destroyed property to the amount of eight thousand dollars, (\$8,000,) said property consisting of hardware, stoves, books and valuable papers ; and your petitioner saith that on account of the loss of said property the said Jenkins was damaged in the sum of fifteen hundred dollars, (\$1,500.)

And your petitioner further states that in said spring of 1856 the said Gaius Jenkins prepared and planted with corn twenty acres on his claim adjoining Lawrence, and faithfully tilled and cared for the same during the ensuing summer ; and that the crop of corn was taken by force and wholly destroyed, during the fall of that year, by various armed mobs, and at different times, whereby your petitioner believes he lost corn to the amount of one thousand bushels, of the value of one thousand dollars, (\$1,000,) and was thereby damaged \$150.

And that on or about the 14th of September, A. D. 1856, the said Gaius Jenkins had stolen from him during the troubles of that date two large bay horses, worth

two large bay horses, worth	-	-	-	-	-	\$500 00
One two-horse wagon, worth	-	-	-	-	-	100 00
One set of double harness	-	-	-	-	-	50 00
And was thereby damaged	-	-	-	-	-	100 00
						<hr/>
						750 00
						<hr/> <hr/>

And your petitioner further states that during the fall of 1856 the said Gaius Jenkins was robbed of three yoke of oxen, worth \$300 00

And one sorrel horse, worth	-	-	-	-	-	200 00
And was thereby damaged	-	-	-	-	-	70 00
						<hr/>
						570 00
						<hr/> <hr/>

All of which your petitioner respectfully asks to be awarded to the estate of the said Gaius Jenkins.

ANN M. JENKINS.

Sworn to and subscribed in my presence this 17th day of March, A. D. 1859.

[L. s.]

J. C. RUSSELL,
Notary Public, Douglas County.

Total amount of the above claim \$12,350.

TERRITORY OF KANSAS, *County of Douglas, ss:*

To all persons to whom these presents shall come, greeting: Know ye that whereas Gaius Jenkins, late of the county of Douglas, died intestate, as it is said, having, at the time of his death, property in this Territory which may be lost, destroyed, or diminished in value if speedy care be not taken of the same; to the end, therefore, that said property may be collected, preserved, and disposed of according to law, we do hereby appoint Ann M. Jenkins administratrix of all and singular the goods and chattels, rights and credits, which were of the said Gaius Jenkins at the time of his death, with full power and authority to secure and dispose of said property according to law, and collect all moneys due said deceased, and, in general, to do and perform all other acts and things which are or hereafter may be required of her by law.

In testimony whereof, I, Josiah Miller, judge of the probate court in and for the county of Douglas, aforesaid have hereunto
[L. s.] signed my name, and affixed the seal of said court at office, in Lawrence, this 12th day of June, A. D. 1858.

JOSIAH MILLER, *Judge of Probate.*

TERRITORY OF KANSAS, *County of Douglas, ss:*

Know all men by these presents that I, Josiah Miller, judge of probate in and for said county of Douglass do hereby appoint S. C. Russell and George W. Deitzler as witnesses to accompany Mrs. Ann M. Jenkins, administratrix, in examining the moneys and papers of the estate of Gaius Jenkins, deceased.

In testimony whereof, I, Josiah Miller have hereunto set my hand and affixed the seal of our said court this 12th day of June, A. D. 1858.

JOSIAH MILLER,
Judge of Probate.

In the matter of the petition of Gaius Jenkins.

TESTIMONY.

Sheldon C. Russell, being duly sworn, says: During the spring and summer of 1856 I was in the employ of the petitioner, and had charge of all his business, and managed his affairs while he was a prisoner at Lecompton, from the 21st of May till the 10th of September, 1856. Mr. Jenkins's horse, saddle, bridle and pistols were taken from him at McGee's, between Westport and Kansas City. I had charge of his store in Lawrence on the 21st of May, 1856, when the Free-State Hotel was destroyed. Mr. Jenkins kept a general assortment of hardware, tin, stoves, ploughs, and agricultural implements. I think, at the time the store was plundered, there was about eight thousand dollars worth of goods on hand. On the 21st of May the crowd brought in as a marshal's posse robbed and plundered the store of nearly everything it contained. I should think they destroyed and carried away about seven thousand dollars worth of property, and left about one thousand worth there.

There was a field of corn on Mr. Jenkins's claim, adjoining Lawrence, which was entirely destroyed, so that none of it was harvested, by the armed men assembled in and about Lawrence, about the 1st of September, 1856. The two bay horses mentioned in the petition were worth five hundred dollars; he was offered that for them at Wyandott, to my knowledge, in gold. They were taken by some of the free-State army at Lawrence, without Mr. Jenkins's consent. The horses were afterwards taken, when Harvey's men were arrested between Hickory Point and Lecompton, by Governor Geary's orders, and subsequently stolen from the custody of the United States troops. Mr. Jenkins recovered them back the following winter at a cost of one hundred dollars, in a greatly damaged condition. The two-horse wagon mentioned in the petition was taken with the horses, but never recovered; it was worth one hundred dollars; was nearly new, and such a wagon as they were selling here for a hundred or a hundred and twenty-five dollars. The harness was taken at the same time, and was never recovered; it was worth about fifty dollars. I know nothing of the loss of the oxen, except that I know he had such oxen, and heard him say he had lost them. I know he had a sorrel horse, and understood it was lost at the same time with the oxen. I think the entire damage sustained by Mr. Jenkins was as much as stated in the petition, and a good deal more.

The iron-gray horse mentioned in the petition I know well, and have often heard Mr. Jenkins say he would not take three hundred and fifty dollars for him; he was one of the best horses ever in the Territory. Saddle was worth \$30; pistols, \$25 each.

S. C. RUSSELL.

Sworn by me this 19th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

James S. Emery, being duly sworn, says: In the summer of 1856 Gaius Jenkins had a large field of corn growing on his claim adjoining mine; I should think twenty or twenty-five acres. It was my understanding that the corn was nearly all taken or destroyed. I think there were at least fifty or sixty bushels to the acre. I think corn was worth one dollar per bushel. I paid \$1 75, before the next spring in Lawrence, for my horse.

J. S. EMERY.

Sworn by me this 19th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Ann M. Jenkins, administratrix, &c.

DOUGLAS COUNTY, ss:

Shalor W. Eldridge, sworn, says: That the deceased, Gaius Jenkins, was the owner of a fine iron-gray horse, worth \$300; I did not see the horse taken. Colonel Jenkins and Mr. Brown left my house, in Kansas City, with this horse. In about an hour I heard that they were taken prisoners. I know that Colonel Jenkins kept a large assortment of hardware, stoves, hollow ware, wagons, ploughs, &c., and kept several men employed in the manufacture of tin ware. I heard that he had a large portion of it taken away, and, as I understood, almost all his books, papers and documents. A span of large bay horses and wagon and harness were taken away from him and kept some time. When he recovered the horses they were very much injured in their condition; I should think they were damaged one-half of their value when taken; they were worth then from \$300 to \$500. Five head of oxen were lost; six were lost, but one was found. I don't know certain how they were lost. Cattle were driven off frequently, and in large numbers. These went, probably, in the same way; they were fine cattle.

S. W. ELDRIDGE.

Sworn to before me, March 19, 1859.

S. A. KINGMAN,
Commissioner.

In the matter of the petition of Ann M. Jenkins.

George W. Brown, being duly sworn, says: I knew Gaius Jenkins, deceased; he was the husband of the petitioner, and was a citizen of Kansas since the fall of 1855 till his death. On or about the 14th of May, 1856, I was riding in company with deceased from Kansas City, Missouri, to Lawrence. Near Westport, Missouri, three armed men beset us and compelled us to dismount, and detained us as prisoners, against our will, for several days, and then removed us to Kansas. Mr. Jenkins, at the time he was taken, was in possession of a large

gray horse, saddle and bridle, and two navy revolvers. These were taken from him by force, and retained against his consent. On our removal to the Territory, they were brought into the Territory, but were still withheld from the said Jenkins. The horse was a valuable one, and worth, probably, \$300. The revolvers were new, and worth, probably, \$50. This property was taken from the said Jenkins in consequence of the difficulties existing in the Territory at that time, as the parties alleged, and as this deponent verily believes.

G. W. BROWN.

Sworn by me this 21st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Anna M. Jenkins, administratrix of Gains Jenkins, deceased.

I. Petitioner claims for one large iron-gray horse, worth - - - - -	\$300	
Two navy revolvers - - - - -	50	
One saddle and bridle - - - - -	30	
	<hr/>	\$380 00
Taken from him when he was taken prisoner, at McGee's.		
II. Also for stock of hardware, stoves, &c., destroyed May 21, 1856 - - - - -	8,000	
Damages thereby - - - - -	1,500	
	<hr/>	9,500 00
III. 1,000 bushels corn destroyed, 20 acres - - - - -	1,000	
Damages thereby - - - - -	150	
	<hr/>	1,150 00
IV. Two large bay horses, worth - - - - -	500	
One two-horse wagon - - - - -	100	
Set of double harness - - - - -	50	
Damages thereby - - - - -	100	
	<hr/>	750 00
V. Three yoke of oxen, worth \$100 per yoke - - - - -	300	
One sorrel horse - - - - -	200	
Damages thereby - - - - -	70	
	<hr/>	570 00
	<hr/>	<hr/>
Total claim - - - - -	- - - - -	12,350 00
		<hr/> <hr/>
I. The proof fully sustains the claim for the horse, revolvers, and bridle - - - - -	- - - - -	\$380 00
II. Russel, the clerk, says the stock of goods in the store, &c., was worth - - - - -	8,000	
That all said stock was taken away or destroyed but about - - - - -	1,000	
	<hr/>	7,000 00

III. Allow on the proof, 20 acres of corn, at 40 bushels per acre, \$1 per bushel, less 10 cents per bushel for harvesting. Total, say, 800 bushels, at 90 cents, (general rule) - - - - -	\$720 00
IV. Russel says the horses were recovered back the following winter, in a greatly damaged condition, and at an expense of - \$100 Allow for damages to horses - - - - 100	200 00
The loss or taking of the wagon and harness substantiated - - - - -	150 00
V. The testimony of several witnesses shows that Jenkins had the oxen and sorrel horse mentioned, and that they disappeared. Russel alleges Jenkins's declaration that they were taken. He values them as stated—oxen, \$300; sorrel horse, \$200 - - - - -	500 00
Total amount proven - - - - -	8,950 00
The allegations of damages sustained are inadmissible.	
Add interest, 2½ years, at 6 per cent. - - - - -	1,342 50
Total award - - - - -	10,292 50

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 12, 1859.

No. 80.

To the board of commissioners chosen to "provide for the adjustment and payment of claims:"

Your petitioner, Samuel C. Smith, of Douglas county, Kansas Territory, would represent that on the 21st day of May, 1856, there was taken or destroyed by the territorial militia the property enumerated in the enclosed schedule, made out two days after the destruction, and of which your petitioner was the owner, then and now a citizen of this Territory.

The same was stored in the house of Dr. Charles Robinson on the day above mentioned, which house was pillaged and burned by the said posse or militia.

Your petitioner would state that he has never received, from any person or persons any pay for the same, and prays of you to award

to him the amount of one hundred and eighteen dollars and twelve cents, the same being the amount of loss he suffered thereby.

SAMUEL C. SMITH. [L. s.]

Sworn to and subscribed before me this 19th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

LAWRENCE, *K. T.*, May 23, 1856.

United States of America to Samuel C. Smith, Dr.

For property taken or destroyed, during an attack upon the town, by the United States marshal and his posse, consisting of—

One double-barrelled gun	-	-	-	-	-	\$50 00
One rifle	-	-	-	-	-	30 00
One revolver, (Allen's patent)	-	-	-	-	-	7 00
One revolver, (Windsor, Vt.)	-	-	-	-	-	10 00
One volume of Putnam's Magazine	-	-	-	-	-	3 00
Two volumes of Macauley's Speeches	-	-	-	-	-	1 25
One volume of Cushing's Manual	-	-	-	-	-	62
American Almanac	-	-	-	-	-	1 25
Lot of books, estimated value	-	-	-	-	-	15 00
						<hr/>
						118 12
						<hr/>

In the matter of the petition of Samuel C. Smith.

EVIDENCE.

Charles Bobinson, being duly sworn, says: I am acquainted with the petitioner, Samuel C. Smith. He was living in my family at the time my house was destroyed, in May, 1856.

I have examined the schedule of articles annexed to his petition. Remember his having his effects at my house—I think all of them. The articles enumerated in the schedule, so far as I can remember, were in my house at the time it was destroyed; do not remember all of them. None of the articles were saved when the house was destroyed. Mr. Smith has never, to my knowledge, received any compensation for the destruction of this property.

C. ROBINSON.

Sworn by me this 19th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Samuel C. Smith.

The petitioner claims for loss of property - - -	\$118 12
The proof sustains the claim, and it is therefore allowed with interest, 2½ years, at 6 per cent. - - -	17 70
Total award - - - - -	<u>135 82</u>

SAM'L A. KINGMAN.
EDW'D HOOGLAND.
HENRY J. ADAMS.

MAY 5, 1859.

No. 81.

TERRITORY OF KANSAS, *County of Douglas, ss:*

The petition of Joseph J. Boyer, a citizen of Lawrence, Kansas Territory, to the honorable board of commissioners appointed by authority of the legislature of said Territory to audit and certify to all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder which prevailed in this Territory from November 1, A. D. 1855, to December 1, A. D. 1856, and by virtue of an act entitled "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, respectfully sheweth: That your petitioner was, on the fourteenth day of September, A. D. 1856, and for some time before had been, a citizen of Kansas Territory, and residing in Lawrence, in Douglas county; that on the said fourteenth day of September, about eight o'clock p. m., he was in company with fifteen or twenty others on the road leading from Lawrence to Oskaloosa, when he was taken prisoner by a body of armed men wearing the uniform of United States dragoons, and with his comrades taken to the town of LeCompton and placed under guard; that at the time of his capture he was possessed of certain articles of personal property which belonged to your petitioner, and the said articles of property were taken from him by one of said body of armed men, and he has never since that time been able to recover said property; that he was held a prisoner three months, two weeks of which time was spent in an open camp upon the prairie, the remainder of the time in an ill-conditioned house. And this petitioner further states that the said losses of this petitioner were on account of and did grow out of the difficulties in this Territory and petitioner's damage by being confined and imprisoned, and his losses of property are to petitioner's own knowledge, in accordance with the following account:

One Sharpe's rifle, worth - - - - -	\$40 00
One revolver, worth - - - - -	25 00
Three months' imprisonment - - - - -	270 00
Amount - - - - -	<u>335 00</u>

Before me personally came Joseph J. Boyer, the petitioner in the above and foregoing petition, and, being duly sworn, deposes and says that the foregoing enumeration of personal property and damages, and the value annexed, is just and true.

JOSEPH J. BOYER.

Sworn to before me and subscribed in my presence. In testimony [L. S.] whereof, I have hereunto set my hand and seal this 19th day of March, 1859.

OWEN A. BASSETT,
Notary Public.

DOUGLAS COUNTY, ss:

Newell W. Spicer, being duly sworn, saith: Petitioner formed a part of the Hickory Point expedition, from Lawrence, on 13th September, 1856. I was one of the company also. Every man furnished his own accoutrements. Boyer had a Sharpe's rifle, and, I presume, had a revolver for the expedition, as the men generally were armed with rifles and revolvers. Boyer, with the rest of us, was taken prisoner on the 14th September by the United States troops, commanded by Captain Wood, who arrested one hundred and one of us for participation in the battle of Hickory Point. We were taken to Leecompton; our arms were taken from us and retained by our captors or the territorial militia, who soon after took charge of us. Boyer's arms were taken from him. A Sharpe's rifle was worth then about thirty dollars; a revolver, from fifteen dollars to twenty-five dollars. This was the price for a Colt's revolver. Boyer was retained as a prisoner three months.

NEWELL W. SPICER.

Sworn to before me this 30th day of April, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Joseph J. Boyer.

Petitioner claims for one Sharpe's rifle	-	-	-	\$40 00
One revolver	-	-	-	25 00
Three months imprisonment	-	-	-	270 00
				<hr/>
				335 00
				<hr/> <hr/>

It appears from the proof that petitioner was one of the Hickory Point prisoners, and when captured by United States troops his fire-arms were taken from him, and that he did not recover them.

N. W. Spicer proves facts; says rifle was worth	-	-	\$30	00
Revolver, \$15 to \$25	-	-	20	00
Allowed	-	-	50	00
Add interest, 2½ years, at 6 per cent.	-	-	7	50
Total award	-	-	57	50

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

No. 82.

To the commissioners appointed under "An act to provide for the payment and adjustment of claims," passed by the legislative assembly of the Territory of Kansas, and approved February 7, 1859:

Your petitioner, James S. Emery, being first duly sworn, says: That he has resided in Lawrence, Kansas Territory, since September, 1854, where he now resides; that during the troubles of December, 1855, he owned one Sharpe's rifle, which was stolen from him, and that he has never since found the same. It was of the value of - \$40 00

That on the 21st day of May, 1856, your petitioner owned a law and miscellaneous library in said city, of great value, to wit:

Law books, of the value of	-	-	500	00
Miscellaneous books	-	-	500	00

which books were wholly destroyed and torn to pieces by an armed mob which on that day pillaged said town; and that at the same time and by the same mob he had stolen and forcibly taken away from a large box into which they were packed, in R. G. Elliott's printing office, the following articles of value, to wit:

Your petitioner's personal clothing, except what he had on, of the value of	-	-	300	00
One rosewood dressing-case	-	-	75	00
Stationery of law office, and furniture for same	-	-	35	00

And thereafter, in the fall of 1856, during the troubles, your petitioner had his dwelling-house broken into by parties unknown to him, and all his household furniture, consisting of beds, chairs, mirror, curtains, carpets, crockery, tables, one fine stove, and other articles common to any house, of the value of - 600 00

Windows, doors, &c., broken, and house otherwise damaged, to the amount of	-	-	340	00
--	---	---	-----	----

One horse stolen about that time, of the value of	-	-	\$200 00
And was damaged thereby to the am' tof 10 per cent. interest			700 00
			3,290 00

which amount he asks may be allowed him.

JAMES S. EMERY.

Subscribed to and sworn to before me this 19th March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of James S. Emery.

James S. Emery, being first duly sworn, says: That when he filed his petition for payment of losses with General Strickler he was unable to prove up a large portion of his property lost and destroyed, on account of the absence of material witnesses. Some of his books, clothing, household furniture, damages to house, &c., being among such items not petitioned for at that time, and that now his most important witness is out of the Territory, as affiant believes.

J. S. EMERY.

Sworn to and subscribed before me this 28th day of April, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of James S. Emery.

TESTIMONY.

DOUGLAS COUNTY, ss:

Ferdinand Fuller, being first duly sworn, saith: That the petitioner, James S. Emery, was living in his house on his claim, adjoining this town of Lawrence, in the spring of 1856; that he was in the house of petitioner several times during that spring; and that his house was furnished with the ordinary household furniture. His house was broken into that year during the troubles in Lawrence and vicinity; windows broken up; door opened. It was generally understood and believed that the petitioner's clothing was stolen. I lived on an adjoining claim. About that time petitioner often stated to me that a stove had been taken away from his house.

FERDINAND FULLER.

Sworn to before me this 19th March, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of James S. Emery.

EVIDENCE.

Charles Robinson, being duly sworn, says: I know Mr. Emery had an amount of law and miscellaneous books. He had quite a library for this Territory at that time—more than the lawyers in this town had on an average.

I know Mr. Emery dressed well, and was supposed to have a good wardrobe. His office, I know, was supplied with the ordinary office furniture and stationery.

I know Mr. Emery had a house on the hill, in which he was living, on his claim adjoining mine. I have been often at his house, and have seen furniture there, as generally described in his petition. I heard that Mr. Emery's house was broken into at the time of the sacking of Lawrence, in May 1856. I have heard him speak of having a horse stolen at about that time. I saw Mr. Emery's books a short time prior to the destruction of Lawrence. I heard Mr. Emery deliver a lecture here in the winter of 1854-'55, and have heard him speak of having others in his possession.

C. ROBINSON.

Sworn to by me this 19th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of James S. Emery.

TESTIMONY.

DOUGLAS COUNTY, ss:

Robert G. Elliott, being first sworn, saith: That in the winter or spring of 1856, just previous to his departure for the east, the petitioner placed in my office part of his library, consisting of law and miscellaneous books, packed in a large box some four feet long, two and a half wide, and two deep. The box, I suppose, was chiefly filled with books, as he told me when it was brought to us—it took three of us to move the box. So far as I had seen, petitioner's library was the largest I had seen in a law office in town except General Lane's. Those books were all taken or destroyed on the 21st of May, 1856, by the men who sacked Lawrence. The box was broken open, the books taken out, and all the law books taken away—none left that I could see; I thought the Missourians intended to study law, if they did not observe it. He had a considerable number of miscellaneous books in the office all destroyed at the same time. Mr. Emery had a very fine dressing-case—I think rosewood; after the sacking, I found fragments of the box scattered about, as well as Mr. Emery's private papers, letters, &c. There was, when Mr. Emery left for the east, the usual amount of furniture of a law office. A few weeks

before he left, I heard Mr. Emery say that he had preserved all his essays, lectures, and valuable correspondence. I know that some of the contents of that box must have been papers of Mr. Emery's, as I found fragments of them in the rubbish soon after the sacking, when I was looking for my own papers. Papers from different houses were thrown out and blown about by a high wind. I heard Mr. Emery deliver one written lecture in Lawrence the previous winter, the manuscript of which, I presume, was in the box with the books. The dressing-case was the finest I ever saw, and I presume may have cost forty or fifty dollars, and perhaps twice that amount. Mr. Emery had a claim adjoining town, on which he lived in his house. I think there were one hundred volumes in the law library, worth \$5 per volume. I have often heard petitioner say that he had clothing in his office stolen or destroyed.

R. G. ELLIOTT.

Sworn to March 15, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the case of the claim of J. S. Emery, there is no evidence as to the loss of rifle, nor does the testimony authorize the allowance of \$1,000 for books. The value of the clothing is not proved, and seems to be unreasonable in the amount claimed.

WILLIAM McKAY.

In the matter of the petition of James S. Emery.

1. Petitioner claims for one Sharpe's rifle, December, 1855	\$40 00
2. Law books, \$500; miscellaneous books, \$500; May 21, 1856	1,000 00
3. Personal clothing and apparel	200 00
4. Dressing-case, \$75; stationery, \$35	110 00
5. Household furniture destroyed	600 00
6. Windows, doors, &c., broken, and house damaged	340 00
7. One horse stolen about that time	200 00
8. Extra damages, at 10 per cent	700 00
Total	3,290 00

1. The board reject the claim (under the circumstances) for the rifle, there being no proof in regard to it.
2. The proof in regard to books is quite indefinite, but averaging all the proofs, allow for law books \$500 00
And for miscellaneous books 250 00

750 00

3. Clothing and apparel—no direct proof of loss, \$300 worth, unusually large supply—evidence that petitioner was east on a journey, probably took with him and saved one half his clothing. The board therefore allow as probably lost one-half of the clothing, &c - - -	\$150 00
4. Dressing-case and stationery - - - - -	85 00
5. As to the household furniture the proof is too vague for general acceptance.	
6. Same defect of proof as to damages to house, windows, kind of house, &c.	
Under the whole proof on these two items allowed - - -	250 00
7. The proof concerning the house is too indefinite as to the <i>time</i> when taken to warrant allowance.	
8. Add interest on \$1,235, 2½ years, at 6 per cent - - -	185 25
Total award - - - - -	<u>1,420 25</u>

EDW'D HOOGLAND.
HENRY J. ADAMS.
SAM'L A. KINGMAN.

MAY 3, 1859.

No. 83.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856:"

Robert McFarland, complainant, states that on the 28th day of August, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the 28th day of August, A. D. 1856, the actual owner and in the peaceable enjoyment of the following property:

Four horses, of the value of - - - - -	\$700 00
Two wagons - - - - -	200 00
Two sets of double harness - - - - -	50 00
Two wagon covers - - - - -	8 00
Two blankets - - - - -	15 00
One revolver - - - - -	10 00
In all, to the value of - - - - -	<u>983 00</u>

That on the 28th day of August, 1856, while on the road to Leavenworth for goods, his son, who was in charge of said wagons and teams, was met by a company of men, commanded by Fred. Emory, of Leavenworth, claiming to be territorial militia, and the said teams, wagons, horses, harness, blankets, pistol, and wagon covers, were taken by him, the said Emory, for the use of the militia; said Emory also took his son a prisoner and detained him eleven days.

Petitioner states that on or about the 25th day of October, 1856, he recovered back one of said wagons, and two of said horses, but in a very poor condition; very low in flesh, one of them could scarcely walk; he says that said horses were damaged very much, but that he here allows a credit for the value of said horses and wagon of \$450.

Petitioner states that the use of said wagon and team while in the possession of said militia was worth three dollars per day, in the ag-

gregate	-	-	-	-	-	\$200 00
Recapitulation	-	-	-	-	\$983 00	
Returned	-	-	-	-	450 00	
					<hr/>	533 00
To use of horse nine months	-	-	-	-	-	80 00
Expenses paid out to recover horses	-	-	-	-	-	61 00
						<hr/>
						874 00
Said horses were recovered back in March or April,	-	-	-	-	-	
1857, for which he allows	-	-	-	-	-	100 00
						<hr/>
Leaving a balance as due	-	-	-	-	-	774 00
Petitioner also states that on the 15th day of September, 1856, the following additional property was taken, and carried from his farm, near Franklin, in Douglas county, by the Kansas militia, under General John W. Reed, of Independence, Missouri, at the time that said Reed's men burned and sacked the town of Franklin and drove off the neighbor's cattle, and drove them to Missouri, to wit:						
Three cows giving milk	-	-	-	-	-	90 00
Two young steers	-	-	-	-	-	40 00
Two calves	-	-	-	-	-	20 00
Petitioner also states that said Reed's men while in Franklin took and destroyed wheat and oats to feed their horses to the amount of						
	-	-	-	-	-	100 00
They also took, destroyed, and carried away household goods, bed and bedding, to the value of						
	-	-	-	-	-	100 00
						<hr/>
Amounting in all to	-	-	-	-	-	<u>1,124 00</u>

Petitioner states that the above account is just and correct, and that he has sustained damages by reason of the loss of said property, over and above the actual price of each, to the amount of \$500, in all \$1,624, for which he prays the commissioner to allow him.

He further states that he has never received any compensation for

the same, nor has he ever recovered any of said property back except what is stated in this petition. He further states that the matters and things set forth in the above petition are true in substance and in fact.

ROBERT McFARLAND.

Sworn to before me this 19th day of March, 1859.

SAML. A. KINGMAN.

In the matter of the petition of Robert McFarland.

John McFarland, being duly sworn, deposes and saith: I know the petitioner; he is my father; he resided in Kansas and was a citizen in the year 1856, and is now. On the 28th of August, of that year, I started from the city of Lawrence, having in charge two teams belonging to the petitioner, one of which I drove myself, intending to go to the city of Leavenworth to haul from that place to Lawrence goods, provisions, &c., for the firm of G. W. & W. Hutchinson & Co.; one of the members of said firm, Mr. Wilder, accompanied us; when we reached the vicinity of Little Stranger we were stopped by a band of armed men, under the command of Captain Fred. Emery; Emery informed us that he was authorized by the government to arrest us, and that we could go no further—that we were traitors; they took all the property in our possession; there were four horses taken, of the value of \$175 each—they were very good horses; two wagons, worth \$90 to \$100 each; two sets of double harness, worth \$45; two wagon covers, one worth \$6, the other worth \$2 50; two pairs of blankets, one pair worth \$8, and the other pair about \$5; one 8-inch Allen revolver, worth \$10. After being taken, Emery took one of the teams and went on to Leavenworth; the other team, together with the drivers, and other teams which were taken at the same time—the drivers and hands all being prisoners—were sent off for Leecompton; we were several days in reaching that place; after our arrival we were turned over to Governor Woodson as prisoners. I saw no more of the property taken; they stated that the property was taken for the use of the territorial militia; in some eight or ten weeks afterwards I recovered two of the horses and one wagon; one horse and wagon I found at the stable of Emery in Leavenworth City; the clerk of Emery permitted me to take the horse and wagon on my making affidavit, before a justice of the peace, as to ownership of the horse and wagon; the other horse I found near Leecompton, in possession of Captain John Donelson, who was at the time commanding a company of militia started at that place, known as Garcey's militia; he claimed that I should produce an order from Emery; I found the horse in a lot below the town; I took him out, and took him up to town, and either made affidavit or procured Tennesseans, who were acquainted with the horse, to do so, I do not recollect which, as to the title to the horse, and brought him away with me. About the last of February or forepart of March, afterward, I found one other of the horses in possession of Bill Merchant, of Kickapoo; he refused

to give him up ; after trying for some days to get him I procured a writ of replevin, issued at the city of Leavenworth ; on going back to Kickapoo the horse was secreted, and the sheriff or deputy who had the writ made no effort to get him ; after some time spent I succeeded in getting him by paying Merchant \$30; I paid \$11 50 for attorney, clerk, and sheeriff fees. The horse that I recovered at Leavenworth was, when taken, a very fine animal, and worth at least \$175 ; when I recovered him he was very much injured, his legs badly hurt, as though he had fallen through a bridge ; I do not think he could have been sold for one-half the amount he would have sold for when taken ; the one I got at Lecompton was sadly injured—so poor that he could scarcely walk ; I rode him home, but it was as much as he was able to do to carry me ; neither of them has ever recovered from their injuries. The one recovered at Kickapoo was not so badly injured ; he was a very fast horse, and I believe they had kept him for running races. The wagon was not materially damaged ; it was stripped of cover, bows, &c. No part of the other property was ever recovered, or any compensation received therefor.

I know that about the 15th of September, 1856, my father was the owner of three milch cows of the value of \$30 each, two steers of the value of \$35, two calves worth \$10 each—being large—of fine stock ; there were oats and wheat in the stack, worth \$75 ; there were household goods, bedding, &c., destroyed, of the value of from \$75 to \$100. On the arrival of General Reed's army at Franklin, on the 15th or 16th September, the family, and all others connected with the petitioner, were compelled to flee for safety to Lawrence ; I, together with the family, remained at the house until Reed's men were within half a mile of the place before we left ; I know that all the property above stated was on the farm and in the house, and much more, not included in the bill, was there when I left. I returned to the house as soon as the place was vacated, and everything was destroyed or carried away ; many of them had been encamped in the house ; what was left was injured and destroyed ; he has never received any compensation therefor.

JOHN McFARLAND.

Sworn to before me this 30th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

Edward B. Johnston, being duly sworn, saith : That he is acquainted with the petitioner, Robert McFarland ; in 1856 I lived in the neighborhood of Franklin, in this county, and am now a citizen of the same place ; Mr. McFarland is a near neighbor of mine, and was so at that time. At the time Franklin was destroyed and in possession of the Missouri forces, under the command of General Reed, about the 15th, 16th, or 17th of September, 1856, I was taken prisoner on the arrival of the army at Franklin ; while I was a prisoner I saw these men driving in various lots of cattle from the country

around Franklin, and penning them up in old Billy Wallace's lot ; I saw James Whitlock driving up a lot of about thirty head of cattle, among which I recognized some of them as belonging to the petitioner, McFarland ; I do not know the number of cattle owned by McFarland before the invasion ; but I know that, after the army left, he had none ; they took off with them a large number of cattle, nearly all in that neighborhood ; I also know that Mr. McFarland, before the arrival of these men, had two to four stacks of oats and wheat, and that he had a comfortably furnished house ; and I know that, when they left, the oats and wheat and the goods and furniture in the house were all carried off or destroyed by some persons, I do not know by whom, but no persons other than those could have done it.

E. B. JOHNSTON.

Sworn to before me this 30th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

John H. Wilder, being duly sworn, deposeth and saith : That he is acquainted with the petitioner, Robert McFarland ; he was a citizen of Douglas county, Kansas, in 1856, about the last of August or first of September, 1856, the petitioner and others were employed by the firm of G. W. & W. Hutchinson & Co., of which firm I was a member, to haul goods and provisions from Leavenworth City to Lawrence ; the petitioner sent two teams ; one of them was driven by his son ; when in the vicinity of Little Stranger, on the road to Leavenworth, the train was captured by a band of marauders, under the command of Captain Fred. Emery ; petitioner had four horses, two wagons, and two sets of harness, wagon covers, &c., complete. They were all taken. The horses were, I suppose, worth \$300 a pair ; the wagons were worth about \$90 or \$100 each ; the harness was worth \$25 per set ; the revolver had been purchased by him at our store ; he paid us \$10 for it ; the other articles of property taken at that time, belonging to petitioner, were worth the prices charged for them.

J. H. WILDER.

Sworn to before me this 30th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Robert McFarland.

Petitioner claims for property taken by Captain Fred. Emery's men in August, 1856—teams and wagons going to Leavenworth, viz :

Four horses, (three recovered)	-	-	-	\$700
Two wagons, (one recovered)	-	-	-	200

KANSAS CLAIMS.

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Two sets double harness	-	-	-	-	50	
Two wagon covers, \$8; two blankets, \$15; one revolver, \$10	-	-	-	-	\$33	
						<u>\$983 00</u>
October 25 he recovered back one wagon and two horses, and deducts	-	-	-	-	-	450 00
						<u>533 00</u>
I. Balance of that claim as presented	-	-	-	-	-	533 00
II. Use of recovered wagon and horses while in possession of militia	-	-	-	-	-	200 00
III. Use of horse nine months	-	-	-	-	-	80 00
IV. Expense paid out to recover third horse	-	-	-	-	-	61 00
V. By Reed's (September, 1856) invasion: three cows, \$90; two young steers, \$40; two calves, \$20	-	-	-	-	-	150 00
VI. Oats taken and destroyed by Reed's men	-	-	-	-	-	100 00
VII. Household goods, bedding, &c., taken	-	-	-	-	-	100 00
						<u>1,224 00</u>

On the proof the board allow and award—

I. For one horse, (proven at \$300 a pair)	-	-	-	-	\$150	
For damage done to two horses recovered—half value nearly	-	-	-	-	-	100
						<u>250 00</u>
(II and III inadmissible.)						
Add wagon, \$95; harness, \$45; blankets, &c., \$33	-	-	-	-	-	173 00
IV. Expense paid out in trying to recover horses	-	-	-	-	-	61 00
V. The cattle are proven at	-	-	-	-	-	145 00
VI. Oats taken and destroyed	-	-	-	-	-	75 00
VII. Household goods and bedding, \$75 to \$100	-	-	-	-	-	87 50
						<u>791 50</u>
Add interest, 2½ years, at 6 per cent	-	-	-	-	-	118 65
						<u>910 15</u>

EDW'D HOOGLAND
 SAM'L A. KINGMAN.
 HENRY J. ADAMS.

MAY 5, 1859.

No. 84.

Henry B. Lacy.—No papers.

No. 85.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856:"

John M. Lacy, complainant, states that on the — day of September, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was on the 15th day of September, A. D. 1856, the actual owner and in the peaceable enjoyment of the following property; One work ox of the value of \$55. That said ox was lost to petitioner in the manner following: At the time aforesaid said ox was roving in the herd of his brother, Henry B. Lacy, five miles west of Lawrence; that said neighborhood was at the time infested by armed bands, committing all manner of depredations upon the people of Kansas; that although petitioner cannot identify the parties who took his said ox, yet he has no doubt he was taken by said parties; that the taking of said ox broke up the only team of petitioner, and thereby damaged him, over and above the value of his said loss, to the amount of \$45.

Petitioner therefore prays your honors to allow him the said sum of \$100 for his losses and damages resulting therefrom, that amount being reasonable. Petitioner further states that he has never recovered said ox, nor received any remuneration therefor. Petitioner further states that the facts herein recited are true.

his
JOHN M. × LACY.
mark.

Attest:

J. H. LANE.

Sworn to before me this 19th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of John M. Lacy.

DOUGLAS COUNTY, *ss.*

Henry B. Lacy, being duly sworn, saith: I am a brother of petitioner. I now reside, and during the whole of the year 1856 did reside, on section 27, township 12, range 19, Kansas Territory, situate about five miles west from Lawrence. The petitioner then resided, and now

resides, about one mile southwest from me. During the summer of 1856, and at the time mentioned in the petition, my brother John and I both had cattle running at large and grazing on and about our claims. Charles Emory, a near neighbor, also had cattle running at large in the immediate vicinity. That in the month of September, 1856, at the time that Gen. Reed, with his army of 2,700 men, came to attack Lawrence and drive out from Kansas the free-State men, said Emory suggested to deponent and his said brother that it would be safest for all of us to have our cattle gathered and driven to or in the immediate vicinity of Lawrence, for protection and safe keeping, as it was generally known to us all as an indisputable fact that that army of invasion subsisted upon the country and appropriated horses, cattle, and property, wherever found, to their own use. My brother and I consented to the proposed arrangement, and all our cattle that could be gathered, including the ox belonging to my brother, for which he asks compensation, were driven to within about a mile of Lawrence, and left in care of Mr. Emory. I know that upon the dispersion of said force of 2,700 men, by command of Gov. Geary, the men scattered in different directions in large squads, committing violence, murder and depredations on their route, taking horses and other property with them; and from my general knowledge of all the circumstances, and information received at the time when endeavoring to hunt up and recover my own cattle, I am convinced that said bands of armed men drove off with them from the vicinity of Lawrence and Franklin a large number of cattle belonging to settlers and citizens of the Territory, who were personally powerless to oppose and prevent the unlawful acts and thefts of the marauders. By exertions I finally succeeded in finding and recovering all the cattle belonging either to my brother or myself, except the one ox above mentioned belonging to petitioner. That was a red ox, four or five years old, large horns, rather staggish, and branded with T on the hip and on the horn. That ox was equal to his mate, and the yoke were well worth \$100, being well matched and well broke. As a single ox he was worth \$55. My brother had to pay \$55 for an ox to replace him. From all the facts and circumstances, and the exertions made for his recovery, I became convinced that said ox was butchered, (being then in good order,) or was driven off by a portion of said Reed's army, on their retreat from the Territory.

HENRY B. LACY.

Sworn to before me this 25th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of John M. Lacy.

Petitioner claims for one ox taken	-	-	-	-	\$55 00
The proof sustains the claim.					
Add interest, two and a half years, at six per cent	-	-	-	-	8 25
Total award	-	-	-	-	<u>63 25</u>

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

MAY 4, 1859.

No. 86.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County*, ss:

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

Jacob D. Herrington, complainant, states that on the 14th day of September, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was on the 14th day of September, A. D. 1856, the actual owner and in the peaceable enjoyment of the following property, to wit: one bay mare, of the value of one hundred dollars. Said mare was one of a span of horses that he had to do hauling, to support himself and family; and by the loss of said mare his team was broken up, and he was greatly injured, and hath sustained damages to the amount of fifty dollars over and above the value of said mare—in all, one hundred and fifty dollars. He states that said mare was *taken* by the company of men that came and burned and *sacked* the town of Franklin on the 14th and 15th days of September, 1856, under the command of General *J. W. Reed*, of Missouri. Petitioner states that he has not recovered the said mare, or has he ever received any compensation for the same. He states that the matters and things set forth in the above petition are true, in substance and in fact.

JACOB D. HERRINGTON.

Sworn to and subscribed before me this 19th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Jacob D. Herrington.

DOUGLAS COUNTY, ss :

Benoni C. Tully, sworn, says : Has seen the mare that petitioner lost in September, 1856. At that time such a mare was worth one hundred dollars or one hundred and twenty-five dollars ; I would fix her value at one hundred and twenty dollars. The mare was taken at the same time that Franklin was attacked by General Reed's army, as I always understood.

BENONI C. ^{his} × TULLY.
mark.

Sworn to before me this 21st day of March, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Jacob D. Herrington.

DOUGLAS COUNTY, ss :

The witness, Miles McGhee, being first duly sworn, says : That he is acquainted with petitioner, Jacob D. Herrington ; that he is a citizen of this Territory, and was on the 14th day of September, 1856 ; that at that time the petitioner was the owner of a bay mare, worth at least eighty dollars or one hundred dollars ; that on the second day that the men who burned Franklin were in said town two of the men belonging to said band came to the house of the petitioner, on his claim, about three-quarters of a mile from Franklin, and took by force said mare, and took her away. I have never seen the mare since. I saw them take her. Mr. Herrington was not about ; he had to flee for his life. I am fifteen years old.

MILES MCGHEE.

Sworn to before me the 21st of March, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Jacob D. Herrington.

Petitioner claims for one mare taken by Reed's army Sep-	
tember, 1856.....	\$100 00
Damages.....	50 00
	<u>150 00</u>
	<u><u>150 00</u></u>

The proof is full as to the taking of the mare, and her value is fairly established.

The board award for the mare.....	\$100 00
Interest, 2½ years, at 6 per cent.....	15 00
	<hr/>
Total award.....	115 00
	<hr/> <hr/>

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

APRIL 11, 1859.

No. 87.

In the matter of the petition of John G. McClelland.

Petitioner claims for seven and-a-half acres corn - -	\$375 00
Forty bushels potatoes - - -	40 00
Saddle, \$14; blanket, \$2 50; surcingle and martingale, \$1 40 -	17 90
Vegetables - - - - -	15 00
	<hr/>
	447 90
And damages to fences, &c. - -	400 00
	<hr/>
Total - - - - -	847 90
	<hr/> <hr/>

The proof in this case is slim—the party himself and one witness. The board award for seven and-a-half acres corn at forty bushels per acre, at \$1 per bushel, less 10 per cent. for harvesting, viz :

Three hundred bushels corn at 90 cents, clear	\$270 00
Potatoes - - - - -	40 00
Saddle, blanket, surcingle, &c. - - -	17 90
Garden vegetables - - - - -	15 00
the testimony of the witness—	
Specific damages to fence, &c. - - -	10 00
	<hr/>
	352 90
Interest, 2½ years, at 6 per cent., as damages -	52 95
	<hr/>
Total - - - - -	405 85
	<hr/> <hr/>

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 11, 1859.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856."

John G. McClelland, complainant, states that, on the 14th day of September, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the 14th day of September, A. D. 1856, the actual owner and in the peaceable enjoyment of the following property :

Seven and a half acres outgrowing corn, of the value of	-	\$375	00
Forty bushels potatoes in the ground, of the value of	-	40	00
One saddle, of the value of	- - - - -	14	00
One blanket, of the value of	- - - - -	2	50
One surcingle, of the value of	- - - - -	1	00
One pair martingales, of the value of	- - - - -	40	
Cabbages and other vegetables	- - - - -	15	00
		<hr/>	
Of the aggregate value of	- - - - -	447	90
		<hr/> <hr/>	

That said property was taken and destroyed in the following manner: Petitioner was residing with his family in the vicinity of Franklin, in said county, upon his farm about one mile therefrom; that on the day aforesaid an army of drunken desperadoes from Missouri, under the command of one Reed, and numbering some twenty-eight hundred men, encamped upon the farm of petitioner, and their horses turned into the field of the petitioner, and potatoes and vegetables eaten by the men; they made a clean sweep of petitioner's outgrowing crop.

Petitioner further states that he was greatly damaged by said army over and above the value of said property. They tore down his fences, burned his rails, and stripped his family of every growing thing for their subsistence, and damaged him to the amount of \$400, over and above said property. He therefore prays your honors to allow him the sum of \$847 90, for his losses and damages resulting therefrom, that amount being reasonable. Petitioner further states that he has never received any remuneration whatever for said property. Petitioner further states that the facts herein recited are true.

JOHN G. McCLELLAND.

Sworn to and subscribed before me this 19th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of John G. McClellan.

TESTIMONY.

Benoni C. Tully, being duly sworn, says: I know Mr. McClellan; he was a citizen of Kansas, resided in Douglas county, near Franklin, in the summer of 1856, and still resides there; I took my family to his house, while Reed's army was encamped at Franklin, about the middle of September, 1856. I know McClellan had a field of corn of $7\frac{1}{2}$ acres of as fine corn as I ever saw, and it was entirely destroyed by the marauders. He had also a patch of potatoes, which I should think might have yielded forty or fifty bushels. He had also some vegetables destroyed; I should think fifteen dollars worth or more. I know that he had the other articles mentioned in his petition, and that they were missing after the army left. I know that they destroyed fence rails, pickets, &c., to the amount of eight or ten dollars at least. I should think the corn would have yielded at least fifty bushels of good sound corn to the acre.

BENONI C. ^{his} X TULLY.
_{mark.}

Sworn to before me this 21st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

No. 88.

To the committee appointed under an act to provide for the payment and adjustment of claims, passed by the legislative assembly of Kansas Territory, and approved February 7, A. D. 1859.

Your petitioner, Ferdinand Fuller, states: That he resided in Douglas county in the spring of 1856, and now resides in same place; that on the 21st of May, 1856, when the Free State hotel in Lawrence was destroyed, he lost in said building a telescope, worth \$100 00
And in the autumn following there was taken from his

possession a Sharpe's rifle	-	-	-	-	40 00
Also a double shot-gun	-	-	-	-	25 00
And was damaged thereby	-	-	-	-	45 37

210 37

Which amount your petitioner asks may be allowed him.

FERDINAND FULLER.

Sworn and subscribed before me this 19th day of March, 1859.

SAM'L A. KINGMAN.
Commissioner.

In the matter of the petition of Ferdinand Fuller.

DOUGLAS COUNTY, ss:

Anderson H. Mallory, being duly sworn, says: He is acquainted with the petitioner, Mr. Fuller; he was a citizen of Kansas in the year 1856, and is now. The petitioner was the owner of a telescope, which was destroyed at the time of the destruction of the Free State hotel in Lawrence, 21st of May, 1856; it was as fine an instrument as I ever saw of the kind, four or five feet long. I am not a judge of the cost of such instruments. I should think it was worth from \$75 to \$100. I know that the petitioner owned a Sharpe's rifle, and I heard him state the next morning after he lost it that it was taken; I have never seen or heard of it since, and have no doubt it was so lost; it was worth \$40. I know that the shot-gun was lost at the battle with Lolus; it was worth \$25.

A. H. MALLORY.

Sworn to before me this 26th day of April, 1859.

EDW'D HOOGLAND,
Commissioner.

Ferdinand Fuller, the petitioner, sworn, states: That the rifle mentioned in his petition was taken from his house by a man by the name of Martin Stowell the day before the sacking of Lawrence. I afterwards called on him for the gun; he informed me that it had been stolen from him, and I never recovered it, and have no doubt it was so stolen as represented by him. I have never recovered it; it was worth \$40.

FERDINAND FULLER.

Sworn to before me this 25th day of April, 1859.

EDWARD HOOGLAND,
*Commissioner.**In the matter of the petition of Ferdinand Fuller.*

DOUGLAS COUNTY, ss:

Charles Robinson, being first duly sworn, saith: That there was a telescope belonging to the petitioner, Mr. Fuller, just before I left Lawrence, about the 10th of May, 1856; this telescope was in the Free State hotel; I never saw it afterwards; it was a long telescope, probably four feet long; I do not know its value. Petitioner was a citizen at the time the Free State hotel was destroyed, and is now a citizen of this Territory.

C. ROBINSON.

Sworn to before me this 19th day of March, 1859.

SAM'L A. KINGMAN.
Commissioner.

John H. Furman, being first sworn, saith: That in the fall of 1856 the petitioner, Mr. Fuller, was the owner of a shot-gun, of the value of \$25 or \$30; the gun was lost in the troubles; he, with myself, was out-in one of the companies doing service, and some one stole his gun from him while he was so engaged. He had a Sharpe's rifle worth \$—, which, I understood, was taken from him previous to the losing of the shot-gun in the summer of 1856.

JOHN H. FURMAN.

Sworn to before me this 29th day of March, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Ferdinand Fuller.

The petitioner claims for losses of property, as follows:

One telescope	-	-	-	-	-	\$100 00
One shot-gun	-	-	-	-	-	25 00
One Sharpe's rifle	-	-	-	-	-	40 00
And damages for said losses	-	-	-	-	-	45 37
						210 37
						210 37

The loss of property is fully proven, and their values as follows:

Telescope	-	-	-	-	-	\$75 00
Shot-gun	-	-	-	-	-	25 00
Sharpe's rifle	-	-	-	-	-	40 00
						140 00
Interest on same, 2½ years, at 6 per cent.	-	-	-	-	-	21 00
						161 00
						161 00

SAM'L A. KINGMAN.
EDW'D HOOGLAND.
HENRY J. ADAMS.

No. 89.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County*:

To the commissioners appointed to audit and certify claims under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, A. D. 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855 to December 1, 1856.

Henry Eggert, complainant, states: That, on the 14th day of September, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the 14th day of September, A. D. 1856, the actual owner, and in the peaceable enjoyment, of the following property, to wit:

Five dozen chickens	-	-	-	-	-	\$20 00
Four cows, at \$40	-	-	.	-	-	160 00
Damage to horse	-	-	-	-	-	60 00
Household goods	-	-	-	-	-	100 00
						340 00
						340 00

Petitioner states that the property above named was worth the sum of \$340, and that the same was taken and destroyed by the company of men that came up to Franklin in September, 1856, and burned and sacked that town; they camped close to my house, and took, killed, and destroyed five dozen of chickens, worth \$20, with four fine cows, \$40 each, \$160; damaged my horse, \$60; took and carried away household goods (beds and bedding) to the value of \$100. He says that, by the loss of his cows and other property, he was damaged and has sustained injury to the amount of \$200 over and above the value of the said property. He says that he has never received any compensation for the same. He states that the matters and things set forth in the above petition are true in substance and in fact.

HENRY EGGERT.

Sworn to before me this 19th day of March, 1859.

SAM'L A. KINGMAN.
Commissioner.

In the matter of the petition of Henry Eggert.

TESTIMONY.

DOUGLAS COUNTY, ss :

Sophia Eggert, being duly sworn, says : I am the wife of petitioner, Henry Eggert ; on the 14th day of September, 1856, we lived on our claim, about a mile southwest of Franklin, in this county, and have lived there since ; a great many men came to our house that day ; Mr. Eggert was hid ; it was the day Franklin was burned ; they took away some of our chickens, we had over a hundred before they came, and they only left us forty ; they were worth \$4 per dozen ; I would not take three bits apiece for them ; they took all our bed clothes, left our feather beds, took an umbrella, razor, carving knife, two butcher knives, chair, and many other things that I can't remember, worth, in all, \$200 ; they took four of our best milch cows, worth \$45 apiece ; they rode our horse till he was so hurt that we thought he would die ; they rode him one night and one day only, we could not use him all summer ; I don't know how much he was damaged, I think at least \$50.

SOPHIA ^{her} + EGGERT.
mark.

Witness : SAMUEL A. KINGMAN.

Sworn to before me, April 27, 1859.

SAMUEL A. KINGMAN,
Commissioner.

E. B. Johnston, sworn, says : I know petitioner, have known him for three years, during all which time he has lived in this Territory, and is a citizen of the Territory now ; I am his near neighbor ; in the month of September, at the same time Franklin was burned, the army that burned Franklin, under General Reed, drove off four cows, the property of petitioner ; I was taken prisoner, saw the cows of petitioner with twenty or thirty other of my neighbors' cattle driven off in that drove ; other droves were added to these from time to time, and all penned in the lot of Billy Wallace, in Franklin ; the cows were worth \$30 each ; he has never recovered them ; I know nothing of his other losses.

E. B. JOHNSTON.

Sworn to before me, April 30, 1859.

SAMUEL A. KINGMAN,
Commissioner.

That the said property was lost in the following manner: Petitioner was residing with his family of four children, himself and wife, at the time aforesaid, in the town of Franklin; that when the army of drunken marauders from Missouri, under the command of one Reed, invaded said town, after his family fled for safety, leaving said property in his said dwelling house; that while absent, said army took possession of his said dwelling, and drove off, carried away, and destroyed said property, of the value aforesaid. Petitioner further states that by the loss of said property, his family was left destitute, his business broken up, and that he was greatly damaged thereby, over and above the value thereof, to the amount of \$600; he therefore prays your honors to allow him the sum of \$1,445, for his said losses and damages resulting therefrom, which amount is reasonable. Petitioner further states, that he has never recovered any of said property, nor received any remuneration whatever therefor. Petitioner further states, that the facts herein recited are true.

BENONI C. ^{his} + TALLY.
mark.

Attest: J. H. LANE.

Sworn to before me this 19th day of March, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Benoni C. Tally.

TESTIMONY.

John G. McClelland being duly sworn, says: I reside near Mr. Tally, the petitioner; I know he was a citizen of Kansas when his loss occurred, in the summer of 1856, and is now a citizen.

I know Mr. Tally had three cows and three calves and a very fine heifer, and know that they were all driven off with the herd which Reed's marauders drove away about the middle of September, 1856.

I have often staid at Mr. Tally's house, he was boarding a number of hands who worked at the mill, some six or eight; had a large quantity of household furniture and bedding, &c., it was all carried away by Reed's marauders or destroyed; what they could not carry away they wantonly destroyed. They attempted to burn the house by putting a brand of fire into a straw bed or mattress.

I think the furniture and goods destroyed could not be bought for less than five or six hundred dollars.

JOHN G. McCLELLAND.

Sworn by me this 21st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Benoni C. Tally.

Petitioner claims for three cows and calves	-	-	-	\$120	00
One heifer	-	-	-	25	00
Household and kitchen furniture, &c.	.	-	-	700	00
Extra damages	-	-	-	600	00
				<hr/>	
				1,445	00
				<hr/> <hr/>	

Petitioner presented case 155 before Commissioner Strickler for same losses, and claimed \$425, which was awarded him.

There is evidence adduced here sufficient to warrant the allowance of that award and interest, viz:	-	-	-	425	00
Add interest, 2½ years, at 6 per cent.	-	-	-	63	75
				<hr/>	
Total award	-	-	-	488	75
				<hr/> <hr/>	

EDW'D HOOGLAND.
 SAM'L A. KINGMAN.
 HENRY J. ADAMS.

JULY 1, 1859.

No. 91.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

Wiley Jones, complainant, states, that on the 30th day of August, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the 30th day of June, A. D. 1856, the actual owner, and in the peaceable enjoyment of the following property:

One saddle of the value of	-	-	-	\$10	00
One lot of household furniture, wearing apparel, and provisions, of the value of-	-	-	-	200	00
				<hr/>	
Of the aggregate value of	-	-	-	210	00
				<hr/> <hr/>	

That said property was lost and injured in the manner following: Petitioner was residing with his family on his farm about one mile east of Prairie City in said county. That said neighborhood was at the time last aforesaid invested with armed bodies of marauders from Missouri, committing all manner of depredations against the settlers. That for security petitioner, with his family, was compelled to flee from said property, leaving the same in his said house; that while thus a refugee his house was entered by said marauding bands and the saddle taken therefrom, and the said household furniture, wearing apparel, and provisions were greatly injured thereby, and much of it destroyed, to the amount of \$50.

Petitioner further states that ——— day of September, 1856, while living at the place aforesaid, he was the owner and in possession of
 One horse of the value of - - - - - \$100 00

That said property was lost to petitioner in the manner following: That at the time aforesaid Prairie City, in said county, was invaded by an armed band from the State of Missouri, being a detachment from the grand invading Missouri army that entered Kansas by the Santa Fé road; and that by said detachment his horse was taken away and lost to petitioner, of the value aforesaid.

Petitioner further states that he suffered damage, over and above the losses aforesaid, to the amount of \$100.

Petitioner further states that he has received no remuneration whatever for said losses. He therefore prays your honors to allow him the said sum of \$260, that amount being reasonable for his losses and damages thus suffered by him.

Petitioner further states that the facts herein recited are true, as he verily believes.

WILEY JONES.

In the matter of the petition of Wiley Jones.

Petitioner claims for one horse and other property taken - \$260 00

No proof offered. Petition not sworn to. Rejected.

EDWARD HOOGLAND.
 SAMUEL A. KINGMAN.
 HENRY J. ADAMS.

JULY 1, 1859.

No. 92.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856."

Aaron Neal, complainant, states: That, on the 14th day of September, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the 14th day of September, A. D. 1856, the actual owner and in the peaceable enjoyment of the following property, to wit:

Three work steers, of the value of	-	-	-	-	-	\$120 00
One cow, (milch,) of the value of	-	-	-	-	-	35 00
						155 00
						155 00

That said property was lost to the petitioner of the value aforesaid in the following manner: Petitioner was residing at the time aforesaid, with his family, in the vicinity of Franklin, on his farm, between said town and Lawrence in said county. That the army of marauding wretches from Missouri, under the command of one Reed, invaded said neighborhood, drove off and eat such cattle while said army had petitioner a prisoner.

Petitioner further states that by the taking said cattle his only team was broken up, and that he was greatly damaged over and above the value of said property, to the amount of \$100. He therefore prays your honors to allow him the said sum of \$255 for his losses and damages resulting therefrom, that amount being reasonable.

Petitioner further states that he has never recovered any of said property, nor received any remuneration whatever therefor.

Petitioner further states that the facts herein recited are true.

AARON NEAL.

Sworn to and subscribed before me this 19th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Aaron Neal.

Petitioner claims for loss of property and damage - - \$255 00

Petition filed March 19, 1859. No proof offered. Rejected.

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

JULY 1, 1859.

No. 93.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss.*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom," during the disorder that prevailed from November 1, 1855, to December 1, 1856."

Archibald Harris, complainant, states: That, on the — day of September, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the — day of September, A. D. 1856, the actual owner, and in the peaceable enjoyment, of the following property, to wit:

One fat ox, of the value of	-	-	-	-	\$50
Twelve acres of corn, (outgrowing,) of the value of	-	-	-	-	200
Bedding, of the value of	-	-	-	-	15
					<hr/>
Of the aggregate value of	-	-	-	-	265
					<hr/> <hr/>

That the said property was lost to said petitioner in the following manner: He was at the time residing in Prairie City, in said county and Territory; that the said neighborhood was at the time aforesaid invested by armed bands of marauders from the slave States, committing all manner of depredations against the settlers of Kansas; that the said fat ox was by said marauders driven off and lost to petitioner. That petitioner had the twelve acres of corn outstanding, and that by said marauding bands he was driven from the said neighborhood, and while thus a refugee the said corn was destroyed and totally lost to petitioner. That the said bedding was, at the time aforesaid, by said marauding bands taken from his house and lost to petitioner. That the said property was of the value aforesaid. Petitioner further states that the house of said petitioner was taken and occupied by said bands; that by the said losses he was otherwise greatly damaged, to

the amount of \$100 over and above the amount aforesaid. Petitioner therefore prays your honors to allow him the said sum of \$365 for his losses and damages so suffered by him. He further states that he has received no remuneration whatever for said losses, and that the facts herein recited are true.

A. HARRIS.

Sworn to before me this 27th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Archibald Harris.

DOUGLAS COUNTY, ss:

Richard N. Pearson, being duly sworn, saith: I am acquainted with Archibald Harris. He lived near Prairie City, Douglas county, and lives there now. I lived with him during the summer of 1856. I know that petitioner lost an ox in the said summer. Marauding bands of men, principally under control of a man named Dutch Henry, drove off from the neighborhood of Prairie City one hundred or one hundred and fifty head of cattle. Most of said cattle were driven to our neighborhood by Captain John Brown, and this ox got into the herd and was driven off when Dutch Henry and his men recaptured and took away said drove, some months after the battle of Black Jack, about September, 1856. I know that the ox was so lost to petitioner. He was five years old, red color, worth \$40 then.

I know petitioner also lost a crop of fifteen or twenty acres of corn, old ground, all fenced; planted in June of that year; an ordinary fair average growing crop; worth, I do not know how much, per acre. This crop was lost by petitioner, being driven away from his home by these bands of armed men. Owing to his absence cattle tore down fences and got into his field and destroyed his crop during his absence. He did not gather any of his crop. He was kept away from home for personal safety from about the time of the battle of Black Jack, on June 2, 1856, till the October following; during all which time, and until November, it was unsafe for him to be about home. By that means his property was destroyed. It was impossible, owing to the disordered condition of the country, to procure necessary assistance to take proper care of said crop.

During his absence there were taken from his house, in June, 1856, one or two comforts, worth \$3 or \$4; two pillows, worth \$3.

The same morning of the battle of Ossawatimie I saw a party of seventy-six men, armed, forming a part of Captain J. W. Reed's army, go to and fire at the house of petitioner, in which were Mr. Harris, the petitioner, Dr. Wm. Graham, John R. Winston, Samuel McManus, Peter Baringer, sen, William Van Cleve, Thomas Graham, James E. Carpenter, William G. Pease, and several others—free-State men. Petitioner's house was a hewed log house, situated as mentioned, near Prairie City. The fire was returned from the house. I was at my brother's, situated about one and a half miles

from petitioner's house, and in plain sight of the attack. Dr. Wm. Graham was wounded. Saw one of the attacking party going away with his head tied up and blood running. The firing back and forth continued probably about ten minutes. The attacking party shot a horse at the same time, belonging to Wiley Jones, but ridden there by William G. Pease, who jumped off and went into the house, to assist in the defence.

R. N. PEARSON.

Sworn to before me this 27th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

DOUGLAS COUNTY, *ss.*

William B. Harris, aged twenty-seven years, son of petitioner, being duly sworn, saith: I have heard read the foregoing petition of Archibald Harris and testimony of Richard N. Pearson. I resided with my father during the summer of 1856, and know that the facts above stated in regard to the loss of the ox and destruction of the field of corn are true. All our family were driven from home that season, and almost every man had to seek protection and shelter by congregating at Lawrence or other places. That field of corn was worth \$20 per acre in August or September, 1856. I saw the field occasionally during the summer of 1856, having occasion to pass through the neighborhood on military service.

WM. B. HARRIS.

Sworn to before me this 27th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Archibald Harris.

The claim in this case is for one ox lost	-	-	-	\$50
Twelve acres of corn destroyed, of the value of	-	-	-	200
Bedding -	-	-	-	15
				<u>265</u>
The proof shows the loss of the ox, valued at	-	-	-	40
It also sustains the claim for corn	-	-	-	200
And for bedding	-	-	-	7
				<u>247</u>
Total award	-	-	-	247
Interest on same	-	-	-	37
				<u>284</u>
Total award	-	-	-	284

SAM'L A. KINGMAN.
EDW'D HOOGLAND.
HENRY J. ADAMS.

APRIL 27, 1859.

No. 94.

To the commissioners appointed under "An act to provide for the payment and adjustment of claims," passed by the legislative assembly of Kansas Territory, and approved February 7, A. D. eighteen hundred and fifty-nine.

Your petitioner, S. C. Harrington, states that he has resided in Lawrence from the first day of August, 1854, to the present time, engaged in the practice of medicine and surgery, and that he had a select and valuable library of *medical, surgical and other works*, and that on the 21st day of May, 1856, he had his office broken into by an armed force, who took away and destroyed property, as follows:

Jars and medicines, damaged and destroyed	-	-	-	\$100	00
Bookcase, chairs and other furniture, damaged and destroyed	-	-	-	50	00
Library of about 139 volumes, (mostly in calf)	-	-	-	650	00
				<hr/>	
				800	00
Damages	-	-	-	240	00
				<hr/>	
				1,040	00
				<hr/> <hr/>	

S. C. Harrington, being duly sworn, says that the matters and things set forth in the foregoing petition are true, in substance and in fact.

S. C. HARRINGTON.

Sworn to before me and subscribed in my presence, this 18th day of March, A. D. 1859.

CALEB S. PRATT,
Clerk Probate Court, Douglas County, K. T.

In the matter of the petition of Samuel C. Harrington.

TESTIMONY.

William Hutchinson, being duly sworn, says: I know the petitioner has been a resident of Lawrence, Kansas Territory, since the spring of 1855, and during that summer his office was kept in my brother's office, and also during the following summer. He is now, and was at that time, a practicing physician. His library, medicines, and surgical implements were kept at my brother's office. I was in the office nearly every day. On the 21st of May, 1856, the office was forcibly entered and robbed by Sheriff Jones's posse, by breaking open trunks, breaking furniture and other articles, and destroying and

carrying away of the library. Whole companies marched through the streets with the bayonets of their guns thrust through books, taken from that and other offices in the town.

WILLIAM HUTCHINSON.

Sworn by me this 21st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Samuel C. Harrington.

TESTIMONY.

DOUGLAS COUNTY, ss :

John W. Penoyer, being first duly sworn, saith : That the petitioner, Samuel C. Harrington, is a citizen of this Territory, and has been since September, 1855, and cannot say how much longer. On the 21st day of May, 1856, and prior thereto, the petitioner was engaged in the practice of medicine and surgery, in the city of Lawrence. On the 21st May, 1856, he had an office in Lawrence, in which was a pretty extensive stock of drugs for a practitioner; not enough for a drug store. I remember morphine, opium, quinine, and various tinctures in jars; in fine, a general assortment of drugs; and, on that day, the office was broken open by the body of men who came in as a posse, under Deputy United States Marshal Jones, also sheriff of Douglas county, and removed the drugs and medicines. I saw the office the next morning; the bookcase was injured, chairs and bedding destroyed. Petitioner had a library of medical works, mostly bound in calf, very select and good works, including about 25 fine French plates. There were of medical and miscellaneous works about 130 volumes, worth about \$5 per volume on an average. The portfolio of plates was worth \$50. I have studied medicine, more or less, for seventeen years; have purchased medical works and know their value generally. I had free access to the library of petitioner and availed myself of that privilege often. I estimate the damage to petitioner's medicines and drugs at \$150, and to the furniture, bookcase, &c., \$75 or \$.00. I was often in the office; have been in the drug business, and know the value of medicines.

JOHN W. PENOYER.

Sworn to before me, March 19, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Samuel C. Harrington.

Petitioner claims for jars and medicines damaged and destroyed	-	-	-	-	-	\$100 00
Damages to bookcase, chairs, and other furniture	-	-	-	-	-	50 00
Library, 130 volumes, worth \$5 each	-	-	-	-	-	650 00
Damages	-	-	-	-	-	240 00
						1,040 00
						1,040 00

The taking or destruction of the property is proven.

The quantity of medicines for a practicing physician was not extraordinary—allow	-	-	-	-	-	100 00
Damage to bookcase and furniture	-	-	-	-	-	50 00
The library is a matter of doubt; no catalogue offered nor general description of the works—"mostly bound in calf."						
From a general knowledge of the cost of medical and other works, the number, 130 volumes, the board think \$4 a volume a high figure for some on an average	-	-	-	-	-	520 00
And add thereto for the portfolio of plates, value proven	-	-	-	-	-	50 00
						720 00
Add interest, 2½ years, at 6 per cent	-	-	-	-	-	108 00
						828 00
						828 00

EDWARD HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

APRIL 12, 1859.

No. 95.

To the commissioners appointed under "An act to provide for the payment and adjustment of claims," passed by the legislative assembly of Kansas Territory, and approved February 7, A. D. 1859.

Your petitioner, John W. Penoyer, states: That he resided in Lawrence in the spring of 1856, and now resides in Leavenworth county; that he was engaged at that time in keeping an ice-cream saloon and refreshment rooms, and was then and there doing a good and thriving business, and that on May 21, A. D. 1856, he had his saloon broken into by an armed force, and that he sustained losses thereby for goods and property forcibly taken and destroyed, as follows:

Groceries and provisions	-	-	-	-	-	\$275 00
Confectionery, cigars, and nuts	-	-	-	-	-	130 00
Pastry, loaf, and other cakes	-	-	-	-	-	55 00
Crockery and cutlery	-	-	-	-	-	40 00

Portmonnaie and cash therein	-	-	-	-	\$29 00
Culinary articles	-	-	-	-	70 00
Show window and fixtures	-	-	-	-	75 00
Damage to shelving and other fixtures in building				-	80 00
And was thereby damaged	-	-	-	-	225 00
					<hr/>
					979 00
					<hr/> <hr/>

J. W. Penoyer, being duly sworn, says: That the matters and things set forth in the foregoing petition are true in substance and in fact.

JOHN W. PENOYER.

Sworn to before me and subscribed in my presence this 18th day of March, 1859.

CALEB S. PRATT,
Clerk Probate Court, Douglas County, K. T.

In the matter of the petition of John W. Penoyer.

TESTIMONY.

DOUGLAS COUNTY, ss:

Samuel C. Harrington, being first duly sworn, saith: That the petitioner, John W. Penoyer, was doing business in Lawrence, as keeper and owner of ice-cream and refreshment rooms, prior and up to May 21, 1856; that his rooms—three in number—were furnished with suitable furniture and equipments for such a business; he was doing a very flourishing business. On the 21st day of May, 1856—it being the same day that the Free State hotel in Lawrence was burned and Lawrence was sacked—the saloon was broken into, and literally cleaned out; the front show-windows were stove to pieces. On the next morning his preserve cans, jars, &c., were found in my office, on the opposite side of the street—the cans broken open, the contents partly eaten, and the rest thrown upon the floor. Oysters and preserved fruit of almost every variety were in the cans. I know of the petitioner having in his rooms all the articles mentioned in his schedule, except his portemonnaie and its contents. I cannot state exactly the value of each of the articles in his schedule. It was a large and well-selected stock, being the only saloon of the kind in Lawrence. He told me, as well as did his wife, that he had lost his portemonnaie and contents; I don't know how much. From my knowledge of the business of petitioner, his stock, and the appearance before and after his rooms were sacked, I think the charges he has made are reasonable. The articles of confectionery, and fruit and oysters, and other things, were taken to my office by a part of the mob or posse for the purpose of holding a carnival. They took possession of the office by force. Petitioner is a citizen of this Territory, and was on the 21st of May, 1856.

SAMUEL C. HARRINGTON.

Sworn to before me this 19th day of March, A. D. 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of John W. Penoyer.

Charles Stearns, being first duly affirmed, says: That the petitioner was engaged prior to and up to the 21st of May, 1856, in an ice-cream and refreshment business in the city of Lawrence. It was a fancy grocery. He had a large stock of what are called fancy groceries—fruits, preserves, oysters, pickles, sardines, preserved fruits in bottles, candies, raisins, figs, nuts, and confectionaries generally. He had also a lot of cigars. His stock was quite new and extensive; had not been opened more than two months. I was in his storeroom the same or the next day after it had been sacked. The show-window—very large—was broken in; the shelves cleared off; everything nearly gone. I think, from the general appearance of his goods, and from the prices at which they are held—being a dealer in the same kind of goods myself—that his stock was worth five hundred dollars. It was all gone. He had crockery and culinary articles, but they were in the back room, and I cannot estimate their value. The show-window was of large size, extending from the floor up, and eight feet wide, of large glass. This was smashed in and broken up. It would cost, I think, fifty dollars to make such a window now, and more at that time; materials and labor were higher. I don't remember about the damage to the shelving. I should think his total loss of property was six hundred dollars, at least.

CHARLES STEARNS.

Affirmed before me April 27, 1859, by C. Stearns.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of John W. Penoyer.

The petitioner claims in this case for loss of property and damages	\$979 00
<hr/>	
The proof is general; perhaps, from the necessity of the case, incapable of being more definite. The losses are estimated by Charles Stearns, a dealer in like articles, and acquainted with petitioner's business and losses, at \$600, and this sum the board allow.....	600 00
Interest, 2½ years, at 6 per cent.....	90 00
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Total award.....	690 00
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SAM'L A. KINGMAN.
EDW'D HOOGLAND.
HENRY J. ADAMS.

MAY 3, 1859.

No. 96.

To the commissioners appointed by virtue of an act to provide for the payment and adjustment of claims and losses, said act being passed by the legislative assembly of Kansas Territory, and approved February 7, 1859.

Your petitioner, Charles A. Wright, respectfully shows, being first duly sworn: That he has resided since November, A. D. 1855, in Douglas county, Kansas Territory, where he now resides; that during the fall of the year 1856 your petitioner had stolen and taken away from his possession, by persons unknown to him, one yoke of fat cattle which he owned then, and which he believes, from good causes, were taken and killed for beef by some one of the various armed gangs that were then infesting the vicinity of Lawrence, where he then resided. These cattle were of the value of \$150. Also, some time during the preceding summer, your petitioner had stolen from him in the same way five head of cows, which he then owned, of the value of \$30 each, \$150. That in November or December, 1855, your petitioner owned two horses; that said horses were taken from his possession, without his knowledge, by persons unknown, and were found by your petitioner, after some three weeks, in so damaged a condition that both died within a very few days, and were thus wholly lost to your petitioner; that they were in good condition when stolen, and were unfit to be used, and were not used after being found, and were worth when stolen the sum of \$150 each

-	-	-	-	\$300 00
Amount for cattle and cows	-	-	-	300 00
-	-	-	-	<u>600 00</u>

Which amount, with 6 per cent interest, your petitioner asks may be allowed him.

C. A. WRIGHT.

Sworn to before me this 19th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Charles A. Wright.

TESTIMONY.

DOUGLAS COUNTY, ss:

Samuel Merrill, being first duly sworn, saith: That he lived within one half a mile of petitioner, Charles A. Wright, during the summer of 1856, and was well acquainted with him; he owned five cows that were lost, driven off during the troubles of that summer; they were worth \$30 each; he never recovered them or either of them; he had a yoke of oxen, worth \$100, and perhaps more; they also were driven off during the troubles in that summer; he lived four miles

south of Lawrence, on the Wakarusa, and the cattle were driven off during the "*Wakarusa war*," as it is called. In the winter of 1855-'56 he owned two horses, worth \$300; they were taken away during the troubles on the Wakarusa; when he recovered them they were in so reduced a condition that they died in less than a week; he has been a citizen of the Territory since November 6, 1855, and now is.

SAMUEL MERRILL.

Sworn to before me this 19th day of March, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Charles A. Wright.

DOUGLAS COUNTY, ss:

Lyman Rowley, being duly sworn, saith: I reside about six miles southwest from Lawrence, on Washington creek, and during the fall and winter of 1855-'56, resided principally in Lawrence; I know the petitioner, have known him ever since last of November or first of December, 1855; he then resided or was staying in Lawrence; during that winter he took a claim out on Washington creek, afterwards sold his last mentioned claim and bought the island claim in the Kansas river, previously known as the Addis Island; he bought the Addis Island in the summer of 1856; when I first knew him he was a young man without any family here; he was a widower; he was engaged in letting money, trading and selling cattle, horses, and other property; when I first knew him he had no cattle; in the spring of 1856 he bought some cattle and brought them from Missouri; he bought about 60 head; I saw the cattle but never counted them; think from the size of the drove there were as many as that; they were mostly cows; some of them had calves with them; this was in the latter part of April or fore part of May, 1856; he herded them most of the time out about two miles south of Lawrence; they were most of them there when I saw them; the remainder he had about his own claim on Washington creek; all I know of his having lost any cattle is that I heard him and a man named William Bishop say, during the latter part of May or first of June, 1856, that he, Wright, had lost some of his cattle, viz: seven cows; afterwards heard him say he had found a couple of them; Wright was staying with me or in my sister's house, on Washington creek, some of the time then, and I know that he and Bishop and Luther Allen all went out from time to time to hunt the cattle, on different days; they looked or were absent for that alleged purpose till it was supposed unnecessary to hunt any longer, presuming that the cattle had been used, killed or driven off by some of the bands of armed men who, during May and June, had entire possession and control of the country for several miles about Lawrence; there were pro-slavery forces encamped, during May and June aforesaid, on the Wakarusa, and also on Washington creek; plundering bands of both

parties were then scouring the country thereabouts in arms, and subsisting on the property of the settlers; the first guerilla party on the free-State side was formed and started out of Lawrence on the morning or preceding night of the 23d of May, 1856; after the sacking of Lawrence, which took place on the 21st of May; on the morning of the 22d of May a portion of the forces that had plundered Lawrence came from their encampment into the city, under the command of General David R. Atchison, seeking passage across the Kansas river at the Lawrence ferry; the "boys" of Lawrence manifested a disposition to prevent them from going over at this point, but finally the counsels of the most prominent citizens prevailed, and the boys retired with their guns and the Atchison command crossed over; during the same day the balance of the forces on the hills overlooking Lawrence principally dispersed; it was generally reported and complained by the settlers that the pro-slavery forces, when they retired, drove off cattle with them, and also horses, belonging to the settlers; I was in Lawrence all that day; from the time of the assemblage of the forces against Lawrence, until after their dispersion, Mr. Wright was in Lawrence and vicinity, being obliged for personal safety to abandon the care and protection of his cattle aforesaid; the five cows were worth from \$25 to \$40 each; that was the current price; I think his cows generally were worth \$30 or \$35 each; I know of his losing cattle at another time; about the time of Reed's invasion, in September, 1856, Mr. Wright had cattle on his island claim or near it, here at Lawrence; he had a boy herding them; I had some cows running with his cattle there at that time; among my cows were a yoke of oxen belonging to Mr. Wright; they were fat oxen and were running with cows that they had been running with all summer; this yoke of cattle disappeared at that time; I heard great complaint at the time of cattle being driven off from the neighborhood by Reed's army, and after hunting thoroughly for them throughout the neighborhood, we concluded that they had been driven off with the other cattle stolen, as cows that were thin in flesh, and other animals in like condition, almost uniformly remained on their accustomed grazing ground; those oxen were one a red and the other red and white, about six years old; they were worth \$100, or thereabouts, at the time.

LYMAN ROWLEY.

Sworn to before me this 28th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

Upon explanation of the manner of presenting claims under the rules and regulations of the commissioners under the act of February 7, 1859, I desire to explain an item or two in my above petition.

The horses mentioned were owned by Mr. William Bishop; Bishop and I had been partners in business, but the horses were his property; they were from time to time in my care, and I was requested by his relatives to see to closing up his business as far as possible; I have no personal or individual interest in the claim for said horses, and have never taken out letters of administration on said Bishop's estate; I

therefore abandon the claim for said horses; my own losses were actually two oxen, which were worth to any one, in market sale at the time, \$100; I valued them for my use more highly than that sum; the cows were really worth, on an average, \$30 each.

C. A. WRIGHT.

Subscribed and sworn to before me this 28th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Charles A. Wright.

Petitioner claims for one extra yoke of fat cattle, (Sept. 1856,)	\$150 00
Five head of cows, \$30 each	150 00
Two horses taken	300 00
	600 00
The proof sustains the claim for the loss of the cattle, and	
fixes the value of oxen	100 00
Of five cows	150 00
Petitioner, upon explanation, withdraws the claim for the horses, as they were only temporarily in his possession, and belonged to another person.	
Add interest on \$250, 2½ years, at 6 per cent.	37 50
	287 50
Total award	287 50

SAM'L A. KINGMAN.
EDW'D HOOGLAND.
HENRY J. ADAMS.

MAY 5, 1859.

No. 97.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856."

John Morehead, complainant, states that on the — day of May, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an

actual resident citizen of said Territory, and was, on the —— day of May, 1856, the actual owner and in the peaceable enjoyment of the following property, to wit:

One sorrel mare, of the value of one hundred and fifty dollars; that said property was lost to petitioner in the following manner: He was at the time residing on his farm, three miles south of Lawrence, with his family. The neighborhood was infested with armed bands of miscreants from slave States, committing all manner of depredations upon the people of Kansas; that his mare was taken by them and conveyed to Missouri.

Petitioner further states that in November, 1855, he was the owner and in possession of nine acres of corn, of the value of seven hundred dollars; that said property was lost to him by his being compelled to fly from his home at the place above recited, he being at the time a citizen of Kansas, by armed bands of men then infesting said neighborhood, and while thus absent from home his fences were torn down by said parties, and his field of corn destroyed and lost to petitioner.

Petitioner further states, by the loss of said mare and corn he was greatly damaged—left without food for his stock to the amount over and above the value thereof of five hundred dollars. He therefore prays your honors to allow him the sum of one thousand three hundred and fifty dollars for his said losses and damages resulting therefrom, that amount being reasonable.

Petitioner further states that although he made two trips to Missouri, at great expense and loss of time, he never recovered said mare nor received any remuneration whatever for any of said property.

Petitioner further states that the facts herein recited are true.

JOHN MOREHEAD.

Sworn and subscribed before me this 19th day of March, 1859.

HENRY J. ADAMS,

Commissioner.

In the matter of the petition of John Morehead before the commissioners to audit and allow claims.

Now comes Reuben F. Moore, of lawful age, a citizen of Kansas, who after being duly sworn, upon his oath states: That he expects to start for Pike's Peak in the course of eight or ten days, and does not know when he will return. I have known John Moorehead, petitioner, four years last past in Kansas. I know petitioner had eight acres of first class corn on his farm, four miles south of Lawrence, during the troubles in December, 1855. The field of corn was worth about four hundred dollars the way corn was rating at that time. During the troubles at the time aforesaid, petitioner was compelled to flee from his home for safety, and during his absence his fence around the field of corn aforesaid was thrown down by the Missouri marauders then infesting the neighborhood, and the field of corn destroyed. I know petitioner at the time aforesaid, by the parties aforesaid, lost a lot of chickens. I know, in April, 1856, petitioner had a mare taken, of the value of \$150, by the armed bands then in-

festing the neighborhood; I did not identify the parties who took her, but have no doubt she was so taken. I have no doubt the petitioner was damaged \$600, by the loss of the above property, over and above the value of the same. I have never heard of petitioner recovering any of said property, or receiving any remuneration therefor.

REUBEN F. MOORE.

Sworn to and subscribed before me this 22d day of March, A. D. 1859. In testimony whereof I have hereunto set my hand and notarial seal.

[L. s.]

CHARLES P. TWISS,
Notary Public.

And also comes George W. Moore, of lawful age, a citizen of Kansas, who after being duly sworn, upon his oath states: That he expects to start for Pike's Peak in a few days, and does not know when he will return. That he has known John Moorehead, petitioner, for the last four years in Kansas. Knows he had a field of good corn on his farm, four miles south of Lawrence, in Douglass county, Kansas Territory, should think eight acres; in the month of December, 1855, as corn was then selling, the said field of corn was worth \$400. At the time aforesaid, the neighborhood was infested by bands of armed miscreants from the State of Missouri, committing all manner of depredations upon the settlers. The petitioner, John Moorehead, was at the time aforesaid compelled to fly for his life, and while absent his fences were broken down by the bands aforesaid, and his field of corn destroyed. I know these creatures were in petitioner's house during his absence, killing his chickens, and doing all manner of devilry. I know that during the month of April, 1856, petitioner had a mare taken from him by the armed bodies of men then ravaging the country; she was worth \$150. Petitioner was injured by the loss of said property, over and above the value thereof, to the amount of \$600. I never heard of the petitioner recovering back the mare, or receiving any remuneration whatever for said losses.

GEORGE W. MOORE.

Sworn to and subscribed before me this 22d day of March, A. D. 1859. In testimony whereof I have hereunto set my hand and notarial seal.

[L. s.]

CHARLES P. TWISS,
Notary Public.

In the matter of the petition of John Moorehead.

Petitioner claims for sorrel mare	-	-	-	-	-	\$150 00
Nine acres of corn	-	-	-	-	-	700 00
Damages to stock, &c.	-	-	-	-	-	500 00
						1,350 00
						1,350 00

The proof authorizes the commissioners to make the following award :

For one sorrel mare - - - - -	\$150 00
Eight acres of corn destroyed - - - - -	288 00
	<hr/>
	438 00
Interest, at 6 per cent., for 2½ years - - - - -	65 70
	<hr/>
Total award - - - - -	503 70
	<hr/> <hr/>

HENRY J. ADAMS.
SAMUEL A. KINGMAN.
EDWARD HOOGLAND.

No. 98.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss :*

To the commissioners appointed to audit and certify claims under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, A. D. 1859, to audit and certify all claims for loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

Thomas Wells, complainant, states: That, on the — day of November, A. D. 1855, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the — day of November, A. D. 1855, the actual owner, and in the peaceable enjoyment, of the following property, to wit :

A lot of beds and bedding, male and female wearing apparel, of the value of - - - - -	\$150 00
A lot of glazed sash, of the value of - - - - -	25 00
Chest of drawers full of articles, necessary for the family, of the value of - - - - -	100 00
One set of double harness, of the value of - - - - -	50 00
A lot of irons for farming purposes - - - - -	10 00
	<hr/>
Of the aggregate value of - - - - -	335 00
	<hr/> <hr/>

That said property was taken from the petitioner, and lost to him in the following manner: He was at the time residing on his claim, two miles southwest of Lawrence; his wife, just before the time aforesaid, came on from New York, bringing the goods with her as far as Buffalo; that the goods came on shortly afterward, (at the time above named,) landing at Kansas City, Missouri; that petitioner sent a team

for them ; that they were loaded and started for the residence of petitioner, and on the road were, by the marauders then investing the road, taken and destroyed and totally lost to the petitioner; petitioner afterward, to wit, on the 14th day of September, 1856, while residing at the farm aforesaid, was the owner and in peaceable possession of the following property, to wit: Three valuable cows, of the value of \$90, which were driven off by the army, under the command of one Reed, at the time aforesaid; one of them, of the value of \$30, he never recovered; the other two, some time afterward, he recovered; but such was their condition, and the trouble and expense of hunting for them, that petitioner can safely declare that they were really a total loss to petitioner.

Petitioner further states that, over and above the value of said property, he was damaged by the loss thereof to the amount of \$250; he therefore prays your honors to allow him the sum of \$675 for his losses, and damage resulting therefrom, that amount being reasonable.

Petitioner further states that he has never recovered any of said property, except as above recited, nor received any remuneration therefor. Petitioner further states that the facts herein recited are true, as he verily believes.

THOMAS WELLS.

Sworn and subscribed before me this 19th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Thomas Wells.

TESTIMONY.

S. N. Simpson, sworn, says: That, in the month of November, 1855, (the petitioner, Thomas Wells, having previously instructed me to do so,) I inquired for his goods in Buffalo, in the State of New York, and found them; I paid charges on them, and had them shipped to Lawrence, in Kansas Territory; they were in three boxes, two or three bales, that I took for bedding, a barrel, and a bureau; I helped handle the goods; I opened one bale, found a feather bed and bed-clothes; the other bales seemed like it; I repaired the barrel and one box; saw a harness and some clothing and some linen; the boxes were large; they made a large load; I can't estimate their value; the boxes were heavy.

S. N. SIMPSON.

Sworn to before me, April 29, 1859.

SAMUEL A. KINGMAN.

In the matter of the petition of Thomas Wells.

TESTIMONY.

DOUGLAS COUNTY, ss :

Charles A. Pease, being first duly sworn, says : I know the petitioner; he is a citizen, and was in November, 1855, of this Territory; I did not see the property till after it was injured; Mr. Wells had repeatedly told me that he had a lot of household furniture coming; I cannot say what they were worth; I went to Mr. Morgan's, where I was informed that such of Mr. Wells's furniture was, as had escaped the pillage, and there found the remains of the bureau, all in pieces, bearing the marks of having been recently broken up by violence; there were also a few articles of female apparel; from its appearance I should think the bureau was worth \$20 before it was injured; Mr. Morgan's house is a mile and a half south of town, and I got the things during or just after the Wakarusa war; I know that Mr. Wells lost three cows; he recovered two; one he did not; she was a very fine cow, and worth \$25; his damage, from the loss of the other cows, I cannot state; he was hunting for them some time, and when they were recovered they were dried up.

CHARLES A. PEASE.

Sworn to before me this 21st day of March, 1859.

SAM'L A. KINGMAN,
Commissioner.

Thaddeus L. Whitney, being first sworn, says : In September, 1856, the petitioner, Mr. Wells, lost three cows, about the 15th of that month; they were gone about two weeks; he was looking for them about ten days; he received word that the two older cows had come back, as far as Franklin, with some other stock that was taken by the Missourians, and escaped; one of the cows he never recovered; she was a fine young cow, worth, I think, about \$35; the other cows dried up while gone, and were lost for that season; he was earning \$1 50 per day, which would make his lost time \$15; he paid about \$5 for horse hire; I think the two cows recovered were injured \$10 each.

THADDEUS L. WHITNEY.

Sworn to before me, March 21, 1859.

SAM'L A. KINGMAN.

In the matter of the petition of Thomas Wells.

Petitioner claims, for property taken and destroyed, \$675. The proof is incomplete.

Upon the evidence taken the board award in full of the claim \$300.

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

JULY 1, 1859.

No. 99.

To the commissioners to audit claims :

The undersigned would respectfully represent: That he is a citizen of Kansas Territory, and has been a citizen from the month of May, 1855; that in the year of 1856 a party of men, with four or five teams, claiming to act for and under the authority of a military organization in the city of Lawrence, forcibly took from him a lot of corn in the crib, by estimation over one hundred bushels, and converted the said corn to the use and benefit of said military organization; that for and in consideration of said corn he has received in part payment some sixty or sixty-five dollars of Mr. Wm. Hutchinson, but not the value of the corn, because he was selling such corn at that, or about that time, for one dollar the bushel; also, that in the same year he had a pair of working cattle, worth one hundred and five dollars, driven off, and retained by some one or more persons, and for the recovery of which he paid \$25, after spending about one week in the fruitless search of them, to his damage \$15; that the whole amount of his claim—that is, for the balance on the corn and the damage on the driving off of his cattle, and the expense of their recovery—is \$80.

JOHN W. TAYLOR.

Sworn to and subscribed before me this 19th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of John W. Taylor.

James H. Lane, being duly sworn, says: I knew Murchison in Douglas county in 1855 and during part of 1856; I knew him to be a drunken, trifling, pro-slavery marauder; I knew Squire Taylor to be a *bona fide* free-State settler of respectability and character. The policy of the gang with whom the aforesaid Murchison was connected was to steal, carry away, and destroy the property of free-State men, such as the above-named Taylor.

J. H. LANE.

Sworn to before me April —, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of John W. Taylor.

Owen A. Bassett, being duly sworn, says: About the month of August, 1856, I was acting as quartermaster's sergeant in the free-State army; I learned that John W. Taylor, the petitioner, living

four miles west of Lawrence, had a quantity of corn in his crib, and sent several men with teams for it, telling them to see Mr. Taylor and get his corn—with his consent, if possible, but to bring the corn at any rate. The next day, or two days after, Mr. Taylor came into town, and called at the quartermaster's office, and said that his corn had been taken without measurement and without his consent, and demanded payment for the same; I think he claimed that they had taken about one hundred bushels; I called upon the teamsters who went for it, and they acknowledged that Mr. Taylor's statements relative to the taking were true; they also said that they thought they had brought in at least one hundred bushels of corn. I drew on E. B. Whitmore or Wm. Hutchinson for sixty or sixty-five dollars, and gave it to Mr. Taylor as part payment for his corn; that is all the pay he ever got, to my knowledge, for his corn.

OWEN A. BASSETT.

Sworn by me this 19th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

William W. Randolph, being duly sworn, says: I know the petitioner; lived a mile and a half from him; he has lived in the neighborhood ever since the spring or summer of 1855. I know Mr. Taylor had a yoke of oxen about the time he alleges to have lost one in his petition. In April, shortly after Mr. Taylor lost his cattle, a Mr. R. J. Murchison told me that he had driven off Mr. Taylor's cattle. I never heard Mr. Murchison say what his political sentiments were but once, and then he was drunk, and said that he was a pro-slavery man. Mr. Taylor was generally known as a free-State man. Murchison told me that Mr. Taylor gave him twenty-five dollars for bringing his cattle back; he said he had before driven them over the Kaw river, and pointed out to me the spot where he had found them. I saw Mr. Taylor at one time hunting for them.

WM. W. RANDOLPH.

Sworn by me this 19th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of John W. Taylor.

DOUGLAS COUNTY, ss:

Anderson H. Mallory, sworn, saith: That he is acquainted with the petitioner, John W. Taylor; that he was a citizen of the Territory of Kansas in the years 1855 and 1856, and is now; I was the quartermaster for the free-State forces at Lawrence in 1856; John W. Taylor, the petitioner, some time in the fall of that year, gave one load of corn for the use of the troops; I afterwards sent men and

teams to Mr. Taylor's farm, and they brought away about one hundred and ten bushels of corn, which was used for the use of the forces; I was informed that Mr. Taylor resisted the taking of his corn, and that it was taken contrary to his consent. I know Mr. Taylor had cattle, and I know the man named Murchison, whom he alleges took them; he was a radical pro-slavery man, and was engaged in committing depredations; at the time the country was infested with armed bands of men, who were in the constant habit of taking property wherever found.

A. H. MALLORY.

Sworn to before me this 25th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of John W. Taylor.

Petitioner claims for loss of property and resulting damages —	
(corn taken by the free-State forces)	\$80 00
The board think the proof justifies making him an award for	<u>80 00</u>
that amount, including interest	<u>80 00</u>

SAM'L A. KINGMAN.
EDW'D HOOGLAND.
HENRY J. ADAMS.

MAY 5, 1859.

No. 100.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856."

A. M. Whedon, complainant, states: That on the 14th day of September, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the 14th day of September, A. D. 1856, the actual owner and in the peaceable enjoyment of the following property, to wit:

1,000 feet of lumber, at John Stroup's saw mill	-	-	\$100	00
100 bushels of corn	-	-	100	00
4 ox yokes and chains	-	-	15	00
Household and kitchen furniture	-	-	200	00
Lot of hogs	-	-	100	00
			<hr/>	
			515 00	
			<hr/> <hr/>	

Petitioner states that on 14th day of September, 1856, a certain body of men, armed with guns, swords and pistols, and other weapons, both offensive and defensive, under the command of one General Reed, came and camped on the Wakarusa creek, close to the residence of petitioner, and that a portion of said armed men, while in the said town of Franklin, set fire to and burned the steam saw mill of John Stroup, and in consequence of the said fire burned 1,000 feet of lumber of your petitioner. Another portion of said body of men came to the cornfield of petitioner and took and fed and carried away a large lot of corn, to the amount of one hundred bushels; that said corn was worth at the time one dollar per bushel, making the sum of \$100. He also states that said body of men, or a portion of them, came to the house of petitioner and took and carried away and destroyed household and kitchen furniture to the amount of \$200. He also states that said body of men took, killed, and destroyed a lot of hogs, the property of petitioner, to the amount of \$100, making in all the amount of \$515. He states that he is injured and hath sustained damages to the amount of \$250 over and above the amount of value. He therefore asks the commissioners to allow him the sum of \$765 in all. He states that he has never received any compensation for the same, nor has he ever recovered the same back.

He further states that the matters and things set forth in the above petition are true in substance and in fact.

A. M. WHEDON.

Sworn to and subscribed before me this 30th day of May, A. D. 1859, as witness my hand and seal.

[SEAL.]

CHARLES P. TWISS,
Notary Public.

In the matter of the petition of Ashbel M. Whedon.

DOUGLAS COUNTY, ss:

Jefferson Whedon, sworn, says: That he is the son of the petitioner, A. M. Whedon; that his father was a citizen of the Territory of Kansas in 1856, and is now. Affiant states that in the year 1856 his father was the owner of a lot of lumber, lying at the saw-mill of John Stroup, at Franklin; he also owned a field of corn, four ox yokes and chains, a large quantity of household and kitchen furniture, and a lot of hogs, the number I do not know; at the time that General

Reed's army was camped at Franklin, in that year, the precise date I cannot tell. The lumber was burned at the burning of the mill, set on fire by Reed's men, as I have understood and believed. I was at the mill after it was burned, and found no lumber; it had been burned or destroyed. I do not know what it was worth. There were about five acres of corn. These men went into the field, pulled off a great part of the corn and fed it to their horses. They turned their horses into the field. The corn, pumpkins and beans, were all destroyed. There might have been about one acre where there was a little corn left. The ox yokes and chains were lying near the house when we were compelled to leave. We were all obliged to leave home, my father and family being particularly obnoxious to these armed men. When we returned the yokes and chains were gone. At the time we left home all the bedding, household furniture and clothing of the family was left in the house; on our return we found it robbed of everything. The bedding, wearing apparel, and even the clothing of my deceased mother, were taken; we were left entirely destitute. My elder brother was fired at and wounded. The hogs were running outside in the timber, about and near the house; they were there when these armed men came; they were gone when they left. There was a large lot of hogs; there were five shoats and an old sow left, out of the lot; and further saith not.

JEFFERSON ^{his} + WHEDON.
mark.

Sworn to and subscribed before me this 30th day of May, 1859.

[SEAL.]

CHARLES P. TWISS,
Notary Public.

Ashbel M. Whedon, the petitioner, being duly sworn, deposes and saith: That he has been a citizen of Kansas Territory since the 14th of June, 1855, and has during that time been a citizen of Douglas county; that in the year 1856 he was the *bona fide* owner of 1,000 feet of lumber, lying at the saw-mill of John Stroup, at Franklin, five and a half acres of corn, four ox yokes and chains, household and kitchen furniture, bedding, wearing apparel of self and family, &c.; a lot of hogs, about sixty in number; that, about the 14th of September of that year, (1856,) a large force of armed men, under the command of General Reed, of Missouri, encamped near the town of Franklin, and near where the affiant then lived. The saw-mill of Mr. Stroup was set on fire by these men and burned, and with it the lumber of the affiant. There was at least 1,000 feet. Common lumber at that time was selling for \$40 per 1,000. The lot of lumber destroyed was selected, the best of oak and walnut, and was at that time worth \$50; I would not have taken that sum for it. I owned about 5½ acres of corn; it was second year ground; it had been broke in 1855; the crop was good; it would have yielded at least forty bushels to the acre. There was a great many vegetables of various kinds in the same field, and was my sole

dependence for the support of my family. These men, while encamped at that place, fed to their horses and destroyed the corn, broke and threw down the fence, and turned their horses and stock into the field, and completely destroyed the crop, including all the vegetables, vines, &c. The corn destroyed by them was worth at least \$100; to me it was worth a great deal more than that sum. I was obnoxious to these men; I had been hunted and chased and waylaid, and my life attempted for some time before. On their arrival at Franklin I was compelled to flee with my family from my house. All my property was left in the house. On our return to it after they had left it was completely stripped of almost everything. All the bedding, cupboard and table ware, clothing, &c, a chest containing the clothing of my deceased wife was broken open and carried off. Not even a chicken was left upon the premises. The property taken from the house was worth \$200. I could not now much less than replace it for \$300. The four ox yokes and chains were lying near the south door of the house. They were gone when we returned and have never been recovered; they were worth \$15 or more. The hogs were running out about the house and in the timber near the house. There was at least sixty of them, of various sizes; but six of them were left when I was permitted to return, which was in a day or two after they left. The hogs lost were worth at least \$100. I was completely stripped of everything, my children destitute of clothing, nearly naked, and not a bed or blanket to sleep on; and further saith not.

A. M. WHEDON.

Sworn to and subscribed before me this 30th day of May, A. D. 1859, as witness my hand and seal.

[SEAL.]

CHARLES P. TWISS,
Notary Public.

In the matter of the petition of Ashbel M. Whedon.

The petitioner claims in this case for—

Loss of property.....	\$515 00
Damages.....	250 00

It is evident that there has been a loss of property, and the proof, such as is offered, is positive enough, but the petitioner puts his lumber at \$50 per M. in his deposition, and at \$100 in his testimony. That either is higher than other lumber at the same place is proven.

On the whole proof we award \$400—item for damages inadmissible.....	\$400 00
Interest, 2½ years, at 6 per cent.....	60 00

Total award	<u>460 00</u>
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SAM'L A. KINGMAN.
HENRY J. ADAMS.
EDW'D HOOGLAND.

No. 101.

To the board of claims appointed under the act of February 7, 1859.

Your petitioner, Shaler W. Eldridge, respectfully represents: That he is a citizen of Kansas Territory, and has been a citizen of said Territory ever since January, 1855, residing in Lawrence in said Territory.

That he has sustained losses by the taking and destruction of property, during the disorder which prevailed in said Territory from November 1, 1855, to December 1, 1856, and herein presents his claim for his aforesaid losses, and damages resulting therefrom.

That petitioner has been, for a number of years past, extensively engaged in hotel keeping, livery stabling, and staging to and from Kansas City, and was thus engaged in Lawrence aforesaid, and in that kind of business, prior to and at the time the said losses and damages occurred. That, at great personal labor, trouble, and expense, deponent, in the year 1855, succeeded in inducing a company of capitalists to erect and complete, in said city of Lawrence, a large, commodious, and well-finished hotel, suited to the wants of the traveling public, and embracing the ordinary conveniences of hotels in the eastern cities; such a building being then imperatively demanded by the influx of settlers and emigrants to the Territory. At that time there were not sufficient or comfortable accommodations for strangers anywhere within the Territory; and deponent, appreciating the condition of affairs, believing that a good business opening in that line was there presented at Lawrence, and anxious to see the Territory settle up and improve, applied himself to secure the enterprise mentioned, and at an early period of the measure contracted for and leased said building, with its appurtenances, barns, stables, fixtures, &c., on favorable and profitable terms, for the period of five years from the time that he could take possession of and occupy the same for the purpose aforesaid. That in the months of November and December, 1855, occurred what is generally known as the "Wakarusa war," for the general particulars of which and the condition of the Territory at that time—the lives, property, and personal rights of the citizens of Lawrence and the vicinity being under the control and at the mercy of a body of armed men, called forth and into service officially—reference is respectfully made to the official orders, proclamations, and acts of the then governor, Hon. Wilson Shaanon, and acting governor, Daniel Woodson, on file in the office of the Secretary of the Territory. That deponent took no part in said war, personally or otherwise, directly or indirectly; but by reason of the same and its incidents, and the taking and destruction of property in Lawrence aforesaid, the said hotel building could not be and was not completed according to contract, and deponent was delayed and disappointed from month to month until May, 1856, before it was sufficiently completed for him to take possession of and occupy the same; by reason whereof he lost the use, possession, and profits of said hotel, at a season of the year when hotel accommodations were greatly in demand, and people from the surrounding country were obliged to leave

their claims, cabins, and shanties, and seek protection from the extreme inclemency of the winter in Lawrence and other villages. And deponent, instead of being profitably engaged in said hotel business at Lawrence, was put to great expense, and deprived, for the period of six months, of the legitimate and natural results of his prior labors, expenditures, and investments, in relation thereto.

Deponent had purchased nearly all his furniture, groceries, &c., for said hotel business during the fall of 1855, and was deprived of the use thereof as aforesaid, and was also put to heavy expense for storage and protection, while waiting for completion of said building. And petitioner further saith that on or about the first day of May, 1856, he took possession of and commenced occupying said hotel, and removed thereto his furniture, groceries, fixtures and other property, and, as fast as possible thenceforth, fitted out and furnished the rooms of said hotel as they were finished, from time to time; the crowd of guests and the extent of patronage requiring extraordinary exertions and liberal provision for their accommodation and entertainment. And deponent was thus profitably and successfully doing business in said hotel and its appurtenances on the 21st day of May, 1856, when said building was attacked by an armed mob, numbering about 600 or 700 men, under the leadership and command of a person who claimed to be a deputy United States marshal, and was sheriff of the county of Douglas, where said Lawrence is situated, and who falsely claimed to have authority from the United States district court of the first district for the demolition and destruction of said hotel building. That about half-past three o'clock in the afternoon of said day—the town of Lawrence being then filled by said body of armed men, mob, or posse—said officer first notified deponent of his intention to destroy and demolish said hotel building “as an abolition nuisance,” and that deponent must move out with his family and property before five o'clock of said day, or the same would be totally burned and destroyed. He thus allowed deponent only one hour and a half to save his property, provide for his family, and remove thousands of dollars' worth of property from a building destined for the flames to the midst of an excited, drunken, and infuriated crowd of armed miscreants, from whom might be expected the protection afforded by the “vulture to the lamb.” A part of the petitioner's family, viz., a daughter, was then lying in the house dangerously ill; confusion prevailed on every hand; nearly all the citizens of Lawrence, male and female, had fled; the marauders would not assist in saving the property; deponent had no help sufficient to commence the removal of said property; a hostile feeling towards every citizen of Lawrence actuated the drunken and disorderly posse; and the help that deponent might have otherwise relied upon was prevented by threats and fear.

Thus the removal of the property became an absolute impossibility. Petitioner had barely time to harness up a couple of hacks for the conveyance of his family to a place of safety and gather a few articles of wearing apparel, before a cannon was placed in front of said hotel and the work of destruction commenced. It was not safe for deponent to remain a moment longer; and, at the peril of his life, and amid

danger to his family, he drove away, passing through the crowd, who had already commenced and were busily engaged in the work of sacking and plundering the dwelling houses and stores of Lawrence. That night deponent went with his family some ten miles to Freeman's hotel, at Fish's, two miles east of the Wakarusa, and remained there with them till morning, when deponent returned to Lawrence. The road from there to Missouri was then filled with the debauched and reckless miscreants, returning home from the sack of Lawrence. During the 22d of May it became manifest that a similar attack would be made on Freeman's hotel that night: and my family, receiving notice of what was intended, left Freeman's early on the evening of the 22d, and for safety drove all night to Kansas City, Missouri. Petitioner knew nothing of their departure till next day, the 23d, when, in company with Mrs. William Hutchinson, (who accompanied petitioner as a sort of "escort" or "blind,") he visited Freeman's hotel, and found his family gone. Accompanied by Mrs. Hutchinson, he continued on in search of his family, and at great risk, and, as he believes, only saved from being killed by the presence of Mrs. Hutchinson, he passed through the camp of the returning Missouri warriors and reached Kansas City, about three or four o'clock next morning.

That day, the 23d, Freeman's hotel was attacked and plundered.

On visiting Lawrence on the 22d, the petitioner found his hotel a mass of smoking ruins, and all his furniture and property destroyed, except such a proportion as, from the best knowledge and belief of petitioner, probably cost in the aggregate \$1,000 or \$1,200; it was in a damaged and almost valueless condition; the furniture so attempted to be saved, deponent knows not by whom, consisted of tables, chairs, sofas, damask curtains, a few tumblers, &c., which were brought out from the ladies' parlor, No. 1, dining room, &c. Deponent was informed that more of the goods, furniture, &c., was brought out of the building, but he does not think the actual value of what he recovered was, at the time of his recovery, worth \$600 or \$800. Not a bed saved, not a blanket; no groceries or provisions saved except one keg of syrup, which was probably brought out under the supposition that it was whiskey; everything was stolen or taken that could be carried away; each warrior that deponent saw on the road, as he was going to Kansas City, had some of the property taken from Lawrence, and was conveying it home as a trophy of his prowess. Even the red cord and tassels of the window curtains of the hotel were wound (as sashes) around the waists of the noble gentlemen who committed the acts mentioned, and worn off as ornaments. Such damaged furniture as deponent recovered he was thenceforward obliged to store away for safety for several months before he had any use for it or could use it; and in its removal and storage he expended a considerable amount of money. And deponent further saith that the wanton destruction of said hotel, the burning of Charles Robinson's house, and the sack of Lawrence generally, by a mob principally composed of men from the States of Georgia, Alabama, South Carolina, and Missouri, incited to arms the majority of the citizens of Kansas, who thenceforth for several months devoted themselves to the expulsion of the interlopers and thieves who

had congregated in Kansas, without any rights as *bona fide* settlers and emigrants, and thenceforth and until about the 1st December, 1856, civil war prevailed in the said Territory between parties claiming to be pro-slavery men and free-State men; Douglas county was the chief scene of hostilities.

During said difficulties and warfare deponent lost and was damaged, by the taking and destruction of property, as follows, to wit, as near as he can now ascertain and specify the same:

Hotel.

Ladies' parlor—furniture, marble-top tables, mirrors, carpets, chandeliers, chairs, sofas, &c.....	\$1,000 00
Gentlemen's parlor, No. 1, like description.....	800 00
Gentlemen's parlor, No. 2, like description.....	500 00
Suite private family rooms, marble top tables, rocking-chairs, stoves, sofas, bedding, mirrors, washstands, &c.	750 00
Two suites rooms up stairs, fully furnished, rosewood furniture.....	1,200 00
Office furniture and fixtures, desk and contents, matting, chairs, lounges, tables, books, maps, &c.....	600 00
Dining-room tables, fixtures, chairs, crockery, cutlery, glassware, &c.....	1,600 00
Kitchen furniture and fixtures, 1 extra large cook stove and furniture to same, cost \$140; dummies, chairs, fixtures, crockery, cooking utensils, cutlery, &c., &c.....	1,000 00
Furniture for 30 sleeping rooms, carpets, chairs, French bedsteads, sofas, lounges, stoves, mattresses, bed clothes, blankets, mirrors, washstands, crockery, &c., average \$200 each	6,000 00
Bed storeroom, containing 39 feather beds, at \$18 each....	702 00
Family clothing, wearing apparel, and family library....	300 00
Groceries, sugars, teas, molasses, syrup, fish, &c.....	700 00
Provisions, flour 20 or 30 sacks, hams, salt pork, dried beef, &c., &c.....	800 00
Cigars, different brands.....	750 00
Wines, liquors, alcohol, &c	1,000 00
1 iron safe.....	150 00
1 roan horse, taken from the congressional committee.....	200 00
1 set double harness.....	30 00
The lease of said hotel, mentioned in this petition, was by the destruction of said building rendered null and void and useless to petitioner. In view of the labor, expense, and efforts made to secure it, and its availability and value at the time said hotel was destroyed, it was worth to the petitioner, or any person who might have kept said hotel, the sum of \$5,000 per year.....	25,000 00
Travelling expenses, freights, storage of goods, furniture, provisions, groceries, &c., \$5,000, as set forth.....	5,000 00

S. W. ELDRIDGE.

Sworn to and subscribed before me this 19th day of March, 1859.

HENRY J. ADAMS, *Commissioner.*

In the matter of the petition of Shalon W. Eldridge.

DOUGLAS COUNTY, ss :

George F. Warren, sworn : I am acquainted with petitioner. I have resided in the Territory four years. Have known the petitioner since November, 1855. I reside at Palmyra. Petitioner is a hotel keeper, and was hotel keeper when I first knew him. At that time I resided in Leavenworth, but came to reside in Lawrence in December. I was in and about Lawrence all the time of the Wakarusa war, and was a prisoner during that war. Mr. Eldridge was here with his family during that time.

On the morning of the 21st of May, 1856, I left Lawrence with the baggage for the congressional committee, at their request. I knew the Free State hotel in Lawrence, and helped Mr. Eldridge to put the furniture in said building and fit up the rooms. I cannot give a full inventory of that furniture. The general quality, character, and value of the furniture in the building was very fine; marble-top tables, large glass mirrors, nice bedsteads, different kinds of chairs, sofas, lounges, &c. Some of the furniture was rosewood. The furniture generally was equal in style and value to any in the best hotels in the eastern cities. Saw very nice crockery, glassware, cutlery, plate, silver-plated forks, and generally every appointment was equal in appearance and value to such as we usually see in first class hotels in the east. The windows were curtained all through, damask curtains, floors carpeted, &c., &c., nice woollen carpets; the main rooms Brussels carpets; all the rooms, I think, were carpeted. The hotel was crowded with patrons, so some of the help about the house had to sleep elsewhere. I carried mattresses into the building before I got in. Eldridge lodged a great many guests before he commenced feeding them.

I saw the furniture that was saved, but not until fall. I did not return immediately to Lawrence after taking the baggage to Leavenworth. When I got back I found the saved furniture stored away in Blood's building or store. It was badly broken; chairs and bedsteads mostly. Don't know that I saw all; what I saw was not worth more than \$150 or \$200. Do not think on average any of the furniture was then worth half its original cost. -

In the hotel Eldridge had a very large stock of groceries. I helped unload the steamer Lizzie and put some of the groceries in the cellar storeroom of the hotel myself. The stock of groceries was very heavy, enough to last his hotel a year or two, I should think. I include groceries and provisions. There was a very heavy stock of wines, liquors, and cigars. Did not examine them closely, as I do not use either liquors or cigars. I know what they are; I formerly kept store and sold cigars, &c. Having no memorandum, I cannot tell the value. Hotels are obliged to lay in large stocks, but seldom lay in such a heavy one as Eldridge had, as they are handy to markets and need not purchase so heavily. It would cost more than ten per cent. for freights to Lawrence on groceries, &c., from St. Louis. The Lizzie, I think, was the only boat that came to Lawrence that season. Have

examined the schedule of groceries, provisions, wines, &c., here presented by petitioner, and think it a fair approximation as to the value of what I saw and know Eldridge had on hand when the hotel was burned.

During the Wakarusa war in November and December, 1855, I was in Lawrence with an armed company of men; the weather was severe; the soldiers built fortifications and barracks out of everything and anything that was available; lumber, building stones, &c., were seized for the purpose. I know that some of the materials prepared for the Free State hotel were so taken. I ordered the taking of some of the lumber for barracks for my men. The taking and destruction of the materials prepared delayed and prevented the completion of the Free State hotel and other buildings in Lawrence. The armed forces occupied the unfinished hotel rooms during the Wakarusa war, as barracks and shelter. During the fall and spring of 1855 and 1856, the roads from Lawrence to Kansas City were filled with parties of armed men, from time to time taking prisoners and robbing them of their teams and loading. I saw the Eldridge safe which was destroyed in the Free State hotel before May 21st, and saw it ruined when I returned.

G. F. WARREN.

Sworn to before me the 19th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

DOUGLAS COUNTY, ss :

William Hutchinson, sworn: I reside in Lawrence, and have resided here four years or more. I was acquainted with Mr. Eldridge and his family in the spring of 1855, and ever since. In the summer or spring of 1855 the building of the Free State hotel was commenced by a stock company of eastern capitalists. The building was up to the square and enclosed when the Wakarusa war commenced. It was not intended as a fortification, nor built like a fort any more than any ordinary house. It had no port holes or rifle embrasures, in the house proper. During the Wakarusa war the building was occupied as a public council-house. During the time of its erection it was generally understood that Colonel Eldridge was to occupy it as a hotel when completed. According to contract it was to have been completed by the fall of 1855, and efforts were made to that effect; but the war difficulties prevented its completion till the next spring. During the spring of 1855, and thenceforward, all summer and late in the fall, the influx of visitors, emigrants and settlers into the Territory was very great; all hotel or private house accommodations were crowded all the time, and hundreds had to camp out, as shelter in houses could not be obtained. The Free State hotel would have been overcrowded with guests the whole season and through the winter, if it had been completed. Hotel business was then profitable in Lawrence, and said to be the best business in the west. Mr.

Eldridge kept hacks and stabling; the hacks running between Lawrence and Kansas City that season, 1856. Mr. Eldridge commenced occupying the Free State hotel with his family and furniture about the first of May, 1856. It took a long time to get in his provisions and furniture, and he was apparently unwilling to open till he could get everything fixed to his mind. He was occupying the building as a hotel on the 21st May, 1856. On that day, for the first time, he had set the public table for Jones, Donaldson, and other dignitaries. The dinner took place at about 1 p. m. I saw Sheriff Jones, Marshal Donaldson, ex-Vice-President Atchison, Major Jackson, of Georgia, General Richardson, Dr. Roderigue, Colonel Titus, and other distinguished gentlemen, about that hour. They all dined at the hotel—a free dinner. They were all of the posse and forces assembled against Lawrence, at command of Marshal Donaldson. I saw them make several arrests before dinner. Donaldson made the arrests through Colonel Eldridge, as his deputy. After dinner, the individuals mentioned returned to their forces, some 800 in number, encamped on Mt. Oread, about a mile south of the Free State hotel, and overlooking the town. Soon after that the whole posse, under command of Deputy Marshal Jones, came down the hill with cannon and other arms, and stationed them in the south part of the town. Jones with about a dozen, his staff or body guard, rode up to the hotel, called for General Pomeroy; he came forward. An interview ensued at the door. Jones demanded all the public arms in the town, and gave him five minutes for an answer. After a conference in the council room of the committee of safety, of which I was a member, General Pomeroy announced that we had no public arms that he knew of; but if any could be found they should be given up. Jones then said that the hotel should be destroyed; that he had come to teach the people of Lawrence that he could perform his legal business here without being shot at, and he declared that, as United States deputy marshal and sheriff of Douglas county, he would give Colonel Eldridge one hour and a half to get out of the house with his family and property. I was present, and heard all the above conversation and facts, and saw what ensued.

Colonel Eldridge refused to remove any property; and said if they would do that after he had treated them well and given them a dinner, they might take the whole or none. His family gathered up their clothing and a few valuables of silver ware, and hacks were brought to the door; they then left. By order of Colonel Jackson, above referred to, a small portion of the furniture in the building was thrown out; no care was taken in the removal of looking-glasses, marble tables, or anything else; everything was thrown into a pile on the opposite side of the street. The whole force was let loose about this time upon the town and commenced a general sacking and plundering. Every room and trunk in the hotel was searched and robbed by them. After the mob had satisfied themselves in this way, they commenced cannonading the Free State hotel from the opposite side of the street, under the supervision of General Atchison, ex-Vice-President of the United States. The cannon was placed about 125 feet from the building; I saw him direct and elevate the piece, as engineer; he stood

near and gave the order to fire; the cannon was loaded with an iron ball, a nine-pounder, it did not strike the building, he overshot his mark. They then corrected the elevation and continued the firing at the building; I stood within a rod or two of the cannon at the time; they then continued the firing; soon they brought forward four other pieces of cannon and ranged them against the hotel, and continued the firing from all the pieces of cannon; the experiment proved that only two or three of them could penetrate the stone wall of the building, viz: the 12-pounders, and they laid the others aside. In all, there were over thirty shots fired at the building. Finding that they could not destroy the building with guns of that calibre, they placed two kegs of powder in the cellar of the hotel and said they would blow it up. The powder was ignited by a fuse, and to their disappointment the explosion that ensued did not blow out all the windows; but a black cloud went up, showing that their powder lacked strength or vitality; it seemed to burn slow and was probably damp, as good dry powder would have been quicker and more effective in its operation. The order was next given by Jones to fire the hotel, and accordingly a party rushed up stairs and set the beds on fire. This accomplished the work, and the house was soon in flames and was destroyed with all its contents. The furniture, equipments, and contents of the hotel were abundant, of the first quality, and equal to the furniture and equipments of the best hotels in the eastern States. The building was 50 by 70 feet, three stories high, with a basement under the whole; conveniently divided up in parlors, dining rooms, bed rooms, &c. I do not know the exact inventory of the contents of the building. Eldridge was nearly a month in getting in his supply of groceries and furniture in the house after they were landed, and at a season when the roads were bad and freights high. I am a merchant and dealer in furniture, and was at that time—think it must have cost \$15,000 or more to furnish the building in the style and manner it was furnished. His groceries were in the cellar and I never saw them. He must have had on hand a heavy stock. The safe known as "Clark's" safe, on the levee, was destroyed by the mob on May 21, 1856; it was worth \$200 or \$250. Eldridge had a lease of the building for three or five years. Considering the demand for hotel accommodations, the business of Colonel Eldridge and the exertions that he had made to get up the hotel, the large amount of travel through Lawrence, and the usual rent of buildings here at that time and since, I think the lease was worth over and above the rent \$5,000 per year. Eldridge was thrown out of business, and has since built a large and costly hotel in Lawrence, known now as the Free State hotel, located upon the site of the old one. The new building is 100 by 117 feet, four stories above the basement, built of brick, and has cost, as now occupied by him, at least \$50,000. He is now continuing the hotel business in his new building—this shows that the hotel business is regarded by him as a good business. He opened his new Free State hotel in December last, after an interval of two years and a half since the destruction of the Free State hotel. I am the correspondent of the New York Times over the cognomen of "*Randolph.*"

WM. HUTCHINSON.

WILLIAM HUTCHINSON recalled—

The freights and storage of furniture, groceries, &c., of Colonel Eldridge must have been very heavy. The furniture was brought to Kansas City in the fall of 1855, in expectation that the hotel would then be ready—had to be stored all winter and was brought up partly by steamboat and partly by teams in the spring of 1856. Taking into consideration the amount of furniture and provisions, and the general cost of freights, storage, insurance and teaming in 1855 and 1856 from St. Louis, where said goods and furniture were bought, to Lawrence, where the destruction took place, think that 20 or 25 per cent. would not more than cover expenses and necessary expenditures. Should say such freights and storage, &c., would probably amount to \$4,000 or \$5,000. I form this estimate from my own general knowledge and experience as a merchant in Kansas.

WM. HUTCHINSON.

Sworn to before me this 19th day of March, 1859.

EDW'D HOOGLAND, *Commissioner.*

DOUGLAS COUNTY, ss :

Charles Robinson, being duly sworn, saith : I have resided in Lawrence ever since 1854 ; know that early in 1855 Mr. Eldridge, petitioner, made arrangements for the lease and completion of a large hotel in Lawrence, before said building was completed ; I was then agent here for an eastern company of capitalists ; the arrangements were made with and through the agency of myself and General Pomeroy ; the work was undertaken as early as practicable, was necessarily delayed from the loss of materials by the Wakarusa war, and was finally completed in May, 1856 ; he had a lease of the house for the period of five years from its completion ; the rental was merely nominal, being only about ten per cent. on the cost of construction ; it was offered to Mr. Eldridge at such a rate, as a great inducement to take charge of, and furnish it properly ; we wanted a good first class hotel to give character to the town, and as a sort of compensation to him for necessarily surrendering business elsewhere ; on the terms made, he had a valuable lease ; the final destruction of the hotel by the mob of course broke up all previous arrangements and destroyed his lease ; the lease for the period of five years, I think, was valuable ; I never kept a hotel, but it was generally known that hotel business was then good business ; since then Eldridge has put up a building in Lawrence as a hotel, which is now kept by himself, and which has cost him about \$50,000 ; should think the lease of the old hotel may have been worth \$5,000 to \$10,000 per year ; the original Free State hotel was as well furnished as any hotel I have ever seen in St. Louis, and was entirely satisfactory to myself and the company I represented.

C. ROBINSON.

Sworn to before me, March 19, 1859.

EDWARD HOOGLAND,
Commissioner.

DOUGLAS COUNTY, ss :

Robert G. Elliott, sworn : I have been a resident of the Territory since 1854 ; lived in Lawrence when the hotel was destroyed ; have read the petition ; I have a general knowledge of the circumstances set forth in the petition, and they are correctly stated ; I never kept hotel ; the general advantages for hotel business were then good, and hotels were crowded ; the furniture was valuable ; all the furniture that was saved was put into my room ; do not believe the value of all that was saved was more than \$600 or \$800 ; consisted of one or two sofas, some chairs, tables, looking-glasses, and kitchen furniture ; have no memorandum of what was saved ; it only occupied part of my printing office, or its remnant—my printing office was destroyed by the same mob ; after the building was destroyed the saved furniture sat out on the street all night, and a day or two afterwards was put in my building. During the season of 1855, I, with my partner, Josiah Miller, had heavy freights brought up from St. Louis to Lawrence ; freights, drayage, &c., that season ranged from \$3 to \$3 50 per hundred pounds ; on Eldridge's lease he was to pay about \$1,000 a year rent ; from the rate of rents then and since, the building would have been worth to him for renting some \$4,000 to \$5,000 per year ; rents then ranged and do now range at about 25 to 50 per cent. on the cost of buildings

R. G. ELLIOTT.

Sworn to before me this 19th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

DOUGLAS COUNTY, ss :

George W. Deitzler, sworn : I have resided in Lawrence about four years ; on the day of the destruction of the Free State hotel, I was arrested on a charge of "high treason" by Deputy Marshal Fain ; knew the Free State hotel, and coincide with the description thereof and its contents mentioned in the petition and the foregoing testimony ; I participated in the free dinner at the Free State hotel, on the 21st of May, in company with Marshal Donaldson, Sheriff Jones and others ; David R. Atchison, formerly senator from Missouri and ex-Vice-President of the United States, was at the table and formed part of the company, escort or posse who first accompanied the United States marshal when he came into town to make arrests ; after dinner I was compelled to accompany them to the camp on the hill, and thence sent to Lecompton ; saw the smoke and heard the firing of the cannon from where I was, near Lecompton ; can't estimate the value of the furniture in the hotel ; it was very expensive furniture ; the house was furnished throughout ; considering the advantages offered, and the trouble necessary in making preliminary arrangements and everything mentioned into consideration, the hotel was, when completed, a very desirable and valuable property ; there were no other hotels here then ; considering the renting availability, I believe the lease was worth \$4,000 to \$5,000 per year, irrespective of the profits of hotel keeping, of which I know nothing ; the rental of

ten per cent. on the cost, as mentioned, in comparison with the demand for buildings and current rates of rents then and now, would be merely nominal.

G. W. DEITZLER.

Sworn to before me this 19th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

Sylvester B. Prentiss, sworn: I have resided in or near by Lawrence for four years last past; I was in Lawrence and saw the destruction of the Free State hotel, on the 21st of May, 1856; Eldridge had only got into it with his family a short time before, and had just opened it to the public; the prospects of the hotel were very favorable; the furniture and general appointments of the hotel were excellent; on ground rent of only \$1,000 per year, and with a full knowledge of all the advantages and elements that constituted the value of a lease of said hotel for five years to a hotel keeper, I believe the lease was readily available and worth \$5,000 a year.

S. B. PRENTISS.

Sworn to before me this 19th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

James Blood, sworn, saith: I have resided in Lawrence with my family since 1855; know the Free State hotel, erected in 1855-'56. Mr. Eldridge occupied it in or about May, 1856, when I left here to go east, but had not opened for business. Under all the circumstances existing and set forth and the prospects and advantages presented, I regard one thousand dollars a year rent for said building as merely nominal, and think the lease with its advantages, for five years, worth four thousand dollars or five thousand dollars a year.

I am a merchant. Freights, teaming, charges, storage, and insurance, in 1855 or 1856, on furniture, were equal to fifty per cent. on cost in St. Louis, on transportation to Lawrence. On groceries, they would average about twenty per cent. On all the furniture, groceries, and equipments of the hotel, I think an average of thirty per cent. would be a low estimate. In 1857, I furnished the Morrow house, a hotel in this city, and know that the cost of getting furniture from St. Louis here was equal to fifty per cent. on its cost.

JAMES BLOOD.

Sworn to before me March 19, 1859.

EDW'D HOOGLAND,
Commissioner.

Edwin S. Eldridge, sworn: I am a brother of petitioner. I was in his employ and resided with him during the fall of 1855 and spring of 1856. In the spring of 1856 my brother let a horse to Mr. Howard, one of the congressional committee, for use in the Territory. While the the congressional committee were in session in Lawrence, a difficulty occurred here which rendered it unsafe for them to remain, and they left the Territory in a hurry. The horse was stolen or taken by some person, during that difficulty. The horse was never seen in town afterwards. He was a large roan horse worth two hundred dollars. A set of new hack harness, double, was stolen or taken at the same time. Harness worth forty dollars a pair.

I saw the stock of groceries and provisions that was provided for the Free State hotel in Lawrence by petitioner. It was a very large stock; a great many hundred dollars worth; many fancy groceries such as sardines, oysters, pickles, fruits, preserves, raisins, &c., besides the staple articles. Don't know the amount of the wines and liquors; a good many barrels of liquors, baskets of champagne, boxes of claret, Catawba wines, &c.; sacks of flour, barrels of sugar, molasses, &c. There were groceries and provisions enough to have lasted the hotel six months. These things were bought in the fall of 1855, and landed in November, 1855, at Kansas City.

A very heavy stock of furniture, enough to furnish the building complete, was also brought up at the same time from St. Louis, and stored, together with the groceries, &c., in Kansas City during the winter.

I have been and am now engaged in hotel business; know what it costs to furnish a hotel. It must have cost in the neighborhood of fifteen thousand dollars to furnish the old Free State hotel, complete.

EDWIN S. ELDRIDGE.

Sworn to before me this 19th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

DOUGLAS COUNTY, ss:

Robert Morrow, being duly sworn, saith: I have resided in Lawrence nearly four years last past. Col. Eldridge shipped to Lawrence the large iron safe which was destroyed by the mob in Lawrence, on 21st May, 1856. It was worth, in St. Louis, one hundred and fifty dollars. I saw the hotel burned. The hotel was handsomely furnished throughout. The hotel was large, and contained a good many rooms; some thirty bed-rooms; suites of parlors and all usual conveniences of first-class hotels. I saw the teams unload the goods, groceries, crockery, and furniture. The stock of groceries and provisions was large for a hotel.

I have kept and furnished a hotel. The cost of the furniture that was in the Free State hotel at Lawrence, (exclusive of groceries and provisions,) must have been about ten thousand dollars, or more.

Considering the low ground-rent of one thousand dollars a year for

it, the value of hotels, the extensive patronage of them in Lawrence, the advantage that the Free State hotel had in being the first and only one of any general convenience or extent, I think the lease of that building, at that time, was worth to Eldridge from three thousand dollars to five thousand dollars a year, as a rental.

ROBERT MORROW.

Sworn to before me this 19th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Shalon W. Eldridge.

Petitioner claims for furniture and property destroyed in the Free State hotel May 21, 1856, as follows :

1. Furniture, &c., in ladies' parlor	\$1,000 00
Furniture, &c., in gents' parlor No. 1.....	800 00
Furniture, &c., in gents' parlor No. 2..	500 00
Suite private family rooms—furniture.....	750 00
Two suites of rooms up stairs—rosewood furniture...	1,200 00
Furniture and fixtures of office.....	600 00
Dining-room furniture, glass, cutlery, &c., &c.....	1,600 00
Kitchen furniture and arrangements.....	1,000 00
Furniture 30 sleeping rooms, \$200 each.....	6,000 00
Bed storeroom—39 feather beds, \$18 each.....	702 00
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	14,212 00
2. Family clothing, wearing apparel, and family library	300 00
3. Groceries, \$700 ; provisions, \$800.....	1,500 00
4. Cigars	750 00
5. Wines, liquors, ales, &c.....	1,000 00
6. 1 iron safe	150 00
7. 1 roan horse, taken from congressional committee...	200 00
8. 1 set of double harness.....	30 00
9. Interest in hotel building—5 years, \$5,000.....	25,000 00
10. Travelling expenses, freights, storage, &c., incurred	5,000 00
	<hr/>
	48,142 00
Besides interest on said sum, 2½ years, at 10 per cent...	12,035 00
	<hr/>
Total.....	60,177 00
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1. By the testimony of G. F. Warren, William Hutchinson, Charles Robinson, G. W. Deitzler, S. B. Prentiss, James Blood, E. S. Eldridge, and Robert Morrow, the complete and costly character of the furnishing and furniture of the hotel is proven.

No inventory specifying all the articles is exhibited ; all of Mr. Eldridge's private papers, bills, &c., were destroyed.

Petitioner swears to the value of the furniture as set forth in the petition.

William Hutchinson, merchant and dealer in furniture, says: "It must have cost \$15,000 or more to furnish the building in the style and manner it was furnished."

Charles Robinson says: "It was as well furnished as any hotel I have ever seen in St. Louis."

E. S. Eldridge says: "It must have cost in the neighborhood of \$15,000 to furnish the old Free State hotel complete."

Robert Morrow thinks that the cost of the furniture in the old Free State hotel must have been about \$10,000 or more.

Under this evidence it is believed that the estimated value mentioned by petitioner is as near an approximation, and as satisfactorily specified, as circumstances will permit.

There is therefore awarded as cost of furniture and value thereof at the time and place of destruction.....	\$14,212 00
Less proportion saved, (see Elliot's testimony,) say.....	700 00

Total.....	13,512 00
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2. The loss of family clothing, wearing apparel, and family library, is substantiated. Say \$300.

3. Groceries and provisions, reasonably proven by Warren, Hutchinson, E. S. Eldridge, and Morrow, \$1,500.

4 and 5. Cigars, wines, liquors, ales, &c., reasonably proven by Warren, Hutchinson, E. S. Eldridge, and Morrow, \$1,750.

6. Safe, proven by Robert Morrow, worth in St. Louis \$150.

7. Roan horse, taken from Hon. W. A. Howard, congressional investigating committee, proven by E. S. Eldridge, \$200.

8. One set double harness, proven by E. S. Eldridge, \$30.

9. The fact is fully established, by testimony of Charles Robinson, the agent, that the hotel was completed for Eldridge, and that the latter had a lease thereof for five years, at a nominal rent.

To the extent and value of the lease, Eldridge had an interest and ownership in the building, subject to the *pro rata* deduction of rent.

The interest in the building and premises had been acquired at a heavy expenditure of time, money, labor, and risk of capital in furnishing, &c.

His leasehold title was, therefore, to him equivalent, during the tenure, to a fee simple title, subject only to the deduction of \$1,000 per annum.

All the witnesses prove that the hotel was in operation, and evidently a profitable property.

Owing to its destruction, Eldridge has been obliged to erect, on the same spot where the old hotel stood, a large and valuable hotel, that has cost \$50,000 to put it up. This may be regarded as evidence that the hotel business there is deemed valuable. The new hotel was opened two years and a half after the first was destroyed.

William Hutchinson says: "I think the lease was worth, over and above the rent, \$5,000 a year."

Charles Robinson says: "Should think the lease of the old hotel may have been worth from \$5,000 to \$10,000 a year."

R. G. Elliot says: "From the rate of rents then and since, the building would have been worth to him, (Eldridge,) for renting, some \$4,000 or \$5,000 a year."

G. W. Deitzler says: "Considering the renting availability, I believe the lease was worth from \$4,000 to \$5,000 a year, irrespective of the profits of hotel keeping. The rental was merely nominal."

S. B. Prentiss says: "The lease was readily available, and worth \$5,000 a year."

James Blood says: "The lease, with its advantages for five years, was worth \$4,000 or \$5,000 a year."

Robert Morrow says: "The building at that time was worth to Eldridge from \$3,000 to \$5,000 a year as a rental."

The interest of said Eldridge in said hotel, and damages sustained by him by the destruction thereof, is appraised and estimated, on an average of the proof, at the value thereof as claimed—five years at \$5,000 per annum, \$25,000.

10. The item of freights and expenses is greatly reduced. It is believed that the estimate of the value of the goods and furniture, groceries, &c., is fairly estimated by witnesses as their value at Lawrence at the time and place of destruction, which would include all general expenses, except the item of specific expense of storage at Kansas City, &c., from November, 1855, till May, 1856, for which an allowance of five per cent. on \$16,762 = \$838 10—is awarded, in lieu of storage, receipts, and interest.

Recapitulation of award.

1. Furniture, &c.....	\$13,512 00
2. Apparel	300 00
3. Groceries and provisions.....	1,500 00
4. Cigars	750 00
5. Wines, liquors, &c.....	1,000 00
6. Iron safe.....	150 00
7. Roan horse	200 00
8. Harness	30 00
9. Interest in hotel	25,000 00
10. Allowance for storage.....	838 00
	<hr/>
	43,280 00
Add interest, 2½ years, at 6 per cent.....	6,492 00
	<hr/>
Total award.....	49,772 00
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EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

APRIL 14, 1859.

APRIL 14, 1859.

I have examined the foregoing award, and approve of the same.
WILLIAM MCKAY,
Attorney.

LAWRENCE, *April 14, 1859.*

GENTLEMEN: Since leaving Tecumseh I am satisfied that injustice has been done Colonel Eldridge in the award made to him by you. It is in this: Eldridge claimed only the cost of his furniture where it was purchased, instead of filing for the value of it at this place, where it was destroyed. And by allowing to amend in that one item, and giving him what the witnesses estimate it worth, all will be right. His claim for freight was intended to show the value of the property at Lawrence.

Yours, respectfully,

WILLIAM MCKAY.

Messrs. HOOGLAND, ADAMS, and KINGMAN.

No. 102.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

Milligan Wallace, complainant, states: That, on the 14th day of September, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the 14th day of September, A. D. 1856, the actual owner, and in the peaceable enjoyment, of the following property, to wit:

Household furniture, beds, bedding, kitchen furniture, male and female wearing apparel, of the value of	-	-	-	\$500 00
Six acres of old ground corn, of the value of	-	-	-	300 00
Of the aggregate value of	-	-	-	<u>800 00</u>

That said property was taken from the petitioner in the following manner: He was at the time residing with his family, a wife and two children, in the town of Franklin, in said county, when the army of Missouri invaders entered the said town, under the command of Reed, and destroyed said property; that, by the destruction of said property, petitioner was greatly injured, over and above the value thereof, to the amount of \$500; petitioner therefore prays your honors to allow him the sum of \$1,300 for his losses and damages so suffered by him, that amount being reasonable.

Petitioner further states that he has never recovered any of said property, or received any remuneration whatever therefor.

Petitioner further states that the facts herein recited are true.

MILLIGAN ^{his} × WALLACE,
mark.

Attest: J. H. LANE.

Sworn to before me this 29th March, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Milligan Wallace.

TESTIMONY.

DOUGLAS COUNTY, ss:

William S. Hull, being first duly sworn, saith: That he knows the petitioner, Milligan Wallace; that he is a citizen of this Territory, and was on the 14th September, 1856; that, on the 14th day of September, 1856, he was the owner of an undivided half of a field of corn, near Franklin, in this county, containing six acres; this field would have yielded 40 or 50 bushels per acre; was good corn; the greatest portion of this corn was taken by General Reed's army, by feeding it out and staking their horses in it; he had at the same time a pretty well furnished house, and kitchen furniture enough to make himself and family comfortable; I was boarding with him at the time; this was all taken and destroyed, not even a plate was left to eat off of, nor a spoon to feed the baby with; his wearing apparel was also taken, and provisions; I cannot say what his furniture, clothing, and provisions were worth, could not have been worth less than \$100; I am not a judge of such things.

W. S. HULL.

Sworn to before me March 21, 1859.

SAM'L A. KINGMAN,
Commissioner.

Michael Glen, being first duly sworn, says: That in the month of September, 1856, the petitioner, Milligan Wallace, was the owner of an undivided half of a field of corn, near Franklin, in this county; that there were six acres in the field, altogether, good corn, old ground; it was destroyed by the Missourians, as I suppose; we had to leave for fear of our lives; there were four in his family, besides a boarder, and his house was pretty comfortably furnished for keeping house for such a family, and his family were pretty well situated as to clothing; this was all taken and destroyed by Reed's men; I was often in the house;

lived on an adjoining lot in Franklin, and knew what was in the house; and think it was not worth less than \$200.

MICHAEL GLEN.

Sworn to before me this 21st March, 1859.

SAM'L A. KINGMAN,
Commissioner.

John G. McClelland, being first duly sworn, says: That he knew the petitioner in September, 1856; lived one mile from him; frequently swapped work; was often in his house; thinks the furniture, beds, bedding, cooking utensils, wearing apparel, &c., which were better than usual with persons beginning in life, were worth \$350. I have been broken up and had to refit three times, and know something of the cost, and have put the value low. Mrs. Wallace had fine clothing, silk and fine dresses, and other goods of like quality.

JOHN G. McCLELLAND.

Sworn to before me 21st March, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Milligan Wallace.

1. Petitioner claims for household furniture and wearing apparel taken and destroyed	-	-	-	-	-	\$500 00
2. Six acres of corn destroyed	-	-	-	-	-	300 00
3. Incidental damages	-	-	-	-	-	500 00
						<u>1,300 00</u>

The witnesses estimate the value of the household furniture, apparel, &c., as follows:

Hull at \$100; Glen, \$200; McClelland, \$350.

1. The board award as a full average of the proof	-	-	\$250 00
Only one equal undivided half of the corn belonged to him, say 6 acres at 40 bushels per acre=240 bushels—\$1 per bushel, less 10 cents per bushel for harvesting, \$216.			
2. The board award one-half the same to petitioner, fixing price and quantity according to general rule	-	-	108 00
3. The third item is inadmissible. The board award damages, by way of interest, 2½ years, at 6 per cent.	-	-	53 70
Total	-	-	<u>411 70</u>

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

No. 103.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

Dwight H. Montague, complainant, states: That, on the 14th day of September, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the 14th day of September, D. D. 1856, the legal owner and in the peaceable possession and enjoyment of the following property, viz:

One six-barrelled Ames revolver, of the value of	-	-	-	-	\$25 00
One bowie knife, of the value of	-	-	-	-	2 00
One musket, of the value of	-	-	-	-	10 00
Four shirts, of the value of	-	-	-	-	6 00
					<hr/>
Of the aggregate value of	-	-	-	-	43 00
					<hr/> <hr/>

That said property was taken from petitioner in the following manner: At the time aforesaid he was forcibly seized by an armed band, and said property taken from him, of the value aforesaid, at Hickory Point, in said Territory.

Petitioner further states that at the same time he was seized and forcibly detained by said body of men for three months from his business, and that by the loss of said property and detention as a prisoner he was damaged, over and above the value thereof to his said property, \$400; he therefore prays your honors to allow him the said sum of \$443 for his losses and damages so sustained, that amount being reasonable.

Petitioner further states that he has never recovered any of said property, nor received any remuneration whatever for his losses and damages so sustained.

Petitioner further states that the facts herein recited are true.

DWIGHT H. MONTAGUE.

Sworn to before me this 21st day of March, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Dwight H. Montague.

TESTIMONY.

DOUGLAS COUNTY, ss:

Richard D. Nichols, sworn, says: That he was acquainted with the petitioner on the 14th of September, 1856; and that he was then and is now a citizen of the Territory of Kansas; that on the 14th September, 1856, said petitioner was the owner and in possession of the following property: One six-barrelled revolver, a bowie knife, and musket; that on that day petitioner, myself, and several others were forcibly seized at Hickory Point, by a body of armed men, and the above-described property taken from the petitioner by the persons seizing us; petitioner remained a prisoner about three months; he has never recovered any of said property to my knowledge, neither have most of those taken prisoners with him. The revolver was worth \$25; bowie knife, worth \$2; musket, worth \$10. I know that petitioner had a bundle of clothing, when he was taken prisoner, which was missing afterwards; I did not see the contents; heard the petitioner say at the time that his guard had stolen his clothing while crossing the river at Lecompton on the morning of the 15th September, 1856; I think petitioner was damaged, by the loss of his time and property, four hundred dollars.

RICHARD D. NICHOLS.

Sworn to before me this 21st day of March, 1859.

SAM'L A. KINGMAN,
*Commissioner.**In the matter of the petition of Dwight H. Montague.*

The petitioner claims, for loss of property, the sum of	-	\$43 00
Claims damages for three months' imprisonment on Hickory Point fight	-	400 00
		<u>443 00</u>

The demand for damages (\$400) the board think inadmissible under the law.

We allow the whole demand for property	-	43 00
And damages thereon, at the rate of 6 per cent. per annum, for 2½ years	-	6 45
Amount awarded	-	<u>49 45</u>

EDW'D. HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

APRIL 11, 1859.

No. 104.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856."

William S. Hull, complainant, states: That on the 14th day of September, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was on the 14th day of September, A. D. 1856, the actual owner and in the peaceable enjoyment of the following property, to wit:

A house in the town of Franklin, worth	-	-	-	\$300 00
Household furniture, worth	-	-	-	300 00
Twenty-five acres of corn, worth	-	-	-	300 00
One yoke of cattle, worth	-	-	-	100 00
Books, (medical,) worth	-	-	-	25 00
Medicines, worth	-	-	-	25 00
Surgical instruments, worth	-	-	-	45 00
In all to the amount of	-	-	-	<u>1,095 00</u>

And that on the 14th day of September, 1856, an armed body of men, under the command of one General Reed, came to and camped in the town of Franklin, in this county, and burned and ransacked the town; that petitioner resided in said town of Franklin, and that said body of men burned petitioner's house and destroyed and carried away his household goods, beds and bedding, to the value of three hundred dollars; they also took and destroyed twenty-five acres of corn; they also took a yoke of cattle, worth \$100, of petitioner; they also took and destroyed medical books and medicines, of the value of \$50; also a lot of surgical instruments, worth \$45; in all, \$1,095.

Petitioner states that he is a physician, and by the loss of his house, goods, and medicines and books, he was damaged, over and above the value of the articles above-named in this petition, \$500. Petitioner states that he has never recovered the same back nor has ever received any compensation for the same. He further states that the matters and things set forth in the above petition are true in substance and in fact.

W. S. HULL.

Sworn to and subscribed before me this 21st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of William S. Hull.

TESTIMONY.

Benoni C. Tully, sworn, says: I am acquainted with petitioner; he lives in Franklin, Douglas county, Kansas Territory; was a citizen of Kansas in the summer of 1856, and is now. I know he had a yoke of cattle driven off by Reed's army; saw them in the herd with mine; I should think they were worth \$125; they were large, young, and active cattle; I know he had a field of about twenty-five acres of corn; should think two-thirds of the corn was destroyed; he gathered but little out of it; his house was destroyed; he had erected a new dwelling and had partially moved to it; the old house was burned; it was a hewed log-house; I should not say it was worth over a hundred dollars. I know most of his furniture was destroyed; his house was well furnished for a small family; he was a practicing physician; his books, medicines, and surgical instruments were taken away or destroyed; could not say what their value was; I saw his vials and bottles broken up and trampled on the floor of his office and in the street. His medicines, &c., were in his office adjoining his new house; this happened about the middle of September, 1856.

BENONI C. ^{his} + TULLY.
mark.

Sworn by me this 21st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

John G. McClelland, sworn, says: I know the petitioner; have heard the testimony of Benoni C. Tully, and concur in the statements he has made; I live about half a mile from petitioner; I was present when Reed's army was at Franklin, and saw the destruction of Mr. Hull's property. There was 1,000 or 1,200 feet of lumber adjoining the house and burned with it; this was worth \$3 50 per hundred; I hauled most of the lumber myself.

JOHN G. McCLELLAND.

Sworn to before me this 21st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of William S. Hull.

Petitioner claims for house destroyed, worth	-	-	\$300	00
Household furniture	-	-	300	00
Twenty-five acres of corn	-	-	300	00

KANSAS CLAIMS.

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One yoke of cattle -	-	-	-	-	-	\$100 00
Books and medicines	-	-	-	-	-	50 00
Surgical instruments	-	-	-	-	-	45 00
						<hr/>
Extra damages	-	-	-	-	-	1,095 00
						500 00
						<hr/>
						1,595 00
						<hr/> <hr/>
The proof in regard to the house warrants an award for it of only	-	-	-	-	-	100 00
The proof in regard to furniture is very meagre; most of it had been removed to new house; allow petitioner's estimate	-	-	-	-	-	300 00
Also his estimate of corn, (less than average)	-	-	-	-	-	300 00
One yoke of cattle	-	-	-	-	-	100 00
Books and medicines and surgical instruments	-	-	-	-	-	95 00
No special proof of extra damages.						
						<hr/>
						895 00
Interest, at 6 per centum, 2½ years	-	-	-	-	-	134 25
						<hr/>
Total award	-	-	-	-	-	1,029 25
						<hr/> <hr/>

EDWARD HOOGLAND.
 SAMUEL A. KINGMAN.
 HENRY J. ADAMS.

APRIL 11, 1859.

No. 105.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *County of Douglas, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856."

Taylor Stevens, complainant, states: That, on the 14th day of September, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the 14th day of September, A. D. 1856, the actual owner, and in the peaceable enjoyment, of the following property, viz:

Stock of groceries and fixtures, of the value of	-	-	\$885	40
Household and kitchen furniture, beds and bedding, and male and female wearing apparel, of the value of	-	-	600	00
Of the aggregate value of	-	-	1,485	00

That the said property was taken in the following manner: Petitioner at the time aforesaid was residing with his family, (wife and two children,) and doing business as a grocer in the town of Franklin, in said county, when these Missouri invaders under Reed marched into said town, and took, carried away, and destroyed said property, of the value aforesaid; that by the loss of said property petitioner was greatly damaged over and above the value thereof to the amount of \$1,000. Petitioner therefore prays your honors to allow him the sum of \$2,485 for his losses aforesaid, and the damages resulting therefrom, that amount being reasonable. Petitioner further states that he has never recovered any of said property, nor received any remuneration whatever therefor. Petitioner further states that the facts herein recited are true.

TAYLOR STEVENS.

Sworn to before me this 29th day of March, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Taylor Stevens.

TESTIMONY.

DOUGLAS COUNTY, *ss*:

Benoni C. Tully, being first duly sworn, says: That he is acquainted with the petitioner, Taylor Stevens; that he is a citizen of Kansas Territory, and has been some three years or more; that on the 14th of September, 1856, he was absent in Missouri; he had been keeping a grocery in Franklin; he had a good stock of groceries, liquors, meats, flour, sugar, coffee, teas, and all the varieties of articles usually kept in a family grocery in a small country town; he had become alarmed at the appearance of things in our neighborhood, and had taken his family to Missouri a few days before Franklin was sacked, and returned a few days afterwards; when he left he left part of his stock of groceries in his storehouse, part at my house in Franklin, and part at John McClellan's, about a mile south of Franklin; he scattered them around in this way that he might be able to save a part of them. On the 14th of September, 1856, General Reed's militia (2,700) entered Franklin, and, among other things, took, carried away, or destroyed the whole stock of groceries of petitioner at the three places where they had been placed, so that they were entirely lost. I had induced Mr. Stevens to come to Franklin; was in his grocery nearly every day; was familiar with his stock; and from

what I know of the cost of such articles as he had in his grocery I think the stock was worth some \$700 or \$800. At the same time, and by the same parties, the household and kitchen furniture of petitioner, consisting of beds, bedding, and table furniture, cooking stove and cooking utensils, and the entire amount of the wearing apparel, male and female, of his family, were entirely destroyed or carried off; his house and storeroom were both broken into and doors broken; I knew the furniture, &c., and in my judgment it was worth some \$500 or \$600. The militia so skillfully did their work that nothing was left in petitioner's house or grocery of any value.

BENONI C. ^{his} X TULLY.
_{mark.}

Sworn to before me this 21st of March, 1859.

SAMUEL A. KINGMAN,
Commissioner.

John G. McClelland, sworn, says: That he has heard read the testimony of Benoni C. Tully in this case; that he is acquainted with the facts therein set forth; had a knowledge of the circumstances therein set forth, and that they are true; that the stock of groceries destroyed was worth, in my judgment, \$1,000; I have done a grocery business. There were ten barrels of liquors belonging to petitioner at my house, three of them half drawn; 3½ barrels whiskey, 2½ wine, and 2½ brandy; 1½ barrels of this liquor I saved and returned to petitioner. I cannot say so well about the furniture in the house and kitchen; it was as good as was used in the town, and was taken or destroyed; I was in the house the next morning.

JOHN G. McCLELLAND.

Sworn to before me this 21st day of March, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Taylor Stevens.

Petitioner claims for property taken and destroyed by Reed's army of 2,700 men at Franklin—groceries, provisions, &c.	-	-	-	-	-	-	\$885 40
Household furniture and apparel	-	-	-	-	-	-	600 00
Extra damages	-	-	-	-	-	-	1,000 00
							2,485 40
							2,485 40

The proof in this case is so general that it is not entirely satisfactory. No particular schedule or inventory is exhibited. Two witnesses prove generally the loss sustained. Presuming that all parties

have placed as high an estimate as they could, conscientiously, upon the goods, and relying upon the more particular knowledge of the petitioner, the board are obliged to award on his evidence, subject to reduction of general value.

In the absence of a schedule or bill of items, and allowing

for the proportion saved or restored, the board award for					
groceries, fixtures, &c. -	-	-	-	-	\$700 00
For household furniture, apparel, &c. -	-	-	-	-	500 00
Interest, 2½ years, at 6 per cent. -	-	-	-	-	180 00
Total	-	-	-	-	<u>1,380 00</u>

EDWARD HOOGLAND.
 SAMUEL A. KINGMAN.
 HENRY J. ADAMS.

No. 106.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856."

Thermuthis Sutherland, administratrix of Samuel Sutherland, deceased, complainant, states: That, on the 1st day of August, A. D. 1856, and for some time previous thereto, she was an actual resident citizen of Douglas county and Territory aforesaid, and was on the 1st day of August, A. D. 1856, the actual owner and in the peaceable enjoyment of the following property, to wit:

Two horses, of the value of.....	\$300 00
One hack, of the value of.....	250 00
Three sets of double harness.....	75 00
Two horses.....	300 00
One lumber wagon.....	140 00
One buffalo robe.....	6 00
	<u>1,071 00</u>

Petitioner states that said property was taken under the following circumstances: In the month of August, 1856, Samuel Sutherland, deceased, was running a line of stages from Lawrence to Leavenworth, carrying the United States mail; that two horses and harness and the hack or stage were seized upon, and taken by an armed band under the command of one Fred. Emory, at the time aforesaid; said lumber

wagon was taken at the same time and place on the road between Lawrence and Leavenworth City. Complainant also states that the other two horses were taken by the army under Clark and Atchison, between Lawrence and Lecompton.

Said property was of the cash value of one thousand and seventy-one dollars. Complainant further states that, to the best of her belief, said Samuel Sutherland, deceased, never recovered the same back, and never received any remuneration for the same whatever, although it is true that, after expending double the value of them, he did, some time afterwards, recover two of the horses, poor and almost worthless, and after the expiration of about one year recovered the fragments of the lumber wagon, yet she says that, in truth, all of said property was really lost to said Samuel Sutherland, deceased. She further states that, by the taking of said property and the interruption of his said business, said Samuel Sutherland, deceased, was injured, and hath sustained damages over and above the sum of one thousand and seventy dollars, in the sum of five hundred dollars. Complainant therefore prays the commissioners to allow her the sum of one thousand five hundred and seventy dollars, her *loss* and *damages*, as aforesaid.

Complainant further states that the facts herein stated are, according to the best of her information, knowledge, and belief, true in substance and in fact.

THERMUTHIS SUTHERLAND.

Sworn to before me April 29, 1859.

SAM'L A. KINGMAN,
Commissioner.

TERRITORY OF KANSAS, *County of Douglas:*

To all persons to whom these presents shall come, greeting:

Know ye, that whereas Samuel Sutherland, late of the county of Douglas, died intestate, as it is said, having at the time of his death property in this Territory, which may be lost, destroyed, or diminished in value, if speedy care be not taken of the same. To the end, therefore, that said property may be collected, preserved, and disposed of according to law, we do hereby appoint Thermuthis Sutherland administratrix of all and singular the goods and chattels, rights and credits, which were of the said Samuel Sutherland at the time of his death, with full power and authority to secure and dispose of said property according to law, and to collect all money due said deceased, and in general to do and perform all other acts and things which are or may hereafter be required of her by law.

In testimony whereof, I, R. C. Bishop, clerk of the probate court for the county of Douglas aforesaid, have hereunto signed my name and affixed the seal of said court. Done at office, Lecompton, the 8th day of July, 1857.

R. C. BISHOP, *Clerk.*

I, Caleb S. Pratt, clerk of the probate court in and for Douglas county, Kansas Territory, do hereby certify that the foregoing is a full and true transcript of the letter of administration appointing Ther-muthis Sutherland administratrix of the estate of Samuel Sutherland, deceased, as appears of record in my office.

[L. s.] In testimony whereof, I have hereunto set my hand and affixed the seal of said probate court, at office, in Lawrence, this 30th day of April, A. D. 1859.

CALEB S. PRATT, *Clerk.*

In the matter of the petition of Samuel Sutherland's administratrix.

George W. Hutchinson, being duly sworn, deposeth and saith: That he was acquainted with Samuel Sutherland in his lifetime. He was a citizen of the Territory of Kansas, in the year 1856, and was such up to the time of his decease in 1857. I know that in 1856 he was the owner of horses, wagons, hacks and harness. Some time in the latter part of August or first of September, 1856, I know that two horses, wagon and harness of Sutherland's, left this place for Leavenworth City, to haul goods and provisions for Hutchinson & Co. My partner, Mr. Wilder, was with the train, for the purpose of purchasing the goods, &c. They were taken prisoners by Emmons and his band at or near Big Stranger. The whole train was taken. I saw them afterwards when they were brought in Lecompton, being then at the place myself as a prisoner. I tried to get possession of them but failed; I also, at the same time, saw a hack of Mr. Sutherland's come into Lecompton with the same train, having been captured somewhere between Lawrence and Leavenworth; it was drawn by Sutherland's horses. I know that the hack cost \$300; it was nearly new; had been run but very little. The horses taken on the road to Leavenworth were worth \$300. The lumber wagon I could not distinctly say what it was worth; I should say it was worth \$140. The harness was worth \$25 per set.

A few days after sending the teams to Leavenworth, I started to go up to Lecompton, by orders of General Lane, then the commander of the free-State forces, to try to effect some arrangement with acting Governor Woodson, with regard to the difficulties then existing between the contending parties. Mr. Sutherland, with a span of horses and hack, started to carry me to Lecompton. When we arrived within about two miles of Lecompton, we were surrounded by a company of armed men, under the command of General Frank Marshal and General Richardson, taken prisoners by them and carried into Lecompton, where we remained as prisoners, until subsequently released by the free-State forces under command of General Lane. The horses, hack and harness, were taken possession of by these men. The horses were taken and put into service by the pro-slavery parties. I do not know what became of them; Mr. Sutherland never recovered them or the harness, to my knowledge. There was a buffalo robe in the hack; it was worth 6 or \$7; the horses were worth \$150 each; the harness

§25. At the time we were arrested we were both searched. There was a bowie knife taken from Mr. Sutherland; that was all the arms that either of us had; we were on a peace commission, and consequently unarmed. They took from me, at that time, a large number of notes and receipts for money paid, one of which receipts, I well recollect, was for \$1800.

G. W. HUTCHINSON.

Sworn to before me, April 30, 1859.

EDWARD HOOGLAND,
Commissioner.

John H. Wilder, being duly sworn, saith: That he was acquainted with Samuel Sutherland in his lifetime. That in the year 1856 he was a citizen of Lawrence; he was the owner of horses, hacks, wagons and harness; he was engaged in carrying the mail from Lawrence to Leavenworth. About the last of August, 1856, I left Lawrence for Leavenworth City, with a train of five wagons, travelling on horseback myself. Mr. Sutherland's mail hack, loaded with passengers, was also in company; intending to load the teams back from Leavenworth to Lawrence, with groceries and provisions. A few miles this side of Leavenworth, near Little Stranger, the train was captured by a band of armed men under the command of Captain Fred. Emmons. The passengers were permitted to go down the river; Mr. Nute and myself were kept as prisoners in the camp of Emmons; the teamsters and teams were started off for Leocompton. There was one pair of horses of Mr. Sutherland's taken, which were attached to the mail hack; they were worth \$300; the harness was worth about \$25; the hack was worth \$250. There was also a wagon in the train owned by Mr. Sutherland, which he had loaned to Mr. Nute; it was worth \$130 or \$140. Some of the parties belonging to that train did ultimately recover back some portions of their property, but in a damaged condition. I think that Mr. Sutherland got some portion of his, but very much damaged, and cost him all or more than it was worth to recover it.

JOHN H. WILDER.

Sworn to before me, April 30, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Thermuthis Sutherland, administratrix of Samuel Sutherland, deceased.

The petitioner in this case claims in her representative	
character for property lost - - - - -	\$1,071 00
Damages (general) - - - - -	500 00
	<hr/>
	1,571 00
	<hr/> <hr/>

The item for damages is inadmissible. It appears in testimony in case No. 241, that the wagon claimed in the above case was paid for; claimed at \$140. One span of horses was recovered. On the whole proof an award is made of - - - - -

	\$806 00
Interest, 2½ years, at 6 per cent - - - - -	120 90
	<hr/>
Total award - - - - -	\$926 90
	<hr/> <hr/>

SAMUEL A. KINGMAN.
HENRY J. ADAMS.
EDWARD HOOGLAND.

No. 107.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss :*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, "to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856."

Michael Glenn, complainant, states: That, on the 14th day of September, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the 14th day of September, A. D. 1856, the actual owner, and in the peaceable enjoyment, of the following property, to wit:

Three acres of corn, old ground, worth \$50 per acre -	\$150 00
Household and kitchen furniture, bed, bedding, and clothing - - - - -	100 00
Garden vegetables destroyed - - - - -	50 00
	<hr/>
	300 00
	<hr/> <hr/>

Petitioner states that the company of men under General Reed that came and burned and destroyed the town of Franklin, on the 14th and 15th days of September, 1856, on those days took and destroyed said three acres of corn by turning in their horses and mules and feeding the same; said body of men also dug up and destroyed the said garden vegetables, worth \$50; they also took and destroyed and carried away all of the household furniture, bed, and bedding of your petitioner, worth in all about \$100.

Petitioner states that he is a poor man, and depending on his daily

labor for support, and that by the loss of his corn, garden vegetables, and household and kitchen furniture, bed and bedding, and everything he had, he has damaged to the amount of one hundred dollars over and above the price of said property; he therefore prays the commissioners to allow him the sum of \$400 for loss and damages as aforesaid. He states that he has never received any compensation for the same. He further states that the matters and things set forth in the above petition are true in substance and in fact.

MICHAEL GLENN.

Sworn to before me this 29th day of March, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Michael Glenn.

TESTIMONY.

DOUGLAS COUNTY, ss :

Milligan Wallace, being first duly sworn, says: That he knows Michael Glenn, the petitioner; that he is a citizen of the Territory of Kansas, and has been so four or five years; on the 14th September, 1856, he was the owner of a field of corn on his claim adjoining the town of Franklin, in this county, fenced. I think five or six acres in corn, which would have yielded fifty bushels per acre; it was old ground and pretty well tended. The Missouriians, on the 14th and 15th September, 1856, turned their horses into the field and let in their stock, or that they had stolen, and destroyed the entire crop. This was the time of the sacking of Franklin; there was a large number, said to be commanded by General Reed, of men from Missouri and elsewhere. These same men made a clean sweep of the clothing, bed, bedding, furniture, &c., in the petitioner's house; he had one feather bed, one mattress, and bed clothes sufficient; he had chairs, tables, bedsteads, and kitchen furniture, all broken up and injured. The cooking-stove was thrown into the street, don't think it was injured. He had a family, self, wife, and child. I think \$200 or \$300 damage was done to the articles above mentioned. These same men turned their stolen stock into petitioner's garden and destroyed that, it was worth, I can't say how much; it contained half an acre and well filled with garden stuff.

his
MILLIGAN + WALLACE.
mark.

Sworn to before me by Milligan Wallace this 21st day of March, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Michael Glenn.

The petitioner in this case claims for loss of property	-	\$300 00
Damages	- - - - -	100 00

The last item is inadmissible.

On the other charges the board think that an award would be right of	- - - - -	175 00
Add interest, 2½ years, at 6 per cent	- - - - -	26 25
Total award	- - - - -	201 25

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

JULY 1, 1859.

No. 108.

To the honorable board of commissioners for the auditing and certifying of claims, appointed under an act of the Kansas territorial legislature, entitled "An act to provide for the adjustment and payment of claims," and approved February 7, 1859.

Your petitioner, Henry Bronson, respectfully represents to your honorable board that he has been an actual and *bona fide* resident of Kansas Territory since the 20th of October, A. D. 1854, and that he had property taken or destroyed during the disorder which prevailed in this Territory from November 1, A. D. 1855, to December 1, A. D. 1856, and thereby sustained certain losses and damages, as hereinafter mentioned.

Your petitioner represents that at the burning of Arthur Gunther's house, situated about seven miles southwest of the city of Lawrence, in which house he was living at the time of said burning, did, on or about the 25th day of December, A. D. 1855, lose by the burning of said house the following property, as per schedule annexed; and your petitioner verily believes said house was maliciously burned by a party of men from the State of Missouri. And your petitioner avers that he has never, in whole or in part, received any compensation for the same, and therefore prays that your honorable board will audit and certify the claim of your petitioner.

Schedule.

One straw tick	- - - - -	\$2 00
Two comfortables	- - - - -	6 00
One pair blankets	- - - - -	5 00
3,000 shingles, at \$6 per 1,000	- - - - -	18 00

One coat	-	-	-	-	-	-	-	\$4 50
One overcoat	-	-	-	-	-	-	-	8 00
One pair pants	-	-	-	-	-	-	-	3 00
One wooden bucket	-	-	-	-	-	-	-	40
Two tin pails	-	-	-	-	-	-	-	1 00
One coffee pot	-	-	-	-	-	-	-	75
Cups and tin plates	-	-	-	-	-	-	-	75
Knives and forks	-	-	-	-	-	-	-	75
One bake kettle	-	-	-	-	-	-	-	60
One tin pan	-	-	-	-	-	-	-	50
One cross-cut saw	-	-	-	-	-	-	-	6 50
One hand saw	-	-	-	-	-	-	-	2 00
One drawing knife	-	-	-	-	-	-	-	75
One set of candle moulds	-	-	-	-	-	-	-	80
Two axes	-	-	-	-	-	-	-	2 50
One three-gallon jug	-	-	-	-	-	-	-	90
One meal seive	-	-	-	-	-	-	-	40
Frying pan	-	-	-	-	-	-	-	75
Spade	-	-	-	-	-	-	-	1 25
One scythe	-	-	-	-	-	-	-	1 25
Provisions	-	-	-	-	-	-	-	10 00
Total	-	-	-	-	-	-	-	<u>78 35</u>

Henry Bronson, being duly sworn, says: The matters and facts set forth in the foregoing petition are true in substance and in fact.

HENRY BRONSON.

Sworn to before me and subscribed in my presence this 21st day of March, A. D. 1859.

CALEB S. PRATT,

Clerk Probate Court Douglas County, Kansas Territory.

In the matter of the petition of Henry Bronson.

TESTIMONY.

Arthur Gunther, being duly sworn, says: I know the petitioner, Henry Bronson. He came to Kansas in October, 1854, and has been a resident of Kansas ever since. He was living in my house, about seven miles southwest from Lawrence, during the month of December, 1855. He had all the articles mentioned in the schedule to his petition at the house at the time it was burned. I was living with him in the same house. The house was burned on the 21st of December, I think.

There was a party of armed Missourians about one-half mile from my place, at Mr. Bowen's, a pro-slavery man. A Missourian, who was friendly to me, and who at that time lived in the neighborhood, after-

wards told me that he saw the same party of twenty men go over to burn my house, and tried to prevent them from doing so, as he told them I was a good fellow. I do not remember his name now. He went back to Missouri some two years since. I think the articles burned in the house were worth the amount claimed in the petition.

For a week before the house was burned parties were passing and repassing up and down the creek. I never entertained a doubt but it was some of these men who burned the house. When the house was burned I was at Lawrence, helping to defend the place. I was known to the men as a free-State man, ("abolitionist," they called me,) and was obnoxious to them as such.

ARTHUR GUNTHER.

Sworn by me this 21st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

Edward Winslow, being duly sworn, says: I know Henry Bronson. Was staying in Mr. Gunther's house with him in December, 1855. I left and went to Lawrence three or four days before the house was burned. There had been parties of armed men passing up to Mr. Bowen's before I left. It was the opinion of all that they burnt the house, and I never had any doubt but it was they who burned it. I have seen the list of articles in the schedule of Mr. Bronson, and think they were worth all he claims.

Mr. Bronson, Mr. Gunther and myself were living in the house, and were absent at Lawrence when the house was burned. When we returned we found the house and its contents burned, and our shelter and means of living gone.

The weather was so severe that we could not rebuild the house, so we went into a ravine and dug a hole in the bank, and made an opening through the earth above, for a chimney. We lived in this den till spring, on corn bread and coffee. We stopped the openings, as well as we could, with hay, and tried to make ourselves as comfortable as we could. In the spring a heavy rain came on, and the water in the ravine broke loose from a gorge above, and came down with a rush, and poured into the mouth of our cave as we were eating our corn bread and molasses for dinner, so that we were obliged to make our escape through the chimney.

EDWARD WINSLOW.

Sworn by me this 21st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Henry Bronson.

Petitioner claims for household and personal property destroyed by the burning of Arthur Gunther's house	-	\$78 35
Interest	-	21 65
		100 00
		100 00

The case is well sustained by proof.

The board award value of property	-	78 35
Interest, two and a half years, at six per cent.	-	11 75
		90 10
		90 10

EDWARD HOOGLAND.
 SAMUEL A. KINGMAN.
 HENRY J. ADAMS.

APRIL 11, 1859.

No. 109.

BILL OF ITEMS LOST.—A.

Territory of Kansas, to George H. Keller, Dr.

Twelve mattresses, at \$6 apiece	-	\$72 00
Twenty head of hogs, at \$10 per head	-	200 00
Twelve dozen of fowls, at \$3 per dozen	-	36 00
Five cords of wood, at \$6 per cord	-	30 00
Twenty cans of sweetmeats, at \$3 per can	-	60 00
Thirty pairs of blankets, at \$8 per pair	-	240 00
Twenty comforts, at \$3 50 per pair	-	70 00
Twenty sheets, at \$1 25 per pair	-	25 00
One trunk and clothing	-	50 00
One trunk and clothing	-	40 00
One trunk and clothing	-	23 00
Eight carpet-sacks and contents	-	80 00
One boy's coat	-	5 00
Books and papers to the amount of	-	250 00
Breaking and throwing furniture out of doors	-	250 00
Sack of coffee	-	30 00
Two barrels of sugar, one crushed and one brown	-	60 00
One barrel of crackers	-	7 50
One sack of salt	-	3 50
One barrel of lard	-	25 00
Twenty-four barrels of bacon, at 12½ cents per pound	-	28 80

Damages to house	-	-	-	-	-	\$150 00
Damages to fence and yard	-	-	-	-	-	125 00
Damages to well	-	-	-	-	-	50 00
One plough	-	-	-	-	-	12 00
Two wood saws	-	-	-	-	-	2 50
Five table cloths, at \$4 per piece	-	-	-	-	-	20 00
Loss by driving off regular boarders, 20 in number	-	-	-	-	-	100 00
Taking Leavenworth hotel by the Kansas militia, September 1, 1856, and keeping possession until the 10th of October, 1856	-	-	-	-	-	200 00
						<hr/> 2,292 30
Damage to carpeting in house	-	-	-	-	-	50 00
						<hr/> <hr/> 2,342 30

To the honorable board of commissioners of the Territory of Kansas to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856, an act to provide for the adjustment and payment of claims.

Your petitioner, George H. Keller, of the city of Leavenworth, county of Leavenworth, and of the Territory of Kansas, represents unto your honorable body, that on or about the 1st day of August, A. D. 1856, that he, your petitioner, was the owner of the following goods, (of which a copy is herewith filed marked A, and made part of this petition,) situate and being in the city aforesaid; and your petitioner further represents unto your honorable body, that on or about the 1st day of September, A. D. 1856, that the goods as aforesaid mentioned was taken and destroyed by a mob, claiming to be the Kansas militia; and your petitioner further represents unto your honorable body that he has not recovered back any of the said goods, nor any pay, or recompense for said goods or any part thereof. And your petitioner further represents unto your honorable body, that he was greatly damaged by the taking and destruction of said goods by the mob aforesaid. Wherefore your petitioner prays that your honorable body may award him his claim as herewith filed and marked as aforesaid, and for such other and further relief as shall conform to law and equity.

GEORGE H. KELLER,
DELAHAY & GALLAGHER,
Attorneys for Petitioner.

TERRITORY OF KANSAS, *County of Leavenworth, ss:*

Personally appeared before me, the undersigned, a notary public in and for said county, George H. Keller, who, being first duly sworn by me, says: That the matters and facts set forth in his foregoing petition are true as he verily believes.

G. H. KELLER.

Sworn to and subscribed before me this 17th day of March, A. D.
 [L. S.] 1859. Witness my hand and notarial seal.

MARCUS N. BLAKEMORE,
Notary Public.

In the matter of the petition of George H. Keller.

LEAVENWORTH COUNTY, ss :

Jeremiah Howald, sworn : I am acquainted with the petitioner, and have known him some four years and a half ; I reside in Leavenworth city ; have resided here four years and a half ; on 1st September, 1856, Keller resided here, and before as well as after that time he resided here ; he was driven away in September, 1856 ; about 10th September, 1856, I was called in to see the condition of Keller's house by Mrs. K. ; went in and looked through the house ; the building was situated on the corner of Shawnee and Fifth street ; I found no provisions in the house ; saw empty and broken jars, boxes, barrels, &c., scattered around, which Mrs. Keller said was the result of a visit from the "Border Ruffians ;" Keller had been keeping hotel in the building now occupied as the Mansion House ; three or four days before I was called in, I saw that the house was in possession of and occupied by a body of armed men known as southerners, Georgians and South Carolinians ; understood they had so occupied it more than a month ; when I was called in these armed men had vacated the premises ; the furniture was very much broken ; what little bedding I saw was injured, dirtied and almost destroyed ; the condition of the house was filthy ; nearly all the furniture was used up ; Mr. Deroshort and Mr. John J. Moore were with me ; we spoke of damages sustained ; we all knew the house and its contents, and previous general condition ; based upon that knowledge we made an estimate at the time of the damages, and concluded that the injury amounted to \$500 ; I know that Keller previously had a fine lot of hogs ; Mrs. Keller told me the ruffians had taken their hogs, all of which had been taken ; that they had taken Keller and put him in the calaboose at Weston, Missouri ; on said 10th September, I think, Keller had escaped and made his way into Nebraska ; Keller returned home the latter part of September and replenished his house and continued business ; I boarded with him after that ; I do not know from any memorandum that I made the actual number and value of the articles destroyed ; Keller resides here now.

JEREMIAH HOWALD.

Sworn to before me March 31, 1859.

EDWARD HOOGLAND,
Commissioner.

William McKay, sworn, says: I was at the town of Weston, Missouri, on 2d September, 1856, when a number of citizens of Leavenworth, who had been driven away by a mob of armed men, arrived

there and sought protection; on my arrival there I had learned that George Keller had been put in the calaboose in that town; I inquired the cause of his imprisonment from L. D. Burt; he said it was nothing, only that Keller was a free-State man; I also inquired where they had captured him; they said he was captured somewhere on the road between Weston, and St. Joseph, he being then on his way out of the State; understood that Keller had previously resided at Weston or vicinity; do not know how long he was a prisoner there; soon after I arrived in Weston, on 2d September aforesaid, there was a steamboat landed at that place from Leavenworth, loaded with men, women and children, probably 50 or 75, who were put off there, and many of them were refused the privilege of staying in town that night, the citizens ordering them to leave at once; I saw probably a dozen women and perhaps two dozen children thus put ashore; I think the name of the boat was "Emma," but am not sure; great confusion prevailed in town; many men were running about, carrying, loading and firing their guns, and exhibiting bowie knives, pistols, &c.; I inquired the cause of the excitement and was informed that the men were arming themselves "to go down and help drive the damned abolitionists out of Leavenworth;" I saw a party of 40 or 50 of those armed men start for Leavenworth that evening; during my stay there I stopped at the St George hotel; the landlord refused to let me register my name, but treated me very kindly, and gave me every attention that I wanted; his name was Alexander, I think; I understood at the time that the reason why he would not let me register my name was that the citizens of Weston and vicinity had spies all the time watching the registers of hotels and avenues of travel, to ascertain the names and business of persons passing through the country, and that such spies were actuated by political motives.

WILLIAM MCKAY.

Sworn to before me this 31st day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

John J. Moore, sworn: I have resided in Leavenworth about 4 years last past; have known Mr. Keller over that length of time; he has resided here ever since I have been here; in August, 1856, Mr. Keller was occupying a large frame house on Shawnee street in this city, now known as the Mansion House; it was the best boarding house in the city at that time; on the day after Phillips was killed, 1st or 2d September, 1856, election day (Monday) Mrs. Keller vacated the house in the morning, being driven off by fear, when the building was taken possession of by a company of armed men, supposed to be under command of Captain Clark; frequently saw Colonel Brindle on horseback in front of the house, Captain Emery and others in authority; the morning that Phillips was killed I saw Emery partly surround the house of Mr. Keller with a company of armed horsemen;

on said election day, Keller, I understood, had gone to the fort, and on his return was met by somebody who informed him what going on in town, and he therefore secreted himself or escaped from the Territory; he did not return home; Mrs. Keller next morning abandoned her house; the armed men mentioned maintained possession of the house about two weeks; during the time they were occupying it, I was in the house several times and saw the manner in which the furniture and property were used; I knew the general condition of the house previous to their entrance; during their occupancy they used every thing indiscriminately, used the beds and bedding on the floor, and the mattresses for foot mats; bedsteads, chairs and furniture were broken; the bed clothing was generally taken away and destroyed, at least there were very few left when I obtained possession of the house again for Mrs. Keller; trunks were broken open, everything thrown into confusion; the doors had been broken open to the different rooms, and everything about presented the appearance usual in a camp of reckless and drunken soldiers; I have examined the bill of items attached to the petition of Mr. Keller; I knew the condition of the house very well previous to said 2d September; judging from that general knowledge previous, and the condition of the building when surrendered by order of Mayor Murphy to Mrs. Keller, I think the bill of items presented and sworn to by Mr. Keller is as nearly a correct statement of the losses and damages sustained by him as can now be ascertained, except that I have no knowledge of the hogs mentioned further than that Mr. Keller owned hogs previous to that time.

J. J. MOORE.

Sworn to before me this 31st day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

John Luce, sworn: I resided here in Leavenworth in 1856, and now reside here. Knew Mr. Keller during that year; he was then living in the present Mansion House and keeping boarders. On the morning of the first Monday of September, 1856, about 9 a. m., I was employed by William Phillips to put a tin roof on the portico of his dwelling house, opposite said Keller's building. While I was up there at work, with other hands, Captain Fred. Emery with his company of horsemen came up Shawnee street, and on arriving in front of Keller's halted his men, and ordered three of his men to dismount. They obeyed, and hitched their horses to Keller's fence and went into Phillips's house, the building whereon I was at work. Soon I heard three or four shots fired, some inside and some outside the house; then all the company immediately surrounded the house. Captain Emery did not enter Phillips's house. After such surrounding I did not feel myself very safe, and called to Captain Emery, with whom I was acquainted, to permit me to come down. I called to him three times before he heard me; he then ordered us to come down from the top of the portico. The persons with me on the portico were William Haller

and John A. Shinn, the latter a tinner. We came down the ladder. When I reached the ground, Tom Hughes, one of Emery's company, brandished his sword over my head and ordered all three of us to go into the house. I told him it was Emery's orders that I should step aside as a prisoner. He asked Emery if that was his order, and Emery said it was. Before I reached the ground Emery's men were drawn up in line in front of the house, and had their muskets cocked and pointed towards the house. The three of us who had come down the ladder stepped aside as prisoners, but remained all the time between the men and the house. The order to fire into the house was then given by Emery; a part of the company were on horseback and part on the ground when that order was given. Immediately the whole company commenced firing at random into the house, and soon a number rushed into the house. As soon as the firing subsided, the company known as the City Guards (a pro-slavery company, organized in Leavenworth, under an ordinance of the common council) came up, about 75 in number, and took position about the house of Phillips. They were commanded by Captain Clark. One of the Emery men came out of the house and said Phillips was killed. I was kept a prisoner there from 9 o'clock till about 11 a. m.; then they brought out Jared Phillips and his nephew; Jared was wounded in the arm when he came out, and his arm was subsequently amputated. After they came out orders were given by Captain Emery to "burn the house down and plant their flag in blood." I heard Emery give the order, and those were his words. Soon after that order was given, a bed in the southwest room of the first floor and near the window of the building was set on fire. After it got to burning some, one of the company opened the window and threw the bed out of the house. After the burning bed was thrown out the fire was extinguished, and Jared Phillips, who was weak and suffering from his wound and covered with blood, went and laid down on it, and remained there probably fifteen minutes. Meantime the company were carrying out of Phillips's house all the furniture; they also then brought out of the house a sick woman, upon a bed; she was the wife of Mr. Baily, a banker here. Emery's men then took Jared Phillips and Albert Phillips as prisoners and carried them into Mr. Keller's house, directly opposite, and established a guard about Keller's house. Before all the furniture had been got out of Phillips's house, William H. Russell rode up to the company; he was riding on a mule. He countermanded the order to burn the building, consequently no further attempt was made to burn it. Captain Emery then came to me and Shinn; said he had no further use for us as prisoners, and we were allowed to depart. Haller was retained as a prisoner. I started down home then. Part of the company had scattered around town, and the remainder were about Keller's house. In Emery's company I recognized Emery himself, Thomas Hughes, and Bennett Burnham. Hughes was somewhat disguised, with an old hat drawn over his eyes. As I came down street I passed opposite Wetherell's store, and saw about 25 horsemen drawn up in line in front of the building, with their horses' heads towards the building. They were then awaiting orders, or consulting. I went into my father's house; he advised me to get on the

steamer Martha Jewett, which was then lying at the levee, and go up to Weston. I did so. On arriving at Weston a committee of the citizens notified me that I would have to go back to Leavenworth, as the people there were much aroused, and they would not be responsible for the consequences if I remained. I asked the privilege, then, of going up the river; they refused to let me go up the river. My brother was with me; we escaped observation and slipped off from the committee and took to the woods, till we got into the big road around the bluff; I went up to Council Bluffs. About two miles out from Weston I overtook H. M. Hook's wagon. Hook and his brother had escaped from Leavenworth at the same time. In the wagon were also Dr. Park, J. N. Jewett and George Goslin, all from Leavenworth. We all rode together up to Council Bluffs, being nine days on the trip.

JOHN J. LUCE.

Sworn to before me this 31st day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

William T. Marvin, sworn: I have resided in Leavenworth ever since October, 1854. On the morning of the first Monday in September, 1856, after Phillips was killed, I went to Weston on the Martha Jewett. On reaching Weston I was informed that I must go back to Leavenworth; several of my acquaintances in Weston said they would vouch for my being no abolitionist. I was allowed to remain there until Wednesday morning ensuing, when I returned to Leavenworth voluntarily; reached Leavenworth about 12 m. Soon after arriving here, William H. Russell rode along in front of the store of Luce & Marvin, (in which I was a partner,) and observed to me: "Marvin, I am glad to see you back, but you must shoulder a gun for the defence of the city." I informed him that I had no gun. He told me to go to his store and he would lend me one. I went there accordingly, and got a gun; that afternoon I was mustered into the City Guards, commanded by Captain Clark. Our headquarters were established at the late residence of George H. Keller. Our company used his house and furniture for all purposes necessary for camp life. Do not remember how long we occupied it. I am not a married man; was not married then; was not on duty the whole time; only every other night. We slept on the mattresses without taking our boots off, and the men generally felt no interest in saving or protecting any of the furniture. Do not remember how long the house was thus occupied. These troops were thus kept in service and cantonment because it was alleged that there was constant danger that the city would be attacked by a body of armed men under General Lane. During the time we were so in service a corral of wagons was placed around a considerable portion of the settled part of the city, as a breastwork or barricade against Lane's anticipated attack, and so remained until Governor Geary's arrival. Our company were infantry. I have examined the bill of

One top coat, valued at	-	-	-	-	-	-	-	\$28 00
One dress coat, valued at	-	-	-	-	-	-	-	22 00
One cloak, valued at	-	-	-	-	-	-	-	25 00
Two pair of pants, valued at \$7 each	-	-	-	-	-	-	-	14 00
Two vests, valued at \$4 50 each	-	-	-	-	-	-	-	9 00
One feather bed and pillows, valued at	-	-	-	-	-	-	-	26 00
One hundred pounds of tobacco, valued at seventy-five cents per pound	-	-	-	-	-	-	-	75 00
Childrens' clothes, valued at	-	-	-	-	-	-	-	15 00
Chest of carpenters' tools, valued at	-	-	-	-	-	-	-	30 00
Total	-	-	-	-	-	-	-	<u>244 00</u>

Wherefore your petitioner prays for the redress in such case provided, and for such other action as to your honorable body may seem just and proper.

Your petitioner further represents, that the testimony of one William Neis, in regard to his said claim, is on file in the office of Commissioner Strickler, to which he prays that access may be had.

Subscribed this seventeenth day of March, in the year of our Lord one thousand eight hundred and fifty-nine.

THOMAS H. THOMAS,

TERRITORY OF KANSAS, *County of Atchison*, ss :

On this 19th day of March, A. D. 1859, before me the undersigned, a notary public in and for said county, personally appeared Thomas H. Thomas, who, being sworn, says that the above and foregoing petition and statement is true, and that the accounts therein stated are just and true.

In testimony whereof, I have hereunto set my hand and official seal the day and year last above written.

[L. S.]

S. W. CONE,
Notary Public for Atchison County.

In the matter of the petition of Thomas H. Thomas.

DOUGLAS COUNTY, ss :

George H. Snyder, being duly sworn, deposeth and saith : That he is acquainted with the petitioner, Thomas H. Thomas ; that he was a citizen of the Territory of Kansas in the year 1856, and is now ; he resided, in 1856, adjoining claims with me, and I was well acquainted with him and his property ; I know that Mr. Thomas's house was robbed about the fore part of September, 1856 ; I know that his property was all taken away, and was a total loss to him ; I know, also, that he had a lot of tobacco ; I know that he had a chest of carpenters' tools ; I also know that he had plenty of good clothing ; he had two little girls, but they were from home at the time ; I have

examined the bill attached to his petition, and have no doubt it is less than the amount of his loss, but I cannot particularly state the items or the amounts.

GEORGE H. SNYDER.

Sworn to before me, April 27, 1859.

SAMUEL A. KINGMAN,
Commissioner.

Elizabeth Thomas, being duly sworn, deposeth and says : That she has resided in the Territory of Kansas since the month of January, 1854 ; alliant knew the petitioner in 1856 ; resided on an adjoining claim ; the line of his claim ran directly through my house ; about the fore part of September, 1856, the country was overrun by bands of armed ruffians, which quartered in and about Lecompton, stealing all they could find ; I know that at that time Mr. Thomas's house was robbed ; he came to my house in the morning, on his way to the encampment of the United States troops near Lecompton, to procure their aid in recovering his property, and requested my little son to go to his house and see if anything was left or could be saved ; my son went, and succeeded in finding a few articles of little value ; what he got, carried to my house in a small market basket ; before the robbery of Mr. Thomas's house, he was living in his house with two little daughters ; I washed and mended for him and his children ; I know that they were well clothed and had plenty ; and I know that after the house was robbed there was little or nothing but what clothes they had on ; and that he never recovered any part of it

ELIZABETH THOMAS.

Sworn to before me this 27th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

Thomas Oliver, being duly sworn, deposeth and saith : That he is acquainted with the petitioner, Thomas H. Thomas ; that he was a citizen of the Territory of Kansas in the year 1856, and near the city of Lecompton, in Douglas county ; I was well acquainted with him in the fall of that year, prior to the robbery of his house ; I know that he resided in a house of Messrs. Watson, about the month of September, 1856 ; and that he had the property as set forth, stated in his petition, as having been lost ; I visited it on the next morning after the robbery was committed ; I found that his house had been broken into, the door broken down, and all the property gone ; I do not know that Mr. Thomas ever recovered any part of his property, or received any compensation therefor ; I cannot particularly state as

to the value of the several items of property so lost, but believe the bill, as presented by Mr. Thomas, to be a very moderate one.

THOMAS OLIVER.

Sworn to before me, April 28, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Thomas H. Thomas.

Petitioner claims for clothing, tools, tobacco, &c., taken out of his house by a company of Kickapoo Rangers, who plundered same. Items given and proven	-	-	-	-	\$244	00
The proof sustains the claim.						
Add interest, 2½ years, at 6 per cent.	-	-	-	-	36	30
Award total	-	-	-	-	280	30

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

MAY 3, 1859.

No. 111.

To the honorable board of commissioners for the auditing and certifying of claims, appointed under an act of the territorial legislature, entitled "An act to provide for the adjustment and payment of claims," and approved February 7, 1859.

Your petitioner, John G. Crocker, respectfully represents: That he had property taken or destroyed, and sustained certain damages, resulting therefrom, during the disorder which prevailed in this Territory from November 1, 1855, to December 1, 1856, and that he is a citizen of Kansas Territory, and was a citizen of said Territory at the time of the losses sustained, as aforesaid.

Your petitioner represents, that on or about the 4th day of December, A. D. 1855, in the city of Lawrence, in the county of Douglas, he was the owner of certain valuable property, to wit: A chest of carpenter's tools, and certain work, consisting of drawers, brackets, counters, &c., which property was taken or destroyed at the time aforesaid, and your petitioner thereby sustained damages, resulting from said loss or destruction of property, to the amount of one hundred and seventy-five dollars.

And your petitioner further represents, that on the 21st day of May, A. D. 1856, in the city of Lawrence, county aforesaid, he was the owner of certain valuable property, to wit: A trunk of clothes, a can-

vass tent, one rifle, one Colt's revolver, certain carpenter's tools, which property was taken or destroyed at the time aforesaid, and your petitioner thereby sustained damages to the amount of two hundred and forty dollars.

And your petitioner further represents, that his shop and lumber therein contained was injured or destroyed, to his damage fifty dollars.

And your petitioner avers that the schedule hereto annexed, and made a part of this petition, gives a true and accurate list of the property taken or destroyed, during the disorder, &c., as aforesaid, and the damages resulting therefrom, so as aforesaid, sustained by your petitioner.

And your petitioner represents, that he has never been reimbursed, either in whole or in part, for the damages sustained by him as aforesaid, and he therefore prays that your honorable board will audit and certify his claim for the loss of property taken or destroyed, and the damages resulting therefrom, as aforesaid, amounting to four hundred and sixty-five dollars.

DOUGLAS COUNTY, ss:

Personally appeared before me, Caleb S. Pratt, clerk of the probate court of Douglas county, Territory of Kansas, John G. Crocker, petitioner in the above petition, who being first duly sworn, makes oath and says, that the matters and facts set forth in the foregoing petition are true, according to the best of his knowledge, information, and belief.

JOHN G. CROCKER.

Subscribed in my presence and sworn to before me this 12th day of March, A. D. 1859.

CALEB S. PRATT,
Clerk Probate Court Douglas County, Kansas Territory.

Schedule referred to in the above petition.

1855. December 4, } One chest of carpenter's tools.....	\$100 00
or about that time: } Damages to work, &c.....	75 00
	<hr/>
	175 00
1856, May 21: One trunk of clothes.....	100 00
One canvass tent.....	35 00
One rifle.....	30 00
One Colt's revolver.....	25 00
Carpenter's tools.....	50 00
Damages to shop and lumber.....	50 00
	<hr/>
Total amount.....	465 00
	<hr/> <hr/>

as in the above petition set forth.

In the matter of the petition of John G. Crocker.

DOUGLAS COUNTY, ss :

John Mack, sworn, says: I am acquainted with petitioner. He is a citizen of this Territory, and was in May, 1856. On the 21st of May, 1856, petitioner was at work at his trade as a carpenter in this city. I was in his employment. The men who sacked Lawrence on that day took and destroyed and injured his tools, to the amount of one hundred and fifty dollars or two hundred dollars. I am not a carpenter, and not a judge of the value of tools. He lost, also, a Sharpe's rifle at that time, worth twenty-five dollars. There was damage done to his shop; benches knocked to pieces. His lumber was destroyed by being split up, so that it was not fit for use. I don't know the amount of lumber. The damage to his lumber and shop was one hundred dollars to two hundred dollars, besides the tools.

JOHN MACK.

Sworn to before me April 30, 1859.

SAM'L A. KINGMAN,
*Commissioner.**In the matter of the petition of John G. Crocker.*

DOUGLAS COUNTY, ss :

George H. Crocker, being duly sworn, saith: I am a brother of petitioner; I reside $1\frac{1}{2}$ mile west of Lawrence; petitioner is about 30 years of age, younger than I am, and has made it his home, with me, ever since we came to the Territory, in May, 1855; we have both resided in the Territory all the intermediate period; I know that petitioner had property taken and destroyed during the disorder which prevailed in the Territory from November 1, 1855, till December 1, 1856. In December, 1855, John G. Crocker, petitioner, being a carpenter employed in putting up and finishing the building of the Messrs. Hutchinson, in Lawrence, had a chest of tools there when the building was taken possession of by and used as quarters for the free-State troops, gathered for the defence of Lawrence; he was working for Hutchinsons, by contract, and owned and furnished the lumber for shelving the store, and some other portions of the finishing, such as counters, drawers, &c. By the military forces taking possession of the premises he was prevented from continuing his job; he had a good set of tools, an ordinary full set of carpenter's tools, in a chest. I do not know the value of the whole collectively. While so occupied, a considerable proportion of his tools were taken out of his chest, and lost or destroyed. I frequently saw his tools, while at work there, and know what he had before the place was occupied as barracks. Those troops remained there a couple of weeks or more, until the difficulty was temporarily compromised by the Shannon treaty. After

that I helped my brother to get his tools together, and arrange and repack his lumber and materials; I know that a considerable number of his tools were gone; all the bits, chisels and framing tools, planes and sash tools were gone; cannot state their value; there were also gone or destroyed some stock that he had worked out and got ready, such as counters and shelving, brackets and fixtures; cannot estimate the value of such missing work. The men occupying the building cut up and burned considerable valuable work; the weather was extremely cold, and wood scarce.

On 21st May, 1856, petitioner had and used a small building on Winthrop street, in Lawrence; he used it as a carpenter shop; on that day he removed his trunk of clothing and apparel from my house to his said shop, supposing it would be safer, as the pro-slavery forces were committing depredations for several days previous upon the settlers outside of Lawrence. On the afternoon of that day, when the posse under Jones came into the city, my brother's shop was taken possession of by them and used as a guard-house; my brother's trunk was broken open and thrown into the street, and all the contents, consisting of pantaloons, shirts, vests, coats, and many items of personal property, usually required and used as apparel, together with some miniatures, shaving apparatus, &c., worth collectively probably \$100, taken away by the pro-slavery men.

On same day there were also taken away one canvass tent, worth \$25 or \$30; one rifle, worth \$35; one Colt's revolver, worth about \$25 or \$30; some carpenter's tools; I cannot specify the alleged damage to his shop and lumber at that time; his stock and the contents of the building were all thrown out. I know he had a tent, rifle, and revolver in Lawrence before the Jones posse came into town, but I never saw them afterward.

GEORGE H. CROCKER.

Sworn to before me this 28th day of April, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of John G. Crocker.

DOUGLAS COUNTY, ss:

Samuel Walker, sworn, states: That he is acquainted with the petitioner, John G. Crocker; he was a citizen of the Territory in the years 1855 and 1856, and is now. In the month of November, 1855, at the time of what is called Wakarusa war, I was in command of a company of men at Lawrence; they were quartered in a building in the city of Lawrence, then being finished off by the petitioner; and that there was a large amount of lumber and materials, intended for the completion of said building, injured and destroyed by the men; much of it was cut up and burned. I used every exertion to save the property, but could not do it. The value of the property thus destroyed I could

not state. There was a chest of tools, whether they were all taken or not, I cannot say; much of the lumber was worked; there were shelving and drawers, and such kind of articles as are usual in finishing off storerooms.

SAMUEL WALKER.

Sworn to before me this 25th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of John G. Crocker.

Petitioner claims for one chest of carpenter's tools, December, 1855	-	-	-	-	-	-	\$100 00
Damages to work done, &c., ready to put up	-	-	-	-	-	-	75 00
One trunk of clothes, May 21, 1856	-	-	-	-	-	-	100 00
One canvass tent	-	-	-	-	-	-	35 00
One rifle, \$30; one Colt's revolver, \$25	-	-	-	-	-	-	55 00
Carpenter's tools	-	-	-	-	-	-	50 00
Damages to shop and lumber	-	-	-	-	-	-	50 00
							465 00
							465 00

The proof shows that petitioner was working on Hutchinson's store, Lawrence, when, in December, 1855, same was taken possession of, and he lost some tools. No direct proof of the value of tools lost.

Taking average of proof, allow	-	-	-	-	-	-	\$50 00
Damages to work done, no proof of value. Crocker's evidence in the Hutchinson case shows that Hutchinson & Co. owned the lumber; petitioner lost work on same, say	-	-	-	-	-	-	25 00
Clothes	-	-	-	-	-	-	100 00
No proof that tent was taken, as it was in possession of free-State soldiers 21st May.							
Allow rifle, \$30; one Colt's revolver, \$25	-	-	-	-	-	-	55 00
Carpenter's tools, lost May 21	-	-	-	-	-	-	50 00
Allow damage to building and lumber that day, say	-	-	-	-	-	-	50 00
Total award	-	-	-	-	-	-	330 00
							330 00

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

MAY 4, 1859.

No. 112.

H. A. LOWE vs. THE TERRITORY OF KANSAS.

Before the court of claims for the Territory of Kansas under the act of said Territory, passed A. D. 1859.

PETITION.

The petition of the said H. A. Lowe shows to your honorable court that he is a citizen of Jefferson county, in the Territory of Kansas aforesaid, and that he has been a resident of said county and Territory since the spring of 1855; and the said petitioner, H. A. Lowe, further shows, that, on the 13th day of September, A. D. 1856, and for a long space of time before said 13th day of September, 1856, he, the said H. A. Lowe, resided in the town of Hartsville, sometimes called Hickory Point, in said Jefferson county, and that he was the proprietor thereof; and the said H. A. Lowe further shows that he had built a comfortable log-house on said town site, in which he kept and carried on a hotel or tavern; and that on the 13th day of September, 1856, aforesaid, he was then and there keeping a hotel and boarding house; that, besides the said house, he had also built a stable near said house, which was standing on his premises in said town on said 13th day of September, 1856; and, besides these improvements, he had cut and put up in stacks about fifty tons of hay, which on said day was standing thereon; and, besides these, there were vegetables of great variety and corn growing thereon. And the said H. A. Lowe shows further to your honorable court that about the latter part of August, A. D. 1856, or the first part of September, 1856, the Territory of Kansas was in a state of civil strife or civil war, and the people thereof in arms against each other, killing each other, and destroying property, and laying waste the country. And the said H. A. Lowe further shows to your honorable court that, on the said 13th day of September, 1856, his house and premises were attacked by a body of armed men, with a certain Colonel Harvey at their head, with cannon, Sharpe's rifles, and guns and pistols; which said attack was continued until the evening of the 14th day of September, during which time one man was killed by the attacking party, who was engaged in defending my premises; and during the said attack the said corn and vegetables, then growing on said premises, were destroyed by the attacking party; and before they left the said premises, about the close of the attack or battle, known as the "Battle of Hickory Point," during the attack the said stable and the said hay (50 tons) were burnt entirely up. For several days previous to the said attack the whole neighborhood was alarmed; and men, women, and children, to the number of about sixty, came to my said house for shelter and protection; which said men, women, and children, the said petitioner supported and fed for the space of ten or twelve days.

Your petitioner therefore prays an award or judgment for the sum of two thousand and fifty dollars for said losses and for the support of

said men, women, and children, as aforesaid, according to the account hereto annexed, and marked A; and your petitioner will ever pray, &c.
 H. A. LOWE.

Sworn to and subscribed before me this 30th day of March, 1859.
 HENRY J. ADAMS.

A.

Territory of Kansas to H. A. Lowe, Dr.

1856. Fifty tons of hay, at \$20 per ton	-	-	-	\$1,000	00
Stables burnt	-	-	-	200	00
Corn and garden destroyed	-	-	-	250	00
Support of people at hotel, sixty men, women, and children	-	-	-	600	00
				<hr/>	
				2,050	00
				<hr/> <hr/>	

TERRITORY OF KANSAS, *Jefferson County, to wit:*

We, the undersigned, citizens of the said Territory and county aforesaid, state under oath that we have read the statement or declaration of H. A. Lowe, and that the matters and things set forth therein are true to the best of our belief; we having lived in the neighborhood of the said Lowe at the time the damages occurred and the said loss sustained, and being present at the time the said depredations were committed by the said Lane and the said Harvey and the men under their respective commands. We are well acquainted with the circumstances set forth in the declaration, viz: the loss of stacks of hay by fire, the burning of his stable, loss of corn, vegetables, &c.; the fact of his supporting a number of men, women and children for several days, who had sought refuge at his house.

THOMAS D. CHILDS.

THOMAS FOX.

his
 RICHARD × GRANT.
 mark.

On the 2d day of March, 1858, personally appeared before me, a justice of the peace of Jefferson county, in the Territory aforesaid, Thomas D. Childs, Thomas Fox, and Richard Grant, and made oath that the matters and things set forth in the above and foregoing statement are true as therein set forth.

Given under my hand and seal this 2d day of March, 1858.

JONATHAN C. TODD, [L. S.]
Justice of Peace.

TERRITORY OF KANSAS, *County of Jefferson, ss:*

I, J. W. Day, clerk of the probate court within and for the county aforesaid, do hereby certify that Jonathan C. Todd, whose name is subscribed to the foregoing instrument of writing, is an acting justice of the peace within and for the county of Jefferson and Territory aforesaid, duly commissioned and qualified, and that his acts as such justice are entitled to full faith and credit.

In testimony whereof, I have hereunto set my hand, and the seal
[L. S.] of said probate court, at my office in Osawkee, this 9th day of
March, A. D. 1858.

J. W. DAY, *Clerk P. C. J. C.*

In the matter of the petition of H. A. Lowe.

Petitioner claims for 50 tons of hay, at \$20 per ton...	\$1,000	
Stables burnt	200	
Corn and garden destroyed.....	250	
Support of people, 60 in number, who took refuge at his hotel, 8 or 10 days.....	600	
	<hr/>	\$2,050
		<hr/> <hr/>

Petitioner kept hotel at Hickory Point where the battle took place in September, 1856.

The testimony is not presented in a satisfactory form, although fully sustaining the facts set forth in the petition. The witnesses give no details, name, nor prices.

The schedule presented was evidently written and prepared two or three years ago.

The items are regarded as follows, and allowed accordingly:

Fifty tons of hay at \$20 per ton.....	\$1,000	
Stables burnt.....	200	
Corn and garden destroyed.....	250	
	<hr/>	1,450
		<hr/> <hr/>

The prices charged are sufficient to cover interest and all contingencies.

The charge for keeping the people we have no authority to allow for.

EDW'D HOOGLAND.

JULY 1, 1859.

In the case of Mr. Lowe, within specified, the commissioners within mentioned agree upon and hereby make to him an award of one thousand dollars (\$1,000) in full of items and interest.

EDW'D HOOGLAND.
HENRY J. ADAMS.
SAM'L A. KINGMAN.

JULY 9, 1859.

No. 113.

To Edward Hoogland, Henry J. Adams, and Samuel A. Kingman, commissioners of claims appointed by the legislative assembly at its last session, under an act entitled "An act to provide for the adjustment and payment of claims," approved February 7, 1859.

Your petitioner, Andrew Kurth, administrator of John Kurth, deceased, respectfully represents that the said John Kurth was a citizen of the city of Leavenworth, Kansas Territory, in the year 1856, and was engaged in the business commonly known as cabinet-making. That some time in the month of September, 1856, he received a peremptory order to leave the Territory of Kansas, and although he had been a good and an exemplary citizen, he was compelled to leave his home and business; he left his stock of lumber at or near his shop, and on his return his lumber and working material, so left as aforesaid, was all stolen and entirely lost to him. He also states that his necessary costs and expenses in travelling and keeping out of the city aforesaid, in order to preserve the life of himself and his family, and the loss of lumber and time aforesaid, and by reason of which causes and premises he has been damaged in the aggregate sum of three hundred and twenty dollars, for which amount your petitioner prays an allowance in the usual form prescribed by law; and he will ever pray, &c. Bill of items hereto annexed.

ANDREW KURTH,
Administrator of John Kurth, deceased.
HENRY & HENRY,
Attorneys for Petitioner.

Sworn to before me this 29th day of March, 1859.
HENRY J. ADAMS,
Commissioner.

BILL OF ITEMS.

For lumber lost and destroyed.....	\$65 00
Expenses in travelling, for self and family.....	155 00
Time lost in consequence of being driven out and kept from the Territory.....	100 00
	320 00
	320 00

KANSAS TERRITORY, *County of Leavenworth, ss:*
The Territory of Kansas to all persons to whom these presents shall come,
greeting:

Know ye that the will and testament of John Kurth, deceased, hath, in due form of law, been exhibited, proved, and recorded in the office of the clerk of the probate court for Leavenworth county, a copy

of which is hereunto annexed ; and inasmuch as it appears that Catharine T. Kurth and Andrew H. Kurth have been appointed executrix and executor by the said last will and testament to execute the same, and to the end that the property of the testator may be preserved for those who shall appear to have a legal right or interest therein, and that the said last will may be executed according to the request of the testator, we do hereby authorize them, the said Catharine Kurth and Andrew H. Kurth, as said executrix and executor, to collect and secure all and singular the goods and chattels, rights and credits which were of the said John Kurth at the time of his death, in whose-soever hands or possession the same may be found ; and to perform and fulfil all such duties as may be enjoined upon them by the said will, so far as there shall be property, and the law charge them in general to do and perform all other acts which now are or hereafter may be required of them by law.

In testimony whereof I, George W. Perkins, judge of the probate court in and for the county and Territory aforesaid, have here-
[L. S.] unto set my hand and affixed the seal of said court at office this 6th day of August, A. D. 1857.

GEORGE W. PERKINS, *Judge P. C.*

The last will and testament of John Kurth of Leavenworth city, Kansas Territory.

I, John Kurth, now of the city of Leavenworth, Kansas Territory, being of sound mind and memory but feeble in body, do make, publish, and declare, this my last will and testament in manner and form as follows, to wit :

1. I give, grant, and bequeath unto my dutiful and loving wife, Catharine T. Kurth, all my property, both real and personal, of all kinds or nature, to have and to hold the same during her natural life.

2. After the life of my said wife Catharine, all my property, both real and personal, and of every kind or nature, is to be equally divided among my children.

3. I appoint my wife the lawful guardian of all my minor children.

4. I hereby appoint my said wife and my oldest son, Andrew H. Kurth, to be my lawful executrix and executor of this my will.

In witness whereof I have hereunto set my hand and seal this 4th day of August, A. D. 1857.

J. KURTH. [SEAL.]

KANSAS TERRITORY, *Leavenworth County, ss :*

I, George W. Perkins, judge of the probate court in and for the county and Territory aforesaid, do hereby certify that the foregoing is a true copy of the last will and testament of John Kurth, deceased.

In testimony whereof I have hereunto set my hand and affixed
[L. S.] the seal of said court at office this 6th day of August, A. D. 1857.

GEORGE W. PERKINS, *Judge.*

TERRITORY OF KANSAS, *Leavenworth County, ss:*

I, H. C. Fields, clerk of the probate court in and for the county and Territory aforesaid, do hereby certify the foregoing to be a correct copy of the original appointment of administrator, together with the will of John Kurth, deceased, as certified to by George W. Perkins, judge.

Witness my hand and seal of office this 2d day of April, A. D. 1859.

H. C. FIELDS, *Clerk.* [L. s.]

Per O'MEARA, *Deputy Clerk.*

In the matter of the petition of Andrew Kurth, administrator of John Kurth, deceased.

EVIDENCE.

Jacob F. Stroble, being duly sworn, says: I knew John Kurth during his lifetime; he lived on 4th between Seneca and Miami streets, city of Leavenworth, Kansas Territory, in the summer of 1856; he was a carpenter and cabinet maker; I know he had some lumber, a pretty good pile; he was sent down the river by the pro-slavery men then controlling the town; this was a few days after the 1st of September, 1856; they called him an abolitionist; he had to leave the house with his family, and no one was left to care for his property; I don't know how much lumber he had; when he returned and before he returned I was at and passed his house frequently; the place was stripped; I don't know how much property was taken away or destroyed; I think he died in the fall of 1858.

JACOB F. STROBEL.

Sworn to and subscribed before me this 1st day of April, 1859.

HENRY J. ADAMS, *Commissioner.*

Dennis Knipe, being sworn, says: I have lived over three years in this place; knew John Kurth during his lifetime; he died in August, 1857; he was living on 4th between Seneca and Miami streets, in the city of Leavenworth; he was a carpenter; had his shop in his house; Dick Murphy came and drove him out the house because he was an abolitionist; he was a free-State man and a good one; Dick Murphy put him out about the 2d of September, 1856; he had a good big pile of pine and oak, walnut and lin lumber, and also, door and window frames and doors; I lived two blocks from him, on 5th street; he was a particular friend of mine and I was often in his shop; his lumber and doors, &c., were worth, altogether, about \$200; when driven away he went to St. Louis; his lumber was all stolen while he was away; he left no one to take care of his lumber; I never saw any one

take his property away ; his house was stripped when he returned ; he came back the next spring.

DENNIS KNIPE.

Sworn to and subscribed before me this 1st day of April, 1859.

HENRY J. ADAMS, *Commissioner*.

Andrew Kurth, being sworn, says : I am petitioner in this case ; John Kurth, deceased, was my father and I was living with him in 1856 ; we got an order from Dick Murphy to leave the 2d or 3d day of September, 1856 ; we went to the fort with the family that day ; father came back next day and was immediately taken by Captain Clark, who ordered him to open the door, threatening to shoot if he refused to do so ; they then took my father to the mansion house then George Keller's, and ordered him to take arms ; he refused, and they took him down to ransack Mr. Engelsmann's store ; he took up one sack and put it down again and refused to obey them ; they then gave him time to collect his family and leave ; he shipped his family but remained himself until ordered a second time by Dick Murphy to leave, when he left ; he hid in a stone house on the levee until a boat came and we left. Previous to this they took me out to Pilot Knobb and showed me a lot big enough, as they said, for a free State man to be buried in ; while we were there a party of horsemen came along from Lawrence, and they put like blazes, thinking it was Jim Lane ; I then got off and got into the stone building. I returned to Leavenworth in May, and my father told me that his lumber, frames, doors, &c., were all gone, and also, the deed of the property ; the house was also very much injured, locks broken off, &c. ; the lumber taken was worth \$65. My father returned in March, before I did ; the other loss to my father I think was about \$60. I am the administrator of my father's estate.

ANDREW KURTH.

Sworn to and subscribed before me this 1st day of April, 1859.

HENRY J. ADAMS, *Commissioner*.

In the matter of the petition of John Kurth's administrator, &c.

Petitioner claims for lumber and damages—

Deceased and his family were sent down Missouri river from Leavenworth in September, 1856.

Loss of lumber	-	-	-	-	-	-	-	-	\$65 00
Travelling expenses, self and family	-	-	-	-	-	-	-	-	155 00
Lost time	-	-	-	-	-	-	-	-	100 00

320 00

The case is fully sustained by the proof, but the two last items are inadmissible.

Award for lumber - - - - -	\$65 00
Add interest, 2½ years, at 6 per cent - - - - -	9 75
	<hr/>
Total award - - - - -	74 75
	<hr/> <hr/>

EDWARD HOOGLAND.
 SAMUEL A. KINGMAN.
 HENRY J. ADAMS.

APRIL 18, 1859.

No. 114.

Original petition.

TERRITORY OF KANSAS, *County of Leavenworth, ss :*

Petition of Thomas Fahey, of the county and Territory aforesaid, under an act of the territorial legislature, approved February 7th, 1859, entitled "An act to provide for the adjustment and payment of claims."

To the honorable the commissioners appointed by virtue of the foregoing recited act:

I, Thomas Fahey, of the county and Territory aforesaid, represent unto your honorable body, that I have sustained losses in consequence of and growing out of the difficulties and disorders which prevailed in this Territory, from November 1855, to December 1st, 1856, as follows, to wit: The destruction by fire, of my house situated on Cherokee street, in the city of Leavenworth, county and Territory aforesaid, together with all my furniture, bar and bar-fixtures, an assortment of jewelry, cutlery, &c., my stock of liquors, and the clothing of myself and family, amounting in value to sixteen hundred dollars. And I, the said Thomas Fahey, would further represent: that I was at the time said loss occurred, and am now, a citizen of the said Territory of Kansas, and that said fire was not the result of accidental carelessness, but the work of an incendiary, instigated to the perpetration thereof by motives of political hostility; that my reasons for believing the destruction of my property to be an act of political incendiarism, are the following: First. That I am, and have been ever since my arrival in the Territory, a member of the law and order party. Secondly. That some time previous to the destruction of my property as aforesaid (which occurred during the night of the 24th July, 1856,) an election was held in the city of Leavenworth, at which the ballot box was taken by some of the members of the law and order party and conveyed by them, without my consent, into my house, which so exasperated the free-State men of the county and Territory aforesaid, as to induce them then to threaten the

destruction of my property. Third. That on another occasion, and previous to the destruction of my property as aforesaid, a body of men in the service of the law and order party, visited the city of Leavenworth, and entered the office of the Territorial Register, a public newspaper published in said city of Leavenworth, as the organ of the free-State party, and taking therefrom the press of said office, threw it into the Missouri river; that after the destruction of the press aforesaid, said body of men went to the house of your petitioner, making it their rendezvous, and thereby procuring for it the odium of the free-State party. Fourth. That at the time of and long before the destruction of my property as aforesaid, I was the keeper of a house of public entertainment, and as such could not refuse entertainment to the body of men aforesaid, but was compelled by the law of the land to receive and furnish them with whatever they might request, and to receive them within my house. Fifth. That neither at the time of the destruction of my property as aforesaid, nor at any other time since, have I in any manner given individuals not members of that party a provocation to injure me either in person or property, and that the destruction of my property as aforesaid was a wanton and reckless disregard of the rights of private property, and a palpable violation of the laws of the land. Sixth. That a short time previous to the destruction of my property as aforesaid I was informed by a free-State man that the members of his party intended to burn my house down, alleging as reason therefor, the fact of the ballot box, already alluded to, having been carried there, and by said free-State man advised to guard my property, which advice I followed but without being able to prevent its destruction. And I, the said Thomas Fahey, do further represent unto the honorable commissioners, that none of the property described herein, and in the accompanying statement marked A, has ever been restored to me, nor have I received any compensation for my loss therefor.

THOMAS FAHEY.

Sworn to and subscribed before me this 28th day of March, A. D. 1859.

[L. s.]

WILLIAM PERRY, *Notary Public.*

A.

Statement of loss sustained by Thomas Fahey, in consequence of and growing directly out of the difficulties and disorders which prevailed in the Territory of Kansas, from November 1, 1855, to December 1, 1856.

One house	-	-	-	-	-	-	-	\$800 00
House furniture	-	-	-	-	-	-	-	150 00
Jewelry and cutlery	-	-	-	-	-	-	-	400 00
Bar and bar fixtures	-	-	-	-	-	-	-	100 00
Ice cellar	-	-	-	-	-	-	-	50 00
Clothing and bedding	-	-	-	-	-	-	-	100 00
								1,600 00
								1,600 00

Thomas Fahey, being by me first duly sworn, says that the foregoing statement of loss is just, true, and correct, and that he has received no compensation therefor.

THOMAS FAHEY.

Sworn and subscribed before me this 28th day of March, A. D. 1856.

[L. s.]

WILLIAM PERRY,
Notary Public.

In the matter of the petition of Thomas Fahey.

TESTIMONY.

Jacob Gaiser sworn: Knows the petitioner; has known him about four years; then and now a citizen of Leavenworth; kept a public house on Cherokee street in 1856. I was his partner in business about one year. About one month prior to the burning of his house I sold to him my interest in the business. I sold out because I believed that we were in danger of being burned out, as a feeling of excitement existed against us, growing out of the fact that the ballot-box which was forcibly taken from the officers of an election was carried to our house. I was advised that we would be burned out by the free-State party. Knew the Kickapoo Rangers. Recollects the *Territorial Register*. Knows that that press was thrown into the river by the Kickapoo Rangers, and they made our house their rendezvous; it was after the election at which the ballot-box was taken. Knows the cost of the house. It was burned in July, 1856. It cost between \$800 and \$900; furniture, bar and bar fixtures, between \$300 and \$400; jewelry and cutlery about \$400; the ice cellar about \$50. When I left the house there was in it about one hundred and fifty dollars' worth of clothing and bedding. I was not present at the fire; was not in town.

Cross-examined.

It was a two-story house, used as a tavern, boarding-house, and drinking saloon. The Kickapoo Rangers stopped at the house. Do not know how many Kickapoo Rangers there were—about twenty-five or fifty. We were not prepared for furnishing accommodations for twenty-five persons. They did not sleep at our house; they came there and stopped to drink during the evening, and left for Kickapoo again. The ballot-box was brought to our house. Fahey refused to receive it, and it was given to my wife for safe-keeping. She kept it till morning, when it was called for by the men who brought it there. The cellar was roofed over with lumber, and the sides built up of plank. This house was a resort for everybody who came there, but not particularly for men of the character of the Kickapoo Rangers. This house was on Cherokee street, between Second and Third streets, on the opposite side of the street from the Territorial Register. The Kickapoo Rangers, who destroyed the Register office,

were at our house both before and after that act. There were other parties in town that summer who were afraid that their buildings would be burned. A bad state of feeling and a general distrust prevailed on the part of the citizens of either party all that season. Threats were made to burn and kill, and made persons generally fearful. I was home the night or morning that the Register was destroyed. Fahey was home. Do not know that he took any part in the excitement. The Rangers took part in conversations in our house about destroying the paper. That day I heard some of them mention it in the road. I know two or three of those men by sight. The paper was destroyed in the night. That night it was nearly as light as daylight, being moonshine, and very cold; don't recollect any snow on the ground. It was a good while after this before our house was burned. Don't remember the date when the ballot-box was destroyed.

JACOB GAISER.

Sworn by me this 30th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

Alexander Traskowski sworn: I reside here in Leavenworth, and resided here in 1856. Am acquainted with Fahey, and have known him since the spring of 1854; he came here in the spring of 1854, and stopped at my house, lot 9, block 22, city of Leavenworth. He built a house next to me, on the same street, in 1855; kept a public house—tavern and boarding-house—and jewelry for sale. He kept that house not quite two years, when the fire took place, on the night of the 23d or 24th of July, 1856. Do not know that he saved any property. I found my house also in flames. I was there, and did not see that he saved anything. In his house he had furniture, cutlery, a bar, liquor, and several things; a pretty good house, worth \$800 or \$900; the ice cellar was worth \$40 or \$50. I remember the cutlery and jewelry he had there; do not know the value. He had probably—I do not know how much—worth of furniture, bedding, &c. Never inquired his politics. Lived alongside of him. Knew the Kickapoo Rangers; saw them there frequently. The Territorial Register was destroyed in the winter of 1855-'56; do not know what became of the paper. I have heard several persons talk in my house about setting fire to Fahey's building; do not know who the men were who talked so. Heard the Rangers at Fahey's house. Heard the Register was thrown into the river; do not know by whom.

Cross-examined.

Fahey's house was a resort for the people who came there. Have seen the Rangers there. In July, 1856, there were bands of armed men here; some under command of Captains Miller, Emery, Clarkson, &c. Several companies were here, and were ranging around in

and out of town, making pretty free, I guess, with property. They took property that they wanted ; do not know to what extent. I heard of their taking horses, but do not know particulars. They took some of my property.

ALEX. TRASKOWSKI.

Sworn to before me this 30th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Thomas Fahey.

Petitioner claims in this case for—

One house burned, 24th July, 1856, in the city of Leavenworth	\$800 00
House furniture, \$150 ; jewelry and cutlery, \$400.....	550 00
Bar and bar fixtures, \$100 ; ice cellar, \$50 ; clothing and bedding, \$100.	250 00
	<hr/>
	1,600 00
	<hr/> <hr/>

The proof is full that the house was burned, and might justify an inference that the contents thereof were destroyed by the fire, though there is no proof of the fact. And it would seem strange, after an alarm of fire made so soon after it originated, that the witness, (Perry,) who went to the house after the alarm was made, could ascertain, from the appearance of the building, burning in from the west outside to the interior, that it was set on fire from without ; that after such a warning, petitioner did not save articles so valuable and easily moved as jewelry and cutlery.

The petitioner seeks to bring the case within the meaning and intention of the law, by connecting the burning of his house with the destruction of the Territorial Register, and the forcible abduction of the ballot-box by the law and order party, and supports this assertion by a number of reasons, not so conclusive with the board as it seems to have been to petitioner.

The ballot-box was taken December 15, 1855, and the Register destroyed the same month—more than seven months before the destruction of petitioner's property, during all which time, petitioner alleges, he had given no offence to the party opposed to him. The only witness proving threats fixes no time, designates no person, and is himself an applicant for relief, and whose case depends upon thus making out the case of petitioner.

In the opinion of the board, the reasons given by petitioner for believing that political enemies set fire to his house conduce to show that such was not the fact.

If the ballot-box was left at his house against his protestations ; if

the men who destroyed the Register came to his house, and he entertained them because compelled by law so to do ; and if petitioner never, by word or act, injured any persons, (other than members of the law and order party,) it is an unreasonable inference that the opponents of that party would wantonly injure him.

The board are forced to the conclusion that the loss was accidental, or not growing out of political difficulties, and therefore cannot award petitioner any compensation.

SAM'L A. KINGMAN.
EDW'D HOOGLAND.
HENRY J. ADAMS.

APRIL 15, 1859.

TERRITORY OF KANSAS, *Leavenworth County, ss:*

To Charles Dunn, — Engleman, Jerry Lewis, and Lawrence Kannady:

You, and each of you, are hereby commanded to forthwith be and appear before the board of commissioners appointed under the provision of an act passed and approved February 7, 1859, provided for auditing claims for losses sustained in the years 1855 and 1856, now in session at the office of Henry J. Adams, esq., in the city of Leavenworth, to give evidence in a case pending before said board, wherein Thomas Fahey is claimant, on behalf of the claimant ; and fail not.

By order of the board.

WM. SPENCER, *Clerk.*

Amended petition.

TERRITORY OF KANSAS, *County of Leavenworth:*

To the honorable the commissioners appointed to audit and certify claims under an act of the territorial legislature approved February 7, 1859 :

Your petitioner, Thomas Fahey, of the city and county of Leavenworth, respectfully represents: That the counsel who presented his claim for indemnity for loss sustained during the troubles in Kansas, between November 1, 1855, and December 1, 1856, labored under some misapprehensions concerning his claim, and on this account your petitioner believes it has been rejected ; and further represents that he verily believes that he can adduce proof to bring his case within the meaning and intent of the act of the legislature of February 7, 1859. Therefore he prays your honorable board to reopen his case and give him another opportunity to present the same for the consideration of your honorable board.

Your petitioner still further represents that he was a member of the law and order party, and, by implication, a pro-slavery man ;

that he always proclaimed himself a law and order man ; and that on or about the 23d or 24th day of July, A. D. 1856, his house, situated on the north side of Cherokee street, was set on fire in the night time, between one and two o'clock, by some person or persons to your petitioner personally unknown ; that the said fire was set on the west side of my house, and that your petitioner verily believes that it was set on fire by some person or agent in the employ or in connivance with the free-State party, and that whoever did the act was moved by motives of political hostility towards your petitioner ; the said fire could not have occurred from accident, as there was no fire in the house from tea-time the night of the fire, and then the fire was in the cooking stove, in the L of the building, on the north side of the house, and at a part away from the quarter where the fire first commenced ; that the house, with all the furniture, bar fixtures, jewelry, cutlery, and stock of liquors, and the clothing of myself and family, amounting in value to sixteen hundred dollars, was entirely destroyed by fire or stolen. And I, Thomas Fahey, still further represent that I am now, and was at the time of the fire, a citizen of Kansas, and at that time kept a house for the entertainment of such persons as would pay for the same and conduct themselves in a civil manner, but that before and at the time of the fire the state of feeling in the community was such that it was unsafe for any one to refuse entertainment to any one who should desire it ; and that your petitioner, some time before the fire, did receive in his house a company of men called the Kickapoo Rangers, and that your petitioner had the reputation of entertaining pro-slavery men chiefly ; and also that your petitioner had the reputation of being in connivance with the parties who stole the ballot-box at an election in Leavenworth City some time previous to the fire ; and generally your petitioner was reputed to keep a house which was a rendezvous for the pro-slavery and law and order party ; and also that it was known that your petitioner's house was used as a storehouse for arms of the law and order party, and at the time of the destruction of petitioner's house there were arms of that party in his house. And your petitioner would still further represent that he had received intimations that his house would be burned by the free-State party from a free-State man, and had kept watch to guard against it, but without avail, and it was set on fire and burned down, and the house and all the contents were either destroyed or stolen ; and your petitioner has not received any compensation for his said loss, nor for any part thereof, nor has he recovered any of said property, except a pistol and a few articles of inconsiderable value, which he took from one of the many thieves which are ever ready to get gain at the expense or misfortunes of others.

All of which is respectfully submitted ; and for a schedule of the items and value of property lost your honors are referred to accompanying account, marked " A."

THOMAS FAHEY.

Sworn to before me, August 29, 1859.

EDWARD HOOGLAND,
Commissioner.

A.

Statement of loss of Thomas Fahey.

One house	\$800
House furniture.....	150
Jewelry and cutlery.....	400
Bar and bar fixtures.....	100
Ice cellar.....	50
Clothing and bedding.....	100
	1,600
	1,600

Thomas Fahey, being first duly sworn, says that the foregoing statement of loss is just and correct, and that he has received no compensation therefor.

In the matter of the petition of Thomas Fahey.

TESTIMONY.

Jacob Graiser sworn: Knows the petitioner; has known him about four years; then and now a citizen of Leavenworth; kept a public house on Cherokee street in 1856; I was his partner in business about one year; about one month prior to the burning of his house I sold to him my interest in the business; I sold out because I believed we were in danger of being burned out, as a feeling of excitement existed against us, growing out of the fact that the ballot-box which was forcibly taken from the officers of an election was carried to our house; I was advised that we would be burned out by the free-State party. Knew the Kickapoo Rangers; recollects the Territorial Register; knows that that press was thrown into the river by the Kickapoo Rangers, and they made our house their rendezvous; it was after the election at which the ballot-box was taken; knows the cost of the house; it was burned in July, 1856; it cost between \$800 and \$900; furniture, bar, and bar fixtures, between \$300 and \$400; jewelry and cutlery about \$400; the ice cellar about \$50. When I kept the house there was in it about \$150 worth of clothing and bedding. I was not present at the fire; was not in town.

Cross-examined.

It was a two-story house, used as a tavern, boarding-house, and drinking saloon; the Kickapoo Rangers stopped at the house; do not know how many Kickapoo Rangers there were—about 25 or 50; we were not prepared for furnishing accommodations for twenty-five persons; they did not sleep at our house; they came there and

stopped to drink during the evening, and left for Kickapoo again; the ballot-box was brought to our house; Fahey refused to receive it, and it was given to my wife for safe-keeping; she kept it till morning, when it was called for by the men who brought it there; the cellar was roofed over with lumber, and the sides built up of plank; the house was a resort for everybody who came there, but not particularly for men of the character of the Kickapoo Rangers; the house was on Cherokee street, between 2d and 3d streets, on the opposite side of the street from the Territorial Register; the Kickapoo Rangers who destroyed the Register office were at our house both before and after that act; there were other parties in town that summer who were afraid that their buildings would be burned; a bad state of feeling and general distrust prevailed on the part of the citizens of either party all that season; threats were made to burn and kill, and it made persons generally fearful. I was home the night or morning that the Register was destroyed. Fahey was home. Do not know that he took any part in the excitement. The Rangers took part in the conversations in our house about destroying the paper; that day I heard some of them mention it in the road; I know two or three of those men by sight. The paper was destroyed in the night; that night it was nearly as light as daylight, being moonshine, and very cold; don't recollect any snow on the ground. It was a good while after this that our house was burned; don't remember the date when the ballot-box was destroyed.

JACOB GRAISER.

Sworn before me this 3d day of March, 1859.

HENRY J. ADAMS,
Commissioner.

I certify that this is a true copy of the original affidavit filed with commissioners of claims, and received same as evidence on new petition.

EDWARD HOOGLAND,
Commissioner.

Michael Przybylowicz, of the city and county of Leavenworth, being duly sworn, deposes and saith: That he is acquainted with the petitioner in this case; have known him nearly four years; is now a resident of Kansas, and has been ever since I have known him; he lived on Cherokee street, north side, in the city of Leavenworth; knew of the fire at his house on the 23d or 24th of July, 1856; was at Mr. Stall's house at the time of the alarm; went directly to the fire; it was, perhaps, between one and two o'clock; several persons told me when I got on the ground that the fire was set outside on the west side of the house; the persons assembled made no efforts to save Fahey's, but did make efforts to save other houses; the building was of wood, and the house and contents were of a combustible character, so that the progress of the fire was very rapid; the west side was burned to cinders when I arrived, from which I drew the infer-

ence that it was set on fire on the west side ; have been in the house a good many times ; the front lower room was the bar-room, and was sheathed on the inner side with thin pine sheathing, and up stairs there was no inner sheathing, so that a fire set on the outside, after burning through the outer boarding, would have free passage between the outer boarding and the inner sheathing to the upper room, around which was hung clothing. I visited the ground the morning after the fire ; saw many evidences of the destruction of cutlery and jewelry and liquors, such as dirks and knives with their handles burned off ; wheels of watches and clocks ; iron hoops, such as are usually put upon liquor casks ; think Fahey lost everything ; don't know that he saved anything ; know that the persons who were on the ground at the breaking out of the fire appropriated what small articles they could lay their hands on ; many persons had new knives the next day ; many persons in the crowd of lookers-on expressed satisfaction that Fahey's house was burned, and a man by the name of Schmidt told me the night of the fire, early in the evening, that "those houses"—referring to Fahey's and the houses of some other persons who were supposed to be in the interest and in connivance with the outrages committed by the law and order party, so-called—"would be burned down, and would have been burned down already had it not been for his influence with free-State men;" *within three days before the fire* heard threats to destroy Fahey's house *four separate times*; Fahey was generally reputed to have taken charge of the ballot-box taken by the law and order party, and there was a general rumor among the people that he would suffer for it ; the free-State men were afraid to say much about Fahey, or to do anything against him, while the Kickapoo Rangers were quartered at his house, and it was thought that he was under their protection secretly for some time after ; Fahey had two little children in the house at the time of the fire to look after.

MICHAEL PRZYBYLOWISZ.

Sworn to before me this 27th day of August, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Thomas Fahey.

TESTIMONY.

John T. Dunn, of the city and county of Leavenworth, being duly sworn, deposeth and saith: That he is acquainted with the petitioner, Thomas Fahey ; knows that said Fahey is now a citizen of Kansas, and was at the time of the fire at his house on Cherokee street ; was present at the fire ; was on the spot before it had made any considerable headway ; was about one hundred yards off when the alarm was first given ; had heard threats that Fahey's would be burned, and there was a general rumor to this effect at the time it was burned,

and for some time previous; I had watched Fahey's house a night or two previous to the fire; fire occurred on the 23d or 24th of July, 1856; was on the ground the next morning after the fire; saw children rolling hoops of liquor casks; saw knives and dirks with handles burned off; saw some pieces of jewelry having a burned appearance; picked up a hoop, such as are usually put upon liquor casks; saw the fire when it first commenced; it was on the west side of the house, on the outside; a week or two before the fire, was about Fahey's house quite often; heard that Fahey's house was *too much* a rendezvous for leading politicians of the law and order character, and heard about *that time* that *Fahey and his house would suffer* because he entertained such persons; about the *same time* of the foregoing remarks, heard a man say, when the subject of Fahey's house was being talked about, that a "cottonwood house would make a good fire;" there was also a general rumor that Fahey's house would be burned *just before* the burning, and long before.

JOHN T. DUNN.

Sworn to before me this 29th day of August, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Thomas Fahey.

Livies Hazen, of the city and county of Leavenworth, being duly sworn, deposeth and saith: That I am acquainted with the petitioner, Thomas Fahey; know that he is a resident of the Territory of Kansas, and was at the time of the fire, which occurred about the 23d or 24th of July, 1856; was on the ground the morning after the fire; saw many evidences of destroyed property—such as cutlery, knives with handles burned off, and hoops of liquor casks; knew of a general rumor in the community that Fahey's house would be burned just before and long previous to the burning; heard reports that Fahey stored arms for the law and order party; saw some burned watch cases which came from the fire at Fahey's house; heard persons, who were on the ground soon after the alarm, intimate that the fire was set on the west, outside of the house; think the house was set on fire by some one moved by feelings of political hostility towards Fahey.

LIVIES HAZEN.

Sworn to before me this 29th day of August, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Thomas Fahey.

Gustave Stahl, of the city and county of Leavenworth, being duly sworn, deposeth and saith: That I am acquainted with the petitioner, Thomas Fahey; know that he is a resident of the Territory of Kan-

sas, and was at the time of a fire which occurred at his house on the 23d or 24th of July, 1856; saw much destroyed property—such as burned jewelry, knives with handles burned off, and hoops of liquor casks; knew that there was a general rumor that his house would be burned; heard, two or three days before the fire, one George Schmidt utter a particular threat to the effect that Fahey's house would be burned down; rumor prevailed just before the fire.

GUSTAVE STAHL.

Sworn to before me this 29th day of August, 1859.

EDW'D HOOGLAND,
Commissioner.

TERRITORY OF KANSAS, *County of Leavenworth, ss :*

Alexander Russell, of the county of Leavenworth, being duly sworn, says: That he is acquainted with the petitioner in this case; knew him during the troubles; at the time his house was burnt I was accustomed to visit Leavenworth City almost daily; knew the ballot-box was taken to his house a short time before it was burned; I always thought whoever set Fahey's house on fire did so from political feelings of animosity towards Fahey; there was a good deal of talk about it at the time; heard several of my neighbors express the same opinion; some of them were pro-slavery and some free-State men; at the time the ballot-box was taken I was present, and did not see Fahey take any part in the transaction.

ALEXANDER RUSSELL.

Sworn to before me this 26th day of September, 1859.

HENRY J. ADAMS,
Commissioner.

TERRITORY OF KANSAS, *County of Leavenworth, ss :*

Michael Brausfield, of said county, being duly sworn, says: I am acquainted with the petitioner; was acquainted with him during the troubles; knew his house was burned during the month of July, 1856; was present at the fire; the fire was set on the outside; heard that threats had been made to burn the house of petitioner within two weeks before it was burned; the general belief, after it was burned, was that it was done through political feeling; I think that it was set on fire by persons moved by political feelings of hostility towards Fahey; the reason I have for thinking that it was burned for political causes is on account of Fahey having some complicity in the taking or receiving of a ballot-box, which was taken from the free-State men at an election held in the city; petitioner's house was a resort for pro-slavery men chiefly; heard some intimations that a certain

free-State man was implicated in the burning of Fahey's house; heard some hard talk about said man; could mention his name.

MICHAEL BRAUSFIELD.

Sworn and subscribed to before me, P. McFarland, this 30th day
[L. s.] of September, 1859.

P. McFARLAND,
Justice of the Peace.

TERRITORY OF KANSAS, *County of Leavenworth, ss:*

Dr. W. D. Bull, being duly sworn, says: I am acquainted with the petitioner in this case; knew him during the troubles; I reside in the city of Leavenworth, and did during the troubles; have been in the Territory since May, 1855; know Fahey's house was destroyed by fire during the summer of 1856; lived on Cherokee street, near Fahey's house—about one block off; I was present at the fire; the body of the fire seemed to be on the southwest corner when I arrived; visited Fahey's house almost every day; had patients in his house; heard of threats being made to destroy Fahey's house; it was common report in the community for some time after the fire that it was set on fire, and that it was done out of political hostility towards Mr. Fahey. I am of the opinion that it was burned through political feeling; my opinion is based on the state of feeling towards Fahey at the time and long before the fire. It was the general belief of the people at the time of the burning that it was set on fire through political feeling against Fahey. At the time of the fire the law and order party was in power, and it was unsafe for a free-State man to openly act aggressively towards the law and order party. At the time of the fire at Fahey's house I was in favor of making Kansas a free-State. Fahey's house was a sort of depository for arms; I knew him to be a pro-slavery man; had seen a large stack of arms there a short time before the fire; there was a common report that he secreted arms; heard the discharge of arms while the house was burning.

W. D. BULL.

Sworn and subscribed to before me this 29th day of September,
[L. s.] 1859.

PETER McFARLAND,
Justice of the Peace.

TERRITORY OF KANSAS, *County of Leavenworth, ss:*

Ransom Hundly, of the county of Leavenworth, being duly sworn, says: Knew the petitioner in this case during the troubles; was in the city almost every day; before the fire, heard threats made in a crowd that "that house (referring to Fahey's,) or any house that secreted ballot-boxes, should not stand;" was in town the next day

after the fire; saw the burning remains; heard said in the crowd on the day after the fire that "a good thing was done, and those damned hounds had been found out, and that they ought to have been burned out long ago." I think, from what I heard expressed among the people, that the building was burned out of political hostility towards Fahey.

RANSOM ^{his} + HUNDLY.
mark.

Sworn to and subscribed before me this 29th day of September, A.
[L. s.] D. 1859.

S. B. WILLIAMS,
Justice of the Peace.

TERRITORY OF KANSAS, *County of Leavenworth:*

To the honorable the commissioners appointed to audit and certify claims under an act of the territorial legislature approved February 7, 1859:

Your petitioner, Thomas Fahey, of the city and county of Leavenworth, respectfully represents: That the counsel who presented his claim for indemnity for loss sustained during the troubles in Kansas, between November 1, 1855, and December 1, 1856, labored under some misapprehension concerning his claim, and on this account your petitioner believes it has been rejected; and further represents that he verily believes that he can adduce proof to bring his case within the meaning and intent of the act of the legislature of February 7, 1859; wherefore he prays your honorable board to reopen his case and give him another opportunity to present the same for the consideration of your honorable board.

Your petitioner still further represents that he was a member of the law and order party, and, by implication, a pro-slavery man; that he always proclaimed himself a law and order man, and that on or about the 23d or 24th day of July, A. D. 1856, his house, situated on the north side of Cherokee street, was set on fire, in the night time, between one and two o'clock, by some person or persons to your petitioner personally unknown; that the said fire was set on the west side of my house; and that your petitioner verily believes that it was set on fire by some person or agent in the employ or in connivance with the free-State party, and that whoever did the act was moved by motives of political hostility towards your petitioner; and the said fire could not have originated from accident, as there was no fire in the house from tea-time the night of the fire, and then the fire was in the cooking stove, in the L of the building on the north side of the house, and at a part away from the quarter where the fire first commenced.

That the house, with all the furniture, bar fixtures, jewelry, cutlery, and stock of liquors, and the clothing of myself and family, amounting in value to sixteen hundred dollars, was entirely destroyed by fire or stolen.

And I, Thomas Fahey, still further represent that I am now and was at the time of the fire a citizen of Kansas, and at that time kept a house for the entertainment of such persons as would pay for the same and conduct themselves in a civil manner, but that before and at the time of the fire the state of feeling in the community was such that it was unsafe for any one to refuse entertainment to any one who should desire it; and that your petitioner some time before the fire did receive in his house a company of men called the Kickapoo Rangers, and that your petitioner had the reputation of entertaining pro-slavery men chiefly; and also that your petitioner had the reputation of being in connivance with the parties who stole the ballot-box at an election in Leavenworth City some time previous to the fire; and generally your petitioner was reputed to keep a house which was a rendezvous for the pro-slavery or law and order party; and also that it was known that your petitioner's house was used as a storehouse for arms of the law and order party, and at the time of the destruction of petitioner's house there were arms of that party in his house.

And your petitioner would still further represent that he had received intimations that his house would be burned by the free-State party from a free-State man, and had kept watch to guard against it, but without avail, and it was set on fire and burned down, and the house with all the contents were either destroyed or stolen; and your petitioner has not received any compensation for his said loss, nor for any part thereof, nor has he recovered any of said property, except a pistol, and a few articles of inconsiderable value, which he took from one of the many thieves which are ever ready to get gain at the expense or misfortune of others. All of which is respectfully submitted; and for a schedule of the items and value of the property your honors are referred to the accompanying account, marked "A."

THOMAS FAHEY.

Sworn before me August 29, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Thomas Fahey.

TESTIMONY.

Jacob Keizer sworn: Knows the petitioner; has known him about four years; then and now a citizen of Leavenworth; kept a public house on Cherokee street in 1856; I was his partner in business about one year; about one month prior to the burning of his house I sold to him my interest in the business; I sold out because I believed we were in danger of being burned out, as a feeling of excitement existed against us, growing out of the fact that the ballot-box which was forcibly taken from the officers of an election was carried to our house; I was advised that we would be burned out by the free-State party; knew the Kickapoo Rangers; recollect the Territorial Register; know that that press was thrown into the river by the Kickapoo Rangess, and

they made our house their rendezvous; it was after the election at which the ballot-box was taken; knows the cost of the house; it was burned in July, 1856; it cost between \$200 and \$900; furniture, bar and bar fixtures, between \$300 and \$400; the ice cellar about \$50; when I kept the house there was in it about \$150 worth of clothing and bedding; I was not present at the fire; was not in town.

Cross-examined.

It was a two-story house, used as a tavern, boarding-house, and drinking saloon; the Kickapoo Rangers stopped at the house; do not know how many Kickapoo Rangers there were—about 25 or 50; we were not prepared for furnishing accommodations for 25 persons; they did not sleep at our house; they came there and stopped to drink during the evening and left for Kickapoo again; the ballot-box was brought to our house; Fahey refused to receive it, and it was given to my wife for safe-keeping; she kept it till morning, when it was called for by the men who brought it there; the cellar was roofed over with lumber, and the sides built up of plank; the house was a resort for everybody who came there, but not particularly of the character of the Kickapoo Rangers; the house was on Cherokee street, between 2d and 3d streets, on the opposite side of the street from the Territorial Register; the Kickapoo Rangers who destroyed the Register office were at our house both before and after that act; there were other parties in town that summer who were afraid their buildings would be burned down; a bad state of feeling and general distrust prevailed on the part of the citizens of either party all that season; threats were made to burn and kill, and made persons generally fearful; I was home the night or morning the Register was destroyed; Fahey was home; do not know that he took any part in the excitement; the Rangers took part in the conversations in our house about destroying the paper; that day I heard some of them mention it in the road; I know two or three of those men by sight; the paper was destroyed in the night; that night it was nearly as light as daylight, being moonshine, and very cold; don't recollect any snow on the ground; it was a good while after this that our house was burned; don't remember the date when the ballot-box was destroyed.

JACOB KEIZER.

Sworn to before me this 3d day of March, 1859.

HENRY J. ADAMS,
Commissioner.

Michael Przybylowicz, of the city and county of Leavenworth, being duly sworn, deposeth and saith: That he is acquainted with the petitioner in this case; have known him nearly four years; is now a resident of Kansas, and has been ever since I have known him. He lived on Cherokee street, north side, in the city of Leavenworth. Knew of the fire at his house on the 23d or 24th of July, 1856; was at Mr. Staltz's house at the time of the alarm; went directly to the fire; it was, perhaps, between 1 and 2 o'clock. Several persons told

me, when I got on the ground, that the fire was set outside, on the west side of the house. The persons assembled made no effort to save Fahey's house, but did make efforts to save other houses. The building was of wood, and the house and contents were of a combustible character, so that the progress of the fire was very rapid. The west side was burned to cinders when I arrived, from which I drew the inference that it was set on fire on the west side. Have been in the house a good many times. The front lower room was the bar-room, and was sheathed on the inner side with thin pine sheathing; so that a fire set on the outside, after burning through the outer boarding, would have free passage between the inner sheathing and the outer boarding to the upper room, around which was hung clothing. I visited the ground the morning after the fire; saw many evidences of the destruction of cutlery and jewelry and liquors—such as dirks and knives with their handles burnt off; wheels of watches and clocks; iron hoops, such as are usually put upon liquor casks. Think Fahey lost everything; don't know that he saved anything. Know that the persons who were on the ground at the breaking out of the fire appropriated what small articles they could lay their hands upon. Many persons had new knives the next day. Many persons in the crowd of lookers-on expressed satisfaction that Fahey's house was burned. A man by the name of Schmidt told me, the night of the fire, early in the evening, that "those houses" (referring to Fahey's and the houses of some other persons who were supposed to be in the interest and in connivance with the outrages committed by the law and order party, so-called) "would be burned down, and would have been burned down already, had it not been for his influence with the free-State men." *Within three days before the fire* heard threats to destroy Fahey's house four separate times. Fahey was generally reputed to have taken charge of the ballot-box taken by the law and order party, and there was a general rumor among the people that he would suffer for it. The free-State men were afraid to say much about Fahey or to do anything against him while the Kickapoo Rangers were quartered at his house, and it was thought that he was under their protection secretly for some time after. Fahey had two little children in the house at the time of the fire to look after.

MICHAEL PRZYBYLOWISZ.

Sworn to before me August 27, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Thomas Fahey.

TESTIMONY.

John T. Dunn, of the city and county of Leavenworth, being duly sworn, deposes and saith: That he is acquainted with the petitioner, Thomas Fahey. Knows that said Fahey is now a citizen of Kansas,

and was at the time of the fire at his house, on Cherokee street. Was present at the fire; was on the spot before it had made any considerable headway; was about one hundred yards off when the alarm was first given. Had heard threats that Fahey's house would be burned, and there was a general rumor to this effect at the time it was burned, and for some time previous. I had watched Fahey's house a night or two previous to the fire. Fire occurred on the 23d or 24th of July, 1856. Was on the ground the next morning after the fire. Saw children rolling hoops of liquor casks; saw knives and dirks with handles burnt off; saw some pieces of jewelry having a burnt appearance; picked up a hoop, such as are usually put upon liquor casks; saw the fire when it first commenced; it was on the west side of the house, on the outside. A week or two before the fire, was about Fahey's house quite often. Heard that Fahey's house was too much a rendezvous for leading politicians of the law and order character, and heard about that time that Fahey and his house would suffer because he entertained such persons. About the same time of the foregoing remarks heard a man say, when the subject of Fahey's house was being talked about, that "a cottonwood house would make a good fire." There was also a general rumor that Fahey's house would be burned just before the burning, and long before.

JOHN T. DUNN.

Sworn to before me, August 29, 1859.

EDWARD HOOGLAND,
Commissioner.

Alexander Traskowski sworn: I reside in Leavenworth, and resided here in 1856. Am acquainted with Fahey, and have known him since the spring of 1854. He came here in the spring of 1854, and stopped at my house, lot 9, block 22, Leavenworth City. He built a house next to me, on same street, in 1855. Kept a public house, tavern, boarding-house, and jewelry for sale. He kept that house not quite two years when the fire took place, on the 23d or 24th of July, 1856. Do not know that he saved any property. I found my house also in flames. I was there and did not see that he saved anything. In his house he had furniture, cutlery, bar, liquor, and several things; a pretty good house, worth \$800 or \$900; the ice cellar was worth \$40 or \$50. I remember the cutlery and jewelry he had there; do not know the value. I do not know how much worth of furniture, bedding, &c. Never inquired his politics. Lived alongside of him. Knew the Kickapoo Rangers. Saw them there frequently. The Territorial Register was destroyed in the winter of 1855-'56. Do not know what became of the paper. I have heard several persons talk in my house about setting fire to Fahey's building; do not know who the men were who talked so. Heard the Rangers at Fahey's house. Heard the Register was thrown into the river; do not know by whom.

Cross-examined.

Fahey's house was a resort for the people who came there; have seen the Rangers there. In July, 1856, there were bands of armed men here; some under the command of Captains Miller, Emery, Clarkson, &c. Several companies here, and were ranging in and out of town, making pretty free, I guess, with property that they wanted; do not know to what extent. I heard of their taking horses, but do not know particulars. They took some of my property.

ALEX. TRASKOUSKI.

Sworn to before me this 30th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition Thomas Fahey.

In the above case, as originally presented, a strong *prima facie* claim was made out; but the proof being in some respects vague, the claim was *pro forma* rejected by decision No. 1; the claimant giving notice of his ability and intention to furnish additional proof.

On the 29th of August last, the case was reopened at Leavenworth, by the filing of an amended petition, and taking of testimony before the board. The testimony of the following witnesses was submitted in support of said amended petition: Jacob Keizer, John T. Dunn, Gustavus Stahl, Michael Presbytowicz, Livius Hazen, all citizens of Leavenworth.

It is proper to state here, that on the 29th day of August Commissioner Hoogland was quite ill at the office of the board in Leavenworth, and unable to do more than go through the formalities of swearing witnesses and certifying depositions; he expecting to be able to read them carefully as usual, before final action. But said Hoogland's illness increasing, and he being anxious to sign as speedily as possible all papers to which his signature might be necessary, in order that he might go home, (where he was subsequently seriously ill for some time,) urged his associates Messrs. Adams and Kingman, to expedite business, and prepare any such papers as soon as possible.

Commissioner Kingman accordingly prepared decision No. 2, but Commissioner Hoogland did not read the additional testimony taken, nor the paper presented by Mr. Kingman. He was unable to do so. He was not in a mental condition to act upon the case. Mr. Kingman explained the tenor of the decision, and under the circumstances, having confidence in the judgment of his associates, he recognizes his signature thereto, as made mechanically.

EDWARD HOOGLAND,
Commissioner.

The additional testimony of the following witnesses, Alexander Russell, Michael Bransfield, Dr. W. D. Bull and Ransom Hundley, of Leavenworth, taken before Commissioner Adams on the 26th, and P. McFarland and S. B. Williams, esquires, justices of the peace, on the 30th of September, cannot be disregarded. *But said additional testimony was never shown to Commissioner Hoogland, until the 20th day of October, instant, and he knew nothing of its existence, directness or importance, until that time.* The case, therefore, cannot be considered as having been closed or determined, to the prejudice of the rights of the petitioner, so long as there was testimony not brought to the knowledge of one or more of the board. It must, therefore, be determined *nunc pro tunc*.

The remark contained in decision No. 2, and which is *the point* of it, that "*many individuals had informed members of the board that they were in Leavenworth at the time of the burning of the house of petitioner, and that it was supposed by no one informed of the facts, (who are they, that were 'informed of the facts?')* that the said house was set on fire by the political enemies of the petitioner." The mere remarks or volunteer information of parties, whose opportunities for knowing could not have been any better than those whose direct testimony is filed, should have no weight in determining the action of the board. It is our duty to act upon proof, and not upon hearsay. Even if reduced to writing, and subscribed and sworn to, such testimony would merely be of a negative character, valueless against positive proof. A dozen or fifty men may have heard threats, and been familiar with what was going on, while all the rest of the citizens of Leavenworth were ignorant of any such designs. The statute provides for "losses from the taking or destruction of property between November 1, 1855, and December 1, 1856, and damages resulting therefrom." Fahey's loss occurred within the period mentioned, and in the face of all the direct testimony now before the board, it cannot be denied that a strong presumption is raised of the loss being directly or indirectly the result of political affairs and animosities. Although this rule of inquiry has not been at all times pursued by the board, yet the understanding and effect of all testimony in different cases has been to take cognizance only of cases in which such presumptions were raised. The papers in Fahey's case were on file as early as April. It was generally known, by the published report of the former commissioner, that Fahey was a claimant. If any person or persons in Leavenworth possessed information that would defeat the claim, why did he not communicate it and put it on record? Why has not the territorial attorney brought rebutting evidence, if it could be found? It was not the duty of the commissioners to hunt up either claimants or evidence. Attorney McKay was at the office of the commissioners on the 29th of August, and as the case had been long pending, it is but just to him to suppose that he knew of no good reason for attacking the claim.

The claim is therefore allowed as presented,	-	-	\$1,600
Interest on same, 2½ years, at 6 per cent	-	-	240
			<hr/>
Total award	-	-	1,840
			<hr/> <hr/>

EDWARD HOOGLAND.

HENRY J. ADAMS.

Dated October 22, 1859, for August 29, 1859.

After a careful review of all the testimony in this case, I am satisfied that the additional testimony, filed since the case was first presented, warrants the conclusion that the losses of the claimant grew out of the political disorders then prevailing in the Territory.

HENRY J. ADAMS.

In the matter of the petition of Thomas Fahey.

The petitioner filed his petition for relief in March last, and produced his testimony in support of it. On the 15th of April the board made their award. On the 29th of August the petitioner filed an amended petition, with proof in support of it, very skilfully and ingeniously arranged, and were it the first presentation of the case might entitle the petitioner to an award at the hands of the board. But since rendering the decision in April last, many individuals have informed members of the board that they were in Leavenworth at the time of the burning of the house of petitioner, and that it was supposed by no one informed of the facts that the said house was set on fire by the political enemies of petitioner. As our session is drawing to a close, and but little time to close up the business before it, the board have not time to summon witnesses to give rebutting testimony, and do not choose to disturb their former award on *ex parte* testimony only.

SAMUEL A. KINGMAN.

AUGUST 29, 1859.

I have withdrawn my signature from the above, for reasons set forth in the award.

EDWARD HOOGLAND.

For my reasons for my withdrawing my signature, see the award in this case.

HENRY J. ADAMS.

No. 115.

A.

To John Kelly, Dr.

1856, September 1:	To loss of one large gray gelding horse	\$150 00
“ “ 15:	To damage to one gray “ “	30 00
“ “ “	To do. do. bay “ “	25 00
Total loss and damage		205 00

To the honorable board of commissioners of the Territory of Kansas to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856; “An act to provide for the adjustment and payment of claims,” approved February 7, 1859.

Your petitioner, John Kelly, respectfully represents unto your honorable body: That on or about the last of August or first of September, A. D. 1856, he was the owner of three certain horses, described as follows: One large gray gelding horse, aged about five years, worth the sum of one hundred and fifty dollars. Said horse was at that time in the possession of your petitioner, in the county of Leavenworth and Territory aforesaid, where he then resided and still does reside; that about the time aforesaid said above described horse was forcibly taken out of the possession of your petitioner by an armed body of men, without any authority, and carried away, and, as your petitioner has been informed and believes, was killed, at least he was never returned, and was and still is wholly lost to your petitioner, to the said value of one hundred and fifty dollars.

Your petitioner further states, that on or about the 15th of September, A. D. 1856, the two other horses above referred to, belonging to this deponent, to wit: one bay horse, aged about three years, and a gray horse, aged about four years, were taken from the possession of this deponent, at the county and Territory aforesaid, and carried away by force and arms, by an armed body of men, without any authority, and against the will of this deponent. Said bay horse was taken and kept away from the possession of the petitioner for over a month, and ill-treated and abused, to the damage of your petitioner of the sum of not less than twenty-five dollars. Your petitioner further states, that the said gray horse as aforesaid was taken and carried away as aforesaid, and kept out of the possession of your petitioner for the space of two months, and very badly treated and abused, to the damage of your petitioner not less than thirty dollars. Your petitioner further alleges, that on account of said horses being young and very ill-treated and abused, they became entirely unfit for service of any kind to your petitioner for a long time, and that he was put to great trouble and some expense to obtain possession of them after they were so taken, as

aforesaid, all of the particulars of which will more fully appear by reference to a bill of items hereto annexed, marked A, and made a part of this petition.

JOHN KELLY,
Per H. MILES MOORE, *his Attorney.*

TERRITORY OF KANSAS, *Leavenworth County, ss:*

The above petitioner, John Kelly, being duly sworn, deposes and says: That the matter and things stated in the foregoing petition are true in substance and in fact, as he verily believes.

JOHN KELLY.

Subscribed and sworn to by the said John Kelly in my presence, this 29th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of John Kelly.

TESTIMONY.

Samuel H. Cook, being duly sworn, says: I know Mr. Kelly; he has been in the Territory about four years; he lived on a branch of Nine Mile creek, about six miles south of here; he lived there during the summer of 1856; I know he had horses taken; they were gone when I got back; gone two months; I lived near him; my life was threatened, and I therefore left; fifteen armed men passed his house; General Jones and Captain Hollingsworth commanded the parties; they were Georgians and South Carolinians; they said they were bound to drive all the damned abolitionists out of the Territory; my horse was also taken just after I left; I was gone about two weeks; the horses were worth \$100 or \$125 apiece; Mr. Kelly got two of his horses back, one of the three taken was killed; I saw him dead; he was shot accidentally by the parties who took him; this horse was taken by another party than Dunn's; the horses were much damaged when returned; I would not have given over \$30 apiece for them; they were run down; damaged about \$60 or \$70; the horse that was killed was taken in the night to save him from armed parties; George Stringham was riding him when he was accidentally shot; he was killed in Lawrence; Hollis was carrying the gun that shot the horse; I saw him fall; the horse was worth \$150.

Cross-examination.

The horse that was killed was sent off by Mr. Kelly to save him from the South Carolinians; I suppose he would have been taken unless sent away.

SAMUEL H. COOK.

Sworn by me this 29th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

LEAVENWORTH COUNTY, ss :

William Stringham, being duly sworn, saith : I reside near Olathe, in Johnson county, Kansas Territory ; have resided in this Territory about four years ; have known John Kelly, the petitioner, three years this spring, during that time he has resided and now resides in Leavenworth county, near Nine Mile creek ; during the summer of 1856 I resided in Leavenworth county, between Seven and Nine Mile creeks, to the left of the military road, and about seven miles from this city ; during the summer of 1856, viz : in the month of September of that year, I know there were two horses taken from Kelly by parties of armed men who were then ranging through this vicinity, stealing horses and other property ; the armed men mentioned were organized under commands of Captains Hollingsworth, Dunn, and General Jones ; they were principally stationed at Delaware, in this county, and made that place their headquarters ; I mean, in relation to the horses, to say that two of them were taken by such armed parties, and the third one was sent to Lawrence to prevent its being stolen, and I understood was there killed ; I know that these armed parties had threatened to take away Kelly's horses, and I had helped him hide them several times, as early as August, to save them ; in September, 1856, between the 10th and 20th, as near as I can recollect, Kelly's two horses, one a gray horse, about three or four years old, and the other a bay horse about three years old, both middling sized animals, were taken from where they were grazing, in a lot near Kelly's house ; I did not see them taken ; understood they had been taken by those men, and saw them when Kelly brought them back, after they had been gone some two or three weeks or more ; when taken away they were in good condition, but in very bad condition when returned ; they were severally damaged from \$50 to \$75 ; would not have given \$25 apiece for them when returned ; before taken they were worth \$100 or \$125 each ; Kelly found them in possession of Captain Dunn's company, and recovered them from them ; the horse that was sent to Lawrence was a large gray horse, four or five years old, worth about \$150 ; was sent in care of Mr. Cook ; Cook to remain at Lawrence or vicinity until he thought it safe to return ; understood the horse was shot and killed.

WILLIAM STRINGHAM.

Sworn to before me this 31st day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of John Kelly.

The claim is for horses taken	- - - - -	\$205 00
The board think the whole claim is proven, and allow the same ; also, interest 2½ years, at 6 per cent.	- - - - -	30 75
Total award	- - - - -	<u>235 75</u>

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

APRIL 15, 1859.

No. 116.—A.

To Samuel H. Cook, Dr.

September 15, 1856.—To loss of one sorrel horse, valued at...	\$100 00
August or September, 1856.—To three acres of corn at \$9	
per acre.....	27 00
	<hr/>
Total.....	127 00
	<hr/> <hr/>

To the honorable board of commissioners of the Territory of Kansas to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856, "An act to provide for the adjustment and payment of claims," approved February 7, 1859.

Your petitioner, Samuel H. Cook, respectfully represents unto your honorable body, that on or about the (15th) fifteenth day of September, A. D. 1856, he was the owner of a certain sorrel horse, aged about seven years. He was at that time, and still is, residing in the county of Leavenworth and Territory aforesaid; that on or about the time above stated, at the county and Territory aforesaid, a party of lawless men, by force and arms, and without any legal authority whatever, seized, took, and carried away the above described horse, worth the sum of one hundred dollars, and have never returned the said horse to your petitioner, and he has wholly lost the said horse and the value of the same, amounting to the said sum of \$100.

Your petitioner further represents to your honorable body, that during the months of August and September, A. D. 1856, he had growing upon his farm, in the county aforesaid, three acres of good corn; that about that time he was driven by force and arms, by a lawless and armed mob of men, from the country and his home, and the said mob aforesaid ruthlessly, and without any authority whatever, took, carried away, wasted, and wholly destroyed his said field of corn worth, in value not less than the sum of nine dollars per acre, amounting to the sum of twenty-seven dollars, which said sum of money was and still is wholly lost to your petitioner as aforesaid.

All of the particulars of said bill of items are hereto attached, marked A, and made a part of this petition.

SAMUEL H. COOK,
Per H. MILES MOORE,
His Attorney.

TERRITORY OF KANSAS, *Leavenworth County, ss:*

The above petitioner, Samuel H. Cook, being duly sworn, deposes and says: That the matter and things stated in the foregoing petition are true in substance and in fact, as he verily believes.

SAMUEL H. COOK.

Subscribed and sworn to by the said Samuel H. Cook, in my presence, this 29th day of March, 1859.

HENRY J. ADAMS, *Commissioner.*

In the matter of the petition of Samuel H. Cook.

TESTIMONY.

John Kelly, being duly sworn, says: He knows Mr. Cook, and has known him near four years, having been a resident in Kansas that long; knows horse mentioned by petitioner, had him in September, 1856, and was running with my horses when taken away; saw the men that took him. The men who took him were Burges and Foster; no one with them; saw them with the horse; took him from Nine Mile creek, near my residence; was with my horses same day he was taken; a man (Stuart) saw part of the company trying to take my horse; at the time he was taken Mr. Stuart was riding the horse in company with Mr. Kelly, who was going to gather his horses. Mr. Stuart has died since. Don't know why they took the horse. The men claimed to belong to Dunn's company, and he had sent them after the horses. This was told me in relation to my own horse, don't know what they said to Mr. Stuart. Stuart says he was ordered to dismount, and they took the horse. I saw Foster riding the horse in Leavenworth afterward; horse was worth \$100. Mr. Cook never recovered him; if he had I should probably have known it.

Mr. Cook's claim was near mine; helped him improve. Corn was destroyed about September 1, 1856; was destroyed by stock; don't know particulars; the fence was low but good; it was thrown down. There were parties of armed men in the neighborhood; I suppose those men destroyed my corn, because other neighbors complained of same offences. Mr. Cook's claim is 6 or 7 miles south of here; Carolinians stationed at Deleware were around in that neighborhood. Saw the cornfield of Mr. Cook afterwards; it was destroyed; petitioner was away at the time, and could not put up the fence on that account; I think he went because his life was in danger; corn was damaged \$30 or \$40, it was a nice crop; was first year's ground corn; about three acres, I suppose two or three acres; I think \$27 reasonable for corn destroyed; corn was then worth, what I bought, 75 cents a bushel; it was not worth less than \$1 a bushel. Saw Mr. Cook's horse rode by two men at a time in Government lane, whooping and hallooing; when I saw the horse I was going for my horse to Dunn's camp, and I claimed that horse for Cook, and they answered I should not have the horse because Cook was not the right sort of man, and he never should have him; they did not like his politics, he was an abolitionist, and was not right on the goose. I got one of my horses that time; never have known what has become of Mr. Cook's horse. Foster, I understood, was a wagon-master for William H. Russell.

JOHN KELLY.

Sworn by me this 29th day of March, 1859.

HENRY J. ADAMS, *Commissioner.*

In the matter of the petition of Samuel H. Cook.

The petitioner's claim is for one horse, \$100; corn, \$27 - -	\$127
The board think the whole claim is proven, and therefore allow it.	
Add interest, 2½ years, at 6 per cent. - - - - -	19
Total award - - - - -	146

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

APRIL 15, 1859.

No. 117.

ACCOUNT FOR LOSS OF PROPERTY AND DAMAGES.

TERRITORY OF KANSAS, *Leavenworth County:*

To the commissioners appointed to audit and certify claims under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, 1859, for the loss of property during the troubles of 1855 and 1856.

Jeremiah Howald complains, and says: That in the month of August, 1856, and that for two years before that time he was residing in the county of Leavenworth, in said Territory; that his general business during the summer of 1856 was selling lumber and hewed timber, and cord wood. That in the month of August, 1856, he had taken from his possession by force, in said county:

One gray horse, worth about - - - - -	\$80 00
One yoke of oxen, worth - - - - -	70 00
One saddle, worth - - - - -	10 00
One revolver pistol and knife - - - - -	30 00
And that in the month of September, 1856, he had taken from his possession about \$200 worth of hewed sills, at that time in the city of Leavenworth - - - - -	200 00
	<hr/>
	390 00

And that the whole of said property was taken from him without his consent, and that he never has recovered said property or any part thereof, nor received any compensation therefor. And complainant further states that he is damaged to the amount of \$200 in loss of business, and in being driven from his claim in said county, in the month of August, 1856 - - - - -

	200 00
Damages - - - - -	590 00

Complainant would further state, that he believes that he is entitled to recover the sum of five hundred and ninety dollars, as above stated.
 JEREMIAH HOWALD.

TERRITORY OF KANSAS, *County of Leavenworth.*

Jeremiah Howald, the complainant in the foregoing petition, after being duly sworn according to law, deposes and saith: That the matters and things set forth in the annexed petition are, according to the best of his knowledge and belief, true, in substance and in fact, as there set forth, and further saith not.

JEREMIAH HOWALD.

Sworn to and subscribed before me this 27th day of March, 1859.
 HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Jeremiah Howald.

TESTIMONY.

John J. Moore, being duly sworn, says: I knew petitioner in 1856; know that he was living here at that time; he was dealing in lumber, hewed timber, &c.; know that he had a large lot of hewed timber on the levee, and on vacant lots between the levee and Main street, south of Cherokee; know that while that lumber was lying there Howald was driven off, or went off through fear of his life. He was understood to be a free-State man. The whole town was occupied by bands of armed men during the month of August and in September, till Governor Geary came in. Know that during that time many of the free-State men were driven off, and during that time any man known to be a free-State man was liable to be shot down by a drunken rabble. I went to the fort (Leavenworth) to save my life; I thought at that time it was necessary to do so. There was, I should think, at least 200 men, women and children, at the fort at that time, who had fled there from Leavenworth from similar motives. When I returned I saw what was left of petitioner's lumber; a large portion of it was missing. I had bought lumber of him more than once; had picked it over to select lumber, and have observed it closely; was his counsel. During part of July and August, Howald was occupying a claim on the island, opposite the city, and had been for about a year. I know that it was well understood that Mr. Howald's revolver and bowie knife were taken from him by the pro-slavery men. Sam Burgess and D. J. Johnson, I understood, were the parties who took them from him.

J. J. MOORE.

Sworn by me this 30th day of March, 1859.

HENRY J. ADAMS.

In the matter of the petition of Jeremiah Howald.

LEAVENWORTH COUNTY, ss:

David W. Powers, being duly sworn, saith: I reside in Leavenworth city; have resided here a little over three years. Am acquainted with petitioner; have known him nearly three years. In 1856 Howald, the petitioner, resided in Leavenworth city. He was engaged then in rafting and selling lumber, trading, &c. I know that I had a trade in 1856 with Howald, by which Howald purchased of me the gray horse and one yoke of cattle, mentioned in the petition. The horse was worth about \$70 or \$80; cattle worth, for the yoke, about \$70 or \$80. I was selling cattle at that time, and that was about the usual value of such. The cattle sold by me to Howald were running and grazing about Leavenworth in July or August, 1856, with my cattle. It might have been as late as September. The horse was frequently running and grazing about, also, on the prairie. The last time that I saw the horse he was in possession of a body of armed men, one of whom was riding him. The rider said they were going down to join Reed's army at Westport. This was in September, 1856, as I believe. He did not say where or how he obtained the horse. I saw the party—three or four—South Carolinians or Georgians, (commonly known as such,) move on down the road towards Westport with the horse. I don't know what became of the cattle. I had three or four yoke taken or driven away about the time mentioned. The armed parties then having control of this vicinity subsisted upon the country that summer, taking whatever property, horses or cattle, they wanted, irrespective of ownership. Do not know that those armed parties were organized as Kansas militia; they were commonly known as southerners—Georgians and South Carolinians—and claimed to be such. They were commonly running over the country hunting horses. I heard of cattle resembling mine being driven off towards Westport by some of these men. Mr. Howald is now a citizen of Kansas.

D. W. POWERS.

Sworn to before me this 30th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Jeremiah Howald.

The petitioner claims for loss of property and damages.....	\$590 00
The item of \$200 not proven nor admissible.	
The saddle, \$10, not proven.	
The board award for horse.....	80 00
For oxen.....	70 00

Pistol and bowie knife.....	\$30 00
There is no proof of the value or quantity of the lumber lost, nor is any quantity alleged in the petition. There is no data from which an award for the lumber can be made out.	
	<hr/>
	180 00
Interest on amount allowed, 2½ years, at 6 per cent.....	27 00
	<hr/>
Total award.....	207 00
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SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

JULY 1, 1859.

No. 118.

To the honorable board of commissioners of the Territory of Kansas to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856, under "An act to provide for the adjustment and payment of claims."

Your petitioner, Samuel R. Trower, represents to your honorable body: That on or about the 20th day of August, 1856, he was the owner of a field of corn of about five acres, two stacks of wheat, one stack of oats, five head of hogs, a garden, one stand of bees, clothing, and bedding and other furniture, all of the value of four hundred dollars, (\$400,) (see bill of items, marked A, and made part of this petition,) all of which was destroyed by a marauding party of pro-slavery men. And your petitioner further avers that he was compelled to leave said property, as above described, as his life was in imminent peril at the hands of said pro-slavery party. And your petitioner avers that he was a resident of the county of Leavenworth, Territory of Kansas, during the year 1856, when his property was destroyed. And further affiant saith not.

SAM'L R. TROWER, JR.

Sworn to before me this 29th day of March, 1859.

HENRY J. ADAMS,
Commissioner.

A.

Samuel R. Trower's bill of losses sustained.

5 acres of corn in the field.....	\$150 00
2 stacks of wheat.....	100 00
1 stack of oats.....	50 00
Garden vegetables	30 00
5 head of hogs, at \$6.....	30 00
Bee-hive and honey.....	5 00
Damage to bedding and clothing.....	30 00
	<hr/>
	400 00
	<hr/> <hr/>

In the matter of the petition of Samuel R. Trower, jr.

James P. Salisbury, being duly sworn, states: That he was acquainted with, and lived adjoining to the farm of, petitioner, and now resides at the same place, in the county of Leavenworth, Territory of Kansas. In the summer of 1856 he frequently saw armed bodies of men ranging through his neighborhood. That he frequently saw the growing crop on the farm of Trower, and it promised to be a fine crop. The wheat and oats were then well secured in stacks; the corn looked fine—about the first of August of that year. That the fencing was good—perhaps the best fence in our section. The life of petitioner had been threatened, and he had to leave his premises. He had good cause to fear violence, as I think. He left his crop in good condition, and it was soon wholly destroyed. That he certainly lost his crop and other property by having to abandon his home. His wheat, oats, and corn, were well worth at that time three hundred dollars. His garden—a large one, and a very good one—was also destroyed. To me such a garden would have been worth at least fifty dollars. I heard of his losing hogs and fowls, and of his household goods being injured. I would suppose four hundred dollars would be a low compensation for all the losses he sustained; and I am sure he never has recovered any compensation for his losses. The men were called the Kansas militia, and known with us as the pro-slavery party. I understood that they depredated on the citizens more or less wherever they went.

J. P. SALISBURY.

Sworn to before me this 1st day of April, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Samuel R. Trower, jr.

LEAVENWORTH COUNTY, ss :

William Burgess, being duly sworn, says: He is acquainted with the petitioner ; that he lives near petitioner in Stranger township, in the county of Leavenworth ; that petitioner is a citizen of Kansas, and has been since he first knew him, in June, 1856. I know that petitioner lost all his crop in the year 1856—wheat and oats in the stack, corn in the field, and also his garden ; I believe it was in the fall. That it was in the fall of that year Mr. Trower was obliged to flee for his life. He left his wheat and oats in the stack ; I don't know how much. There were two right smart stacks of it ; one stack of oats, and a right big field of corn. While petitioner was gone, his fences were thrown down, and his corn, wheat, oats, and garden eaten up and destroyed. He had a right good fence around his things when he left ; it was thrown down repeatedly. I put it up several times, but it was no use. It was the neighbors' cattle that eat up the stock generally, though I think some of the oats were eaten by the horses of companies of armed men passing through there. The fences were evidently thrown down, and were twice or more set on fire, by some one, I don't know who. I think there were five or six acres of corn—pretty good corn. He had a pretty good garden. I saw men digging the potatoes ; don't know who they were. I don't know how much it was worth ; I guess it may have been worth \$50 to Mr. Trower. I never was in the garden till the time when the men were digging the potatoes.

I know petitioner lost some hogs ; don't know how many ; never got them that I know of. And also chickens—a good smart chance of them. While Dr. Trower was gone, I shut the door of his house often, but there was always somebody around, and the house got open somehow.

WILLIAM ^{his} × BURGESS.
mark.

Witness : SAM'L A. KINGMAN.

Sworn to before me, June 15, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Samuel R. Trower.

The petitioner claims in this case for the loss of property...	\$400 00
The proof sustains the claim, and an award is made accordingly.	
Add interest, 2½ years, at 6 per cent.....	60 00
Total award.....	<u>460 00</u>

SAM'L A. KINGMAN.
HENRY J. ADAMS.
EDW'D HOOGLAND.

JUNE 22, 1859.

No. 119.

TERRITORY OF KANSAS, *County of Johnson :*

To the board of commissioners to audit claims. Approved by act of legislature of Territory of Kansas, February 7, 1859.

Your petitioner, Alfred Justice, a resident of the town of Shawnee, Johnson county, Kansas Territory, says: That in the month of August, A. D. 1856, he being then a resident of Douglas county, Kansas Territory, had taken from him, by, as he believes, Captain Walker and his men, a bay horse, about 15 hands high, about seven years old ; and that your petitioner never recovered possession of said horse. Said horse was worth, at that time, one hundred and fifty dollars.

That in the month of September, 1856, at Lawrence in the county of Douglas, he had taken from his possession, by Colonel Harvey, a bay horse, about 14 hands high, about 7 or 8 years old ; and that he never recovered possession of said horse. Said horse was worth, at that time, one hundred dollars.

ALFRED ^{his} × JUSTICE.
_{mark.}

TERRITORY OF KANSAS, *County of Johnson :*

Personally appeared before the undersigned, a notary public in and for Johnson county, Kansas Territory, A. Justice, and signed the above petition in my presence, and swears that the facts therein stated are true, as he verily believes. Witness my hand and notarial seal, this 29th March, 1859.

[L. s.]

WILLIAM HOLMES,
Notary Public.

Territory of Kansas to Alfred Justice, Dr.

To one bay horse, seven years old, taken by Captain Walker and his men, on the same day Colonel Titus was taken, at or near Lecompton, in August, A. D. 1856. Said horse was well worth.....	\$150 00
Also, to one horse, taken by Colonel Harvey, at Lawrence, about the first of September, A. D. 1856, valued.....	100 00
	<u>250 00</u>

SHAWNEE, *March 26, 1859.*

In the matter of the petition of Alfred Justice.

LEAVENWORTH COUNTY, ss :

James Watkins, being duly sworn, saith : I reside now in the State Missouri, and near the town of Independence ; am acquainted with Alfred Justice ; he now resides in Shawnee Town, Johnson county, Kansas Territory ; I have known him ever since May, 1856 ; I then resided in Lecompton, Kansas Territory ; Justice also resided there ; I made it my home at Lecompton until nearly a year ago ; I knew the two horses mentioned in the petition, and drove them for the petitioner several months during 1856. Petitioner was keeping a boarding house in Lecompton at that time. The evening before the attack on Titus's house, near Lecompton, about 16th August or 16th September, 1856—not certain which month—I had the two horses in my charge, as teamster ; that evening Justice loaned one of his horses to Dr. Wood, for a man named Cramer to ride in carrying an express ; the horse was left that night at Titus's house ; understood, next day, that an attack had been made on Titus's house, Titus was taken prisoner, and that Justice's horse had been taken away from them by the attacking party. Do not know this of my own knowledge, only from report ; never saw the horse afterwards ; he was a bay horse, about 15½ hands high, 7 years old—no particular marks—he was a No. 1 saddle and harness horse, worth \$150.

The other horse was taken from my possession, about two weeks afterwards, in Lawrence ; word had reached Lecompton that all the horses and property captured at Titus's house would be surrendered to the owners on demand at Lawrence. Mr. Justice sent me down from Lecompton to Lawrence on the other horse to recover the first one ; at Lawrence I failed to find the first horse, was arrested by a body of armed men, and taken before Colonel Harvey, their commander, in the streets of Lawrence ; they put me in a room and took my horse from me ; I was kept prisoner three days ; on my release I called for my horse, but was informed that somebody had ridden him off ; that was all the satisfaction I could obtain ; I never recovered either horse ; am confident Mr. Justice never recovered either animal or any compensation for either of them ; this last horse was a match bay, about a hand smaller than the other, and worth \$100.

Cross-examined.

Dr. Wood wanted to send a despatch to somebody, about 7 miles off, on the Wakarusa ; and the messenger, on returning, put up the horse at Titus's for the night. That was the first time Justice had loaned a horse, except once, to Governor Shannon. Justice was in Lecompton at the time. He did not belong to either of those companies of armed men.

JAMES WATKINS.

Sworn to before me this 30th day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Alfred Justice:

Petitioner claims for one span of horses taken by the free-			
State men (the evidence sustains the claim)	-	-	\$250 00
Add interest, 2½ years, at 6 per cent.	-	-	37 50
			287 50
Total award	-	-	287 50

EDWARD HOOGLAND.
 SAMUEL A. KINGMAN.
 HENRY J. ADAMS.

7 JULY 1, 1859.

No. 120.

LEAVENWORTH COUNTY, ss:

The Territory of Kansas to all persons to whom these presents shall come, greeting:

Know ye that whereas James Willoughby, late of the county of Leavenworth, died intestate, as it is said, having at the time of his death property in this Territory, which may be lost, destroyed, or diminished in value if speedy care be not taken of the same: to the end, therefore, that said property may be collected, preserved, and disposed of according to law, we do hereby appoint Jesse Connell administrator *de bonis non* of all and singular the goods and chattels, rights and credits, which were of the said James Willoughby at the time of his death, with full power and authority to secure and dispose of said property according to law, and to collect all moneys due said deceased, and in general to do and perform all other acts and things which are or hereafter may be required by law.

In testimony whereof, I, G. W. Gardiner, judge of the probate court in and for the county of Leavenworth aforesaid, have hereunto [L. S.] signed my name and affixed the seal of said court at office, this 22d day of September, A. D. 1858.

G. W. GARDINER, *Judge.*

TERRITORY OF KANSAS, *Leavenworth County, ss:*

I, H. C. Fields, clerk of the probate court within and for the county and Territory aforesaid, do hereby certify that the foregoing is a true copy of the letters of administration *de bonis non*, granted to Jesse Connell, upon the estate of James Willoughby, deceased, and that the same are on record in my office.

Witness my hand and the seal of said court, at office, in the city of Leavenworth, this 16th day of July, A. D. 1859.

[L. S.]

H. C. FIELDS, *Clerk.*
 By RUFUS HALL, *Deputy.*

TERRITORY OF KANSAS, *Leavenworth County, ss :*

Petition of Jesse Connell, administrator *de bonis non* of the estate of James Willoughby, deceased, of the county of Leavenworth and Territory of Kansas, under an act of the territorial legislature, approved February 7, 1859, entitled "An act to provide for the adjustment and payment of claims."

To the honorable the commissioners appointed by virtue of the foregoing recited act :

I, Jesse Connell, administrator *de bonis non* of the estate of James Willoughby, deceased, of the county and Territory aforesaid, represent unto your honorable body that the estate of James Willoughby, deceased, has sustained losses in consequence of and growing directly out of the difficulties and disorder which prevailed in this Territory from November 1, 1855, to December 1, 1856, as follows, to wit: Said James Willoughby was, in his lifetime, a citizen of the Territory of Kansas, and resided in the town of Easton, in the county of Leavenworth, and was also known politically as a law and order man; that on or about the 1st day of October, A. D. 1856, a party of men, claiming to belong to the free-State party, under the command of one Captain Harvey, armed, entered in and upon the premises of the said James Willoughby, and took therefrom ten mules and harness, altogether of the value of thirteen hundred dollars, (\$1,300.) The said Jesse Connell further represents that the said James Willoughby is now deceased, and that he is administrator *de bonis non* upon said estate, and as such makes this petition; further, that neither said Willoughby in his lifetime, nor his estate since his decease, nor any one else, has received any compensation therefor.

JESSE CONNELL,

Administrator of the estate of James Willoughby, deceased.

In the matter of the petition of Jesse Connell, administrator, &c., of James Willoughby, deceased.

LEAVENWORTH COUNTY, *ss :*

Jesse Connell, the above-named petitioner, being duly sworn, saith: I was acquainted with James Willoughby from the fall of 1856 until the fall of 1857, for about a year before he died; I am now administrator of his estate; he resided near Easton, in this county, from 1855 till the time of his death; I know nothing of the losses claimed for in the petition except what I have heard from him and others; he was a pro-slavery man; do not know of his having received any compensation for the property alleged to have been taken.

JESSE CONNELL.

Sworn to before me this 31st day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

Samuel J. Kookogey, being duly sworn, saith: I was acquainted with James Willoughby in his lifetime; he resided at Summerville, about half a mile from Easton, in Leavenworth county; knew him from September, 1855, until his death, in May, 1857. In September, 1856, on or about the 8th day of the month, a company of armed men, about seventy-five or one hundred in number, under command of Colonel Harvey, of the free-State army, brought Mr. Willoughby as a prisoner in a wagon into Easton; while he was sitting in the wagon, Willoughby told the citizens of Easton, who crowded around, that the company in whose custody he was had taken the last horse and mule from him, and I saw some of the party on Willoughby's horses and mules; alongside of Willoughby, as a prisoner also in the wagon, Harvey had a good free-State man, named Henry Reddy; I cannot state the number of horses and mules belonging to Willoughby so in possession of Harvey and his men; I saw two mules that I recognized as belonging to Willoughby—one iron gray, one white—which Mr. Dawson had sold to him. Men were riding the mules; did not see any harness on the mules or horses taken from Willoughby; the mules were worth \$100 each; I know that Willoughby, before that day, had eight horses and mules, which he used at his horse saw-mill; after that day he had none; soon after they left Easton they let Mr. Willoughby loose; they took several prisoners from Easton at the same time; the men taken from Easton had made some remarks, and were taken prisoners therefor; do not know that any of the animals taken from Willoughby were ever returned or recovered, or whether he ever received any compensation for them.

S. J. KOOKOGEY.

Sworn to before me this 31st day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

Henry Reddy sworn: I was acquainted with James Willoughby from the fall of 1855 till the spring of 1857; during that time he resided near Easton, in this county. About the 8th day of September, 1856, I was residing about two miles south of Easton, and was taken prisoner on that day by Captain Harvey and his company of about 100 armed free-State men; had not been working for Mr. Willoughby; I was captured about 8 a. m.; I was on my way to my work, where I was making shingles, when I met the command in the road, about a mile and a half from Easton; I was on horseback; they ordered me to halt and get into a wagon that they had with them; they put one of their men on my horse and sent him towards Easton; I got in the wagon and continued to ride with them till they got to Easton; when about half a mile from Easton they met Mr. Willoughby on horseback; they ordered him to dismount and get into the wagon, put one of their men on his horse, and sent him forward to Easton; just as we got to Easton some of the men of Harvey's party came up and brought

with them the eight horses and mules that Willoughby usually worked at his horse saw-mill ; they had no harness on, only a few collars and blind bridles ; I knew the horses and mules so brought, and that they belonged to Willoughby ; there were only two or three horses ; the animals were worth on an average \$100 each ; Harvey's men had them and took them off south with them ; I never saw the animals afterwards ; I was a prisoner about two hours ; reside now where I did then ; they took away nine head altogether, and two came back afterwards ; only one of which, a gray horse, I think, he obtained possession of afterwards ; so that Willoughby, by that foray, actually lost eight head of horses and mules ; do not think he ever received any compensation for them from any source whatever.

his
HENRY + REDDY.
mark.

Attest :

EDWARD HOOGLAND.

Sworn to before me this 31st day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

Marshall H. Comstock sworn : I was acquainted with James Willoughby during his residence near Easton from 1855 till the time of his death ; I lived in Easton at that time ; I saw the mules and horses that were taken from Willoughby's mill when they were brought into Easton on the 8th September, 1856 ; there were six mules and three horses taken from Willoughby that day. Previous to that time a man named Brown, in a South Carolina pro-slavery company, caught one of Willoughby's mules that was running about, grazing on the prairie, and took it away with him ; it was branded H. S. on the left hip in large letters ; this mule was worth \$125 ; this occurred in August, 1856 ; he was " pressed," taken, or stolen by force, for Willoughby went and tried to get the mule, and could not ; and then I went and tried to get him, but he threatened to shoot me. The horse that was proved as having come back into the neighborhood was one that was brought there by some free-State men residing on Walnut creek, and when they found that Willoughby was trying to prove up his property and obtain possession, they shoved the horse off and took him out of the neighborhood, so that Willoughby failed to recover him. I have been residing there ever since ; Willoughby never recovered but one of the horses or mules so taken from him ; I think the stock were worth, all round, an average of \$125 each ; Willoughby left a wife and two children.

M. H. COMSTOCK.

Sworn to before me, March 31, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Jesse Connell, administrator of the estate of James Willoughby, deceased.

The petitioner, as administrator *de bonis non* of the estate of James Willoughby, deceased, claims for ten mules and horses - \$1,300 00

The proof shows the loss of nine horses and mules, of the average value of \$100, which is allowed by the board	-	900	00
Interest on same, 2½ years, at 6 per cent.	-	-	135
			00

Total award	-	-	-	-	1,035	00
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SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

APRIL 15, 1859.

No. 121.

COUNTY OF LEAVENWORTH, ss :

The Territory of Kansas to all persons to whom these presents shall come, greeting :

Know ye that whereas Armstead Dawson, late of the county of Leavenworth, died intestate, as it is said, having at the time of his death property in this Territory, which may be lost, destroyed, or diminished in value if speedy care be not taken of the same: to the end, therefore, that said property may be collected, preserved, and disposed of according to law, we do hereby appoint Jesse Connell administrator *de bonis non*, with the will annexed, of all and singular the goods and chattels, rights and credits, which were of the said Armstead Dawson at the time of his death, with full power and authority to collect and dispose of said property according to law, and collect all moneys due said deceased, and in general to do and perform all other acts and things which are or hereafter may be required by law.

In testimony whereof, I, George W. Perkins, judge of the probate [L. s.] court in and for the county of Leavenworth aforesaid, have hereunto signed my name and affixed the seal of said court, at office, this 23d day of March, A. D. 1858.

GEORGE W. PERKINS, *Judge.*

TERRITORY OF KANSAS, *County of Leavenworth, ss:*

I, H. C. Fields, clerk of the probate court within and for the county and Territory aforesaid, do hereby certify that the foregoing is a true copy of the letters of administration granted by said court to Jesse Connell, and that the same is on record in my office.

Witness my hand and the seal of said court, at office, in the city of [L. s.] Leavenworth, this 16th day of July, A. D. 1859.

H. C. FIELDS, *Clerk.*
By RUFUS HALL, *Deputy.*

TERRITORY OF KANSAS, *County of Leavenworth ss :*

Petition of Jesse Connell, administrator, with the will annexed, of the estate of Armstead Dawson, deceased, of the county of Leavenworth and Territory of Kansas, under an act of the territorial legislature, approved February 7, 1859, entitled "An act to provide for the adjustment and payment of claims."

To the honorable the commissioners appointed by virtue of the foregoing recited act :

I, Jesse Connell, administrator, with the will annexed, of the estate of Armstead Dawson, deceased, of the county and Territory aforesaid, represent unto your honorable body that the estate of Armstead Dawson has sustained losses in consequence and growing out of the difficulties and disorder which prevailed in this Territory from November 1, 1855, to December 1, 1856, as follows, to wit: The loss of goods, merchandise, horses, and mules, amounting to the sum of eleven hundred dollars; that said loss occurred in manner and form as follows: Said Armstead Dawson, in his lifetime, lived at the town of Easton, in the county of Leavenworth and Territory of Kansas; was a citizen of said Territory, and was politically known as a law and order man; that on or about the 1st day of October, A. D. 1856, a party of men claiming to belong to the free-State party, then under the command of one Captain Harvey, armed, entered into the store of the said Armstead Dawson and took therefrom goods and merchandise amounting to the sum of three hundred dollars; also at the same time took ten head of horses and mules worth at least eight hundred dollars. The said Jesse Connell further represents that the said Armstead Dawson is now deceased, and that he is administrator, with the will annexed, of the estate of said Armstead Dawson, and as such administrator makes this petition; further, that neither said Dawson in his lifetime, nor his estate since his decease, nor any one else, has received any compensation therefor.

JESSE CONNELL,

Administrator of the estate of A. Dawson, deceased.

In the matter of the petition of Jesse Connell, administrator, &c., of Armstead Dawson.

LEAVENWORTH COUNTY, *ss :*

Jesse Connell, the petitioner above named, being duly sworn, saith: I was acquainted with Armstead Dawson in his lifetime, and had known him two years previous to his death; I am now administrator upon his estate; he resided at Easton, Leavenworth county, Kansas Territory, from the fall of 1854 until his death, which occurred about January, 1858; I have filed a petition here for losses sustained by said estate during the difficulties of 1856; I know nothing personally of the facts alleged, except what I have heard from Mr. Dawson during

his lifetime, and from others; Mr. Dawson was politically known as a law and order man, a pro-slavery man.

Cross-examined.

He was engaged in merchandising, farming and freighting, and had on hand a large stock of horses, mules and cattle; he had been freighting for government to the western forts, besides which he had that store in Easton; he generally had on hand a good common country store stock, ranging from \$1,000 to \$3,000 worth; in September, 1856, he had there at Easton some 15 head of mules and horses; do not know their average value per head; Dawson left a wife and one child; his wife is now residing in Easton aforesaid, and his child is here in Leavenworth with Mr. Whitehead.

JESSE CONNELL.

Sworn to before me this 31st day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

Samuel J. Kookogey sworn: I was acquainted with Armstead Dawson, and knew him as a resident at Easton, in this county, from the month of September, 1855, until January, 1858, the time of his death; he was there engaged in merchandising, farming and freighting; he had a store there; I was a clerk for him during the year 1856 and 1857, but I was absent from 17th of April till the 26th of July, 1856; all the rest of the time until his death I was there with him; on or about the 8th of September, 1856, a party of men came to Easton; they were all armed, about 75 or 100 in number, under command of a man known as Colonel Harvey, representing, it was understood, the free-State party, came into the store and took away whatever they wanted, and actually seized and carried away therefrom 10 sacks of flour, worth \$5 per sack, \$50; 10 sacks of meal, worth \$2 50 per sack, \$25; 1 keg of powder, 25 pounds, worth \$7 or \$8; 1 keg of lead for bullets, 100 pounds, worth \$6; they took about two dozen red flannel shirts, worth \$2 50 each; a lot of boots and shoes, worth \$50 or \$60; a number of blankets, worth \$50 or \$60, I judge from the bulk; one revolver, worth \$25; no groceries; a number of trifles, trinkets, crackers, sardines, &c., worth \$25 or \$30; they did not buy them from me; they crowded 10 or 15 into the store; said they wanted the goods mentioned; I did not ask them for pay; I was too anxious to get away; they had an antipathy towards me personally, as I was known as a pro-slavery man; I was clerk for Dawson at the time, and remained in the store all the time these men were there; I offered no resistance to their taking the property because of their number; I thought they acted very well, and were quite moderate; Colonel Harvey came to me and inquired where I was from; I told him from the State of Georgia; asked how long I had been here, and I answered him; after awhile he patted me on the shoulder (probably supposing

that I was Mr. Dawson, of whom they had evidently heard before they got there, as a man not strenuous in his political conduct, and kind of on the fence,) and remarked, "Well, we don't intend to take much from you, but that fellow over there, (pointing to Gallagher's store,) we intend to give him hell." After they left the store they went in a southerly direction; I know they took away with them at that time ten horses and colts, two of the colts only were two years old; some of the animals were brood mares, which were taken, and the colts followed them; the horses were, some of them, in the stable of Mr. Dawson, and some of them in the lots about the store; after the men left the store I saw them have the ten head of horses mentioned in their possession and go off with them; they went in a southerly direction; these horses all belonged to Dawson, and were all branded A. D. on the left shoulder; they were worth, on an average, \$60 each; some of them were ponies and some American horses, and not worth more than that on an average; before that time, some time in August, 1856, a company of pro-slavery men, known as the Kickapoo Rangers, came to Dawson's and took away from him a very fine mule, worth \$150; this mule was never recovered or paid for; Captain William Martin commanded the Kickapoo Rangers when said mule was taken; they went north with the mule; afterwards I saw them back there several times with the mule and tried to get him, but they refused to give him up; of the ten head of horses that were taken away by Harvey, two of the horses, a sorrel and a bay, subsequently escaped from their captors and returned home to Dawson's; those two horses were worth \$175 together. Mr. Dawson never received any compensation for the property taken above described from any source whatever; I know this, for I was clerk, as mentioned, until Dawson's death. I know further that on the same day, and at the time mentioned Harvey and his company took away ten or twelve guns, some of them shot-guns, belonging to Dawson; they were old worn-out guns that had been used for sending out with trains, and were out of order; not worth, on an average, more than \$3 each.

S. J. KOOKOGY.

Sworn to before me this 31st day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

The petition of Armstead Dawson for damages sustained in the difficulties during the fall of 1856.

Said petitioner states that during the month of September, 1856, a body of armed men, under the command of one Captain Harvey, while marching along the road, passed said Dawson's store; the said company stopped, and went into the storeroom, and took out the articles mentioned in the account hereto attached, amounting to two hundred and forty-four dollars taken out of said store without the liberty of said Dawson, and against his consent; that said Dawson

is a resident of Leavenworth county, Kansas Territory, and his said store was at a place called Easton, in said county; that he does not know under what authority they forcibly took said property, but supposes they were acting in opposition to the laws of the Territory; that, in addition to said property mentioned in said account, there was taken by the same company under Captain Harvey four horses and one mule, worth about four hundred and twenty-five dollars; that said horses were out on the prairie, and the men of said company drove them from the prairie into the lot, and then caught them; and that said horses have never been returned, or any recompense been made for them.

A. DAWSON.

Sworn and subscribed to before me this 27th day of October, 1857.
H. J. STRICKLER,
Commissioner for Auditing Claims.

I hereby certify that the following goods were taken without leave, by men purporting to belong to Captain Harvey's company, from A. Dawson, during the disturbances in Kansas Territory, 9th of September, 1856:

4½ sacks of flour, at \$5	-	-	-	-	-	\$22 50
10 bushels meal	-	-	-	-	-	12 50
1 keg (200 lbs.) lead, at 10 cents per lb.	-	-	-	-	-	20 00
1 keg powder	-	-	-	-	-	12 00
½ dozen red flannel shirts	-	-	-	-	-	12 00
10 guns, at \$7 apiece	-	-	-	-	-	70 00
Sundry shoes and boots	-	-	-	-	-	50 00
Candy, sugar, &c.	-	-	-	-	-	10 00
						<hr/>
						219 00
One revolver	-	-	-	-	-	25 00
						<hr/>
						244 00
						<hr/> <hr/>

S. J. KOOKOGY,
Clerk of A. Dawson.

OCTOBER 27, 1857.

Sworn and subscribed to before me this 27th day of October, 1857.
J. M. GALLAGHER,
Justice of the Peace.

Territory of Kansas to Armstead Dawson, Dr.

1857.—To four horses and one mule	-	-	-	\$425 00
				244 00
				<hr/>
				669 00
				<hr/> <hr/>

TERRITORY OF KANSAS :

Personally appeared before me, Hiram J. Strickler, commissioner, Marshall H. Comstock, who makes oath that he is personally acquainted with Armstead Dawson, who has made the foregoing petition, and is personally acquainted with the facts set forth in the said petition, being present at the time said goods were taken at said store, and saw the horses taken by the said company of men, (Captain Harvey's;) that he saw four horses and one mule taken, worth, he thinks, about four hundred and twenty-five dollars, and that he thinks the goods in said account were worth about two hundred and forty-four dollars; that this witness was taken prisoner by the said Captain Harvey, and saw the goods and horses as they were carried off; the witness was keeping house for said Dawson at the time; that it was all done about the 9th of September, 1856. Armstead Dawson is a citizen of the Territory, and was living in Leavenworth county during the year 1856.

M. H. COMSTOCK.

In the matter of the petition of Armstead Dawson's administrator.

Petitioner claims that deceased lost merchandise	-	-	\$300	00
10 horses and mules	-	-	800	00
				<u>1,100 00</u>
The proof in this case warrants a confirmation of the award				
made by Commissioner Strickler	-	-	669	00
And interest, 2½ years, at 6 per cent.	-	-	100	35
				<u>769 35</u>
Total award	-	-	769	35

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

JULY 1, 1859.

No. 122.

TERRITORY OF KANSAS, *County of Leavenworth, ss:*

Petition of Alexander Traskowski, of the county and Territory aforesaid, under an act of the territorial legislature, approved February 7, 1859, entitled "An act to provide for the adjustment and payment of claims."

To the honorable the commissioners appointed by virtue of the foregoing recited act:

I, Alexander Traskowski, of the county and Territory aforesaid, represent unto your honorable body that I have sustained losses in consequence of and growing out of the difficulties and disorder which

prevailed in this Territory from November 1, 1855, to December 1, 1856, as follows, to wit: The destruction by fire of my house situated on Cherokee street, in the city of Leavenworth, county of Leavenworth and Territory of Kansas; also, a building situated in the rear of said building; all my furniture, groceries and provisions, bar and bar-room furniture, clothing, jewelry, and stock of liquors, &c., amounting in value to the sum of five thousand seven hundred and eighty-eight dollars and seventy-two cents, (\$5,788 72;) and I, the said Alexander Traskowski, would further represent that I was at the time said loss occurred, and am now, a citizen of the said Territory of Kansas; further, affiant avers that said fire originated in a house kept by one Thomas Fahey, alongside of which, and without any intervening space, was the house of your petitioner herein referred to; that fire originating in the house of said Thomas Fahey necessarily involved the destruction of the house of your petitioner. Your petitioner would further represent that said fire occurred during the night of the 24th of July, 1856; further, that said fire, the occasion of petitioner's loss, was not the result of accident nor carelessness, but the work of an incendiary, instigated to the perpetration thereof by motives of political hostility against the said Thomas Fahey; that the reasons of your petitioner for so believing are as follows: First. That the said Thomas Fahey was then and always had been a member of the *law and order party*. Second. That previous to the fire as aforesaid an election was held at the city of Leavenworth, at which the ballot-box was taken by some members of the law and order party, and by them also conveyed to the house of the said Thomas Fahey; that this act did very much exasperate the free-State men of the county and city aforesaid, and induced them, by reason thereof, to threaten the destruction of the house of the said Thomas Fahey. Third. That on another occasion, and previous to said fire, a body of men in the service of the law and order party came to the city of Leavenworth, entered the office of the "Territorial Register," a public newspaper published in said city of Leavenworth as the organ of the *free-State party*, and taking therefrom the press of said office threw the same into the Missouri river; that after the destruction of the said press as aforesaid, said body of men went to the house of the said Thomas Fahey, making it their rendezvous, thereby procuring for the house of the said Thomas Fahey the odium of the free-State party. Fourth. That at the time of and long before the occurrence of the fire as aforesaid, the said Fahey was the keeper of a house of public entertainment, and was compelled by the law of the land to receive whoever might request entrance therein. The said Alexander Traskowski does further represent unto your honorable body that none of the property described herein, and in the accompanying statement marked A, has ever been restored to him, nor has he received any compensation therefor.

ALEXANDER TRASKOWSKI.

Sworn to and subscribed before me this 29th day of March, A. D. 1859.

WILLIAM PERRY,
Notary Public.

A.

Statement of loss sustained by Alexander Traskowski, in consequence of and growing directly out of the difficulties and disorder which prevailed in the Territory of Kansas from November 1, 1855 to December 1, 1856:

House fronting on Cherokee street, the original Alexander	
House	\$1,399 34
House in rear of above	504 88
House furniture, clothing and jewelry	2,425 50
Bar-room furniture	292 50
Groceries and provisions	716 50
Stock of liquors	450 00
	<hr/>
	5,788 72
	<hr/> <hr/>

Alexander Traskowski, being by me first duly sworn, says that the foregoing statement of loss is just, true, and correct, and that he has received no compensation therefor.

ALEXANDER TRASKOWSKI.

Sworn to and subscribed before me this 29th day of March, A. D. 1859.

WILLIAM PERRY,
Notary Public.

In the matter of the petition of Alexander Traskowski.

TESTIMONY.

LEAVENWORTH COUNTY, ss:

Jacob Kaiser sworn: I am the witness examined in the last case, (Thomas Fahey, No. 114,) showing the burning of Fahey's house, as was supposed, by the free-State men, as being the headquarters and rendezvous of the Kickapoo Rangers in Leavenworth; Traskowski was the owner and proprietor of the drinking saloon in Leavenworth, known as the "Polish Republican," adjoining Fahey's house, at the time the latter was destroyed in July, 1856; in his house he had a bar, furniture, bedding, &c.; it was one of the biggest boarding-houses in town; a good frame-house built of oak, walnut, &c., and well finished off; he had a house in the rear of the main building; do not know the value of the main front building; the house in the rear was worth \$500 or \$600; can't tell exactly the furniture, but had enough to accommodate sixty or seventy men; he had jewelry deposited there for his boarders; I saw him pay between \$200 and \$300 for one watch and chain so deposited with him; the bar-room furniture was

good, but I cannot estimate its value ; he had a pretty big stock of groceries, provisions, and liquors, bought two or three days before of three or four merchants ; he saved no property at all as I ever heard ; he could not get the keys of the cellar, or he might have got some things out of it ; he is a man of family, and now resides here in Leavenworth ; his family were all saved.

JACOB KAISER.

Martin Mertz sworn : Am acquainted with petitioner ; he is living on Cherokee street ; I have known him as residing here some three years ; his house was burned on the night of the 23d or 24th of July, 1856 ; I was barkeeper in the house at that time ; the fire that burned that house originated in Fahey's house, which was alongside of and adjoining Traskowski's ; this house of petitioner's was a large house that would accommodate sixty or eighty boarders ; don't know its cost or value ; another house behind the main building also burned ; well furnished ; know nothing about any jewelry ; bar-room was well furnished ; can't name its value ; a good stock of groceries, provisions, and liquors on hand, probably worth in all \$1,000 ; don't know of any being saved ; I was present at the fire.

MARTIN MERTZ.

Alexander Traskowski sworn : I am the above named petitioner ; reside in Leavenworth City ; have resided here since June, 1853 ; the house that was burned, the main building, I think, cost me about \$1,300 ; the other one cost about \$500 or \$600 ; the house, furniture, clothing, and jewelry, were worth \$2,300 or \$2,400 ; the jewelry consisted of a clock, a silver watch, and family jewelry ; bar-room furniture worth \$300 or 400, whole outfit ; I had provisions, groceries, liquors, &c., which were worth \$600 or \$700 ; liquor was worth between \$300 and \$400 ; altogether worth about \$800 ; I kept a regular boarding-house ; had about forty boarders when the house took fire.

Cross-examination.

The house was first 18×30, two stories high ; furnished for a hotel ; I had between fifty and sixty beds, double and single ; upper story wholly devoted to sleeping rooms ; the other house back of it was 16×24, two stories high ; they were double and single bedsteads ; the double bedsteads were worth \$5, single \$2 25 ; mattress and bedding of a double bedstead, worth about \$12 each ; don't know what all would average ; had chairs and tables ; I had a little nice furniture in my own room ; the balance was only for regular travel ; the boarders had property destroyed not charged in my account in this case ; my wearing apparel for family, worth \$100 or \$150 ; no jewelry except the three clocks and watch belonging to the family ; clocks worth \$8 each ; don't remember about the watch, it was a silver watch and small chain, worth \$40 ; I paid for \$300 worth of jewelry to the boarders, and for whom I held them ; I paid for four watches, two gold watches and two silver watches ; they were left with me and in my charge ; I paid the money to Michael Przyblowicz ; the rooms generally were not carpeted ; not much in the rooms but bedding ; kitchen

furniture, stoves and cooking utensils, worth about \$200; dining-room tables, knives and forks, plates, chairs, &c., worth \$90 or \$95.

ALEXANDER TRASKOWSKI.

Sworn to before me this 30th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

William Perry, being duly sworn, saith: I reside in Leavenworth City; have resided here ever since March, 1856; knew the house of Fahey; was present when it was destroyed by fire on the night of July 23 or 24, 1856; heard the alarm of fire at night; got there about as soon as any one; the house had evidently been set on fire from the outside; it was a frame building, and when I got there the west side of the house was burning; it burned from the outside into the interior; a blacksmith shop, about sixty feet west of Fahey's, was burned at the same time, but not until Fahey's house took fire; the kitchen of Fahey's house was on the north side of the house; the side of Fahey's building exposed to the street, on a vacant lot, was where the fire was burning when I saw it.

WILLIAM PERRY.

Sworn to before me this 30th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Alexander Traskowski.

The petitioner claims in this case for house on Cherokee street, burned	-	-	-	-	-	-	-	\$1,399	34
House in rear of above	-	-	-	-	-	-	-	504	88
House-furniture, clothing, and jewelry	-	-	-	-	-	-	-	2,425	50
Bar-room furniture	-	-	-	-	-	-	-	292	50
Groceries and provisions	-	-	-	-	-	-	-	716	50
Stock of liquors	-	-	-	-	-	-	-	450	00
								<u>5,788</u>	<u>72</u>

The board do not think that petitioner has brought his case within the meaning of the law, and therefore make him no allowance.

See case of Thomas Fahey, No. 114.

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

APRIL 15, 1859.

In the matter of the petition of Alexander Traskowski.

Petitioner claims for buildings, household furniture and other property destroyed by fire, said buildings being adjoining Thomas Fahey's, the loss being the result of the firing of Fahey's building, for which an allowance has been made by the commissioners. Total claim..... \$5,788 72

The evidence in this case, originally and subsequently filed, sustains an award as follows:

For house fronting on Cherokee street.....	1,399 34
House in rear of the above.....	504 88
Household furniture, clothing, jewelry, &c.....	1,444 00
Bar-room furniture.....	292 50
Groceries, provisions, and liquors.....	800 00
 Total.....	 4,440 72
Interest for 2½ years, at 6 per cent.....	666 02
 Total award.....	 <u><u>5,106 74</u></u>

HENRY J. ADAMS.
EDW'D HOOGLAND.

No. 123.

A.

Territory of Kansas to Aaron Jeffries, Dr.

To one carpet sack and clothing.....	\$55 00
To \$400 in gold coin.....	400 00
To one gun and powder flask.....	37 00
One axe and handle.....	1 50
	<u>493 50</u>

To the honorable board of commissioners of the Territory of Kansas, sitting in and for said Territory, to adjust claims for losses during the troubles of 1855 and 1856, by an act of the legislature:

Your petitioner, Aaron Jeffries, a citizen of the Territory of Kansas, represents unto your honorable body: That he was possessed of the following described property, to wit: one carpet sack and clothing, \$400 in gold coin, one gun and powder flask, and one axe and handle; a copy of said account is hereto attached, marked A, and made part of this petition. Your petitioner further represents unto your honorable body that on or about the 1st day of September, 1856, the said described articles were taken by a mob, claiming to be the Kansas militia, from the dwelling-house of George H. Keller, in the city of

Leavenworth and the Territory aforesaid ; and your petitioner further represents unto your honorable body that he has not recovered any of said articles, nor any pay or recompense for any part thereof. Wherefore your petitioner prays that your honorable body may award him his claim, and afford such other and further relief as shall conform to law and equity.

AARON JEFFRIES,
By DELAHAY & GALLAGHER,
Attorneys for Petitioner.

TERRITORY OF KANSAS, *County of Leavenworth, ss :*

Personally appeared before me, the undersigned, a notary public in and for said county, Aaron Jeffries, who, being first duly sworn by me, says that the matter and facts set forth in the foregoing petition are true, as he verily believes.

AARON JEFFRIES.

Sworn to and subscribed before me this 30th day of March, A. D. 1859. Witness my hand and notarial seal.

[L. S.]

MARCUS N. BLAKEMORE,
Notary Public.

In the matter of the petition of Aaron Jeffries.

LEAVENWORTH COUNTY, ss :

William Freeland being duly sworn : I reside in Leavenworth City ; have resided here since December, 1855 ; know Aaron Jeffries, and have known him since the summer of 1856. He then stopped with me ; I was keeping the Leavenworth Hotel ; I presume he now resides here or in the Territory. He was absent from the Territory from September 2, 1856, till the spring of 1858. Do not know where he came from originally when he came to the Territory first. When he first came here he was engaged in buying land ; he purchased a claim about two miles west of Leavenworth. Do not remember exactly how long he boarded with me, some two or three weeks, I think ; then he went to board with Mr. Keller, and was boarding at Keller's previous to and at the time that Phillips was shot, 2d September, 1856. Mr. Jeffries promptly paid me his board bill, and seemed to be a man of means ; cannot say how much money he had in his possession at any time. Know from a party who received it, James R. Drummonds, that Jeffries paid for the land mentioned. A few days after Phillips was shot I heard from John M. Funk, of Wyandotte, that Jeffries had lost \$400 ; that Jeffries had left his carpet sack at Keller's, containing \$400 in gold, and he supposed it was gone through the instrumentality of the armed men who had taken possession of Keller's house. Whilst Jeffries was at my house he was looked on suspiciously by the pro-slavery party, William S. Murphy, and others. Jeffries is a man about 45 years of age. I think that the manifestations of suspicion

had become so strong and annoying to him that they formed a principal reason for his leaving my house and going to Keller's to board. I never saw Jeffries from the day Phillips was killed until the spring of 1858, and was then surprised to see him, as I supposed he had been killed. Understood from him that after the trouble, when he was compelled to leave the city by the armed mob who had possession of the town on the 2d September, 1856, he went to Wisconsin or some other northern State where he belonged, and had remained there ever since up to that time. He had a carpet-sack, containing his wearing apparel, and a shot-gun, when he was at my house. The gun was worth about \$40, a good gun. After the 1st of September, 1856, I saw that in possession of a young man named Thompson, who brought it to my house; I recognized it and asked him where he got it; and I think he answered that he had "pressed it." His name was John Thompson; has gone to Virginia, I think.

From my general knowledge of Mr. Jeffries, I believe him to be a respectable man and a man of truth and veracity.

WM. FREELAND.

Sworn to before me this 31st day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

(Here see the case of George H. Keller, No. 109.)

Aaron Jeffries, the petitioner, sworn: I came to Kansas in August, 1856, for the purpose of making it my home here; had formerly resided near Pittsburg, Pennsylvania. When I came to Kansas I brought with me no property but my gun and clothes and carpet-sack, and about \$1,100, viz: one draft on New York for \$300, about \$450 in gold coin, the balance was in paper money on different banks. Before I came here I had been in the mines of California some three years, digging gold. Came to Kansas from Pittsburg by way of Minnesota. Soon after my arrival I bought a claim of a man named Robinson, (and Drummond was interested in it,) situate about two miles from Leavenworth. I immediately took possession of the claim and the hay, &c., in the cabin. Gave a \$300 draft and my note for \$100 for the claim. I was boarding at George Keller's until Phillips was killed; went to the claim during the day to prepare for burning lime, and returned to my boarding house at night. On the morning of the first Monday of September, 1856, I was at Keller's house, having remained there over the Sabbath. After breakfast four or five young men, who also boarded there, proposed to me to go down to the levee, where soldiers were mustering in front of Mr. Freeland's house. It was not built up then between Freeland's house and the river, only one or two houses. I had understood the day before that the proslavery men had me "spotted," and that I would run considerable risk if I remained here. I accordingly concluded to go immediately to the fort and remain a few days till excitement should subside, and told the young men that I would do so, but would go around by way

of Freeland's and witness the muster. The boys suspected that I had money about me, and they warned me if so that I had better leave it at Keller's, as the rowdies would catch me on the road and rob me. Do not now remember their names. The one I was most acquainted with was killed in Leavenworth the same night. I had \$400 in gold in a belt tied about me all the time I was here up to that time; but I then went to my room, took it off and put it into my carpet-sack, and put my carpet-sack under my bed, when we all started for the river. When we got there we found a mustering going on under command of a little fellow named Major Clark, who, it was said, had been a sergeant at the fort and had resigned, or was driven out from there. Clark was mustering over 100 footmen; he was drilling them and starting them to the polls to vote. After he had drilled them he called for Captain Emory and 60 horsemen, well armed, to be brought forward. Clark was on foot. He gave the word of command and drilled the horsemen a few moments. After he had brought them all to order he went to every man, and the rider leaning down, Clark whispered to him something which nobody else could hear; thus he passed along to every man. As soon as he got through, the whole company put spurs to their horses and wheeled up Shawnee street, starting off on a full canter. Then I just turned around to the young men who had come with me, and said to them, "boys there is some deviltry up, I will go back and see what it is." I therefore started right back, going up Delaware street. When about half way there I heard the firing at Phillips's house; and after I got to my boarding house I saw some of the horsemen firing in at the windows of Phillips's house. I soon found out that William Phillips was killed and his brother wounded. I started to go into Keller's house to get my carpet sack and property. On reaching the corner of the fence I found a guard had been stationed all around by Emory. The guard stopped me and told me there was no admittance. I endeavored to reason the matter with him, saying that I had a carpet-sack in there with my clothes and one thing or another in it, (but did not mention any money,) and was anxious to get it in order to leave town. The guard replied, "What there is in there belongs to us; there is no admittance in there at all." Captain Emory, who was sitting on his horse close by, noticed me talking to the guard, and he rode forward and ordered two of the guard as follows: "Take that man down to the river and give him twenty minutes to leave town. If he remains longer than that I will shoot him." Two guards accordingly seized me and took me down to the river, where I was put on board a steamboat lying there; think it was the Emma. The same class of men were at the same time forcing Mr. McCracken and his family, and many other citizens, on board of the boat. Some of the women who had fainted and were in spasms they were carrying on board the boat. After that batch of passengers had been put on board, the boat started to go up the river. It was announced that she would go as high as Weston. We reached Weston. There I got off with a couple of McCracken's clerks, who had also been hurried away in like manner. They proposed going to Iowa, and I concluded to go with them. While going up on the boat I understood that Mr. Keller was in Weston. When I went ashore at

Weston I made inquiry for Keller, and I was told that he had been placed in the calaboose, and the citizens were going to try him and hang him that evening; did not understand what for. Somebody remarked to me, "You had better not inquire much about old George Keller or they'll get you and hang you too." The two clerks mentioned and I then put off through the woods and struck the main road about two or three miles from town. Thence we went to Iowa and I made my way to Pennsylvania, where I remained till the fall of 1857, when I came back to Kansas, remained here a week, then went back to Pennsylvania, and came back here again and remained here ever since the spring of 1858. I am now a resident citizen of Kansas. I lost the claim that I had purchased, being absent when the sale took place.

AARON JEFFRIES.

Sworn to before me this 31st day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

George H. Keller, sworn: I kept the boarding house referred to in the above testimony; have heard the above witnesses testify; my house was taken possession of by Emery's men as mentioned; Jeffries was boarding with me at the time; he had a carpet-sack and contents, and gun, at my house on 1st or 2d of September, 1856; that day I was obliged to flee for my life; know that my house was used as a military barracks by the pro-slavery men after Phillips was killed. Nearly everything in the house was plundered and destroyed; trunks and valises, and property belonging to boarders, were taken or destroyed; do not know, of my own knowledge, how much money Jeffries had. Jeffries disappeared about that time, and I never saw him again until the fall of 1857. Mr. Jeffries appeared to be a man of means, always paid his board regularly, and from my acquaintance with him I believe him to be a man of truth and veracity.

G. H. KELLER.

Sworn to before me this 31st day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Aaron Jeffries.

Petitioner claims for property seized by Captain Emory's company, September 1, 1856:

One carpet-sack and clothing - - - - -	\$55 00
Gold coin in said carpet-sack - - - - -	400 00

One gun and powder flask	-	-	-	-	-	-	\$37 00
One axe and handle	-	-	-	-	-	-	1 50
							<hr/>
							493 50
							<hr/> <hr/>

The evidence is that petitioner was a boarder at Keller's hotel in Leavenworth, at the time Philips was killed. Emory's company took possession of the building and contents, and sent petitioner off on a boat.

In addition to the direct evidence, the board, under the general rule that when a party proves the loss or conversion of a trunk he is a legitimate witness to prove the contents, and his testimony being sustained as to respectability and character, the claim is allowed at	-						493 50
Add interest, at 2½ years, at 6 per cent	-	-	-	-	-	-	74 00
							<hr/>
Total award	.	-	-	-	-	-	567 50
							<hr/> <hr/>

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

APRIL 18, 1859.

No. 124.

TERRITORY OF KANSAS, *County of Leavenworth, ss:*

Petition of Michael Przybytowicz, of the county of Leavenworth and Territory of Kansas, under an act of the territorial legislature, approved February 7, 1859, entitled "An act to provide for the adjustment and payment of claims."

To the honorable the board of commissioners appointed by virtue of the foregoing recited act:

I, Michael Przybytowicz, of the county and Territory aforesaid, do represent unto your honorable body: That I have sustained losses in consequence of and growing directly out of the difficulties and disorders existing in the Territory of Kansas, between November the 1st, 1855, and December 1st, 1856, to wit, to the amount of four hundred and thirty-six dollars and fifteen cents, (\$436 15,) as per reference to annexed statement, marked A, will more fully appear. Said loss occurred in the following manner, to wit: On or about the 23d or 24th day of July, A. D. 1856, the house of Alexander Traskouski was consumed by fire, said fire originating in the house of one Thomas Fahey, then adjoining the house of said Alexander Traskouski. Your petitioner would further represent that he believes the fire, the occasion of his loss, was the work of an incendiary, influenced by motives of political hostility against the said Thomas Fahey. Your petitioner represents, that at the time of said fire, as aforesaid,

he had in the cellar of the house of the said Alexander Traskouski five barrels of tallow, each of the weight of three hundred and twenty-five pounds, and worth ten cents per pound; also one barrel of lard, three hundred and twenty-five pounds, worth eleven cents per pound, and that the same was consumed and totally destroyed at said fire. Further, that afterwards, to wit, a company of pro-slavery men, under the command of one W. S. Murphy, took from the wagon of your petitioner beef, pork, and sausage-meat, on or about the 9th day of September, A. D. 1856; and that afterwards, at night, on two occasions, a quantity of beef, pork, and sausage-meat were taken, and also were killed some little hogs, and large hogs and sheep; and also took a-pistol, and two chains, with locks. Your petitioner believes the foregoing were taken by a body of pro-slavery men, under the command of one Captain Clark. Your petitioner avers that at the time of said loss and ever since he has been a citizen of the United States and Territory aforesaid; and further, that he has received no compensation therefor.

MICHAEL PRZYBYTOWICZ.

Sworn to and subscribed before me this 30th day of March, A. D. 1859.

WILLIAM PERRY,
Notary Public.

A.

Statement of losses referred to in foregoing petition.

Five barrels tallow, 1,625 pounds, at 10 cents	-	-	\$162	50
One barrel lard, 325 pounds, at 11 cents	-	-	35	75
Four hundred and seventy pounds beef, at 8 cents	-	-	38	00
Seventy-five pounds veal, at 10 cents	-	-	7	50
One hundred twenty-five pounds pork, at 10 cents	-	-	12	50
Fifty pounds sausage-meat, at 10 cents	-	-	5	00
Two hundred pounds sausage-meat, at 10 cents	-	-	20	00
One hundred eighty pounds beef, at 8 cents	-	-	14	40
Seventy pounds pork, at 10 cents	-	-	7	00
One hundred fifty pounds beef, at 8 cents	-	-	12	00
Forty pounds pork, at 10 cents	-	-	4	00
Sixty pounds sausage-meat, at 10 cents	-	-	6	00
Eight little hogs, at \$4	-	-	32	00
Four large hogs, at \$13	-	-	52	00
Seven sheep, at \$2 50	-	-	17	50
One double-barrelled pistol	-	-	6	00
Two chains and locks	-	-	4	00

436 15

In the matter of the petition of Michael Przybytowicz.

LEAVENWORTH COUNTY, ss:

Alexander Trzaskowski, being duly sworn, saith: I am acquainted with petitioner; have known him ever since spring of 1856. At the time of the fire at my house he was stopping with me as a boarder, and was about starting the butchering business here. He had goods at my house, tallow and lard; about five or six barrels altogether of tallow and lard; saw him putting it up and put it in my cellar; can't say how much of either; they weighed about 300 to 330 pounds each. Lard was worth 12½ cents a pound; tallow was worth 10 or 11 cents a pound. The fire destroyed them. The fire originated from the burning of Fahey's house. (Case No. 114.)

ALEXANDER TRZASKOWSKI.

Sworn to before me this 30th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

Gustavus Stahl, sworn: Am acquainted with petitioner; have known him ever since he came to reside here, in spring of 1856; he now resides here. He had some lard and tallow in cellar of Trzaskowski, when the latter's house was burned in July, 1856. There were six, seven or eight barrels lard and tallow; can't say precisely how many of each; they would weigh some 300 to 330 pounds each; they burned up with Trzaskowski's house. Lard then was worth 12 to 14 cents, and tallow 10 to 12 cents. In the fall of 1856 petitioner was keeping a butcher shop on Cherokee street, Leavenworth. I saw Captain William S. Murphy, with a company of men, come to petitioner's shop and seize all the meat, beef, veal, pork and sausage-meat, being an ox, a hog, a sheep, and sausage-meat, which he gave to the men with him. They put it into their wagon and went off with it. Prisoner demanded pay for it, and the only answer was, "All right, all right." This was in September, 1856, just before the election. Another time, soon after the election, Murphy came again with a party of men, seized the butcher wagon and put into it the whole stock of meat on hand by petitioner, being about the same quantity as before. The meat was taken out to a company of pro-slavery men encamped about two or three miles from town, behind Pilot Knob. Murphy was the meat man. After that petitioner went for his wagon and obtained it. The same men subsequently killed and took away from petitioner, in September, 1856, five oxen and 12 or 15 hogs, small and large, and 23 sheep. These were killed and taken away during three successive days. They all seemed to be captains, and belonged to the pro-slavery encampments about Leavenworth. One of the armed men mentioned took petitioner's double-barrelled pistol, worth \$6 or \$8, away from him. They came in parties of 50 or 60 strong; beat and abused me

and another hand, and drove us away. I went to Fort Leavenworth, and stayed 14 days, because I could not stay here in Leavenworth; was at the fort when Governor Geary arrived there. Some men cut two chains and padlocks by which horses were hitched, belonging to petitioner; chains were worth \$1 each; the horses were taken away, but subsequently recovered by petitioner.

GUSTAVE STAHL.

Sworn to before me this 30th day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

Michael Przybytowicz, sworn: Am petitioner; there were:

Five barrels of tallow destroyed, averaged 325 pounds each, worth 10 cents a pound - - - - -	\$162 50
One barrel of lard—a whiskey barrel—worth 11 cents - - - - -	35 75
First time Murphy took away from my shop:	
475 pounds beef, 8 cents a pound, \$38; 75 pounds veal, 10 cents a pound, \$7 50; 125 pounds pork, 10 cents a pound, \$12 50 - - - - -	58 00
50 pounds sausage-meat, 10 cents a pound, - - - - -	5 00
1 sheep, 40 pounds, 8 cents a pound - - - - -	3 20
Second time those men came, (Clark's men,) they took:	
200 pounds sausage-meat, 10 cents a pound - - - - -	20 00
180 pounds beef, 8 cents a pound - - - - -	14 40
78 pounds pork, 10 cents a pound - - - - -	7 80
Third time, they broke in at night, (Captain Clark's com- pany,) took 150 pounds beef, 8 cents a pound - - - - -	
40 pounds pork, 10 cents a pound, \$4; 60 pounds sausage- meat, 10 cents a pound, \$6 - - - - -	12 00 10 00
They did not kill my cattle.	
They killed of mine eight little hogs, worth \$4 each - - - - -	32 00
Four large hogs, worth \$13 each - - - - -	52 00
They took from me seven sheep, worth \$2 50 each - - - - -	17 50

Captain Clark came to my house, entered my room, asked for the butchers. My wife was there; they searched bureau and other things, and took off my pistol, worth \$6 or \$8. I had my horses chained; some 40 or 50 men, with Clark, came and took away my horses, cutting and breaking the chains. I recovered my horses afterwards, but lost the chains, worth \$2 each with the locks.

Murphy told me that I must bring meat to market or they would kill it for themselves. The men had robbed me several times, and I declined going on with the business and shut up shop. This was why Murphy told me so; the men were encamped near Leavenworth. About a month afterwards I asked Murphy where I must go

to get my pay for the meat-taken. He told me to go to hell. I have never received any pay for any of the articles mentioned, from any source. We were free-State men, and had refused to enter the ranks of the pro-slavery companies and join with them. There had not been any attack made by the free-State men on anybody, nor do I know of any cause for a general arming or encampment of the men mentioned, at or about Leavenworth, during or about the time mentioned.

MICHAEL PRZYBYTOWICZ.

Sworn to before me this 30th March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Michael Przybytowicz.

Petitioner claims	-	-	-	-	-	-	-	-	\$436 15.
Five barrels tallow, 1,625 pounds, at 10 cents a pound	-	-	-	-	-	-	-	-	\$162 50
A barrel lard, 325 pounds, at 11 cents a pound	-	-	-	-	-	-	-	-	35 75
									<u>198 25</u>

Said property was in the cellar of Fahey's house, in Leavenworth, when said house was burned, on 24th July, 1856. (See case No. —. As the testimony did not warrant an award to Fahey, petitioner's claim comes under the same decision.

Petitioner also claims for beef, pork, veal, sausage-meat, hogs, &c., taken from his market house in Leavenworth by force, by Captain Murphy and his company, in September, 1856, amounting to	-	-	-	-	-	-	-	-	\$237 90
This portion of petitioner's claim is well sustained, and the amount is awarded.									
Add interest, 2½ years, at 6 per cent.	-	-	-	-	-	-	-	-	35 70
									<u>273 60</u>

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 18, 1859.

In the matter of the petition of Michael Przybytowicz.

ADDITIONAL AWARD.

In the original award in this case the claim for tallow and lard was rejected, on the ground that the proof in Thomas Fahey and Alexander Traskouski's cases failed, as originally presented, to connect the destruction of their property with the political difficulties prevailing in the Territory, said tallow and lard being stored in the cellar of the house of Alexander Traskouski.

The additional proof adduced in those cases has induced the commissioners to change their views and make an award in those cases, and this turning upon the same point, we make this additional:

Five barrels tallow, 1,625 pounds, at 10 cents.....	\$162 50
One barrel lard, 325 pounds, at 11 cents.....	35 75
	<hr/>
	198 25
Interest, 2½ years, at 6 per cent	29 73
	<hr/>
Total award.....	227 98
	<hr/> <hr/>

HENRY J. ADAMS.
EDW'D HOOGLAND.

(See proof and awards in the cases of Thomas Fahey and Alexander Traskouski.)

No. 125.

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment of claims," approved February 7, A. D. 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

Comes the complainant, John P. Richardson, of the county of Leavenworth, and Territory of Kansas, and says: That he has been an actual resident of said Territory since August, 1854, until the present time. Complainant further states, that in August, 1856, he was in the possession of an eighty acre lot of land in South Leavenworth, two acres of which he had enclosed and planted as a vegetable garden, in potatoes, beets, onions, peas, beans, sweet corn, squashes, and melons; that on or about the 28th of August, 1856, complainant was forced to leave the Territory, when, as he is informed, lawless persons, to him unknown, took therefrom and destroyed all said garden contained, worth, as this complainant believes, one hundred and fifty dollars.

The complainant further states, that on or about the 16th day of

June, 1856, he was robbed of two hundred and five dollars, in cash, by a person or persons unknown to him, who entered his shanty in his absence, and took the same.

Complainant further states, that he was in possession of eighty acres of land in South Leavenworth, in the fall of 1854, built a shanty upon the same, and continued in possession of it until August, 1856, when, from threats of his life and acts of violence by the border ruffians towards him, he was compelled to dispose of the same for what he could get; that said lot is, as he believes, now worth fifty thousand dollars.

JOHN P. RICHARDSON.

Subscribed and sworn to this 31st March, 1859, before me,
EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of John P. Richardson.

LEAVENWORTH COUNTY, *ss.*:

George H. Keller, sworn: I reside in Leavenworth City, and know that on or about the 28th day of August, 1846, petitioner had a good vegetable garden, about two and a half acres, in Leavenworth, producing and set out with shrubbery and vegetables growing thereon, and wholly of the value of one hundred and fifty dollars, all of which was destroyed by the armed bands of marauders who then had possession of Leavenworth and vicinity. About the same time Mr. Richardson was compelled to leave the Territory, as his life was in danger from those ruffians. About same time it was a matter of general report that Mr. Richardson's shanty or house, situate in South Leavenworth, about half a mile south of the present Planters' hotel, had been entered and robbed during his absence, by those armed parties who were daily accustomed to enter every place where they could obtain access, and steal and plunder everything they could lay their hands on. I saw Colonel Richardson a few days afterwards, when he informed me that the ruffians had taken from his shanty two hundred dollars, or thereabouts, as near as I can recollect. Mr. Richardson was a man of means, and generally known to have money. He came here to reside, in the summer of 1854. Colonel Richardson is a man about 60 years of age; has no family. He is generally esteemed by the citizens of Leavenworth as a man of undoubted character and integrity, and his reputation for truth and veracity would not be questioned by those who know him. It was dangerous for Mr. Richardson to have remained here any longer than he did.

G. H. KELLER.

Sworn to before me this 31st day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

In addition to the above testimony, Mr. Richardson, the petitioner, offered to produce further witnesses, whose testimony would be merely

cumulative to the above; and also, witnesses as to the damages sustained by loss of his claim, now worth fifty thousand dollars; but the latter is deemed inadmissible, and the testimony declined.

EDW'D HOOGLAND,
Commissioner.

APRIL 1, 1859.

In the matter of the petition of John P. Richardson.

Petitioner claims for—

I. A large vegetable garden, growing near Leavenworth, contents worth.....	\$150 00
II. Cash taken from his shanty.....	205 00
III. The value of his claim, which was lost to him by being driven away in September, 1856, by Emory and others...	50,000 00
	50,355 00
	50,355 00

I. The proof is clear as to the destruction of the garden....	150 00
II. The cash rests principally upon his own testimony, strongly corroborated by his general character, standing, ability, and known means.....	205 00
	355 00
Add interest, 2½ years, at 6 per cent.....	53 25
	408 25
	408 25

The third item, for incidental loss of claim, is inadmissible.

EDW'D HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

MAY 3, 1859.

No. 126.—A.

Territory of Kansas to Jeremiah Isely, Dr.

1856. To three barrels of butter, weighing 340 pounds each, at 35 cents per pound - - - - -	\$359 00
To 1,200 pounds of bacon, at 12½ cents per pound - - - - -	150 00
To 30 bushels of dried peaches, at \$3 50 per bushel - - - - -	105 00
To 1,900 pounds of butter, at 35 cents per pound - - - - -	665 00
To 7 bushels of onions, at \$1 50 per bushel - - - - -	10 50
To 15 bushels of dried apples, at \$2 50 - - - - -	37 50
	1,325 00
	1,325 00

To the honorable board of commissioners of the Territory of Kansas, sitting in and for said Territory to adjust claims for losses during the troubles of 1855 and 1856, by an act of the legislature.

Your petitioner, Jeremiah Iseley, a citizen of the Territory of Kansas, represents unto your honorable body, that on or about the 1st day of July, A. D. 1856, he was the sole possessor of the following described property, to wit:

Three barrels of butter, 1,200 pounds of bacon, 30 bushels of dried peaches, 1,900 pounds of butter, 7 bushels of onions, 15 bushels of dried apples; (a copy of said items and account is herewith filed, marked A, and made part of this petition.)

And your petitioner further represents unto your honorable body that on or about the 1st day of September, A. D. 1856, that said property was taken and destroyed by a pro-slavery mob, in the city of Leavenworth and Territory aforesaid.

And your petitioner further represents unto your honorable body that he did not recover said property or any part thereof, or any recompense or pay for said property, or any part thereof. Wherefore, your petitioner prays that your honorable body may award him his claim, and for such other and further relief as shall conform to law and equity.

JEREMIAH ISELEY.

DELAHAY & GALLAGHER,
Attorneys for Petitioner.

TERRITORY OF KANSAS,
County of Leavenworth, ss:

Personally appeared before me the undersigned, a notary public in and for said county, Jeremiah Iseley, who, being first duly sworn by me, says: That the matter and facts set forth in the foregoing petition are true, as he verily believes.

J. ISELEY.

Sworn to and subscribed before me this 31st day of March, A. D. [L. s.] 1859. Witness my hand and notarial seal.

MARCUS N. BLAKEMORE,
Notary Public.

In the matter of the petition of Jeremiah Iseley.

Petitioner claims for groceries and provisions taken by
pro-slavery forces in Leavenworth, September 1, 1856 \$1,325 00

Petition filed March 31, 1859. No proof has been offered in support of the claim. Rejected for want of proof.

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

JULY 1, 1859.

No. 127.

LEAVENWORTH COUNTY, K. T.,
March 30, A. D. 1859.

This is to certify that I, C. J. Mize, a citizen of the above mentioned county, had a certain gray horse and saddle and bridle, and lariat rope, valued at one hundred and thirty-five dollars; this property was all forcibly taken out of my possession by seven well armed men, who were seen in Charles Dunn's company, who called themselves Border Ruffians; this property was taken in the year of our Lord 1856, somewhere between the 1st of August and the fifteenth of the same month, and I, the said Mize, am a citizen of Leavenworth county at the present time, and have been ever since, and was a citizen of the above mentioned county at the time the property was taken.

Whereas I hereunto set my hand and seal.

[L. s.]

C. J. MIZE.

Sworn to before me this 31st day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Charles J. Mize.

LEAVENWORTH COUNTY, ss:

Elizabeth B. Mize, wife of petitioner, being duly sworn, saith: My husband and I reside in Leavenworth county, about seven miles from the city of Leavenworth, and resided there during the summer of 1856. In August of that year my husband had a horse, saddle and bridle, and lariat rope; the horse was a gray; don't know the age; middling sized horse, in good order and condition, worth then about \$125; saddle and bridle, worth \$10; rope, value unknown. Mr. Mize was absent from home on Friday evening (date of the month unknown) in August, 1856; the horse was staked about a quarter of a mile from the house; a party of seven men, all armed, rode up to the house about dark and said they wanted to borrow Mr. Mize's horse for eight or ten days; I said Mr. Mize was not at home and they could not have the horse. They started off and met the hired hands who were just returning from staking the horses out, and made them go back and get the horses; one of which belonged to Mr. Mize, and the other to Achilles Price, our nephew. The hands went and got the horses and brought them to the house, when the armed men made them go and get the saddles and bridles for them, and they then took away the horses. The hired hands who got the horses were James Hamlet and John Leisure, who were working for us at the time. After getting the horses, they remarked that they (the armed men) wanted that gray horse for special duty, and he must be well taken care of. They all

went off then in a westerly direction. My husband never got the horse back or received any compensation from any source whatever.

ELIZABETH ^{her} + B. MIZE.
mark.

Attest: E. HOOGLAND.

Sworn to before me this 31st day of March, 1859.
EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Charles J. Mize.

LEAVENWORTH COUNTY, ss:

Rufus G. Newland, sworn: In 1856 I resided in Leavenworth, and was keeping a livery stable there; knew Mize, and knew his gray horse; in September, 1856, soon after Governor Geary arrived, two "border ruffians," belonging to Captain A. B. Miller's company, whose names are now unknown to me, came into my stable about daylight one morning and ordered their horses fed; they remained there till about 10 a. m.; while they were there Mr. Mize came into the stable, and we were conversing about his horse that had been taken from him a short time previously, when I remarked to him that his horse was then in my stable, having been brought in by one of the men of Miller's company above mentioned, and advised Mr. Mize to go and get the marshal and recover his horse by that means instead of seizing him himself, and thereby standing a risk of a fight or killing over the animal; he started, and met the men at the door; before he could get the marshal the men took their horses, one of which was the gray horse belonging to Mize, and started for Weston; I never saw the horse afterwards.

RUFUS G. NEWLAND.

Sworn to before me this 31st day of March, 1859.
E. HOOGLAND, Commissioner.

In the matter of the petition of Charles J. Mize.

Petitioner claims for a horse, worth.....	\$125
Saddle and bridle, worth.....	10
	<hr/>
Taken from his premises by force, &c	135
	<hr/> <hr/>

The taking, &c., is fully proven ; the value of the horse only by petitioner and his wife, owners generally value their property higher than its cash availability, call it	\$100 00
Saddle and bridle	10 00
Interest, 2½ years, at 6 per cent	16 50
	<hr/>
Award.....	126 50
	<hr/> <hr/>

EDWARD HOOGLAND.
 SAMUEL A. KINGMAN.
 HENRY J. ADAMS.

APRIL 12, 1859.

No. 128.

To the commissioners appointed to audit and certify claims under the provisions of an act to provide for the adjustment and payment of claims, approved February 7, 1859.

Albert G. Boyd, complainant, would state that, November, A. D. 1855, and for some time previous, he was a citizen of the town of Kickapoo, in the county of Leavenworth, Territory of Kansas ; that he was the owner of a law office, sixteen feet wide by twenty-two feet long ; that on or about the 25th day of November, 1855, said office was burnt or destroyed by fire ; that he believes the fire was communicated to said building by the members of an armed company called the Kickapoo Rangers, who at that time made Kickapoo their headquarters ; that said building was worth about one thousand dollars.

Item 1. Law office.....	\$1,000
-------------------------	---------

And that there was in said building, at the time it was destroyed, as above stated, about five hundred dollars worth of law books and furniture.

Item 2. Law books.....	350
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Item 3. Desks, tables, chairs, and bedding	150
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All of which complainant alleges was destroyed by said armed company called the Kickapoo Rangers.

Complainant further states that he never has received any compensation from any person or persons or in any way in consideration of the loss of said property.

And further, that by reason of the loss of said law office, and library, and furniture, and of custom in his profession, he is damaged to the amount of five hundred dollars.

Item 4. Damages.....	500
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<hr/>
2,000
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Complainant therefore asks to be allowed the sum of two thousand dollars, as he believes he is justly entitled.

ALBERT G. BOYD,
 By J. I. MOORE, *his Attorney.*

TERRITORY OF KANSAS, *County of Leavenworth, ss:*

John I. Moore, after being duly sworn according to law, doth, upon his oath, depose and say: That he is the attorney of record to prosecute the claim before said commissioners for the said Boyd; and that the matters and things set forth in the foregoing petition are, according to his information, knowledge, and belief, true in substance and in fact; the said Boyd is now absent from Leavenworth county on business.

J. I. MOORE.

Sworn to before me this 31st day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

LEAVENWORTH COUNTY, *ss:*

James Beagle, being duly sworn, saith: I reside near Kickapoo City; my farm joins the city; am acquainted with petitioner; have known him nine or ten years; he moved to Kickapoo in September, 1854, and remained there till the winter of 1855-'56, then he went over into Missouri and remained there about a year, as nigh as I can recollect; he is now living in Kickapoo township, in this county, with his family; he moved back from Missouri in the fore part of the winter of 1856-'57; when he first moved to the Territory he was a single man. In the winter of 1855-'56, after his office was burned, he married in Kansas. He is a lawyer by profession. In the fall of 1854 or winter of 1854-'55, he put up a law office in Kickapoo, about three quarters of a mile from my house; it was a frame building, one story, 16 by 20 or 22 feet, about 10 feet high, one room, not lathed or plastered, but canvassed, rough flooring, doors and windows only painted; it had two windows front, and one window back, and one door, no cellar under the building; set on rock foundation, or under-pinning; I was frequently in that office; he had a case of books in his office about four feet long and four feet high, law books; he slept in his office, and had a bedstead and (fine, good) bedding, &c. When that building was put up everything in the way of lumber and labor was high; it probably cost, at least, \$300 to put it up; it was principally built of cotton-wood with cotton-wood siding. Cotton-wood lumber was then worth about \$30 per M. feet. Do not know what was the value of the library, nor the number of volumes. The bedding, bedstead, tables, desk, book-case, stove and fixtures were worth \$100 or \$150.

About the last of November or 1st of December, 1855, some two or three nights after the company of Kickapoo Rangers returned from the Wakarusa war or attack on Lawrence, Boyd's office and contents were destroyed by fire; I saw the flames; the fire took place between 7 and 8 o'clock p. m.; Boyd was boarding at my house and was in my house at the time; he and I went towards the fire, but did not approach within 200 yards of it; Boyd refused to go any further, declaring that he was afraid of his life. The Kickapoo Rangers had previously threatened to run him out of the Territory, calling him a damned

abolitionist, and swearing that he should not stay there ; for some time before the fire he had boarded and lodged at my house for safety ; I did not advance any nearer the fire ; I saw a great many people collected there ; some of them were trying to save the contents of Captain Dennis's store, which was 12 or 16 feet from Boyd's office, and had already taken fire ; Boyd refused to go nearer, alleging that the office had been set on fire for the purpose of decoying him there to kill him. Captain Dennis was a free-State man ; his building and Dr. McComas's, another free-State man, were also burned at the same time. Next morning I went down to see the ruins ; Boyd's office and the drug store were totally destroyed ; Dennis's building was only partly burned.

Two nights before Boyd's office was burned a cannon was brought up in front of the office by some men known as the Kickapoo Rangers and loaded with nails, balls, pieces of iron, brickbats, &c., and fired through the building ; Boyd was asleep in his bed at the time ; this discharge blew out one end of the office, cut his clothing and hat, and cut the blankets that covered him ; the missiles so fired passed over him, and he was not hurt.

JAMES BEAGLE.

Sworn to before me this 31st day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

Abiather Culver sworn : I reside in Kickapoo township ; have heard the last witness, Mr. Beagle, testify as above ; I know the facts and circumstances related by him ; knew Boyd's office, and that it was burned as stated ; that building was worth, complete, about \$500. I furnished most of the materials for it ; the lumber cost about \$300, and the work about \$200 ; know Boyd had a library, but do not know the cost or value, or number of volumes thereof ; should judge his furniture, books and fixtures, in all, were worth about \$500 ; was in his office frequently, and know that he had a bookcase of books about four feet high and four feet wide, bedding, stove, chairs, &c. The fire took place about 25th of November, 1855, or a few days after.

ABIATHER CULVER.

Sworn to before me this 31st day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Albert G. Boyd.

The petitioner claims in this case for law office burned	\$1,000 00
Law books.....	350 00
Desks, tables, chairs, and bedding	150 00
	<hr/>
	1,500 00
	<hr/> <hr/>

The witness (Beagle) puts cost of building office at \$300 ; Culver, at \$500. Governed by the average proof, the board allow.....	\$400 00
The proof as to law books is only as to size of bookcase, and guess of witness Culver. Allow.....	200 00
Office furniture, bedding, &c.....	100 00
	600 00
Interest, 2½ years, at 6 per cent.....	90 00
	690 00

SAM'L A. KINGMAN.
EDW'D HOOGLAND.
HENRY J. ADAMS.

APRIL 15, 1859.

No. 129.

ACCOUNT FOR LOSS OF PROPERTY.

TERRITORY OF KANSAS, *County of Leavenworth :*

To the commissioners appointed by an act of the territorial legislature of Kansas, approved February 7, 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disturbances that prevailed from November, 1855, to December, 1856 :

Your petitioner states that he is a *bona fide* settler and citizen of Kansas, and was during the years 1855 and 1856.

Petitioner further states that during the year 1856—about the month of July of that year—he was possessed of the following property, which was taken, destroyed, and lost to your petitioner, on account of the disturbances which then existed in said Territory, to wit :

20 acres of corn growing, worth \$40 per acre.....	\$800 00
400 dozen bundles of oats, at 50 cents per dozen.....	200 00
23 fat hogs, worth \$8 per head.....	184 00
35 head of stock hogs, worth \$3 per head.....	105 00
50 bushels of potatoes, worth \$1 per bushel	50 00
Garden products, worth.....	100 00
3 head of cattle, worth.....	50 00
	1,489 00
Amounting to the sum of.....	1,489 00

That said property was taken and destroyed by armed bands of persons who then infested the Territory.

Petitioner further states that it was wholly out of his power to

have saved or protected his property so taken and destroyed. Petitioner therefore asks your honors to audit and allow petitioner the sum of \$1,489.

Petitioner further states that the facts as stated in the foregoing petition are true, to the best of his knowledge and belief.

MATT. FRANCE.

Sworn to and subscribed before me this 31st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Matt. France.

TESTIMONY.

Thomas J. Abshire, being duly sworn, says: I know petitioner. I came to Kansas in the spring of 1855, and he was here when I came. I live near him. In the summer of 1856 he lived on a farm adjoining the town of Delaware, in Leavenworth county. He had between fifty and sixty acres under fence. I should think he had about twenty acres in corn; it was good, fair corn. He had from six to seven acres of oats. I sowed the oats for him. He had harvested and put his oats in the barn. I should think there were about four hundred dozen bundles. I know he had a large number of fat hogs; should think from twenty to twenty-four. He had also a lot of stock hogs; I should say some thirty-odd. I should judge he had from one-half to three-quarters of an acre of potatoes; should say it would yield from fifty to one hundred bushels. He had a very good garden, containing a variety of vegetables; it was a large garden. I should think it ought to be worth from ninety dollars to one hundred dollars. He raised or aimed to raise vegetables for sale, but owing to the fuss and trouble he was prevented from selling any. During that summer a party of South Carolinians were stationed at Delaware. They came there about the last of June, and were there when I left, which was the twenty-seventh of August. I should think there were more than one hundred of them. They behaved like a set of robbers and thieves; they supplied themselves with provisions from the people around by taking whatever they wanted. I saw them take Mr. France's corn and oats. I saw fifteen of them there at one time. I saw them there at other times. About the twentieth of August Mr. France had to leave for fear of his life. He took his family with him—his wife and child. The child was so sick at the time that it was not expected to live. There was no one left to take care of the place. Most of his hogs, vegetables, stock, &c., were taken before I left, which was about a week after he left his place. He left his wife at my house for a few days. Most of the property on his place was destroyed before I left. I know he had some young cattle, and think they were killed by this party of Carolinians, as they

supplied themselves with beef by stealing and killing the neighbors' cattle.

T. J. ABSHIRE.

Sworn by me this 31st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

L. F. Hollingsworth, being sworn, says: Is acquainted with the petitioner; knows his farm. Has heard the testimony of Mr. Abshire, and fully concurs with him in his statement as set forth in his deposition. Everything on the farm that might have remained when Mr. Abshire left was fully destroyed afterwards, as I remained there myself, and know that nothing was left. Mr. France was forced to leave for his own safety; his life was in danger had he remained.

L. F. HOLLINGSWORTH.

Sworn by me this 31st day of May, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of M. and L. France.

The petitioner's claim is for 20 acres of growing corn, at \$40 per acre.....	\$800 00
400 dozen bundles of oats, at 50 cents a dozen.....	200 00
23 fat hogs, at \$8 each.....	184 00
35 head stock hogs, at \$3	105 00
50 bushels of potatoes, at \$1.....	50 00
Garden products, \$100; 3 cattle, \$50	150 00
	1,489 00
	1,489 00

The proof lacks particularity of detail.

The board allow, on the proof, for 20 acres of corn, (no proof as to quality—sod or second crop; under general rule, presumed the former,) 30 bushels, at \$1, less 10 cents for harvesting	540 00
400 dozen bundles of oats, at 50 cents, (no proof of value)..	200 00
23 fat hogs, at \$5, (no proof of value).....	115 00
30 head stock hogs, at \$2, (no proof of value).....	60 00
50 bushels of potatoes, at \$1, (no proof of value).....	50 00
Garden products.....	90 00
3 cattle, (no proof of value or description).....	50 00
	1,095 00
Add interest, at 6 per cent., 2½ years.....	164 25
	1,259 25

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

No. 130.

ACCOUNT FOR LOSS OF PROPERTY.

TERRITORY OF KANSAS, *Leavenworth County, ss:*

To the commissioners appointed by act of the legislature of Kansas Territory, approved February 7, A. D. 1859, to audit and certify all claims for the loss of property taken or destroyed during the disorder that prevailed from November 1, 1855, to December 1, 1856:

Your petitioner states that he is a *bona fide* resident citizen of said Territory, of the county of Johnson, and was an actual resident and citizen of the county of Leavenworth at the time mentioned in said act. Your petitioner further states that on the 30th day of August, 1856, he was the legal owner and in peaceable possession of the following property, viz: two horses, of the value of \$300. That said property was lost to petitioner by being taken by the armed bands then infesting said Territory. Your petitioner further states that he has received no remuneration therefor whatever, but that the same was totally lost to him. He therefore prays your honors to allow him the sum of \$300. Petitioner further states that the facts herein recited are true.

JOHN S. DANKS.

Sworn to and subscribed before me this 31st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of John S. Danks.

TESTIMONY.

William A. Shannon, being duly sworn, says: I know John S. Danks, the petitioner; he came to Kansas in the summer of 1856, and has since resided in Leavenworth county, till recently he removed to Johnson county; I know he brought to Kansas two horses—saw them landed—should think them worth \$300; one was a sorrel or bay, the other a brown or black. Mr. Danks resided on Stranger creek, about six or seven miles from here; I was that summer doing business on Cherokee street, Leavenworth; Mr. Danks came to me about the first of September and told me that a party of men that had been scouring the country in his neighborhood had taken his horses. He said he was sick in bed with the ague at the time. I know that at that time armed parties were scouring the country in this vicinity and taking horses wherever they could find them.

WILLIAM A. SHANNON.

Sworn by me this 31st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

George Staggers, being duly sworn, says: I know Mr. Danks; he came to Kansas, I think, in June or July, 1856; he lived about one mile from me during that summer; he has since moved on to the Shawnee lands, in Johnson county; he had a good bay or sorrel horse that summer; he was worth at the time from \$130 to \$150; he had also a dark bay mare, (some would call her a brown or black,) worth about the same price. About the 1st of September I saw a horse in Captain Clarkson's company, near Little Stranger, that I took to be Mr. Danks's, and so remarked at the time; I had followed a party that had taken Kelly's and Cook's horses; I followed them to their camp; there was where I saw Danks's horse; they took my horse, but afterwards gave it up to me; there were two men there that knew me, and they gave me my horse; this company were what was called pro-slavery men; he never got his horse back; I saw a mare at the same time that I thought was Mr. Danks's; I was not so near the mare as to the horse; my horse and Mr. Danks's were hitched near together; the mare Mr. Danks afterwards recovered, but in such a poor condition that I did not know her; Mr. Danks told me it was the same mare; she was not worth more than from ten to thirty dollars; I don't know whether she ever recovered so as to be worth anything or not; it was about a year after she had been taken, and about six months after Mr. Danks had recovered her, that I saw her in this poor condition; I understood from Mr. Danks that he had been doing all he could to get her up during this time.

GEORGE ^{his} + STAGGERS.
mark.

Sworn by me this 31st day of March, 1859.

HENRY J. ADAMS.

In the matter of the petition of John S. Danks.

Petitioner claims for loss of two horses	-	-	-	\$300
We allow the price fixed by witness for horse	-	-	-	130
The mare was recovered nearly worthless, damage	-	-	-	100
				<u>230</u>
Interest, 2½ years, at 6 per cent	-	-	-	34
Total award	-	-	-	<u>264</u>

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 18, 1859.

No. 131.

To the board of commissioners under the act of February 7, A. D. 1859, to provide for the adjustment and payment of claims for losses sustained in the Territory of Kansas between the 1st day of November, A. D. 1855, and the 1st day of December, A. D. 1856 :

Your petitioner represents that during the year 1855 and the year of 1856 he was a citizen residing in the Territory of Kansas, engaged in the wholesale grocery business in the city of Leavenworth, Kansas Territory. Your petitioner further represents that during the months of August, September, and October of the year 1856, he had in his store a large and general stock of groceries, and was then and there peaceably engaged in the selling of said merchandise. Your petitioner still further represents that from the first day of September, 1856, to the middle of the month of October, 1856, certain persons unknown to him entered his store from time to time during said time, and stole from him a large amount of valuable groceries, to wit :

Forty barrels of ale, at \$10 per barrel	-	-	-	\$400 00
Eight barrels of rye whiskey, at \$50 per barrel	-	-	-	400 00
Ten barrels of common whiskey, at \$20 per barrel	-	-	-	200 00
Two barrels of brandy, at \$80 per barrel	-	-	-	160 00
One barrel of gin, at \$80 per barrel	-	-	-	80 00
Two barrels of molasses, at \$45 per barrel	-	-	-	90 00
One cask of syrup, 20 gallons	-	-	-	25 00
Three barrels of butter, at \$75 per barrel	-	-	-	225 00
Two thousand pounds of pork, at 14 cents per pound	-	-	-	280 00
Two barrels of lard, at \$45 per barrel	-	-	-	90 00
Two barrels of clarified sugar	-	-	-	75 00
Two barrels of common sugar	-	-	-	50 00
Two sacks of coffee	-	-	-	40 00
				<hr/>
				2,115 00
				<hr/> <hr/>

Your petitioner further represents that he had taken from his store a large amount of men's clothing to the amount of two hundred dollars, together with a large amount of sundries, merchandise, in all amounting to the sum of one thousand dollars, making his total loss during the months of September and October, A. D. 1856, the sum of three thousand three hundred and fifteen dollars.

JACOB F. STROBEL.

TERRITORY OF KANSAS, *Leavenworth County, ss:*

Personally appeared Jacob F. Strobel, who, being by me first duly sworn, deposes and saith: That the facts stated in the foregoing petition are true, to the best of his knowledge and belief.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Jacob F. Strobel.

August Kessler, being duly sworn, says: I know Jacob F. Strobel; he has lived in the Territory four years next June, and all that time in Leavenworth City, on the levee south of Choctaw. In the summer of 1856 he kept a grocery and provision store there. I was in his store nearly every day before the fuss came. He kept a good deal of pork, flour, whiskey, &c., besides the other articles usually kept in a grocery store. About the fifth or sixth of September I understood Mr. Strobel's store was robbed, but did not see it done. I was in his store on the first, and again on or about the fifteenth. About the fifth or sixth of September Mr. Strobel had to leave for fear of his life; I left the day before he left; when I returned on the 15th I was in his store; it had been entirely stripped of the goods; nothing was left but what was scattered about on the floor; he told me at that time that they had robbed him of \$2,000 worth of goods.

AUGUST KESSLER.

Sworn by me this 1st day of April, 1859.

HENRY J. ADAMS, *Commissioner.*

Frederick Knopf, being duly sworn, says: I know Mr. Strobel, and have known him six years; he has lived in Kansas about 4 years, and was living here in 1856, and had a store, and was keeping it on the levee south of Choctaw; I have often been in the store and bought my provisions there; Mr. Strobel kept a grocery and provision store; I saw about 40 barrels of ale in the cellar, worth about \$10 or \$11 a barrel; had at least 8 barrels of rye whiskey, worth from \$40 to \$50 a barrel; Mr. Strobel had also, I should think, about 10 barrels of common whiskey, worth \$20 a barrel; I think he had about two barrels of brandy and one barrel of gin, don't know how much it was worth; had some molasses, worth from 75 cents to \$1 a gallon; he had pork and hams, some in barrels and some hanging up, but don't know how much it was worth; I paid at that time 16 or 17 cents a pound for bacon; he had a good deal of bacon piled up on the floor. He also had barrels of sugar, sacks of coffee, candles, soap, and such articles as are generally found in a grocery. I think his stock of goods was worth from two to three thousand dollars. Mr. Strobel went away before the election, because he was afraid of being killed; I think he was in danger of being killed by crowds of Missourians who were parading around the streets with arms. They made me go into the ranks, and told me if I did not go along they would put me in the calaboose, or send me off on a boat. It was two days after this that Philips was killed. I saw Emery and his party kill a German, by the name of Bumeller, near the stable opposite where the Renich House stands. This man lived in the country, and was coming in to buy provisions when he was taken prisoner by Emery's men, and

brought down to the guard-house opposite the Renich House. This man got out of the guard-house, and started to run away, when Emery's men fired after him; he then turned to come back, when a ball took him in the right side and killed him. After he was dead, Emery said he was going to have all the "God damned sons of bitches of abolitionists" killed. This German was killed at about 11 in the forenoon, and laid where he was killed, in the sun, until near night; after he fell, and before he was quite dead, one of Emery's men took him by the leg and dragged him about fifty yards, his head striking the ground and stumps as he went along. Emery's men took out of Mr. Strobel's store about two wagon loads of groceries and liquors—all that they wanted. I went into the store afterwards and saw nothing left there but boxes, and these were empty. These same men took out a large amount of men's clothing, I should think about \$200 worth. I don't know whether Mr. Strobel ever recovered any of these things, nor whether he ever received any remuneration for them.

FRED. KNOPF.

Sworn to before me this 1st day of April, 1859.

HENRY J. ADAMS, *Commissioner.*

Thomas T. Slocum, being duly sworn, says: I am and have been acquainted with Mr. Strobel ever since he came here. In the summer of 1856 Mr. Strobel was keeping a grocery store on the levee south of Choctaw. I was frequently in his store, and know what his stock was. He had quite a large stock; a good deal of ale, liquor, &c. I think his stock was worth something like \$2,000 or \$3,000. His ale was first rate, and he had some very fine liquor. He kept at least 10 or 12 barrels of ale on hand all the time. I should think he had more liquor than ale; a pretty good stock. The ale was worth about \$12 a barrel; I don't know what his liquor was worth; he had some very good, and some not so good. I saw Emery's men taking away some of his stock, principally barrels, in a wagon I think. I was in Mr. Strobel's store some time afterwards, and found it in a pretty bad condition; most of his goods were gone; don't know anything about the clothing taken out.

Cross-examined.

Mr. Strobel was doing business on the levee south of Choctaw; had a pretty good stock, and I saw some of it taken away; this was some time in September, 1856. Mr. Strobel, I think, was at the fort at that time; I think he was driven away; he was in danger of his life if he remained.

THOMAS T. SLOCUM.

Sworn to and subscribed before me this 1st day of April, 1859.

HENRY J. ADAMS, *Commissioner.*

Dennis Knipe, being duly sworn, says: I know Mr. Strobel. He was keeping store on the levee in 1856. I was in his store more than fifty times. He had in it whiskey, brandy, provisions, groceries, &c. He had a good deal of flour, pork, butter, eggs, &c. I was once in the cellar, in the last of August. I saw barrels marked "Ale;" don't know how many. I think there were about twenty-five barrels in the cellar. His stock of goods was worth, I think, three thousand dollars, or three thousand five hundred dollars. I kept store myself the next summer. Two thousand dollars or three thousand dollars worth would be a small stock. One evening, at about 10 or 11 o'clock, I went to Mr. Strobel's store to see him, and I saw a company of men going over the fence with something out of his store. I don't know how much. I was a heap of times on the levee, and saw pro-slavery men running in and out of his store, carrying away his goods. I was in his store afterwards, and I only found about one hundred or one hundred and fifty dollars worth of goods left. About this time free-State men were not safe here. They were going to hang them. Mr. Strobel was not safe a moment. He was in danger of being hung if he remained. They wanted to hang him because he was a good free-State man. Mr. Strobel could not stay here to take care of his goods.

DENNIS KNIPE.

Sworn to before me this 1st day of April, 1859.

HENRY J. ADAMS,
Commissioner.

Jacob F. Strobel, being duly sworn, says: I am the petitioner in this case. What I have put down, as near as I recollect, was upwards of three thousand dollars. I lost between three and four thousand dollars worth. I lost groceries, provisions, and clothing. I left home. Emery's men were recruiting, and said they would first go down and hang me up, because I had given the free-State party guns and ammunition, and then, afterwards, they would drive out the rest of the damned abolitionists. A young man, who is now gone, came and told me that I had better leave, because Emery's men were coming down to hang me. I at first refused, but my wife hitched up my ponies and persuaded me to go. I went up to the fort and stayed there four weeks, when Governor Geary came and said peace was declared, and I could come home now. I came home, and I was not home more than one hour till the armed men came to my store and asked me where I was from. I answered, from Ohio; and then they said I was a damned abolitionist, and fired at me. The bullet passed me and went through my coat. This was about the first of October. We then shut the doors, and I went into the cellar. They tried to open the outside cellar door to get at me. I told them I'd shoot if they tried to come down. Some then said, "burn the house down;" and Dick Murphy said no, and said "we will hang him this evening;" and Dick Murphy showed my wife a rope, and said that I'd have to stretch it. My wife then got me some soldier clothes, and I put them on, at about

three o'clock in the afternoon; and then some soldiers from the fort, friends of mine, who had been to my store before and planned my escape, came, and I went with them as one of them. This same day I had brought down from the fort some blankets and provisions for my family. Next day McDaniel's company stole them away. I then stayed about two weeks more at the fort, and then came back home, and had to stay two weeks in the house, not daring to show myself, for fear of being taken by the men who were still watching for me.

JACOB F. STROBEL.

Sworn to before me this 1st day of April, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Jacob F. Strobel.

Petitioner claims for groceries, provisions, &c., robbed from his store in Leavenworth, September 1-15, 1856, \$2,115, and interest thereon.

The proof is that armed parties drove him away from the city, and plundered his store of everything.

His declaration on his return, that he had been robbed of about two thousand dollars, is taken as the criterion, although the general proof is to a greater amount; but the latter is general, instead of specific.

In connexion with the bill of items, the board award compensation for goods, &c., taken..... \$2,000 00
Interest, 2½ years, at 6 per cent..... 300 00

Total award..... 2,300 00

EDWARD HOOGLAND,
SAMUEL A. KINGMAN,
HENRY J. ADAMS,
Commissioners.

APRIL 18, 1859.

No. 132.

ACCOUNT FOR LOSS OF PROPERTY.

TERRITORY OF KANSAS, *County of Leavenworth, ss :*

To the commissioners appointed by an act of the territorial legislature of Kansas, approved February 7, A. D. 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed in Kansas from November 1, 1855, to December 1, 1856:

Your petitioner states that he was a bona fide settler of the Territory of Kansas during the years 1855 and 1856, and that he is a citizen of said county and Territory yet. He further states that on or about the 1st of August, 1856, he was possessed of the following property, which was taken, destroyed, and lost to your petitioner, on account of the disturbances which then existed in said Territory, to wit :

Thirty-two acres of corn, worth \$40 per acre - - -	\$1,280
One hundred dozen bushels of oats, at 50 cents per dozen	50
Fifty bushels potatoes, at \$1 - - - - -	50
Garden produce - - - - -	100
Five head of cattle, at \$20 - - - - -	100
One bed and bedding - - - - -	50
	<hr/>
Amounting to the sum of - - - - -	1,630
	<hr/> <hr/>

That said property was taken and destroyed by armed bands then infesting said Territory. Petitioner further states that it was wholly out of his power to have saved his property from destruction. He therefore asks your honors to audit and allow him the said amount of \$1,630. Petitioner further states that the facts contained in the foregoing petition are true, to the best of his knowledge and belief.

T. J. ABSHIRE.

Sworn to before me this 31st day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Thomas J. Abshire.

Matthew France, being duly sworn, states : I have known the petitioner, Mr. Abshire, since 1855; he was then and now is a citizen of this Territory. He resided in the Territory in 1856, living near Delaware city, in this county, knows that he raised, in 1856, about thirty-two acres of corn on his farm near Delaware; he also raised one

hundred dozen bundles of oats; he had over half an acre of potatoes, and judge there would be over eighty bushels. He had a large and fine garden; was raising vegetables and carrying them to town to sell; the garden was worth over one hundred dollars. I know that he lost five head of cattle; part of them I know to have been killed by a party of South Carolinians who were encamped at Delaware, and I believe that all were so killed; they were worth at least \$20 per head on an average. There was a bed left in the house all complete when Mr. Abshire left; it was not there when he returned; it was no doubt taken away by the same parties who killed the cattle. I should think the estimate in the bill a low one, fifty dollars. Mr. Abshire was forced to leave the country about the last of August in order to save his life, or, at least, to avoid personal violence from the same parties. At the time he left the corn was partially destroyed; I was compelled to leave about the same time. I returned in December, before Mr. Abshire; it was all then destroyed—corn, oats, potatoes, bed, and everything. I know that Mr. Abshire never saved any part of it, or received any pay therefor. I have no doubt that the quantity of corn in the bill is less than the actual amount, and that the price affixed is low; the price of the potatoes and oats I think very reasonable. The South Carolinians spoken of were a set of men stationed at Delaware, and known as Kansas militia.

MATT. FRANCE.

Sworn to before me this 31st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

L. F. Hollingsworth, being duly sworn, states: I am acquainted with the petitioner; I reside at Delaware city, in Leavenworth county; have heard read the testimony of Matt. France; have no doubt of the correctness of his statement. Mr. Abshire, without doubt, lost all the property set forth in his bill; and that the loss was caused by the South Carolinians stationed at and near Delaware, and were a part of what was then known as the Kansas militia. I know all the circumstances connected with the loss of the property, but do not particularly know the detail so familiarly as does Mr. France.

L. F. HOLLINGSWORTH.

Sworn to before me this 31st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Thomas J. Abshire.

Petitioner claims for property destroyed by Kansas militia stationed near Delaware city, Kansas Territory, viz :

32 acres of corn, at \$40	-	-	-	-	-	\$1,280 00
100 dozen bundles oats, \$50; 50 bushels potatoes, \$50	-	-	-	-	-	100 00
Garden produce, \$100; 5 head of cattle, \$100	-	-	-	-	-	200 00
1 bed and bedding -	-	-	-	-	-	50 00
						1,630 00
						1,630 00

The proof in this case is not sufficiently definite to warrant the allowance of the claim at the full prices charged. Petitioner must have had it in his power to particularize and sustain his estimate of values more closely. The board, therefore, assume a discretion on the award under the proof, and, in accordance with the general rule, in the absence of satisfactory direct evidence, adopt the minimum ratio on the losses. 32 acres of corn, (usual allowance on sod crops,) 30 bushels per acre, (witness does not say he measured the land,) say 32 acres, at 30

bushels per acre, at \$1, less 10 per cent. for harvesting,						\$864 00
100 dozen bundles oats, \$50; 50 bushels potatoes, \$50	-	-	-	-	-	100 00
Garden products, \$100; 5 head of cattle, at \$20, \$100	-	-	-	-	-	200 00
1 bed and bedding, (\$50 unusual price and value,) say	-	-	-	-	-	25 00
						1,189 00

Add interest, 2½ years, at six per cent	-	-	-	-	-	178 35
						1,367 35

Total award	-	-	-	-	-	1,367 35
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EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 18, 1859.

No. 133.

ACCOUNT FOR LOSS OF PROPERTY.

TERRITORY OF KANSAS, *County of Leavenworth, ss:*

To the commissioners appointed by an act of the legislature of Kansas, approved February 7, 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed in Kansas from November 1, 1855, to December 1, 1856:

L. F. Hollingsworth, your petitioner, states: That he is now, and was during the years 1855 and 1856, a *bona fide* resident and citizen of Kansas Territory, Leavenworth county. Petitioner further states

that he was, during the year 1856, possessed of the following property, which was taken, destroyed, and lost to your petitioner on account of the disorder which then existed in said Territory, to wit :

1 horse, saddle, and bridle, worth	-	-	-	\$150 00
100 bushels potatoes, \$1 per bushel	-	-	-	100 00
Garden products, &c.	-	-	-	100 00
Making the sum of				<u>350 00</u>

That said property was taken and destroyed by armed bands of persons which then infested the Territory ; that it was wholly out of the power of petitioner to have saved or protected said property from destruction. He therefore asks your honors to audit and allow him the sum of \$350. Petitioner further states that the facts herein contained are true, to the best of his knowledge and belief.

L. F. HOLLINGSWORTH.

Sworn to before me this 31st day of March, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of L. F. Hollingsworth.

LEAVENWORTH COUNTY, ss :

Matt. France, being duly sworn, states: I have known the petitioner, Mr. Hollingsworth, since the spring of 1855 ; he then resided at Delaware city, in this county, and has resided there ever since. I know that in 1856 he was the owner of a bay horse. I have learned that about the month of August of that year the horse was taken from him in the city of Leavenworth by armed bands of men ; have heard him state so himself. I have never seen him have the horse after he told me it had been taken from him. He had that season a large lot of potatoes ; with any kind of proper yield there would have been 100 bushels. I think the estimate is low. I know that an armed band of men were encamped at Delaware, and that they were in the habit of taking and using these potatoes whenever they wanted them ; they continued to do so until they were all used and destroyed ; they were worth \$100. He had a large garden—a general vegetable garden—that was used and treated by these men in the same manner as they used the potatoes, until entirely used up and destroyed ; it was worth at least \$100. I would state that I have no doubt that these were the smallest losses sustained by Mr. Hollingsworth by the acts of these men. The horse, saddle, and bridle were worth \$150. Mr. Hollingsworth informed me of the loss of the horse about the middle of August, 1856, a day or two after he lost him. The Territory at the time was infested by armed bands of men, who were in the habit of taking horses or any other property that they wanted regardless of who might be the owner.

MATT. FRANCE.

Sworn by me this 31st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

Thomas J. Abshire sworn: I have resided in the Territory of Kansas since the spring of 1855. Know the petitioner; have known him ever since I came to the Territory in 1855. I know that he was the owner of a fine bay horse in the summer of 1856, about the middle of August of that year. I learned that the horse was forcibly taken from him in the city of Leavenworth by an armed band of men. I heard of the horse having been so taken from him, I believe, on the next day after it occurred. I have never seen the horse since. Mr. Hollingsworth has never had him; have no doubt the horse was taken in the manner reported. I know that the petitioner had a large lot of potatoes and a large fine garden, and that the potatoes and garden were eaten up and destroyed by a band of armed men encamped in and about Delaware, and that the potatoes and garden were well worth what is charged in the bill set forth in his petition. The horse, saddle, and bridle were worth \$150.

T. J. ABSHIRE.

Sworn by me this 31st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of L. F. Hollingsworth.

Petitioner claims for horse, saddle, and bridle	-	-	\$150	00
100 bushels of potatoes	-	-	100	00
Garden products	-	-	100	00
			<u>350</u>	<u>00</u>
and interest thereon.				
The board think the whole claim is sustained by the proof, and award the same.				
Also, interest, 2½ years, at 6 per cent	-	-	52	50
Total award	-	-	<u>402</u>	<u>50</u>

SAM'L A. KINGMAN.
EDW'D HOOGLAND.
HENRY J. ADAMS.

APRIL 15, 1859.

No. 134.

Territory of Kansas to David Smith, Dr.

1856.—To the destruction of clothing of entire family, household and kitchen furniture.....	\$500
To destroying corn crop.....	100
To destroying garden, including 1¼ acre.....	100
To destroying fence by being burnt.....	10
	<u>710</u>

To the honorable board of commissioners of the Territory of Kansas, sitting in and for the Territory aforesaid, to adjust claims for losses in 1855 and 1856, by an act of legislature.

Your petitioner, David Smith, a citizen of the Territory of Kansas, represents unto your honorable body that, on or about the 1st day of July, A. D. 1856, he was a householder in the county of Leavenworth and Territory aforesaid; and your petitioner further represents unto your honorable body that on or about 30th day of August, A. D. 1856, your petitioner had all his household and kitchen furniture, with his corn crop, garden, and fence, burnt by a pro-slavery mob, a copy of said account and items is herewith filed, marked A, and made part of this petition; and your petitioner further represents unto your honorable body that he has not recovered any of said property or any part thereof, nor any pay or recompense for any part thereof; wherefore your petitioner prays that your honorable body may award him his claim and for such other and further relief as shall conform to law and equity.

DAVID SMITH.

DELAHAY & GALLAGHER,
Attorneys for Petitioner.

TERRITORY OF KANSAS, *County of Leavenworth, ss :*

Personally appeared before me, the undersigned, a notary public in and for said county, David Smith, who, being first duly sworn by me, says that the matters and facts set forth in the foregoing petition are true, as he verily believes.

DAVID SMITH.

Sworn to and subscribed before me this 31st day of March, A. D. 1859.

Witness my hand and notarial seal.

[L. S.]

MARCUS N. BLAKEMORE,
Notary Public.

In the matter of the petition of David Smith.

EVIDENCE.

Samuel Shorb, being duly sworn, says: I know Mr. Smith; have known him for eight or nine years; knew him in Kansas in 1856, and lived with him; Mr. Smith lived in Alexandria township, Leavenworth county; Mr. Smith lost a good deal of bed clothing and wearing apparel of himself, wife, and children; lost nearly all his light household furniture; trunks were broken open and robbed of their contents; one or two carpet-sacks were carried off; beds were taken; seven or eight blankets, sheets, &c., were taken; cupboard-ware and cutlery mostly taken, and dishes were broken; Mr. Smith had a wife, three children, myself and brother, in all seven; the value of all they took

in clothing, cutlery, &c., was, I think, about \$500 ; crop of corn he lost was worth \$75 to \$100 for the whole of it, was a good crop, about 2½ or 3 acres spoiled, about 40 bushels to the acre ; he had a small garden with a variety of vegetables ; he had sweet potatoes, some 500 or 600 hills, all destroyed but 25 or 30 hills ; his garden vegetables and potatoes were worth to him then about \$50 ; had 100 or 150 rails of his fence burnt, damage to them about \$10 ; a crowd of pro-slavery men encamped some 200 or 300 yards from the house, and commanded by Captain Miller and Clarkson, and I think this party destroyed Mr. Smith's property ; we left because we heard they were pressing men into their service, and wished to avoid being thus pressed into their ranks.

SAMUEL SHORB.

Sworn to before me this 31st day of March, 1859.

HENRY J. ADAMS, *Commissioner.*

In the matter of the petition of David Smith.

EVIDENCE.

Joseph Elliott, being duly sworn, says : He lives in the neighborhood of Mr. Smith, petitioner ; has heard the petition of Mr. Smith read, and concurs in it of his own knowledge in the facts therein stated.

JOSEPH ELLIOTT.

Sworn to before me this 18th day of March, 1859.

HENRY J. ADAMS, *Commissioner.*

In the matter of the petition of David Smith.

The petitioner's claim is for the destruction of clothing of the entire family, furniture, &c.	-	-	-	-	-	\$500 00
Corn crop, \$100; garden, \$100; fence, \$10	-	-	-	-	-	210 00
						710 00
						710 00

The proof lacks that particularity of detail that is satisfactory. The amount or quality of the clothing or furniture are not given.

Mr. Smith fixes the first charge at about \$500.	Allowed	-	\$500 00
Corn crop	-	-	75 00

Garden	-	-	-	-	-	-	-	\$50 00	
Rails	-	-	-	-	-	-	-	5 00	
								<hr/>	
Total award (including interest)							-	-	630 00
									<hr/> <hr/>

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

APRIL 15, 1859.

No. 135.

TERRITORY OF KANSAS, *Leavenworth County, ss:*

To the honorable the commissioners, Edward Hoogland, Henry J. Adams, and Samuel A. Kingman, appointed to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder which prevailed from November 1, 1855, to December 1, A. D. 1856, according to an act entitled "An act to provide for the auditing and payment of claims," approved February 7, 1859.

Your petitioner, Gustavus Stahl, states: That he resided in the city of Leavenworth, in the Territory of Kansas, from the 1st of November, A. D. 1855, to December 1, A. D. 1856, and long before said first date, and ever since; that in the fall of A. D. 1855 he was keeping, in said city, a grocery and boarding house; that in September of the fall of A. D. 1856 he, this affiant and petitioner, was driven, with his family, from his house, as above, by armed men and by force; and that the same was taken possession of by said armed men, with the goods, groceries, and all the furniture of his boarding house; that this petitioner states that, after he was driven from his house, he sent his family to a friend's, and concealed himself near his house, and saw said armed force and men take away his two ponies or horses and two saddles, with his gun and other goods mentioned in the schedule hereto annexed, marked A.

This petitioner states that he lost at that time all of said chattels, goods, and furniture, mentioned in said schedule, and that they were all missing when he, with his family, returned to his home and house; and that he never recovered the same, or any part thereof, or pay therefor. And this petitioner states that said property was taken without his consent, and forcibly, and during said disorder between said periods and consequent thereon. And that said goods, chattels, and property so taken from this petitioner was of great value, to wit: of the value of seven hundred and eighty-nine dollars and ten cents, (\$789 10.)

And further, this petitioner was, by force, absent from his home and business for two weeks consequent on said disorder in September and November, A. D. 1856; and that he was damaged thereby, by loss of

business, in a great sum, to wit: in the sum of three hundred dollars, (\$300.)

And your petitioner would respectfully ask that said sums may be allowed to him, as his reasonable losses and damages, as aforesaid; and your petitioner will ever pray.

GUSTAVUS STAHL.

Schedule marked A.

53 new pairs of blankets, \$7 per pair	-	-	-	\$371 00
2 ponies or horses	-	-	-	146 00
1 barrel Bourbon whiskey, 42 gallons	-	-	-	33 60
1 rifle	-	-	-	35 00
1 ox, one cow, and one heifer	-	-	-	105 00
2 saddles	-	-	-	30 00
Expenses moving in country and back	-	-	-	16 00
Expenses at the garrison	-	-	-	28 00
Two saddle blankets	-	-	-	3 00
One ton hay	-	-	-	7 00
Five barrels corn	-	-	-	10 00
Three woollen shirts	-	-	-	4 50
				<hr/>
				689 10
				<hr/> <hr/>

TERRITORY OF KANSAS, *Leavenworth County*, ss :

And this Gustavus Stahl, petitioner in the above case, being first duly sworn, deposes and says: That the several matters and things set forth in the above petition and account, thereto annexed, are, according to the best of his knowledge, information, and belief, true in substance and in fact, and that the same is within his personal knowledge.

GUSTAVUS STAHL.

Subscribed in my presence and sworn to before me this 15th day of March, A. D. 1859. Witness my hand and seal officially.

[L. s.]

JOS. KELLOGG,
Notary Public.

In the matter of the petition of Gustavus Stahl.

LEAVENWORTH COUNTY, ss :

Gustavus Stahl, the petitioner, being duly sworn, saith: I am a German by birth; have resided in the United States about ten years last past. When I came to Leavenworth to reside, in the spring of

1855, I commenced keeping a German boarding house and drinking saloon on the corner of Second and Cheyenne streets, and was thus engaged during the year 1856 when the troubles, mentioned in the petition, took place; the building then and now occupied by me is 24 by 72 feet, two stories high; I am a married man. William Phillips was killed in Leavenworth, by the pro-slavery men, on the first Monday of September, 1856; that day I had to secrete myself, being a free-State man; I hid in a large box, in the upper part of my house, immediately under my roof; on that day William S. Murphy came to my house, with some sixty armed men, and hunted through my house for me; my wife told him I was in town voting; after his departure I went to the fort in company with Mr. Kyle, Mr. Keller's son-in-law; that night I returned from the fort and staid home till Wednesday; Murphy came to my house again on Wednesday with a company of men, all armed; I saw them approaching and took to the bushes; they entered my house; they remained there an hour or an hour and a half, when they left, taking with them two ponies belonging to me, which were worth from \$140 to \$150. From where I was I saw them take away my horses; they left ten or twelve men in my house, who retained possession of my house, as barracks, fourteen days; they sent off and drove away my wife and all my boarders. I did not dare to return home again until fourteen days afterwards. I went to the fort and remained there the fourteen days; my wife was at Jacob Kaiser's. When I returned home, I found that the armed men mentioned had taken away 53 double blankets, which I had on my beds and in my house, for the accommodation of lodgers; those blankets were worth \$7 per pair; they drank or destroyed one barrel of Bourbon whiskey, worth \$33 60—the barrel was full; the rifle was new, and cost me \$35; I had an ox, a cow, and a heifer, which were running out near Mr. Kaiser's; these were all driven off and killed or taken out of the country by the same parties, together with other cattle belonging to others; my ox, cow, and heifer were worth \$105; they took away from my house, also, two saddles that cost me \$30, and two saddle blankets that cost me \$3; they fed out and took away about one ton of my hay, worth \$7; also 5 barrels of corn, worth \$10; and 3 new woollen shirts that cost me \$1 50 each—\$4 50.

GUSTAVUS STAHL.

Sworn to before me this 1st April, 1859.

EDW'D HOOGLAND,
Commissioner.

Frederick Reuter, sworn: I was residing in Leavenworth on 1st September, 1856, and was there all that month; I saw Stahl's house taken possession of by a body of 50 or 60 armed men, about 1st September, 1856; they remained there two or three hours; I also saw such men in possession of the house two or three times afterwards; I boarded in the next house to Stahl's, and knew his house and furniture; I saw those armed men take away from Stahl's house a big pile

of blankets, which they put in a wagon; also took off the ponies mentioned; I saw them take out one barrel of whiskey; I know that Stahl had several rifles in the house, but did not see them take away any particular one. After the men left I went into the house, and the rifles and blankets were all gone; I also saw them take out a big box, do not know its contents; saw them take away two saddles and two blankets; they used up a big pile of hay, belonging to Stahl, and some four or five barrels of corn, and some shirts or clothing—a bundle full. As far as I know, Stahl had five or six tables before the men took possession of the house, and when he came back there were only two or three left; I saw them take off the bundle of carpeting of a room 18 by 20 feet; saw them bring it out of the house; it was a pretty good carpet, worth \$1 25 per yard; a parlor carpet; don't know about any floor oilcloth; I saw them take out of the house a dozen mattresses, double and single, worth about \$5 each; I know that Stahl had three feather beds, and saw the armed men mentioned take two or three of them out of Stahl's house. The armed men mentioned put the carpeting, mattresses, and feather beds on a wagon, and drove off with them; I also saw them take away the clock, which was in the front room down stairs; it was a big clock, with a good wood and gilded frame—a fancy clock—worth \$15 or \$18. When Stahl entered the house again, Stahl said his gold watch was gone.

I was standing in the bushes, about a hundred yards from the house of Mr. Stahl, when I saw those things taken away; I had hid in the bushes to get away from those men. This was Monday or Tuesday, one of the early days of the month of September, 1856, probably the 5th or 6th day of September; Stahl's house fronted towards the river; I was in the bushes, between the house and the river, and was where I could have a good view of all that was going on.

Cross-examined.

Stahl's house had eight rooms, not all finished; four were finished off, lathed and plastered; this house was situate about eight blocks from here, up Second street, one of the finest houses here in the town; when these goods were taken Mr. Stahl was in the same bushes, about 100 yards from me; he had to hide so he would not be taken; he sometimes had six or eight, and sometimes ten or twelve boarders; these mattresses were on bedsteads when they were taken. Dick Murphy was the leader of the armed men who took possession of the house; do not know what Murphy did with the mattresses; I never saw them (the mattresses) back there again; do not know the number of blankets taken; the ponies were taken from the stable; they were taken at the same time that the mattresses were; Stahl sometimes had ten or twelve rifles in his house of his own; he used to speculate in them; the ox, cow, and heifer were taken at the same time; they were within a short distance of the house on the government land; many other cattle were taken at the same time; the carpet mentioned had been in use about a year; Stahl bought it at Weston; I lived in Weston at the same time he bought it; it was used on a room that was little used; I knew one of the men who aided in carrying out the things from Stahl's house,

and recognized him there then; I suppose he now resides in Weston and is now known as "Black Butcher," a nick name.

FREDERICK REUTER.

The above testimony was this day faithfully translated and interpreted by me to Frederick Reuter, and is correctly recorded according to his answers.

ANDREW KURTH.

Sworn to before me, April 1, 1859.

EDWARD HOOGLAND,
Commissioner.

August Kessler, sworn: I resided in Leavenworth in August and September, 1856, and did not have to leave the city; I lived next house to Stahl, about 100 yards from Stahl's house; on the 5th or 6th of September, 1856, I saw a party of fifty or sixty armed men take possession of Stahl's house; Stahl left his house that morning, as soon as we heard the sound of a tin horn that was blown by some of the party of armed men approaching; this was about 8 or 9 a. m.; I saw Stahl run to the bushes; I also ran to the bushes; there were more than fifty persons there then. From where I stood I could see Stahl's house and our house; I heard Dick Murphy (now dead) say to the men to go into the house and take whatever they wanted; do not know exactly what they took; I saw them take out of Stahl's house mattresses, bundles of blankets, and other things, put them on a wagon, and take them away; I looked on for half an hour, and then went to the fort; Stahl came to the fort after I got there; about the 15th, 18th, or 20th of September I went back to Stahl's house; when I got there I found that the blankets were missing and the house nearly cleared of everything; do not know anything about a carpet, nor the number of mattresses taken; Reuter was in the bushes when I was hiding there; he and Stahl went to the fort together; I saw horses, cattle, cows, &c., taken away from that neighborhood, but do not know exactly to whom they belonged; do not know how long Reuter remained at the fort; I saw Stahl bring up his bales of blankets from St. Louis, and he said he intended to start a boarding house; Dick Murphy was the leader and captain of the company.

AUGUST KESSLER.

Upon oath, duly administered, I have well and truly translated and interpreted the above testimony to August Kessler, and his answers are above faithfully recorded.

ANDREW KURTH.

Sworn to before me this 1st day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Gustavus Stahl.

LEAVENWORTH COUNTY, ss :

Andrew Kurth, being duly sworn, saith : That he is a German by birth and understands the German language, and upon his oath saith that he will well and faithfully translate and interpret to Frederick Reuter, a witness here produced on the part of said petitioner, all questions that may be put and all answers that he may make to any such questions that may be put by the commissioners in this cause.

ANDREW KURTH.

Sworn to before me this 1st day of April, 1859.

EDWARD HOOGLAND,
*Commissioner.**In the matter of the petition of Gustavus Stahl.*

Petitioner claims as follows, for property taken by armed men under command of Captain Murphy, September, 1856, in Leavenworth :

I. 53 pairs of blankets, \$7 per pair	\$371 00	Allowed half of claim....	\$170 50
II. 2 ponies or horses.....	146 00	Allowed.....	146 00
III. 1 barrel of Bourbon whiskey....	33 60	Allowed half of claim	16 80
IV. 1 rifle.....	35 00	Allowed.....	35 00
V. 1 ox, 1 cow, 1 heifer.....	105 00	Allowed average value, \$30, \$30, \$15..	75 00
VI. 2 saddles.....	30 00	Allowed, not new, half of claim.....	15 00
VII. Expenses moving in the country	16 00	Inadmissible.	
VIII. Expenses at the garrison, 14 days	23 00	Inadmissible.	
IX. 2 saddle blankets.....	3 00	Allowed.....	3 00
X. 1 ton of hay.....	7 00	Do.....	7 00
XI. Corn, 5 barrels.....	10 00	Do.....	10 00
XII. Woollen shirts.....	4 50	Do.....	4 50
Claimed,	<u>689 10</u>	Do.....	<u>482 80</u>
Add interest, two and a half years, at 6 per cent.....			<u>72 35</u>
Total award.....			<u><u>555 15</u></u>

In this case petitioner's testimony conflicts with his testimony in Hoegner's case, No. 157; witness Reuter's testimony is of such a character as renders it doubtful, as he swears to the taking of property that is not claimed for, and was over anxious to swear the case through. The above award is made upon witness Kessler's testimony and well-known general facts. Due allowance is made for the parties being foreigners, but an interpreter was sworn and the testimony taken through him as well as by partial explanations in English.

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 14, 1859.

No. 136.

To the commissioners appointed to audit and certify claims under the provisions of an act to provide for the adjustment of claims, approved February 7, 1859.

James Davis, complainant, states: That on the 26th day of August, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Leavenworth county and Territory of Kansas, and still is an actual resident citizen of said Territory, and was on the 26th day of August, 1856, the actual owner of the following property, to wit: two horses, for which he holds a receipt from A. Payne, acting brigadier general 2d brigade, N. D., Kansas Territory, which said horses were pressed into service, and a copy of which receipt is hereto annexed, marked A., and the original of which is offered for inspection.

JAMES DAVIS.

Sworn to before me April 2, 1859.

SAMUEL A. KINGMAN,
Commissioner.

LEAVENWORTH CITY, August 26, 1856.

Received of James Davis two horses, one dark brown horse, worth one hundred dollars, and one bay horse, worth one hundred dollars, which horses have this day been pressed into the service of the Kansas militia, ordered into the United States service by a proclamation from the acting governor, Daniel Woodson.

A. PAYNE,
Acting Brigadier General 2d Brigade, N. D., K. T.

A true copy of the original offered for inspection to the board, April 2, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of James Davis.

LEAVENWORTH COUNTY, ss:

James Davis, being sworn, saith: That the original receipt now produced before the board for inspection, a true copy of which is annexed to his petition, was given to me by A. Payne, professing to act as brigadier general, 2d brigade N. D. K. T.; that the horses were taken from me in the night; a day or two afterwards I found them in

the regiment of General Payne, when he signed and handed me the receipt exhibited, but refused to let me have the horses. I never recovered the horses nor the value of them, or any part thereof. They were worth \$150 each, in my opinion, but Payne refused to appraise them at more than \$100 each.

JAMES DAVIS.

Sworn to before me, April 2, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of James Davis.

Petitioner claims for two horses, pressed into service of the United States by Kansas militia, in accordance with Governor Woodson's proclamation, as per receipt of General Payne, produced in evidence.

Said horses, appraised at \$100 each	-	-	-	-	-	\$200
Interest, 2½ years, at 6 per cent.	-	-	-	-	-	30
						<u>230</u>

The case is fully sustained, and an award is hereby made as above claimed.

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 12, 1859.

No. 137.—A.

Territory of Kansas to John T. Sparks, Dr.

1856. To one gray horse	-	-	-	-	-	\$150 00
To damages for the loss of the use of horse	-	-	-	-	-	50 00
						<u>200 00</u>

To the honorable board of commissioners of the Territory of Kansas, sitting in and for said Territory, to adjust claims for losses during the troubles of 1855 and 1856, by an act of legislature.

Your petitioner, John T. Sparks, a citizen of the Territory of Kansas, represents unto your honorable body: That on or about 20th day of July, A. D. 1856, he was the sole owner and possessor of one gray horse, in the Territory aforesaid; a copy of said account is hereto at-

tached, marked A, and made part of this petition. And your petitioner further represents unto your honorable body, that on or about the 10th day of August, A. D. 1856, the said horse was taken by a pro-slavery mob, under the command of Captain Miller. And your petitioner further represents unto your honorable body, that he has not recovered said horse, nor received any pay or recompense for said horse. Wherefore, your petitioner prays that your honorable body may award him his claim, and for such other and further relief as shall conform to law and equity.

JOHN T. SPARKS.

DELAHAY & GALLAGHER,
Attorneys for Petitioner.

TERRITORY OF KANSAS, *County of Leavenworth.*

Personally appeared before me, the undersigned, a notary public in and for said county, John T. Sparks, who, being first duly sworn by me, says: That the matters and facts set forth in the foregoing petition are true, as he verily believes.

J. T. SPARKS.

Sworn to and subscribed before me this 31st day of March, A. D. 1859.

Witness my hand and notarial seal.

[SEAL.]

MARCUS N. BLAKEMORE,
Notary Public.

In the matter of the petition of John T. Sparks.

Green Sparks, being sworn, says: I know John T. Sparks; has lived in Kansas nearly four years; he lives near Stranger creek, Leavenworth county; I lived with my father, about a mile and a half from him; John T. Sparks is my brother; we were all living there in summer of 1856. There were several armed parties there; Miller's, Clarkson's, and others. It was reported that they took horses; they took my brother's and father's in the latter part of the summer of 1856. One was a large gray horse, the other a dark bay; the bay was my father's. Gray horse was worth about \$150, and belonged to my brother; the other was worth \$125. I saw the men go to the tree, and after saw them leading the horses away; they had only just been hitched; it was in a field, near the house; I was in the house at the time; the men came right through the yard. One said he was "Savage, from South Carolina." This he said to my brother, at the house. They asked where the horses were, and then went to them; there were three or four men; I understood they belonged to Miller's party; they were mostly in red shirts; don't know why they took the horses. I saw the company, said to be 200 strong, and they looked like that many; I saw the company next morning. I did not see them unhitch the horses; next morning I saw horses in the company that I thought

were ours. I was afraid to let myself be seen by them. They disturbed the neighborhood; they were armed with guns and revolvers.
GREEN SPARKS.

Sworn to and subscribed before me this 1st day of April, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of John T. Sparks.

Petitioner claims for one horse, taken by Captain Miller's	
men - - - - -	\$150 00
Damages - - - - -	50 00
	<hr/>
	200 00
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The taking is fully proven. The value of *this* animal is stated in case of Stephen Sparks, No. 144, at \$125, that being the cost of the animal. Same testimony in this case as to value.

The claim for the horse is allowed at - - - - -	\$125 00
Interest, 2½ years, at 6 per cent. - - - - -	18 75
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Total award - - - - -	143 75
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EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 18, 1859.

No. 138.—A.

Territory of Kansas to Joseph Elliott, Dr.

1856. To one span of horses, one bay horse, and the other,	
sorrel mare - - - - -	\$300 00
To damage for the loss of the use of said horses-	100 00
	<hr/>
	400 00
	<hr/> <hr/>

To the honorable board of commissioners of the Territory of Kansas, sitting in and for said Territory, to adjust claims for losses during the troubles of 1855 and 1856, by an act of legislature.

Your petitioner, Joseph Elliott, a citizen of the Territory of Kansas, represents unto your honorable body, that on or about the 20th day of July, A. D. 1856, he was the possessor and sole owner of two horses in the Territory aforesaid.

And your petitioner further represents unto your honorable body, that on or about the 1st day of August, A. D. 1856, that the said horses were taken by Captain Miller's company, a pro-slavery mob; a copy of said account is hereto attached, marked A, and made part of this petition.

And your petitioner further represents unto your honorable body, that he did not recover said horses, nor did he recover any pay or recompense for said horses.

Wherefore your petitioner prays that your honorable body may award him his claim and for such other and further relief as shall conform to law and equity.

JOSEPH ELLIOTT.

DELAHAY & GALLAGHER,
Attorneys for Petitioner.

TERRITORY OF KANSAS, *County of Leavenworth:*

Personally appeared before me, the undersigned, a notary public in and for said county, Joseph Elliott, who, being first duly sworn by me, says that the matters and facts set forth in the foregoing petition are true as he verily believes.

JOSEPH ELLIOTT.

Sworn to and subscribed before me this 31st day of March, A. D. 1859. Witness my hand and notarial seal.

[L. S.]

MARCUS N. BLAKEMORE,
Notary Public.

In the matter of the petition of Joseph Elliott.

TESTIMONY.

William F. Ashby, being duly sworn, says: I know the petitioner; I live about two miles from him, near Stranger creek, in Leavenworth county, Kansas Territory; he has lived there more than three years to my knowledge; I know that in the summer of 1856 he had a bay horse and a sorrel mare, which I should think were worth \$300; I knew the horses well; I understood they were taken by Miller's company which was camped west of Stranger creek; I did not see them taken, but I

saw the sorrel mare in the possession of one of Miller's company a few days after they were reported to have been taken, but could not tell within a month what time it was; think it was in the latter part of summer; I did not see the horse after they were taken; heard several of my neighbors say they saw him in Miller's company.

He has never recovered either of these horses to my knowledge or received any compensation for them.

W. F. ASHBY.

Sworn by me this first day of April, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Joseph Elliott.

TESTIMONY.

John T. Sparks, being duly sworn, says: I live in Leavenworth county, Kansas Territory; I know Joseph Elliott; he lives about two miles from me, and has lived there about four years. In the summer of 1856 he had a bay horse, which he brought to the Territory with him; he owned at the same time a sorrel mare; he used them as a span; I should think they were worth about three hundred dollars; about the last of July or the first of August, 1856, I was lying sick at my father's house about one mile from petitioner's house; his horses were at that time grazing on the prairie near my father's house; while I was lying there one day, the children came running in saying that the red shirts or "tories" were coming; I could see petitioner's horses from where I lay; I looked out and saw five or six red shirts belonging to Miller's company, as I understood, approach the horses and drive them off; I thought they were trying to catch the horses, but they did not succeed while I could see them; they soon drove them out of my view; it was my understanding that they took the horses off; I have never seen them since. Mr. Elliott has never got his horses back to my knowledge, or any compensation for them.

J. T. SPARKS.

Sworn to by me this 1st day of April, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Joseph Elliott.

Petitioner claims for two horses taken from him by Captain								
Miller's men	-	-	-	-	-	-	-	\$300 00
Damages	-	-	-	-	-	-	-	100 00
								400 00
								400 00

The taking and loss of the horses is proven.		
Their value is allowed, at	- - - - -	\$300 00
Interest, 2½ years, at 6 per cent	- - - - -	45 00
Total award (\$100 item inadmissible)	- - - - -	<u>345 00</u>

EDWARD HOOGLAND.
 SAMUEL A. KINGMAN.
 HENRY J. ADAMS.

APRIL 18, 1859.

No. 139.

Marshall H. Comstock vs. the Territory of Kansas.

PETITION.

Before the honorable board of commissioners of the Territory of Kansas, constituted by an act of the legislature of said Territory, to adjust claims for losses during the years 1855 and 1856, by reason of the difficulties.

The petition of the said plaintiff humbly shows unto your honorable court: That during the year of our Lord 1856, on or about the 15th day of June, of said year 1856, the said plaintiff resided in the town of Easton, in the county of Leavenworth in the Territory aforesaid; and the said plaintiff further shows, that he then and there was the owner of a brown or mahogany bay horse, about seven years old, with one white foot, of the value of one hundred and twenty-five dollars; and that on the day last aforesaid an armed body of men, with guns, pistols, and implements of warfare, approached the said town of Easton, and encamped near said town, and during the night of the said last mentioned day the town of Easton and the neighborhood thereabouts was robbed and plundered of much property, amongst which was the horse aforesaid. The said plaintiff further avers that the said horse was taken by the body of armed men aforesaid, or some of them, and said plaintiff never got him again, but says he has entirely lost the said horse by reason aforesaid. And the said plaintiff further shows to your honorable court that on or about the 9th day of September, 1856, the said plaintiff resided in the said town of Easton, and during the said last mentioned day a large body of armed men, with a certain Colonel Harvey at their head, approached and entered the said town of Easton, and robbed and plundered the said town of much property, amongst which was one light sorrel mare, about three years old, or a little more, flax mane and tail and bald face, of the value of two hundred dollars; one saddle, of the value of twenty-five dollars; one rifle, of the value of thirty-five dollars; one revolver, of the value of twelve dollars; one bridle and martingale, of the value of four dollars; and one pair of saddle-bags, of the value of three dollars and

fifty cents; all of which was the property of this plaintiff. The said plaintiff avers that the said body of armed men, aforesaid, with Colonel Harvey at their head, did take and carry away the said described property.

Your petitioner therefore prays judgment for the value of the said described property, amounting in all to the sum of four hundred and four dollars and fifty cents, and prays judgment for said sum of four hundred and four dollars and fifty cents, and your petitioner will ever pray, &c.

M. H. COMSTOCK.

Sworn to and subscribed before me this 31st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Marshall H. Comstock.

TESTIMONY.

Samuel J. Rookogey, being duly sworn, says: I am acquainted with Marshall H. Comstock. He resided in Easton, Leavenworth county, Kansas Territory, in the summer of 1856, and still resides near there. I know he had a brown bay horse that summer; have rode him frequently. He was worth, at least, one hundred and twenty-five dollars. He thought him worth more. He was a race horse. I know that he lost him, but do not know the circumstances. He was living with Mr. Dawson. I was Mr. Dawson's clerk. I know he had a sorrel mare, worth, I think, at least one hundred dollars; he asked one hundred and seventy-five dollars. She was a race mare, too. I know that she was taken on or about the 8th of September, 1856, by Harvey's men. She was running with Dawson's horses at the time, and was taken off with his horses. I heard him say they took his revolver at the same time. They brought him up from Dawson's house to the store as a prisoner. The other articles mentioned in his petition I know nothing about. I was at Easton at the time, and have no doubt they took the articles, if he had them, for they took all such in the neighborhood.

S. J. ROOKOGEY.

Sworn to by me this 31st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

Henry Ready, being duly sworn, says: I know Marshall H. Comstock. He was living at Armstead Dawson's, at Easton, in the summer of 1856. I was living two miles south of there. I know he had a brown horse that summer. He was worth about one hundred and twenty-five dollars, at a low rate. I understood he was lost, but don't

know the circumstances. It was before Harvey's men came to Easton. He had a sorrel mare. I saw her taken with a saddle and bridle. I was at Easton and taken prisoner by Harvey's men at the same time. The mare was worth, I think, one hundred and seventy-five dollars; saddle was worth twenty-five dollars; it was new. The bridle was worth two dollars and fifty cents, or thereabouts. I do not think he would have taken one hundred and seventy-five dollars for the mare. She was a race mare, and very fast.

I saw Harvey's men bring his rifle and put it in the wagon where I was sitting. It was worth eighteen dollars. I heard Comstock say at the time that they took his revolver, but did not see them take it. I know he had a revolver. I have seen it; should think it was worth fifteen dollars. These things were taken on or about the 8th of September, 1856, when Harvey's men were at Easton. He has never got any of these things back. I have lived within three-quarters of a mile of him ever since the following spring.

HENRY ^{his} + READY.
_{mark.}

Sworn by me this 31st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Marshall H. Comstock.

The petitioner claims in this case, for the loss of one bay horse, \$125; one sorrel mare, \$200	- - - -	\$325 00
One saddle, \$25; one rifle, \$35; and one revolver, \$12	- - - -	72 00
Bridle and martingales, \$4; saddle-bags, \$3 50	- - - -	7 50
		<hr/>
		404 50
		<hr/>
The board, on the proof, award for the bay horse	- - - -	125 00
Sorrel mare	- - - -	137 50
Saddle, \$25; bridle, \$2 50	- - - -	27 50
Rifle	- - - -	18 00
		<hr/>
		308 00
Interest, 2½ years, at 6 per cent	- - - -	46 20
		<hr/>
Total award	- - - -	354 20
		<hr/>

SAMUEL A. KINGMAN.
HENRY J. ADAMS.
EDWARD HOOGLAND.

JUNE 22, 1859.

No. 140.

To the board of commissioners under the act of February 7, A. D. 1859, to provide for the adjustment and payment of claims for losses sustained in the Territory of Kansas between the 1st day of September, A. D. 1855, and the 1st of December, A. D. 1856:

Your petitioner represents that during the year of 1855 and the year of 1856 he was a citizen, then residing in the Territory of Kansas, and engaged in business in the city of Leavenworth, in Cherokee street, in said Territory of Kansas, and while so engaged in business he was forcibly called and compelled to leave his place of business to fall into their ranks. Your petitioner further represents that while he was compelled to remain in said ranks some person or persons unknown to him forcibly broke open and entered his place of business, and then and there did steal the sum of two hundred and forty dollars, all in the American coin.

THOMAS SUTTELS.

TERRITORY OF KANSAS, *Leavenworth County, ss:*

Personally appeared Thomas Suttels, who, being first solemnly sworn, deposed and saith that the facts stated in the foregoing petition are just and true, to the best of his knowledge and belief.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Thomas Suttels.

TESTIMONY.

Livius Hazen, being duly sworn, says: He knows the petitioner; became acquainted with him in the city of Leavenworth in the year 1855, or early in 1856; he was then a citizen of this Territory; was keeping a restaurant on Cherokee street, in this city. Some time about the month of August or September, 1856, he, with other citizens of Leavenworth, was, as I am informed and believe, forced and compelled to do military duty as a soldier in the ranks, and consequently under the necessity of shutting up and closing his place of business; and, as I then understood, his house or room was broken open during his absence on such duty, and robbed of money to the amount of \$240 or \$250. I was informed by William Higgins (since deceased) that the money was given to him by Mr. Suttels, and by him securely locked up in a trunk, and that the trunk was robbed in their absence; whether the trunk was broken, or in what manner, affiant does not now recollect. He further states that at that time, and for some time before or after the loss of the money, this city, and the Territory generally, was almost entirely under the control of armed bands of men, who were daily in the habit of taking horses and property of every kind and

description. No species of property was for a moment safe in the city or in any part of the Territory.

LIVIVS HAZEN.

Sworn by me this 31st day of March, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Thomas Suttels.

LEAVENWORTH COUNTY, ss :

W. D. Bull, being duly sworn, says: That he is acquainted with the petitioner, Thomas Suttels; that he is a citizen of Kansas Territory, and was such in the year 1856; that about the month of October or November of that year he kept a drinking saloon on Cherokee street, in the city of Leavenworth; I know that he was serving that fall in the ranks as a soldier on some occasions; I was informed by a man named Higgins, and also by the petitioner, that a trunk belonging to Higgins had been opened and money taken out of it belonging to the petitioner, (Higgins is since dead;) I do not recollect the amount which was said to have been taken, but it was over \$200; this I believe was said to have happened late in the fall or early in the winter of that year.

W. D. BULL.

Sworn by me this 14th day of June, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Thomas Suttels.

The petitioner claims in this case for property lost, (money)	-	\$240
The proof is sufficient to justify an award for that sum, and interest, 2½ years, at 6 per cent.	- - - - -	36
Total award	- - - - -	<u>276</u>

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

JULY 1, 1859.

No. 141.

A.

William Freeland's account of losses sustained in 1856, in Kansas, during the troubles, from armed bodies of men.

To provisions and meals furnished to the Kansas militia, and lodging furnished to the soldiers in the Leavenworth Hotel, in the summer and fall of 1856 - - - - - \$210 50

LEAVENWORTH CITY, *March 31, 1859.*

To the honorable board of commissioners of the Territory of Kansas, sitting in and for said Territory to adjust claims for losses during the troubles in the years 1855 and 1856 by an act of the legislature :

Your petitioner, William Freeland, a citizen of the city of Leavenworth, Territory of Kansas, represents unto your honorable body that on or about the 1st day of July, A. D. 1856, he was the proprietor of the Leavenworth Hotel, and as such proprietor, an armed body of men, claiming to be the Kansas militia, came and boarded with your petitioner, a copy of said account is herewith filed, marked A, and made part of this petition; and your petitioner further represents unto your honorable body that on or about the 27th day of October, A. D. 1857, that said claim, that is hereto attached, was allowed before the Hon. H. J. Strickler, a commissioner appointed under a law of the Territory of Kansas passed February 23, 1857; and your petitioner further represents unto your honorable body that the number of lodgings and meals that were furnished to the said militia was mislaid or lost, and that said claim was acted upon by the said Commissioner Strickler, and the said commissioner made allowance of said claim for the sum of two hundred and ten dollars and fifty cents; and your petitioner further represents unto your honorable body that he has not received any part of said claim; wherefore your petitioner prays that your honorable body may award him his claim, and such other and further relief as shall conform to law and equity.

WILLIAM FREELAND.

DELAHAY & GALLAGHER,
Attorneys for Petitioner.

TERRITORY OF KANSAS, *County of Leavenworth, ss :*

Personally appeared before me, one of the above commissioners in and for said Territory, William Freeland, who, being first duly sworn by me, says that the matter and facts set forth in the foregoing petition are true, as he verily believes.

WILLIAM FREELAND.

Sworn to and subscribed before me this 31st day of March, A. D. 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of William Freeland.

LEAVENWORTH COUNTY, ss :

William Freeland, the above-named petitioner, being duly sworn, saith : That he kept the Leavenworth Hotel, in the city of Leavenworth, from December, 1855, until 1st December, 1856, and has resided in Leavenworth City ever since the first-mentioned date ; during the summer and fall of 1856 the city of Leavenworth was principally occupied by bands of armed men from Missouri, Georgia, South Carolina, and other southern States, who here established a general reign of terrorism and plunder, relying upon their own wills and numerical and brutal strength for success in obtaining all they wanted, and rendering the peaceable and well-disposed inhabitants of the city submissive to their orders ; some of these men were portions of the regiment brought into the Territory by Colonel Buford from the south, who came here to fight and wage war upon the citizens of Kansas ; during the summer they were principally enrolled and received as Kansas militia, under captains and leaders of their own choosing, or under their control ; those men subsisted during that summer upon the city and country by plunder, robbery, and terrorism, and inspired generally such fear, by their brutal and reckless conduct and bloody propensities, that their commands or wishes were generally readily obeyed by all who were within the scope of their power ; they controlled Leavenworth City in that manner ; during that season sometimes whole companies, under command of various captains, such as Captain Burgess, a portion of Captain Dunn's company, Captain Martin's company of Kickapoo Rangers, and portions of Captain Clark's company, entered my hotel, in numbers varying from twenty to seventy, marched to the dining room, drew out their pistols and bowieknives and laid them on the tables at meal time, and stacked their guns in the corner of the dining room in charge of a sentinel, when they would order dinner or other meals to be served, and compel petitioner to supply their wants by threats and intimidation ; resistance or refusal were useless ; Captain Murphy also quartered on me ; frequently my regular boarders and guests could not get to the tables at all ; several times parties of these armed men came and remained several days together, taking my victuals and accommodations and never saying a word about compensation ; I did not allude to the subject, for I knew they would not or could not pay me ; they frequently threatened my life ; many times they came in drunk, and raised a storm of confusion for hours about the house ; what I furnished

to them was not furnished voluntarily, but merely provided or tolerated through intimidation and threats.

WILLIAM FREELAND.

Sworn to before me this 31st day of March, 1859.

EDWARD HOOGLAND,
Commissioner.

Enoch K. Lawall sworn: Petitioner kept the Leavenworth Hotel in the summer of 1856; have heard the testimony of William Freeland, above; I was a boarder at Freeland's hotel in the summer of 1856, and all the time during the year that he kept the hotel; I know that the hotel was frequently taken possession of by the bands of armed men mentioned, who took the victuals and accommodations that they required by force and intimidation; he frequently mentioned to me that he would be obliged to close up the house, as he could not afford to buy provisions and furnish supplies for the armed men to come and take them by force; very often the table was half filled with those men; a great majority of those armed men, who were mustered and organized, I know never paid anything for their accommodation and entertainment; I should judge that Freeland must have lost full \$210 50 by the conduct of those men; sometimes the boarders were notified that the hotel would be burned down that night, and most of them would be compelled to leave accordingly; I several times slept away from the house for such reasons.

E. K. LAWALL.

Sworn to before me this 1st day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of William Freeland.

Petitioner claims for provisions, meals, &c., furnished under intimidation and threats and forced contribution, allowed by former commissioner	\$210 50
The evidence fully sustains the claim, and warrants an award in his favor.	
Add interest, 2½ years, at 6 per cent.	31 50
Total award	<u>242 00</u>

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 18, 1859.

No. 142.

TERRITORY OF KANSAS, *County of Leavenworth*, ss:

To the honorables the commissioners, Edward Hoogland, Henry J. Adams, and Samuel A. Kingman, appointed to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder which prevailed from November 1, A. D. 1855, to December 1, 1856, according to an act entitled "An act to provide for the adjustment and payment of claims," approved February 7, 1859:

Your petitioners, Frederick Englesman and W. Englesman, heretofore and at present doing business, under the style and name of F. & W. Englesman, as wholesale and retail grocerymen in the city of Leavenworth, in the county of Leavenworth, and Territory of Kansas, say: That they were doing business in said city as such grocerymen between the 1st of November, 1855, and the 1st of December, 1856, on lot No. 4, in block No. 2, on the levee, and during the disorder that prevailed in Kansas within said periods; and further say that during said disorder in the fall of A. D. 1856, in the month of September, year aforesaid, they were driven and forced by armed men to quit their business and go to St. Louis, in the State of Missouri; that they were compelled to leave said city of their residence on or about the 2d of September, A. D. 1856, their goods and grocery being under the power of armed men and bands; that they had at that time a stock of groceries and goods of the value of about ten thousand dollars; that on their return from St. Louis, which was about the 25th day of October, A. D. 1856, and as early as safety would permit them to return, they missed and there were lost or destroyed, and taken by said armed forces during their absence and said disorder, and in consequence of said disorder, the stock, groceries, and goods mentioned and particularized in the account marked "A," and hereto annexed and made a part of this petition; and that the said stock, goods, and groceries, so wholly lost to these petitioners then and there as aforesaid, were worth and of the value as stated in said account marked "A," to wit: of the great value of \$3,076 40.

And further, your petitioners would respectfully submit unto your honorable body that during their absence, and whilst armed bodies and forces were taking away said stock, goods, and groceries, then and there as aforesaid, they, these petitioners, had a portion of said stock that was left transported to Weston, Missouri, for the purpose of saving the same, and that said portion left was transported as aforesaid during said disorder and in consequence thereof, and for the purpose of saving the same, as stated above, about the 22d of September, A. D. 1856, and that the cost of transporting said stock to Weston, Missouri, and back, was as represented in the account "B," hereto annexed and made a part of this petition, and that said expenses were borne by your petitioners, and was consequent then and there as aforesaid upon said disorders, and were borne only and

exclusively for the purpose of saving said portion of said stock from a total loss like the others, and that said expenses were of a great amount, to wit: \$662 43.

And your petitioners would further respectfully submit unto your honorable body that in the fall of A. D. 1856, and on the 2d day of September, A. D. 1856, they were forced and compelled by armed men to quit their business as aforesaid and go to St. Louis, Missouri, and all consequent on the disorder as aforesaid, and that they were absent about three months from their business; and they state that said absence was compulsory to them, and that they returned as soon as safety would permit as aforesaid; that their necessary expenses were as set forth in the bill marked "C," and hereto annexed and made a part of this petition, and that all of said expenses were then and there incurred in consequence of said disorder as aforesaid, and were of a great amount, to wit: of the amount of \$238. And said petitioners state that they were residents of Kansas Territory during these losses, and that they are now residents, and have been since the fall of A. D. 1855.

And further, said petitioners would respectfully submit unto your honorable body that they were damaged by the suspension of their business and loss of time then and there as aforesaid, all consequent upon said disorder, to a great amount, to wit: of the amount of six hundred dollars, as in latter part of "C;" and your petitioners would respectfully ask that the said losses, expenses, and damages may be allowed unto them, and under the law made February 7, 1859, for the auditing of such claims by your honorable body. And your petitioners will ever pray.

FREDERICK ENGLESMAN,
WILLIAM ENGLESMAN,

By their attorney, JOS. KELLOGG.

A.

15 sacks of coffee, 2,460 pounds, at 16 cents per pound	-	\$324 00
8 barrels sugar, 1,760 pounds, at 12½ cents per pound	-	220 00
22 boxes candles, 840 pounds, at 30 cents per pound	-	264 00
14 boxes soap, 854 pounds, at 7½ cents per pound	-	64 05
7 boxes wein, at \$6 per box	- - -	42 00
9 boxes tallow candles, 450 pounds at 20 cents per pound	-	90 00
10 dozen cans oysters, at \$9 per dozen	- - -	90 00
11 dozen sardines, at \$6 per dozen	- - -	66 00
10 dozen axes, at \$16 per dozen	- - -	160 00
7 Spear & Takson's handsaws, at \$2 75 each	- - -	19 25
3 butcher saws, at \$2 50 each	- - -	7 50
3 barrels crushed sugar, 660 pounds, at 18 cts. per pound	-	118 80
2 barrels powdered sugar, 440 pounds, at 18 cents per pound	- - - - -	79 20
18 pairs calfskin boots, at \$4 per pair	- - -	96 00
5 dozen men's brogans, at \$18 per dozen	- - -	90 00
8 boxes tobacco, 22 pounds each, at 35 cts. per pound	-	61 60
280 pounds tobacco, at 25 cents per pound	- - -	70 00
18,000 segars, at \$20 per thousand	- - -	360 00

40 sacks flour, at \$3 per sack	-	-	-	-	\$120 00
10 dozen yeast powders, at \$3 per dozen	-	-	-	-	30 00
1 sack cloves	-	-	-	-	19 00
1 sack allspice	-	-	-	-	12 00
40 pounds tea	-	-	-	-	24 00
6 pairs of blankets	-	-	-	-	28 00
4 mattresses	-	-	-	-	24 00
2 lounges	-	-	-	-	8 00
2 dozen cambric shirts	-	-	-	-	60 00
Clothing	-	-	-	-	100 00
					<hr/>
					2,663 40
					<hr/> <hr/>

And also the following quantity and articles, the exact amount of which cannot be given, only as stated by persons who know of the same being taken :

Writing desk	-	-	-	-	\$10 00
Shelving	-	-	-	-	25 00
Counter scale	-	-	-	-	6 00
Cooking stove with pipe	-	-	-	-	28 00
Parlor stove and pipe	-	-	-	-	19 00
Coffee, sugar, and brooms	-	-	-	-	100 00
Three barrels lard	-	-	-	-	50 00
Liquors	-	-	-	-	150 00
Shovels, spades, and hoes	-	-	-	-	25 00
					<hr/>
					413 00
					2,663 40
					<hr/>
					3,076 40
					<hr/> <hr/>

B.

Expenses in transporting goods up to Weston, Missouri, and back, occasioned by the disorder, and for the purpose of saving said goods.

October, 1856.—Money paid S. P. McCurdy, of Weston :

Expenses for transporting goods by ferry, his charges for trouble only,	-	-	-	-	\$25 00
Amount expended at Leavenworth: Paid E. S. Wilkison	-	-	-	-	38 50
Wells & Washburn, for ferry	-	-	-	-	188 49
Drayage	-	-	-	-	3 50
McCurdy & Burns, fees and expenses	-	-	-	-	150 00
					<hr/>
					340 64
Cash paid for labor and drayage at Weston	-	-	-	-	25 60
To Joseph Holliday, of Weston, receiving and storage	-	-	-	-	100 00
Tutt & Baker, of Weston, storage and drayage	-	-	-	-	71 29

To N. T. D. Solomon, of the Delaware ferry, for bringing back one load of goods to Leavenworth .. - -	\$75 00
To Hundly for goods brought down from Weston by teams -	50 00
	<u>662 43</u>

C.

Frederick Englesman and William Englesman, passage down the river, \$18 each - - - -	\$36 00
Six weeks at St. Louis, expenses, board, &c., \$6 per week each - - - - -	72 00
Passage back to Leavenworth, \$15 each - - -	30 00
Other expenses whilst out of business during balance of the three months, for both - - - - -	100 00
	<u>238 00</u>

Damages as claimed in last account of petition - -	600 00
	3,076 40
	662 43
	<u>4,338 83</u>
	<u>3,076 40</u>
	<u>1,262 43</u>

TERRITORY OF KANSAS, *County of Leavenworth*, ss :

And the said Frederick Englesman and William Englesman, the petitioners in the above petition, being first duly sworn, depose and say : That the several matters and things set forth in the above petition, and the bills and accounts thereto annexed, are, according to the best of their knowledge, information, and belief, true in substance and in fact. And further say not.

WILLIAM ENGLESMAN.
FREDERICK ENGLESMAN.

Subscribed in my presence, and sworn to before me this 4th day of
[L. s.] March, A. D. 1859. Witness my hand and seal officially.

JOS. KELLOGG,
Notary Public.

TERRITORY OF KANSAS, *County of Leavenworth* :

This affiant, Gustave Stahl, of lawful age, being duly sworn, deposeth and saith : That he resided in the city of Leavenworth, Kansas Territory, in the year A. D. 1855, and in the month of No-

vember thereof, and for some time before and ever since that. He knows of the disorder in Kansas between the 1st of November, 1855, and the 1st of December, A. D. 1856. And that during that time he was acquainted with the petitioners, William and Frederick Englesman, then doing business as wholesale and retail grocers in said city. And that they had, at that time, in their grocery on the levee about ten thousand dollars' worth of goods and groceries during the disorder spoken of. That this affiant saw armed men taking goods and groceries from the building of the petitioners on the levee in the month of September, A. D. 1856. That he, this affiant, saw two wagon loads and two dray loads taken out of said store, besides persons taking goods out of the same. That during this time the said petitioners were at St. Louis, (where they had been driven, as this affiant understood.) That said goods and groceries were taken during the difficulties and disorder, between the periods above, and consequent upon the same. That this affiant believes, from personal facts, and from what he saw, that there was about the amount of goods and groceries taken from the petitioners' grocery as stated in their petition, to wit: \$3,076 40. That this affiant knows, from personal knowledge, that goods and groceries of the petitioners were taken to Weston, Missouri, during said disorder, in the fall of A. D. 1856, for the purpose of saving the same from being taken by armed forces; and that this affiant believes that the same would have been taken had they not been removed to Weston, Missouri; and that it cost about the amount in the petition mentioned to take the same to Weston and back to this city.

And further, that this affiant believes the matters stated in the petition of the said Englesman to be true in substance and in fact.

GUSTAVE STAHL.

Subscribed in my presence, and sworn to before me this 15th day of March, A. D. 1859. Witness my hand and seal officially.

[L. S.]

JOS. KELLOGG,

Notary Public.

Before the commissioners, &c.

TERRITORY OF KANSAS, *Leavenworth County, ss:*

This affiant, Jeremiah Howald, of lawful age, first being duly sworn, deposes and saith: He has been acquainted with William Englesman and Frederick Englesman for over four years. That this affiant knew said Englesmans in the fall of A. D. 1856, and that they were keeping a grocery store in Leavenworth City, Kansas Territory, at that time. And this affiant states that there was in said store, then and there, of said parties, over five thousand dollars' worth of groceries. And that during the disorder in the fall of A. D. 1856, in the month of September, this affiant saw bodies of armed men taking away groceries from the store of said Englesman, and saw the door

to the grocery broken down. And that this affiant was called upon to help to box up some of the goods in said grocery to save them. And this affiant states that said William Englesman and Frederick Englesman lost said goods in consequence of the disorder in Kansas Territory in the fall of A. D. 1856, and that he, this affiant, believes that said parties lost a large amount of goods and groceries, to wit: the amount stated in their petition; and that they are losers to that amount, and all consequent as above.

JEREMIAH HOWARD.

Subscribed and sworn to before me this 30th of March, A. D. 1859.

Witness my hand and seal officially.

[L. S.]

JOS. KELLOGG,
Notary Public.

In the matter of the petition of Frederick and William Englesman.

William Englesman, being duly sworn, says: I am one of the petitioners in this case. I have been in business with my brother, Frederick Englesman, on the levee between Delaware and Cherokee streets, Leavenworth, Kansas Territory, since November, 1854. We are doing a wholesale and retail grocery business.

During the summer and fall of 1856 great disorders prevailed in this town much of the time, and particularly in the early part of September. On the second or third of September Dick Murphy came and told me I had to leave town. I asked him if I could stay to fix my business so that I could leave it. He answered me that I would stay at the peril of my life; he ordered me in the name of the committee. I had been to Weston, and was coming from the boat to my store when Murphy gave me this notice. I left word at McCracken's, who lived near, what had happened to me, and went immediately on the boat again. I left the boat at Kansas City, but in three or four hours the Emma came down with my brother and Mr. McCracken on board; I took that boat to St. Louis; they had been driven off as well as myself. I returned to Leavenworth as soon as it was deemed safe to do so; several other citizens returned at the same time.

During my absence many of my goods had been taken from my store by armed parties then in the city; and hearing this, and fearing they would all be taken, I had sent orders, while in St. Louis, to have the rest of them sent to Weston for safety.

On our return we brought the rest of our goods back from Weston, and my brother and I, at that time, made up the list of articles in the schedule annexed to our petition. My brother and I attended to the store ourselves and kept no clerk.

We had just received a stock of goods from St. Louis, four days before we were driven off, amounting to \$3,800; I have the bills of these goods. I and my brother made up the list of missing goods, as soon as we returned, with these bills before us. I think we had between four and six thousand dollars' worth of goods on hand before

this lot was received. We had just laid in our winter's stock, and had the largest stock of goods then in Leavenworth.

WM. ENGLESMAN.

Sworn by me this 23d day of June, 1859.

HENRY J. ADAMS, *Commissioner*.

In the matter of the petition of F. and W. Englesman.

EVIDENCE.

Thomas T. Slocum sworn: I have lived in Leavenworth since November, 1854. Am acquainted with F. and W. Englesman. They have lived here about as long as I have, and are still residents of Leavenworth. They have been engaged in the wholesale and retail grocery business. They also kept hardware, boots, and shoes. Their store is on the levee, between Delaware and Cherokee streets. Have been doing business there ever since they came here. They were doing a large business. I have been in their store nearly every day since they came here. They were doing business there in the summer of 1856. I was here during that summer and fall. The condition of the city at that time was very exciting. There were pro-slavery armed parties here; some Georgians and men that belonged to the Territory in organized parties—Captain Emery's company. Lieutenant Clark had a company. Other companies were in the vicinity, and occasionally came in. They did not respect the rights of property. They lived by plunder anywhere they could get it. They drove people away—one-third of the population. No man was safe here who had incurred their displeasure. Free-State men were unsafe here. The petitioners were free-State men; very quiet and conservative, molesting no one, and took no active part in politics. Early in September, 1856, I saw Dick Murphy and young Emery taking goods out of their store, and afterwards saw the goods at the commissary department. Mr. W. Englesman went down the river by order, and to save his life. They were both forced away, and the store was left unprotected. I saw the store nearly every day while they were away. The armed men took several loads from there, and I suppose they had access there afterwards whenever they wished. I saw the store about the time they returned; it was pretty bare; very little in it. I know some of petitioners' goods were shipped to Weston after they were gone. I know that they had a very large stock—second largest in town. The store was damaged; shelving was taken away. I don't know how much their stock was worth; a good many thousand dollars' worth—seven thousand dollars or eight thousand dollars I should think. I don't know how much of their stock was taken—something like three thousand dollars or four thousand dollars' worth. I don't know exactly

how long they were gone—about six weeks. I think it would have been unsafe for them to have remained here.

THOS. T. SLOCUM.

Sworn to and subscribed this 1st day of April, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of F. and W. Englesman.

Fred. Knopf sworn: I was living in Leavenworth in the summer and fall of 1856. I know the petitioners had a big store on the levee, between Delaware and Cherokee streets, I think. Mr. Englesman was sent away. Captain Emery, with eight or ten men, came to the store about the 1st of September, 1856—the day after election—and told Mr. F. Englesman to leave this town. I heard from F. Englesman that his brother, W. Englesman, was on the boat, having been sent away. One man went into the store, and the others remained outside. Mr. Englesman went off as soon as ordered so to do. The store was shut by Mr. Englesman when he left; don't know whether it was locked or not. I saw these men take things from Mr. Englesman's store—one evening three dray loads, and the next evening six dray loads. They began taking the things the same evening after he left, and they took them up to the commissary's. I stayed here all the time. I said I was a pro-slavery man. After the nine loads mentioned, I saw them take more things—boxes, sacks, barrels, &c.—out of the front door. The first nine loads they took out of the back door. When Mr. Englesman came back there was nothing left in the store, and all but the counter was destroyed. I don't know about the goods being taken to Weston.

FRED. KNOPF.

Sworn to and subscribed before me this 1st day of April, 1859.

HENRY J. ADAMS,
Commissioner.

John Kendall, sworn, says: The day after the election in 1856, which was on the first Monday of September, I went down by Mr. Englesman's store and fell in company with Dick Murphy. He was then furnishing supplies for the armed men. He had two horse teams in front of the store; also a dray. I saw them load up with coffee, sugar, molasses, &c. They took six loads that day, I think. Next day I met him again, and he said he was going to have some more goods out of the same store; he had just been getting some out of McCracken's warehouse. From McCracken's he went with a dray to Mr. Engles-

man's store, and inquired for the key of said store of Mr. Skinner. They took two dray loads, I think. I saw Dick Murphy in the store. I looked in after this and saw that most of the goods were gone.

JOHN KENDALL.

Sworn to and subscribed before me this 1st day of April, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of F. and W. Englesman.

Petitioners claim for goods taken or destroyed.....	\$3,076 40
Various damages and expenses.....	1,262 43

Total amount claimed.....	4,338 83
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The claim for damages and expenses is inadmissible.

The loss of the goods is fully proven; the amount claimed

awarded	\$3,076 40
Interest, at 6 per cent., 2½ years.....	461 46

Total award.....	3,537 86
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HENRY J. ADAMS.
SAM'L A. KINGMAN.
EDW'D HOOGLAND.

JUNE 23, 1859.

No. 143.

To the commissioners appointed to audit and certify claims:

Your petitioner, August Kessler, would respectfully represent: That he is a citizen of Leavenworth City, in the Territory of Kansas, and was a citizen in the summer of 1856; that on the 6th day of September, 1856, he was in the peaceable possession and the lawful owner of the following described property, to wit:

One horse, of the value of -	\$125 00
One horse, of the value of -	137 00
One pony -	70 00
One cow -	30 00
One heifer -	15 00
One saddle -	13 00
One bridle and blanket -	4 00
Total	394 00

Your petitioner further states that on the day last above mentioned the said property was forcibly, and against his consent, taken from his premises by a party of men belonging to a company commanded by one A. B. Miller, as he is informed and verily believes, for which he has never received any compensation from any source.

AUGUST KESSLER.

Sworn to and subscribed before me this 1st day of April, 1859.

HENRY J. ADAMS,
Commissioner.

LEAVENWORTH COUNTY, ss:

Frederick Reuter sworn in the above cause: I was boarding with petitioner in September, 1856, in Leavenworth City; on or about the 4th of September, 1856, I know that there were horses taken from Kessler by the bands of armed men then in possession of Leavenworth City; about six or eight men of Captain Miller's company came to Kessler's house and presented revolvers, went to the stable and broke the door open, and took out therefrom two horses and a pony, and one saddle, and several bridles and saddle blankets; don't know what the horses were worth; they were good, strong horses, used for hauling rock, and in good condition; don't know how old they were; one was a bay, and the other more of a reddish sorrel; the color of the pony was spotted brown and white; was well acquainted with the pony, and had ridden him several times; pony was worth \$80 or \$90; don't know what the horses were worth; probably about \$300. Next day the same men came back and drove away a cow worth \$30, and a heifer worth, perhaps, \$20; she was a year and three-quarters or two years old. Don't know what the saddle was worth; it was most new. All the property belonged to Kessler.

FREDERICK REUTER.

Sworn to before me this 1st day of April, 1856.

EDWARD HOOGLAND,
Commissioner.

Augustus Stahl sworn: I resided within about two or three hundred yards of Kessler, the petitioner, in September, 1856. He then owned two horses—one a bay, and the other a sorrel; he also owned a bay pony with a white face. The horses were then worth \$300. The pony was worth \$80 or \$90. He had a cow and heifer, which were driven off with my cattle. The cow was worth \$40 or \$45; the heifer was worth \$30 or \$35. He had a saddle worth \$12 or \$15. I saw the horses and pony taken away by a body of armed men under command of Captain A. B. Miller. I knew Miller, and saw him there ordering and assisting in the taking away of said horses and pony.

A. STAHL.

Sworn to before me this 1st day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of August Kessler.

Petitioner claims for property taken from him in September, 1856, by Captain A. B. Miller and his men, viz :

One horse, value	-	-	-	-	-	\$125 00
One horse, value	-	-	-	-	-	137 00
One pony, value	-	-	-	-	-	70 00
One cow, value	-	-	-	-	-	30 00
One heifer, value	-	-	-	-	-	15 00
One saddle, value	-	-	-	-	-	13 00
Bridle and blanket, value	-	-	-	-	-	4 00
						<hr/>
						394 00
						<hr/> <hr/>

The board have noticed in this case, as well as in others, the intelligence and familiarity of witnesses Stahl and Reuter with the affairs and losses of their German neighbors; but being of opinion that their feelings of friendship have caused them some anxiety for the success of some of the petitioners, award to Mr. Kessler

for the horses	-	-	-	-	-	\$200 00
Pony, \$70; cow, \$30; heifer, \$15; sadle and blanket, \$17,						132 00
						<hr/>
						332 00
Add interest, 2½ years, at 6 per cent.	-	-	-	-	-	49 80
						<hr/>
Total award	-	-	-	-	-	381 80
						<hr/> <hr/>

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

APRIL 18, 1859.

No. 144.

TERRITORY OF KANSAS, *Leavenworth County, ss:*

To the commissioners on claims for property lost during the troubles :

Stephen Sparks says: That he was a resident of Kansas Territory, Leavenworth county, in the summer of 1855, and has been a resident of said Territory ever since; that on or about the 20th day of July, A. D. 1856, he was the sole owner of one bay horse, in the Territory aforesaid, of the value of one hundred and fifty dollars; that on or about the 10th day of August, A. D. 1856, said horse was taken by a pro-slavery mob under the command of Captain Miller; and your petitioner further represents that he has never recovered said horse, nor received any compensation therefor. Your petitioner also claims fifty dollars for the loss of the use of said horse. And further asks that

your honorable body may award him his claim, and such other and further relief as shall conform to law and equity.

STEPHEN SPARKS.

Sworn to and subscribed before me this 1st day of April, 1859.

E. WHITNEY,
Justice of the Peace, Leavenworth County.

In the matter of the petition of Stephen Sparks.

TESTIMONY.

Moses M. Sparks, being sworn, says: I am a son of petitioner; Stephen Sparks has been a citizen of Kansas Territory about four years, and is now; I was living about one and three-quarters of a mile from him in the summer of 1856. He had a bay horse taken from him, a dark bay, about fifteen or sixteen hands high, about seven or eight years old, and would be worth about \$120 now, then worth more. About the latter part of the summer of 1856 Miller's company took him; he was in the field with another horse owned by my brother. The party in sight were two or three; there were more in the bottom I was told. They jumped their horses into the field, and I soon saw them leading both horses away; that is, petitioner's horse and my brother's. Miller's party were camped about a mile from us. They took the horses towards camp. I never saw the horses afterwards; never have heard anything positive in relation to them. My brother's horse cost \$125; I valued him at \$150. Neither my father nor brother ever recovered the horses, or got any compensation for them. When taken, the horses were tied to a couple of little trees. I laid the bridle on a stump near by, but they did not take it. I tied them myself only fifteen minutes before; was coming back, and saw the men coming for the horses, and I hid in the corn, and the next thing I saw was these men leading the horses off. These men were called outlaws, and a man's life was not safe in their hands. They killed some men near there. My opinion is, that they were a set of cut-throats. They were camped in that neighborhood about two weeks. They were in the habit of visiting farms around there, taking what they wanted, and stealing horses. They were reputed to be a company from Leavenworth, pro-slavery men, and the report was that they were gamblers.

MOSES SPARKS.

Sworn to and subscribed before me this 1st day of April, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Stephen Sparks.

Petitioner claims for one horse taken by Captain Miller's men, near Leavenworth -	-	-	-	-	\$150 00
Damages for same -	-	-	-	-	50 00
					200 00
					200 00
The testimony establishes the taking. Testimony is that the horse was worth	-	-	-	-	120 00
Which sum is allowed.					
Add interest, 2½ years, at 6 per cent.	-	-	-	-	18 00
					138 00
Total award	-	-	-	-	138 00

EDWARD HOOGLAND.
 SAMUEL A. KINGMAN.
 HENRY J. ADAMS.

APRIL 18, 1859.

TERRITORY OF KANSAS, }
 Leavenworth County, } ss:

To the honorable board of Kansas claim commissioners:

Frederick Reuter, the affiant, being first duly sworn, deposeth and saith: That he filed a claim for losses sustained by him before the honorable board of commissioners appointed, under an act of the territorial legislature, at the last session thereof, to audit the claims for losses sustained in Kansas during the troubles in 1855 and 1856, and that the said board of commissioners awarded to him and issued to him their certificate of award for the sum of one hundred and fifty-six dollars and forty cents. That affiant, on or about the — day of November, either in south Leavenworth, or in the western city limits of said city of Leavenworth, lost said certificate of award, and that he at once caused the same to be duly advertised in a daily newspaper published in said city of Leavenworth called the State Register; and he further states that the said certificate is lost to this affiant, and he can get no clue to the same; that he never transferred it, or disposed of his interest in said certificate to any person whatever; and as the finder can avail nothing by the possession of said certificate, affiant prays that the honorable board will issue to him a duplicate certificate in the place, and as a substitute for the said certificate so lost as afore-said; which is the prayer of affiant; and further he saith not.

FREDERICK REUTER.

Sworn to before me this 12th day of December, 1859.

HENRY J. ADAMS.

Commissioner.

No. 145.

To the honorable board of commissioners of the Territory of Kansas, sitting in and for said Territory to adjust claims for losses during the troubles of 1855 and 1856 by an act of the legislature :

Your petitioner, Frederick Reuter, a citizen of the Territory of Kansas, represents unto your honorable body that on the 1st day of September, A. D. 1856, he was the sole owner and possessor of the following described property, a copy of which is hereto attached, marked A, and made part of this petition; and your petitioner further represents unto your honorable body that, on or about the time aforesaid, the said goods and chattels were taken by a mob of men under the command of Richard Murphy in the city of Leavenworth and Territory aforesaid; and your petitioner further represents unto your honorable body that he has not received any pay or recompense for said goods and chattels, nor recovered any part of said goods; wherefore your petitioner prays that your honorable body may award him his claim, and such other and further relief as shall conform to law and equity.

DELAHAY & GALLAGHER,
Attorneys for Petitioner.

TERRITORY OF KANSAS, *County of Leavenworth :*

Personally appeared before me, the undersigned, a notary public in and for said county, Frederick Reuter, who, being first duly sworn by me, says that the matter and facts set forth in the foregoing petition are true, as he verily believes.

FREDERICK REUTER.

Sworn to and subscribed before me this 1st day of April, A. D. 1859.

HENRY J. ADAMS, *Commissioner.*

A.

Territory of Kansas to Frederick Reuter, Dr.

1856.—To one trunk, containing \$255 in gold; one revolver, \$12; one double-barrelled gun, \$18; clothing worth \$70; jewelry, \$30; cash taken from store drawer, corner of Delaware and Second streets, Leavenworth City, Kansas Territory, \$6 - - - - - \$391 00

In the matter of the petition of Frederick Reuter.

LEAVENWORTH COUNTY, ss:

(Andrew Kurth sworn as interpreter.) August Kessler, being duly sworn, saith: I knew petitioner in Leavenworth in 1856; he owned a bar in Leavenworth, on the corner of Delaware and Second streets; on the 1st of September, 1856, at night, during the fire and burning of Wetherell's store, that evening I saw the fire, and, in company with Mr. Reuter and Mr. Stahl, I went to the fire; Reuter had the key of his saloon in his pocket, and when we neared his saloon we saw the door of the building was open and five or six men inside, two of them had a trunk between them, and one had a gun; they drank the beer, took the cheese, the trunk, and the money in the drawer, and left, and Reuter left too, leaving the door open until next morning; when we entered Reuter asked them what they were about? They said: "Shut up, you stinking devil, or I will knock you down;" we went home then. The men had Reuter's trunk and his gun; don't know what was in the trunk; Mr. Reuter said at the time there were six or seven dollars in the drawer—that was all taken out. The gun was worth \$18 or \$20. I saw Reuter have a revolver, worth \$12, some two days before, and have never seen it since; did not see it in the possession of those armed men. Same night Mr. Reuter said he had \$255 in his trunk in gold, money that he had kept to pay for his lots.

AUGUST KESSLER.

Sworn to before me this 1st day of April, 1859.

EDWARD HOOGLAND, *Commissioner.*

Gustavus Stahl sworn: I heard Mr. Kessler, the last witness, testify; I accompanied the petitioner and Mr. Kessler to the fire the night of the burning of Wetherell's store; when we reached near his saloon we found the door open, and six, eight, or ten men with belts and revolvers on them, in possession of the saloon, two of them had a trunk belonging to Reuter which they were just passing with to the door; another had a gun; another was at the counter eating and drinking. Reuter asked, halloo! what is the matter here? They commenced cursing and swearing, and threatening, so we backed out and left them in possession. This was about 10 or 12 o'clock at night; the men who had the trunk were red shirt Kansas militia; Reuter was alarmed; he told me then that he had a couple hundred dollars in the trunk, and some clothing, jewelry, breastpins, &c.; a day or two before this I saw Reuter have about \$200 in gold; he opened his trunk in my presence to get some change; he and I were intimate friends; the money was in \$1, \$2 50, \$5, and \$10 pieces; don't know how many ten dollar pieces there were; it was a large bay leather trunk; in the trunk were a couple of Sunday suits belonging to Reuter when I saw it; Reuter boarded with Kessler at that time; don't know what the clothing was worth, some \$70 or \$80; I saw a revolver in his trunk

then, but have never seen it since; don't know how much money was taken from the drawer.

G. STAHL.

Sworn to before me this 1st day of April, 1859.

EDWARD HOOGLAND, *Commissioner.*

Frederick Reuter* sworn: I had \$255 in gold in my trunk when it was taken from my saloon. I sold my house in Weston for \$800, and this gold was part of what I had saved and had in my possession therefrom. I generally kept my money in my sleeping apartment, a little room attached to my drinking saloon, but that night I did not sleep at my saloon, as usual, on account of the noise about town. I had just been removing my family, and had much of my goods and property, more than usual, in my drinking saloon. The trunk was under my bed. I usually lived there with my family, and had just sent my family off. In the drawer there were \$6 to \$10, which was taken by the same armed men.

FREDERICK REUTER.

Sworn to before me this 1st day of April, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Frederick Reuter.

Petitioner claims for property taken from his saloon by Kansas militia during the burning of Wetherell's store, Leavenworth, September, 1856, viz:

One trunk, containing \$255 in gold	-	-	-	-	-	\$255 00
One revolver, \$12; one gun, \$18	-	-	-	-	-	30 00
Clothing, \$70; jewelry, \$30	-	-	-	-	-	100 00
Cash taken from drawer	-	-	-	-	-	6 00
						<hr/>
						391 00

Witness Kessler proves the general facts, and so does Stahl.

Owing to the manner in which petitioner's testimony is given in Stahl's case, No. 135, and there being no testimony offered sustaining the general character of petitioner, it is not deemed expedient to allow the claim for gold alleged to have been in the trunk. The natural probabilities under the evidence are, that if he was afraid to sleep in his saloon on the night in question, and for safety had sent away his family, he would have taken like care of his gold, instead of leaving it exposed as intended to be implied by the evidence. The claim for the \$255 is therefore rejected

255 00

396 00

* See testimony of Reuter in case of G. Stahl.

KANSAS CLAIMS.

647

The board award the balance of the claim - - - -	\$136 00
And interest, 2½ years, at 6 per cent. - - - -	20 40
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Total award - - - - -	156 40
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SAM'L A. KINGMAN.
EDW'D HOOGLAND.
HENRY J. ADAMS.

APRIL 15, 1859.

No. 146.

A.

Territory of Kansas to John E. Gould, Dr.

1856.—To one quilt - - - - -	\$8 00
To one lawn dress - - - - -	3 50
To one delaine dress - - - - -	3 50
To one gold breastpin - - - - -	5 00
To two red flannel shirts, \$2 each - - - - -	4 00
To one pair of boots - - - - -	4 50
To one eight-keyed silver flute - - - - -	31 00
To one box of clothes entire, consisting of six shirts, \$1 50 each; twelve collars, 25 cents each; one linen coat, \$3; one pair pants, \$5; undershirts, handkerchiefs, &c., \$7 - - - - -	27 00
To four daguerreotypes, costing \$3 each - - - - -	12 00
To one empty carpet bag - - - - -	2 00
To twenty chickens, 25 cents each - - - - -	5 00
To one carpet sack, containing suit of new clothes, costing - - - - -	30 00
	<hr/>
	135 50
	<hr/> <hr/>

B.

Territory of Kansas to John E. Gould, Dr.

1856 —To use of dwelling-house and furniture one week ; provisions used by about twenty men of Captain McCarty's company - - - - -	\$100 00
To damage done by breaking dishes, abuse of car- peting while in the same - - - - -	50 00
	<hr/>
	150 00
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To the honorable board of commissioners of the Territory of Kansas, sitting in and for said Territory to adjust claims for losses during the troubles of 1855 and 1856 by an act of the legislature :

Your petitioner, John E. Gould, a citizen of the Territory of Kansas, represents unto your honorable body that on or about the 20th day of July, A. D. 1856, he was the sole owner and possessor of the following described property, a copy of which is hereto attached, marked A, and made part of this petition; and your petitioner further represents unto your honorable body that on or about the 1st day of September, A. D. 1856, the said goods were taken and destroyed by a pro-slavery mob claiming to be the Kansas militia; and your petitioner further represents unto your honorable body that he has not recovered any of said property, nor any pay or recompense for any of said property thereof; and your petitioner further represents unto your honorable body that on or about the 20th day of July, A. D. 1856, he was a householder in the said Territory; and your petitioner further represents unto your honorable body that on or about the 1st day of September, A. D. 1856, that the house of your petitioner was occupied and provisions taken by and furnished to men of Captain McCarty's company, claiming to be Kansas militia; the said account is hereto attached, marked B, and made part of this petition; and your petitioner further represents unto your honorable body that he has not received any pay or recompense for the said account; wherefore your petitioner prays that your honorable body may award him his claim, and such other and further relief as shall conform to law and equity.

JOHN E. GOULD.
DELAHAY & GALLAGHER,
Attorneys for Petitioner.

TERRITORY OF KANSAS, *County of Leavenworth, ss :*

Personally appeared before me, the undersigned, one of the commissioners in and for said Territory, John E. Gould, who, being first duly sworn by me, says that the matter and facts set forth in his foregoing petition are true, as he verily believes.

JOHN E. GOULD.

Sworn to and subscribed before me this 1st day of April, A. D. 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of John E. Gould.

LEAVENWORTH COUNTY, *ss :*

Mary Gould, being duly sworn, saith: I am a daughter of petitioner. My father resided in Leavenworth in 1856; I resided with him; we lived corner of Maine and Shawnee streets; father kept a large

boarding-house at that time. Parties of the Kansas militia, by force, occupied and took possession of the house, corner of Shawnee and Fourth streets, that my father was fitting up and furnishing for his private residence, and into which he had put some furniture, goods, and household stuff. A quantity of provisions, crockery, carpeting, beds, bedding, &c., had been placed in there, when, on the 1st of September, 1856, Captain McCarthy, of the Kansas militia, with a company of twenty men, occupied the house, and kept possession thereof a week or more. I had been in the house on 30th August to put the furniture to rights and get things ready to move in, and went there personally a day or two afterwards to ask the soldiers to leave. My father was sick at that time. I saw Captain McCarthy and other men there. Asked McCarthy to vacate the premises with his men. He said he would do so pretty soon. They remained there a week; I went down to look at the house immediately after they left; the house was dirty and everything turned up-side-down. A large proportion of the crockery was broken. They had taken up the carpets and, apparently, used them for bedding; were much soiled. Don't remember how many dishes were broken, knives and forks missing. Think the damage and injury to dishes, crockery, and carpeting, would amount to \$50. They took away and used up a quantity of provisions, groceries, sugars, flour, potatoes, and other things of that kind, that had been provided for the anticipated use of the family. All the furniture, beds and bedding, were much soiled and injured. Upon examination we found that the articles mentioned in schedule B, annexed to the petition, had been stolen and taken away by the men who had been in possession of the house. I recollect the articles distinctly, and think the prices mentioned are correct representations of the value of the goods so mentioned. Am confident that all the goods mentioned were taken.

MARY GOULD.

Sworn to before me this 1st April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of John E. Gould.

Petitioner claims for use of dwelling-house and furniture one week, being used—

I. By Captain McCarthy's company of Kansas militia as quarters	- - - - -	\$100 00
II. Damage to furniture, &c.	- - - - -	50 00
III. Personal property taken away from the house by the company	- - - - -	135 00
		285 00
		285 00

The proof in this case is sufficient as to taking and destruction of property. The first item, for use of premises, is rejected.

The board award for furniture destroyed, &c.	-	-	-	\$50	00
And for property taken away	-	-	-	135	00
					<u>185 00</u>
Add interest, 2½ years, at 6 per cent.	-	-	-	27	75
Total award	-	-	-	212	<u><u>75</u></u>

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 18, 1859.

No. 147.

TERRITORY OF KANSAS, *County of Leavenworth, ss:*

To the commissioners appointed by the governor and legislative assembly of the Territory of Kansas, appointed under the provisions of an act entitled "An act to provide for the adjustment and payment of claims":

The petition of Columbus Hornsby, William B. Hornsby, and Thomas J. Ferrill, respectfully shows: That they and each of them were, at the time of the occurrence of the losses and damages hereinafter stated, and for more than one year prior thereto, and ever since have been and still are citizens of the Territory of Kansas, and residents of the city of Lawrence, in said Territory; and that at the time of said losses and damages these petitioners were copartners in a general merchandising business at said city of Lawrence; that on the 20th day of August, A. D. 1856, in the legitimate prosecution of their business, said petitioners had stored in a certain warehouse in the city of Leavenworth a large quantity of goods, wares, and merchandise, waiting transportation to said city of Lawrence. That said goods, wares, and merchandise, were received in store in said city of Leavenworth by one Nelson McCracken, as a warehouseman; and that the value of said goods at the time they were so stored was eleven thousand four hundred and seventeen dollars and fifty-five cents. That on or about the 1st day of September, A. D. 1856, while said goods, &c., were so stored in said warehouse, the same was entered forcibly, and a large amount of powder, the property of these petitioners, and included in the goods above mentioned, was taken by one Frederick Emery and the men under his command; the said Emery at that time acting or claiming to act as a captain of the Kansas militia. The said Territory having at that time been declared in a state of rebellion and insurrection by the acting governor of said

Territory, and the militia of the Territory having been called into service by said acting governor; and that said powder was, as these petitioners verily believe, taken to the commissary department of the militia then stationed in said city of Leavenworth, and was used by said militia. And said petitioners further show that on the 4th day of September, A. D. 1856, said warehouse was again forcibly entered by said Frederick Emery and men under his command, the said Emery acting as aforesaid, and took from said warehouse a large quantity of said goods, wares and merchandise, and the same were transported to said commissary department, and there, as these petitioners verily believe, consumed in the support of the militia stationed as aforesaid in said city of Leavenworth. And said petitioners further show that on the 9th day of September, A. D. 1856, said warehouse was again forcibly entered by one J. J. Clarkson, the said Clarkson acting or claiming to act as colonel of the Kansas militia, and men under his command, and took from said warehouse a large quantity of goods, wares and merchandise, the property of these petitioners, which were transported to the commissary department of said Kansas militia, then stationed, as aforesaid, in said city of Leavenworth as aforesaid. And said petitioners further show that the value of the goods so taken at different times, as above set forth, was nine thousand eight hundred and eighty-five dollars and ninety-seven cents. And said petitioners show that all business in said city of Leavenworth, and throughout said Territory, was, owing to the disturbances then rife, almost entirely suspended, and your petitioners could not remove said goods from said city of Leavenworth. And your petitioners further show that the goods, wares, and merchandise, stored as aforesaid, which were not taken by the parties herein named, were greatly and materially impaired and damaged by having been broken open, and strewn about by said parties when the goods, &c., were taken as aforesaid. And said petitioners further show that said goods not taken were damaged to the amount of fifty per cent of their value. And said petitioners further show that said goods were not given up by them voluntarily, or taken with their knowledge or consent, but by force of arms, and were put to public use in the service of the Territory, as these petitioners verily believe. And said petitioners further show that they have annexed hereto bills of goods taken as aforesaid, with the value thereof annexed to each article, which bills are marked from "A" to "G" in course; and they have also annexed a bill of the goods received by them, which is marked "H;" which bills include all the goods, wares, and merchandise, stored in said warehouse; the prices affixed to the goods in exhibit "H" being the value of said goods before they were damaged. And said petitioners further show that they have no memorandum in regard to the goods mentioned in exhibit "G," the bill of the same having been lost, and the amount charged for the same in said bill being the amount actually paid for said goods in St. Louis by these petitioners, adding thereto freight and charges. And said petitioners further annex a certified copy of the proclamation of Daniel Woodson, acting governor of said Territory at the time said losses and damages occurred, declaring said Territory in a state of insurrection and rebellion, which

said copy is marked "I;" all of which said bills, copies and exhibits, are made a part of this petition. And said petitioners further show that they claim for said losses and damages the sum of ten thousand six hundred and fifty-one dollars and seventy-six cents, and interest on the same sum from the 9th day of September, A. D. 1856, to the 1st day of April, 1859, all of which is more fully and accurately set forth in exhibit marked "K," and annexed to and made a part of this petition. And said petitioners further show that they never have recovered any of said goods except those above mentioned, and that they have never received any pay or remuneration of any name or nature for the goods so taken, or for those damaged as aforesaid.

COLUMBUS HORNSBY.

TERRITORY OF KANSAS, *Leavenworth County, ss:*

Columbus Hornsby, being duly sworn, on oath says: That he is one of the petitioners in the foregoing petition, and that with the value of said goods mentioned therein he is personally acquainted, and that the prices annexed are the fair value, at the city of Leavenworth, of said goods at the time they were taken as described in said petition; and that the petitioners were the owners of goods mentioned in said petition, and to these facts he swears positively, as also to all the facts stated therein, except the taking of said goods as described in said petition; and as to this fact he swears to the best of his knowledge, information and belief.

COLUMBUS HORNSBY.

Subscribed in my presence, and sworn to before me.

HENRY J. ADAMS,
Commissioner.

A.—*Bill of hardware.*

2 dozen Simmons's axes, at \$15	-	-	-	-	\$30 00
22 qrs. augers, at 15 cents	-	-	-	-	3 30
5 corner chisels, $\frac{1}{4}$ inch, at \$1 75	-	-	-	-	8 75
1 corn knife	-	-	-	-	75
6 padlocks, at 25 cents	-	-	-	-	1 50
6 cast steel stone hammers, at 30 cents	-	-	-	-	1 80
4 shoe hammers, at 50 cents	-	-	-	-	2 00
1 dozen taper files	-	-	-	-	3 35
1 $\frac{1}{2}$ dozen Batches' mill files, 12-inch, at \$8	-	-	-	-	14 66
$\frac{1}{2}$ dozen kettles	-	-	-	-	3 00
$\frac{1}{2}$ dozen mallets	-	-	-	-	3 00
$\frac{1}{2}$ dozen fry pans	-	-	-	-	5 25
3 dozen cast butts	-	-	-	-	7 50
$\frac{1}{2}$ dozen James's locks, at \$16	-	-	-	-	8 00
1 dozen patent faucets	-	-	-	-	4 00
2 dozen varnished whips, at \$1 25	-	-	-	-	2 50
1 dozen riding whips	-	-	-	-	2 50

$\frac{1}{3}$ dozen corner trowels, each \$1 40	-	-	-	-	\$5 60
$\frac{1}{2}$ dozen saw handles, at \$5 50	-	-	-	-	2 75
4 thousand H. N. caps, at \$1 75	-	-	-	-	7 00
2 dozen gun tubes, at 75 cents	-	-	-	-	1 50
4 dozen lead pencils, at 60 cents	-	-	-	-	2 40
1 dozen tooth brushes	-	-	-	-	1 50
1 card spurs	-	-	-	-	7 50
4 dozen G. S. teaspoons, at \$1 50	-	-	-	-	6 00
1 steele	-	-	-	-	1 00
4 pairs carvers, at \$1 50	-	-	-	-	6 00
$\frac{1}{2}$ dozen shears, at \$8	-	-	-	-	4 00
$\frac{1}{2}$ dozen razors, at \$8	-	-	-	-	4 00
1 dozen butcher knives	-	-	-	-	6 00
1 beef-slicer	-	-	-	-	1 50
$\frac{1}{2}$ dozen butcher knives, at \$9	-	-	-	-	4 50
1 beef-slicer	-	-	-	-	1 50
6 sets knives and forks, at \$1 50	-	-	-	-	9 00
1 dozen pocket knives	-	-	-	-	15 25
$1\frac{1}{2}$ dozen pocket knives	-	-	-	-	18 00
$\frac{1}{2}$ dozen pocket knives, at \$7 50	-	-	-	-	3 75
1 dozen pocket knives	-	-	-	-	11 50
$\frac{1}{2}$ dozen compasses, at \$4	-	-	-	-	2 00
3 gross cast steel auger bits	-	-	-	-	14 62
10 gross screws, assorted, at 60 cents	-	-	-	-	6 00
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B.—*Bill of groceries.*

5 boxes Havana sugar, 2,219 lbs., at 14 cents	-	-	-	310 66
4 bbls. New Orleans sugar, 1,161 lbs., at 14 cents	-	-	-	164 54
11 bbls. New Orleans sugar, 3,072 lbs., at 14 cents	-	-	-	435 58
3 bbls. B. clarified sugar, 740 lbs., at 15 cents	-	-	-	112 50
3 bbls. C. crushed sugar, 479 lbs., at 20 $\frac{1}{2}$ cents	-	-	-	97 30
5 bbls. Belcher's sirup, 208 gallons, at \$1	-	-	-	208 00
3 bbls. reboiled molasses, 221 gallons, at 80 cents	-	-	-	176 80
5 kegs Belcher's syrup, 50 gallons, at \$1	-	-	-	50 00
10 kegs Orleans refined syrup, 100 gallons, at 90 cents	-	-	-	90 00
15 sacks Rio coffee, 2,424 lbs., at 16 cents	-	-	-	377 84
1 sack Laguira coffee, 102 lbs., at 18 cents	-	-	-	18 36
10 sacks dairy salt	-	-	-	45 00
2 coils Manila rope, 93 lbs., at 22 $\frac{1}{2}$ cents	-	-	-	20 92
1 package jute rope, 81 lbs., at 20 cents	-	-	-	16 20
4 dozen hemp bed-cords, at \$3	-	-	-	12 00
3 dozen Manila bed cords, 90 feet, at \$4	-	-	-	12 00
$1\frac{1}{2}$ dozen hemp plough lines, at 75 cents	-	-	-	1 12
10 boxes star candles, 400 lbs.	-	-	-	122 50
10 half boxes star candles, 200 lbs.	-	-	-	62 50
10 qr. boxes star candles, 100 lbs.	-	-	-	32 50

1 chest Lutio Imperial tea, 65 lbs., at 90 cents	-	-	-	\$58 50
1 chest black tea, 36 lbs., at 70 cents	-	-	-	25 20
1 case Y. H. tea, 48 lbs., at 90 cents	-	-	-	43 20
4 kegs rifle powder, at \$10	-	-	-	40 00
4 kegs blasting powder, at \$9	-	-	-	36 00
10,000 G. D. caps, at 70 cents	-	-	-	7 00
10,000 water-proof caps, at 75 cents	-	-	-	7 50
5 boxes Regalia cigars, at \$3	-	-	-	15 00
12 boxes Washington cigars, at \$2	-	-	-	24 00
1 box castile soap, 29 lbs., at 25 cents	-	-	-	7 25
10 boxes Bobbett's saleratus, 600 lbs.	-	-	-	62 50
3 bbls. rice, 710 lbs., at 8½ cents	-	-	-	61 85
2 dozen buckets, at \$3	-	-	-	6 00
1 crate covered buckets	-	-	-	5 00
4 boxes smoking tobacco, at \$4 25	-	-	-	17 00
1 bbl. almonds, 95 lbs., at 25 cents	-	-	-	24 00
6 lbs. nutmeg, at \$1 75	-	-	-	10 00
6 boxes candy, at \$5 50	-	-	-	33 00
1 box essence coffee, 6 dozen, at \$1 50	-	-	-	9 00
1 box pearl starch, 49 lbs., at 10 cents	-	-	-	5 15
1 box pickles, half gallons, 1 dozen	-	-	-	8 00
1 box pie fruit	-	-	-	6 50
6 boxes matches	-	-	-	9 00
1 box ink	-	-	-	2 00
1 matt cassia, 3 lbs., at 75 cents	-	-	-	2 25
2 boxes ground pepper, 40 lbs., at 22 cents	-	-	-	8 80
1 box ground cinnamon, 10 lbs., at 70 cents	-	-	-	7 00
1 keg pepper, 50 lbs., at 18 cents	-	-	-	9 25
1 case natural leaf tobacco, 168 lbs., at 40 cents	-	-	-	67 20
1 jar snuff, 7¼ lbs., at 33½ cents	-	-	-	2 66
2 reams cap paper, at \$3 50	-	-	-	7 00
2 reams letter paper, at \$3 50	-	-	-	7 00
2 boxes oxygen soap, 109 lbs., at 10 cents	-	-	-	11 40
15 boxes family soap, 1,040 lbs., at 8 cents	-	-	-	86 75
100 lbs. bar lead, at 10 cents	-	-	-	10 00
4 dozen large blacking, at \$1	-	-	-	4 00
2 bbls. vinegar, 84 gallons, at 25 cents	-	-	-	21 00
1 bbl. butter crackers	-	-	-	5 00
1 bbl. soda crackers	-	-	-	6 00
1 dozen cedar buckets	-	-	-	10 50

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C.—Bill of boots and shoes.

60 pair men's brogans; at \$1 87½	-	-	-	112 50
17 pair men's kip brogans, at \$1 87½	-	-	-	30 79
12 pair men's brogans, at \$2	-	-	-	24 00
24 pair men's buff brogans, at \$2	-	-	-	48 00

6 pair glove-top Congress gaiters, at \$3 50	-	-	\$21 00
6 pair calf-welt Congress gaiters, at \$2 75	-	-	16 50
12 pair calf boots, at \$4 75	-	-	57 00
24 pair A. calf boots, at \$4 -	-	-	96 00
12 pair gents' pump boots, at \$4 -	-	-	48 00
12 pair gents' welt boots, at \$3 75 -	-	-	45 00
12 pair double-sole boots, at \$4 12½	-	-	49 50
12 pair boys and gents' boots, at \$2 50	-	-	30 00
12 pair boys' kip boots, 4 to 5, at \$2 50	-	-	30 00
12 pair youths' gaiter boots, at \$2 -	-	-	24 00
12 pair children's boots, at \$1 25 -	-	-	15 00
60 pair women's kip Jenny Lind boots, at \$1 40	-	-	84 00
36 pair women's Jenny Lind buff boots, at \$1 65	-	-	59 40
12 pair women's kid boots, at \$1 65	-	-	19 80
12 pair women's gaiter lace boots, at \$1 50	-	-	18 00
12 pair women's Sontag buskins, at \$1 50 -	-	-	18 00
12 pair women's Congress buskins, at \$1 50	-	-	18 00
12 pair women's Union buskins, at \$1 50 -	-	-	18 00
12 pair women's silk foxed gaiters, at \$1 87½	-	-	22 50
12 pair women's enamelled Jenny Lind boots, at \$1 60	-	-	19 20
24 pair boys' kip brogans, at \$1 50	-	-	36 00
24 pair youths' gaiters, at \$1 -	-	-	24 00
24 pair misses' Jenny Lind boots, at \$1 -	-	-	24 00
24 pair misses' gaiter boots, at \$1 10	-	-	26 40
12 pair men's half double-sole boots, at \$4 -	-	-	48 00
12 pair men's boots, at \$3 87½	-	-	46 50
12 pair men's A. calf L. L. boots, at \$4 87½	-	-	58 50
12 pair men's boots, at \$5 25	-	-	63 00
12 pair women's enamelled boots, at \$1 50	-	-	18 00
12 pair women's enamelled Jenny Lind boots, at \$1 40	-	-	16 80
12 pair children's Washington boots, at 75 cents	-	-	9 00
12 pair women's calf lace spring boots, \$1 75	-	-	21 00
12 pair women's calf lace spring boots, at \$1 75	-	-	21 00
12 pair men's brogans, at \$2 12½	-	-	25 50
12 pair women's pegged Congress boots, at \$1 75	-	-	21 00
12 pair women's Jenny Lind boots, at \$1 40	-	-	16 80
6 pair children's calf lace boots, at \$1 -	-	-	6 00

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D.—*Dry Goods, &c.*

4 pieces fine bleached shirting, 144 yards, at 9 cents	-	12 96
4 pieces sea-island shirting, 139 yards, at 12 cents	-	16 68
4 pieces Union shirting, 148 yards, at 15 cents	-	22 20
4 pieces super shirting, 159 yards, at 16½ cents	-	26 50
2 pieces check shirting, 113 yards, at 15 cents	-	16 95
1 piece bleached drilling, 43 yards, at 12½ cents	-	5 37
6 pieces shirting stripes, 293 yards, at 12½ cents	-	36 62

4 pieces brown drill, 160 yards, at 12½ cents	-	-	\$20 00
2 pieces gray flannel, 48 yards, at 45 cents	-	-	21 60
1 piece yellow flannel, 25 yards, at 37½ cents	-	-	8 38
1 piece yellow flannel, 24½ yards, at 50 cents	-	-	12 25
1 piece white flannel, 26 yards, at 40 cents	-	-	10 40
1 piece white flannel, 30½ yards, at 50 cents	-	-	15 25
1 piece white flannel, 25¼ yards, at 55 cents	-	-	18 00
1 piece red flannel, 24½ yards, at 35½ cents	-	-	9 10
2 pieces red flannel, 50¼ yards, at 50 cents	-	-	25 12
1 piece red flannel, 25¼ yards, at 60 cents	-	-	15 15
1 piece twilled red flannel, 51 yards, at 45 cents	-	-	22 95
1 piece gray flannel, 51¾ yards, at 60 cents	-	-	32 05
2 pieces Canton flannel, 93 yards, at 12½ cents	-	-	11 63
1 piece red Canton flannel, 38¾ yards, at 15 cents	-	-	4 80
1 piece fancy prints, 31 yards, at 5½ cents	-	-	1 70
3 pieces fancy prints, 150½ yards, at 12 cents	-	-	18 06
11 pieces fancy prints, 412¼ yards, at 12½ cents	-	-	51 56
18 pieces fancy prints, 573¾ yards, at 14 cents	-	-	71 70
2 pieces Franklin blue and white, 76½ yards, at 12 cents	-	-	9 15
2 pieces Washington blue and white, 75 yards, at 15 cents	-	-	11 25
2 pieces furniture prints, 51½ yards, at 20 cents	-	-	10 10
6 pieces fancy prints, 228¾ yards, at 12½ cents	-	-	28 59
11 yards fancy prints, 400 yards, at 14 cents	-	-	56 00
1 piece blue and orange prints, 39 yards, at 14 cents	-	-	5 46
3 pieces opera flannel, 49¾ yards, at 70 cents	-	-	34 83
1 piece summer cassimere, 17½ yards, at 75 cents	-	-	13 12
2 pieces blue satinnet, 52 yards, at 90 cents	-	-	46 80
2 pieces super satinnet, 49¼ yards, at \$1	-	-	49 25
2 pieces cadet satinnet, 50½ yards, at \$1	-	-	50 50
1 piece black satinnet, 22½, at \$1	-	-	22 50
1 piece kersey, 32½ yards, at 75 cents	-	-	24 37
1 piece Genoa cord, 32½ yards, at 90 cents	-	-	27 45
1 piece black velveteen, 16 yards, at \$1	-	-	16 00
2 pieces Kentucky jeans, 90 yards, at 30 cents	-	-	27 00
1 piece F. & M. cassimere, 35½ yards, at 50 cents	-	-	17 75
2 pieces denims, 84 yards, at 15 cents	-	-	12 60
1 piece plain alpacca, 41 yards, at 45 cents	-	-	18 65
1 piece fancy alpacca, 37½ yards, at 70 cents	-	-	26 25
1 piece fancy alpacca, 36¾ yards, at 50 cents	-	-	18 37
1 piece black alpacca, 37½ yards, at 50 cents	-	-	19 00
1 piece black alpacca, 41¼ yards, at 75 cents	-	-	30 93
1 piece merino, 41 yards, at 60 cents	-	-	24 60
1 piece Florence silk, 10 yards, at 37½ cents	-	-	3 75
1 piece Irish linen, 14 yards, at 75 cents	-	-	10 50
1 piece Irish linen, 14 yards, at 55 cents	-	-	7 70
2 pieces barred muslin, 32 yards, at 25 cents	-	-	8 00
1 piece barred muslin, 16 yards, at 35 cents	-	-	4 60
½ dozen silk cravats, at \$30	-	-	10 00
1 dozen cotton handkerchiefs	-	-	2 50
1 piece silk handkerchiefs	-	-	3 00
1 piece silk handkerchiefs	-	-	4 25

3 pieces silk handkerchiefs, at \$5	-	-	-	\$15 00
1 piece silk handkerchiefs	-	-	-	6 50
1 piece silk handkerchiefs	-	-	-	7 50
1 piece silk handkerchiefs	-	-	-	8 00
1 piece white bonnet ribbon	-	-	-	4 50
6 pieces taffeta ribbon, at \$2	-	-	-	12 00
5 pieces taffeta ribbon, at \$1 50	-	-	-	7 50
18 pieces taffeta ribbon, at \$1 25	-	-	-	22 50
4 pieces taffeta ribbon, at 75 cents	-	-	-	3 00
2 pieces taffeta ribbon, at 50 cents	-	-	-	1 00
2 pieces taffeta ribbon, at 40 cents	-	-	-	80
3 pieces taffeta ribbon, at 25 cents	-	-	-	75
1 piece moire antique	-	-	-	6 00
2 pieces cotton velvet, at 45 cents	-	-	-	90
2 pieces black silk velvet, at \$2	-	-	-	4 00
1 piece black silk velvet	-	-	-	2 75
1 piece black silk velvet	-	-	-	1 50
4 pieces black silk velvet, at \$1 25	-	-	-	5 00
6 pieces black silk velvet, at 50 cents	-	-	-	3 00
1 dozen lambs'-wool hose	-	-	-	5 50
1 dozen lambs'-wool hose	-	-	-	5 00
6 dozen Coats' spools, at 75 cents	-	-	-	4 50
30 dozen Burton's spools, at 25 cents	-	-	-	7 50
$\frac{1}{3}$ dozen gum belts, at \$9	-	-	-	3 00
1 lb. patent thread	-	-	-	1 25
1 lb. blue enamelled, 100 and 110	-	-	-	2 10
2 lb. assorted skein cotton, at \$1	-	-	-	2 00
1 gross O. C. buttons	-	-	-	1 75
2 Bay State shawls, at \$11 50 each,	-	-	-	23 00
1 piece sheeting, 35 yards, at 12 $\frac{1}{2}$ cents	-	-	-	4 37
3 boxes	-	-	-	3 25
3 pieces delaine, 74 yards, at 30 cents	-	-	-	22 20
1 piece debage, 47 yards, at 25 $\frac{3}{4}$ cents	-	-	-	11 81
2 pieces cadet satin, 49 $\frac{1}{2}$ yards, at \$1	-	-	-	49 50
2 pieces Oxford satin, 58 $\frac{3}{4}$ yards, at 75 cents	-	-	-	44 05
1 piece blue satin, 26 $\frac{1}{4}$ yards, at \$1	-	-	-	26 25
1 piece kerseys, 34 $\frac{1}{4}$ yards, at 25 cents	-	-	-	8 56
1 piece moleskin	-	-	-	19 60
1 piece apron checks, 50 yards, at 12 $\frac{1}{2}$ cents	-	-	-	8 35
2 pieces chambray, 84 yards, at 20 cents	-	-	-	16 80
2 pieces shirting stripes, 86 yards, at 15 cents	-	-	-	12 90
1 piece paper cambric, 40 yards, at 15 cents	-	-	-	6 00
1 piece crash, 25 yards, at 18 cents	-	-	-	4 50
1 bunch chenille	-	-	-	4 50
2 pieces linsey, 67 $\frac{3}{4}$ yards, at 25 cents	-	-	-	16 93
2 pieces denims, 83 yards, at 20 cents	-	-	-	16 60
1 piece Irish linen, 17 yards, at 70 cents	-	-	-	11 90
1 piece Irish linen, 13 yards, at 50 cents	-	-	-	6 50
1 piece cotton velvet, 34 $\frac{1}{2}$ yards, at 45 cents	-	-	-	15 53
2 pieces all wool delaine, 40 yards, at 70 cents	-	-	-	28 00
1 piece black silk, 15 yards, at \$1 25	-	-	-	18 75

1 piece gingham, 28 yards, at 18 cents	-	-	-	\$5 04
1 piece gingham, 40 yards, at 30 cents	-	-	-	12 00
1 piece black alpacca, 37½ yards, at 50 cents	-	-	-	18 75
1 piece black alpacca, 36½ yards, at 25 cents	-	-	-	9 13
½ dozen shirt fronts, at \$6	-	-	-	3 00
1 package pins	-	-	-	75
2 pieces velvet ribbon, at \$1 20	-	-	-	2 40
2 pieces white cambric, 32 yards, at 25 cents	-	-	-	8 00
1 piece gray twilled flannel, 50½ yards, at 50 cents	-	-	-	25 25
2 pieces red twilled flannel, 55 yards, at 40 cents	-	-	-	22 00
1 piece white flannel, 26¾ yards, at 30 cents	-	-	-	10 02
1 piece white flannel, 30 yards, at 55 cents	-	-	-	16 50
1 piece 1¼ brown sheeting, 36¼ yards, at 50 cents	-	-	-	18 25
1 piece twilled bagging, 36 yards, at 40 cents	-	-	-	14 50
2 pieces Osnaburgs, 63 yards, at 18 cents	-	-	-	12 24
3 pieces light shirting, 121 yards, at 8 cents	-	-	-	9 68
4 pieces light shirting, 161 yards, at 10 cents	-	-	-	16 10
2 pairs bed blankets, at \$4 75	-	-	-	9 50
4 pairs shawl blankets, at \$2	-	-	-	8 00
4 pairs blue blankets, at \$9	-	-	-	36 00
4 pairs gray blankets, at \$4	-	-	-	16 00
3 cases, at \$1	-	-	-	3 00

1,962 76

Bill of hats, caps, and fancy goods.—E.

1 dozen mens' black cass. Hung. hats, at \$18 50	-	-	-	9 25
1 dozen mens' brown cass. Hung. hats, at \$36	-	-	-	18 00
1 dozen mens' fawn cass. Hung. hats, at \$36	-	-	-	18 00
6 dozen mens' cavalier hats, at \$22	-	-	-	7 17
1 dozen mens' pearl Hungarian hats, at \$30	-	-	-	25 00
1 dozen boys' wool hats, at \$9	-	-	-	4 50
1 dozen youths' brown cassim. hats, at \$19	-	-	-	9 50
1 dozen silk glazed caps, at \$9	-	-	-	4 50
1 dozen mens' black cloth Beebe hats, at \$9	-	-	-	4 50
1 dozen mens' black and brown plush band hats, at \$15	-	-	-	15 00
1 dozen mens' black and brown plush band hats, at \$22	-	-	-	22 00
1 dozen mohair gray plush band hats, at \$22	-	-	-	22 00
1 dozen cut plush roll band hats, at \$4 50	-	-	-	4 50
1 dozen boys' plaid hats, at \$6	-	-	-	6 00
1 dozen opera hats	-	-	-	6 00
1 dozen boys' hats, at \$4	-	-	-	4 00
1 dozen cloth octagon hats, at \$10	-	-	-	10 00
1 dozen lapre hats, at \$6	-	-	-	3 00
1 dozen check hats, at \$6	-	-	-	3 00
1 dozen mens' mohair hats, at \$18	-	-	-	9 00
1 dozen fur hat caps, at \$30	-	-	-	15 00

2 violins, at \$5	-	-	-	-	-	\$10 00
2 pieces debage, 98 yards, at 18 cents	-	-	-	-	-	17 64
4 pairs muslin sleeves, at \$1 25	-	-	-	-	-	5 00
4 pairs muslin sleeves, at 75 cents	-	-	-	-	-	3 00
1 pair muslin sleeves, at 60 cents	-	-	-	-	-	60
1 black crape lace collar, at \$1	-	-	-	-	-	1 00
6 lace trimmed collars, at \$1 75	-	-	-	-	-	10 50
6 Elizabethan ruffs, at 30 cents	-	-	-	-	-	1 80
2 mourning sets, at \$1 75	-	-	-	-	-	3 50
2 fluted muslin sets, at \$1 50	-	-	-	-	-	3 00
1 gross colored silk dress buttons, at \$4	-	-	-	-	-	4 00
½ gross black silk dress buttons, at \$4 50	-	-	-	-	-	2 25
3 pieces fringe, at \$10	-	-	-	-	-	10 00
1 piece dress buttons, at \$1 50	-	-	-	-	-	1 50
1 piece black moire antique ribbon	-	-	-	-	-	2 50
1 piece colored moire antique ribbon	-	-	-	-	-	4 50
1 piece black velvet trimming	-	-	-	-	-	4 00
1 piece colored velvet trimming	-	-	-	-	-	6 00
1 piece black taffeta ribbon	-	-	-	-	-	2 50
3 dozen worsted braid, at \$1 40	-	-	-	-	-	4 20
1 piece white crape	-	-	-	-	-	4 50
1 piece brown berege, 17 yards, at 75 cents	-	-	-	-	-	12 75
1 piece linen edging, 4 dozen, at 25 cents	-	-	-	-	-	1 00
1 piece linen edging, 4 dozen, at 30 cents	-	-	-	-	-	1 20
1 piece lace, 2 dozen, at 75 cents	-	-	-	-	-	1 50
3 pieces lace, 6 dozen, at \$1	-	-	-	-	-	6 00
1 piece black silk lace, 24 yards, at 40 cents	-	-	-	-	-	9 60
1 piece black silk lace, 24 yards, at 60 cents	-	-	-	-	-	10 40
1 piece black silk lace, 22 yards, at 50 cents	-	-	-	-	-	11 00
1 piece undressed Irish linen, 26 yards, at 60 cents	-	-	-	-	-	15 60
1 piece undressed Irish linen, 25 yards, at 75 cents	-	-	-	-	-	18 75
1 piece undressed Irish linen, 26 yards, at 90 cents	-	-	-	-	-	23 40
1 dozen border linen cambric handkerchiefs	-	-	-	-	-	6 00
1 dozen extra handkerchiefs, at \$3 and \$ 450	-	-	-	-	-	7 50
3 dozen children's cotton handkerchiefs, at 75 cents	-	-	-	-	-	2 25
4 pieces Bandana silk handkerchiefs, at \$4 50	-	-	-	-	-	17 00
1 piece pongee, at \$7 50	-	-	-	-	-	7 50
½ dozen silk fancy neck ties, at \$9	-	-	-	-	-	4 50
1 dozen diaper towels, at \$3	-	-	-	-	-	3 00
8 brown linen table covers, at \$1	-	-	-	-	-	8 00
6 brown linen table covers, at \$1 25	-	-	-	-	-	7 50
2 scarlet crape shawls, at \$6	-	-	-	-	-	12 00
3 scarlet crape shawls, at \$9	-	-	-	-	-	27 00
2 dozen cotton mixed half hose, at \$2	-	-	-	-	-	4 00
1 dozen children's fancy wool half hose, at \$2 50	-	-	-	-	-	2 50
1 dozen children's spotted wool half hose, at \$2	-	-	-	-	-	2 00
1 dozen children's spotted wool half hose, at \$2 75	-	-	-	-	-	2 75
2 dozen children's spotted hose, at \$3	-	-	-	-	-	6 00
3 dozen children's fancy hose, at \$1 75	-	-	-	-	-	5 25
1 dozen boys' wool hose, at \$4	-	-	-	-	-	4 00
1 dozen mens' wool hose, at \$4 50	-	-	-	-	-	4 50

1 dozen black merino hose, at \$5 50	-	-	-	\$5 50
4 dozen mixed lamb's wool hose, at \$5 50	-	-	.	22 00
1 dozen ladies black silk gloves	-	-	-	6 00
1 dozen ladies white silk gloves	-	-	-	6 00
1 dozen drab beaver gloves	-	-	-	6 00
1 dozen colored lisle lined gloves	-	-	-	5 00
½ dozen colored kid lined gloves, at \$13	-	-	-	6 50
1 dozen mens' chamois lined gloves	-	-	-	4 50
1½ dozen mens' chamois lined gloves, at \$6	-	-	-	9 00
1 dozen colored kersey gloves	-	-	-	6 00
1 dozen drab buck gloves	-	-	-	17 50
2 dozen drab buck gloves, at \$9	-	-	-	18 00
1 dozen hexameter gloves, at \$6	-	-	-	6 00
½ dozen drab buck, lined gloves, at \$21	-	-	-	10 50
1 dozen buck gloves	-	-	-	17 50
1 dozen buck gloves	-	-	-	12 50
2 dozen buck gauntlet gloves, at \$22	-	-	-	44 00
1 dozen buck mitts	-	-	-	17 50
2 dozen boys' buck mitts, at 75 cents	-	-	-	1 50
1 dozen boys' drab buck gloves	-	-	-	5 00
½ dozen taffeta gloves, at \$18	-	-	-	9 00
½ dozen taffeta mitts, at \$10	-	-	-	5 00
4 dozen suspenders, at \$1 25	-	-	-	5 00
4 boxes steel pens, at 75 cents	-	-	-	3 00
1 box steel pens	-	-	-	1 00
2 boxes hair pins, at 50 cents	-	-	-	1 00
1 gross cedar pencils	-	-	-	6 50
8 dozen cedar pencils, at 50 cents	-	-	-	4 00
3 M needles, at \$2 50	-	-	-	7 50
4 gross gilt buttons, at 75 cents	-	-	-	3 00
2 dozen diaper pins, at 75 cents	-	-	-	1 50
1 dozen watch-guards	-	-	-	3 00
1 dozen watch-guards	-	-	-	2 00
3 dozen shirt studs, at 40 cents	-	-	-	1 20
2 dozen violin strings	-	-	-	1 25
1 dozen silver thimbles	-	-	-	5 00
2 bundles bonnet wire	-	-	-	50
1 dozen tooth brushes	-	-	-	2 00
1 dozen lisle purses	-	-	-	1 25
1 dozen buck purses	-	-	-	2 00
2 pearl portmonnaies, at \$1 75	-	-	-	3 50
2 pearl portmonnaies, at \$1 50	-	-	-	3 00
½ dozen plated portmonnaies, at \$8	-	-	-	4 00
½ dozen portmonnaies, at \$12	-	-	-	6 00
½ dozen portmonnaies, at \$3	-	-	-	1 50
2 bankers' cases, at \$1 25	-	-	-	2 50
1 dozen ivory fine combs	-	-	-	1 25
2 dozen ivory fine combs, at \$1 75	-	-	-	3 50
1 dozen ivory fine combs	-	-	-	2 25
1 dozen ivory fine combs	-	-	-	3 00
2 dozen horn fine combs, each 60 cents and 75 cents	-	-	-	1 35
2 dozen horn dress combs, at \$3	-	-	-	6 00

1 dozen pocket combs, each \$1 50 and \$2 25	-	-	\$3 75
1 dozen pocket combs	-	-	1 75
4 dozen Indian rubber puff combs, at \$1 25	-	-	5 00
3 dozen stay binding, at 40 cents	-	-	1 20
1 gross German hooks and eyes, at \$2	-	-	2 00
1 gross Geman bone front buttons	-	-	1 75
2 gross agate buttons, at 60 cents	-	-	1 20
1 gross colored agate buttons, each \$2 and \$3	-	-	5 00
6 gross pearl shirt buttons, at 75 cents	-	-	4 50
1 gross black dress buttons at \$1 50	-	-	1 50
$\frac{1}{2}$ gross glass dress buttons at \$1 25	-	-	63
1 gross ass. dress buttons, at \$1 25	-	-	62
$1\frac{1}{2}$ gross fancy dress buttons, at \$2	-	-	3 00
2 gross agate dress buttons, at 40 cents	-	-	80
1 dozen silk ribbon belts	-	-	3 00
2 dozen silk ribbon belts, at \$4 50	-	-	9 00
2 gross whalebone, at \$2 25	-	-	4 50
1 gross whalebone	-	-	1 25
$\frac{1}{2}$ ream letter paper, at \$5	-	-	2 50
2 tapestry bags, at \$1 75	-	-	3 50
2 velvet bags, at \$2 50	-	-	5 00
4 enameled bags, at \$1 25	-	-	5 00
12 lb. patent thread, at \$1 25	-	-	15 00
6 lb. white cotton, at 65 cents	-	-	3 90
10 lb. blue mixed yarn, at \$1 50	-	-	15 00
3 lb. white yarn, at \$1 50	-	-	4 50
5 lb. blue random, at \$1 75	-	-	8 75
1 dozen wool boas	-	-	2 25
5 dozen children's hoods, at 75 cents	-	-	3 75
1 dozen children's hoods	-	-	3 00
$\frac{1}{4}$ dozen children's hoods, at \$8	-	-	2 00
9 children's hoods, at \$1	-	-	9 00
1 dozen mixed merino shirts	-	-	18 00
1 dozen mixed drawers	-	-	16 00
1 dozen comforts	-	-	6 00
1 dozen comforts	-	-	4 50
1 dozen comforts	-	-	15 00
$\frac{1}{2}$ dozen hooped skirts, at \$18	-	-	9 00
1 piece black coburg, $42\frac{1}{2}$ yards, at 75 cents	-	-	31 87
1 piece colored coburg, $4\frac{3}{4}$ yards, at 60 cents	-	-	24 45
1 piece Persian twill, $39\frac{1}{2}$ yards, at 40 cents	-	-	15 80
2 pieces printed delaines, 62 yards, at 30 cents	-	-	12 60
5 pieces printed delaines, 59 yards, at 45 cents	-	-	26 55
$\frac{1}{2}$ dozen black cassmr. Hungarian silk hats, at \$40	-	-	20 00
1 dozen wool cavalier	-	-	15 00
3 boxes, \$1, \$1, 75 cents	-	-	2 75
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			1,238 53
1 cot bed and mattress	-	-	8 00
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			1,246 53
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Bill of clothing.—F.

No.						
5484.	}	24 pairs of pants, at \$3 25	-	-	-	\$78 00
5359.						
5490.		12 pairs of pants, at \$2 75	-	-	-	33 00
5468.	}	24 pairs of pants, at \$3 50	-	-	-	84 00
5538.						
5370.	}	48 pairs of pants, at \$4 -	-	-	-	192 00
5497.						
5487.						
5517.						
5492.		12 pairs of pants, at \$2 75	-	-	-	33 00
5473.		12 pairs of pants, at \$4 75	-	-	-	57 00
5508.		12 pairs of pants, at \$4 -	-	-	-	48 00
5426.		12 pairs of pants, at \$5 75	-	-	-	69 00
5390.		6 pairs of pants, at \$7 -	-	-	-	42 00
5524.		6 pairs of pants, at \$6 75	-	-	-	40 50
559.		22 pairs of pants, at \$2 87½	-	-	-	63 25
549.		12 pairs of pants, at \$2 12½	-	-	-	25 50
5218.		6 pairs of pants, at \$6 -	-	-	-	36 00
5298.		6 pairs of pants, at \$4 75	-	-	-	28 50
5403.		12 coats, at \$8 -	-	-	-	96 00
5462.		12 coats, at \$6 50	-	-	-	78 00
5470.		6 coats, at \$8 75	-	-	-	52 50
5364.		12 coats, at \$7 50	-	-	-	90 00
5259.		6 coats, at \$9 50	-	-	-	57 00
5458.	}	12 coats, at \$7 25	-	-	-	87 00
5387.						
5499.		6 coats, at \$11 75	-	-	-	70 50
5534.	}	12 coats, at \$10 -	-	-	-	120 00
5331.						
5421.		6 coats, at \$5 -	-	-	-	30 00
5492.		12 jackets, at \$3 50	-	-	-	42 00
5244.		6 jackets, at \$2 75	-	-	-	16 50
502.		12 coats, at \$4 -	-	-	-	48 00
540.		12 coats, at \$4 25	-	-	-	51 00
5320.		6 vests, at \$5 -	-	-	-	30 00
5461.		6 vests, at \$5 87½	-	-	-	35 25
5493.		12 vests, at \$2 25 -	-	-	-	27 00
		72 hickory shirts, at 60 cents	-	-	-	43 20
		48 check shirts, at 75 cents	-	-	-	36 00
		48 pairs of cotton flannel drawers, at 60 cents	-	-	-	28 80
		24 red flannel over shirts, at \$2 -	-	-	-	48 00
		24 blue flannel over shirts, at \$2 50	-	-	-	60 00
		36 net under shirts, at \$1 25	-	-	-	45 00
		12 pairs of all wool knit drawers, at \$1 50	-	-	-	18 00
		12 pairs of red flannel drawers, at \$1 50 -	-	-	-	18 00
		60 white linen bosom shirts, at \$1 50	-	-	-	90 00
		24 pairs of overalls, at 75 cents	-	-	-	18 00
		6 rubber coats, at \$4 25	-	-	-	25 50

6 pairs of rubber pants, at \$2 25	-	-	\$13 50
24 fancy over shirts, at \$2 25	-	-	54 00
6 boxes, at \$1	-	-	6 00
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G.

1 bundle of saddlery and harness, freight and charges, at \$95 00

H.

Bill of goods received by Hornsby & Ferrel, from the warehouse of Mr. McCracken, in October, 1856, being in a damaged condition, from being overhauled and abused by parties claiming to act as a territorial militia.

1 bale 4-4 brown sheeting, 1,038 yards, at 11½ cents per yard		\$119 37
6 pieces fancy prints, 202¼ yards, at 13 cents per yard	-	26 30
8 pieces fancy prints, 276 yards, at 11½ cents per yard	-	31 74
5 pieces fancy prints, 165½ yards, at 10 cents per yard	-	16 55
1 piece blue print, 36¼ yards, at 14 cents per yard	-	5 08
3 pieces blue and white prints, 111¼ yds. at 12½ cts. per yd.	-	13 90
2 pieces furniture prints, 60 yards, at 16 cents per yard	-	9 60
2 pieces super. furniture do. 105 yds. at 20 cents per yard	-	21 00
10 pairs men's buck mitts, at \$1 per pair	-	10 00
10 pairs boys' buck mitts, at 70 cents per pair	-	7 00
11 dozen Coats's spools at 65 cents per dozen	-	7 15
2 feather dusters, at \$1 37½ each	-	2 75
6 pounds patent thread, at \$1 35 per pound	-	7 90
1 bale wicking, 18 pounds, at 30 cents per pound	-	5 40
1 dozen suspenders	-	2 50
13 packs pins, at 90 cents per pound	-	11 70
1 great gross hooks and eyes	-	2 00
2 Swiss mourning collars, at 50 cents each	-	1 00
3 Swiss mourning collars, at 25 cents each	-	75
1 black crape collar	-	90
½ gross hair pins, at 90 cents per gross	-	45
¼ dozen tobacco boxes, at \$1 25 per dozen	-	41
1½ dozen gilt beads, at 75 cents per dozen	-	1 13
1¼ dozen watch keys, at \$1 per dozen	-	1 25
1 gross thimbles, at \$2 per gross	-	2 00
2 gross agate buttons, at \$2 per gross	-	4 00
1 bunch stay binding, at 40 cents per bunch	-	40
4 pounds assorted skein cotton, at \$1 per pound	-	4 00
8 pounds white skein cotton, at 70 cents per pound	-	5 60
10 pounds woollen yarn, at \$1 40 per pound	-	14 00
1 dozen children's hose	-	1 50
¾ dozen children's hose, at \$1 60 per dozen	-	1 20

4 pieces crash, 100 yards, at 15 cents per yard	-	-	\$15 00
1 piece light sheeting, 35½ yards, at 8 cents per yard	-	-	2 84
2 enameled bags, at \$1 25 each	-	-	2 50
8 gross Victoria spool cotton, at \$1 75 per gross	-	-	14 00
1 gross Mc. & E. spool cotton	-	-	8 00
4 gross colored spool cotton, at 35 cents per gross	-	-	1 40
35 yards brown muslin, at 11½ cents per yard	-	-	4 02
1 bundle whalebone	-	-	1 75
1 gross gum overcoat buttons	-	-	2 00
1 gross gum overcoat buttons	-	-	1 50
2 dozen wool mitts, at \$1 per dozen	-	-	2 00
1 dozen comforts	-	-	3 00
¾ dozen comforts, at \$1 75 per dozen	-	-	1 31
1½ dozen comforts, at \$2 per dozen	-	-	1 66
¼ dozen ladies' hoods, at \$12 per dozen	-	-	3 00
¾ dozen ladies' hoods, at \$7 per dozen	-	-	5 25
1 dozen children's hoods	-	-	75
½ gross gilt buttons	-	-	35
2 dozen Coat's spools, at 65 cents per dozen	-	-	1 30
½ dozen watch keys, at \$1 per dozen	-	-	50
1 dozen bass violin strings	-	-	75
2 pairs boys' pants, at \$2 50 per pair	-	-	5 00
12 pairs enameled Jenny Lind boots, at \$1 50 per pair	-	-	18 00
24 pairs misses goat boots, at 75 cents per pair	-	-	18 00
24 pairs children's goat boots, at 50 cents per pair	-	-	12 00
12 pairs goat boots, at \$1 25 per pair	-	-	15 00
6 pairs pumps, at \$1 per pair	-	-	6 00
3 bags buckshot, at \$3 per bag	-	-	9 00
9 bags patent shot, at \$2 50 per bag	-	-	13 50
1 box regalia cigars	-	-	3 00
1 keg cream tartar, 75 lbs. at 50c.	-	-	37 50
6 bales batting, 300 lbs. at 17c.	-	-	51 00
4 coils M. rope, 271 lbs. at 21c.	-	-	56 91
1 bale wicking, 13¼ lbs. at 30c.	-	-	3 97
6 boxes matches at \$1 50	-	-	9 00
1 box mustard	-	-	2 00
3 boxes ink at \$1 50	-	-	4 50
1 box ground spice	-	-	5 50
1 keg ground ginger, 22 lbs. at 16c.	-	-	3 77
½ dozen well buckets at \$9	-	-	4 50
33 kegs assorted nails at \$6 50	-	-	214 50
2 kegs 3d. nails at \$9	-	-	18 00
503 lbs. iron at 6c.	-	-	30 18
2 boxes Simons's axes at \$15	-	-	30 00
81 lbs. sad irons at 7½c.	-	-	6 07
½ dozen Simons's picks at \$18	-	-	6 00
264 lbs. log chains at 8½c.	-	-	21 98
95 lbs. iron wedges at 11c.	-	-	10 45
1 rack covered buckets	-	-	5 00
1½ dozen corn cutters at \$8	-	-	7 33
14 gross screws, assorted, at 75c.	-	-	10 50

20 qrs. C. S. augurs at 15c.	-	-	-	-	\$3 00
3 corner chisels at \$1 25	-	-	-	-	3 75
4 gross cut tacks at 75c.	-	-	-	-	3 00
$\frac{1}{2}$ dozen spring bolts, each \$1 and \$6	-	-	-	-	3 50
2 dozen halter snaps at 75c.	-	-	-	-	1 50
3 dozen rein snaps at 90c.	-	-	-	-	2 70
$1\frac{1}{2}$ dozen frame pulleys at \$1	-	-	-	-	91
2 dozen screw pulleys at \$1	-	-	-	-	2 00
1 gross wardrobe hooks	-	-	-	-	4 25
1 twine box	-	-	-	-	1 00
1 tobacco knife	-	-	-	-	1 25
1 dozen padlocks, each \$2 50 and \$4	-	-	-	-	6 50
$\frac{1}{2}$ dozen padlocks at \$2	-	-	-	-	1 00
6 sets bed casters at 90c.	-	-	-	-	5 40
1 dozen marking gauges	-	-	-	-	4 25
2 dozen Hanalen's augur bitts at \$2 25	-	-	-	-	4 50
7 pairs shovels and tongs at \$1 50	-	-	-	-	10 50
$\frac{1}{6}$ dozen shoe hammers at 50c.	-	-	-	-	1 00
$\frac{1}{2}$ dozen spring balances at \$2 25	-	-	-	-	1 13
1 tap borer	-	-	-	-	1 75
1 dozen snuffers	-	-	-	-	1 75
1 dozen cedar faucets	-	-	-	-	1 00
$\frac{1}{2}$ dozen screw drivers at \$2	-	-	-	-	1 00
1 lot fish hooks	-	-	-	-	2 50
$\frac{1}{2}$ dozen pairs of spurs at \$8 50	-	-	-	-	4 25
$\frac{1}{2}$ dozen pocket inkstands at \$3 50	-	-	-	-	1 75
2 dozen chalk lines, each 50c., 75c., \$1, and \$1 25	-	-	-	-	6 50
$\frac{1}{2}$ dozen brick trowels at \$9	-	-	-	-	4 50
$\frac{1}{2}$ dozen whitewash brushes at \$12	-	-	-	-	6 00
2 sets double planes at \$5 50	-	-	-	-	11 00
4 rolls violin strings at \$3	-	-	-	-	12 00
1 gross German silver thimbles	-	-	-	-	3 50
$\frac{1}{4}$ dozen spirit levels at \$14	-	-	-	-	3 50
$\frac{1}{2}$ dozen spring tape lines at \$8	-	-	-	-	4 00
$\frac{1}{2}$ dozen coffee mills at \$6	-	-	-	-	3 00
$\frac{1}{2}$ dozen scoop shovels at \$16	-	-	-	-	8 00
$\frac{1}{2}$ dozen iron squares at \$3	-	-	-	-	1 50
$\frac{1}{2}$ dozen cast steel spades at \$18	-	-	-	-	9 00
$\frac{1}{2}$ dozen hay knives at \$15	-	-	-	-	7 50
1 dozen hay forks	-	-	-	-	12 00
$1\frac{1}{2}$ dozen long handled shovels at \$15	-	-	-	-	20 00
17 C. S. stone hammers at 30c.	-	-	-	-	5 10
1 dozen meal sieves at \$3 50	-	-	-	-	3 50
1 dozen grass snaths	-	-	-	-	8 00
1 dozen grass scythes	-	-	-	-	12 00
3 dozen hemp bed cords at \$3 00	-	-	-	-	9 00
4 cross-cut saws, 24 feet at 75c. per foot	-	-	-	-	18 00
6 dozen brooms at \$3 50c.	-	-	-	-	21 00
2 bales cotton twine, 20 lbs. at 30c.	-	-	-	-	6 00
10 lbs. cloves at 35c.	-	-	-	-	3 50
1 chest young hyson tea, 62 lbs. at 80c.	-	-	-	-	49 0

1 chest ponoma tea, 69 lbs. at 70c.	-	-	-	\$48 30
2½ dozen plow lines at 75c.	-	-	-	1 87
1½ dozen Manila bed cords at \$4	-	-	-	6 00
1 bag Java coffee, 132 lbs. at 20c.	-	-	-	26 40
¾ dozen heavy ox lashes, at \$5	-	-	-	3 75
2 dozen ox lashes at \$4	-	-	-	8 00
1½ dozen ox lashes at \$2 50	-	-	-	3 75
1 dozen horse lashes	-	-	-	1 50
1 barrel of smoking tobacco, 69 lbs. at 15c.	-	-	-	10 60
½ dozen large tubs at \$18	-	-	-	6 00
½ dozen tubs at \$14	-	-	-	7 00
18 reams wrapping paper	-	-	-	32 00
				<hr/>
				1,531 58
Deduct 50 per cent. damages	-	-	-	765 79
				<hr/>
Leaving actual damage	-	-	-	765 79
				<hr/> <hr/>

I.

PROCLAMATION BY THE ACTING GOVERNOR OF KANSAS TERRITORY.

Whereas satisfactory evidence exists that the Territory of Kansas is infested with large bodies of armed men, many of whom have just arrived from the States, combined and confederated together, and amply supplied with all the munitions of war, under the direction of a common head, with a thorough military organization, who have been, and are still, engaged in murdering the law-abiding citizens of the Territory; driving others from their homes, and compelling them to flee to the States for protection; capturing and holding others as prisoners of war, plundering them of their property, and in some instances burning down their houses, and robbing United States post offices, and the local militia of the arms furnished them by the government, in open defiance and contempt of the laws of the Territory and of the Constitution and laws of the United States, and of the civil and military authority thereof; all for the purpose of subverting by force and violence the government established by law of Congress in this Territory.

Now, therefore, I, Daniel Woodson, acting governor of the Territory of Kansas, do hereby issue my proclamation, declaring the said Territory to be in a state of open insurrection and rebellion; and I do hereby call upon all law-abiding citizens of the Territory to rally to the support of their country and its laws, and require and command all officers, civil and military, and all other citizens of the Territory, to aid and assist, by all legitimate means in their power, in putting down the insurrectionists, and bringing to condign punishment all persons engaged with them, to the end of assuring immunity from violence and full protection to the persons, property, and

civil rights of all peaceable and law-abiding inhabitants of the Territory.

In testimony whereof, I have hereunto set my hand and caused to be attached the seal of the Territory. Done at the city of Lecompton this 25th day of August, in the year of our Lord [L. s.] eighteen hundred and fifty-six, and of the independence of the United States the eighty-first.

DANIEL WOODSON,
Acting Governor of Kansas Territory.

TERRITORY OF KANSAS, *County of Leavenworth, ss :*

Be it remembered, that on this the 16th day of January, 1859, personally appeared before me, a notary public in and for the county aforesaid, Daniel Woodson, who, on oath, certifies that the foregoing is a true copy of a proclamation issued by him, as acting governor of Kansas Territory, on the 25th day of August, 1856; and I certify that the said Daniel Woodson is personally known to me to be the identical person who, as acting governor, issued the proclamation of which the foregoing is a copy.

Witness my hand and notarial seal the day and date last above written.

[L. s.]

MARCUS N. BLAKEMORE,
Notary Public.

K.

General Summary.

Bill for hardware, marked A	-	-	-	-	\$244 53
Bill for groceries, marked B	-	-	-	-	3,146 28
Bill for boots and shoes, marked C	-	-	-	-	1,305 69
Bill for dry goods, marked D	-	-	-	-	1,564 44
Bill for hats, caps, and fancy goods, marked E	-	-	-	-	1,246 53
Bill for clothing, marked F	-	-	-	-	2,283 50
Bill for saddlery, marked G	-	-	-	-	95 00
Damages on goods recovered	-	-	-	-	765 79
					<hr/>
					10,651 76
Add 6 per cent. interest, 2½ years	-	-	-	-	1,597 75
					<hr/>
					12,259 51
					<hr/> <hr/>

Whole amount of goods in store originally.

Amount taken, as set forth in petition	-	-	-	-	9,885 97
Amount returned or recovered, at their original value, before they were damaged	-	-	-	-	1,531 58
					<hr/>
Whole amount	-	-	-	-	11,417 55
					<hr/> <hr/>

L.

TERRITORY OF KANSAS, *County of Leavenworth, ss :*

Nelson McCracken, sworn : Was in the forwarding and commission business in the city of Leavenworth and Territory of Kansas during the year 1856 ; on the 15th day of August, 1856, received and stored the following goods, marked Hornsby & Ferrell, Lawrence, Kansas Territory :

25 sacks ground alum salt; 5 barrels of Belcher's sugar-house molasses; 2 barrels of vinegar; 15 barrels New Orleans sugar; 15 boxes soap; 6 dozen brooms; 1 box pearl starch; 35 kegs nails; 10 boxes salaratus; 1 package 3 coils M. rope; 6 coils M. rope; 15 reams wrapping paper; 1 keg shot; 5 kegs Belcher's syrup; 1 case tobacco; 1 keg cream of tartar; 1 barrel almonds; 1 nest of half dozen tubs; 1 nest of one-third of a dozen tubs; 5 boxes Havana sugar; 2 dozen buckets; 6 barrels molasses; 10 kegs molasses; 10 sacks dairy salt; 3 barrels clarified sugar; 6 bales batting; 1 box pickles; 1 box pie fruit; 1 box pepper; 6 boxes candy; 4 boxes smoking tobacco; 2 bundles bar lead; 1 barrel smoking tobacco; half dozen well buckets; 1 keg ground ginger; 1 case covered buckets; 1 sack sundries; 4 chests tea; 2 boxes white soap; 2 boxes ground pepper; 4 boxes ink; 1 box ground spice; 1 box essence of coffee; 1 box castile soap; 30 boxes star candles; 3 barrels crushed sugar; 15 sacks Rio coffee; 1 sack Java coffee; 1 sack Laguira coffee; 1 case young hyson tea; 2 barrels crackers; 1 dozen cedar buckets; 2 casks sundries; 3 barrels rice; 4 kegs ritle powder; 4 kegs blasting powder; 3 sacks cow hair; 3 boxes merchandise; 1 box merchandise; 2 boxes merchandise; 3 cases hats and caps; 1 bale candle wick; 1 bundle saddlery; 6 cases boots and shoes; 6 cases clothing; 1 screw plate; 1 anvil; 1 blacksmith's vice; 1 layer tire iron; 1 bundle hammers; 1 box hardware; 1 bellows; 4 bundles felloes; 2 bundles wagon bows; 2 boxes mills; 2 double box axes; 1 barrel hardware; 1 bundle 4 cross-cut saws; 1 dozen hay forks; half dozen scoop shovels; half dozen spades; 1½ dozen shovels; half dozen hay knives; 2 dozen corn knives; 1 dozen sythes; 1 dozen lines; 1 dozen snaths; 1 box hardware; 2 casks hardware; 14 bars iron; 1 set springs; 1 crate queensware; 1 box queensware; 17 cases boots and shoes; 4 boxes merchandise; 1 bale sheeting; 2 bundles and 6 boxes looking glasses; and 12 packages merchandise.

And this affiant further says, that the above goods, wares, and merchandise were transported from St. Louis, Missouri, to the city of Leavenworth, Kansas Territory, by the steamer David Tatum. And this affiant further says, that he verily believes that said Hornsby & Ferrell, the owners of the before mentioned goods, never recovered more than six hundred dollars worth of the aforesaid goods, and that the balance of said goods, as he verily believes, were forcibly taken by, and appropriated to the use of, a company of armed men known as the Kansas militia. And further this affiant says not.

N. McCracken.

Subscribed in my presence, and sworn to before me, this 22d day of November, A. D. 1858.

E. F. HAVENS,
Notary Public, Leavenworth Co., K. T.

M.

TERRITORY OF KANSAS, *Leavenworth County, ss:*

John Regan, being duly sworn on oath, says: That on the 4th day of September, A. D. 1856, he was employed by Nelson McCracken as a clerk, and in charge of his business of forwarding and commission in the city of Leavenworth and Territory of Kansas. That on said 4th day of September, 1856, there was in the store of said McCracken the following goods, wares, and merchandise, marked Hornsby & Ferrell, *Lawrence*: 5 barrels sirup molasses; 10 sacks dairy salt; 15 barrels Orleans molasses; 6 barrels clarified sugar; 2 barrels vinegar; 1 box pepper; 15 boxes family soap; 2 boxes ground pepper; 10 boxes saleratus; 5 chests tea; 5 kegs sirup; 2 boxes white soap; 10 kegs molasses; 30 boxes star candles; 15 bags Rio coffee; 2 barrels crackers; 3 barrels rice; 5 barrels sugar; 1 box pickles; 5 boxes Havana sugar. That on the 4th day of September, 1856, one Frederick Emory, acting as captain of a company of Kansas militia, stationed in and about Leavenworth, marched to the store of said McCracken, in said city of Leavenworth, in which the goods before mentioned were stored, with a body of about one hundred armed men, and demanded said goods for the use of the "Kansas militia," and afterwards forcibly removed said goods from said storehouse to some place in said city of Leavenworth known as the "commissary's department of the Kansas militia."

And the affiant further says that on the 9th day of September, A. D. 1856, there was in said storehouse of Nelson McCracken the following goods marked Hornsby & Ferrell, *Lawrence*, viz: 1 matraass; 1 cot bed; 13 boxes dry goods and clothing; 22 boxes boots and shoes; 1 sack of saddlery; 2 boxes hats and caps; 3 boxes tobacco; 2 barrels hardware; 8 coils rope; 4 boxes coffee-mills; 4 boxes axes; 1 dozen shovels; 1 box starch; 2 boxes star candles; 4½ dozen water buckets; 1 bundle spades; 2 bundles lead; 1 box tools; 1 bag Java coffee; 2 casks sundries; 1 barrel almonds. That on said 9th day of September, A. D. 1856, one Colonel J. J. Clarkson, one McCarty, Hartford T. Clark, and one Captain McDonnell, acting as officers of said Kansas militia, accompanied by a number of armed men known as the Kansas militia, marched to the said store of Nelson McCracken, in which were stored the lot of goods last above mentioned, and demanded and afterwards forcibly took possession of said lot of goods, and conveyed them to a building in said city of Leavenworth known as the "commissary's department of the Kansas militia."

And this affiant further says that on the said 9th day of September aforesaid there was, in addition to the goods, wares, and merchandise before mentioned, in said McCracken's store a number of packages of goods marked Hornsby & Ferrell, *Lawrence*, of which this affiant has no memorandum, and cannot particularly describe, and that said Clarkson, McCarty, Clark, McDonnell, and others, also forcibly took possession of these (last-mentioned) goods, and conveyed them to said "commissary's department, Kansas militia." That, in addition to the goods hereinbefore mentioned, there was in said McCracken's storehouse a number of packages of goods marked Hornsby & Ferrell,

Lawrence, consisting of packages of merchandise, &c., and that said Clarkson, McCarty, Clark, McDonnell, and others, on the said 9th day of September, 1856, assisted by said Kansas militia, forcibly took possession of, and opened, strewed about, and carried away said last mentioned goods.

And this affiant further says that persons purporting to be and acting as members of the said "Kansas militia" afterwards came into said McCracken's store wearing clothing belonging to the goods aforementioned; and acknowledged that they procured said clothing at said "commissary's department, Kansas militia." And further this affiant says not.

JOHN REGAN.

Subscribed in my presence, and sworn to before me, this 20th day of November, A. D. 1858.

[L. s.]

E. F. HAVENS,
Notary Public Leavenworth County, Kansas Territory.

In the matter of the petition of Columbus Hornsby and others.

LEAVENWORTH COUNTY, ss.

Nelson McCracken, being duly sworn, saith: I was engaged in business as a warehouseman in Leavenworth City during the season of 1856, receiving goods from steamboats and forwarding them to their destination. About the middle of August, 1856, I received in store, from steamboat David Tatum, a large quantity of goods from St. Louis for Hornsby & Ferrell, Lawrence. A full list, number, and quality of the packages of such goods is herewith presented, (marked L). This list was prepared by me November 22, 1858, from the original entries in my warehouse books and the bills of lading, now in my possession. I know I received all those goods, for I attended to the business myself personally.

I do not know what became of those goods; the last I knew of them they were in my warehouse in Leavenworth City, situate on the levee between Cherokee and Choctaw streets; I was compelled to leave the city on the 2d day of September, 1856, by the condition of public affairs, and the city being in possession of bodies of armed men who were unrestrained by law. There was no protection here then for life or property; the city was occupied by bodies of armed men who subsisted at will on whatever they could find for more than a month previous to said 2d day of September, 1856. For personal safety of myself and family I left the city on a steamboat on said 2d of September, leaving my dwelling house, furniture, warehouse contents, and all personal property in charge of John Regan, who was then in my employ.

I returned to Leavenworth on the 17th of October thereafter; found that my warehouse had been opened and nearly all the goods therein taken away. There were only a few of Hornsby's goods then remain-

ing there, and they were mostly in a damaged condition; drygoods and hardware that could be injured or damaged by throwing about and exposure, torn and walked over, were nearly worthless; what remained were of little value; all more or less damaged. Some salt and some nails remained in pretty good condition.

I have examined exhibit H, attached to the petition in this cause; I think that statement would about correspond with the amount and value of the goods received by Hornsby & Terrell, the petitioners, in a damaged condition from my warehouse, after my said return; being the goods that were delivered to them by me as the balance of their shipment, about the latter part of October—Hornsby & Farrell were before and at that time in trade as merchants in Lawrence—I was then engaged in merchandising in groceries and provisions, hardware, boots and shoes, in Leavenworth City. I have examined the schedule A attached to petition, and carefully noted the same. It contains a fair average statement of the value of the goods therein mentioned in Leavenworth City in September, 1856; if anything, the prices are below the average at which such goods were worth and selling at here by the package at that time.

On the bill of groceries, schedule B, I make the same general statement.

On boots and shoes, schedule C, I make the same general statement.

The goods delivered as the "remainder" in October, 1856, as mentioned above, were damaged full one half of their original value by the misuse of them in my warehouse. Cannot form a general idea of the value of the stock of goods so delivered to me; it is impossible for a warehouseman to define the value of a stock of "merchandise," as various articles of different comparative values, such as silks and cottons, velvets and spices, are put in boxes and kegs without an opportunity for the warehouseman fully to ascertain their contents.

N. McCracken.

Sworn to before me April 1, 1859.

EDWARD HOOGLAND,

Commissioner.

James M. Dickson, being sworn, says: I resided in Leavenworth City throughout the year 1856 and was engaged in general merchandising business. The condition of the city of Leavenworth during the months of August and September, 1856, was as described above by Mr. McCracken. I saw a quantity of goods being taken about the 1st of September, 1856, from Mr. McCracken's warehouse to the old church building, then used as a commissariat for the self-styled Kansas militia, then stationed here; said goods were marked H. and something, Lawrence; I saw the goods on drays, being carted through the streets of Leavenworth; do not know how those goods were taken from the warehouse of Mr. McCracken. The armed men mentioned subsisted, as far as I know, upon goods and property taken from persons without permission. I have examined the schedules attached to the peti-

tion in this cause, marked A, B, C, D, E, F, and H ; I was dealing in such goods as are mentioned in those schedules in September, 1856. From the examination of the schedules, and the prices annexed, I know that they are a fair expression of the average value of such goods in the city of Leavenworth at that time—not at small retail prices, but general value according to the general supply trade of the city. Colonel Clarkson, Captain H. B. Miller, and Captain Emory were acting as officers of those armed bands of men at that time. The superior officer at that time was General Brindle, and the other officers were understood, and also Captains Burgess and Clark, to be acting under his orders as territorial militia, called out by the United States marshal for the Territory.

J. M. DICKSON.

Sworn to before me this 1st day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

John Regan, being sworn, says: I have examined the exhibit hereto annexed, marked M, and renew and concur in the assertions and testimony set forth in said affidavit so marked. The same is true in all respects.

JOHN REGAN.

Sworn to before me this 1st day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

John F. Colyer, being sworn, says: I was living in Leavenworth City in September, 1856 ; was a drayman ; was employed to haul boxes and packages of merchandise from the warehouse of Nelson McCracken, by men acting as officers of the Kansas militia, who then had military possession of the city ; do not recollect the marks ; understood they belonged to men in Lawrence ; I first removed them from the steamboat to the warehouse, and about ten or fifteen days afterwards, or about the 1st of September, 1856, carted them from the warehouse to the commissary's depot, in the old McAfee church ; it was a generally assorted stock of merchandise, consisting of groceries, provisions, dry goods, hats and caps, boots and shoes, such as are usually required in a country store. I saw some of those goods distributed among the men, such as ready-made clothing, wearing apparel, boots and shoes, and groceries. Some packages of prints in the warehouse were opened, but the soldiers said they had no use for women's wear, and left them. Most of the goods were marked for Lawrence. There were thirty-six or forty dray loads taken to the warehouse ; other teams besides mine were engaged in removing the goods to the commissary's office. J. L. Roundy was acting as clerk at the commissary's office,

and about a month after the troubles partly subsided, Roundy sent for me and paid my bill for hauling in groceries.

JOHN F. COLYER.

Sworn to before me this 1st day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

Augustus M. Sattig, being sworn, says: In 1856 I was in the wholesale grocery business in Leavenworth City; I know that in August, 1856, a quantity of merchandise, marked Hornsby & Ferrell, was stored in McCracken's warehouse in this city. I saw some of those goods taken away from there by a company of one hundred men, under Fred. Emory's command, on the 1st of September, 1856; I was driven out of the city that day by the pro-slavery men; I came back soon after Governor Geary's arrival here. John Regan, who had charge of McCracken's business during his absence, told me nearly all those goods had been taken out of McCracken's warehouse by order of the commissary department of the Kansas militia; he took me to the warehouse and showed me what was left of them. The remainder that I saw in the warehouse were some nails, marked H. & F., some carbonic soda, and a couple of dry goods boxes with some goods in; all that was left would not excede in value \$1,000 or \$1,200; they were all badly damaged; had been overhauled, mussed up and thrown back promiscuously.

A. M. SATTIG.

Sworn to before me this 1st of April, 1859.

EDWARD HOOGLAND,
Commissioner.

Peter McGoneghal, sworn: I was living here in Leavenworth in 1856; was a drayman; I hauled a quantity of goods, marked Hornsby & Ferrell, from McCracken's warehouse to the Kansas militia commissary department, in September, 1856; there they were received by J. L. Roundy. I can't tell how many loads I hauled; I never received any pay for hauling; I saw those goods distributed to the soldiers and to citizens around through town here. Dry goods, groceries, five or six boxes Havana sugar and clothing, were so distributed. Some of the Havana sugar was shipped in sacks to Weston, by Captain Murphy, of the militia, as I understood at the time. He ordered me to take 17 sacks of it and some molasses to the steamboat, to take them to Weston. Don't remember to whom they were consigned.

PETER ^{his} + MCGONEGHAL.
_{mark.}

Attest: E. HOOGLAND.

Sworn to before me this 1st day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

Columbus Hornsby, sworn: I am one of the petitioners in this cause. Exhibits A to H, inclusive, attached to the petition in this cause, were prepared by me. In August and September, 1856, I was residing in Lawrence and engaged in trade, general merchandising, in firm of Hornsby & Ferrell. The firm of Hornsby & Ferrell were, in August, 1856, the owners of the goods mentioned in those exhibits, and said goods were then stored in the warehouse of Nelson McCracken, in the city of Leavenworth. According to the best of my knowledge and belief, the goods mentioned were of the value, severally, set opposite to them on said exhibits. As to Exhibit G, for saddlery, I can say that I had a bill of saddlery with these goods, which saddlery cost me, in St. Louis, between \$85 and \$90; that bill is lost, and I have been unable to obtain a copy thereof from the parties of whom I purchased. I never recovered any of the goods claimed for, except those mentioned in schedule H; those were only worth 50 per cent. on their cost when I recovered them; the dry goods were almost useless. I have never received, neither has the firm received, any compensation for said goods from any source whatever. I prepared the recapitulation schedule or Exhibit K. It is a correct statement of the losses sustained by the firm of Hornsby & Ferrell, by the taking of said goods from said McCracken's warehouse.

COLUMBUS HORNSBY.

Sworn to before me this 1st April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Columbus Hornsby and others.

Petitioner claims for a stock of dry goods, groceries, boots and shoes, hardware, &c. Said goods had just been purchased at St. Louis, and were *in transitu* to Lawrence. They arrived at Leavenworth about August 15, 1856. The roads between Lawrence and Leavenworth were in possession of guerrilla and banditti parties at that time.

On 1st September, 1856, Captain Emory and others, of the Kansas militia, seized the goods and took the same from McCracken's warehouse, where they were stored, and appropriated them to the use of the militia, except such portions as they sent to Weston and elsewhere, and sold or appropriated to their own use.

The stock of goods had just arrived, and were stored in the original packages; the warehouseman's receipt and testimony show the quantity of goods. The amount and value of the purchases are fully established.

The quantity and value of the goods, &c., *at the time and place of conversion* or destruction, is taken as the criterion of the award. The value of the property, accordingly, is fully established, according to the schedule K, and interest thereon calculated.

The board therefore award to petitioners, under the proof aforesaid, the sums hereinafter particularly set forth, viz :

Bill of hardware, (schedule A)	-	-	-	-	-	\$244	53
Bill of groceries, (schedule B)	-	-	-	-	-	3,146	28
Bill of boots and shoes, (schedule C)	-	-	-	-	-	1,305	69
Bill of dry goods, (schedule D)	-	-	-	-	-	1,564	44
Bill of hats, caps, and fancy goods, (schedule E)	-	-	-	-	-	1,246	53
Bill of clothing, (schedule F)	-	-	-	-	-	2,283	50
Bill of saddlery, (schedule G)	-	-	-	-	-	95	00
Damages on amount of goods recovered	-	-	-	-	-	765	79
						10,651	76
Interest, 2½ years, at 6 per cent	-	-	-	-	-	1,597	75
Total award	-	-	-	-	-	12,249	51

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 13, 1859.

No. 148.

CHARLES W. BALLARD, CLAIMANT.

Before commissioners of claims.

The petition of C. W. Ballard sets forth, first: That he is a citizen of this Territory, and was a citizen thereof in the fall of 1856; that on the forenoon of the 15th day of September, 1856, a company of men, calling themselves Kansas militia, and organized as such by Acting Governor Woodson, commanded by General Reed, did forcibly and violently drive off and dispossess your petitioner of three yoke of oxen, to wit, one yoke, of the value of one hundred and fifty dollars; one yoke, of the value of one hundred and twenty dollars; one yoke, of the value of one hundred dollars. And, further, that said company did burn and destroy a large lot of lumber, to wit, of the value of one hundred and thirty dollars. Total, five hundred dollars. Your petitioner then resided near Franklin, Douglas county, Kansas Territory, and was the legal owner of said oxen and lumber, and has never received any compensation for the same; and award for the value of the above mentioned property, to wit, for five hundred dollars, is asked of your honorable board.

C. W. BALLARD.

ANDERSON COUNTY, *Kansas Territory*:

Personally appeared before me, James Y. Campbell, probate judge of Anderson county, Kansas Territory, C. W. Ballard, who makes solemn oath to the above affidavit.

In witness whereof I have hereunto set my hand and affixed the seal of said court, on the 7th day of April, A. D. 1859.

[SEAL.]

JAMES Y. CAMPBELL,
Probate Judge for Anderson county, Kansas Territory.

In the matter of the petition of Charles W. Ballard.

James Anderson, being duly sworn, says: I reside near Franklin, in Douglas county, and have resided there since the summer of 1855; I know the petitioner; he was living on my place during the summer of 1856; I am informed that he now lives in Anderson county; I was at Franklin, or near there, at the time Breed's army was there.

I know that Mr. Ballard owned three yoke of oxen, which he bought of my brother; I do not remember precisely what he paid for them, but think he paid \$120 for one yoke, \$110 for one, and \$100 for the other. I think the three yoke were worth \$330 when they were taken. Reed's army gathered up all the cattle in that neighborhood on Monday, and it was reported, and understood generally, that his cattle were driven off. I know that he never had these cattle afterwards; he had bought them to haul logs to the mill, and the loss of these cattle broke him up; he told me on Tuesday, the day after they were driven off, that they had taken him prisoner and gave him one half hour to leave or they would hang him; he had kept away, but came back, thinking that, because he was a democrat, they would not be so severe with him as with others; he professed to be a free-State man. I know that the mill was burned, and a great quantity of lumber; and heard Mr. Ballard say he had lumber burned, but do not know how much.

JAMES ANDERSON.

Lewis G. Anderson, being duly sworn, says: I am a son of the witness, James Anderson; have heard his testimony, and can say that it corresponds to my knowledge and understanding of the facts; I heard Mr. Ballard and Mr. Stroup (the owner of the mill) talking about the lumber being burned; and remember that they agreed that Mr. Ballard's lumber burned was worth about \$60. I was living on a farm adjoining my father's, in the summer of 1856, when Reed's army visited Franklin. We all had to leave our homes and conceal ourselves in the high weeds in the bottom lands.

LEWIS G. ANDERSON.

John G. Anderson, being duly sworn, says: I am a son of James Anderson; I was living with my father in the summer of 1856, and can say that my knowledge of the facts to which he and my brother testify corresponds with their statements. I often saw Mr. Ballard's cattle; knew that he was hauling logs to the mill with them, and never saw them after Reed's party left; I understand Ballard lives in Anderson county.

JOHN G. ANDERSON.

In the matter of the petition of Charles W. Ballard.

Petitioner claims for loss of three yoke of oxen and lot of lumber	\$500 00
The proof authorizes an award for the oxen of.....	330 00
For the lumber of.....	60 00
	<hr/>
	390 00
Interest, 2½ years, at 6 per cent.....	58 50
	<hr/>
Total award.....	448 50
	<hr/>

HENRY J. ADAMS.
EDW'D HOOGLAND.

No. 149.

To the board of commissioners under the act of February 7, A. D. 1859, to provide for the adjustment and payment of claims for losses sustained in the Territory of Kansas, between the 1st day of November, A. D. 1855, and the 1st day of December, A. D. 1856.

Your petitioner, James C. Johnson, represents: That, during the year A. D. 1856, he was a permanent citizen then residing in the city of Leavenworth, in the Territory of Kansas, and engaged in the retail grocery business, on Cherokee street, in said city of Leavenworth, and is now a citizen.

Your petitioner further represents that, while he was lawfully following his said business, during the first week of the month of September, A. D. 1856, some several persons, unknown to him, came to his place of business, and then and there did forcibly compel your respondent to leave his place of business and join into their ranks from time to time during said month of September, A. D. 1856.

Your petitioner represents, still further, that, about the first week of September, in said year, some several persons, unknown, did forcibly enter his place of business, and then and there take and plunder,

from a large amount of groceries, to the full amount of the sum of two hundred and thirty dollars, the loss of which he has sustained.

JAMES CARR JOHNSON.

TERRITORY OF KANSAS, *Leavenworth County* :

Personally appeared J. Carr Johnson, who, being first duly sworn, deposeth and saith : That the statements made in the foregoing petition are true, to the best of his knowledge and belief.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of James Carr Johnson.

LEAVENWORTH COUNTY, *Kansas Territory, ss :*

Linus Hazen, being duly sworn, says : That the petitioner is a citizen of this city and was such in the year 1856 ; that, in the summer of 1856, the petitioner kept a grocery and saloon on Cherokee street, in this city ; and that, about the month of September, of that year, the citizens of Leavenworth were generally required to join the ranks of the militia, under the pretext that there was danger of the town being attacked by Lane's northern army, as they were then called ; and I know that such was the case with the petitioner ; that he was compelled to leave his store and neglect his business ; I was myself compelled to do the same, and was on guard in company with the petitioner ; I was not present at the robbery of the house of the petitioner by the armed mob, who were in the practice of taking what they desired, but was there a short time after, and found that the store had been stripped of everything of value ; I do not know what value of property was taken ; he had at the time, and before the robbery, a neat small stock of groceries, liquors, tobacco, cigars, &c. ; I would say that there must have been \$200 or \$300 worth of goods ; they were all taken.

LINUS HAZEN.

Sworn to before me, June 17, 1859.

EDWARD HOOGLAND,
Commissioner.

LEAVENWORTH COUNTY, *ss :*

John Kendall, being duly sworn, saith : I know petitioner ; he kept a grocery and drinking saloon, known as the " Baltimore Saloon," in Leavenworth City, during the season of 1856 ; one day in the first week of September, 1856, I was down by Johnson's store and saw a body of armed men in Mr. Johnson's saloon ; they took and destroyed all the liquor, tobacco, cigars, candies, &c. ; they took away most of said property with them ; this robbery was committed by a party of South Carolinians, Georgians, and southern militia, 25 or 30 in num-

ber, while Johnson was in the building, but during the time that citizens were standing guard, by order of William Russell, Colonel McCarthy, and Captain Clark; I was frequently in the saloon previous to such robbery, and knew pretty well the amount and value of property therein at the time mentioned; think the same could not have been worth less than \$200 or \$250, including all the property destroyed; the saloon was pretty well "cleaned out" by the mob.

JOHN KENDALL.

Sworn to before me, June 17, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of James Carr Johnson.

The petitioner claims in this case, for the loss of groceries, &c.	\$230 00
The board think the claim is proven, and award the same.	
Interest, 2½ years, at 6 per cent.....	34 50
Total award.....	<u>260 50</u>

SAMUEL A. KINGMAN.
HENRY J. ADAMS.
EDWARD HOOGLAND.

No. 150.

To the board of commissioners under the act of February, A. D. 1859, to provide for the adjustment and payment of claims for losses sustained in the Territory of Kansas between the 1st day of November, A. D. 1855, and the 1st day of December, 1856.

Your petitioner represents that during the year 1856 he was a permanent citizen, then residing in the Territory of Kansas. Your petitioner represents further, that during some time about the middle of August, A. D. 1856, as he was returning from the city of Lawrence, on his way to Leavenworth City, Kansas Territory, some persons unknown to him stopped his carriage on the road, and then and there robbed him of one very valuable revolving pistol, valued at about thirty dollars, the full price of said article.

JOHN KENDALL.

TERRITORY OF KANSAS,
Leavenworth, April 1, 1859.

Personally appeared John Kendall, who, first being solemnly sworn, deposeth and saith, that the statements set forth in the foregoing petition are true to the best of his knowledge and belief.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of John Kendall.

LEAVENWORTH COUNTY, ss :

Eli Evans, being first duly sworn, saith : that he is acquainted with the petitioner, John Kendall ; that he is a citizen of Kansas, and was in the month of August, A. D. 1856 ; that in the month of August, 1856, he, with Mr. Kendall and others, was coming in a carriage from Lawrence to Leavenworth ; about four miles from Leavenworth the carriage was surrounded by Fred Emory's company, who took us all prisoners, and took our arms, and among them a revolver from Mr. Kendall ; at that time the pistol so taken was worth thirty dollars ; he never got it to my knowledge ; they took mine, and I never got it.

ELI EVANS.

Sworn to before me, April 2, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of John Kendall.

Petitioner claims, for one pistol taken from him by force, \$30.

The proof is sufficient.

The general price of pistols is about \$25.

The board, under the proof, allow the claim as stated, including the interest, \$30.

EDWARD HOOGLAND.
 SAMUEL A. KINGMAN.
 HENRY J. ADAMS.

APRIL 18, 1859.

No. 151.

To the honorable commissioners appointed in pursuance of an act of the legislature approved February 7, 1859, providing for the adjustment and payment of claims growing out of the troubles of A. D. 1855 and 1856, in Kansas Territory.

Daniel W. Powers, complainant, would represent: That in the months of August and September, A. D. 1856, he was residing in the city of Leavenworth, in the county of Leavenworth and Territory of Kansas; had resided there for some time previous. That his business during that year was trading in stock, chiefly oxen and milk cows. That on or about the 6th day of September, A. D. 1856, he had taken from his possession two yoke of work oxen, worth about \$85 per yoke - - - - - \$170 00
 And two young steers about four years old, designed for beef,
 worth \$25 per head - - - - - 50 00
 And one milk cow, worth \$25 - - - - - 25 00

245 00

Said property was taken from the possession of complainant in the county of Leavenworth, and near the city of Leavenworth; and complainant believes said cattle were taken by some one of the armed companies of men who at that time had possession of the city and county round Leavenworth; and that he never has recovered said cattle or any of them, nor has he received any compensation in any way for them. He would ask, therefore, that he be allowed the sum of \$245.

DANIEL W. POWERS.

TERRITORY OF KANSAS, *County of Leavenworth:*

Daniel W. Powers, the above complainant, being first sworn, deposed and saith: That the matters and things set forth in the above petition are true, according to the best of his knowledge and belief, in substance and in fact.

D. W. POWERS.

Signed and sworn to before me this 2d day of April, 1859.

HENRY J. ADAMS, *Commissioner.*

In the matter of the petition of Daniel W. Powers.

Petitioner claims for property taken by pro-slavery forces near Leavenworth, 1856, \$245.

Petition filed April 1, 1859.

No proof has been offered to sustain the claim.

Petition does not show enough to warrant an award. Rejected for want of proof.

SAMUEL A. KINGMAN.
HENRY J. ADAMS.
EDWARD HOOGLAND.

JULY 1, 1859.

No. 152.

DONIPHAN COUNTY, *Kansas* :

To the commissioners on claims :

Your petitioner, John H. Utt, represents : That on or about the last of July, or 1st of August, in the year 1856, Enoch Spaulding, H. W. Peters and Cornelius Dorland were examining a route to locate a road from White Cloud, in Doniphan county, to Plymouth, in Brown county, Kansas Territory; that the said H. W. Peters was at the time riding a fine chesnut-colored horse, borrowed from A. Guthrie, by said H. W. Peters and your petitioner, for the purpose of surveying and laying off the road above described, in which road they were both interested; that the said H. W. Peters upon his return, as well as his companions, Spaulding and Dorland, represented that they had been robbed of all their horses by two armed men near the camp of General Lane, at Plymouth; that your said petitioner had to pay to the owner of said horse one half of his value, the same being one hundred dollars. In consideration of the premises, your petitioner asks that you award the sum of one hundred dollars.

JOHN H. UTT.

Sworn to by John H. Utt before me this 30th March, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of John H. Utt.

TESTIMONY.

DONIPHAN COUNTY, *ss* :

Cornelius Dorland, sworn, says : That he is acquainted with the petitioner, John H. Utt; that he is a citizen of Kansas Territory, and has been since the spring of 1856; that he with Dr. Peters borrowed the horse which Dr. Peters rode about the last of July or 1st of August, 1856, into the county of Brown, and which was taken from Dr. Peters in the way and manner set forth in my deposition in the matter of the petition of Enoch Spaulding; that said horse was so lost entirely, and never recovered by the owner, or Dr. Peters, or the petitioner; that he was worth two hundred dollars; was one of a match span of very fine horses. Dr. Peters and petitioner had to

pay for him, I understood from them, one hundred dollars each. He has never received any compensation for the horse, or any part thereof, to my knowledge.

CORNELIUS DORLAND.

Sworn to and subscribed before me this 30th March, A. D. 1859.

SAMUEL A. KINGMAN,
Commissioner

Enoch Spaulding, sworn, saith: That in July or August, 1856, petitioner and Dr. Peters borrowed a horse from Albert Guthrie, to ride into the county of Brown by Dr. Peters. Dr. Peters, myself and petitioner, went into the county of Brown and there Dr. Peters lost the horse in the way, manner, and at the time as described and detailed in my deposition in the matter of the petition of Cornelius Dorland, heretofore given. The horse was rated at two hundred dollars, and I expect at that time was worth it; I have understood, but do not know, that Mr. Utt paid one hundred dollars as the one half value of the horse taken as above to the owner, Guthrie.

ENOCH SPAULDING.

John H. Utt, sworn, says: That in the month of July or August, 1856, himself and Dr. Peters borrowed a horse of Albert Guthrie, for Dr. Peters to ride into the county of Brown. He rode the horse off and returned in a day or two or more on foot, saying the horse had been taken from him by force. I have never seen the horse since; I paid to Mr. Guthrie, the owner of the horse, one hundred dollars, which was about half the value of the horse, and have never received any compensation therefor in whole or in part.

J. H. UTT.

Sworn to before me this 30th March, A. D. 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of John H. Utt.

Petitioner claims for the value of a horse which he paid for, having borrowed the same, and while he and others (see case 154) were surveying a road three horses were taken from the party. Petitioner had to pay the owner
The proof is clear; same allowed.

Taken from the party. Petitioner had to pay the owner	\$100
The proof is clear; same allowed.	
Add interest, 2½ years, at 6 per cent - - -	15
Total award - - - - -	115

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 18, 1859.

No. 153.

DONIPHAN COUNTY, KANSAS, *March 28, 1859.**To the board of commissioners on claims :*

Your petitioner, Cornelius Dorland, represents: That on or about the last of July or first of August, in the year 1856, he, in company with Enoch Spalding and H. W. Peters, were engaged in selecting a route for the purpose of establishing a road from White Cloud, in Doniphan county, to Plymouth, in Brown county; that while viewing the same, and near the town of Plymouth, in the county of Brown, aforesaid, your petitioner, in company with the parties aforesaid, all being on horseback, unarmed, and suspecting no trouble, were suddenly arrested by two men springing out of a thicket bordering on the road; that these men were armed with revolvers, and presenting the same at your petitioner and his companions, ordered them to dismount, stating that your petitioner and companions were damned spies, and that they themselves were a guard attached to General Lane's camp, at Plymouth; that they further ordered your petitioner and his companions back to the aforesaid camp; that your petitioner, as well as those with him, dismounted, thinking to return to the camp, and as they were slightly acquainted with some of the men stationed there, to clear themselves of the charge made against them, recover their horses, and return home; that the two armed men aforesaid then mounted two of the horses, and one of them led the other; that the said armed men ordered your petitioner and companions to march into camp; that they had advanced but a few steps, when the two men aforesaid struck rapidly off in a contrary direction, on the road to Padonia, taking the three horses with them, two of which said horses belonged to and were the property of your petitioner, to wit: one sorrel pacing horse, rode by your petitioner, worth one hundred and fifty dollars, and the saddle and bridle on same, worth eight dollars, and one of the other horses, to wit. the horse rode by E. Spalding, the same being a brown mare, and worth at least one hundred and fifty dollars; that your petitioner and companions returned to the camp, raised a party who went in pursuit of the horses; that diligent search and inquiry were made through this part of the Territory, but that the said horses, saddle, and bridle were not recovered nor any part of the same, nor have they been recovered since, nor has any compensation been received by your petitioner for the said described property; that your petitioner was then and has been ever since a citizen of Doniphan county, in the Territory of Kansas. In consideration of the premises, your petitioner asks that you award him the sum of three hundred and eight dollars, and this he prays, &c.

CO'S DORLAND.

Sworn to by Cornelius Dorland before me this 30th March, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the Petition of Cornelius Dorland.

TESTIMONY.

DONIPHAN COUNTY, ss:

Enoch Spaulding, being of lawful age, and first duly sworn, deposeseth and saith: That he is acquainted with the petitioner, Cornelius Dorland, and has been for three years; that he is a citizen of Kansas, and has been since the spring of 1856; that about the last of July or first of August, 1856, petitioner, myself, and Doctor Peters, were out in Brown county, in this Territory, for the purpose of selecting a good route for a road from Plymouth to White Cloud; that the petitioner was riding a fine pacing horse of a sorrel color, of which he was the owner, worth at least one hundred and fifty dollars. He was an excellent horse. I was riding a brown mare, the property of petitioner, worth one hundred and fifty dollars; a fine animal. Mr. Dorland was then riding his own saddle and bridle, worth about ten dollars; that while near Plymouth, and about three-fourths of a mile from General Lane's camp, right at the ford of Pony creek, two men came out with drawn revolvers and ordered us to dismount, declaring that we were damned pro-slavery spies. We told them we were not. They said we were, and had to go back to camp. We were unarmed, and, as we knew some men slightly in the camp, we dismounted. They took our horses, and ordered us to march on towards camp. Each of them mounted a horse, and leading the other, followed us a few steps, with the revolvers pointed at us. They then wheeled, and my suspicions were excited, and the led horse hanging back, we might have recovered the horses, but the robbers again turned and presented their revolvers at us, and we stopped. They then rode off in the direction of the Padonia road. We found, that evening, Doctor Peters's overcoat, which had been lost by them four or five miles from where the robbery took place. We went back to camp to get help, but they said the horses were out. They refused to let us have arms, but five of them went with us as far as Padonia. Doctor Peters was absent several days, hunting the horses, as I understood from him. He never got the horses, nor any compensation for them, to my knowledge. From information given us at the camp, it appeared that these men belonged to Stole's camp, and had come to the camp the evening before, and left that morning. I am doubtful whether the information was correct, but think they belonged to the camp near Plymouth.

ENOCH SPALDING.

Subscribed and sworn to before me this 29th March, 1859.

SAM'L A. KINGMAN,
Commissioner.

Cornelius Dorland, sworn, says: That the statements made in the testimony of Enoch Spaulding, above, are true, and that he was the owner of the horses therein described; that they were worth one hun-

dred and fifty dollars each, and the saddle and bridle were worth eight dollars; that the above described property was wholly lost to him in the manner detailed in Mr. Spalding's deposition, and that he has never recovered the same nor any part thereof, nor received any compensation therefor, in whole or in part; that Doctor Peters lives in the State of Missouri.

CO'S DORLAND.

Sworn to and subscribed before me March 30, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Cornelius Dorland.

Petitioner claims for two horses and a saddle, taken from him and his party, (see 152 and 154,) by some of Lane's men, near Plymouth.....	\$308 00
The facts are proven. Add interest, 2½ years, at 6 per cent.	47 00
	355 00
	355 00

From the evidence and from the petition the said sum is awarded, as including interest.

EDW'D. HOOGLAND.
SAM'L. A. KINGMAN.
HENRY J. ADAMS.

APRIL 18, 1859.

No. 154.

DONIPHAN COUNTY, *Kansas Territory* :

To the board of commissioners on claims :

Your petitioner, E. Spaulding, represents: That on or about the last of July or first of August, in the year 1856, he, in company with H. W. Peters and C. Dorland, were engaged in selecting a route for the purpose of establishing a road from White Cloud, in Doniphan county, to Plymouth, in Brown county, Kansas; that while viewing the same, and near the town of Plymouth, in the county of Brown aforesaid, your petitioner, in company with the parties aforesaid, all being on horseback, unarmed, and suspecting no trouble, were suddenly arrested by two men springing out of a thicket bordering on the road; that these men were armed with revolvers, and presenting the same at your petitioner and his companions ordered them to dismount, telling your petitioner and companions that they were damned spies, and that they themselves were a guard attached to General

Lane's camp at Plymouth ; that they further ordered your petitioner and his companions back to the said camp ; that your petitioner, as well as his companions, dismounted, thinking to return to the camp, as they were slightly acquainted with some of the men there, that they might recover their horses and return home ; that the two armed men aforesaid then mounted two of the horses and led the other ; that the said armed men ordered your petitioner and his companions to march into camp ; that they had advanced but a few paces when the two men aforesaid struck off in a contrary direction, on the road leading to Padonia, taking the three horses, saddles, and bridles with them ; that the saddle, bridle, and trappings on the horse upon which your petitioner was riding were his property, and that the same were worth twenty-five dollars ; that your petitioner and his companions returned to the camp at Plymouth, raised a party of men, and went in pursuit of the horses ; that diligent search and inquiry were made through this part of the Territory, but that neither the horses, saddles, bridles, nor trappings, nor any part of the same, were recovered, nor has your petitioner recovered his saddle, bridle, and trappings to this time, nor has he received any compensation for the same. In consideration of the premises, your petitioner asks that you award him the sum of twenty-five dollars ; and this he prays.

ENOCH SPAULDING.

Sworn to before me this 30th March, 1859, by Enoch Spaulding.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Enoch Spaulding.

TESTIMONY.

DONIPHAN COUNTY, ss :

Cornelius Dorland, being of lawful age, and first truly sworn, saith: That he is acquainted with the petitioner, Enoch Spaulding ; that he is a citizen of Kansas Territory, and has been since the spring of 1856 ; that about the last of July or first of August, 1856, the petitioner was the owner of a bridle and martingale ; that at the time petitioner, in company with myself and Dr. Peters, were engaged in prosecuting their business in the country near where Plymouth now stands, in the county of Brown ; that at that time the petitioner was riding my mare and a saddle that he had borrowed ; that at the time and place above mentioned two men came upon the party and, with revolvers in their hands, commanded us to give ourselves up as prisoners. We were unarmed, and at their command we dismounted, and they took possession of our horses and ordered us to proceed to the camp of General Lane, near by. They then mounted two of the horses, and leading the other rode off rapidly in the direction of Padonia. Myself and petitioner were citizens of White Cloud, and having some slight acquaintance with some of the men in camp, we

more readily obeyed the command, knowing we could there readily clear ourselves of the charge of acting as spies. The horses, nor those who took them, appeared in camp, nor could we get any trace of them. Petitioner had to pay for the saddle to Michael Bird, from whom he had borrowed it, the sum of \$18, which was fully the value of the saddle—perhaps not more. The bridle was worth, with the martingale, a fancy rig, \$6. These were all lost by petitioner, as aforesaid, and have never been recovered, nor has the petitioner, to my knowledge, received any compensation therefor.

CO'S DORLAND.

Subscribed and sworn to before me March 29, A. D. 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Enoch Spaulding.

Petitioner claims for saddle, bridle, and trappings on a horse that he was riding, (said horse not his property,) taken from him by armed men, &c.—(See 152.)	\$25 00
The claim is sustained and said amount awarded.	
Interest, 2½ years, 6 per cent.	3 75
	28 75
	28 75

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

APRIL 18, 1859.

No. 155.

To Henry J. Adams, S. A. Kingman, and Edward Hoogland, commissioners appointed under an act entitled "An act to provide for the adjustment and payment of claims," approved February 7, 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder which prevailed from November 1, 1855, to December 1, 1856.

Your petitioner, Harmon G. Weibling, respectfully represents: That he is now and has been since July, 1855, a citizen of the Territory of Kansas. He states that he commenced carrying the United States mail on the 1st day of April, 1856, from the city of Leavenworth to the city of Lawrence, in said Territory, and continued to perform his duties as such mail carrier with fidelity and promptness and without interruption, until about the 28th day of May, 1856. Your petitioner was then seized by a mob and restrained of his liberty for several hours without any just cause on the part of petitioner, and in consequence of such seizure lost a regular trip with his mail stage aforesaid, thus making himself liable on his bond as mail contractor,

as well as losing the opportunity of carrying passengers, to the damage of petitioner in the sum of fifty dollars. Your petitioner further states that on or about the first day of August, 1856, there was so much disorder in the country on his said mail-route, and his life being threatened by mob violence, that he was compelled to desist carrying the mail in order to save his life and preserve his stock for about three weeks, to his damage in the sum of nine hundred dollars. Your petitioner further states that on or about the first day of September, 1856, he was again seized by mob violence and restrained of his liberty; in consequence of the disorder that prevailed in the country, and a large force of armed banditti, he was compelled to stop running his stage and carrying the mail aforesaid for the space of about three weeks, to the damage of petitioner in the sum of nine hundred dollars. Your petitioner further states that on or about the 15th day of August, 1856, his mail stage and mules attached thereto were seized by a mob of men commanded by one Fred. Emery, and forced from his possession, and detained from him for the space of about three or four weeks, to his damage in the sum of four hundred dollars. Your petitioner further states that on or about the third day of September, 1856, two of his horses were seized and forced from him by mob violence in the city of Leavenworth by a company commanded by one Fred. Emery, and so injured as to render them almost entirely worthless, and one detained for about the space of one week, and the other for about five weeks, to the damage of petitioner in the sum of two hundred and fifty dollars. Your petitioner therefore prays an allowance in his favor of twenty-five hundred dollars; and he will ever pray, &c.

H. G. WEIBLING,
HENRY & HENRY,
Attorneys for Petitioner.

Sworn to before me April 2, 1859.

SAM'L A. KINGMAN, *Commissioner.*

BILL OF ITEMS.

Territory of Kansas to Harmon G. Weibling, Dr.

For damages for being prevented from carrying mail and passengers in May, 1856, and restrained of liberty	-	-	\$50
For damages for being prevented from carrying mail and passengers in August, 1856	-	-	900
For damages for being prevented from carrying mail and passengers in September, 1856	-	-	900
For damages sustained by the seizure of stage and mules in August, 1856	-	-	400
For damages sustained by the seizure of and injury to two horses in September, 1856	-	-	250
Total	-	-	<u>2,500</u>

In the matter of the petition of Harmon G. Weibling.

LEAVENWORTH COUNTY, ss :

John Kendall, being duly sworn, saith : I reside in Leavenworth City, and have resided here about three years last past ; know the petitioner ; he is a resident of the Territory, and resided in Leavenworth in the summer of 1856 ; he was engaged, that season, in staging, between Leavenworth and Lawrence ; in August, 1856, I hired a two-horse hack from petitioner, with two mules, to go to Topeka ; Messrs. Eli Evans, H. W. Ide, and R. S. Leavitte went with me from Leavenworth to Topeka ; we were gone eight or ten days ; on our return to Leavenworth, Mr. A. G. Patrick having been taken into the hack, and when within about four miles of Leavenworth, a party of armed men, I think six in number, among them Marion Todd, Bennett Burnham, and a man named Bowlin, who were then members of the Kansas militia, under command of Fred. Emery, met us in the road, commanded us all to leave the hack, and took us over to their camp about a mile or two west of where we were arrested, and detained me ten or fifteen days, and the others, except Mr. Evans, about the same length of time ; they took the mules and hack to the same camp ; subsequently they took the mules and hack, and all of us prisoners, except Evans, to the bank of the Kansas river, opposite Lecompton ; there we were all liberated, but the hack and mules were retained ; do not know how long the hack and mules were retained ; this was the same hack that Mr. Weibling used to run between Leavenworth and Lawrence as a mail and passenger hack ; when I left the hack, or saw it last, it had been greatly damaged, cut, and torn ; covering and cushions lost or torn ; the mules were damaged by bad usage ; we hired the whole rig of Mr. Weibling, but the mules belonged to Mr. Joseph Evans, of Leavenworth City ; the mules were of a brown color, very good ones ; the hack, I think, was damaged \$50 ; the mules were extraordinary mules, worth \$400 ; do not know anything about the mules being subsequently returned ; Mr. Weibling kept a livery stable in Leavenworth that season, with many horses about him, and usually let vehicles and horses to parties desiring to hire.

JOHN KENDALL.

Sworn to before me this 2d day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

Eli Evans sworn : I have heard Mr. Kendall's testimony above ; I was one of the party mentioned in his testimony who went to Topeka in a hack hired of Weibling ; we were gone eight or twelve days ; I was detained as a prisoner, after our arrest, four days ; then they discharged me before they left their camp for Lecompton ; I saw the hack after it was recovered by Mr. Weibling ; think it was damaged \$75 ; I know Mr. Weibling ; he is a citizen of Kansas, and was a

citizen here in 1856 ; I heard of two horses that were taken from Weibling by bands of armed men a day or two after Phillips was killed ; knew the horses and their value ; the span were worth \$400 ; cannot tell the color, think they were brown, if I am not mistaken ; they were dark horses, but I am not positive ; don't know how old they were ; I drove them three trips on the route from Leavenworth to Stranger creek ; did not see the horses after they were recovered by Weibling.

ELI EVANS.

Sworn to, April 2, 1859, before me.

EDWARD HOOGLAND,
Commissioner.

Edward Ziehl, being first sworn, says : I am acquainted with the petitioner, Mr. Weibling ; he lived in this Territory in the year 1856, and has ever since ; the next day after Phillips was killed in Leavenworth Weibling had two horses, (which, with my leave, had been placed in my stable,) and on that day a man belonging to Captain Emery's company, with about fifty of that company, came and took the horses and appropriated them to the use of the company ; they were pretty good horses, worth may be \$200, may be not, may be over that amount ; they took them against Weibling's wishes or my consent.

EDWARD ZIEHL.

Sworn to before me April 2, 1856.

SAMUEL A. KINGMAN,
Commissioner.

Harmon G. Weibling sworn : Am the petitioner in this case ; about the 10th or 15th of August, 1856, I sent a hack, with two mules of Mr. Evans's, from Leavenworth to Topeka ; some seven or eight miles from here the hack was taken, as I was told, by Emery's company ; about six weeks afterwards I found the hack in Newland's yard, in Leavenworth City ; it was injured ; the cushions had been cut open to find papers and destroyed ; all the springs were broken ; the hack, except the wheels and axles, was rendered worthless ; the axles were sprung ; the damage that it had received I estimate at \$75 or \$80 ; it cost me \$200 in April, and after I got it again, and before I used it, I sold it for \$30 ; I lost the two horses as charged in my petition ; I was not present at the time ; I had been arrested by an armed body of men, and had escaped and fled ; the horses were worth \$350 ; I recovered the horses—one in one week, and the other in five weeks ; they had been so hardly used that I considered them as worthless ; I nursed them

some time, and then sold them for \$100 in trade; I have never received any compensation for these losses.

H. G. WEIBLING.

Sworn to before me April 2, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Harmon G. Weibling.

Petitioner in the summer of 1856 was a livery stable keeper in Leavenworth, and mail contractor and carrier between Leavenworth and Lawrence.

I. 1856, May 28.—Petitioner was seized by armed men and held prisoner and detained from carrying the mail; damage - - - - -	\$50 00
II. 1856, August 1.—Was compelled to desist from carrying mail three weeks; lost passengers and profits - - -	900 00
III. 1856, September 1.—Was again taken prisoner and detained from carrying his mail three weeks; damages	900 00
IV. 1856, August 15.—His "mail stage and mules attached" were seized and detained three or four weeks; damage	400 00
V. 1856, September 3.—Two of his horses seized by Emery and his men; same were finally recovered; damage	250 00
Claims damage - - - - -	<u>2,500 00</u>

Petitioner was taken prisoner *himself*; damages not shown to have resulted from the taking of property.

The proof shows that items I, II, and III, are inadmissible.

On item IV he is awarded the damage done to the hack - 75 00

The mules belonged to another individual.

On item V the average proof is the horses were worth \$300; the damage is fairly shown at - - - - - 200 00

Total - - - - - 275 00
Add interest, 2½ years, at 6 per cent - - - - - 41 25

Total award - - - - - 316 25

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 18, 1859.

No. 156.

To the commissioners appointed for the payment and adjustment of claims under an act of the Kansas legislative assembly approved February 7, 1859:

Your petitioner, Paul Molke, after being duly sworn, says: He was doing a tailoring business in Lawrence, Kansas Territory, previous to the sacking of Lawrence, May 21, 1856, by the Missourians; that he had on hand a small stock of coats, vests, pants, and shirts, &c., at the time the armed band came into town on that day; that he rented rooms for his shop of J. S. Emery, esq., and was doing a good business; and he further states that on that day, May 21, 1856, he had his shop by force broken into by this band, and had stolen therefrom of coats ready made to the amount of - \$200 00
 Of vests, in value of - - - - - 150 00
 Of pants - - - - - 140 00
 Of shirts - - - - - 80 00
 Of handkerchiefs - - - - - 10 00

580 00

And he states he never recovered any of the above goods; and he asks he may be allowed this amount of \$580, and interest, at the rate of ten per cent. a year, for three years, \$164—making \$744.

PAUL MOLKE.

Sworn to and subscribed before me April 2, 1859.

SAMUEL A. KINGMAN, *Commissioner.*

In the matter of the petition of Paul Molke.

LEAVENWORTH COUNTY, ss:

J. S. Emery, being first duly sworn, saith: I know Mr. Molke lived in Lawrence in the spring of 1856; he had a small stock of goods in the tailor line; he rented of me; when Lawrence was sacked, May 21, 1856, his shop was entered by some persons and his goods stolen, how much in amount I do not know; this I state on my information and belief; he had some pretty good goods and some ready-made clothing; should not think his amount in petition out of the way.

J. S. EMERY.

Sworn to before me April 2, 1859.

SAMUEL A. KINGMAN, *Commissioner.*

Alfred S. Addis, being first sworn, says: That he knew the petitioner, Paul Molke, in the spring of 1856; that he was doing business in Lawrence as a tailor; he had a regular stock of ready-made clothing, such as is called gentlemen's furnishing goods; I was up in town a day or two after Lawrence was sacked, and heard him say that the Missourians had taken some of his goods—broken open his store; some of the goods belonged to others, and were taken and never recovered; I am a tailor myself, and such things as he has set forth in his petition were kept by him; I did not examine his losses, and cannot state the amount; he lived in Lawrence at that time, and has been in the Territory ever since; now lives in Leavenworth.

ALFRED S. ADDIS.

Sworn to before me April 2, 1859.

SAMUEL A. KINGMAN, *Commissioner.*

Paul Molke, being first duly sworn, saith: That he is the petitioner in this case; that just before the sacking of Lawrence he had made an addition to his stock of ready-made clothing by purchasing from Mr. Reddick, of Niles, Michigan, between \$1,600 and \$1,700 worth of goods; on the 21st of May, 1856, the day on which Lawrence was sacked, the Missourians broke open my store and took from it thirty or forty coats, I can't say how many—some summer and some broad-cloth coats—worth about \$200; I am not able to fix the exact value. At the same time they took twenty-eight pairs of pants, five or six summer pants; the others were heavy pants; the pants were worth \$140 certain, may be more; at the same time they took over fifty vests—satin, velvet, cassimere, and a few common vests; they were worth \$140; I had bought eight dozen shirts, and had sold about ten shirts, the residue were all taken—some were white shirts and some were checked shirts; they were worth at least eighty dollars; they also took some handkerchiefs, about ten dollars worth; the stock was a stock that Mr. Reddick had brought from his store in Michigan and just sold to me; I had not got them placed in their places on the shelves; the pants, shirts, and vests that were taken, I can state positively as to number and value; there were from thirty to forty coats taken, I cannot give the exact number, but know that there were about the number stated; most of them were heavy, some of them fine coats; I have not overstated their value; I do not know where Mr. Reddick lives.

PAUL MOLKE.

Sworn to before me April 2, 1859.

SAMUEL A. KINGMAN, *Commissioner.*

In the matter of the petition of Paul Molke.

Petitioner claims for clothing, &c., taken from his store by the "posse," May 21, 1856:

Coats.....	\$200 00
Vests	150 00
Pants	140 00
Shirts.....	80 00
Handkerchiefs	10 00
	<hr/>
	580 00
	<hr/> <hr/>

The proof is strong enough to warrant the belief that petitioner's store was entered and property taken.

As to the exact number, description, and value of articles, the proof is not entirely satisfactory—perhaps as close as can now be obtained. Owing to uncertainty, the board do not feel warranted in allowing more than \$500, that sum being considered, under the evidence, sufficient to compensate for loss and interest.

Total award, \$500.

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 18, 1859.

No. 157.

A.

Territory of Kansas to John Hoegner, Dr.

1856.

To 3,000 pounds of hams, at 15 cents per pound.....	\$450 00
To 21 head of hogs, at \$12 per head.....	252 00
To 25 head of geese, at \$1 per head.....	25 00
To 4 head of peafowls, at \$4 50.....	18 00
To 1 dozen shirts	30 00
To 25 blankets, at \$3 each.....	75 00
To 3 dozen sheets, at 75 cents each.....	27 00
To 3 barrels of whiskey, at \$1 50 per gallon—42 gallons to a barrel.....	189 00
To 1 barrel of Catawba wine, \$2 50 per gallon—42 gallons to a barrel.....	105 00
To 1 cow.....	40 00
To 1 box of Limburg cheese, 130 pounds	27 00
To 1 box of Schwitzer cheese.....	27 00

To 1 box of oysters, 2 dozen, \$9 per dozen.....	\$18 00
To 1 box of sardines.....	9 50
To 2 wheelbarrows, at \$10 each.....	20 00
	<hr/>
	1,312 50
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To the honorable board of commissioners of the Territory of Kansas, sitting in and for said Territory to adjust claims for losses during the troubles of 1855 and 1856 by an act of the legislature :

Your petitioner, John Hoegner, a citizen of the Territory of Kansas, respectfully represents unto your honorable body, that on or about the 1st day of September, A. D. 1856, he was the sole owner and possessor of the following goods and chattels in the city of Leavenworth ; a copy of said account is hereto attached, marked A, and made part of this petition. And your petitioner further represents unto your honorable body, that on or about the time aforesaid, said goods and chattels were destroyed and taken by a mob of men claiming to be the Kansas militia ; and your petitioner further represents unto your honorable body, that he has not recovered any of said goods, nor any pay or recompense for the same.

Wherefore your petitioner prays that your honorable body may award him his claim, and such other and further relief as shall conform to law and equity.

JOHN HOEGNER.
DELAHAY & GALLAGHER,
Attorneys for Petitioner.

TERRITORY OF KANSAS, *County of Leavenworth, ss :*

Personally appeared before me, the undersigned, a notary public in and for said county, John Hoegner, who, being first duly sworn by me, says that the matter and facts set forth in the foregoing petition are true, as he verily believes.

JOHN HOEGNER.

Sworn to and subscribed before me this 2d day of April, A. D. 1859.

Witness my hand and notarial seal.

[L. s.]

MARCUS N. BLAKEMORE,
Notary Public.

In the matter of the petition of John Hoegner.

TESTIMONY.

LEAVENWORTH COUNTY, *ss :*

Henry Ernich, being first duly sworn, saith: That he is acquainted with the petitioner; he is a citizen of this Territory, and has been for three years, to my knowledge. On the 6th of August, 1856, I re-

turned to Leavenworth from the plains; a few days afterwards I was employed by Majors & Russell to drive a team. The team that I drove was connected with Colonel Clarkson's command, of about 600 men; we went out towards Lawrence and Leecompton; were out about two weeks, and returned in the latter part of August. I went then to board with John Hoegner, at the corner of Choctaw and Second streets. He kept a large boarding-house, the largest at that time in the town, capable of accommodating about 140 boarders, and he was generally full; he had a large stock of provisions and liquors on hand. About the 1st of September, 1856, it being near election time, the boarders being mostly driven off, the men of Colonel Clarkson's command, and also of Captain Emery's company, came from time to time and took such provisions, liquors, and stores as they chose. They took what they pleased, without paying for it. Mr. Hoegner had been compelled to flee for his life. His smoke-house was full, and they took all of it worth taking; I think 3,000 pounds of hams and bacon; I don't know what it was worth; I did not buy or sell at that time. Twenty-one hogs were killed and driven off from his house by the same lot of men. His geese were taken; quite a number; I don't know how many. They took several peafowls—all Hoegner had. They took about a dozen of Hoegner's shirts, white shirts, with linen bosoms; they were worth about \$2 50 each. They took, from time to time, blankets, a great number, and sheets; I can't say how many. The blankets were worth \$5 or \$3 50; the sheets, \$1 each. They took a good deal of whiskey; some they drew, and then carried off the rest in barrels, as much, I think, as two barrels in all. They took a large quantity of wine; don't know how much; they also drove off his cow, and he never got it again; she was a fine cow; don't know the value of cows. They also took a box of Limburg and a box of Swiss cheese; such cheese is worth now about thirty cents a pound; was worth more then. They took boxes of oysters and sardines; I don't know what they were worth. Much of these provisions were consumed on the spot; some carried away. I was there all the time, some four or five days, while this was going on, and saw the whole of the robbing going on. Hoegner had fled to the fort. They took two of his wheelbarrows, which were pressed into the commissary department.

HENRY ERNICH.

Subscribed and sworn to before me April 2, 1850.

SAMUEL A. KINGMAN,
Commissioner.

Gustave Stahl, being first duly sworn, says: That he is acquainted with petitioner, John Hoegner, and has been since 1850. In the summer of 1856 he kept a very large boarding-house in Leavenworth, at the corner of Choctaw and Second streets, well supplied with provisions and accommodations, and a bar well supplied with liquors, cigars, wines, cheese, oysters, and sardines. About the 1st September,

1856, Colonel Clarkson's men and Captains Emery's and Miller's men came into the house, and eat and drank as much as they wanted of everything, paying nothing for it; they came every day, in great numbers, and besides what they eat and drank, went into the cellar and smoke-house and carried away what they pleased. There was no power in Leavenworth then to prevent this course. Free-State men had no rights there, and Mr. Hoegner was a free-State man. They carried off 30 or 40 pieces of bacon and about 150 to 170 hams from his smoke-house, which they broke open. Hams were worth 15, 16 and 17 cents a pound at that time; bacon from 10 to 12 cents a pound. He had 20 or 25 head of hogs, which these men shot and carried off; they were of different sizes, some large and fine; they were worth, on an average, \$12 or \$15 each. He had 30 or 40 geese, may be, which were taken and carried off, worth \$1 each; four peafowls of Hoegner's were also driven off; I sold two of them to him for \$5 each; they were worth that amount. The same gentlemen took also a dozen new shirts, linen, worth \$2 25 or \$2 50 each. I was there, and we counted the blankets; they took about 25 of them, worth \$3 or \$3 50 each. They took the sheets off the beds to make wagon sheets; took about three dozen of them, worth 75 or 80 cents each; they drank and carried off, in jugs and barrels, three or four barrels of whiskey, worth per gallon 85 to 90 cents, and 40 to 42 gallons a barrel. They took one barrel of Catawba wine, containing 41 or 42 gallons, that cost \$2 per gallon in St. Louis, without freight, drayage, or insurance; they took out of the stable a very large fine cow, worth \$40 or \$45; they took a whole loaf of Schwitzer cheese, weighing 130 to 140 pounds, costing 25 cents a pound in St. Louis; they took a whole box of Limburg cheese, of the same value. This cheese was imported from Germany and Switzerland. They took a box of oysters, worth about \$18, and a box of sardines, worth between \$9 and \$10; they took from him two wheelbarrows, that were worth \$10 each. Mr. Hoegner had a great number of boarders that were driven off; I lived in town at that time; went with Mr. Hoegner to the fort, but came down every day to look after his business, as far as I could. I was often in his house, before and after the time when these things were taken. Any attempt to hinder the trespassers from taking the things, as above set forth, would have been dangerous to a man's life and wholly unavailing.

G. STAHL.

Sworn to before me April 2, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of John Hoegner.

Petitioner claims for provisions and other property taken from him in September, 1856, by Captain Emery's, Captain Clarkson's, and other armed men. Petitioner does not swear to the value of any of the property.

The proof is loose as to quantity and value of articles, and quite unsatisfactory, although sufficient to warrant the conviction that such property was taken. The board upon full examination feel compelled to exercise a general discretion founded upon probabilities of the case for want of direct and positive proof. They therefore set forth the amounts claimed and allowed, respectively :

Claimed.		Allowed.	
I. 3,000 lbs. hams, at 15 cents.	\$450 00	150 hams, average about 14 or 15 lbs. each, 2,000 lbs., at 12½ cts.	\$250 00
II. 21 hogs, \$12 per head.....	252 00	21 hogs, average in September 100 pounds each, 5 cts. per pound..	105 00
III. 25 geese, \$1 each.....	25 00	25 geese, 50 cts. each, enough...	12 50
IV. 4 peafowls, at \$4 50 each..	18 00	4 peafowls, as claimed	18 00
V. 1 dozen shirts, \$2 50 each.	30 00	1 dozen shirts, (not new) \$1 each.	12 00
VI. 3 dozen sheets, 75 cts. each.	27 00	3 dozen sheets, 75 cents each....	27 00
VII. 3 barrels whiskey, 42 gallons a barrel, at \$1 50 per gallon.....	189 00	2½ barrels, (Stahl's av.) 100 gallons, say 60 cents.....	60 00
VIII. 1 barrel Catawba wine, at \$2 50 per gallon.....	105 00	¼ barrel wine—no proof it was full—price at St. Louis \$2, say.	50 00
IX. 1 cow.....	40 00	1 cow.....	40 00
X. 2 cheeses.....	54 00	2 cheeses.....	54 00
XI. Oysters.....	18 00	Oysters.....	18 00
XII. Sardines.....	9 50	Sardines	9 50
XIII. 2 wheelbarrows, \$10 each.	20 00	2 wheelbarrows, \$5 each.....	10 00
XIV. 25 blankets, \$3 each.....	75 00	25 blankets; good bed blankets can be had for \$18 per dozen..	37 50
	1,312 50		703 00
Add interest, 2½ years, at 6 per cent.....			105 45
Total award.....			808 45

EDWARD HOOGLAND.
 SAM'L A. KINGMAN.
 HENRY J. ADAMS.

APRIL 14, 1859.

Witness Gustavus Stahl's testimony in this case conflicts somewhat with his testimony in his own case, No. 135, and is therefore partially discredited.

No. 158.

To the commissioners appointed under "An act to provide for the payment and adjustment of claims," passed by the legislative assembly of Kansas Territory, and approved February 7, 1859 :

Your petitioner, Alfred S. Addis, respectfully states, after being duly sworn : That he resided in Lawrence, Kansas Territory, during the greater portion of the time of 1855 and 1856, and that he now resides in Leavenworth, Kansas Territory ; that he commenced in 1855, at Lawrence, the business of a merchant tailor, and continued the same till the summer of 1856 ; that he was doing a good and

thriving business, and had rented a commodious building on Massachusetts street, nearly opposite the old Free-State Hotel, which he was occupying in his business; that he had a large stock of ready-made clothes, and of valuable cloths, constantly on hand.

And your petitioner states that some time about December, 1855, in the troubles of that time, his place of business where his stock of goods then was was forcibly, and against his will, broken into by an armed band of ruffians during his absence, which band took and stole and carried away of his clothing and cloths nearly the whole stock, and that he made an inventory of the amount and articles taken the next day, as nearly as possible, which is hereto annexed:

1 piece black French cloth, 16 yards, at \$10 per yard.....	\$160 00
1 piece black French cloth, 5 yards, at \$10 per yard.....	50 00
1 piece black French cloth, 8 yards, at \$8 per yard.....	64 00
1 piece black French cloth, 7 yards, at \$6 per yard.....	42 00
6 pieces black French cloth, 2 yards, at \$4 per yard.....	48 00
1 piece drab beaver cloth, 15 yards, at \$8 per yard.....	120 00
1 piece brown French cloth, 10 yards, at \$5 per yard.....	50 00
1 piece blue French cloth, 12½ yards, at \$5 per yard.....	62 50
1 piece olive green cloth, 15 yards, at \$7 per yard.....	105 00
1 piece black English cloth, 17 yards, at \$6½ per yard....	110 50
5 pieces black satin, 6 yards each, \$5 per yard.....	150 00
2 pieces black satin, 18 yards each, at \$4 per yard.....	144 00
2 pieces fancy cassimere, 5 yards each, at \$2 50 per yard...	25 00
1 piece black cassimere, 17 yards, at \$3 per yard.....	51 00
2 pieces doeskin, 2½ yards, at \$4 per yard.....	20 00
1 piece black, ribbed, 12 yards, at \$3 per yard.....	36 00
1 piece checked, 4½ yards, at \$2 50 per yard.....	11 25
1 piece silk lining, 8 yards, at \$2 per yard.....	32 00
1 piece black silk velvet, 4 yards, at \$6 per yard.....	24 00
1 piece figured silk vesting, 3 yards, at \$4 per yard.....	12 00
2 pieces fancy cassimere, 15 yards each, at \$2 per yard....	60 00
1 pair common pants	6 00
1 black frock coat—(Emery).....	25 00
1 black frock coat.....	20 00
1 fancy cassimere coat—(Addis).....	15 00
1 black figured silk vest.....	8 00
2 satin vests, at \$10 each.....	20 00
1 pair fine cassimere pants.....	10 00
2 pair black cassimere pants.....	18 00
1 black silk vest	8 00
50 cloth caps, \$2 each	100 00
1 duelling pistol.....	20 00
1 bowieknife	5 00
1 oil lamp, (hanging).....	6 00
1 tailors' rule.....	5 00
1 pound sewing silk.....	10 00

1,623 25

And he further states that he had stolen from him in May, 1856, at the sacking of Lawrence, two boats which he then owned: one flat-bottomed, of the value of..... \$50 00
 One canoe..... 40 00

1,713 25

And that he never recovered the above goods or boats, or any part thereof, except two or three small fragments of cloths in a greatly damaged condition, and were of the value of..... 24 00

1,689 25

Which amount of \$1,689 25, and interest thereon, at the rate of 10 per cent per year, from December, 1855, to April 1, 1859..... 581 00

2,270 25

ALFRED S. ADDIS.

Sworn to and subscribed before me this 2d day of April, 1859.

EDWARD HOOGLAND,

Commissioner.

In the matter of the petition of Alfred S. Addis.

LEAVENWORTH COUNTY, *ss*:

James S. Emery, being duly sworn, saith: I have resided in Lawrence, Douglas county, Kansas Territory, since the fall of 1854, and now reside there. Know the petitioner. He settled in Lawrence in the spring of 1855, and during the fall of that year rented part of a building in Lawrence from me for a store, wherein he commenced and prosecuted business as a merchant tailor from early in the fall of 1855 aforesaid until he was broken up in business by the forcible taking of his stock in trade by a body of armed men, as mentioned in his petition. I had my law office in the same building—up stairs. The building is a stone building, two stories high, situate in Lawrence aforesaid, on Massachusetts street, nearly opposite the Eldridge House, or Free-State Hotel. While he was in business there I was in his store frequently—almost every day. Know what kind of a stock he had. His stock consisted of nice broadcloths, cassimeres, vestings, caps, ready-made clothing, and gentlemen's furnishing goods generally. I do not know the value of that stock precisely, nor the particulars of any inventory thereof. About the 20th of December, 1855—immediately after the "Wakarusa war," and during the troubles and excitement incident thereto—a party of armed men, numbering eight or ten, from the direction of the town of Franklin, as I had reason to believe at the time, came into Lawrence and robbed the store of said Addis of nearly all its contents, between the hours of 8 and 11 p. m.

I usually slept in my office over said store, but was out that evening until a late hour. About ten o'clock or half-past ten o'clock that evening I heard there was trouble at said store. I did not know what it meant. Approached near the store—sufficiently close to see that a number of men were on the street in front of the store; did not see any wagon. The night was very dark. I did not then understand what was going on; thought it might be a drunken row, and therefore avoided the gathering. The men were all gone by about eleven o'clock. I approached within ten or fifteen rods of the store, and could hear swearing and confused conversation. Do not know where Mr. Addis was. I went to bed about twelve o'clock. Did not go into the store until next morning, when Mr. Addis informed me what had taken place—that a gang of men had broken into his store, and robbed him of everything. I then, at his request, went down and examined his store. His stock was nearly all gone. All the cloths, vestings, coat patterns, and ready-made clothing, were “cleaned out” and taken away, except a few trifling articles or samples. Do not know the value of his stock of goods. Do not think there was twenty-five dollars' worth of things left in the store. He immediately went to work and made out an inventory of what property had been taken away. He had some cloths there on commission for James Blood and Robert Morrow, of Lawrence, which cloths are included in the inventory annexed to said petition. I did not see the inventory made out, and can only state that the amount of said inventory as here presented about corresponds with the amount that day estimated by said Addis as the amount of his loss. The taking of said goods was regarded by the citizens generally as a bold robbery at the time. Efforts were made by me to discover the robbers. Do not know that Addis employed any one else to hunt up the robbers. Addis was from Pennsylvania originally. During the Wakarusa war he was neutral; and his conduct was not satisfactory to some portions of the citizens of Lawrence, because he did not take part in the defence. He was denounced as a pro-slavery man, as he came to Lawrence from Virginia. I have reason to believe that his unpopularity on account of those matters led to his robbery, and that the free-State men, or some of them, participated therein. I subsequently recovered two damaged pieces of cloth that belonged to Addis's stock. They were exposed in a place where I came across them. Never ascertained definitely the names of any of the party. From the investigations that I made I ascertained that the goods were probably divided around among parties residing in the bottom and towards the town of Franklin. No person ever admitted to me that he participated in the transaction. Do not think that any party of pro-slavery men as such committed the robbery. It was doubtless instigated by motives of revenge, because Addis was not free-State enough to answer the standard of some persons of influence in Lawrence. About the time of the robbery Addis married into a pro-slavery family—Short's—residing in Lawrence.

J. S. EMERY.

Sworn to before me this 2d day of April, 1859.

EDW'D HOOLAND,
Commissioner.

Paul Molke, being duly sworn, saith : I now live in Leavenworth City. In December, 1855, I lived in Lawrence, Kansas. I am a tailor I was in the employ of Addis, the petitioner, at the time of the robbery of his store, and was in the store, when, about ten o'clock at night, in winter time—very cold weather—an alarm called me to the door. About twenty men, armed with revolvers, asked for Mr. Addis. He was not there then. He commonly slept in the store. I told them he was away. They asked me where he was, and one of them pointed a revolver at my breast, saying that I must tell him. I did not know where he was ; he left the store about dusk. The men commenced swearing. One of them threw his tobacco-box on the lamp, which knocked it down and extinguished the light. I tried to get a light, and before I could do so the room was filled with men, and before I could light a candle everything in the store was taken off the shelves and carried away. It took them but a few moments to take everything from the shelves. They went in and out for some time, carrying the goods away, even after I got a light. I often saw some of those men in Lawrence afterwards, but being a German, speaking but little English, and a comparative stranger, I do not know the name of a single participator in the transaction, except one, whose name was Buffum. Buffum lived in Lawrence about two months after that, when I did not see him any more. I knew a few of the men by sight, but not their names. None of them kept store there ; most of them were young men. They had no wagon with them. Can't tell how many goods Mr. Addis had there. I had worked in the store four weeks before the robbery. I saw a large stock of broadcloths and tailoring goods there while I was working with Addis. I did not help Addis make out any list of his losses next day, as I could not speak much English then. None of the goods ever came back that I know of. I did not recognize any of those goods afterwards in possession of any persons. Have no idea of the value of the whole stock of goods on hand. It was a large and good stock.

PAUL MOLKE.

Sworn to before me this 2d day of April, 1859.

EDW'D HOOGLAND,
Commissioner.

Alfred S. Addis, being duly sworn, saith : I am the above-named petitioner ; during the forepart of the evening, in December, 1855, when my store was robbed, I was at the house of Mr. Short, in Lawrence ; I left there about 11 p. m. ; do not know the day of the month on which the robbery occurred ; from Mr. Short's I went directly to my store ; knew nothing of the robbery till I got to the store ; no one was there then but Paul Molke, my journeyman ; I went to the door, it was locked ; after knocking two or three times Molke opened it ; I found that everything had been taken out of my store ; did not know what it meant, and asked Molke ; he said there had been a whole lot of men there, who threatened to kill him, and took the goods off ; I

went from there back to Mr. Short's ; stayed there that night ; went to get some of the boys to help me ascertain where the goods were gone to, and they would not let me go away again that night ; in the morning I went and saw Mr. Emery, and told him what had taken place ; he said he would try to assist me ; he proposed to look around and make inquiry as to where the goods went to, but nothing satisfactory was ascertained ; during the day I made out a list of what had been taken away, partly from recollection and partly from bills of purchases that I had on hand ; I think I have some of those bills yet in my possession ; some of the cloths mentioned in the inventory I purchased of Norman Allen, of Lawrence, some of F. Conant, of Kansas City ; one lot of goods bought of a pedlar named Wilson, about \$200 worth ; some from Blood, and some from Morrow ; purchased of Allen two or three times ; from Conant I purchased about \$100 or \$200 worth ; I did not bring any goods from the east ; bought my stock from the different stores in town as from time to time I might see a piece of cloth or a lot of goods that suited me and I considered cheap ; I do not know where any of the goods that were taken from my store went to ; never recovered more than two or three remnants and they were not worth over \$25 ; I am now residing in Leavenworth City ; I never saw any of those goods around town or elsewhere afterwards to recognize them ; the original memorandum that I made out of my losses I handed to Mr. Emery, my lawyer ; I think the statement of losses embraced in my petition is correct and true, and that the boats charged for were worth the sums mentioned ; said boats were taken away by citizens of Lawrence when escaping from the pro-slavery mob who entered and sacked Lawrence on May 21, 1856 ; said boats were used by me in going to and from my claim on an island in front of Lawrence ; do not know who robbed my store, except that Robert Buffum or " Bob Buffum " once told me, in substance, that he participated in the transaction, and would help rob every damned pro-slavery son of a bitch in the Territory.

ALFRED S. ADDIS.

Sworn to before me this 2d day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Alfred S. Addis.

Total claim	-	-	-	-	-	-	\$2,270	25
Petitioner claims for a stock of cloths, cassimeres, vestings, furnishing goods, and ready-made clothing, taken from his store in Lawrence in December, 1855	-	-	-	-	-	-	1,623	25

It appears from the testimony in this case that petitioner was regarded by the citizens of Lawrence (immediately succeeding the Wakarusa war, and while the town was virtually a military encampment, see Hutchinson's case,) as a

pro-slavery man, and as such dangerous as a spy. To drive him from the town may be presumed to have been the cause of the robbery. He had evidently taken no part in the difficulty. The evidence of the loss is as full and complete as can reasonably be expected under the circumstances and lapse of time. No proof in regard to the two boats. Same allowed.

Add interest, 2½ years, at 6 per cent.	-	-	-	\$243 45
Total award	-	-	-	<u>1,866 70</u>

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

MAY 5, 1859.

No. 159.

ACCOUNT FOR LOSS OF PROPERTY.

TERRITORY OF KANSAS, *County of Leavenworth:*

To the commissioners appointed by act of the legislature of Kansas Territory, approved February 7, 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

Petitioner states that she is a *bona fide* resident citizen of said Territory, of the county of Leavenworth, and was an actual resident of the said county at the time mentioned in said act. Your petitioner further states that on the 1st day of August, A. D. 1856, she was the legal owner and in peaceable possession of the following property, to wit: Household and kitchen furniture, cooking utensils, &c., to the value of two hundred and fifty dollars; that said property was lost to petitioner, by being taken and destroyed by the armed bands then investing said Territory. Petitioner further states that she has received no remuneration therefor whatever, but that the same was totally lost to her. She therefore prays your honors to allow her the sum of two hundred and fifty dollars. Petitioner further states that the facts herein recited are true.

MARY FRANCE.

TERRITORY OF KANSAS, *County of Leavenworth, ss:*

This day personally appeared before the undersigned, an acting justice of the peace within and for Delaware township, Mrs. Mary France, personally known to me, and made oath that the foregoing petition and facts therein contained are true to the best of her knowledge and belief.

Witness my hand this 2d day of April, A. D. 1859.

DAVID TIBBETTS, J. P.

In the matter of the petition of Mary France.

L. F. Hollingsworth, of the county of Leavenworth, being duly sworn, states: That he is acquainted with the petitioner, Mary France, and has been since the winter of 1854-'55; that she was then and now is a citizen of the Territory of Kansas, and resides in the vicinity of Delaware City, in this county. Mrs. France is a widow lady. She was, when I first became acquainted with, living in very comfortable circumstances near Delaware City; her house was well furnished with everything necessary; floors carpeted, good cane-bottom chairs, bureau, wardrobe, and a number of excellent beds, bedding, &c.; her house was much better furnished than houses generally in Kansas at that time. I would say that two hundred and fifty dollars was below the real value of her household furniture and goods. She continued to live in her house until in the month of August, 1856. About the middle of the month, at that time, she was forced to leave the Territory for her own personal safety, and to abandon her house and furniture, by an armed band of men then encamped or quartered in and near Delaware, and committing great violence in the neighborhood. After she left her furniture was entirely destroyed by those men, not a vestige of anything was left on her return.

L. F. HOLLINGSWORTH.

Sworn to before me April 2, 1859.

SAM'L A. KINGMAN,
Commissioner.

Matt France, being sworn, states: That he is the son of the petitioner; that she is and has been a citizen of Kansas since the year 1854. That in the year 1856 she was residing near Delaware City, in Leavenworth county; that she was in comfortable circumstances, living in a well furnished house. That about the middle or after part of August, of that year, she was forced to leave the country through through fear of personal violence from an armed band of men stationed in and near Delaware City, called Kansas militia, who were then daily engaged in the commission of violence in the neighborhood; that when she left the Territory she left all her property and goods in the house. After she left the house, I saw those men fire into the house and windows, and shoot the beds partially to pieces. I left myself and did not return until the December following. My mother did not return until the spring following. On my return the property left in the house was entirely gone and destroyed. I know that my mother never recovered any part of it, or received any compensation therefor, and that the property left in the house was well worth two hundred and fifty dollars.

MATT FRANCE.

Sworn to before me April 2, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Mary France.

Petitioner claims for household furniture and property taken and destroyed by a company of Kansas militia, near Delaware City, August, 1856, she being a widow woman - - - - -

\$250 00

And interest thereon - - - - -

37 50

287 50

The proof is satisfactory and sustains the claim, which sum is hereby awarded to her.

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 12, 1859.

A.

No. 160.

Goods that were taken from me, September 15, 1856.

2 bolts domestic prints, 65 yards, at 12 cents	- - -	\$7 88
6 bolts fancy prints, 273 yards, at 15 cents	- - -	33 77
1 bolt fancy prints, 20 yards, at 12 cents	- - -	2 40
1 bolt fancy prints, 20 yards, at 15 cents	- - -	3 00
1 bolt fancy prints, 150 yards, at 16 cents	- - -	24 03
1 piece pink lawn, 6 yards, at 30 cents	- - -	1 80
1 piece gingham, 18 yards, at 25 cents	- - -	4 50
1 piece gingham, 20 yards, at 35 cents	- - -	7 14
1 piece gingham, 20 yards, at 25 cents	- - -	5 00
1 piece gingham, 24 yards, at 25 cents	- - -	6 04
1 piece lawn, 18 yards, 40 cents	- - -	7 38
13 cotton handkerchiefs, at 25 cents	- - -	3 25
2 silk handkerchiefs, at 75 cents	- - -	1 50
6 silk handkerchiefs, at \$1	- - -	6 00
Spool cotton	- - -	1 00
Pins	- - -	1 00
Thread	- - -	70
1 parasol	- - -	1 00
Linen edging, 18 yards, at 10 cents	- - -	1 80
Black ribbon, 10 yards, at 10 cents	- - -	1 00
Nankeen, 39 yards, at 25 cents	- - -	9 75
Chambray, 18 yards, at 18 cents	- - -	3 33
Camleteen, 21 yards, at 18 cents	- - -	3 78
1 satin vest	- - -	4 00
2 marseilles vests, at \$2 each	- - -	4 00
1 white vest	- - -	4 00
1 buff vest	- - -	2 00

1 linen coat	\$1 50
2 striped coats, at \$1 50 each	3 00
1 winter vest	2 00
1 piece Irish linen, 10 yards, at 75 cents	7 40
1 piece of jaconet, 10 yards, at 30 cents	3 00
1 piece cambric, 10 yards, at 30 cents	3 00
5 pairs boots, \$3 50 per pair	17 50
8 pairs boots, \$4 per pair	32 00
16 pairs men's shoes, \$1 75 per pair	28 00
8 pairs ladies fine shoes, \$1 50 per pair	12 00
8 pairs goatskin shoes, \$1 25 per pair	10 00
4 hats, men's, \$1 50 each	6 00
1 bonnet	2 00
3 salt cups, at 50 cents each	1 50
2 pairs castors, \$2 per pair	4 00
6 sets cups and saucers, at 35 cents per set	2 10
1 load water melons	3 75
3 penknives, \$1 each	3 00
2 dozen bedstead cords, at 40 cents	9 60
10 pounds shot	1 25
1 pistol and flask	3 00
22 pairs socks, at 40 cents	8 80
1 bridle	2 50
1 bee tree	2 00
1 sack	50
40 cakes shaving soap, at 5 cents	2 00
1 window, broken	2 00
1 piece jaconet, 10 yards, at 30 cents	3 00
1 piece black alpacca, 22 yards, at 50 cents	11 00
1 piece delaine, 6 yards, at 35 cents	2 10
Bed-ticking, 20 yards, at 15 cents	3 00
Cap lace, 15 yards, at 25 cents	3 75
Stockings, 6 pairs, at 35 cents	2 10
Narrow lace, 10 yards, at 10 cents	1 00
Unbleached muslin, 20 yards, at 15 cents	3 00
Bleached muslin, 20 yards, at 15 cents	3 00
Cross-bar cambric, 20 yards, at 25 cents	5 00
Bleached cambric, 15 yards, at 10 cents	1 50
Silk gloves, 9 pairs, at 75 cents	6 75
Note book	25
2 books, at 25 cents	50
6 Testaments, at 10 cents	60
Set knives and forks, fine	15 00
Scissors	1 00
$\frac{1}{2}$ gross tea spoons	2 00
$\frac{1}{2}$ gross table spoons	3 50
Bishop lawn, 11 yards, at 40 cents	4 40
1 piece white muslin, 36 yards, at 15 cents	5 40
1 piece white muslin, 36 yards, at 12 cents	4 32
black silk handkerchiefs, \$1 each	6 00

5 fancy handkerchiefs, 80 cents each	-	-	-	-	-	-	-	-	-	\$4 00
Envelopes	-	-	-	-	-	-	-	-	-	2 50
Tobacco	-	-	-	-	-	-	-	-	-	16 00

WILLIAM H. P. BRISTOW.

To the honorable the board of commissioners of the Territory of Kansas, sitting in and for said Territory, to adjust claims for losses during the troubles of 1855 and 1856, by an act of the Kansas legislature in the year 1859.

Your petitioner, William H. P. Bristow, a citizen of the county of Leavenworth, in the Territory of Kansas, represents unto your honors that, on or about the 15th day of September, A. D. 1856, he was the sole possessor and owner of a retail store in the town of Easton, in said county, and that his store was entered on the evening of the 15th of September aforesaid by a band of armed men, called the Kansas militia, under the command of Captain Dunn, and his goods were taken and carried off and appropriated to their own use, against the consent of your petitioner. The goods consisted of general merchandise; a bill of the same, as near as may be, of the kind, value, and amount, is hereto attached, marked A, and prayed to be accepted as part of this petition; and your petitioner avers that he never recovered any part of the goods thus taken from his store, nor has he ever obtained any recompense for his losses so sustained as aforesaid; wherefore he prays that his own affidavit may be taken, inasmuch as he did not keep any regular clerk; and that, upon hearing his proof, your honors will render him a just allowance for his losses, and grant him such award as he may be entitled to according to law and equity.

WM. H. P. BRISTOW,
By M. W. DELAHAY,
For petitioner.

TERRITORY OF KANSAS, *County of Leavenworth, ss:*

Personally appeared before me, one of the commissioners, William H. P. Bristow, and who, being duly sworn by me, says that the matters and facts set forth in the foregoing petition are true, as he verily believes.

WILLIAM H. P. BRISTOW.

Sworn and subscribed to before me this 2d day of April, A. D. 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of William H. P. Bristow.

LEAVENWORTH COUNTY, ss :

Pepton Bristow, being duly sworn, saith : I reside four miles from Easton, Leavenworth county, Kansas Territory; am a son of petitioner ; resided there in the summer of 1856 ; father lives about half a mile west of Easton, and has lived there about four years last past; in 1856 my father was keeping store at Easton, on the north side of the road then. In September, 1856, my father had goods in his store amounting to \$440 50; they were dry goods and groceries, boots and shoes ; the dry goods were calicoes, sheetings, shirtings, &c. ; cannot say how many groceries were there ; there were boots and shoes ; do not know the amount of groceries there were there ; do not know how many cases of boots and shoes there were there ; cannot say whether there was any sugar there ; do not remember whether there was any tea there ; I was in the store generally about once a week, or oftener; these goods, I understood, were taken away by force; I never attended the store ; I hauled up to him the last goods that he bought ; hauled them from Leavenworth ; he bought them there ; I do not know who of ; cannot name the house he bought them of ; I hauled ; I cannot tell what I did haul ; I had a two-horse team ; cannot tell when it was I hauled that last load ; I did not keep a memorandum of what goods were in the store ; I am so positive about there being \$440 50 cents worth of goods in the store, because I knew most what was there ; I did not take a memorandum of those goods at any time ; I did not see Captain Dunn's company of soldiers take away any of those goods at any time ; I never reckoned up to see how many goods there were in the store; don't know how many pieces of calico there were in the store ; I have never seen any list of the goods in the store, except the bill of items attached to the petition; I did not reckon it up ; my father had it ; it is in his handwriting ; it was made out yesterday; I was not present when it was made out ; I do not think of any other reason why I know there were \$440 50 cents worth of goods in the store ; I mean to say that that amount of goods was in the store when the store was robbed.

PEYTON BRISTOW.

Sworn to before me this 2d day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

Ambrose D. Jones, sworn : I reside half a mile north of Easton, in this county, and have resided there ever since the fall of 1854 ; am acquainted with petitioner and have known him ever since he came there to reside, in or about 1855 ; he was there prior to 1856 and had then been keeping store there some time ; he had what was called a retail dry goods store in a hewed log building, about 20 by 24 or 26 feet, 1½ story high ; there were two doors to the store and, I believe, two windows; during the season of 1856 I was in the store frequently ; he

generally kept calicoes, shirtings, brown domestics, ready made clothing, vests, &c. ; I have bought groceries, such as sugar and coffee, there frequently; in the month of September, 1856, between the 1st and 15th, about the 10th, I think, I saw a number of armed men—some on foot and some on horseback—stop at his store, go in, and carry out various articles (such as vests, calicoes, boots and shoes and socks and little trinkets) that I cannot mention without studying over; I saw two of those armed men enter the store through the window; I was close by the storehouse when I saw those men enter the window, and within five paces of the store; I know the names of some of those armed men who entered the store; one was a man named Ferguson; do not know where he is now; I knew Captain Dunn, and he was the acting commander of those men, and there present at that time; did not see him go into the store; I knew another of the party, named Linsey Greening, who then resided in Salt Creek valley, about 4½ miles from Leavenworth; do not remember the names of others; saw many of them carrying the goods; I plead with them to leave the goods; the goods were put in a pile on the ground, and afterwards Greening faced the men around and took charge of the lot; soon I saw them put the goods in a wagon and drive off; there were about 112 or 115 armed men there then or till next morning; I do not think more than ten men carried the goods out or took them away; I belonged to Dunn's company; a large portion of the company, I know, did not participate in the transaction; I was a pro-slavery man, and Bristow was of opposite politics; I opposed the taking, as I knew and respected Bristow, and was opposed to the stealing; it was generally understood that Bristow's goods were pressed or confiscated in retaliation for the robbery of Willoughby and Dawson, a few days before, by the Kansas free-State militia under Colonel Harvey; never heard of Bristow or his family participating in the plundering of Willoughby or Dawson or any others; I do not know the value of the goods that were taken from Bristow's store; cannot fix any estimate of their value; the goods mentioned were taken away in a wagon; I saw a few men with vests and shirts on, which they said they had got from Bristow's store, but I do not know what became of the bulk of those taken away in a wagon; I was in the store of Mr. Bristow that evening; there was nothing left in it of any value.

AMBROSE D. JONES.

Sworn to before me this 2d day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

William H. P. Bristow, sworn: I am the above named petitioner; I had no clerk at the time of the robbery of my store in September, 1856; I was not present when the transaction occurred; the robbery took place on a Sunday; my family lived half a mile from the store; the bill of goods taken, and annexed to my petition in this case, is a copy of the bill or memorandum prepared and furnished by me to

General Strickler, in 1857, as commissioner of claims ; the same was prepared from my bills, memorandums, and recollection, to the best of my ability ; I believe the same to be, in all respects, just and true.

WILLIAM H. P. BRISTOW.

Sworn to before me this 2d day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of William H. P. Bristow.

Petitioner claims for goods and property taken from his store, at Easton, Kansas Territory, September, 1856, by Captain Dunn's company Kansas militia	\$452 52
and interest.	
The case is made out and reasonably well supported by evidence. The above amount is awarded (same as allowed by General Strickler.)	
Add interest, 2½ years, at 6 per cent.....	65 83
Total award.....	<u>518 35</u>

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 18, 1859.

No. 161.

To Henry J. Adams, S. A. Kingman and Edward Hoogland, commissioners appointed under an act entitled "An act to provide for the adjustment and payment of claims," approved February 7, 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder which prevailed from November 1, 1855, to December 1, 1856.

Your petitioner, Joseph Evans, a citizen of Leavenworth, Kansas Territory, states: That he was a citizen of said Territory in the year 1856, and that on or about the month of August, 1856, a mob of armed men, commanded by one Frederick Emory, seized upon and took by force and violence two mules, the property of petitioner, in the county of Leavenworth, aforesaid; and the said armed mob retained possession of them for several weeks, and ill-treated and injured said mules, so as to render them unfit for use for a long space of time, as well as the real value of said mules was very much reduced in consequence of said ill-treatment, to the damage of petitioner in the sum of three hundred dollars. Your petitioner states that said armed force, on or about the same time, took from his son, Eli Evans, one revolver pistol,

worth twenty-five dollars, and an overcoat, worth ten dollars, the property of petitioner. He states that he has never recovered said property or any part thereof, nor has he been paid therefor. Your petitioner therefore prays an allowance in his favor for the sum of three hundred and thirty-five dollars, and he will ever pray, &c.

JOSEPH EVANS.
HENRY & HENRY,
Attorneys for petitioner.

This day, Joseph Evans came before me and made oath that the facts set forth in the foregoing petition are true to the best of his knowledge, information and belief.

SAMUEL A. KINGMAN,
Commissioner.

Kansas Territory to Joseph Evans, Dr.

To damaging two mules - - - - -	\$300
One Colt's revolver pistol - - - - -	25
One overcoat - - - - -	10
Total - - - - -	<u>335</u>

In the matter of the petition of Joseph Evans.

LEAVENWORTH COUNTY, ss:

Eli Evans, being duly sworn, saith: I resided in Leavenworth City in 1856; was one of a party of five or six persons, consisting of John Kendall and others, in a hack hired of H. G. Weibling, to go to Topeka, in August, 1856, as set forth in the testimony case of said Weibling, (No. 155.) The mules were taken possession of by a band of armed men under command of Fred. Emory; the passengers in the hack were all taken prisoners; the mules belonged to my father; I had charge of them; we were all taken to the pro-slavery camp, as stated in testimony of John Kendall, (No. 155;) the mules were kept by the pro-slavery men three weeks before they were recovered; Clarkson's company then brought them into Leavenworth and we succeeded in obtaining possession of them here; when taken by Emory's men the mules were in good condition, worth \$650; extraordinary good mules; father was offered that for them; when obtained again they were reduced in flesh, apparently from hard usage; father has not got them now; he sold them about a year ago; I think that when recovered they would not have brought as much as they would when they started by \$250; I think they were actually injured that amount during the three weeks they were kept by their captors; they were stiffened up and never fully recovered; not actually lamed; don't remember what they were sold for; traded them off.

At the same time there was taken from me by said armed men one Colt's revolver, worth \$25, that sum I paid for it the day before I started, and one gray overcoat, had been worn some, worth then \$10; the pistol and coat were never recovered by me nor any compensation therefor; I was and am yet under age; work for my father yet; at that time father was a citizen of Kansas and has resided in Kansas ever since.

ELI EVANS.

Sworn to before me this 2d day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

Harmon G. Weibling, sworn: I knew the mules mentioned by the last witness and furnished the hack and mules to John Kendall, as mentioned in his testimony, No. 155; I had a stable in Leavenworth in 1856 and hired hacks and conveyances to parties who wanted; when Kendall took the mules I considered them worth \$600; I saw Evans offered \$650 for them; I saw them when they were recovered; they were much injured by hard usage and I would not have given half price for them; they were greatly used up; don't know how they were obtained.

H. G. WEIBLING.

Sworn to before me this 2d day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Joseph Evans.

Petitioner claims for damage and injury to one span of extraordinary mules, taken by Captain Emory's men and detained several weeks and finally recovered.—(See case

155) - - - - -	\$300 00
One revolver, \$25; one coat, \$10; taken from his son, a minor - - - - -	35 00
	<hr/>
	335 00
	<hr/>
Witness Weibling, a competent judge, puts the damage to mules at \$250, other proof higher.	
The board award therefor - - - ; - - -	250 00
Revolver and coat - - - - -	35 00
	<hr/>
	285 00
Add interest, 2½ years, at 6 per cent - - - -	42 75
	<hr/>
Total award - - - - -	327 75
	<hr/>

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 18, 1859.

No. 162.

TERRITORY OF KANSAS, *County of Leavenworth* :

Petition of M. Pierce Rively, of the county and Territory aforesaid, under an act of the territorial legislature entitled "An act to provide for the adjustment and payment of claims," approved February 7, 1859.

To the honorable the board of commissioners appointed under the said act :

I, M. Pierce Rively, a citizen of the county and Territory aforesaid, and a citizen at the time of sustaining the losses hereinafter mentioned, respectfully represent unto your honorable board : That I have sustained losses at and within the county and Territory aforesaid, between the first day of November of the year eighteen hundred and fifty-five and the first day of December of the year eighteen hundred fifty-six, in consequence of and growing directly out of the difficulties which harrassed the Territory during that period, by way of loss of property, as follows, to wit :

The loss of three valuable horses, worth three hundred dollars, which were taken from the possession of your petitioner, on or about the first day of August, in the year eighteen hundred and fifty-six, by some one, supposed to be in the service of the free-State party, by whom they were conveyed or caused to be conveyed to the city of Lawrence, in the Territory of Kansas; from which latter place they were again removed to the camp of General James H. Lane, at that time in command of the forces employed in protecting the free-State party.

And I, the said M. Pierce Rively, do further represent unto your honorable body, that none of the property described herein has ever been restored to him, nor has he received any compensation for his loss.

M. PIERCE RIVELY.

Sworn to and subscribed before me this 2d day of April, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of M Pierce Rively.

LEAVENWORTH COUNTY, ss :

M. Pierce Rively, being duly sworn, says : That he has been living here since 1852, and a citizen of the Territory since its organization ; I reside in Salt Creek valley in this county, and have resided there since 1853 ; about the month of August, 1856, there were three horses taken from me at night from my door yard, one of them worth \$125,

another worth \$100, and the third was worth \$75; they were my horses; I was then a pro-slavery man and was recognized as such, and am still; I don't know who took the horses, they were taken at night; we traced them to Lawrence and heard they had gone from there up towards Lane's camp near Nebraska city; has never received any compensation for them. There were a good many horses taken that week; about eleven taken from Salt Creek valley from pro-slavery men; I have heard that they were taken by those calling themselves free-State men; horses about that time were taken by both parties.

M. PIERCE RIVELY.

Sworn to before me April 2, 1859.

SAMUEL A. KINGMAN,
Commissioner.

Benjamin E. Rively, sworn, saith: That he is the brother of petitioner; that he has known him in the Territory since 1855; he resides in Salt Creek valley in this county, and has since 1855; and since that time he has been living in the same house with petitioner. In August, 1856, he lost three horses, they were taken from the door yard where I had put them myself, they were there at bed-time, in the morning they were missing; I can't say who took them; on another horse I searched for them all through the neighborhood; I left the neighborhood and heard of the horses on the road to Lawrence, or of horses that answered the description of those lost; I heard of them next, being in Lawrence; they remained as I heard, in Lawrence five to ten days; from there they started to Nebraska City, to Gen. Lane's camp, a free-State man. At that time in this county, property was disappearing from men of both sides. Petitioner was a pro-slavery man. I value the first best horse at \$150, another \$100, the third \$75.

B. E. RIVELY.

John A. Lindsay, sworn, says: That he is acquainted with petitioner since 1855. In August, 1856, petitioner lost two bay horses and a sorrel horse; I saw them the day before they were taken, at his house, in Salt Creek valley; I lived next neighbor to him and was there every day; the sorrel horse was a large fine horse, I think worth \$150; one of the bay horses was worth about \$100, and one worth \$75; I don't know what became of them, I heard they were taken to Lawrence and from thence to Nebraska City to Gen. Lane's camp. At that time the Territory was in a state of war. Pro-slavery men, when they could, stole horses and cattle, and so did free-State men—they called it pressing. There was a company of free-State men on Stranger, about fifty in number, stating that they were there for protection, and pressing pro-slavery horses.

J. A. LINDSAY.

Sworn to before me April 2, 1859.

SAMUEL A. KINGMAN, *Commissioner.*

In the matter of the petition of M. Pierce Rively.

Petitioner claims for three horses taken from him in August, 1856, and traced to Lane's camp, worth \$100, \$125, and \$75	-	\$300 00
Add interest, 2½ years, at 6 per cent	- - - -	45 00
		<hr/>
		345 00
		<hr/> <hr/>

The proof is clear and fully sustains the claim, and an award is hereby made accordingly.

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 12, 1859.

No. 163.

To the commissioners appointed to audit and certify claims :

Your petitioner, Francis Grasmuck, states: That he is a citizen of the Territory of Kansas, and has been since the year 1854. That on or about the month of October, 1856, he was residing on his claim, about one mile south of Tecumseh. That he was the owner of a two-year old heifer, worth \$30, and three hogs, worth \$10 each. That this property was taken from him and used by the United States soldiers who were at that time encamped in and about the city of Tecumseh, and engaged in guarding the free-State prisoners. That he has received no compensation for said property, nor any part thereof. This property was secretly killed and destroyed without the consent of petitioner. That he applied to Lieutenant Higgins, who was in command, for compensation, who said that if petitioner could point out the offenders he would pay for the property, or would turn them over to the civil authorities for punishment; but petitioner was unable to identify the parties who took the property.

FRANCIS GRASMUCK.

Subscribed to and sworn before me April 11, 1859.

SAMUEL A. KINGMAN,
Commissioner.

I certify that I have been acquainted with petitioner, Francis Grasmuck, since May, 1855. During all the intermediate time he has resided on a farm adjoining the town of Tecumseh. In 1856 he had cattle and hogs belonging to him, which ran at large in the neighbor-

hood of the town. The United States troops were stationed at Tecumseh in the fall of 1856, to guard a number of prisoners brought up from Leecompton for trial, and numerous complaints were made at the time by the settlers that they were in the habit of shooting and using hogs and other animals belonging to the settlers, without their consent, or giving any compensation therefor.

EDWARD HOOGLAND,
Commissioner.

Francis Grasmuck, jr., being sworn, says: That he is fourteen years old. That in October, 1856, while the United States troops were in Tecumseh, his father, the petitioner, was the owner of a heifer worth \$30. It was a fine animal, and cattle were high at that time. Judge Elmore told my father that there was a heifer up the creek that he supposed was father's, killed. We went up there; found it was father's heifer, killed, partly skinned; the hind quarters were gone, and part of one of the fore quarters; the hide was cut in several places; the meat had lain there so long since it had been killed that it was unfit to eat, and we left it on the ground. My father had three hogs that were in good order, that were missing about the same time. I never knew what became of them. They were worth \$10 each.

FRANCIS ^{his} + GRASMUCK, JR.
_{mark.}

Sworn to before me April 11, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Francis Grasmuck.

Petitioner claims for one heifer	-	-	-	-	\$30 00
Three hogs, \$10 each	-	-	-	-	30 00
Taken and used by United States troops at Tecumseh.					
Interest, two and a half years, at six per cent	-	-	-	-	9 00
					69 00
					69 00

The proof warrants the allowance of the claim as presented.

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 12, 1859.

No. 164.

To the commissioners of claims under act approved February 7, 1859 :

Your petitioner, Hiram Penny, represents that he is a citizen of Kansas Territory, and has resided in the city of Tecumseh, in Shawnee county, ever since the spring of 1856. That in the month of August, 1856, he was the lawful owner of two gray horses, of the value of \$260, and a saddle of the value of about \$15. That on the night of about 15th August aforesaid, in Tecumseh aforesaid, and during a period of warfare and excitement connected with the approach of General Lane's army from the north, the said horses and saddle were seized and taken from petitioner by persons to him unknown, and he has wholly lost the same, having never recovered or received any compensation whatever therefor.

Petitioner therefore prays that he may be awarded said sum of \$275, and interest thereon, as damages, under the provisions of said act of February 7, 1859.

his
HIRAM + PENNY.
mark.

Witness: N. U. VANCE.

Sworn to before me this 12th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

SHAWNEE COUNTY, ss :

Nimrod U. Vance, being duly sworn, saith : I have resided in Tecumseh ever since April, 1856. I knew the horses described in Penny's petition. I boarded with Penny in August, 1856. At night the said horses were staked out near the spot where Penny resided. In the morning the horses were gone, and the ends of the lariats remaining attached to the stakes showed that the ropes had been cut and the horses taken away. The horses were worth \$125 each ; understood that Penny paid \$140 cash for one of them. The saddle was also missing at same time ; it was worth \$12 or \$15. Do not know what ever became of any of the property. The stealing of said horses took place about the time of the robbery of Tecumseh by the company from Topeka. Do not remember the date precisely.

N. U. VANCE.

Sworn to before me this 12th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Hiram Penny.

Petitioner claims for one span of horses and saddle, taken from him August, 1856, at Tecumseh. Same awarded by Strickler at	-	-	-	-	-	-	\$275 00
And interest	-	-	-	-	-	-	41 25
							<hr/>
							316 25
							<hr/> <hr/>

The facts and value are sustained by the proof, and warrant an award for amount claimed	-	-	-	-	-	-	316 25
							<hr/> <hr/>

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 12, 1859.

No. 165.

To the commissioners of claims under act of February 7, 1859 :

The undersigned represents: That he is a citizen of Kansas Territory and has been such ever since the spring of 1855, during which time he has resided at Tecumseh, Shawnee county, in said Territory. That during the months of November and December, 1855, he was the owner of, and was pasturing, feeding or herding, near the head of Deer creek in said county, and some five or six miles from Tecumseh, a drove of cattle, 184 in number, of which 120 were four year old steers, and the remainder cows and yearlings, stock cattle. James R. Warren and Pleasant Wood were petitioner's assistants in taking care of said stock. Said Wood is now dead. Said Warren now resides on his claim near Tecumseh, aforesaid. In December, aforesaid, owing to the annoyances experienced through the disorders and difficulties then prevailing in the Territory by the killing or running off of said stock, deponent collected and drove away from said neighborhood and herded on the Half Breed Kaw lands opposite Tecumseh 153 head of said cattle, being all that deponent could find or recover, notwithstanding he made diligent and expensive search for the remainder. Deponent saith that he was obliged to absent himself from the care and custody of said cattle, while on Deer creek, for personal safety. The whole Territory nearly was then in a state of warfare and excitement; life and property were unsafe. Cattle were taken from almost every claim. The season was severe and inclement. The settlers in and about Topeka were politically hostile to petitioner. The remainder of said cattle, 31 in number, were taken, killed, driven off or destroyed, as deponent believes, by persons politically and personally hostile to him, but whose names it is impossible for him now

to give. And he believes and has always believed that the loss of said cattle was a direct consequence of the difficulties and disorder that then prevailed in the Territory.

Upon examination and comparison of the drove, deponent found that of the 31 head so taken from him all were about 3 or 4 year olds, and were actually worth on an average at Tecumseh, at that time, in cash \$35 per head. Some of the same drove deponent sold at \$52 per head. All were worth \$75 to \$80 per yoke.

Deponent has never received any compensation for said cattle from any source whatever.

JOHN M. REED.

Sworn to before me this 12th day of April, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of John M. Reed.

TESTIMONY.

James R. Warren, being duly sworn, says: That he knows the petitioner, John M. Reed; that he is a citizen of the Territory of Kansas, and was in the month of December, 1855. That in September or October, 1855, he was employed to herd cattle for petitioner on Deer creek, in Shawnee county; that he was so employed between 25 and 30 days; that there were 183 or 184 head. The oxen were three or four years old, about 100 in number; the rest of them were cows and calves. These were the property of John M. Reed, as I understood; he had them in possession, and employed and paid me for assisting in herding them. Some time that fall or winter petitioner took the cattle across the river on to the Half Breed Kaw reservation. The man who assisted in taking them over said there were 150 of the cattle when they crossed the river. This man was Pleasant Wood, who is now dead. I do not know what became of the missing cattle. Mr. Reed, at the time of the breaking out of the Wakarusa war, left this neighborhood. It was not considered safe to remain here on account of the difficulties then existing in this vicinity; he (the petitioner) remained at Lecompton some eight or ten days, perhaps longer. At that time there was an armed body of men at Topeka, about four miles from where the cattle were being herded. Mr. Wood and myself both left at the same time with petitioner, and left no one to herd the cattle. These men at Topeka, it was generally understood, pressed cattle and provisions to their use whenever their necessities required it. Mr. Reed's cattle were in good condition, convenient, and probably were made to contribute their quota to the support of the army at Topeka. I did not see them take any of the cattle of petitioner. I do not know which of the cattle were missing. Mr. Reed's cattle were worth then, the largest size, on an average \$40 per head, and cows and calves from \$25 to \$35; at that time he had some two or three worth \$40 each.

Cross-examined.

I can't tell what time I quit herding the cattle, precisely ; it was the last of September or first of October ; after I left others herded them till the troubles broke out. It was in December that we left and went to Lecompton on account of the difficulties. After I quit herding the cattle, and until we went to Lecompton I was on my claim at Deer creek, about two miles from the cattle. I think it would have been dangerous for Mr Reed to have remained here, or any pro-slavery man. Reed had been herding the cattle since the summer of 1855 ; the last addition to the drove was made in August, 1855, which made up the number 183 or 184. I don't know of his selling but one ; that I bought myself. Know nothing of a herd of cattle driven off from here in summer of 1856. Saw several droves driven off from the Wakarusa the day before Governor Geary disbanded the troops in Douglas county. There were about 40 in one drove ; the men who drove them off I did not know ; they came in with General Reed's army, I suppose ; petitioner had nothing to do with that. I returned to Tecumseh the day after the troops were disbanded as aforesaid, and found petitioner here.

The calf or yearling that I bought of Mr. Reed had never run with the rest of the drove, nor had it been counted in making the number as above stated.

JAMES R. WARREN.

Sworn to before me, April 13, 1859.

SAM'L A. KINGMAN,
Commissioner.

John M. Reed, sworn : The cattle were lost some time in the months of November, 1855, and December, 1855. I had herders there at the herding place until the Wakarusa war broke out, when it was unsafe for any of us to remain with them. I furnished the herders with horses and provisions there. When the war commenced we had to leave the cattle for some days for personal safety. As soon as it was prudent or safe to do so I removed the cattle, all that I could find or gather, to the north side of the river and herded them there. I have never received any compensation for the cattle lost or taken.

JOHN M. REED.

Sworn to before me this 13th day of April, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of John M. Reed.

SHAWNEE COUNTY, ss:

Derrick Updegraff, of Tecumseh, in said county, being duly sworn, saith: I located at Tecumseh in the fall of 1854, and have resided

there and within the immediate vicinity ever since; I put up a saw-mill and carried on saw-mill business here in 1855-'56; am acquainted with John M. Reed; he came to Tecumseh in the spring of 1855, and has resided here ever since. I know that in the spring and summer of 1855 petitioner brought from Missouri to Tecumseh and vicinity, for herding and feeding and grazing purposes, a large number of cattle, between one and two hundred head, mostly two, three, and four year old steers. He bought his cattle in two different droves. In the fall of 1855 his cattle were herded and coralled at the head of Deer creek; were in that vicinity when the Wakarusa war broke out. The assemblage of the forces at Lawrence created great excitement among the settlers of both parties in the vicinity of Tecumseh and Topeka. It was understood, and was undoubtedly true, that most of the settlers in the immediate vicinity of Topeka and in the town sympathized with, and, as far as possible, aided the citizens of Lawrence during that difficulty, and those residing in Tecumseh and vicinity were principally sympathizers with the so-called law and order party. The petitioner, as I understood at the time, responded to the call of the public authorities, when it was expected daily that actual hostilities would take place there, and the result was, that after the 1st of November, 1855, there was a general feeling of jealousy, opposition and distrust manifested among the citizens of this portion of the Territory on political causes. The winter of 1855-'56 was a very severe one, and the settlers were reduced in many instances to great distress, for want of provisions. During the excitement of the Wakarusa war, teams from this portion of the Territory were seized and relieved of their loading, by the forces assembled against Lawrence, and those acts had a tendency to still further increase the ill feeling and spirit of retaliation. A military organization was about that time effected at Topeka, and continued in force until after the warfare of 1856. In the summer of 1855 very few settlers had many cattle, but beef was generally supplied in Topeka and Tecumseh. In December, 1855, I heard Reed complain of losing a great many cattle, which he supposed were stolen, but I do not know how many he said he lost; I never saw any one take his cattle. I know he removed his cattle about that time to the Kaw lands, opposite Tecumseh, and herded them there during the winter.

DERRICK UPDEGRAFF.

Sworn to before me this 22d day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of John M. Reed.

Petitioner claims for 31 head of cattle, taken or destroyed, November and December, 1855, during difficulties attendant upon the Wakarusa war.

Said cattle alleged to be worth \$35 per head	-	-	-	\$1,085	00
And interest thereon.					
The proof warrants the inference that their loss or destruction was incident to the disorder that prevailed in the Territory at the time, and award the claim.					
Add interest, 2½ years, at 6 per cent.	-	-	-	162	75
Total award	-	-	-	1,247	75

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 13, 1859.

No. 166.

To the commissioners of claims, under act of February 7, 1859:

The petition of Bennet A. Murphy, of the city of Tecumseh, represents: That petitioner is, and has been since May, 1856, a citizen of Kansas Territory, and during that time has resided at Tecumseh aforesaid; that on or about the 20th day of June, 1856, petitioner was the owner of two large horses, one a sorrel and the other a bay, of the value together of \$350; they were unusually large and valuable horses; that on or about the night of said 20th of June, 1856, said horses were forcibly seized and taken from the premises of petitioner, in Tecumseh aforesaid, and taken away by individuals belonging to the free-State army, who seized said animals and drove them away to participate in the fight at Black Jack, as deponent was informed and believed, by Captain M. J. Mitchell, who commanded said company. The individuals who actually took said animals were actuated by political motives resulting from the destruction of Lawrence, one of whom, as deponent was informed and believed, was Dr. Theron Tucker. As soon as practicable deponent made and prosecuted search for said horses, and finally he succeeded in recovering one of said animals; the other animal deponent has never recovered, nor any compensation therefor; said horse was actually worth \$200; he asks interest on said sum.

BENNET A. MURPHY.

Sworn to before me this 12th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

TERRITORY OF KANSAS, *Shawnee County*, ss :

Guilford Dudley, of the city of Topeka, in said county, being duly sworn, saith : He has read the foregoing petition; deponent remembers the two horses therein mentioned; he was with a company of armed men; from Topeka, and in passing through Tecumseh, on our way to Black Jack, saw said horses near said Murphy's residence; some of the men then suggested that they be taken; Captain Whipple, who was in command, refused consent; when the company reached Niccum's creek, two miles east of Tecumseh, Theron Tucker and George Davis, of said company, rode up to the main body mounted on horses, which deponent understood and believed were the same animals seen near Murphy's residence an hour before; it was alleged and insisted that they were pro-slavery horses, and were therefore taken; one horse was recovered; the other deponent does not know what was done with; do not think Murphy ever recovered it; suppose the horse was worth \$200, a fine large animal; a state of guerilla warfare then prevailed in Kansas, June, 1856, when both political parties were pressing horses from each other for war purposes.

GUILFORD DUDLEY.

Sworn to before me this 12th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Bennet A. Murphy.

Petitioner claims for one horse, worth \$200, taken by the Topeka free-State army, June, 1856. The case is fully sustained by direct and positive proof.

The board award value of horse	-	-	-	-	\$200 00
Interest, two and a half years, at 6 per cent				-	30 00
Total award	-	-	-	-	<u>230 00</u>

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 13, 1859.

No. 167.

TERRITORY OF KANSAS, *County of Shawnee* :

To the commissioners appointed to audit and certify claims under the act of the legislature of 1859.

Thomas J. Johnston, complainant, states: That on or about the 19th day of August, A. D. 1856, and for some time previous thereto, he

was an actual resident citizen of said county of Shawnee, and was, on said 19th day aforesaid, the actual owner of and in the possession of a very fine young bay mare, of the value of \$150; that at the time last aforesaid said mare was taken or stolen from him; that at the time said mare was taken said complainant was residing near the city of Tecumseh in said county; that said mare was running at large on the prairie and was caught and taken by a company of men engaged in the war that then existed in said Territory, and when so taken was grazing on the prairie, near the town of Washington in said county; said complainant further says that he has never recovered said mare, or any compensation therefor from any person whatever.

T. J. JOHNSON.

Sworn to before me this 12th day of April, 1859.

SAMUEL A. KINGMAN,
Commissioner.

This day personally came William Johnson, who, being duly sworn, says: That on the 19th day of August, 1856, that the within named Thomas J. Johnson was the actual owner and in the possession of a fine bay mare of the value of one hundred and fifty dollars; that said mare was token while running at large near the town of Washington, in said county; that afterwards to wit: on or about the 26th day of August, 1836, said mare was rode into said city of Tecumseh by a man that was said to belong to Captain Moore's company, then engaged in the territorial war; said mare was identified by witness and demanded as the property of petitioner, and received as answer from the rider that he could not spare her, which was all the satisfaction given; said mare has never been recovered by petitioner; petitioner, Thomas J. Johnson, is a son of mine.

WILLIAM JOHNSON.

Sworn to before me April 12, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Thomas J. Johnson.

The petitioner claims in this case for a bay mare, which is proven.....	\$150 00
We also allow interest, 2½ years, at 6 per cent.....	22 50
	<hr/>
Award.....	172 50
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SAM'L A. KINGMAN.
EDW'D HOOGLAND.
HENRY J. ADAMS.

APRIL 13, 1859.

No. 168.

In the matter of the petition of William Mateney.

SHAWNEE COUNTY, ss:

William Mateney, the above named petitioner, being duly sworn, deposes and says: I presented a statement of my actual losses during the difficulties of 1855-'56, to H. J. Strickler, late commissioner to audit claims under the act of 1857. The witnesses upon whom devolved the proof of my claim were George Mateney, William Yocum, and Thomas Herrold. And deponent further saith: That the statement so presented to said General Strickler was correct, and according to the best of the knowledge and belief of this deponent, and that deponent is unable to secure the testimony of a material witness, George Mateney, who now resides in the State of Missouri. This deponent, therefore, respectfully asks to present the original papers laid before H. J. Strickler, the late commissioner, and in addition the testimony of G. W. Berry. This deponent further states: That he has never recovered any of the property nor received any compensation from any source for the property taken and destroyed, as alleged and set forth in the case presented to General Strickler, and upon which his award was made in my favor.

This deponent became a citizen of Kansas in the year 1854, and has been residing ever since in said Territory, and lives about twelve miles south of Tecumseh, in Shawnee county.

WILLIAM MATENEY.

Subscribed and sworn to before me this 12th day of April, 1859.

[L. s.]

HIRAM J. STRICKLER,

*Notary Public.*TERRITORY OF KANSAS, *County of Shawnee, ss:*

Petition of William Mateney, jr., of the county of Shawnee, Territory of Kansas, under an act of the territorial legislature, entitled "An act to provide for the auditing of claims," approved February 23, 1857.

I, William Mateney, of said county and Territory, represent unto the honorable commissioner: That I have sustained losses in consequence of and growing directly out of the difficulties in this Territory, by way of loss of property since the organization of the Territory, as follows: on the 4th day of September, A. D. 1856, an armed body of men, calling themselves followers of James H. Lane, by and with his authority, took and carried away from my premises and possession, with force and arms, the articles charged at a fair and reasonable price in the schedule annexed to this petition and made a part thereof—the horses and equipments were taken for the use of Lane's men—all or any part of which property I have never recovered or seen, nor pay

nor indemnity for the same in any manner whatsoever, and that the men who took them are vagrant wanderers, and wholly worthless and irresponsible.

WILLIAM MATENEY.

Sworn to and subscribed before me this 25th day of November, 1857.

WILLIAM O. YAGER,
Probate Judge, Shawnee County, Kansas Territory.

Territory of Kansas to William Mateney, jr., Dr.

1856, September 4: One span of match sorrel horses.....	\$400 00
One saddle, bridle, blanket, and rope...	20 00
	<hr/>
	420 00
	<hr/> <hr/>

WILLIAM MATENEY.

George Mateney, a man of lawful age, being duly sworn, deposeth and saith: I have heard the petition of William Mateney read. He is a citizen of Shawnee county, Kansas Territory. I was sojourning at his house on the 4th September, 1856, when an armed body of ten men, calling themselves Lane's men, came to his claim and took and carried away the property charged in his schedule, in the manner alleged in his petition. I know, of my own knowledge, that the facts therein set forth are true. His span of horses taken by them at that time were worth four hundred dollars. His saddle, bridle, blanket, and rope, were worth twenty dollars.

GEORGE ^{his} + MATENEY.
_{mark.}

Sworn to and subscribed before me this 25th day of November, 1857.

WILLIAM O. YAGER.

William Yocum, a man of lawful age, being duly sworn, deposeth and saith: William Mateney, the petitioner, is and has been a citizen of Shawnee county, Kansas Territory, for three years. I have heard his petition. On the 4th September, 1856, I was at work loading hay, in sight of his house. I saw an armed body of about ten men ride up to his house. I went to see what was going on. They had left when I got there. He told me that they had taken his horses, saddle, &c. I know he had such horses; have never seen them since; believe they

took them as he alleges. They had taken other horses at that time, from our neighbors. The span taken was worth four hundred dollars. His saddle, bridle, blanket, and rope, worth twenty dollars. He has never recovered them or pay for them.

WILLIAM YOCUM.

Sworn to and subscribed before me this 25th November, 1857.

WILLIAM O. YAGER,
Probate Judge, Shawnee County, Kansas Territory.

Personally appeared before me, William Yocum, county commissioner for the county of Shawnee, Kansas Territory, Thomas Herrold, who is of lawful age, and to me well known, deposeth and saith: I was living at William Mateney's during the excitement in the Territory, and on the morning of the 4th of September, 1856, there was an armed force rode up to Mr. Mateney's and took two of his horses, and two of Mr. George Mateney's, and also their saddles, blankets, and bridles, and further the deponent saith not.

THOMAS HERROLD.

Subscribed and sworn to before me this 6th day of November, 1857.

WILLIAM YOCUM,
County Commissioner.

In the matter of the petition of William Mateney.

SHAWNEE COUNTY, ss:

George W. Berry, being duly sworn, saith: That he is acquainted with William Mateney; that he lives a near neighbor to him. Mr. Mateney settled in Kansas in the year 1854, and now resides in Shawnee county, about twelve miles south of Tecumseh.

This deponent states that he knew Mr. Mateney to be the owner of a span of sorrel horses, and that on or about the 4th of September, 1856, he saw a body of armed men leading off the premises of Mr. Mateney the said span of sorrel horses. I have never seen the horses since, and have every reason to believe and do believe that they were stolen, as alleged by Mr. Mateney. The horses were worth from three hundred and fifty dollars to four hundred dollars.

G. W. BERRY.

Subscribed and sworn to before me this 12th day of April, A. D. 1859.

[L. s.]

HIRAM J. STRICKLER,
Notary Public.

In the matter of the petition of William Mateney.

The petitioner claims in this case for two match sorrel horses...	\$400 00
Saddle, bridle, blanket, and rope.....	20 00
	<hr/>
	420 00
	<hr/>
The proof, in the opinion of the commissioners, sustains the whole claim, which is allowed.....	420 00
Interest on same, at 6 per cent., 2½ years, allowed.....	63 00
	<hr/>
Amount awarded	483 00
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SAM'L A. KINGMAN.
EDW'D HOOGLAND.
HENRY J. ADAMS.

APRIL 12, 1859.

No. 169.

BEFORE TERRITORIAL COMMISSIONERS' COURT, APRIL 12, 1859.

John D. Jones vs. The Territory of Kansas.

Said plaintiff complains and says: That he has been a permanent citizen of said Territory since the fall of 1854. That he resided in the county of Leavenworth in the year 1856. That on or about the 18th day of August, 1856, in said county, there was taken from him, the said complainant, one fine seven-year old gelding, of the value of one hundred and seventy-five dollars, the property of said complainant. That on or about the 1st of September, 1856, there was also taken from him, said complainant, a very fine saddle horse, of the value of two hundred dollars, the property of complainant; also at the same time and place, viz, Leavenworth county, one fine silver-mounted rifle gun, of the value of twenty-five dollars, the property of said complainant. That at the time said property was taken said Territory was in a state of war. That there was in said county of Leavenworth an organized company, known as the Kickapoo Rangers, engaged in said war. That said complainant at the time said property was taken resided about three miles from the town of Kickapoo, in said county. That on said 18th day of August, 1856, said complainant was met upon the highway leading from the said town of Kickapoo to Atchison; had his horses hitched to his wagon; was stopped on said road by said Rangers, and one of said horses then taken, leaving said complainant, with his wagon and one horse, on said road, some distance from home. That about eleven o'clock at night on the first of

September aforesaid said company, or a part thereof, came to complainant's house; said they had an order from their captain to take him and what arms he had to Kickapoo, which they did. At the same time complainant's stable was forcibly broken open and his horse taken, which was also taken to Kickapoo. Complainant was afterwards released, and returned home; but his horses and gun were never returned.

Schedule.

1856.		
August 18.—	One seven-year old gelding.....	\$175 00
September 1.—	One six-year old saddle horse.....	200 00
“	One silver-mounted rifle gun.....	25 00
		<hr/>
Total		400 00
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JOHN D. JONES.

Sworn to before me April 12, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of John D. Jones.

TERRITORY OF KANSAS, *Shawnee County, ss:*

John D. Jones, the above named petitioner, being duly sworn, saith: I am now, and ever since the 3d day of June, 1854, have been a citizen of Kansas Territory. During the fall of 1854, I took a claim and established a home for myself and family about three miles NW. of Kickapoo, and continued to reside on said claim until November 1856, when I purchased and occupied a claim near Tecumseh, on which I now reside. In the month of August, 1856, and about the time that preparations were making all along the borders of Missouri and Kansas for the organization of General Reed's Missouri army of invasion, I owned two horses, one of them a roan horse, seven years old, and the other a sorrel horse, six years old; both excellent animals, large and active, and worth \$175 or \$200 each, as horses were then valued and saleable. Deponent lost both of said horses, as follows: During the early part of September, aforesaid, deponent was one day driving said span of horses from his house to some place in the "bottom" near by for a load of lumber, he was met in the highway by three armed men, who demanded said team. Deponent knew two of said men by sight, having frequently seen them before that time in and about Kickapoo, and knew that they belonged to the pro-slavery organization or company, known as Kickapoo Rangers. One of them was generally called "Snyder," (who has gone to Omaha, Nebraska Territory, as your deponent is informed and believes,) and the other "Musgrove." The third one deponent did not know; the others called him "John." When said demand was made, the first salutation was by Snyder ordering deponent to stop. Deponent did

so; Synder said he and his companions had orders from Captain Martin, commander of the Kickapoo Rangers, to come up and get my horses to ride out to Lawrence; that the Rangers were going to Lawrence, and must have horses to ride; that the horses would be taken to Kickapoo, there would be appraised, and a receipt given for them by Captain Martin, who was regularly commissioned under the territorial government; that if said horses came back safe from the expedition they should be returned, but if not the receipt would be good and the government would pay for them, as they were to be used in government service, according to the acting governor's orders. Deponent objected to letting his property go on such terms, when a particular friend of mine, Allen Hinson, who resided near me, and now resides in said neighborhood, came up and privately advised me not to object, as he had heard said three men declare, a few moments before, that they would shed my blood or have my horses, I accordingly signified my submission, but urged them to leave me one horse; to get along with one animal if they possibly could. They consented upon condition that they should be able forthwith to procure another horse from a Mr. Davis, whose claim cornered with mine on the northwest. They accordingly took away the roan horse; they gave me no receipt for him. About six or seven weeks afterwards, the said roan horse, reduced to a mere frame and bearing several gashes, one on the neck appearing to have been made with the intention of killing him, came to my place alone. He had a lariat on his neck; he was weak, so he could hardly stand, apparently from hard usage and loss of blood. I took him and bestowed great care and attention upon him for some months, but he was almost worthless. He never recovered his usefulness, or strength, or activity. I finally disposed of him for \$160. I sold him about eighteen months after I got him back. For several months I doctored, took care of and recruited him. When he came back to me he was not worth over \$50.

After the roan was taken from me as aforesaid, I went home with the other horse. About the latter part of September or 1st of October, two or three weeks after the roan was taken, a company of seven or eight armed men, whom I recognized as Kickapoo Rangers, viz: one named Thomas Logan, Thomas Douglas, of Iotan, Missouri, Levi Bowman, of Kickapoo, and a man named Locklin or Lockland, now living in Lecompton, and keeping a hotel and drinking saloon there, Samuel Merchant, of Kickapoo, all came to my house about 11 o'clock at night. They had taken a man named Edward Borne prisoner that night, and they sent him to my door to call me and make known what they wanted. He said that Captain Martin had given the men orders to come and take me down to Kickapoo that night, with all the arms, equipments and accoutrements that I had. I went out of doors and spoke to some of them and requested time to prepare, and finally, in a few moments accompanied them to Kickapoo. There I was taken to the tavern, and kept over night; did not see Captain Martin. About daylight in the morning I made my escape from them and returned home to my wife and family. While waiting for me, said Samuel Merchant and Bowman forcibly entered my stable, by breaking the lock, and brought out my said sorrel horse, without saddle or

bridle. They also went into my house and got my rifle, a silver-mounted weapon, worth \$25. When I got ready to go, I asked leave to ride my own horse, without saddle or bridle, and with only a rope halter on, which was granted. I accordingly rode him to Kickapoo. All the band had horses, except the prisoner Borne, who walked the distance; at Kickapoo said band took charge of my horse. Whilst going to Kickapoo, said band arrested my brother, Harlan C. Jones, who lived half a mile from me; he mounted and rode behind me. At the hotel we three prisoners were ordered into a room and a guard set; the town was guarded. About daylight my brother and I escaped; the other prisoner returned home during the day. I never saw my sorrel horse after that, nor have I ever received any compensation for him or for the rifle, from any source whatever.

And deponent further saith that he begs leave to amend his petition already filed, by adding thereto an item, as follows:

One dark bay horse, six years old, sixteen hands high, worth \$200; said horse was destroyed by injuries received while efforts were being made by persons endeavoring to capture him; said horse was petitioner's property.

The facts and circumstances relating thereto are briefly these: On the night after the above mentioned roan horse was taken, said bay horse was lariated out and hid in the bushes in the bottom near my house; the following morning I discovered that he was rigid and swollen, his eyes bloodshot, his neck swollen clear back to his brisket, but he was yet lariated where I put him; he was a high spirited gelding, untameable, fierce and ugly to catch, and unapproachable by strangers, even in a stable, unless hailed and approached in a peculiar manner, as he had been broken to observe; I noticed that the ground thereabouts showed that a struggle had taken place; the bushes and grape vines within the length of his rope were mowed down and trampled flat, as though the effort had been a protracted one; he was a swift and active animal; he never recovered from the injuries thus received. To save said horse from being stolen, I sent said horse, about a week afterwards, to Missouri, and placed him in charge of Salathiel Masterson, of Platt county, five miles above Weston; on the day of the battle of Hickory Point I went over to the said Masterson's, and on the night after the battle of Hickory Point I had said horse again lariated out in the bushes; that evening I had received information that an effort would be made that night to press a lot of horses from our neighborhood, and I therefore concluded to watch said horse; I hid in a piece of corn near by; about 10 or 11 o'clock, p. m., three men came and undertook to capture the horse; I remained hid and saw what transpired—it was a bright moonlight night—I was about fifty yards from the horse; said men undertook to approach said horse by taking hold of the rope; he jumped and snorted, and pulled the rope out of their hands, but did not break loose; they attempted again to catch him, in the struggle the horse was twice thrown to the ground; the third time all three got hold of the rope, and in the struggle the horse was thrown twice—once across the fork of a log—he got up, but they left him; some time after the men left I approached the horse, knowing that he was injured; at daylight I discovered

that the horse was injured internally more than externally ; I then took him to an old friend named Bohamman, in Buchanan county, Missouri, some eight or nine miles, (led him most of the way,) to be taken care of ; that morning his eyes were bloodshot, and he was badly seared by the rope, so that his hindlegs and haunches commenced swelling ; some three weeks afterwards I brought said horse back to Kansas, but up to the time of his death, about the middle of November following, said horse was ailing, and showed that he had been badly hurt by his said struggles ; I am satisfied that said horse died from injuries so received ; he dropped dead ; after the first injury his hair always looked dead. I came from Ohio originally, settled near Weston, Missouri, in the fall of 1853, and came to Kansas before I heard that the Territory was organized ; during the season of 1854 the citizens of Platte county, Missouri, generally manifested as much interest and took as active a part in relation to the Territory as though the Territory were part of Platte county ; as early as the 2d day of June, 1854, I received reliable information from some of my neighbors who were in the secret, that a treaty or treaties had been, or would be surely made with the Indians, and the Kansas-Nebraska bill be passed so as to open Kansas Territory for settlement ; accordingly I and six others came over on the next day, June 3, to take claims ; I visited the spot where Leavenworth city now stands, but was warned or advised to select elsewhere, as it was doubtful about being allowed to hold that ground on account of the boundaries of the fort reserve not being fully defined ; I accordingly took my claim as first above mentioned ; I know that a great many citizens of Hall, Clay, Buchanan, and Andrew counties, Missouri, participated in the Kansas difficulties in 1856 ; among them Captain Reed, of Clay county, and many others whom I could name.

JOHN D. JONES.

Sworn to before me June 25, 1859.

EDWARD HOOGLAND,
Commissioner.

SHAWNEE COUNTY, ss :

James Parsons, being duly sworn, saith : I now reside near Tecumseh, on my farm ; in 1856 I had a claim near Kickapoo, about half a mile from Mr. John D. Jones's house ; I know he had three horses in August of that year—a roan, a sorrel, and a bay—all good horses and worth \$150 or more each ; I heard at the time that the roan horse was taken from his wagon, and that the sorrel was taken from his stable ; I remember that in September of 1856 I noticed that the bay horse was injured, how it occurred I do not know ; said horse would be taken with trembling at every little exertion or use ; he died in November, 1856.

JAMES PARSONS.

Sworn to before me June 27, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of John D. Jones.

TESTIMONY.

John D. Jones, being first duly sworn, says: That he is the petitioner in this case; that he is a citizen of this Territory, and has been since the fall of 1854. That on or about the 18th day of August, 1856, he was residing on his claim, about three miles north of Kickapoo, in the county of Atchison in said Territory of Kansas. That on or about the day last mentioned three armed men, supposed by me to belong to the Kickapoo Rangers, stopped me, and took from my team one horse worth \$175, a very fine gelding; which horse came back to me, two months afterwards, injured so as to be worthless; had been wounded, stiffened up, and made poor; not worth \$50. The reason I supposed that they were Kickapoo Rangers was that they spoke of their Captain Martin. I knew the faces of two of the men, but not their names. On the 1st September, 1856, a number of men, some seven or eight, armed, came to my house in the night, and took my other horse, worth \$200, and a silver-mounted rifle, worth \$25; which property I have never recovered. I am not certain who those men were; they said they had orders to take me and my arms to Kickapoo that night. They took me to Kickapoo, and on the next morning I released myself, because I learned that they were consulting whether they would hang me or not.

JOHN D. JONES.

Sworn to before me April 12, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of John D. Jones.

Petitioner claims for three horses taken or destroyed:

Damage on one roan horse—(Kickapoo Rangers).....	\$100 00
One sorrel horse taken.....	175 00
One bay horse injured so that he died.....	200 00
One rifle.....	25 00
	500 00
	500 00

Petitioner gave commissioners names of witnesses to send for, and endeavored to procure their attendance, without avail. His own testimony, together with general evidence and facts already before the commissioners, being taken, the amount claimed is allowed without interest.

Total award, \$500.

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

JUNE 25, 1859.

In the matter of the petition of Robert A. Edwards.

SHAWNEE COUNTY, ss :

Robert A. Edwards, the above named petitioner, being duly sworn, saith: I presented a statement of my actual losses during the difficulties of 1855-'56 to General Strickler, late commissioner to audit claims, under the act of 1857. The witnesses upon whom devolved the proof of my claim were Isaac M. Edwards, William B. Edwards; I think David Phillips, ——— Mitchener, James Morman, and Thomas Edwards.

And deponent further saith that the statement, so presented to said General Strickler, was correct and true, according to the best of the knowledge and belief of this deponent, and that deponent is about to leave the settled portion of eastern Kansas and go to Pike's Peak, to spend the summer. Deponent will leave for Pike's Peak to-morrow. That it is impossible for deponent to obtain the attendance of all said witnesses before the present board of commissioners, as said Isaac M. Edwards and ——— Mitchener are absent from the Territory, as far as deponent knows or can ascertain; that said Phillips is in Arkansas; that said Thomas Edwards is in Illinois; those being the material witnesses for deponent, and their testimony being unobtainable by commission or otherwise, before the present commission, and in time for their action before July next; he is necessarily obliged to rely upon the proofs and proceedings had before said Strickler, as his petition and testimony under the present law. I have never recovered any of the property nor received any compensation from any source, for the property taken and destroyed, as alleged and set forth in the case so presented to General Strickler, and upon which his award was made in my favor.

And deponent further saith that he became a citizen of Kansas in the fall of 1854, and has resided ever since, and now resides, upon the claim then taken by him within the boundaries of Shawnee county, and about three miles from Tecumseh.

R. A. EDWARDS.

Sworn to before me this 21st day of March, 1859.

EDWARD HOOGLAND,
*Commissioner.*TERRITORY OF KANSAS, *County of Shawnee, ss :*

Petition of Robert A. Edwards, of said county and Territory, under an act of the territorial legislature, entitled "An act to provide for the auditing of claims," approved February 23, 1857.

I, Robert A. Edwards, of said county and Territory, represent unto the honorable commissioner: That I have sustained losses and damages, in consequence of and growing directly out of the difficulties in this Territory, by way of loss of property since the organization of

the Territory, as follows: On or about the last of August and 1st of September, A. D. 1856, when the Territory was in a state of rebellion and insurrection; when the acting governor, Woodson, by proclamation, had called out the territorial militia to sustain the laws; when James H. Lane had brought in a horde of armed men, from Iowa, Illinois, &c., to resist the authorities of law in this Territory, an armed body of men, in command of Captain Jameson, as followers of said Lane, came to my claim, situated in Shawnee county, Kansas Territory, within two miles of Topeka, where the free-State or northern army of insurgents were camped and quartered, and with force and arms, threats and menaces of violence, drove and forced me and mine away from home on said claim; also assured me and swore that if I returned to said claim they would kill me. Thereupon and thus I was forced to quit my home and join the militia of the Territory to suppress the rebellion, when, subsequently and at sundry times, they, the said body of armed men, took and carried away or destroyed upon the premises all of the articles charged in the schedule annexed to this petition and made a part thereof. Being thus forced from my home and property it was left in an entirely unprotected and defenceless condition. Said body of armed men, under said Captain Jameson, and sundry other bodies, all belonging to said northern army, under the lead of said General James H. Lane, at divers subsequent times, took and carried away all the articles charged in said schedule. The said northern army were encamped, at the time stated, at Topeka, in two miles from my said claim, and used the stock and provisions and forage charged for their maintenance and the sustenance of their stock. A part of said army made their quarters in my house for some time, and thus completed the entire destruction and consumption of my property. The prices charged for said property are fair, just and reasonable, and only such as it would have sold for at the time. I have never recovered said property, nor pay, nor indemnity therefor in any manner whatsoever, in whole or in part.

R. A. EDWARDS.

Sworn to and subscribed before me this 1st December, 1857.

WILLIAM O. YAGER.

Wm. B. Edwards, being duly sworn, says: I know the petitioner, Robert A. Edwards; he is a citizen of this Territory; I have heard his petition and schedule read; I was living near said Robert A. Edwards, petitioner, at the time he was driven from his claim; I know that he was driven from his claim as he states; I was familiar with his household and his farming business; I know that at the time he was driven away he had all of the property charged in his schedule, except the cattle; as to the number of them I can't speak positively; I know he had some, and I know that when he returned all of his property was taken away or destroyed; I did not see them taken away, for I was driven away in the same manner, by the same men, at the

same time ; but I know that the companies of armed men encamped at Topeka at that time ; were in the roguing business and had been robbing around through the neighborhood, and although I did'nt stay to see them take all these things, I have good reasons to believe and do believe that they took everything that he has charged ; I think all the prices charged are fair and reasonable ; I don't think he ever recovered any of said property or any pay for it.

WILLIAM B. EDWARDS.

Sworn to and subscribed before me this December 1, 1857.

WM. O. YAGER,
Probate Judge.

S. McEdwards, being duly sworn, says: I am well acquainted with the petitioner, Robert A. Edwards ; he is a citizen of this Territory and has been for more than three years ; I have heard his petition and schedule read ; I left the Territory the last of June, 1856 ; at that time the petitioner had most all of the articles charged in his schedule ; the sugar, coffee, meal, and flour, and some few of the cattle were bought afterwards ; I returned the 2d of September ; at that time all of his property was gone ; his corn and potatoes were planted and growing when I left, and were all gone and destroyed when I returned ; I had been living with him for six or eight months before I left, and knew all about his property and business, and can speak positively as to what he had ; he has charged very reasonable prices for his property ; I have been living with him since I returned, and I know that he has not recovered the property ; I don't think he has received any pay for it.

S. McEDWARDS.

Sworn to and subscribed before me December 1, 1857.

WM. O. YAGER,
Probate Judge, Shawnee County, Kansas Territory.

List of articles taken from the claim of R. A. Edwards during the summer and fall of 1856.

40 hogs, at \$14 per head	\$560 00
15 sows with pigs, at \$8 per head.....	120 00
10 two-year cattle, at \$25 per head.....	250 00
5 yearlings, at \$10 per head	50 00
1½ set harness, at \$35 per set	52 50
1 wagon	100 00
5 ox-yokes, at \$2 50 each	12 50
7 log-chains, at \$1 50 each.....	10 00
3 ploughs, at \$6 each.....	18 00
200 bushels potatoes, at \$1 50 per bushel.....	300 00
180 bushels oats, at \$1 25 per bushel	225 00
10 acres corn, at \$35 per acre	350 00
500 feet of plank, at \$4 per hundred.....	20 00

1 cross-cut saw.....	\$8 00
4 augers, at \$1 each.....	4 00
2 chisels, at 50 cents each	1 00
1 hand-saw	3 00
2 wagon-sheets, at \$2 50 each.....	5 00
1 wagon-sheet.....	5 00
1 dining table.....	8 00
1 breakfast table	5 00
1 set chairs.....	6 00
6 books	5 00
4 dozen chickens, at \$4 per dozen	16 00
3 turkeys, at \$1 each.....	3 00
Women and children's clothing	50 00
2 wash-tubs, at \$1 25 each.....	2 50
1 churn.....	1 25
1 washboard.....	75
1 grindstone.....	5 00
1 spade	1 50
1 pitchfork.....	1 00
1 garden-rake	50
1 bedstead	5 00
1 crib.....	6 00
1 cooking stove.....	30 00
3 sacks of flour, at \$6 per sack	18 00
2 sacks of meal, at \$2 per sack	4 00
50 pounds meat, at 16 cents per pound.....	8 00
4 bushels onions, at \$3 per bushel.....	12 00
34 gallons pickles, at \$1 per gallon.....	34 00
8 gallons preserves, at \$1 per gallon.....	8 00
20 pounds sugar, at 20 cents per pound	4 00
3 blankets, at \$5 each.....	15 00
6 quilts, at \$5 each	30 00
3 comforts, at \$2 each.....	6 00
1 bolt, factory.....	4 50
15 yards, factory, at 15 cents per yard.....	2 25
12 sheets, at 75 cents each.....	9 00
6 table cloths, at \$1 each.....	6 00
7 pillow-slips, at 25 cents each.....	1 75
1 overcoat.....	10 00
Pants and shirts.....	10 00
2 trunks, at \$3 each.....	6 00
1 door-lock	1 25
1 sash and glass.....	1 80
½ sack salt, at \$4 80 per sack.....	2 40
1 bushel dried apples	3 00
2 flat-irons, at 87½ each.	1 75
2 axes, at \$1 25 each	2 50

2,443 80

J. M. Edwards, being duly sworn, says : I know Robert A. Edwards, the petitioner, well; I have heard his petition read; I was living near the claim of Robert A. Edwards about the last of August, A. D. 1856; I know that he was driven from his house and home as he alleges; I know that he had cattle at that time, and was buying stock during the summer season; I don't know exactly how many he had or how many he lost; I know he had a great many swine, he had forty barrows running in one gang, and had also more sows and pigs than he has charged; he has charged a very reasonable price for the swine; he had fully as much corn and potatoes destroyed as he has charged; I don't know of all the little articles about the house being taken, but there is a great many that I know of; I know that he had all just such property as he has charged, and I believe it was all taken and destroyed as he has alleged; for all the articles charged he has made a reasonable estimate; he has never recovered any of said property or pay therefor, that I know of.

J. M. EDWARDS.

Sworn to and subscribed before me this 1st day of December, 1857.
WILLIAM O. YAGER.

Jesse V. Stephenson, being duly sworn, says : I know Robert A. Edwards, the petitioner; I have heard his petition read; I have been living on the claim adjoining his for more than two years; about the last of August or first of September, 1856, after the petitioner had been driven away from his home as he alleges, I saw an armed body of men draw away from his claim two wagon loads of oats, one wagon load of green corn in ears; on the corn was a cooking stove, a crib-cradle, a large dining table, a lot of clothing and bed clothing, a wagon sheet, &c.; when I saw them they were within one-half mile of his house, I recognized the property as the property of the petitioner; said body of men were a part of the northern army then encamped at Topeka; they were driving in the direction of Topeka, and I believe were taking these things there; the petitioner had as many oats destroyed, I think, as he has charged; his potatoes would have amounted to two hundred bushels if they had turned out well; I can't say positively how much corn was destroyed, it would have yielded forty bushels to the acre; corn was selling that fall at seventy-five cents per bushel; I can't say how many acres of corn he had destroyed; I know there was a great quantity destroyed; I believe he had hogs destroyed as he alleges; I heard them shooting over on his claim, and am informed and believe that they hauled four hogs to Topeka that same day; I bought some hogs, a part of the petitioner's lot of hogs, and one of them weighed, when killed, 107 pounds neat; I know that he had hogs and sows and pigs missing at that time; I know he had a lot of two-year old cattle; I saw him hunting them after the difficulty, I have never seen him with them since, don't think he ever found them; he also had some yearlings missing after the fracas; I know he had all such things as he has charged; I know that before

the difficulties he had a home of ease, comfort, and plenty; that he was menaced and driven away, and threatened with death if he returned; that when he returned in September, 1856, his house and premises were stripped of everything moveable, and his home turned into a waste; I have heard his schedule read, I think his charges are reasonable enough for this country; I was satisfied that there were men lurking around his place waiting for him, and didn't feel safe to go there during the difficulty.

JESSE V. STEPHENSON.

Sworn to and subscribed before me, December 1, 1857.

WILLIAM O. YAGER.

A. W. Pardee, being duly sworn, says: I know the petitioner, Robert A. Edwards; have heard his petition read; on or about the first of September, 1856, I was at the claim and house of petitioner; passed by coming from Topeka to Tecumseh; when near his claim, I saw three wagons and ox-teams coming from his corn field, loaded with corn; I supposed that corn belonged to Mr. Edwards, until I arrived in town, when I understood that that corn was taken from Mr. Edwards's claim by the northern army, or whatever you choose to call them; I was perfectly satisfied that such was the case.

A. W. PARDEE.

Sworn to and subscribed before me, December 1, 1857.

WILLIAM O. YAGER.

J. Morman, being duly sworn, says: I know the petitioner, Robert A. Edwards; have heard his petition read; on or about the first of September, 1856, on Sunday, I was at Mr. Edwards's house, on his claim, when an armed body of men belonging to the northern army came up to said house and took me prisoner, and took my horse from me, and offered me a seat in an ox-wagon which they took from said Edwards's claim; they loaded said wagon with cabbage and other garden vegetables, they then drove off to Topeka; Mr. Edwards had been driven from home by them before that time; there were ten men in that squad.

J. MORMAN.

Sworn to and subscribed before me, December 1, 1857.

WILLIAM O. YAGER,

Probate Judge, Shawnee County, Kansas Territory.

In the matter of the petition of Robert A. Edwards.

Petitioner claims for property taken and destroyed by the Topeka free-State army, August and September, 1856	\$2,443 80
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The proof is full and sustains the claim. The claim was awarded by Commissioner Strickler.	
The board award claim - - - - -	2,443 80
Interest, 2½ years, at 6 per cent. - - - - -	366 50
<hr/> <hr/>	
Total award - - - - -	2,810 30
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EDWARD HOOGLAND.
S. A. KINGMAN.
HENRY J. ADAMS.

APRIL 13, 1859.

No. 171.

In the matter of the petition of William B. Edwards.

SHAWNEE COUNTY, ss :

William B. Edwards, the above named petitioner, being duly sworn according to law, deposes and says: I presented a statement of my actual losses during the difficulties of 1855 and 1856 to H. J. Strickler, late commissioner to audit claims under the act of 1857; the witnesses upon whom devolved the proof of my claim were Isaac M. Edwards and Amelia Raker; and deponent further saith that the statement so presented to said commissioner was correct and true according to the best of the knowledge and belief of this deponent.

That it is impossible for deponent to obtain the attendance of two material witnesses, Thomas J. Edwards and Isaac M. Edwards, before the present board of commissioners; as said Thomas J. Edwards and Isaac M. Edwards are absent from the Territory, as far as deponent knows or can ascertain, as the testimony of said Edwardses is important and necessary, this deponent respectfully asks to lay before the honorable board the original papers submitted to the former commissioner as his petition and testimony under the present law.

This deponent further states that he has never recovered any of the property, nor received any compensation from any source for the property taken and destroyed, as alleged and set forth in the case so presented to H. J. Strickler, and upon which his award was made in my favor.

Deponent further states that he is now a citizen of Kansas Territory

and has been for the last three and a half years ; I reside near Tecumseh, in Shawnee county.

WILLIAM B. EDWARDS.

Subscribed and sworn to before me this 12th day of April, 1859.

[L. s.]

HIRAM J. STRICKLER,
Notary Public.

TERRITORY OF KANSAS, *County of Shawnee, ss :*

Petition of Wm. B. Edwards, of the county and Territory, under an act of the territorial legislature, entitled "An act to provide for the auditing of claims," approved February 23, 1857.

I, Wm. B. Edwards, of said county and Territory, represent unto the honorable commissioner that I have sustained losses in consequence of, and growing directly out of, the difficulties in this Territory by way of loss of property since the organization thereof as follows, to wit : on or about the 4th of September, 1856, an army of men, under command of General James H. Lane, were encamped and embodied at Topeka, in this county, about $2\frac{1}{2}$ miles from my home and claim, for the purpose of resisting to the death, as they said, the law of this Territory ; my politics were those of the law and order party, and thus being opposed to them I was threatened with death at sundry different times by them ; fearing violence at their hands, I was forced to leave my home in an unprotected and defenceless condition and join the militia called into service by proclamation of Acting Governor Woodson ; while in the service of said governor my house, home, and premises were robbed of all the articles, charged at fair and reasonable prices in the schedule annexed to this petition and made a part thereof, by the men belonging to said army.

For which I have never received any compensation or indemnity in any manner whatsoever.

WILLIAM B. EDWARDS.

Sworn to and subscribed before me this 5th of December, 1857.

WM. O. YAGER,
Probate Judge, Shawnee County, K. T.

T. J. Edwards, being duly sworn, says : I know the petitioner, Wm. B. Edwards, have heard his petition read ; he is a citizen of this Territory ; I was at the house of petitioner on or about the 2d of September, 1856, after he had been threatened, as he alleges, and driven from home ; at that time I saw all the articles charged in his schedule at his house and on the premises ; I was at his house again about the last of September, 1856, when the house was stripped and robbed of everything ; I was with him most all the while after he was driven away until he returned, and am certain that he did not take the things away

himself nor have them taken away ; I was familiar with his house and family ; upon a careful examination of his schedule I recognize all the articles and think the charges all reasonable enough.

He has never recovered any of these articles that I know of, nor pay for them ; I have good reasons to believe and do believe that they were taken away by the men under command of General James H. Lane, at that time encamped at Topeka, within 2½ miles of petitioner's house.

T. J. EDWARDS.

Sworn to and subscribed before me December 5, 1857.

WM. O. YAGER, *Probate Judge.*

List of articles taken from the claim of William Edwards.

1 breakfast table	-	-	-	-	-	-	\$5 00
1 bedstead	-	-	-	-	-	-	5 00
6 hams, at \$2 50	-	-	-	-	-	-	15 00
4 shoulders, at \$2 50	-	-	-	-	-	-	10 00
2 middling, at \$2 88	-	-	-	-	-	-	11 52
4 sacks flour, at \$6	-	-	-	-	-	-	12 00
2 sacks meal, at \$2	-	-	-	-	-	-	4 00
40 bushels potatoes, at \$1 50	-	-	-	-	-	-	60 00
2 acres corn, at \$10	-	-	-	-	-	-	20 00
1 axe	-	-	-	-	-	-	1 50
1 spade	-	-	-	-	-	-	1 25
1 sack table salt	-	-	-	-	-	-	50
1 rope	-	-	-	-	-	-	50
1 overcoat	-	-	-	-	-	-	8 00
1 overcoat	-	-	-	-	-	-	15 00
1 dress coat	-	-	-	-	-	-	16 00
1 satin vest	-	-	-	-	-	-	4 00
4 pants, at \$4	-	-	-	-	-	-	16 00
1 bolt factory	-	-	-	-	-	-	3 75
½ bolt factory	-	-	-	-	-	-	1 50
Women's clothing	-	-	-	-	-	-	50 00
250 feet lumber, at \$4	-	-	-	-	-	-	10 00
4 shoats, at \$2	-	-	-	-	-	-	8 00
1 sow and pigs	-	-	-	-	-	-	8 00
2 quilts, at \$2 50	-	-	-	-	-	-	5 00
25 pounds coffee, at 20 cents	-	-	-	-	-	-	5 00
15 pounds sugar, at 20 cents	-	-	-	-	-	-	3 00
1 window sash and glass	-	-	-	-	-	-	1 80

301 32

I. M. Edwards, being duly sworn, says: I know the petitioner, Wm. B. Edwards; he is a citizen of this Territory; have heard his petition and schedule read; I know that he was threatened and driven away, as he alleges; like the others, I was also run off, and did not stay to see what was done; I know that when I left he had most of the things he has charged; I don't recollect all the little items; when I returned at the same time he did there was nothing in the house, nor on the claim; the house had been broken open, and every appearance indicated that it had been robbed, and believe it was so robbed by the men encamped at Topeka, as he alleges; I joined the territorial militia at the same time that R. A. Edwards, T. J. Edwards, and Wm. B. Edwards did; the prices charged are fair and just; he has never recovered any of said articles, that I know of. I know that his corn and potatoes were destroyed; he had as many and as much as he has charged.

ISAAC M. EDWARDS.

Sworn to and subscribed, December 5, 1857.

WM. O. YAGER.

Miss Amelia Raker, being duly sworn, says: I know the petitioner, Wm. B. Edwards; I know that he was run off, as he alleges; I was living with his family at the time, and had to run with them; I have heard his petition and schedule read over; I know that he had all the articles charged in his schedule; I heard during the troubles that his house and premises were robbed by the men from Topeka, and believed it, as I had good reason to do.

AMELIA RAKER.

Sworn to and subscribed before me this 5th of December, 1857.

WM. O. YAGER,
P. J., Shawnee County, K. T.

In the matter of the petition of Wm. B. Edwards.

SHAWNEE COUNTY, ss:

Mrs. Mary E. Edwards, being duly sworn, saith: That I have heard the petition and schedule of William B. Edwards read, and believe the facts set forth to be true. I lived a near neighbor to the petitioner, and was intimately acquainted with his family, and know that he had the articles that he alleges were stolen, as I saw them a short time before the 4th of September; a short time after the 4th of said month I visited the premises and found everything gone; I know that there was a body of armed men in the neighborhood, and have every reason to believe that they destroyed Mr. Edwards's property. I believe that the prices charged in the schedule for the articles is fair

and reasonable. Armed bodies of men, on several occasions, were discovered after night in the vicinity; I saw them several times.

MARY E. EDWARDS.

Subscribed and sworn to before me this 12th day of April, A. D. 1859.

H. J. STRICKLER,
Notary Public.

In the matter of the petition of William B. Edwards.

Petitioner claims for property taken from his premises by
the Topeka free-State army, September 4, 1856 - \$301 32

And interest.

The proof fully sustains the claim.

Commissioner Strickler awarded the claim.

The board award the amount claimed - 301 32
And interest, 2½ years, at 6 per cent. - 45 18

Total award - 346 50

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 13, 1859.

No. 172.

To the commissioners of claims under the act of February 7, 1859 :

The undersigned, Isaac Renfro, represents that he is a citizen of Kansas Territory, and has resided in said Territory, and within about three miles of Tecumseh, ever since the spring of 1855; that in the months of August and September, 1856, or thereabouts, he was the lawful owner, and in peaceable possession of, the following property in said Territory, viz :

1 sorrel horse, about 12 years old, worth - - - \$75 00
1 black colt, about 1 year past, worth - - - 85 00
20 lbs. of coffee, worth \$4; 1 sack flour, worth 6 50; 1 gun,
worth \$10 - - - - - 20 50

Total - - - - - 180 50

All of which were taken from him by force by an armed body of men from Topeka, such men being in arms participating in the warfare

then prevailing. Deponent further saith, that he never recovered the said property, nor any part thereof.

ISAAC RENFRO.

Sworn to before me this 13th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

SHAWNEE COUNTY, ss :

John T. Adams, being duly sworn, saith : I now reside on Deer creek, Shawnee county, and on Renfro's farm. During the summer of 1856 I was most of the time at Renfro's claim. I was present when said horses and property mentioned in the petition were taken away. About 100 or 150 men, under command of Colonel Ritchie, or Dr. Ritchie, came to Renfro's place, (same being Jamison's company,) and just as Renfro was coming towards his house, on his return from a trip to the Catholic mission, they commenced shooting at him ; he was leading the sorrel and riding another horse ; he fled, and made his escape on his saddle horse ; the men mentioned seized the sorrel horse just turned loose, and took him away with them ; that horse was worth \$75 or \$80. At another time, a few days afterwards, some eight or ten men, armed, came to Renfro's premises during Renfro's absence, and took away, in the day time, the black colt mentioned ; that colt was worth \$80 or \$85 ; a very good colt. The first mentioned company entered Renfro's house and ransacked it ; I saw them take away a shot-gun worth \$10. I know that there was a quantity of coffee and a sack of flour in Renfro's house before said party entered, and after they left said coffee and flour were gone ; I do not remember seeing them actually take away said flour and coffee ; said company at same time took me prisoner, and carried me to Topeka, where they detained me one night, and turned me loose next day ; the flour was worth then about \$6 per sack, and coffee 20 cents per pound. Mr. Renfro was obliged, for personal safety, to stay away and absent himself from the care and custody of his claim till about the 1st of September ; think he was absent about two weeks. The visits of the armed men mentioned must have taken place about the middle of August, 1856.

JOHN T. ^{his} × ADAMS.
_{mark.}

Attest : E. HOOGLAND.

Sworn to before me this 13th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Isaac Renfro.

TERRITORY OF KANSAS, *Shawnee County, ss :*

Isaac Renfro, being duly sworn according to law, saith : I presented a statement of my actual losses during the difficulties of the years 1855-'56 to H. J. Strickler, late commissioner to audit claims under the act of 1857. The statement so presented to said commissioner was correct and true, according to the knowledge and belief of this deponent.

The witnesses upon whom this proof devolved were Albert G. Green and John T. Adams. I am not able to secure the attendance of Albert G. Green before the honorable commissioners' court at this place, and respectfully ask that the testimony and petition originally laid before the former commissioner be received as his petition and testimony under the present law. I have never recovered any of the property nor received any compensation from any source for the property taken and destroyed as alleged and set forth in the case, and presented to H. J. Strickler, late commissioner, and upon which he made an award in my favor. I am now a citizen of Kansas, and have resided here for the last four years ; live about three miles from Tecumseh, on Deer creek, Shawnee county.

ISAAC RENFRO.

Sworn to and subscribed before me this 13th day of April, 1859.

HIRAM J. STRICKLER,
Notary Public.

TERRITORY OF KANSAS, *County of Shawnee, ss :*

Petition of Isaac Renfro, of the county and Territory aforesaid, under an act of the territorial legislature, entitled "An act to provide for the auditing of claims," approved February 23, 1857.

I, Isaac Renfro, of said county and Territory, represent unto the honorable commissioner that I have sustained losses in consequence of and growing directly out of the difficulties in this Territory, by way of loss of property since the organization thereof, as follows : On or about the 1st of September, 1856, while on my premises near Topeka, in this county, I was pursued and shot at several times, by a body of armed men from Lane's camp at Topeka. I evaded their pursuit and fled from home, leaving my property in a defenceless condition and in their power, while I was kept away, fearing to return. They took and carried away from my said premises all the articles charged in the schedule annexed to this petition and made a part thereof. Said articles are charged at a fair and reasonable estimate,

and I have never recovered any of them nor pay therefor in any manner.

ISAAC RENFRO.

Sworn to and subscribed before me this 10th December, 1857.

WM. O. YAGER,
Probate Judge, Shawnee County.

Territory of Kansas to Isaac Renfro, Dr.

1856.					
September 1.	One horse	-	-	-	\$75 00
	One colt	-	-	-	100 00
	One gun, \$10 ; one sack flour, \$6				50 16 50
	Twenty pounds coffee, at 18 cts.				3 60
					<u>195 10</u>

ISAAC RENFRO.

Albert G. Green, being duly sworn, saith : I know the petitioner, Isaac Renfro. He is a citizen of this Territory. I have heard his petition read. On or about the 1st of September, 1856, I saw at several different times armed bodies of men, belonging to Lane's command at Topeka, on and about the premises and in the house of said Renfro. I saw them take his colt, and afterwards saw both the horse and colt in their possession. I don't know that they took the other things charged in his schedule, but I have no doubt of it at all. The colt and horse were worth the prices charged respectively--\$100 and \$75. He has never recovered them, nor pay therefor, that I know of.

ALBERT G. GREEN.

Sworn to and subscribed before me this 10th day of December, 1857.

WM. O. YAGER.

John T. Adams, being duly sworn, says : I know the petitioner, Isaac Renfro. He is a citizen of this Territory. I have heard his petition read. On or about the 1st of September, 1856, I was present at the house of said Isaac Renfro, when the armed body of men spoken of in the petition came upon his premises ; shot at and drove him away ; made me a prisoner. Saw them take his colt and gun. Saw one of them afterwards riding his horse. Did not see them take the other things charged, but know that they were in his house at that time. They took me away before all of them left. I have no doubt in the world but they took them all. The prices charged for

all the articles are fair and just. Has not recovered said property, that I know of.

JOHN T. ^{his} + ADAMS.
mark.

Sworn to and subscribed before me this 20th day of December, 1857.
WM. O. YAGER.

In the matter of the petition of Isaac Renfro.

Petitioner claims two horses and property taken from him by the Topeka free-State army, August, 1856, valued at \$180 50, and interest.

The evidence is clear and conclusive as to the taking. The value is supported.

Commissioner Strickler made an award on the claim.

The board award the amount claimed	-	-	-	\$180 50
Interest, 2½ years, at 6 per cent.	-	-	-	27 07
Total award	-	-	-	<u>207 57</u>

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 13, 1859.

In the matter of the petition of James R. Warren.

SHAWNEE COUNTY, ss:

James R. Warren, the above named petitioner, being duly sworn, saith: I presented a statement of my actual losses during the difficulties in 1855 and 1856 to H. J. Strickler, late commissioner, which statement so presented was correct and true, according to the best of the knowledge and belief of this deponent, and respectfully asks that the papers, proof, &c., laid before said H. J. Strickler, may be received by the honorable the board of commissioners appointed under the act to provide for the adjustment and payment of claims, approved February 7, 1859, as his petition and testimony under the present law. I have never received any compensation or recovered any property taken as alleged and set forth in the case presented said late commissioner. I am a citizen of Kansas and live about three and a half miles of Tecumseh.

JAMES R. WARREN.

Sworn and subscribed to before me this 13th of April, 1859.

H. J. STRICKLER, *Notary Public.*

TERRITORY OF KANSAS, *County of Shawnee, ss :*

Petition of James R. Warren, of the county and Territory aforesaid, under an act of the territorial legislature, entitled "An act to provide for the auditing of claims," approved February 23, 1857.

I, James R. Warren, of said county and Territory, represent unto the honorable commissioner, that I have sustained losses in consequence of and growing out of the difficulties in this Territory by way of loss of property since the organization thereof, as follows :

On or about the first September, 1856, an armed body of men, a part of the forces under command of J. H. Lane, at that time encamped at Topeka, came to my premises near said Topeka, and with force and arms took and carried away one horse, my property, of the value of \$70, and violently entered the house at which I was living, and took and carried away the clothing and other articles charged in schedule annexed to this petition and made part thereof. Again, on the 3d of said month of September, another body of men, a part of the same forces of J. H. Lane again came to my premises and took and carried away, with force and arms, one fine mare of the value of \$100.

The prices charged in said schedule for said articles are fair, just, and reasonable. I have never recovered any of said property, nor pay, nor indemnity therefor in any manner.

JAMES R. WARREN.

Sworn to and subscribed before me this 10th December, 1857.

WILLIAM O. YAGER,
Probate Judge, Shawnee County.

Territory of Kansas to James R. Warren, Dr.

Sept. 1, 1856.	To one horse	-	-	-	-	-	\$70	00
	To two guns, rifles	-	.	-	-	-	20	00
	To one cloth coat	-	-	-	-	-	15	00
	To two pair blankets	-	-	-	-	:	7	00
	To one blanket coat	-	-	-	-	-	15	00
	To one dragoon coat	-	-	-	-	-	12	50
	To two pair pants, at \$2	-	-	-	-	-	10	00
	To one pair pants, at \$4 50	-	-	-	-	-	4	50
	To one satin vest, at \$5	-	-	-	-	-	5	00
	To one silk plush vest	-	-	-	-	-	3	50
	To one pair boots	-	-	-	-	-	6	00
Sept. 3, 1856.	To one mare	-	-	-	-	-	100	00
							<hr/>	
							267	50
							<hr/>	

JAMES R. WARREN.

Sworn to and subscribed before me,

WILLIAM O. YAGER,
Judge of Probate.

Isaac Renfro, being duly sworn, says: I know the petitioner, James R. Warren, he is a citizen of this Territory; I have heard his petition read; during the months of August and September, 1856, James R. Warren was living at my house, adjoining his premises; I was shot at several times by the men encamped at Topeka under Lane, and was forced to leave home; when I left I knew Mr. Warren had the horse and mare, guns, and clothing on his premises, and about and in my house; I left home on the 28th of August, 1856; the prices he has charged for all the articles in his schedule are fair and reasonable; I believe they were taken as he has stated and had good reason for so believing; he has not recovered any of said property to my knowledge.

ISAAC RENFRO.

Sworn to before me this 10th December, 1857.

W. O. YAGER, *P. J.*

Albert G. Greene, being duly sworn, says: I know the petitioner, James R. Warren, he is a citizen of this Territory; I have heard his petition read; on or about the 3d of September, A. D. 1856, I saw a body of six or seven armed men from Lane's camp at Topeka catch and carry away the mare charged to have been taken by them in the petition; I saw her afterwards also in their possession in Topeka; I tried to persuade and prevent them from taking her; I saw an armed body of over a hundred at the house where Mr. Warren was living on the 1st of September, 1856; I saw them enter the house; I don't know what they took away, being distant from the house at the time 60 or 70 rods; I believe the majority of them went there for the sake of plunder, for horses, &c. They were a party of Lane's forces in camp at Topeka at the time; I think the price charged for the mare is a small one, \$100. I don't know of his recovering any of said property or pay for them.

ALBERT G. GREENE.

Sworn to before me this 10th December, 1856.

WILLIAM O. YAGER,

J. P., Shawnee County, K. T.

John T. Adams, being duly sworn, says: I know the petitioner, James R. Warren; he is a citizen of this Territory; I have heard his petition read; I know that the horse charged by the petitioner to have been taken by Lane's men was so taken; I did not see them take it, but saw it in their possession; saw one of them riding it on the same evening of the day, first September, that it was taken, said horse was worth \$70 or \$75; there was about 150 men in the company that was round about said premises; I saw a part of said company enter the house of Isaac Renfro, where Mr. Warren was living at the time as alleged; I saw them also take some of the clothing charged in the schedule; I was taken prisoner and carried to Topeka; I saw some of the company

fall back and entered the house after I was taken away prisoner; I know that Mr. Warren had all the articles of clothing charged in his schedule before they entered the house, and I believe they took all of them; I saw them take and carry away the mare charged; she was worth \$100; the prices charged for the clothing taken are very fair and just. He has never recovered any of said property nor pay therefor.

JOHN T. ^{his} + ADAMS.
mark.

Sworn to before me this 10th December, 1857.

WILLIAM O. YAGER, P. J.

In the matter of the petition of James R. Warren.

Petitioner claims for two horses and other property, worth	\$267 00
<hr style="border-top: 3px double #000;"/>	
Taken from him by the Topeka free-State army, August, 1856. The proof fully sustains the claim.	
The claim was allowed by Commissioner Strickler.	
The board award amount claimed - - - - -	267 00
Interest, 2½ years, at 6 per cent - - - - -	40 00
<hr style="border-top: 3px double #000;"/>	
Total award - - - - -	307 00
<hr style="border-top: 3px double #000;"/>	

EDWARD HOOGLAND.
SAMUEL A. KINGMAN;
HENRY J. ADAMS.

APRIL 13, 1859.

No. 174.

In the matter of the petition of John T. Adams.

SHAWNEE COUNTY, ss:

John T. Adams, being duly sworn, deposes and says: That I presented a statement of my actual losses during the difficulties of 1855-'56 to A. J. Strickler, late commissioner, which statement, so presented, was correct and true, according to the best of the knowledge and belief of this deponent, and respectfully ask that the papers and proof, &c., laid before said H. J. Strickler, may be received by the honorable the board of commissioners appointed under the act to provide for the adjustment and payment of claims, approved February 7, 1859, as his petition and testimony under the present law. I have never received any compensation or recovered any property taken, as alleged and set

forth in the case so presented to said late commissioner. I am a citizen of Kansas and live about three miles from Tecumseh.

JOHN T. ^{his} + ADAMS.
mark.

Sworn to and subscribed before me this the 13th day of April, A. D. 1859.

[L. s.]

HIRAM J. STRICKLER,
Notary Public.

TERRITORY OF KANSAS, *County of Shawnee, ss:*

Petition of John T. Adams, of the county and Territory aforesaid, under an act of the territorial legislature, entitled "An act to provide for the auditing of claims," approved February 23, 1857.

I, John T. Adams, of said county and Territory, represent unto the honorable commissioner that I have sustained losses in consequence of and growing out of the difficulties in this Territory, by way of loss of property since the organization thereof, as follows: On or about the 1st of September, 1856, an armed body of men, belonging to Lane's command encamped at Topeka, came upon my premises, and took and carried away, with force and arms, the articles charged in the schedule annexed to this petition, and made a part thereof. The prices charged for said articles are fair and reasonable. I have never recovered them nor pay therefor in any manner whatsoever.

JOHN T. ^{his} + ADAMS.
mark.

Sworn to and subscribed before me this 10th day of December, 1857.
WM. O. YAGER.

Territory of Kansas to John T. Adams, Dr.

September 1, 1856.—To one colt.....	\$75 00
To two guns: one double barrel shot-gun, at \$20; one rifle, at \$15.....	35 00
Total.....	<u>110 00</u>

JOHN T. ^{his} + ADAMS.
mark.

Sworn to and subscribed before me, December 10, 1857.
WM. O. YAGER.

Albert G. Green, being duly sworn, says: I know the petitioner, John T. Adams, he is a citizen of this Territory. On or about the time alleged, September 1, 1856, I saw the said armed body of men in and about the house and premises of said Adams, as he has alleged; I saw them take the colt; it was worth the price charged, \$75; did not see them take the guns, but believe they did. They took him along with them to Topeka as a prisoner. He has never recovered said property, that I know of. The guns are charged at reasonable prices.

ALBERT G. GREEN.

Sworn to and subscribed before me, December 10, 1857.

WM. O. YAGER.

James R. Warren, being duly sworn, says: I know the petitioner, John T. Adams, he is a citizen of this Territory. I have heard his petition read; I know that at or about the time alleged he had such property as he has charged. I was not present and did not see the taking; I have good reasons to believe and do believe that they took them as he has alleged. The prices charged are just and fair. He has never recovered them nor pay for them, that I know of.

JAMES R. WARREN.

Sworn to and subscribed before me, December 10, 1857.

WM. O. YAGER.

In the matter of the petition of John T. Adams.

Petitioner claims for one colt.....	\$75 00
Rifle and shot gun.....	35 00
	<u>110 00</u>

Said property was taken by the free-State army at Topeka about September 1, 1856.

The case is fully proven, and was awarded by Commissioner Strickler.	
The board award, therefore.....	\$110 00
Interest, 2½ years, at 6 per cent.....	16 50
	<u>126 50</u>

SAM'L A. KINGMAN.
EDW'D HOOGLAND.
HENRY J. ADAMS.

APRIL 13, 1859.

No. 175.

To the honorable the board of commissioners appointed under an act entitled an act to provide for the payment and adjustment of claims, approved February 7, 1859.

Your petitioner, Charles L. Stevenson, a citizen of Shawnee county, respectfully states that he is now confined to his bed by sickness and is unable to attend the commissioner's court at Tecumseh, but asks that the original papers, testimony, &c., laid before H. J. Strickler, commissioner appointed to audit claims in 1857, may be received by the honorable board as his petition and testimony under the present law. Your petitioner further states that he has never recovered any of the property nor received any compensation from any source for the property taken and destroyed as alleged and set forth in the case so presented to the former commissioner, and upon which his award was made in my favor; I have been residing about three miles of Tecumseh for the last four years.

CHARLES L. STEVENSON.

TERRITORY OF KANSAS, *County of Shawnee, ss:*

Petition of Charles L. Stevenson, under an act entitled an act to provide for auditing of claims, passed by the territorial legislature, and approved February, 1857.

Charles L. Stevenson, of Shawnee county, Kansas Territory, represents unto the honorable commissioner for auditing claims, that he has sustained losses growing directly out of the difficulties of Kansas Territory during the year 1856. Your petitioner represents that he was the legal owner of certain property, to wit: two mules, worth the sum of \$400; one saddle, worth \$30; two bridles, worth \$10; two pairs of blankets, worth \$10; in the aggregate amounting to the sum of four hundred and fifty dollars. The aforesaid mentioned property was in my possession about the 2d day of September, A. D. 1856, when an armed body of marauders, commanded by one Captain Jamison, came to the premises of Mr. McCutchen, (a neighbor of your petitioner,) at which place your petitioner happened with the aforementioned property; the said Captain Jamison and command, with force and arms, took and carried away the said property; the Territory at this time was in a state of disturbance; armed bodies of men traversing the Territory, committing depredations upon the property of peaceable, unoffending citizens of the Territory. Your petitioner for said loss never received any compensation or indemnity.

CHARLES L. STEVENSON.

Sworn to and subscribed before me this 28th day of February, 1858.

H. J. STRICKLER,

Commissioner for auditing claims.

Territory of Kansas to Charles L. Stevenson.

To 2 mules	-	-	-	-	-	-	\$400 00
To 1 saddle	-	-	-	-	-	-	30 00
To 2 bridles	-	-	-	-	-	-	10 00
To 2 blankets	-	-	-	-	-	-	10 00
							\$450 00
							\$450 00

Samuel D. McCutcheon, being duly sworn, says: That he has heard read the petition of Charles L. Stevenson, and know, of my own personal knowledge, that the facts set forth as to the time and manner of taking said property from Mr. Stevenson by said armed men to be correct, as your affiant was present and witnessed the robbery. I think the property mentioned was reasonable at Mr. Stevenson's estimate.

SAMUEL D. McCUTCHEON.

Sworn to and subscribed before me this 28th day of February, 1858.
 H. J. STRICKLER,
Commissioner.

Nathaniel L. Williams, being duly sworn, says: That he heard the petition of Charles L. Stevenson read and knows all the facts set forth to be true; your affiant saw the armed men take and carry away the said property described in the petition of Mr. Stevenson; the said property was reasonably worth the prices charged in the petition.

NATHANIEL L. WILLIAMS.

Sworn to and subscribed before me this 28th day of February, 1858.
 H. J. STRICKLER,
Commissioner.

I certify in the foregoing claim of Charles L. Stevenson of \$450, the whole amount is proven and is of the private class.

H. J. STRICKLER,
Commissioner.

TERRITORY OF KANSAS, *Shawnee County, ss:*

Nathaniel L. Williams, being duly sworn, saith: I am the witness whose testimony is within subscribed; I reside about two miles from petitioner on Tecumseh creek; on the day and at the time mentioned I was at the house of Mr. McCutcheon, when Captain Jamison's company of men, nine in number, besides himself, all well armed, rode up there on horseback; Stevenson had that morning brought up his said two

mules and hitched them by lariats to the wheels of a wagon in front of McCutcheon's house; I saw them, by Jamison's orders, dismount, take the mules loose, seize the saddle, two blankets, and two bridles, and go off with them towards Topeka; said company seized and took my two horses at the same time; also two horses from old Thornton Strother, and one from William Hough, Strother's son-in-law; I recovered back my two horses about a week afterwards; Strother and Hough never recovered their horses; Strother's two horses were worth together \$130; Hough's horse was worth \$130; I know he paid that for him a few days before he was taken; I think Mr. Stevenson has never recovered said mules up to the present time, nor any compensation for them from any source whatever.

N. L. WILLIAMS.

Sworn to before me this 13th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Charles L. Stevenson.

Petitioner claims for two mules.....	\$400 00
One saddle, \$30; two bridles, \$10; two blankets, \$10.....	50 00
	450 00
	450 00

Said property was taken by Captain Jamison, of the Topeka branch of the free-State army, September, 1856. The case is fully proven. An award for the amount was made by Commissioner Strickler.

The board award for mules and other property.....	\$450 00
Interest, 2½ years, at 6 per cent.....	67 50
	517 50
	517 50

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

APRIL 13, 1859.

No. 176.

To the board of commissioners appointed to audit and certify claims in Kansas, by act of February, 1859.

Loring G. Cleveland states to the board: That he is a citizen of Kansas Territory, and has been since December, 1854, and that during the year 1856 he lived on his claim adjoining Topeka, in Shawnee county, in said Territory; that on the night of the 4th of July, A. D.

1856, a fine iron gray mare, six years old, was stolen from near his cabin, where she was picketed; that on the day preceding said taking the Topeka legislature had been adjourned by Colonel Sumner and the United States troops under his command. Topeka was full of men who had been there attending a mass convention, or for other purposes. About six weeks afterwards, petitioner recovered the mare, on Washington creek, in Douglas county, some six or eight miles south of Lawrence. He took her from a man who was riding her. She was much injured; covered with sores as large as a man's hand; reduced in flesh, and stiffened up. She was, when taken, with foal by a very fine horse. She had lost her colt, and was injured to the amount of one hundred dollars.

During the summer of 1856 I had eight acres of corn on my claim, that would have yielded seventy-five bushels per acre. One-half of this corn was taken by United States troops and the other parties of men that were stationed in the vicinity of Topeka. It was taken at various times, from roasting-ear time till gathering time. The same sets of men dug and carried away fifty bushels of potatoes, worth in the field one dollar per bushel, and during that summer carried from my garden ten dollars worth of garden vegetables. All this was taken without my consent, and I had not power to prevent its being done. The United States troops took, during that summer, one hundred rails from my fence, and used them for making camp fires. Rails were worth five dollars per hundred. The fence was a post and railing fence, and the injury to it was at least fifteen dollars. A United States soldier stole a navy revolver from me, worth twenty-five dollars, took it up town and sold it to Mr. Allen for fifteen dollars. I never got the pistol, nor any pay for it; nor have I ever received any remuneration for the property above described as lost and injured.

L. G. CLEVELAND.

Sworn to before me, April 13, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Loring G. Cleveland.

TESTIMONY.

SHAWNEE COUNTY, ss :

Darius W. Cleveland, being duly sworn, deposes and says: I am the brother of petitioner, L. G. Cleveland. He is a citizen of Kansas Territory, and has been since the spring of 1855, to my knowledge, and longer than that, as I believe. In July, 1856, he was the owner of a fine iron gray mare, worth two hundred dollars and more. About the 4th of July, 1856, she was missing. On the morning of the 5th July I was at my brother's claim. The mare was gone. We tracked her from near the house to the fence, which had been knocked down, and the mare was gone. Petitioner said she was stolen. Between six

and seven weeks afterwards, he had recovered her and brought her to my place, half a mile east of his claim. She was then very poor; hair and hide off in ten or fifteen places as large as a man's hand, some larger. She was with foal when stolen; had lost her colt; stiffened up; was unfit for use that summer or fall, and has not got over it yet. I think she was injured more than one hundred dollars.

He had ten acres of corn, two of which he sold by the acre. I gathered the eight acres in the fall. One-half of it was gone. It would have yielded seventy bushels per acre, had it not been destroyed. I saw, often, parties in the field, taking the corn and carrying bags out of it, loaded with corn. During that fall the rights of property were not much respected in that neighborhood. Bodies of men camped near petitioner's field, which was on the road, near the creek, and convenient to timber, and took the corn as suited their convenience, and never paying for it. The bodies of men were too numerous to resist. This corn was taken from the time it was in roasting-ear till it was gathered, and during most of that time petitioner was sick and absent from his claim.

In the same way and time about one-fourth of an acre of potatoes were dug and carried away. I think fifty bushels, worth one dollar per bushel; and also his garden vegetables were taken same way, onions, &c., to the value of ten dollars. I know that he had a navy revolver, worth twenty dollars. This was taken. I saw Mr. Allen have it. My brother could not get it; never has, nor any compensation for it; nor has he received any compensation for the property taken, as far as I know and believe.

The United States troops and others took about one hundred of petitioner's rails, for camp fires, worth five dollars. Petitioner was sick that fall, and I attended to his business. His claim lies near Topeka.

DARIUS W. CLEVELAND.

Sworn to before me April 13, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Loring G. Cleveland.

SHAWNEE COUNTY, ss :

John M. Reed, being duly sworn, saith: That the receipt for \$78 worth of goods obtained from W. A. M. Vaughan, filed in this cause, is in the handwriting of petitioner. Deponent was a clerk for said Vaughan, and in his store when said Cleveland, in company with a large party of armed men from Topeka, on said September 5, 1856, came to said Vaughan's store, and took away, by intimidation and manifestation of superior force, the goods mentioned. Civil war prevailed at that time. Said Cleveland acted with one party, and said Vaughau with the other.

JOHN M. REED.

Sworn to before me April 22, 1859.

EDW'D HOOGLAND, *Commissioner.*

September 5.—Received of Wm. Vaughan goods to the amount of \$78, for the army of Kansas.

L. G. CLEVELAND, *Captain.*

In the matter of the petition of Loring G. Cleveland.

Petitioner claims for injury to horse (mare,) stolen	-	-	\$100	00
For loss of one-half of eight acres of corn	-	-	200	00
Fifty bushels potatoes	-	-	50	00
Garden vegetables	-	-	10	00
Rails \$15. Navy revolver \$25	-	-	40	00
			<hr/>	
			400	00
			<hr/>	
The board think he has proven the damage to horse	-		100	00
Also, one-half of eight acres of corn at 40 bushels per acre, at \$1, less 10 cents harvesting	-	-	144	00
Fifty bushels potatoes \$50. Garden vegetables \$10	-		60	00
Rails \$5. Revolver \$20	-	-	25	00
			<hr/>	
			329	00
Interest on same, 2½ years, at 6 per cent	-	-	49	35
			<hr/>	
Total award	-	-	378	35
			<hr/>	

There is, therefore, awarded to said Cleveland, upon his proof aforesaid, three hundred and seventy eight dollars and thirty-five cents.

EDW'D HOOGLAND.

HENRY J. ADAMS.

SAM'L A. KINGMAN.

APRIL 16, 1859.

No. 177.

To the commissioners appointed to audit and certify claims:

Your petitioner, Joseph H. Weaver, states: That he has been an actual citizen of the county of Shawnee, and Territory of Kansas, since the 15th day of February, 1855. That in the latter part of November, 1855, I was the owner and in possession of a fine young horse, of the value of one hundred and fifty dollars; was at this time residing on my claim about three miles northeast of Tecumseh, in said county. That on or about the 25th day of November, aforesaid, said horse was running at large near my claim, and was very hard to catch when so at large, in fact, it was impossible to catch him without confining him. Said horse was at this time

surrounded and hemmed in by a company of armed men, engaged in the war of said Territory at that time, and forced over a high embankment into the creek below and killed, breaking his neck. Said petitioner further states that he was on the last day of June, 1856, the owner and possessor of two fine milch cows with young calves; that said cows were on said last day of June, aforesaid, worth the sum of forty dollars each, making the sum of eighty dollars; that said cows were forcibly driven off and away from petitioner, by a company of men engaged in said war. That said petitioner did, on or about the 15th February, 1857, at great expense, recover said cows after an absence of some eight months. Petitioner says that in view of the expense and trouble he was at to recover said cows, together with the loss of the use of them, trouble with young calves, said cows were a total loss to petitioner. When said cows were found they were twelve miles below the city of Lawrence, on the north side of Kaw river.

Bill of items.

One young horse	-	-	-	-	-	-	-	-	\$150 00
Two milch cows, at \$40	-	-	-	:	-	-	-	-	80 00
Interest on same, at 6 per cent	-	-	-	-	-	-	-	-	37 00
Total	-	-	-	-	-	-	-	-	<u>267 00</u>

JOSEPH H. WEAVER.

Sworn to before me April 13, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Joseph H. Weaver.

TESTIMONY.

SHAWNEE COUNTY, ss :

David Copeland, being duly sworn, says: That he is acquainted with the petitioner, Joseph H. Weaver; that he is a citizen of Kansas, and has been since February, 1855. That November, 1855, he was the owner of a dun horse, six or seven years old, worth about one hundred and fifty dollars. The horse had been running on the prairie; he was hard to catch; and was, judging from appearances, hemmed up to catch on the top of a bluff by the side of a large log. He jumped off the bluff or fell over, and broke his neck and died. I did not see it done; don't know who did it. There were many tracks about there, as though a good many people had been there trying to catch the horse. This was on the Kaw bottom, two or two and a half miles east of here, on a pretty general passway from Tecumseh to Leecompton, where many persons were passing in the night. The neighborhood was in an unsettled state, disorder and confusion prevailed, and

property was often taken without permission. I have no doubt from the appearances and from all the circumstances that the horse had been hemmed up and driven over the bluff by a body of men who were trying to get possession of the horse by force. I cannot fix the time when this happened; it was during the Wakarusa war. He lost two cows; I believe they were driven off, as they left sucking calves; had before that been good to come up; could not be found; I and another man hunted for them two days; petitioner spent a good deal of time but could not find them. The cows disappeared in June, 1856; petitioner recovered them in the winter following, on the opposite side of the river below Lawrence. From the condition of the cows when they left and when they were recovered, and from the expense and trouble which petitioner had in looking for and endeavoring to recover the cows, I think he was damaged by their loss to the full value of the cows; when recovered, they were very poor indeed. The cows, when lost, were worth forty dollars each.

DAVID COPELAND.

Sworn to before me, April 14, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Joseph H. Weaver.

The plaintiff claims for loss of one horse killed	- -	\$150
Damages for the loss of two cows, and expense in recovering the same	- - - - -	80
		<u>230</u>
The board allows for loss of horse	- - - - -	150
And damages for loss of cows, and expense in recovering the same	- - - - -	40
		<u>190</u>
Interest on same, at 6 per cent., 2½ years	- - -	23
		<u>218</u>
Total award	- - - - -	<u>218</u>

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

APRIL 14, 1859.

No. 178.

In the matter of the petition of Learner B. Stateler.

SHAWNEE COUNTY, ss :

Learner B. Stateler, the above-named petitioner, being duly sworn according to law, deposes and says :

I was the legal owner, during the summer of 1856, of two bay mares ; these mares were in habit of grazing on the prairie, and frequently found about Washington in Shawnee county. Said place is situated on the travelled highway from Lawrence to Topeka. In the month of August, A. D. 1856, your petitioner saw a body of armed men passing along the highway towards Washington ; upon the day the said body of men passed down towards Washington the horses of this petitioner were on the prairie near Washington.

In the afternoon of said day a messenger from Big Spring came and brought word to Mr. Johnson and myself that three bay mares were taken, stolen, and carried away, by a body of armed men passing down by Washington towards Lawrence. Two of said mares were supposed to be the property of this petitioner ; the other mare the property of Mr. Johnson. Upon receiving this information from Washington, Mr. Johnson, upon conferring with me, agreed to go and to look for said mares and other horses, the property of Mr. Johnson and myself.

Mr. Johnson found only the colts, which he found near Washington and brought home. He could not, as he informed me, find the mares, but stated that they were stolen and carried away from Washington. Mr. Johnson and myself employed a man to go to Lawrence, (a Mr. Quiet,) who knew the mares. Mr. Quiet returned without the mares, but stated the mares were in Lawrence, but he could not get them. Some time afterwards this petitioner saw a man on one of the said mares, the property of your petitioner.

Your petitioner pursued him, and overtook him at the Big Blue river, about sixty miles west of Tecumseh. The man having your petitioner's mare returned with your petitioner to Tecumseh. There, before a civil officer, your petitioner proved his property and took possession of the same. This petitioner then accompanied this man to Lawrence, to the stable where the said man had traded his horse for your petitioner's mare. The said man heard of his horse (the one he had traded for your petitioner's mare) being in Topeka. The said man and your petitioner went to said Topeka, where the said man (named Johns) recovered his horse and took possession of him ; but the thief could not be arrested, as he disappeared. This petitioner used every means to recover the other mare, the property of your petitioner, but failed to do so, and has never seen the said mare, or received any compensation from any source for said mare. The said mare was a large, fine, saddle and harness animal, worth at the time two hundred dollars. Your petitioner settled in Kansas near Tecumseh in the fall of 1854, and has been residing at said place ever since. Your petitioner travelled about two hundred miles in recovering the one mare, and was subjected to an expense of about ten dollars.

One mare, worth.....	\$200 00
Expenses incurred....	10 00
	<hr/>
	210 00
	<hr/> <hr/>

LEARNER B. STATELER.

Sworn to and subscribed before me this 13th April, 1859.
 [L. s.] HIRAM J. STRICKLER,
Notary Public.

In the matter of the petition of Learner B. Stateler.

SHAWNEE COUNTY, ss:

William Johnson, being duly sworn according to law, deposes and says: That I am acquainted with Learner B. Stateler; he lives one half mile of Tecumseh. I knew of Mr. Stateler having two bay mares that were in the habit of grazing with my horses on the prairie around Washington and in the vicinity of Tecumseh. The 19th August, A. D. 1856, deponent saw a body of armed men pass down the road to Washington; being informed that the said armed men had stolen the mares of Mr. Stateler and your deponent, this deponent went down to Washington in the afternoon, and found the colts of said mares at Washington, but the mares were missing. This deponent was informed at Washington and believes that the armed body that had passed down in the morning had stolen said mares. About the tenth of September this deponent was in Topeka, and saw a man on what he verily believes to have been the large bay mare, the property of Mr. Stateler. The said man belonged apparently to Lane's "Northern Army," who were just evacuating Topeka for the northern part of the Territory. Mr. Stateler recovered the smaller bay mare, but I do not believe that he ever recovered the large bay mare, or received any compensation therefor. The large bay mare was a fine saddle mare, "paced well," was worth one hundred and seventy-five dollars at least. I am a citizen of Tecumseh.

WM. JOHNSON.

Sworn to and subscribed before me this 13th day of April, A. D.
 1859.

[L. s.] HIRAM J. STRICKER.

In the matter of the petition of Learner B. Stateler.

H. J. Strickler, being duly sworn according to law, deposes and says: That he has heard the statement of Learner B. Stateler, touching the loss of a large bay mare, in the summer of 1856. This de-

ponent boarded at the house of Mr. Stateler, and knew that the petitioner had a large bay mare. About the time alleged in his petition the said mare was missing, and this deponent was informed and believes was stolen by a lawless body of men. I have never seen the large bay mare since the time alleged to have been stolen; believe she was stolen in the manner alleged. The mare was a large fine saddle mare, worked well, and was reasonably worth two hundred dollars.

H. J. STRICKLER.

Sworn to and subscribed before me this 14th day of April, A. D. 1859.

E. B. SMITH,
*Justice of the Peace in and for Tecumseh Township,
Shawnee County, Kansas Territory.*

In the matter of the petition of Learner B. Stateler.

The petitioner claims for one mare lost	-	-	-	-	\$200 00
Expenses in recapturing another horse	-	-	-	-	10 00
We think the proof fully sustains the whole claim, and allow therefor.					
Add interest on same, 2½ years, at 6 per cent	-	-	-	-	31 50
Total award	-	-	-	-	<u>241 50</u>

SAM'L A. KINGMAN.
EDW'D HOOGLAND.
HENRY J. ADAMS.

APRIL 14, 1859.

No. 179.

To the honorable the board of commissioners appointed under "An act to provide for the adjustment and payment of claims," approved February 7, 1859.

Your petitioner, George Mateney, a citizen of Shawnee, Johnson county, and Territory of Kansas, being duly sworn according to law, deposes and says: I presented a statement of my actual losses growing out of the difficulties of 1855 and 1856 to H. J. Strickler, late commissioner appointed under the act of 1857, which statement was correct and true according to the best of the knowledge and belief of this petitioner; and respectfully ask that the proofs and papers laid before said commissioner, and upon which he made his award in my favor,

may be received by the honorable the board of commissioners, as his petition and a testimony under the present law.

Your petitioner further states that he has never recovered any of the property so lost, as alleged and set forth in the case presented before the said late commissioner, neither has he received any compensation from any source for the same; I have been a citizen of Kansas for the last four years, and now reside in the town of Shawnee, Johnson county, Kansas Territory.

GEORGE ^{his} × MATENEY.
mark.

Sworn to and subscribed before me this the 14th day of April, A. D. 1859.

HIRAM J. STRICKLER,
Notary Public.

TERRITORY OF KANSAS, *County of Shawnee:*

Petition of George Mateney, late of the county of Shawnee, Territory of Kansas, under an act of the territorial legislature, entitled "An act to provide for the auditing of claims," approved February 23, 1857.

I, George Mateney, late of the said county and Territory, represent unto the honorable commissioner: That I have sustained losses in consequence of, and growing directly out of, the difficulties in this Territory, by way of loss of property since the organization thereof, as follows: On the 4th of September, 1856, while sojourning at the house of Wm. Mateney, jr., an armed body of men, belonging to Jim Lane's command, entered upon his premises and took and carried from my possession a span of horses, one worth \$200, the other, \$150, and saddle, bridle, and blanket, and ropes, worth \$25, all of which were my property; these prices are fair, just, and reasonable; I have never recovered said property or any part thereof, or any pay or indemnity therefor, in any manner whatsoever; the persons who took them are vagrants, and are wholly worthless and irresponsible.

GEORGE ^{his} + MATENEY.
mark.

Sworn to before me this 25th of November, 1857.

WM. O. YAGER,
Probate Judge, Shawnee County, Kansas Territory.

Wm. Mateney, jr., being duly sworn, says: I know the petitioner, George Mateney; he was a citizen of this county and Territory on the 4th of September, 1856; I have heard his petition read; he was at my house at that time; when an armed body of ten men came and took and carried away with force and arms, as alleged in his petition, the horses, saddle, bridle, blanket, and ropes, therein charged; the

facts set forth in his petition are true I know of my own knowledge ; one of the horses they took from him was worth \$200, the other \$150, his saddle, bridle, and blanket, and ropes, were worth \$25 ; he has never recovered them or any pay for them.

WILLIAM MATENEY.

Sworn to and subscribed before me November 28, 1857.

WM. O. YAGER.

William Yocum, being duly sworn, says : I know the petitioner, George Mateney ; have heard his petition read ; he was a citizen of this county and Territory on the 4th of September, 1856, when an armed body of men came to the house of William Mateney and took and carried away from him two horses, one worth \$200, the other \$150, and also one saddle, bridle, blanket, and ropes, worth \$25 ; he has never recovered them or pay for them.

WILLIAM YOCUM.

Sworn to and subscribed before me November 25, 1857.

WM. O. YAGER.

In the matter of the petition of George Mateney.

Petitioner claims in this case for loss of two horses	-	-	\$350	00
Saddle, bridle, blanket, and ropes	-	-	25	00
			<u>375</u>	<u>00</u>
The proof in the case filed before Commissioner Strickler, sustains the whole claim	-	-	375	00
Interest on same, 2½ years, at 6 per cent.	-	-	56	25
Total award	-	-	<u>431</u>	<u>25</u>

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

APRIL 14, 1859.

No. 180.

In the matter of the petition of Andrew Imes.

SHAWNEE COUNTY, ss :

Andrew Imes, being duly sworn, deposes and says : That he presented a statement of his losses incurred in the difficulties of 1856 to H. J. Strickler, late commissioner appointed under the act of 1857,

which statement of actual loss was correct, and according to the best of the knowledge and belief of this deponent, and therefore respectfully asks that the honorable board of commissioners, appointed under the act of 1859, receive the papers and proofs so presented to said late commissioner as his petition and testimony under the present law. Your petitioner further states that he has not recovered the property lost, as alleged and set forth in the case so presented to H. J. Strickler, nor received any compensation therefor. I am a citizen of Kansas, and have resided near Tecumseh for the last four years.

ANDREW IMES.

Sworn to and subscribed before me this 14th day of April, 1859.
[L. s.]

HIRAM J. STRICKLER,
Notary Public.

TERRITORY OF KANSAS, *Shawnee County, ss :*

Petition of Andrew Imes, of said county and Territory, under an act of the territorial legislature, entitled "An act to provide for the auditing of claims," approved February 23, 1857 :

I, Andrew Imes, of said county and Territory, represent to the honorable commissioners that I have sustained losses in consequence of and growing directly out of the difficulties in this Territory, by way of loss of property, since the organization thereof, as follows : on or about the 5th day of September, 1856, when the Territory was in a state of rebellion and confusion, I was fixing a place to chain and secure my horse against the thieves and marauders who were at that time taking horses wherever they could find them, calling it "pressing" for the service of the militia ; at the time my horse was staked out on the prairie, about 200 yards from my house, with another horse belonging to a friend ; he went up on the prairie to look after them, and returned with the word that they were gone ; upon examination I found that they had been stolen ; I immediately pursued in the direction of Tecumseh, and on the way a neighbor told me that she had just seen our two horses ridden by ; she said she recognized the horses, but did not recognize the riders ; I made further diligent pursuit and search, and heard of them in the possession of two irresponsible and worthless men, representing themselves territorial militia men, who have since abandoned the Territory ; I afterwards found and recovered one of said horses, the one belonging to my friend ; I have never recovered mine nor pay therefor ; upon a reasonable estimate said horse was worth \$200.

ANDREW IMES.

Sworn to and subscribed December 2, 1857.

WILLIAM O. YAGER.

Doctor William H. Brown, being duly sworn, says: I know the petitioner, Andrew Imes; have heard his petition read; he is a citizen of this Territory; I am the friend spoken of in his petition; I know the facts set forth therein are true; his horse was worth fully \$200; she was young, large, and stout.

WILLIAM H. BROWN.

Sworn to and subscribed before me this 5th day of December, 1857.

WILLIAM O. YAGER,
Probate Judge.

George Osborne, being duly sworn, says: I know the petitioner, Andrew Imes; he is a citizen of this Territory; have heard his petition read; on or about the 5th of September, 1856, I saw the two men spoken of in the petition riding the two horses spoken of; I knew the men and the horses; they were irresponsible, as he alleges; I thought, when I saw them starting out on the prairie, that they were after stealing horses; she was a good looking, fine mare; I think she was worth between \$150 and \$200.

GEORGE OSBORNE.

Sworn to before me April 14, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Andrew Imes.

The petitioner claims in this case for one horse lost, valued at \$200

The proof filed in this case was taken and filed before H. J.

Strickler, and fully sustains the claim.

Interest thereon is allowed, at 6 per cent., for 2½ years - - 30

Total award - - - - - 230

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

APRIL 14, 1859.

No. 181.

To the commissioners of claims, under act of February 7, 1859:

The undersigned, Thomas N. Stinson, respectfully represents: That he is a citizen of Kansas Territory, and has resided in said Territory for several years past, and was such citizen at the time the several

losses hereinafter mentioned occurred; that he has sustained losses by reason of the disorder which prevailed in this Territory from November 1, 1855, to December 1, 1856, the facts and circumstances whereof are as follows:

During and prior to the year 1856 petitioner resided at Tecumseh, in said Territory, and had there a large farm in cultivation, and had, during the summer of said year, 56 head of cattle, old and young, nearly all of which he had raised in this Territory. Petitioner grazed his said cattle during said summer upon his land and the vicinity at Tecumseh aforesaid, which were taken care of regularly by him and his hired hands, until the warfare and excitement in the vicinity of Tecumseh became so intense, in the month of August of that year, that for a space of eight or ten days it was unsafe and inexpedient for petitioner or his hired hands to hunt up and see to said cattle, as the country thereabouts was then overrun by bands of armed men claiming to belong to Lane's free-State army, large numbers of whom were then congregated in arms at Topeka, and who were subsisting upon the country, taking horses, cattle, and all kinds of property, for their maintenance. That for said space of time, or longer, it was hazardous to go or send out to hunt cattle, as the marauding bands were almost sure to take the rider's horse from him, if they spared his life; that the horses, cattle, and property of many of petitioner's neighbors were taken from them by the armed parties aforesaid during August and September aforesaid, and deponent has reason therefore to believe, and does believe, that a number of his said cattle were seized, driven off, taken and killed by the armed parties aforesaid for their support and maintenance. Deponent, from his general knowledge and care of his said stock, knows that about the first day of August, 1856, he had the said 56 head of cattle, consisting of 12 or 15 cows, one yoke of old oxen, and the remainder were about an equal proportion of one, two, and three year olds. That on the 5th day of September, 1856, the town of Tecumseh was entered by a company of 65 armed men, under command of Captain Cleveland, of Topeka, who plundered some of the pro-slavery settlers of Tecumseh; that about that time such bodies of armed men had entire command and control, by force of arms, of this portion of the Territory, and prevented peaceable settlers from attending to their legitimate business, and drove them from their homes. During said period deponent was obliged to send his family and some of his property away for safety, but he himself remained at home. That on or about the 8th or 10th day of September aforesaid petitioner employed hands, among them some Pottawatomie Indians, to hunt up and collect together his said cattle, all of which were branded and marked on the side of the cheek to be readily known and identified; that all the cattle that could be then found, recovered or obtained, belonging to him, were 34 head, including all his cows, the oxen and youngest cattle. There were missing 22 head of two and three year old heifers and steers. That all said cattle had run out on good feed during the summer, and were in good order and condition, fit for killing; and petitioner, from all the facts and circumstances, is convinced that said cattle were taken off or killed by said armed parties.

Deponent further saith that said cattle so missing were worth \$20 per head on an average, and he asks that the value thereof, with interest, may be awarded to him.

THOMAS N. STINSON.

Sworn to before me this 13th day of September, 1859.

EDWARD HOOGLAND,
Commissioner.

SHAWNEE COUNTY, ss:

John M. Reed, of said county, being duly sworn, saith: I resided and remained at Tecumseh during the whole of the summer of 1856; I know Thomas N. Stinson; know that he had a large number of cattle on his farm and neighborhood at Tecumseh in the summer of 1856. I do not know the precise number of cattle that he had, but do know that he had some fifty and odd head of cattle in July and August, 1856. Deponent has read the petition of said Stinson, and, for himself, asserts the same facts in regard to the condition of the Territory, and especially of this vicinity. Deponent was engaged in hunting his own cattle in September aforesaid, and knows that Colonel Stinson and his employes thoroughly hunted throughout this section of country, a space of six or eight miles, for said cattle, but they were not all found. I saw said Stinson's cattle when collected as close as possible, and know that there were about 20 head of his cattle missing; saw said cattle when said Stinson sent them to be driven up to the Pottawatomie country for safe-keeping till the difficulties should subside. From my general knowledge of Stinson's drove, and from the remarks made at the time by Mr. Stinson and his hired man, Cushing, deponent believes the missing animals were mostly two and three year olds. Such cattle at that time were worth at Tecumseh, in cash, about \$20 a head, on an average. I was engaged in herding and raising cattle at that time, and know what cattle were worth then. Deponent sometimes killed and sold beef in Tecumseh that summer. The price of beef in Tecumseh till August and September was generally about 6 to 7 cents a pound. A few weeks later persons from the surrounding country, coming in town from the west and southwest, frequently brought in beef for sale, and sold the same at 3 to 3½ cents a pound. Those parties were strangers to deponent.

JOHN M. REED.

Sworn to before me this 13th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

Thomas N. Stinson, the petitioner, sworn: I ordered the remainder of my cattle to be taken up to Bonnassa's, in the Pottawatomie country, to save them from being all stolen or killed. This was about the 8th or 10th of September, 1856—perhaps a few days later. A man

named John Cushing was my principal hired man in August and September, 1856; he had charge of my stock, brought up the cows and saw to the cattle from day to day; he assisted, accompanied by some Indians, in collecting my said cattle. Shortly afterwards said Cushing got into a controversy with and killed a man named William Norton, and having been tried and convicted, made his escape and has fled the Territory, so that deponent does not know where he is, and cannot procure his testimony. He is the only witness that would know definitely and precisely the number of said cattle, and how many were missing at the time aforesaid.

Deponent further saith that he had sold no cattle out of the number of 56 aforesaid, and has never received any compensation for said missing cattle, or any of them, from any source whatever.

THOMAS N. STINSON.

Sworn to before me this 13th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

I certify that I am well acquainted with the petitioner, Thomas N. Stinson; know that he has resided at Tecumseh ever since 1855, and previous thereto, and that in 1856 he owned a large drove of cattle, which he grazed about in the vicinity of the town. The John Cushing spoken of is a fugitive from justice; I knew him well. I have resided at Tecumseh, and known Colonel Stinson ever since the spring of 1855; he is a man of unblemished character and respectability.

EDWARD HOOGLAND,
Commissioner.

APRIL 13, 1859.

In the matter of the petition of Thomas N. Stinson.

Petitioner claims for 22 head of cattle, two and three years old, alleged to have been taken or destroyed incident to the disorders of 1856, supposed by the Topeka free-State army, worth \$20 per head - - - - - \$440 00

The case is reasonably well proven, as fully as the nature of the case and the absence of the main witness will permit. The loss of the cattle cannot be doubted. The inference is fairly drawn that their loss was an incident of the disordered condition of the Territory. The board award the claim as above.

And interest, 2½ years, at 6 per cent. - - - - - 60 00

Total award - - - - - 500 00

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

APRIL 13, 1859.

No. 182.

Territory of Kansas to B. D. Castleman, Dr.

SCHEDULE.

<i>Groceries, &c.</i> —Sugar, coffee, tea, rice, molasses, vinegar, soaps, glass, candles, tobacco, segars, matches, raisins, pepper, dried apples and peaches, saleratus, brooms, wooden buckets, wrapping paper, cinnamon bark, hair brushes, shoe brushes, meal sieves, mustard, indigo, sardines, oysters, blacking, salt, whiskey, brandy, wines, lemon syrup, pickles, pepper sauce, tomato catsup, candies, bed-cords, plough-lines, Manila rope, cotton batting, soda crackers, tar, cheese, figs, &c. - -	\$813 00
<i>Dry goods, &c.</i> —Silks, mousselin de laines, Swiss challi, silk and cotton handkerchiefs, bombazines, calicoes, blue and white drilling, bed-ticking, crash, cambric, velvets, cloths, cassimeres, satinets, jeans, red and white flannels, hosiery, &c.; gloves, silk, cotton, and flax threads; glazed wadding; wool, cotton, and silk shawls; ginghams, table-cloths, e' ecks, cottonades, cravats, goggles, spectacles, portmonnaies, hair oil, cologne, combs, tooth brushes, linen handkerchiefs; shirt, pant, coat, and vest buttons; silk and patent leather belts, jaconets, Irish linens, painted lawns, brown and bleached domestics, brown and bleached shirting, hickory, fancy articles, &c.	1,217 00
<i>Clothing, &c.</i> —Pants, vests, coats, linen handkerchiefs, linen shirts, hickory shirts, calico shirts, linsey shirts, flannel overshirts, &c. - - - -	325 00
<i>Books, stationery, &c.</i> —School books, literary works, cap and letter paper, note paper, post office stamps, stamped envelopes, buff and white envelopes, pens, ink, &c. -	51 00
<i>Medicines, &c.</i> —Paregoric, vermifuge, eye water, liniment, pain-killer, sweet and castor oil, laudanum; colognes, Epsom salts, essences, tinctures, extracts, &c. - -	43 00
<i>Guns, ammunition, &c.</i> —3 fine double-barrelled shot-guns	120 00
Powder, lead, shot, gun-caps, flasks, shot-bags, &c. -	186 00
<i>Hardware, &c.</i> —Nails, pocket knives, hatchets, axes, shovels, saws, drawing knives, hollow wares, padlocks, doorlocks, augers, chisels, table cutlery, hammers, gimlets, hinges, screws, razors, hoes, scythes, hay forks, &c.	517 00
<i>Boots, shoes, &c.</i> —Men's boots, shoes, and slippers; ladies' boots, shoes, and slippers; boys and misses' boots, shoes, and slippers; children's boots and shoes; child's shoes, infant's morocco shoes, &c. - - - -	283 00
<i>Hats and caps and straw goods</i> —Fur and wool hats; fur, plush, and cloth caps; straw and leghorn bonnets, straw hats, &c. - - - -	132 75
<i>Tin and queensware.</i> —Buckets, pans, cups, canteens, coffee boilers, &c., cups and saucers, plates, bowls, &c. -	128 00
Total amount - - - -	<u><u>3,815 75</u></u>

To the honorable the board of commissioners appointed under an act entitled "An act to provide for the payment and adjustment of claims," approved February 7, 1859 :

I, Benjamin D. Castleman, being duly sworn according to law, respectfully represent unto the honorable board of commissioners that I have sustained losses and damages in consequence of and growing directly out of the difficulties in this Territory ; and for said loss of property, I, the said Benjamin D. Castleman, have never received compensation from any source whatever, nor recovered any of the property so lost.

The said loss of goods, wares, and merchandise is specifically set forth in the schedule, and the above and foregoing account is a correct and true statement of the goods, wares, and merchandise lost by the said Benjamin D. Castleman during the time that insurrection, murder, and robbery prevailed in the aforesaid Territory of Kansas. And the said Benjamin D. Castleman further says that he is a citizen of the United States and of said Territory, and that he has been a resident of said Territory for more than five years, and has resided in the town of Tecumseh, Shawnee county, of said Territory, since the 1st day of June, A. D. 1856, and that he settled there in good faith to become a citizen of the same, and still resides there, desirous of living in a country where personal security and the right of property are regarded by the inhabitants and guaranteed by the federal arm in its protection to infant Territories.

The said Benjamin D. Castleman further says that he was engaged in the business of a merchant, and had acquired a considerable run of trade, and had on hand a considerable stock of assorted goods suitable to the market on or about the 3d day of September, A. D. 1856. And the said Benjamin D. Castleman further says that at the time of the said month of September, and for some time before, disorder, confusion, and robbery prevailed in the said Territory ; and also that a large body of men, most of whom had been conducted into the Territory by James H. Lane about the 1st of August, A. D. 1856, and had collected and were encamped at Topeka, about five miles distant from Tecumseh. And on the 3d of the said month of September a detachment of the said encampment at Topeka, numbering about fifty persons, armed with Sharpe's rifles, Colt's revolving pistols, bowie-knives, and other deadly weapons, and mounted on horses, left the said town of Tecumseh, and, among other robberies, forcibly entered the store of the said Benjamin D. Castleman with the aforesaid weapons in hand, and forcibly and violently plundered, robbed, and carried away from the said store a small quantity of the goods aforesaid ; and afterwards, on the next day, to wit : on or about the fourth day of the said month of September, another detachment from the said encampment at Topeka, armed and equipped, and mounted as aforesaid, numbering about two hundred men, and accompanied with wagons, marched into and against the said town of Tecumseh, and, among other robberies, tumultuously surrounded and forcibly and violently entered the said store of the said Benjamin D. Castleman, and

forcibly plundered, robbed, stole, and carried away from the said store the balance of said goods, loading the same into wagons, and otherwise taking the same to their encampment at Topeka aforesaid. That all of said goods so taken are charged at fair and reasonable estimate in the schedule annexed to this petition and made a part thereof. And the said Benjamin D. Castleman further says that the aforesaid goods, wares, and merchandise were taken from his said store in his presence by the aforesaid overpowering force, with menaces and threats of violence to his person should he offer any resistance to the taking of his goods, wares, and merchandise as aforesaid. And the said Benjamin D. Castleman further says that he has made use of every means in his power to recover the aforesaid goods, wares, and merchandise mentioned in the foregoing account, and has wholly failed to recover any part of the same. And the said Benjamin D. Castleman further says that the detachment aforesaid appeared to be under the command of Captains A. Jameson, Cleveland, and Charles Moffatt. The aforesaid Benjamin D. Castleman further says that the most and nearly all of the persons in the detachments and army aforesaid are unknown to him, the said Benjamin D. Castleman, and, as far as known, are entirely irresponsible, and unable to pay for the goods, wares, and merchandise aforesaid, so that the said Benjamin D. Castleman is wholly without remedy for the recovery of the same. And the said Benjamin D. Castleman further says that he has never associated or identified himself with any parties, organizations or societies calculated to disturb the peace and good order of society and the property of the Territory, but entirely devoted himself to his legitimate business, as a peaceable citizen of said Territory should do.

BENJ. D. CASTLEMAN.

Sworn to and subscribed before me this 14th day of April, 1859.
[L. s.] HIRAM J. STRICKLER,

Notary Public.

UNITED STATES OF AMERICA, *Territory of Kansas, ss:*

Achilles M. Jordon, of lawful age, being duly sworn according to law, deposeth and saith: That on or about the 5th day of September, A. D. 1856, in the Territory of Kansas aforesaid, he, the said A. M. Jordon, was at the town of Topeka, county of Shawnee and Territory aforesaid, and while there saw a company of men and teams leave town and go in the direction of the town of Tecumseh, of said county, for the purpose, as they said, of procuring provisions, &c. A few days afterwards I was again at the town of Topeka, and there saw quite a large amount of goods of various kinds being divided out among the crowd present. This was just after the store of B. D. Castleman, of the town of Tecumseh, had been robbed. These goods had the appearance of having been plundered or stolen. The most of the persons with the goods were to me strangers and unknown, and, so far as I know, are not responsible. I was, among others, invited to come up and take a part, and finally did select a broom and meal

sieve, thinking that should I ever find the proper owners of them I would pay for them. A few days after this the mark of these articles was identified by the clerk of the said B. D. Castleman, and claimed as the goods of the said Castleman, and as having been among those stolen from him a few days previous, and I was so well satisfied of the fact that I paid him, the said Castleman, for them without hesitancy. And the said Jordon further says that he has no doubt but the balance of the goods of said Castleman went at the same time and in like manner; further that they fell into the hands of ——— and dishonest men, that will never account for them in any way or manner; and the said affiant further says that the Territory of Kansas was then in a state of general insurrection, and that the country was full of marauding parties of armed men, who robbed and plundered men and storehouses when an opportunity offered; and the said Jordon further says that he verily believes that it was one of these lawless bands that robbed and plundered the store of said Castleman; and the said Jordon further says that the said B. D. Castleman is a peaceable and worthy citizen of the town of Tecumseh aforesaid, and known as a worthy and correct business man, and was at the time of the robbery aforesaid at home attending to his legitimate business.

A. M. JORDON.

Subscribed and sworn to before me this 13th April, A. D. 1859.

[L. S.]

HIRAM J. STRICKLER,
Notary Public.

UNITED STATES OF AMERICA, }
Territory of Kansas, Shawnee County, } ss:

Hiram Penny, of lawful age, being duly sworn according to law, on his oath deposes and says: That he was a citizen of the town of Tecumseh, county and Territory aforesaid, in the year A. D. 1855, and has been a citizen of said town ever since; and further states that on or about the 4th day of September, A. D. 1856, a party of armed men marched into and against said town of Tecumseh. This gang was composed of a large number of men—how many this deponent cannot say; but says that they were armed with Sharpe's rifles, pistols, and other deadly weapons; and this deponent further says that a large detachment of said force marched in front of Benj. D. Castleman's store, formed in battle array, whence they proceeded to sack the premises occupied by said Castleman; that they forcibly and violently entered said store and robbed and plundered the same, placing the contents thereof in four or five wagons, drawn by ox teams; and the deponent saw the departure of said wagons containing the goods plundered from said Castleman, and says they went in the direction of Topeka. This deponent further says that he recognized one Charles Moffatt as one of said band of marauders, but the rest were persons unknown to him. And this deponent further says that the said Castleman had at that time, to wit: the 4th of September,

1856, a large stock of goods, wares, and merchandise; and this deponent knows that said goods, wares, and merchandise were stolen from said Castleman, and violently carried away without his consent; and further says that the said Benj. D. Castleman was at that time in a defenceless condition. And this deponent further says that at the time of the robbery the said Castleman was at home attending to his legitimate business.

HIRAM ^{his} + PENNY.
mark.

Witness—

H. W. MARTIN.

Sworn to and subscribed before me this 14th day of April, A. D. 1859.

E. B. SMITH,
*Justice of the Peace in and for Tecumseh Township,
Shawnee County, Kansas Territory.*

TERRITORY OF KANSAS, *County of Shawnee, ss :*

A. B. Eiland, of lawful age, being sworn, upon his oath deposes and says: That on the 3d day of September, A. D. 1856, he was present in the store of Benj. D. Castleman, engaged there at that time as clerk, when a band of about fifty men, armed with Sharpe's rifles, pistols, and knives, entered and violently took and carried away, against the consent of the said Castleman, a small part of the goods and merchandise in said store, belonging to said Castleman, declaring, as they did so, that they intended to have other goods from the same place, in return for these goods, and they gave the said Castleman an order upon some Chicago company for the amount of the goods, which order the deponent regards as utterly worthless and void. That again, on the 4th day of September, 1856, a company of about 150 men, armed, as was the company of the preceding day, with rifles, pistols, and knives, violently entered, took and carried away, against the will and consent of said Castleman, the greater part of the goods, wares, and merchandise, composing the stock in trade of the said Castleman, amounting in value, as this deponent verily believes, to about thirty-five hundred dollars or more, including the value of the goods taken on the day previous, to wit: the 3d of September, A. D. 1856. That the said goods, &c., after being removed from said store, were deposited in four or five wagons, drawn by ox teams, and taken from the town, beyond the power and control of Castleman. The goods, &c., above mentioned consisted of the articles mentioned in the account herewith furnished by said Castleman, and now exhibited to deponent, which account this deponent says to the best of his belief is true; that of the company of armed men above mentioned, this deponent at that time knew not one, but now recognizes a man named Charles Moffatt as one of the leaders of said company; and as far as this deponent knows, they are and were worthless and irresponsible men, from whom said Castleman cannot expect to recover

compensation by any process whatever. That the condition of the Territory at that time was one of anarchy, confusion, rebellion, insurrection, murder, robbery, and the whole catalogue of calamities and villainies; that said Castleman at that time was in a defenceless condition, and any forcible resistance to the action of said company by said Castleman would have been rash and imprudent, and exposed his life to immediate destruction; that there was no place where the said Castleman could have removed his goods, &c., without exposing them to seizure in transitu; that so far as this deponent knows, said Castleman has never received any pay for said goods or any part thereof, except 90 cents received by this deponent from A. M. Jordon for a corn and meal sieve, which was given to him in the distribution of the spoils at Topeka.

A. B. EILAND.

Sworn to and subscribed before me this 6th day of October, A. D. 1857.

WM. C. YAGER,
Probate Judge, Shawnee County, K. T.

I hereby certify that the affidavit of A. B. Eiland, hereunto attached, is the original deposition of said Eiland accompanying the petition and papers of Benj. D. Castleman submitted to me as commissioner for auditing claims, appointed under the act of 1857.

HIRAM J. STRICKLER.

APRIL 14, 1859.

UNITED STATES OF AMERICA, }
Territory of Kansas, Shawnee County, } ss:

James M. Heron, of lawful age, being duly sworn, on his oath deposes and says: That he was in the store of Benj. D. Castleman in the forenoon, on or about the 4th day of September, A. D. 1856, when a body of men numbering from 150 to 200 men, armed with Sharpe's rifles, Colt's revolving pistols, bowie-knives, and other deadly weapons, and arranged in a hostile and warlike manner, marched into and against the town of Tecumseh, of the county of Shawnee and Territory of Kansas aforesaid, and whilst other robberies and pilferings were being committed, about thirty men of said band marched in front of the store of said Benj. D. Castleman, halted, and formed in battle array, and with force and violence entered the store of the said Benj. D. Castleman with the weapons aforesaid in hand, and with menaces and threats of immediate violence to the person of the said Benj. D. Castleman, should he offer the least resistance to them, robbed and plundered the store, placing the contents thereof in four or five wagons, drawn by ox teams, brought by said marauders for the express purpose of transporting stolen property, as this deponent verily believes. The goods, wares, and merchandise aforesaid consisted of the articles mentioned in the foregoing account; and the said James M. Heron further says that, from his knowledge of said store, the supplies re-

ceived, and the sales made, he believes the foregoing account to be a correct and true statement of goods, wares, and merchandise taken from said store at the time aforesaid; and furthermore says that the marauders aforesaid appeared to be under the command of one Captain Cleveland, and those in other parts of the town were commanded by persons unknown to him, except that this deponent recognized one Charles Moffatt as a conspicuous officer of this gang of thieves; and further says that but few of the persons aforesaid were known to him, and, as far as known, are worthless and irresponsible men, and the remainder being men from a distance and from places unknown, and constituting a part of the encampment at Topeka under the command of James H. Lane. This deponent further says that the Territory aforesaid at the time aforesaid was in a state of disorder and insurrection, and the marauders aforesaid seemed to search for men in a defenceless condition and then rob and plunder them of their property; and further saith not.

JAMES M. HERON.

Sworn to and subscribed before me this 12th day of April, A. D. 1859.

E. B. SMITH, *Justice of the Peace,*
In and for Tecumseh Township, Shawnee County, K. T.

UNITED STATES OF AMERICA, }
Territory of Kansas, Shawnee County, } ss:

Henry W. Martin, of lawful age, being duly sworn according to law, on his oath deposes and says: That he is a citizen of the town of Tecumseh, of the county and Territory aforesaid, and that he was a citizen of said town during the year 1856; and that on or about the 4th day of September, A. D. 1856, this deponent saw a body of armed men enter the said town of Tecumseh and draw up in front of the storehouse owned and then occupied by Benj. D. Castleman, and that the said body of armed men were accompanied with wagons, which wagons were drawn up in front of said storehouse at the same time; and this deponent further says that he saw that goods were being forcibly removed from said storehouse and being loaded into the wagons aforesaid. This deponent further says that just at that time he was passing through the said town removing his family to a place of safety, and cannot state as to the quantity of goods stolen on that day, and that at that time the Territory was in a state of disorder and insurrection, and that there was no protection to the life of person or property of peaceable unoffending citizens.

HENRY W. MARTIN.

Sworn to and subscribed before me this 14th day of April, A. D. 1859.

HIRAM J. STRICKLER,
Notary Public.

In the matter of the petition of Benj. D. Castleman.

TERRITORY OF KANSAS, *County of Shawnee, ss:*

William H. Gage, of lawful age, being duly sworn, saith: That he is a resident of Shawnee county, Territory of Kansas, and resides near the town of Tecumseh, in said county; and that said Benj. D. Castleman was, on or about the 3d and 4th days of September, A. D. 1856, and had been for some time before, doing business as a merchant in said town of Tecumseh, with a good run of trade, and had on hand a good stock of assorted goods, wares and merchandise, suitable to the market, and that the storeroom was pretty well filled with goods. That on or about the 4th day of September, 1856, this deponent saw an armed body of men, numbering in all about one hundred, come into the town of Tecumseh with several wagons; I saw the men with their wagons going to the storehouse of said Castleman; about one hour afterwards I saw said men with their wagons leaving town with goods in their wagons. One man in one of the wagons held up a plug of tobacco to me, and asked me if I wanted some "Castleman tobacco?" I visited the storeroom of Mr. Castleman, and found that he had been robbed of nearly all his goods, wares, and merchandise; and don't think there was remaining in the store more than about one hundred and fifty dollars (\$150) worth of goods. I don't know and never heard of Mr. Castleman ever recovering any of the goods so robbed.

WILLIAM H. GAGE.

Subscribed and sworn to before me this 13th day of April, A. D. 1859.

[L. s]

HIRAM J. STRICKLER,
Notary Public.

TERRITORY OF KANSAS, *County of Shawnee, ss:*

Isaac C. Wilson, of lawful age, being duly sworn according to law, on his oath deposes and says: That in the year A. D. 1856 he was a resident of the town of Tecumseh, Territory aforesaid, and is now a resident of said Shawnee county; and that on or about the 4th day of September, A. D. 1856, this deponent saw a body of armed men march into and against the said town of Tecumseh, and that said body of men were accompanied with wagons; and that said body of men and their wagons were drawn up in front of the storehouse owned and then occupied in said town of Tecumseh by Benjamin D. Castleman; and that said men then forcibly and violently entered said storehouse, and proceeded to rob and plunder the same of its contents, which consisted of goods, wares and merchandise; and that during the time of the robbing and plundering there was a large armed guard protecting the wagons into which the goods, &c., were being loaded, and that the said Benjamin D. Castleman was in a defenceless condition, and powerless to prevent said robbery; and this deponent

was in the said store at the time of the robbery, and saw it being committed.

ISAAC C. WILSON.

Sworn to and subscribed before me this 14th day of April, A. D. 1859.

[L s.]

HIRAM J. STRICKLER,
Notary Public.

In the matter of the petition of Benjamin D. Castleman.

The petitioner claims in this case, for stock of dry goods, groceries, clothing, books and stationery, medicines, guns, ammunition, hardware, boots, shoes, hats, caps, straw goods, tin and queensware, taken and carried away - - - - - \$3,815 75

The proof is full and satisfactory as to the loss, but not so much so is to the extent of it. No inventory is furnished; probably none was possible in the nature of the case. One witness (Eiland, clerk of the petitioner at the time,) values the goods taken at \$3,500, or more. Heron sustains the whole charge; but it does not appear that his knowledge of such goods is sufficient to rest much on his valuation. The board allow on all the proof - - - - - 3,500 00
Interest on same, 2½ years, at 6 per cent. - - - - - 525 00
Total award - - - - - 4,025 00

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

MAY 5, 1859.

No. 183.

To the honorable commissioners of claims for Kansas, under the act approved February 7, 1849:

The undersigned, James Fletcher, of Topeka, in the county of Shawnee, in the Territory of Kansas, respectfully represents to your honorable body: That he is a citizen of the United States; that he was a resident of Richardson county, said Territory, during the summer of 1856, and now resides in said Topeka; that on or about the 1st of August, 1856, your petitioner was obliged to leave and quit his residence on Mission creek, in said Richardson county, through fear of violence and for safety of life, since hostile bands of armed

men were scouring the country and threatening violence to the free-State settlers of said Mission creek, and were frequently rendezvoused at Union Town, and on the Santa Fé road, in said county; that your petitioner was obliged to leave and quit not only his residence, but even the Territory, inasmuch as certain hostile pro-slavery men were hunting and searching for him with United States troops, with the view, as your petitioner believes, of persecution, although under the cover and pretence of legal authority; that while absent from said residence and Territory the several articles of personal property herein described were totally lost to your petitioner, to wit: 25 acres of corn, about $\frac{1}{4}$ or $\frac{3}{8}$ of an acre of potatoes, one shot-gun, one rifle, one suit of fine clothes, and one case of medicine and medical furniture, also five dozen chickens; your petitioner further says that the said corn was on bottom land of the first ploughing, and would yield on an average sixty bushels per acre; that it (said corn) was more than an ordinary crop for sod land, being stout, tall, and well eared, and was worth \$1 50 per bushel; that your petitioner was obliged to pay \$2 25 and \$2 50 for all the corn purchased for his own use in the spring of 1857; that said potatoes were worth \$2 50 per bushel, and would yield at least fifty bushels; that your petitioner paid \$1 per bushel for potatoes to replace them in the spring of 1857; that said shot-gun was a fine double-barrelled shot-gun, and worth \$25; that said rifle was a fine long-barrelled gun, and nearly new, and worth \$25; that said suit of clothes were of fine broadcloth, and were worth \$50; that said case of medicine and medical furniture consisted of drugs, case, vials, saddle bags, &c., and were worth \$100; that your petitioner is a physician by profession, and was practicing at said time; that the said five dozen chickens were nearly full grown, and were worth \$4 per dozen. Your petitioner further says that said personal property was owned by him; that the same was wholly lost to him; that your petitioner has never recovered any part of said property, or received any compensation therefor; your petitioner therefore prays that said claim may be allowed and paid, with interest.

JAMES FLETCHER.

TERRITORY OF KANSAS, *County of Shawnee, ss:*

James Fletcher, of Topeka, aforesaid, being duly sworn, deposes and says that the facts stated in the foregoing petition are true.

JAMES FLETCHER.

Sworn before me this 15th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

SHAWNEE COUNTY, *ss:*

James Fletcher, petitioner, being duly sworn, saith: That in the month of October, 1856, on or about the 1st or 5th of said month, deponent was obliged to leave the Territory of Kansas, and absent him-

self in the State of Indiana from that time until the month of April, 1857, in order to escape arrest and prosecution on a charge of treason, the same being considered a political offence, which had its origin in deponent's participation on the free-State side in the troubles in Kansas; when deponent left home his fences were up and in good order, and he fastened closely his dwelling-house in which he resided on his said claim. Deponent's nearest neighbors were Mr. A. C. Haskell, half a mile, Mr. Redfern, half a mile, Mr. McCaslin lived in the house with me, but he and Mr. Redfern are both since deceased, having died the same fall, 1856; Mr. Hill, one mile, and Mr. Brown, a mile and a half; when deponent left home he left his said property in care of said McCaslin, who was shortly after taken sick and died, as aforesaid; most of the said corn was destroyed previous to said 1st of October, while deponent was at Topeka and elsewhere from home for personal safety; Union Town was about seven miles, and Santa Fé road about five miles from petitioner's residence; bodies of armed men were encamped, from time to time, in the neighborhood of said Union Town and on Santa Fé road from time to time that season, but deponent did not see any such parties commit any depredations on his property; deponent thinks most of said corn was destroyed by Indian ponies during his necessary absence for personal safety aforesaid; on my return found my fences knocked down in several places; don't know who took the property mentioned out of my house; understood and believe that said house was plundered by marauders engaged in the then existing war; I never saw any armed parties about my house or neighborhood except once, about twenty men, some two miles from there during the latter part of September, 1856; all the property mentioned deponent believes was of the value mentioned in the petition.

JAMES FLETCHER.

Sworn to before me this 15th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

Albert C. Haskell, being duly sworn, deposes and says: That he is a citizen of the Territory of Kansas, and resides on Mission creek, in Shawnee county. That he resided on said Mission creek during the summer of 1856, then in Richardson county. That he was obliged to leave his said residence for fear of violence and for safety, as well as others. That he is acquainted with Dr. James Fletcher, and knows that he resided on said Mission creek during the summer of 1856. Knew that said Fletcher had twenty-five acres of sod corn; also, that said Fletcher owned one double-barrelled shot-gun, one rifle, about three-eighths of an acre of potatoes, a suit of fine broadcloth clothes, one case of medicines, and five dozen chickens. That he was present when said Fletcher bought said chickens. Knew that said sod corn was more than an ordinary crop; that he considered it the best sod corn that he saw in said Territory during said year; that

said corn would yield from fifty to sixty bushels per acre; that said corn was worth, on said creek, \$1 50 per bushel during the fall and winter of 1856. Knew that said potatoes would yield at least from fifty to sixty bushels, and were worth from \$2 to \$2 75 per bushel during said fall and winter in the neighborhood of said creek. That said chickens were worth from \$3 to \$4 per dozen. That said shot-gun and rifle were worth \$25 each. That said Fletcher was a practicing physician during said summer. Knew that said corn and said potatoes were destroyed by cattle, horses and hogs during the absence of said Fletcher in the fall of 1856. Knew also that said chickens were either killed or stolen during said Fletcher's absence. Did not know what became of the rest of said property, but believe it was stolen. Deponent further says that said Fletcher left his residence in August, 1856, and did not return till April, 1857. Thinks said Fletcher had good cause for leaving his residence, being a prominent free-State man. That he frequently heard free-State men threatened by men of the pro-slavery party. That not many of the settlers of said creek arrived and settled upon their claims in time to put in crops on said year.

ALBERT C. HASKELL.

Sworn to and subscribed before me this 15th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

SHAWNEE COUNTY, ss:

Albert C. Haskell, being further duly sworn, saith: I resided, at the time mentioned, about half a mile from petitioner. I remained at home all the season of 1856, except one week in August, when deponent was at Topeka. While I was about home I was frequently on Fletcher's claim, and drove cattle and ponies out of his corn. Think the things about the house (all exclusive of the corn) were taken from Fletcher's claim by different persons, from time to time, along during the whole period of said Fletcher's absence, from October, 1856, till April, 1857. His corn and crops were destroyed before the 1st of October. I was at St. Joseph, Missouri, from 1st October, 1856, till 1st March, 1857. When I came back I found all his property mentioned in the petition taken away or destroyed.

ALBERT C. HASKELL.

Sworn to before me this 15th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of James Fletcher.

Petitioner claims for the loss of twenty-five acres of corn, from $\frac{1}{4}$ th to $\frac{3}{8}$ ths of an acre of potatoes, and five dozen chickens - - - - -	\$1,300 00
Rifle and shot-gun, each worth \$25 - - - - -	50 00
One suit of clothes - - - - -	50 00
Medicines, &c. - - - - -	100 00
	1,500 00

The proof is sufficient to justify the inference that petitioner's property was destroyed before the 1st of December, 1856. Its loss or destruction is fully proven.

The commissioners allow for twenty-five acres sod corn, upon average proof - - - - -	\$675 00
Potatoes - - - - -	75 00
Five dozen chickens - - - - -	17 50
Rifle, \$25 ; shot-gun, \$25 - - - - -	50 00
Suit of clothes - - - - -	50 00
Medicines, &c. - - - - -	100 00
	957 50
Interest, $2\frac{1}{2}$ years, at 6 per cent. - - - - -	143 62
	1,101 12

HENRY J. ADAMS.
SAMUEL A. KINGMAN.
EDWARD HOOGLAND.

No. 184.

To the commissioners appointed under the act of February 7, 1859, to provide for auditing and adjusting claims for damages sustained by reason of the difficulties existing in the Territory of Kansas between the 1st day of November, 1855, and the 1st day of December, 1856.

Your petitioner, Jacob Willits, represents: That he was a citizen of the Territory of Kansas in the spring of 1855, and has continued to reside therein up to this date. That on or about the month of May, 1856, he was the legal and proper owner of two mules, of the value of two hundred and fifty dollars; two saddles, of the value of thirty dollars; two bridles, of the value of three dollars; one spur, of the value of one dollar; and blankets and picket ropes, worth about three dollars.

Your petitioner would further represent, that on or about the 15th of May aforesaid, he hired his mules, saddles, bridles, &c., to two young men, named J. P. Root and — Mitchell, to ride to the city of Lawrence. Either on their way to Lawrence or returning therefrom, they were taken prisoners by an armed band of marauders, at a place called Coon Point, and robbed of the mules, saddles, bridles, &c. One of the mules was afterwards recovered and returned by the same men to whom they were hired, but so badly injured that he was not worth over thirty dollars. The mule was returned about the 24th of May, 1856. Your petitioner represents that the loss was owing to the disturbances then prevailing in the Territory, and that he has not recovered any part of the property mentioned, except the mule before mentioned.

Your petitioner further states that, at the time the property aforesaid was taken, Doctor J. P. Root, one of the persons from whose custody it was taken, got from Wilson Shannon, the then governor of the Territory, and who was or appeared to be in command, a receipt for the property aforesaid, agreeing to return the same, but which he has failed to do.

J. WILLETS.

Sworn to and subscribed before me this 16th day of April, 1859.

HENRY J. ADAMS,
Commissioner.

Harvey D. Rice, being duly sworn, says: That he is acquainted with the petitioner; that he resided in the city of Topeka in the year 1856, and still resides in the same township. I know that Mr. Willets, in the spring of 1856, was the owner of two mules. I know that Mr. Willets, in the month of May, 1856, hired the mules to Doctor J. P. Root, who was at that time residing at Wakarusa, and a man by the name of Mitchell, for the purpose of going to the city of Lawrence, as I was informed at the time by those gentlemen. One of the mules came home, loose, about the last of May; the other mule I never afterwards heard of. I was informed by Doctor Root that the mules were taken from him and Mitchell by an armed party of men, near Hickory Point, and that one mule and the other property lost or taken was entirely lost to Mr. Willets. The value of the mules I do not know, nor do I know anything of the other property charged in the petitioner's bill.

HARVEY D. RICE.

Sworn to and subscribed before me this 16th day of April, 1859.

HENRY J. ADAMS,
Commissioner.

Guilford Dudley, of Topeka, Shawnee county, Kansas Territory, being duly sworn, deposes and says : That he is a resident of Topeka, Shawnee county; that he resided in Topeka of said Territory during the summer of 1855; that he is acquainted with said Jacob Willets, and knew that he resided in said Topeka during the summer of 1856; know that said Willets owned two mules at said time, one a light bay, the other a dark brown mule; know that said Willets hired said mules to J. P. Root and one Mitchell, of Wakarusa, together with bridles, saddles, spurs, &c., to ride to Lawrence; know that said Root and Mitchell returned with only said bay mule, bridle, saddle, spur, and lariat, and stated that the brown mule had been taken by an armed body of men at Coon Point and appropriated to their own use; that about four or five weeks after said mules were let, said brown mule was found about four or five miles south of Topeka, with a rope around his neck, running loose, was taken up and returned to said Willets, and said Willets claimed it to be the same identical mule as let to said Root and Mitchell; that both of said mules were poor in flesh when returned, and depreciated in value; that he thinks said mules when let were worth one hundred and twenty-five dollars each, and when returned were not worth more than seventy-five dollars each.

GUILFORD DUDLEY.

Sworn to and subscribed before me this 16th day of April, 1859.

F. W. GILES,
Notary Public.

In the matter of the petition of Jacob Willets.

Joseph P. Root, being duly sworn, says : I have known the petitioner, Jacob Willets, since May, 1856. He was living at Topeka during that summer. I think he is still living in the Territory.

On or about the 16th of May, Captain William Mitchell and myself hired two mules of petitioner, to go from Topeka to Lawrence. On our return from Lawrence the next day we were taken prisoners at Coon Point, by a party of twenty men who claimed to act under the marshal of the Territory. They first fired upon us. They took the mules, with their saddles, bridles, &c. They detained us as prisoners about ten days. We were set at liberty the day on which Lawrence was destroyed. Marshal Donalson gave each of us an order upon Captain Donalson for the mules, saddles, bridles, &c. The next day we went to Leocompton and presented these orders to Captain Donalson, who said he neither could nor would do anything for us. The marshal also refused to assist us, but on hunting about the streets we found one of the mules, with a saddle and bridle on. I do not know if it was the same saddle and bridle, or not. I do not know the value of these mules. I am no judge of the price of such stock, but they were good fair average mules, I should think. The mule which we got was

badly banged up and rendered almost worthless. The saddle was in the same condition. He never got the other mule, saddle, &c., or any compensation from them for the mules, to my knowledge.

J. P. ROOT.

- Sworn by me this 1st day of July, 1859.

HENRY J. ADAMS,
Commissioner.

In the matter of the petition of Jacob Willets.

The petitioner claims in this case, for loss and damage to property, two hundred and fifty-seven dollars.

The board, upon the proof, award that sum, including interest thereon..... \$257 00

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

JULY 1, 1859.

No. 185.

To the honorable commissioners to audit claims, under act of February 7, 1859.

The undersigned, a citizen of Shawnee county, Kansas Territory, most respectfully represents: That, on or about the 26th day of August, A. D. 1856, the house occupied by petitioner, and which he had erected on Elk creek in the county and Territory aforesaid, was consumed by fire; the entire contents of the house were also consumed or carried away previous to, or about the time of burning the house; a horse and wagon were taken a few days after the house was burned; subsequently a cabin was taken down and removed. The following is a schedule of the property destroyed or taken as aforementioned, together with the value of the several items annexed :

House burned	-	-	-	-	-	-	\$275 00
Furniture	-	-	-	-	-	-	50 00
Bed and bedding	-	-	-	-	-	-	45 00
Clothing	-	-	-	-	-	-	90 00
Three trunks	-	-	-	-	-	-	25 00
Provisions	-	-	-	-	-	-	60 00
Library	-	-	-	-	-	-	200 00
Horse	-	-	-	-	-	-	80 00
Two-horse harness	-	-	-	-	-	-	30 00

Minnie rifle	=	-	-	-	-	-	\$30 00
Farming utensils	-	-	-	-	-	-	25 00
Two horse wagon	-	-	-	-	-	-	60 00
Cabin removed	-	-	-	-	-	-	75 00
							<hr/>
							1,045 00
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These depredations were committed by marauders in consequence of the political excitement of the time, the petitioner having been a member of the first legislature of Kansas. The amount of damages thus sustained by petitioner is *one thousand and forty-five dollars*, for which petitioner has never, in any way, received compensation or indemnity. The undersigned, at great trouble and expense, produces before Commissioner Strickler one disinterested witness, William C. Murray, who testified to all the principal facts set forth in the foregoing petition, whereupon the claim was audited and allowed by said commissioner. After General Strickler had made out his report, the undersigned ascertained the whereabouts of Elias Pearson, a boy some seventeen years of age, who lived with the undersigned off and on during the years of 1855 and 1856; the undersigned then, in January, 1857, at great trouble and expense, produced said Elias Pearson and said William C. Murray before the clerk of the district court of the second-judicial district of Kansas Territory, before whom both Pearson and Murray, and petitioner swore to all the facts set forth in duplicate memorials to Congress, which memorials were identical in substance and items and figures with the foregoing petition; one of these duplicate memorials was sent to honorable William Bigler, United States senator from Pennsylvania, who acknowledged the receipt and promised to present the same to the Senate and give it the proper direction. The other duplicate memorial was sent to honorable M. J. Parrot, delegate from this Territory, from whom nothing has been heard or received on the subject. The highest legal evidence available is properly required; the most valuable books and most valuable clothing were contained in the trunks mentioned in the schedule, and Greenleaf recognizes the oath of the owner of a lost trunk as competent legal evidence of its contents from the necessity of the case. The undersigned respectfully asks the commissioners to examine the testimony of William C. Murray, taken before Commissioner Strickler in this case, inasmuch as said Murray is not now in this region of country. The undersigned does not know where he is. It is hoped the testimony alluded to, taken before Commissioner Strickler, and the affidavits of unimpeachable witnesses, hereto annexed, will be amply sufficient to satisfy the commissioners and the attorney for the Territory of the correctness and justness of the claim of the undersigned.

O. H. BROWNE.

O. H. Browne, being duly sworn, says: That the matter and things set forth in the foregoing petition are true in substance and in fact.

O. H. BROWNE.

Sworn to before me and in my presence this 29th day of March, A. D. 1859.

CALEB S. PRATT,
Clerk of the Probate Court, Douglas County, K. T.

In the matter of the petition of Orville H. Browne.

TESTIMONY.

Personally appeared before the undersigned, clerk of the probate court of Douglas county, Kansas Territory, Elias Pearson, who, being duly sworn, says: That he lived with O. H. Browne, on Elk creek, Shawnee county and Territory aforesaid, off and on, during the years of 1855 and 1856; that on or about the 26th day of August, 1856, the house occupied by said Browne, and which he had erected, was consumed by fire; that having lodged and boarded in the house so consumed deponent is able to recollect all the items mentioned in the foregoing petition; the taking of the horse, the taking of the wagon, and the removal of the cabin deponent knows as facts, without knowing the persons concerned in the taking and removal. Deponent believes that the valuation annexed to each article in the schedule contained in the foregoing petition is just, and that the entire loss complained of was occasioned by the political excitement of the times, the petitioner having been a member of the first legislature of this Territory. Deponent is a minor and has had no fixed place of residence since the death of his parents, last winter, on the Neosho. And further, deponent expects to leave the Territory in a few days.

ELIAS PEARSON.

Sworn to before me and subscribed in my presence this 29th day of March, A. D. 1859.

CALEB S. PRATT,
Clerk Probate Court, Douglas County, Kansas Territory.

Personally appeared before the undersigned, a justice of the peace in and for Shawnee county, Kansas Territory, Philip T. Hupp, who, being duly sworn, says: That he was personally acquainted with O. H. Browne in 1856; that Brown lived about a mile and a half below deponent, on Elk creek, county and Territory aforesaid; some time in August, 1856, deponent met two men, known to deponent, who said that they were then on their way to destroy O. H. Browne and his house; they gave as their reason that they considered him a dangerous man in the pro-slavery party; a short time after O. H. Browne's house was burned, and deponent has good reason to believe that those two men set it on fire; deponent frequently heard O. H. Browne denounced for his politics, and heard him and his property threatened.

There is no doubt that Browne's losses as aforesaid were the result of the political excitement of the times, as armed men were passing to and fro in all directions.

PHILIP T. HUPP.

Sworn to and subscribed before me this 13th day of April, A. D. 1859.

DEWIT C. DAVIS,
Justice of the Peace.

SHAWNEE COUNTY, ss :

I certify that I am acquainted with the within-named witness, Philip T. Hupp, esq. ; he is an acting justice of the peace of Shawnee county at the present time. He withholds the names of the two individuals alluded to as a matter of public policy.

I further certify that Dewit C. Davis is an acting justice of the peace of this county.

EDWARD HOOGLAND,
Commissioner.

Dated Tecumseh, Kansas Territory, April 20, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Orville H. Browne.

DOUGLAS COUNTY, ss :

Samuel Walker, sworn, states: That he was in command of a company of men during the disturbances in Kansas. Some time in the fall of 1856 I learned that some of the men had taken a horse belonging to the petitioner ; this I learned some time after it was taken ; I knew nothing of it at the time ; I know nothing of the value of the horse, and do not know that I ever saw it.

SAMUEL WALKER.

Sworn to before me this 25th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

TERRITORY OF KANSAS, *County of Douglas, ss :*

Petition of O. H. Browne, of the county and Territory aforesaid, under an act of the territorial legislature entitled "An act to provide for the auditing of claims," approved February 23, 1857.

I, O. H. Browne, of the Territory and county aforesaid, represents unto the honorable commissioner: That on or about the 26th day of August, A. D. 1856, the house which he occupied and which he had erected for a third person, who had not, however, accepted of the house

To provisions - - - - -	\$60 00
To library - - - - -	200 00
To horse stolen - - - - -	80 00
To horse gears - - - - -	30 00
To Minnie rifle - - - - -	30 00
To farming utensils - - - - -	25 00
To two-horse wagon - - - - -	60 00
To cabin taken down and removed - - - - -	75 00
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	1,045 00
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O. H. BROWNE.

Sworn to and subscribed before me this 28th day of September,
A. D. 1857.

H. J. STRICKLER,
Commissioner for auditing Claims.

In the matter of the petition of Orville H. Browne.

The petitioner claims in this case for loss of property taken and destroyed - - - - -	\$1,045 00
Commissioner Strickler made an award for that sum, which this board confirm and award - - - - -	1,045 00
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SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

JULY 1, 1859.

No. 186.

In the matter of the petition of Ann Hopper.

John L. Hopper, being duly sworn, says: I am the son of petitioner; she has resided in the Territory of Kansas since the year 1855. She now resides on the Wakarusa, in Shawnee county. In the year 1856 she resided in the neighborhood of Lawrence, in the county of Douglas; I, at that time, resided in the house with her. I know that she was, in the month of August of that year, the owner of one bay mare, saddle and bridle, worth one hundred and twenty-five dollars. She had a good garden, worth seventy-five dollars; she had a great many chickens; I never myself counted them; she stated, both before and after she lost them; that there was twenty dozen. I know there was a great many of them, and suppose she was correct in her

statement; they were worth three dollars twenty-five cents per dozen. She had a cherry table, worth seven dollars; we paid more than that sum for one not so good; there were twelve chairs destroyed, worth thirteen dollars; she had a cupboard and cupboard ware, which I should say was worth more than fifteen dollars; she had a small spinning wheel, worth five dollars; two hemp hackles, five dollars; which is very much less than they cost or were worth. There was a stove, pipe and fixtures, worth five dollars; there was one barrel of soap, I should say was worth at least ten dollars; one mattress, worth four dollars, I think it was very little worn; there was one clock, worth five dollars, it was a clock that I had given to my mother; there was a small table and thirty-three pounds of tallow; the tallow I had weighed a day or two before; she intended to sell it; worth six dollars fifty cents. The property was taken or destroyed about or soon after the 24th of August. On the 24th of August, my mother was compelled to leave her house on account of the armed bodies of men prowling about the vicinity; both life and property being unsafe. She took such things as could be most conveniently carried, and what was most needed for immediate use, and went to the city of Leecompton for safety, and to procure medical aid for several of the family who were then sick, and it was not safe for them to remain where they were, at her house. So soon as it was safe to do so, I returned with my mother, and found that the property left in the house and on the premises was all gone or destroyed. My mother has never recovered any part of the property or received any compensation therefor, to my knowledge. I am the oldest of the family, and feel certain that if any part of it had been recovered or paid for, I should have known it.

JOHN L. HOPPER.

Sworn to before me this 22d day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

Stephen J. Livingston, sworn: Is acquainted with the petitioner, Mrs. Ann Hopper; she is now a citizen of Shawnee county, in this Territory; has been a citizen of the Territory since 1855. In 1856, she resided in Douglas county, near Lawrence; she is my mother-in-law. I was well acquainted with her property. I have examined the claim presented by her to the commissioners, and believe the several items of property set forth in the bill to be correct; and that the prices claimed therefor are just and reasonable. I know that she was compelled to leave her house in the month of August, 1866, and seek safety at the city of Leecompton; and that her property was stolen or destroyed; and that at the time the country was overrun with bands of armed men, who were daily in the habit of taking and destroying property.

STEPHEN J. LIVINGSTON.

Sworn to before me this 22d day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

To the board of commissioners appointed under the act of February 7, 1859, to audit and adjust claims for losses in the Territory of Kansas, between the first day of November, 1855, and December 1, 1856.

Your petitioner, Ann Hopper, of the county of Shawnee, in the Territory of Kansas, represents: That she has been a citizen of said Territory since about the month of March, 1855; that in the year 1856 she resided near the Kansas river above the city of Lawrence; that she is a widow; she was at that time the legal and lawful owner of the following personal property, to wit:

One bay mare, saddle, and bridle, worth	-	-	-	-	\$125	00
One vegetable garden	-	-	-	-	75	00
Twenty dozen chickens	-	-	-	-	60	00
One cherry table	-	-	-	-	7	00
Twelve chairs	-	-	-	-	13	00
One cupboard and ware	-	-	-	-	15	00
One small spinning wheel	-	-	-	-	5	00
Two hemp hackels	-	-	-	-	5	00
One stove, pipe, and utensils	-	-	-	-	5	00
One barrel of soap	-	-	-	-	10	00
One mattress	-	-	-	-	4	00
One clock	-	-	-	-	5	00
One small table and thirty-three pounds of tallow	-	-	-	-	6	50
					335	50

About the latter part of August, 1856, the country about Lawrence was overrun with bands of armed men, rendering life and property unsafe; several of her family, who were married, were at her house for safety, being at the time very sick and under the medical care of Doctor Prentis; her house was visited by a band of armed men, who acted very rudely and carried off two guns; there was so much excitement and danger, that the Doctor ceased to attend upon the sick persons at her house, in consequence of which she was compelled to abandon her house in company with the sick persons then at her house, and seek safety and medical aid for them at the city of Lecompton, leaving the property described in this petition in her house and on her premises; after her return to her house, about four week after having so left it, all and every part of the property described was either stolen or destroyed, and that she has no doubt her property was destroyed by those armed bands of marauders, and that it was caused by the disorders and disturbances then existing in the Territory, and that she has never recovered any part of said property or received any compensation therefor; at the time my house was visited by the armed band, twenty-two in number, and the arms carried off, the person who

professed to be in command gave me the receipt hereto attached ; the guns belonged to my son ; the guns were taken from me by force.— (For receipt see petition of John Hopper.)

ANN ^{her}+ HOPPER.
mark.

Attest : WILLIAM SPENCER.

Sworn to before me this 22d day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Mrs. Ann Hopper.

The petitioner claims for—

1. One bay mare, saddle, and bridle	- - - -	\$125 00
2. One garden	- - - -	75 00
3. Twenty dozen chickens	- - - -	60 00
4. Household furniture and other goods	- - - -	75 50
		335 50

The loss and the value of the several items of property is fully sustained.

Interest, 2½ years	- - - -	50 32
Total award	- - - -	385 82

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

MAY 3, 1859.

No. 187.

To the commissioners appointed under the act of February 7, 1859, to audit and adjust claims for losses in the Territory of Kansas, between the 1st of November, 1855, and the 1st of December, 1856.

Your petitioner, Stephen J. Livingston, of the county of Shawnee, represents: That he has been a citizen of Kansas since the year 1854; that in the year 1856 he was residing at or near the city of Lawrence, in the county of Douglas, and that he was the lawful owner of the property set forth in the schedule hereto attached; and that about the month of August, 1856, his wife was in very delicate health and the country in a state of insurrection, and having necessarily to be absent from home himself on business, to the State of Missouri, he was advised, and did remove his family, temporarily, to his mother-in-

law's, between the city of Leocompton and Lawrence, leaving all his goods and property in his own house at Lawrence; about the latter part of August, on his return from the State of Missouri, he went up to the city of Leocompton; on arriving there he was taken prisoner by a band of armed men, said to be under the command of General Frank Marshall, and was robbed of his wagon and harness, or it was pressed, as stealing was then familiarly called; he remained a prisoner for a part of two days before he was released on his return to Lawrence, which was as soon as it was safe to do so; his property left at his house and place near that city was entirely stolen or destroyed. He further says that the prices affixed to the several items of property in the schedule, he believes to be a low estimate, and that there were many other articles of property lost which is not included in said schedule.

Your petitioner further represents that he was a conservative man in his politics, and that in consequence he was obnoxious to many of both contending factions; and that the country at that time was completely in the hands of armed bands of outlaws belonging to both parties, and his property was beyond doubt taken and destroyed by those men; and that he has never recovered any part thereof nor received any compensation therefor.

Your petitioner further states that he was and is a democrat; that he was a justice of the peace at the city of Lawrence, under the territorial laws of 1855, which gave great offence to many of the people at that place; he was afterwards, and while holding said office of justice of the peace, a candidate for representative in the legislature under the Topeka constitution. This gave equal offence to the other party, and was denounced as a traitor by both factions.

STEPHEN J. LIVINGSTON.

Sworn to before me this 22d day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

Lost in the year of 1856, during the troubles in Kansas.

One wagon and harness	-	-	-	-	\$125 00
One hundred pounds of feathers, in pillows, bolsters, and sacks, at 50 cents per pound	-	-	-	-	50 00
One lot of cupboard ware	-	-	-	-	30 00
Six chairs, not recovered, at \$1 each	-	-	-	-	6 00
One lot of cooking utensils, pots and kettles	-	-	-	-	5 00
Wife's clothing	-	-	-	-	30 00
My own clothing, coats, pants, boots, vests, &c.	-	-	-	-	30 00
Fifty pounds of soap, at 10 cents per pound	-	-	-	-	5 00
Bacon, one barrel, 150 pounds, at 10 cents per pound	-	-	-	-	15 00
Coffee	-	-	-	-	3 00
Two or three crocks, two or three jars, and churn, worth	-	-	-	-	5 00
Farming utensils, hoes, rakes, and forks	-	-	-	-	3 00
Rails taken from around garden, say 500 rails, at \$5 per hundred	-	-	-	-	25 00
Gardening all taken; vegetables, &c.	-	-	-	-	25 00

Twelve acres of corn ; field all destroyed ; new ground ; at \$10 per acre	\$120 00
Nine head of hogs, one sow and eight shoats, at \$3 each	27 00
One hundred chickens	25 00
Crowbar, spade, shovel, pick, and stone hauler	10 00
Old corn in the crib, five bushels	5 00
Four blankets ; home-made bed blankets	12 00
Four quilts	8 00
One coverlet, woollen	5 00
Nine sheets, at 75 cents each	6 75
Eight pairs of pillow-slips	4 00
Other bed clothing to the amount of	10 00
One sifter	75
Two trunks	5 00
Three barrels and three boxes, at 50 cents each	3 00
One rag-carpet, at 25 cents per yard	12 00
Two axes	2 00
Yarn	1 00
Two wash-tubs and board	3 00
One cedar bucket	1 00
Two wooden buckets	60
Two tin pans, at 75 cents each	1 50
One wash-pan	40
Two coffee pots	80
Clothes and work basket	1 50
One coffee-mill	1 00
Two candlesticks	1 50
Salaratus, spice, pepper, &c., say	50
Two large butcher knives	1 50
One hand-saw	1 25
Three augers	1 50
One drawing-knife	75
Two iron wedges	2 00
Six tablecloths	6 00
Twelve towels	1 50
One hatchet	1 00
Two hammers	1 50
One looking-glass	1 25
One plough	5 00
One grindstone	2 00
Two chisels	1 00
One pair of plough gears	3 00
Three mattresses, at \$2 each	6 00
Two hats	5 00
One pair of course boots	3 00
One pair of steelyards	1 25
One pair of scales	60
One lot of books	5 00

In the matter of the petition of Stephen J. Livingston.

SHAWNEE COUNTY, ss :

Martin Young, being duly sworn, saith: Am acquainted with petitioner; have known him since the summer of 1855; I reside now on section 24, township 13, range 16. Petitioner now resides on an adjoining section, about half a mile south of me. In the summer of 1856 petitioner resided on a claim adjoining Lawrence, within what is now known as the Lykins float; during same summer I resided on a claim owned by John Hopper, about a mile and a half from Lawrence; I moved there in March or April, 1856. Petitioner was living as last mentioned when I first became acquainted with him. During the season of 1856 Livingston was known as a conservative man, and took but little part in political matters; because he would not fully identify himself with either party, he was looked upon with suspicion by both, being a free-State Kentuckian. While a citizen of the Territory, in September, 1856, I accompanied petitioner to Lecompton, to place his family in safety. At Lecompton, at that time, there were stationed some 400 or 500 armed men, known as Kansas militia. We remained in Lecompton over night, Mr. Livingston having driven there a yoke of cattle belonging to John Hopper, and a fine new lumber wagon, for which he had a few days before paid \$125. While there, in Lecompton, a portion of the territorial militia aforesaid came to Livingston, and demanded the wagon for public service; they said they needed it to haul their cannon in. He refused to let them have it; they insisted, and after some threats and harsh words they took the wagon away from him, and I have never seen it since. Do not know that he ever recovered it or received any compensation for it. Have understood he was taken prisoner there at Lecompton; we stopped together at the same house. I missed him about two days. We remained in Lecompton about four weeks; we had gone to Lecompton to procure medical aid for petitioner's wife; she accompanied us, and was sick there during said four weeks; I was also sick most of said time. Petitioner did not dare to go home during said period of four weeks, on account of the threats of the people in and about Lawrence. The last week in September we went to our homes. I was at Livingston's house a day or two after leaving Lecompton. I found that his house had been almost entirely stripped of its furniture and contents, and a family had taken possession of it; Livingston obtained a search warrant and an escort of dragoons, and went in search of his goods. I hired with Livingston during the winter or spring before, and know that he had in his house all the articles mentioned in the schedule annexed to his petition. Was frequently in his house as a neighbor also; know well what he had; he was comfortably fixed, and house well furnished. When I went to Livingston's house, at his request, on returning with the dragoons, to obtain for him whatever of his property might be left in his house, I found but very few articles of his there; the woman who was then occupying the house said there was nothing in the house when she moved in, except a clothes-press, two bedsteads, and a few chairs. The house had been set on fire, but

not consumed. I think the prices affixed in the schedule are low for the articles mentioned. The articles were actually worth the prices named, at the time they were taken, as aforesaid. I ploughed the field and planted part of the corn mentioned. On our return I found the corn was entirely destroyed; it was worth \$10 per acre, in August or September. During the said months of August and September, 1856, armed bands of men occupied Lawrence and vicinity; that neighborhood was the chief scene of hostilities between the contending factions.

MARTIN YOUNG.

Sworn to before me this 22d day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

DOUGLAS COUNTY, ss:

Ann Hopper, being duly sworn, saith: I am the mother-in-law of petitioner; he had a house nearly two miles from me, in the summer of 1856; I was frequently at his house during that season, and know what furniture and other property he had. I accompanied him and Young to Lecompton, as stated in the above deposition. Our families all went to Lecompton for protection and to obtain medical attendance for the sick ones. After leaving Lecompton, the last week in September, 1856, as mentioned by Young, I accompanied Mrs. Livingston to his house, and found almost everything had been taken away or destroyed. Soon after that the members of the family reckoned up, and recollected, as near as possible, what had been taken away or destroyed, and from that general recollection is furnished the list attached to the petition in this case. I know that Livingston had the property mentioned, all of it, in or about his premises when we went to Lecompton, and that on our return we found everything gone that is mentioned in the schedule, having been taken or destroyed, as we supposed and learned, by a portion or portions of General Lane's free-State army. The wagon mentioned I saw the pro-slavery men or Kansas militia take from petitioner, at Lecompton; I have been accustomed to farming business; the wagon was a very good one. Do not know how many acres of corn; about 12 or 15 acres. His vegetable garden was a good one; cannot estimate particularly the value of the garden, corn, or wagon. Think the prices affixed to the household articles mentioned in the schedule are correct, as can now be ascertained.

her
ANN × HOPPER.
mark.

Attest: E. HOOGLAND.

Sworn to before me this 22d day of April, 1859.

EDWARD HOOGLAND.

In the matter of the petition of Stephen J. Livingston.

Petitioner claims for 12 acres of corn destroyed, at \$10	-	\$120 00
Property plundered from his house, August, 1856	-	453 20
		<u>573 20</u>

The destruction and taking of the property is fully proven. The proof is probably as complete as can be expected under the circumstances. The prices of some articles are high enough to include any allowance of interest under the general rule. Therefore the board award to petitioner, interest inclusive

- - - - - 573 20

EDWARD HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

MAY 4, 1859.

No. 188.

To the board of commissioners appointed under the act of February 7, 1859, to audit and adjust claims for losses between the 1st of November, 1855, and the 1st of December, 1856.

Your petitioner, Martin Young, of the county of Shawnee, represents: That he has been a citizen of the Territory of Kansas since the 1st of April, 1855.

That in the year 1856 he resided one mile northwest of the city of Lawrence, in the county of Douglas, and that he was the owner of five acres of corn, which would yield sixty bushels per acre, worth \$1 per bushel; he was also possessed of a fine garden, well filled with vegetables, worth \$25; and also one dozen fowls, worth \$3. He further represents that about the latter part of August, 1856, he, together with his wife, was taken sick, and that the country about Lawrence at that time was infested with armed bands of outlaws, which rendered life and property unsafe; that his family physician was not permitted to visit him or his family, and, medical aid being necessary in their then condition, he was advised and was compelled to leave home with his family and seek board and medical attendance at the city of Leecompton, where he was compelled to remain for about four weeks; and that on his return to his farm the property above specified was all conveyed away or destroyed by these armed bands of marauders, as your petitioner believes. He further states that he has never recovered any part of said property or received compensation therefor.

MARTIN YOUNG.

Sworn to before me this 22d day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Martin Young.

SHAWNEE COUNTY, ss :

Stephen J. Livingston, sworn : I now reside in Shawnee county ; in August, 1856, I resided about half a mile from Lawrence and a mile and a half from petitioner ; I know that in that month he had a field of corn growing on John L. Hopper's claim, near Lawrence, consisting of about five acres of new ground under good fence ; he also had a good vegetable garden, about half an acre or more, worth \$25 ; the corn was worth \$20 per acre. On returning from Lecompton, as set forth in the testimony in my case, (No. 187,) we found his corn all destroyed, his garden vegetables all gone, and about one dozen chickens that he had there, worth \$3, also gone ; all had been taken or destroyed during the time he was at Lecompton, some four weeks, for personal safety ; the same having been taken by the armed bands in and about Lawrence, as we supposed.

STEPHEN J. LIVINGSTON,

Sworn to before me this 22d day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

DOUGLAS COUNTY, ss :

Ann Hopper, being duly sworn, saith : In August, 1856, petitioner had a field of about five acres of corn and a good garden on my son's claim, near Lawrence ; he now resides in Shawnee county ; on our return from Lecompton, the latter part of September, 1856, his corn and garden vegetables we found were all destroyed, and a dozen chickens that he had there had also been destroyed or taken away ; the corn was worth about \$20 per acre, the garden vegetables about \$25, and the chickens about \$3 ; he left home for personal safety, and to escape the dangers and outrages that were then being perpetrated in the neighborhood about us by armed bands of men, said to have been brought into the neighborhood by General Lane.

ANN ^{her} + HOPPER.
mark.

Attest : EDWARD HOOGLAND.

Sworn to before me this 22d day of April, 1859.

EDW'D HOOGLAND,
Commissioner.

He would further represent that about the month of August, 1856, the country about Lawrence, and the Territory generally, was overrun with bands of armed men, who were almost daily engaged in robbing and stealing the property of the unoffending citizens. About the 23d of August, 1856, my mother's residence, at whose house I then resided, was visited by one of these bands of armed men, and the shot-gun and rifle carried away by force, a receipt for which was procured by my mother from the commander of the party for the guns thus taken, which is hereto attached. On or about the 24th of August I was compelled to leave home, in company with my mother and others, members of the family, who were then sick, to procure medical aid and a place of safety for them. I was absent about four weeks, and returned as soon as I could with safety to myself, and when I so returned the property described in the petition was wholly destroyed or stolen. I have never recovered any part thereof or received any compensation therefor.

JOHN L. HOPPER.

Sworn to before me this 22d day of April, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of John L. Hopper.

SHAWNEE COUNTY, ss :

Stephen J. Livingston, being duly sworn, saith : I know John L. Hopper. He resides in Shawnee county, Kansas Territory, and has resided in the Territory ever since 1854. In August, 1856, he resided within two or three miles of Lawrence. He was driven away from home, and sought safety and protection in Lecompton, about the first week of September, 1856, as set forth in the petitions of Martin Young, No. 188, and myself, No. 187. It was unsafe for him or any of the family to remain on their claims during said month of September. I know that during the time we were at Lecompton the country about Lawrence was under control of armed parties of men, understood to have been brought into the Territory by General Lane to carry on the then existing civil war. Hopper was understood to be a pro-slavery man. While we were at Lecompton a field of corn, about 30 acres in extent, growing in good condition and well fenced, was more than half destroyed. I helped gather what was left. It was second year crop. Think about half the crop was destroyed or taken away. Said corn was worth about \$20 per acre in the field, as it stood before its destruction. Two guns, belonging to petitioner, (a shot-gun and a rifle,) worth together \$35; were taken from petitioner's house by Sergeant Swilt, according to the receipt attached. I saw the party take away the guns. The men were 21 or 22 in number; came in two-horse wagons. They ranged in line in front of the house; all had guns; two or three went into the house. I saw them come out with two extra guns. I knew Hopper's guns were in the house. I was in

the field, 50 or 60 rods from the house, when they came out. I was in the house when they first came up and formed their line in front of the house. Do not know that those men took away any other property from the house. They demanded the arms, and Mrs. Hopper, petitioner's mother, talked to them.

On our return from Lecompton we found that four hogs belonging to petitioner had been killed or taken away. I saw one dead one and two or three others that had been shot. Those that were missing were large hogs, worth about \$8 each. His house, which he occupied with his mother as his housekeeper, (see case No. —,) had been entered and robbed during our stay at Lecompton. A quantity of books belonging to him were taken or destroyed, worth \$6 or \$7. I saw pieces of them torn and scattered about the yard on our return.

STEPHEN J. LIVINGSTON.

Sworn to before me this 22d day of April, 1859.

EDW'D HOOGLAND,
Commissioner.

SHAWNEE COUNTY, ss:

Martin Young, being duly sworn, saith: That he knows that in the month of September, 1856, John L. Hopper's property on his claim, about two miles from Lawrence, was taken and destroyed, viz: about 10 acres of corn, being about one-third of a field of 30 acres of corn that said Hopper had then enclosed and growing. The corn was worth \$20 per acre. On our return from Lecompton, as mentioned in testimony of last witness, I found that quantity or proportion of his field of corn destroyed; also eight head of good large hogs taken away or killed, worth \$4 each. He had 25 bushels of potatoes taken away from his claim during said absence, worth \$25; one small plough and harness, worth \$12; and two chopping axes were also taken away, and a lot of books. I lived on the same claim with him; knew what he had; accompanied him to Lecompton for personal safety. We stayed there four weeks, and on our return found the destruction of property mentioned and the rest of the property gone. During that time civil war prevailed, and that vicinity was entirely in possession of armed bands of men, said to have been brought into the Territory by General Lane for war purposes.

MARTIN YOUNG.

Sworn to before me this 22d day of April, 1859.

EDW'D HOOGLAND,
Commissioner.

LAWRENCE, August 23.

Received of Mrs. A. Hopper one double-barreled shot-gun, (110.) and one rifle, (112.)

F. B. SWIFT,
Orderly Sergeant Co. A.

In the matter of the petition of John L. Hopper.

Petitioner claims for 10 acres of corn, at \$60 per acre	-	\$600 00
Other items of loss	- - - - -	116 00
		<u>716 00</u>
The proof in regard to the corn, taken on a fair average of the evidence and of awards in other cases, warrants an allowance of \$300—10 acres average 30 bushels, at 40 cents per bushel, or half of 30 acres at \$20 per acre, allow, say		
	- - - - -	\$300 00
The other items are proven and allowed	- - - - -	116 00
		<u>416 00</u>
Add interest, 2½ years, at 6 per cent.	- - - - -	62 40
		<u>482 40</u>
Total award	- - - - -	<u>482 40</u>

EDWARD HOOGLAND.
 SAMUEL A. KINGMAN.
 HENRY J. ADAMS.

MAY 4, 1859.

No. 190.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss :*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

Simeon Gilson, complainant, states: That on the — day of November, A. D. 1855, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was on the — day of November, A. D. 1855, the actual owner and in the peaceable enjoyment of the following property, to wit :

One bay horse, of the value of - - - - - \$175 00
 That said horse was lost to petitioner in the following manner: He had loaned him, at the time aforesaid, to J. B. Abbott, to grind corn; the Branson difficulty came on while the horse was at Abbott's, and by the armed men then in the field for the protection of the settlers

of Kansas was so rode and neglected as that in December, 1855, the horse died. Petitioner further states that the said horse was the only working animal he had, and that by his loss he suffered damage over and above his value to the amount of \$50. Petitioner further states that he never received any remuneration, except the sum of \$28 for said horse. He therefore prays your honors to allow him the sum of \$198, for his losses and damages resulting therefrom, that amount being reasonable. Petitioner further states that the facts herein recited are true.

SIMEON GILSON.

Sworn to and subscribed before me this 25th day of March, A. D. 1859. In testimony whereof I have hereunto set my hand and notarial seal.

[L. s.]

CHARLES P. TWISS,
Notary Public.

In the matter of the petition of Simeon Gilson.

TESTIMONY.

DOUGLAS COUNTY, ss :

Jonathan Ogden, being first duly sworn, says : That he is acquainted with petitioner ; that he is a citizen of this Territory and has been since October, 1854. As near as I can recollect, in December, 1855, petitioner let Mr. Abbott have his horse to work. The horse was worth \$175 or \$200. It was about the time Mr. Branson was taken prisoner, and the horse of petitioner was taken by Mr. Abbott to assist in the rescue of Branson, or to escape after he had assisted in rescuing Branson, I don't know which. He, Abbott, rode the horse till he gave out and died. I suppose he was rode so hard, and fed so little, that he became exhausted. The horse had been rode and driven by other parties the evening before Abbott used him.

JONATHAN OGDEN.

Sworn to before me April 27, 1856.

SAMUEL A. KINGMAN,
Commissioner.

William Livermore, being first duly sworn, says : In the month of December, 1855, the horse of Mr. Gilson was taken by parties not known to me, and rode away. I did not hear of him again for two weeks ; then learned that he was dead. I understood from Mr. Abbott that he had rode the horse ; that his object was to escape. He had had something to do in assisting in the rescue of Branson, and it was believed he was in danger of his life. Other parties took the horse away, and it is only by hearsay that I learned that Mr. Abbott rode him. I was living with petitioner at the time, and the horse

was taken in an emergency, to save Abbott's life, without the consent of Gilson, as I understood it; he was not asked. Those who took the horse took it, as it seemed necessary for their use. He was a dark chestnut horse, worth \$150. I knew him well; had often used him. I think he got some scrip for the horse, from which he realized something, I think about \$30, and has received no other pay whatever, to my knowledge, or as far as I believe.

WILLIAM LIVERMORE.

Sworn to before me April 27, 1859.

SAMUEL A. KINGMAN,
Commissioner.

Simeon Gilson, sworn, says: That Major James B. Abbott, in November, 1855, got my horse without my consent, and rode it off, to save his life. After the Wakarusa war was over Mr. Abbott came back, and said the horse had died from hard usage. Mr. Abbott had used the horse previously with my consent, but the night before Abbott rode him off and the night Branson was rescued the horse had been rode or drove very hard by persons who took him without leave, and after they had rode him they left him at Abbott's house, and he was not returned to me. If Abbott had asked me for the horse I might have let him have it to save his life. I got some protective fund scrip for him, from which I realized \$28. I have never got any other compensation. The horse was then worth \$150 in cash.

SIMEON GILSON.

Sworn to before me April 27, 1889.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Simeon Gilson.

Petitioner claims for horse lost	-	-	-	-	-	\$175 00
Damages from loss of horse	-	-	-	-	-	50 00
						225 00
The proof shows value of horse and his loss	-	-	-	-	-	150 00
The claim for damages not allowable.						
Interest, two and a half years, at six per cent.	-	-	-	-	-	22 50
						172 50
From which take \$28 (compensation received)	-	-	-	-	-	28 00
Total award	-	-	-	-	-	144 50

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

APRIL 27, 1859.

No. 191.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County,* ss:

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

Joseph Oakley, complainant, states: That, on the — day of December, A. D. 1855, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the — day of December, A. D. 1855, the actual owner, and in the peaceable enjoyment, of the following property, to wit:

7½ acres of corn, (in the shock in a pen,) of the value of	-	\$600
20 bushels of corn, (out of crib)	-	25
Beds, bedding, and buffalo robe	-	50
Chickens, hogs, and pigs	-	100

Of the aggregate value of	-	775
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That said property was lost to petitioner in the following manner: He was at the time aforesaid residing with his family, consisting of his wife and nine children, upon his farm about one mile east of Lecompton in said county; that petitioner, in company with Samuel Smith had raised fifteen acres of first class corn; had harvested the same and shocked it in a yard surrounded by a high staked and ridged fence; that at the time aforesaid a detachment of the invading Missouri army, under the command of Richardson, called into the service of Kansas by Governor Shannon, by force and arms, took, carried away, and destroyed all of the said property of the value aforesaid; that at the same time petitioner was compelled to flee for his life, and said army made a clean sweep of everything on his farm outside of his house.

Petitioner further states, that in August or September, 1856, he was the owner and in peaceable possession of the following property, to wit:

15 acres of old ground outgrowing corn, of the value of	-	\$900
10 acres of sod ground outgrowing corn, of the value of	-	350
1 mowing machine, of the value of	-	300
1 double-barrelled gun	-	50
Vegatables	-	100

Of the aggregate value of	-	1,700
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That said property was lost and injured to petitioner in the following manner: The said corn was outgrowing on the farm of petitioner's son southeast of Lecompton two miles, near the California road.

When the army of Missouri invaders, under the command of Reed, calling themselves Kansas militia, after murdering Buffum, marched to said field of corn, and by force and arms took and destroyed said field of corn, of the value aforesaid; that petitioner at the time was running his mowing machine, and by said army and other marauding parties, previous to the time aforesaid, was run off from said mowing machine, and for three or four weeks prevented from running the said machine upon the prairie; that although he afterwards recovered said machine, greatly injured, yet, by reason of the stoppage and injury afterwards, he really lost all of the value of said machine.

That the rifle aforesaid, of the value aforesaid, was loaned by petitioner for the protection of Lane & Shannon's saw-mill, and from them was, by force and arms, seized by a body of armed marauders, under the command of Clarkson, attached to the command of the army then ravaging the Territory, under the command of Atchison & Co.

That the garden aforesaid was destroyed by the army under the command of Stringfellow & Co., on their retreat from Clark's house to Lecompton, when Lane's army was in pursuit; they entered the house of the petitioner, and made a clean sweep of everything.

Petitioner further states, that by reason of the loss of the property aforesaid he was damaged to the amount of \$1,500, over and above the value of said property; he therefore prays your honors to allow him the sum of \$3,975 for his losses and damages resulting therefrom between the 1st day of November, 1855, and the 1st day of November, 1856, that amount being reasonable therefor.

Petitioner further states that he never recovered any of said property, except as aforesaid, nor received any remuneration whatever therefore.

Petitioner further states that before the 1st of November, 1855, his house was burnt, at Lecompton, and a large amount of property destroyed to the amount of \$1,000, by the political troubles then prevailing in Kansas, by the parties engaged therein. And petitioner further states that in December, 1857, he removed, with his family, where he now resides, to Bourbon county, three or four miles southwest of Fort Scott; that on the 24th of April, 1858, his house was attacked in the night time, between the hours of 12 and 1, by an armed body of men, sent out by the authorities of Fort Scott, and after firing upon the family of petitioner, took and carried away a span of fine horses of the value of \$350; that he has never recovered any of the last mentioned property, and was by said losses greatly damaged, over and above the value thereof, to the amount of \$1,000. Petitioner therefore states that by the political troubles in Kansas he has been injured to the amount of \$6,325.

Petitioner further states that the facts herein stated are true.

JOSEPH OAKLEY.

Sworn to and subscribed before me this 25th day of March, A. D. 1859. In testimony whereof I have hereunto set my hand and
[L. s] notarial seal.

CHARLES P. TWISS,
Notary Public.

In the matter of the petition of Joseph Oakley.

TESTIMONY.

DOUGLAS COUNTY, ss :

Edward Oakley, sworn, says : That he is a son of petitioner ; that he is a citizen of Kansas, and will have been a citizen four years on the 25th day of July next. In December, 1855, the petitioner had, on a piece of land near Lecompton, on Mr. Smith's land, a field of corn. There was fifteen acres in all, petitioner had half of it, the other half was Mr. Smith's ; it was sod corn ; it was cut up and put in a pen ; it was very good corn ; it would yield, I think, thirty or thirty-five bushels per acre ; it was worth \$1 or \$1 25 per bushel ; the fodder was of some value, I hardly know what, at least \$15 per acre. We lived about a mile and a fourth from the field where the corn was ; a good fence around the pen ; I never knew what became of the corn ; it went off during the Wakarusa war.

The Missourians bought sixteen bushels of corn of my father, out of his crib, for which they agreed to pay him \$1 25 per bushel, and gave him an order on the quartermaster for his pay ; he has the order, I think, but has never got any pay for it ; I don't know of anything else he lost at that time.

In August or September, 1856, a buffalo robe, two or three blankets, wagon cover, and straw bed, in the cabin on my brother's claim, was taken by some of the parties about the country, supposed to be a scout from Lecompton. These were my father's property, and were worth somewhere about \$30 or \$35.

In the fall of 1856 fifteen acres of corn, belonging to my father, was destroyed by companies of Missourians camped at Lecompton. This was old ground corn and would average sixty bushels per acre, and was worth \$1 25 per bushel ; about ten acres of sod corn was destroyed, worth just about one-half as much per acre as the old ground corn, destroyed by same men in same way. Also, same year, he had a mowing machine, worth \$200, which was injured one-half in value by being neglected ; we were compelled to flee, and before we got back the fire that had run through it had burned it so as to injure it one-half its value. Same time he lost a double-barrelled rifle and shot-gun, worth \$40. He lent it to a young man to defend himself with, and it was taken away from this man by a company commanded by Captain Clarkson ; the same men took some vegetables out of his garden, worth at least \$50 ; it was nearly an acre, consisting of potatoes, onions, cabbages, carrots, mellons, and squashes, and they took nearly all of it. I have heard read the last statements in the petition of my father relating to the destruction of his property in Lecompton and in Bourbon county, and the statements of the petition are true. I reside in Douglas county, in this Territory, and am twenty-four years old last November ; my father resides in Bourbon county ; the same men who took the garden took also nine hogs, worth \$6 a piece on an average. My father has never received any compensation for his losses.

EDWARD OAKLEY.

Sworn to before me April 27, 1859.

SAMUEL A. KINGMAN.

Commissioner.

William Oakley, sworn, says: That he is twenty-one years old, is a son of petitioner, has heard read the testimony of Edward Oakley above, and knows the facts therein stated, and knows they are true.

WILLIAM OAKLEY.

Sworn to before me April 27, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Joseph Oakley.

Petitioner claims in this case for losses—

1. In November, 1855	- - - - -	\$775 00
2. Losses in September, 1856	- - - - -	1,700 00
3. Damages on same	- - - - -	1,500 00
4. Burning house near Lecompton	- - - - -	1,000 00
5. Horses stolen in Bourbon county	- - - - -	350 00
6. Damages from said losses	- - - - -	1,000 00
		<hr/>
		6,325 00
		<hr/> <hr/>
1. The board allow $7\frac{1}{2}$ acres of corn, at 30 bushels per acre, \$1 per bushel	- - - - -	225 00
$7\frac{1}{2}$ acres of fodder, at \$15 per acre	- - - - -	112 50
Corn from crib	- - - - -	20 00
2. The board allow 15 acres of corn at 40 bushels per acre, at \$1 per bushel, less 10c. cost of harvesting	- - - - -	540 00
Sod corn, one half as much per acre, 10 acres	- - - - -	180 00
Damage to mowing machine	- - - - -	100 00
Rifle and shot-gun	- - - - -	40 00
Vegetables in garden	- - - - -	50 00
		<hr/>
		1,267 50
Interest on same for $2\frac{1}{2}$ years, at 6 per cent.	- - - - -	190 00
		<hr/>
Total award	- - - - -	1,457 50
		<hr/> <hr/>

3, 4, 5, and 6 inadmissible.

SAM'L A. KINGMAN.
HENRY J. ADAMS.
EDW'D HOOGLAND.

MAY 4, 1859.

No. 192.

ACCOUNT FOR LOSS AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, to audit and certify all claims for loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

Baxter C. Dennis, complainant, states: That on the 21st day of May, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was on the 21st of May, A. D. 1856, the actual owner and in the peaceable enjoyment of the following property, to wit:

Lot of wearing apparel, of the value of - - - \$75

which was lost to petitioner in the following manner: Said property was, on the day aforesaid, in the house of his father, L. B. Dennis, in the suburbs of the city of Lawrence, in said county, when a band of armed drunken cut-throats invaded said city of Lawrence, under the command of Atchison, Jones & Co., broke into said house, and carried away or destroyed said property; that by the loss of said property he was greatly damaged over and above the value of said property, to the amount of twenty-five dollars. He therefore prays your honors to allow him the sum of one hundred dollars, for his losses and damages resulting therefrom. Petitioner further states that he has never received any remuneration whatever for said losses. Petitioner further states that the facts herein recited are true, as he is informed and believes.

BAXTER C. DENNIS.

Sworn to and subscribed before me this 2d day of April, 1859, as witness my hand and notarial seal.

[L. S.]

CHARLES P. TWISS,
Notary Public.

In the matter of the petition of Baxter C. Dennis.

Mrs. Lucetta S. Young, being duly sworn, says: That she is the sister of the petitioner; that he is a citizen of the Territory of Kansas, and has been since the year 1855. At that time and in 1856 I lived at home with father near the city of Lawrence, in Douglas county; my brother also lived and kept his home there; he was at the time absent, but his trunk, clothing, &c., was in the house of my father. On the 21st of May, at the time of the sacking of Lawrence, the house was

taken possession of, the property of my father nearly all destroyed; my brother's trunk was broken open, and all his clothing taken. I should think there was at least one hundred dollars in value; there were coats, pants, vests, shirts, boots, &c.; (there was an old pair of shoes left in place of the boots.) He had an abundance of good clothing.

LUCETTA S. YOUNG.

Sworn to and subscribed before me this 25th day of May, A. D. 1859. In witness whereof I have hereunto set my hand and notarial seal.

[L. s.]

CHARLES P. TWISS,
Notary Public.

In the matter of the petition of Baxter C. Dennis.

The petitioner claims for loss of trunk of wearing apparel	\$75 00
Damages - - - - -	25 00
	<u>100 00</u>
The last item inadmissible. The board award for clothing	75 00
Interest on same, 2½ years, at 6 per cent. - - -	11 25
	<u>86 25</u>
Total award - - - - -	<u>86 25</u>

SAM'L A. KINGMAN.
HENRY J. ADAMS.
EDWARD HOOGLAND.

JUNE 23, 1859.

No. 193.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissicners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

John Graham, complainant, states: That, on the — day of August, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is

an actual resident citizen of said Territory, and was, on the — day of August, A. D. 1856, the actual owner and in the peaceable enjoyment of the following property, to wit:

Beds and bedding, of the value of.....	\$100 00
Twelve acres outgrowing corn, of the value of.....	360 00
Half an acre of potatoes, of the value of	50 00
	<hr/>
of the aggregate value of.....	510 00
	<hr/> <hr/>

That said property was lost to petitioner in the following manner: At the time aforesaid, he was living with his family on his farm near Prairie City, in said county; that at the time aforesaid, and for some time previous thereto, and some time afterwards, said neighborhood was infested by armed hordes from Missouri, committing all manner of depredations against the settlers, so that thereby the family of petitioner for several months previous to and after the time aforesaid, was compelled to stay in the woods among the ravines of the neighborhood, and while thus hiding from the enemy the beds and bedding were used upon the ground, exposed to the weather, and thereby rotted and were lost to petitioner; that at the time aforesaid petitioner was compelled by said hordes to flee for his life, and in the absence of himself and family the fences around said corn were by said hordes thrown down, and the field of corn and potatoes destroyed and lost to petitioner.

Petitioner further states that by the loss of said property he was greatly damaged, over and above the value thereof, to the amount of two hundred and fifty dollars. He therefore prays your honors to allow him the said sum of seven hundred and sixty dollars for his losses and damages resulting therefrom, that amount being reasonable therefor.

Petitioner further states that he has never received any remuneration whatever for his losses and damages so suffered by him.

Petitioner further states that the facts in this petition are true, as he verily believes.

JOHN GRAHAM.

Sworn to and subscribed before me this 24th day of March, A. D. 1859, as witness my hand and notarial seal.

[L. S.]

CHA'S P. TWISS,
Notary Public.

In the matter of the petition of John Graham.

Petitioner claims for property taken and destroyed, and damages, seven hundred and sixty dollars. Petition filed April 25, 1859. No proof offered. Rejected.

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

JULY 1, 1859.

No. 194.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

Sidney Herd, complainant, states: That on the 30th day of September, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was on the 30th day of September, A. D. 1856, the actual owner and in the peaceable enjoyment of the following property, to wit:

One cow and calf, of the value of forty-five dollars.....	\$45 00
One saddle, of the value of.....	20 00
	65 00
	65 00

Petitioner states that the above property was reasonably worth the sum of sixty-five dollars, and that the said cow and calf were forcibly taken from the residence of his father, near Lecompton, in Douglas county, by a portion of the territorial militia then camped near said place.

Petitioner states that the saddle was forcibly taken from him by two men near Attowa Jones' in this Territory, while carrying the United States mail from Lawrence to Ossawatimie during the time of the disturbances in the year 1856, he states that he has not recovered back said property, nor never received any compensation for the same. He further states that the matters and facts set forth in the above petition are true in substance and in fact.

SIDNEY HERD.

In the matter of the petition of Sidney Herd.

The petitioner claims for loss of property and damages one hundred dollars. Petition filed April 25, 1859, and no proof offered. Rejected.

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

No. 195.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss :*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

Jonathan F. Taber, complainant, states: That, on the 6th day of December, A. D. 1855, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the — day of December, A. D. 1855, the actual owner and in the peaceable enjoyment of the following property: 40 acres of corn, shocked in the field, of the value of \$2,000; that said property was lost and injured in the following manner: said field of corn, shocked in the field, of the value aforesaid, was on his farm at the time aforesaid, some three miles west of Lawrence in said county; that said neighborhood, at the time aforesaid, was invested by armed bands of men, committing all manner of depredations upon the people; that by said band a larges part of said corn was taken, fed upon the ground and carried away, to the amount of one-eighth of said crop, and thus lost to petitioner, of the value of \$250.

Petitioner further states that on the 15th day of September, 1856, he was the actual owner and in the peaceable possession and enjoyment of the following property, to wit:

One yoke first rate work oxen, of the value of	-	-	\$150 00
One 4 year old work ox, of the value of	-	-	60 00
One pair of work mules, of the value of	-	-	200 00
One saddle mule, of the value of	-	-	125 00
One saddle, of the value of	-	-	30 00
One lot of vegetables, of the value of	-	-	75 00
One breaking plough, of the value of	-	-	35 00
One deep tiller plough, of the value of	-	-	22 00
One single set of harness, of the value of	-	-	30 00
One lot of household kitchen furniture, beds and bedding			150 00
Twenty acres of outgrowing corn, of the value of	-	-	3,750 00
Three logging chains, of the value of	-	-	7 00
One cross-cut saw, of the value of	-	-	8 00
Three chopping axes, of the value of	-	-	4 50
One handsaw, of the value of	-	-	3 00
Of the aggregate value of	-	-	<u>4,649 50</u>

That the above recited property was lost and injured to petitioner in the following manner: said property was on the farm of petitioner at the time last aforesaid, three miles west of Lawrence in said county, when said neighborhood was invaded by an army of drunken miscreants from Missouri, under the command of one Reed; that they entered said petitioner's house and destroyed and carried away all of said property, of the value aforesaid, except the 50 acres of outgrowing corn, of the value aforesaid; that that was greatly injured by them, and that about the time of said invasion petitioner (on the very day he commenced harvesting said field of corn) was seized by an armed band of men and forcibly conveyed, and for six weeks detained as a prisoner at LeCompton; that while and on account of his said detention, said field of corn was still further greatly injured to the amount of \$1,500 in all.

Petitioner further states that by the loss of said property his breaking team and utensils were destroyed, and his business as a farmer greatly interfered with and impeded, to his damage, over and above the loss and injury to said property above recited, to the amount of \$2,500.

Your petitioner therefore prays your honor to allow him the sum of \$5,149 for his losses and damages resulting therefrom, that amount being reasonable.

Petitioner further states that he has never recovered any of said property above described as lost, nor received any remuneration for his losses and damages so suffered by him.

Petitioner further states that the facts herein recited are true, as he verily believes.

J. F. TABER.

Sworn to and subscribed before me this 6th day of April, A. D. 1859, as witness my hand and notarial seal.

[L. s.]

CHARLES P. TWISS,
Notary Public.

In the matter of the petition of Jonathan F. Taber.

The petitioner claims for loss of property and damages \$5,899 50; petition was filed April 25, 1859; no proof is offered in support of the claim. Rejected.

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

JULY 1, 1859.

No. 196.

Joseph Merit, claimant, Franklin county, Kansas Territory.

Commissioners on claims in session at Ossawattomie, Kansas Territory.

PETITION.

Amount claimed - - - - - \$1,800

The undersigned, petitioner, would represent: That in the month of July, 1856, the undersigned petitioner was taken sick and was obliged to leave the Territory; that at that time I had thirty acres of old ground corn and twenty acres of sod corn, growing on SE. quarter of section 15, township 18, range 19, which is estimated to produce fifty bushels of corn per acre on old ground, and twenty-five bushels on the sod, making 2,000 bushels, out of which I saved about two hundred bushels, leaving lost 1,800 bushels, valued at one dollar per bushel, making a loss of \$1,800; I further state, I sent and employed three men by the name of William Muir, J. C. Hopewell, and John Low; that they came to said premises in Franklin county about the first of September, 1856, to take care of said corn and see to the fences, and to protect the same generally; that the day after they arrived at said premises the said three men were attacked by a gang of armed men, and mounted on horses, and had their teams taken from them, and robbed of all they had, money, &c.; that in consequence of this robbery the said three men were afraid, and believed themselves in danger and unsafe to longer remain, and thereupon left the Territory the next day after the said robbery; that there was no person living nearer than about one and a half miles, and that for want of some persons to protect said corn cattle broke in and destroyed all, excepting the said two hundred bushels. The following is the bill of items:

Fifty bushels of corn on old ground, per acre, and thirty acres, 1,500 bushels, at \$1 per bushel	- - - - -	\$1,500
Twenty acres sod, twenty-five bushels per acre, 500 bushels, at \$1 per bushel	- - - - -	500
		<hr/>
		2,000
Credit by two hundred bushels, at \$1 per bushel	- - - - -	200
		<hr/>
		1,800
		<hr/> <hr/>

JOSEPH MERIT.

TERRITORY OF KANSAS, *Franklin County, ss:*

Joseph Merit, William H. Agnew, and William J. Ivey, of said Franklin county, being duly sworn, says: That the facts set forth in the foregoing petition are true; that they, the said Agnew and Ivey, have talked with said three men mentioned aforesaid, and employed by

the petitioner, and do verily believe that said men were afraid of their lives, and left the Territory for cause represented in the foregoing petition, and that said corn was destroyed in consequence of the leaving of said men; that said Ivey did harvest the field of corn and got only two hundred bushels, and further these deponents say not.

JOSEPH MERIT.

W. H. AGNEW.

WM. J. IVEY.

Subscribed and sworn to before me, a notary public within and for Franklin county, Kansas Territory, this 29th day of March, 1859.

[L. S.]

P. P. ELDER,

Notary Public.

In the matter of the petition of Joseph Meritt.

FRANKLIN COUNTY, ss :

William H. Agnew, being first duly sworn, says: That he is acquainted with the petitioner, Joseph Merit; and that said petitioner is a citizen of this Territory, and was in the summer and fall of the year 1856, living at that time in Franklin county, on Middle creek; that the petitioner that year had fifty acres of corn; as near as I can judge, a part of it was old ground and a part of it was new ground; I judge that there were some twenty-five acres of old ground, perhaps more; the corn was destroyed; Mr. Merit was sick and went to Missouri for medical aid and assistance, in September, 1856, and sent three men here to take care of the crop; the night after, or the same night they arrived at the house of petitioner, about a half mile from the corn, they were robbed, their horses and provisions taken from them; of the men who robbed them, there were eleven or twelve in the company, of whom the leader was called Captain Fred; these three men, sent by Mr. Merit, left the country then because they were afraid to stay; the corn was destroyed partly by the neighboring cattle, and by horses getting in the field; I saw where the fence had been laid down in several places around the field, and cattle had gone in; saw no camping places about there; the facts stated as to the driving of the men I learned from the men, and not from having seen them; I know that petitioner sent the men here, with horses and wagons, and they returned to Missouri with oxen to their wagons, and there told the story as I have detailed; the corn was nearly all destroyed; the corn was worth a dollar a bushel in the field, as it stood in September, and I think it would have yielded 2,500 bushels for the whole field; petitioner took his family with him to Missouri; he went there in July, and did not return until late in the fall; I saw the three men the day after their return to Missouri, and there had the conversation with them, which I have stated above, or rather the substance of it; I lived in Missouri at the time, had lived here before, had not yet brought my family here; the field of corn was surrounded by a good fence; the petitioner

left here on account of his health, and not on account of any fears for his safety.

W. H. AGNEW.

Sworn to before me May 9, 1859.

SAMUEL A. KINGMAN,
Commissioner.

William J. Ivey, being first sworn, says: That he gathered the corn in the field which Mr. Merit raised in the year 1856; I gathered all the corn that was left; there were twenty wagon loads, holding about ten bushels a load; pretty nearly all the corn that was in the field was destroyed before I gathered it; I lived that year on section 20, township 18, range 19, about two miles and a half from Mr. Merit's corn-field; there were about fifty acres in the field; from the signs about the field when I gathered the corn, it was destroyed by hogs and cattle; I gathered the corn in the fall, tolerably early; I heard at the time that the men sent by Mr. Merit were out here; did not hear of any robbery; heard that they went to Mr. Howard's and Mr. Ricker's to get cattle to go back to Missouri with; never heard of Captain Fred, or that company; I came into the Territory in the month of December, 1855, for the first time; I recollect that I heard that the three men had had their horses stolen in the fall of 1856; Mr. Howard and Mr. Ricker lived on the creek nearest to Mr. Merit's claim that year, Mr. Howard lived about two miles and Mr. Ricker three miles from petitioner's field; pretty good fence around the field, it would not keep out hogs, it was a worm fence, was not as good a fence as is usually built to keep out hogs, it was six rails high about, it had been thrown down; there was some robbery in this neighborhood that season.

WILLIAM J. ^{his} + IVEY.
_{mark.}

Witness: SAMUEL A. KINGMAN.

Sworn to before me May 9, 1859.

SAMUEL A. KINGMAN,
Commissioner.

Joseph Merit, being first duly sworn, says: I am the petitioner in this case; I came to the Territory in the spring of 1856; I brought no family with me, except three hired men; left my family in Missouri; I had sold out there and came here to raise a crop and build a house for my family; I put in thirty acres of old ground and broke twenty or twenty-five acres of sod, and put that also in corn; the thirty acres had been broken for me the year before; two of my hired men became alarmed and left on account of rumors circulated in the northern part of the Territory; this stopped my breaking team. In the month of June I got sick, and young Ricker, who was my other hired man, be-

coming alarmed at my condition and the rumors, persuaded me to go back to Missouri; I started back in the latter part of June; I remained sick four months or upwards. About the first of September, 1856, I hired three men, named William Muir, J. C. Hopewell, and John Rhine, to come up and attend to my crop; they came with two wagons and two span of fine horses, their own property, and provisions for their use.

In about 3 or 4 or 5 days, they came back to my house in Missouri, with a yoke of cattle belonging to Mr. Ricker and both wagons; they left the oxen with me till Mr. Ricker sent for them. These men reported when they returned that they had been robbed by Capt. Fred's company of horses, guns, and provisions and some money; Hopewell said he had \$200 that was in a belt, which they did not get, besides what was in his carpet sack, some \$13, which they did get; I came back to the Territory about the middle of October; I found my crop, what had not been destroyed, in the house where it had been put by Mr. Ivey, who had gathered it for me; about 200 bushels were gathered; there was no ill will to me politically in the neighborhood, that I know of; Hopewell and Rhine went towards Iowa, and that is the last I have heard of them; Muir is in Jackson county, Missouri, or was the last time I heard of him; the name of John Low was inserted in the petition because I did not exactly recollect the right name, it should have been John Rhine.

In October, 1856, I bought corn in the neighborhood at one dollar per bushel, and gathered it myself.

JOSEPH MERIT.

Sworn to before me May 7, 1859.

SAMUEL A. KINGMAN,
Commissioner.

James H. Carter, being duly sworn, says: In the spring of 1856, in the month of May, difficulties springing out of the political condition of this Territory commenced in this county by the murder of five men on the Pottawatomie creek, about ten miles from the claim then occupied by Mr. Merit. The people in the neighborhood about here and in the neighborhood were alarmed; I did not think it safe to stay here myself. In the month of August a band of men robbed at three houses on Middle creek; I don't know what company it was, did not see the robberies, but speak from general report only; this was about the middle of August; a week or so later another band stole some six or seven horses from one man, so it was said; this was about four miles from Mr. Merit's claim; for a week or two in May and June the neighbors met every night, and stayed together for the purpose of mutual defence.

In the summer of 1856 I lived on my claim, about four miles from petitioner, till about the last of August, when I left the Territory on account of the difficulties, and remained away about six weeks.

JAMES H. CARTER.

Sworn to before me May 9, 1859.

SAMUEL A. KINGMAN.

Personally appeared William Muir, of Jackson county, Missouri, after being duly sworn, says: That some time during the month of August, 1856, I, J. C. Hopewell and ——— Rhine, came into the Territory of Kansas to a place on Middle creek, in Franklin county, in the employ and by the direction of Joseph Merit, for the purpose of attending to the crops of the said Joseph Merit as would be necessary for its protection and security. And while there we were attacked by an armed company of men and robbed of our two teams of horses and some money, and various other articles, in consequence of which we considered it unsafe for us to any longer remain in that place or in the Territory, and therefore hired a team and immediately returned home.

WILLIAM MUIR.

Subscribed and sworn to before me, a justice of the peace within and for Jackson county, Missouri, this 20th day of May, 1859.

ISAAC BRYANT, *J. P.*

STATE OF MISSOURI, *County of Jackson, ss:*

I, John R. Swearngen, clerk of the county court within and for the county aforesaid, do hereby certify that Isaac Bryant, whose genuine signature appears to the above and foregoing affidavit, now is and was at the time of so doing an acting justice of the peace within and for the county aforesaid, duly commissioned and qualified as such, and fully qualified to administer oaths, and that full faith and credit are due and ought to be given to all his official acts as such as well in courts of justice as thereat.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at office, in the city of Independence, this
[L. S.] 23d day of May, 1859.

JOHN R. SWEARENGEN, *Clerk.*

In the matter of the petition of Joseph Merit.

Petitioner claims for crops destroyed near Ossawatimie \$1,800 00

The petition does not show that petitioner is entitled to the benefits of the act of February 7, 1859. It does not state that he was or is a citizen.

One witness swears that petitioner was and is a citizen, but the evidence of other witnesses shows that he was not a *bona fide* citizen of Kansas in 1856; that he had not moved his family to the Territory; that his family were in Missouri, and he was merely preparing to build a house, holding a claim, &c.

The proof is insufficient to warrant an award in petitioner's favor.

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

JUNE 18, 1859.

No. 197.

To the honorable board of commissioners for the adjustment of claims under act passed February 7, 1859 :

Your petitioner respectfully represents to your honorable body: That he is a *bona fide* resident of Kansas Territory, and has resided in said Territory since April, A. D. 1855. That in the spring of 1855 he planted a field of potatoes near the house of Paschal Fish, a Shawnee Indian, in Johnson county. That in November, 1855, he placed the crop of potatoes raised from said field in the building known as the Free State hotel, in Lawrence, for storage. The number of bushels of potatoes stored as aforesaid was 400. That during the latter part of November, and during the months of December, January and February, 1855-'56, or about that time, armed bodies of men, then stationed in Lawrence, took and carried away 375 bushels of said potatoes, without giving or offering your petitioner any equivalent for the same. That your petitioner suffered on account of said taking and carrying away of his said property, as aforesaid, the sum of \$1,125. That he suffered damages on account of the loss of said property \$337 50.

375 bushels potatoes, at \$3	-	-	-	-	\$1,125 00
Damages	-	-	-	-	337 50
Total	-	-	-	-	<u>1,462 50</u>

That he has never received anything whatever in consideration of said loss and damages, and prays that he may be allowed the amount of \$1,462 50, as in such cases provided.

Your petitioner, Martin L. Gaylord, represents that he now resides in Topeka, Kansas Territory, near which place he has resided during the past three years.

M. L. GAYLORD.

Martin L. Gaylord, being duly sworn, says: The matters and facts set forth in the foregoing petition are true in substance and in fact.

M. L. GAYLORD.

Sworn to before me and subscribed in my presence this 22d day of March, A. D. 1859.

CALEB S. PRATT,

Clerk Probate Court, Douglas County, Kansas Territory.

In the matter of the petition of Martin L. Gaylord.

Petitioner claims for property lost, and damages, \$1,462 50. Petition filed April 22, 1859; no proof offered. Rejected.

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

JULY 1, 1859.

No. 198.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss:*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

Achilles B. Wade, complainant, states: That, on the 26th day of May, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the 26th day of May, A. D. 1856, the actual owner, and in the peaceable enjoyment, of the following property, to wit:

A certain sorrel horse of the reasonable value of one hundred and fifty dollars; and that in the month of September, A. D. 1856, he was the legal owner and in peaceable possession of certain other property, to wit: one fine stallion horse, of the value of three hundred dollars; also one sorrel mare, of the value of eighty dollars; also one yoke of steers, of the value of one hundred and twenty-five dollars; two young steers, of the value of thirty dollars; one Colt's revolver, of the value of twenty dollars; one large prairie plough and two forewheels of a wagon, of the value of sixty dollars; one saddle, bridle and saddle-bags, of the value of thirty dollars; also about seventy bushels of wheat, of the value of one hundred and five dollars; also one hundred bushels of corn, of the value of fifty dollars; one rocking chair, of the value of five dollars; in all, of the value of nine hundred and fifty-five dollars, (\$955.)

And that, owing to the difficulties in Kansas about the last days of May, A. D. 1856, some person to your complainant unknown, but, from the best information that he could receive, he believes was taken by some person to complainant unknown. He further states; that, on or about the 10th day of September, A. D. 1856, a number of armed men came to his house and forcibly took from complainant the said stallion horse, of the value of three hundred dollars, and that said stallion horse was seen in the town of Lawrence, in this county, in the possession of certain armed men, commonly called "Lane's men;" that about the same time said men also took one sorrel mare, of the value of eighty dollars; also one yoke of steers, of the value of one hundred and twenty-five dollars; also took two young steers, of the value of thirty dollars; also one Colt's revolver, of the value of twenty dollars; that a body of men, called Lane's northern army, came and took five wagon loads of wheat in the stack, in all to the amount of seventy bushels, of the value of one hundred and five dollars; also one large prairie plough, and the two fore wheels of a wagon, of the value

of sixty dollars; said northern army came, took, and carried away about 100 bushels of corn, the property of complainant, of the value of fifty dollars; also one rocking chair, of the value of five dollars; also one saddle, bridle, and saddle-bags, of the value of thirty dollars; in all, of the amount of nine hundred and fifty-five dollars, (\$955.)

Complainant further states that he was injured and has sustained damages, over and above the actual value of said property, to the amount of five hundred dollars; he therefore asks the commissioners to allow him the sum of one thousand four hundred and fifty-five dollars, his loss and damages as aforesaid.

He further states that he has not sold or disposed of his interest, nor has he ever received any remuneration for the same.

He further states that the matters and things set forth in the above petition are true in substance and in fact.

A. B. WADE.

Sworn to before me this 25th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Achilles B. Wade.

DOUGLAS COUNTY, ss:

Jordan Davidson, being duly sworn, saith: That he is a citizen of Douglas county, near Lawrence; that he is acquainted with the petitioner; he settled in the Territory of Kansas in the fall of 1854; has been a citizen of the Territory ever since, and is now. Mr. Wade was the owner of a sorrel horse, in the month of May, 1856, worth \$150; the horse was taken from the premises of the petitioner, Mr. Wade, a short distance west of Lawrence, by a party of men belonging to Captain Kline's company; they were a company of armed men, and it was said that the horse was pressed into the service. Mr. Wade also owned a sorrel stallion; I do not know myself what he was worth; he was said by others to be worth \$500; that was what he was estimated to be worth. Mr. Wade lost the horse. It was generally believed that the horse was taken by the armed bands of men then in the neighborhood of Lawrence. Mr. Wade also owned a sorrel mare; she was worth \$65 or \$70; she was taken about the same time and in the same manner. Mr. Wade owned a fine yoke of cattle at that time, worth \$130; they were also stolen from him, at the same time. He was the owner of a number of head of young cattle. I heard the soldiers in Lawrence say they were eating Mr. Wade's beef. Such cattle, at that time, were worth \$30 on an average. Mr. Wade was the owner of a Colt's revolver; I do not know certainly what size it was, but think it was a six-inch; it was worth \$15 or \$18. Mr. Wade owned a large prairie plough and pair of wheels; they, too, were stolen from him; they were worth \$60. He owned a saddle, saddle-bags, &c. They were said to be stolen; at least I never saw them after, about the time the other property was taken; they were worth from

\$30 to \$40. Mr. Wade owned a good lot of wheat; a part of it was taken, after being threshed out, and the balance taken in the sheaf; there was, I should think, 70 bushels; it was worth at that time \$1 50 per bushel. I believe that Mr. Wade lost some corn, but what amount I do not know. There was a good rocking-chair; I do not know anything about it being taken; I have not seen it since, about the house or elsewhere. I understood at the time, and it was so understood, that all the property of Mr. Wade was taken by the men belonging to the free-State army, under the command of General J. H. Lane. The country, at the time, was overrun with bands of armed men, and civil war prevailed generally. I should say that the damage to Mr. Wade, over and above the value of the property, would be from \$300 to \$500.

JORDAN DAVIDSON.

Sworn to before me May 28, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Achilles B. Wade.

DOUGLAS COUNTY, ss:

James Christian, being duly sworn, says: That he is acquainted with the petitioner, A. B. Wade; that he is a citizen of Kansas, and has been since and before 1856. I know that he was the owner of a certain sorrel horse, which he called Jim; said horse was worth \$150. Public rumor represented that said horse was stolen, about the 26th day of May, 1856. He owned a fine sorrel stallion; I do not know certainly what he was worth, but would suppose him to be worth from \$300 to \$500. In the month of September of that year public rumor stated that the horse was taken from Wade by force, and, from the best of my opinion, I afterwards saw the horse in the streets of Lawrence, in possession of the free-State men. I know that Mr. Wade was the owner of several yoke of oxen and a large lot of other cattle, in the summer of 1856. I saw the free-State militia drive a lot of cattle into town, all or part of which I believe to have belonged to Mr. Wade. Some of them were killed, for beef to feed the troops. Some of those men afterwards informed me that they killed Wade's cattle. I also know that Mr. Wade owned a large field of corn, and that he had some eight or ten stacks of wheat about two miles west of town, on his farm; I saw some of Colonel Harvey's men, a portion of Lane's northern army, haul into town some six or seven wagon loads of Mr. Wade's wheat in the sheaf. There must, from the quality of the wheat, have been from 60 to 80 bushels. Wheat that fall was worth \$1 50 per bushel. I also know that they hauled in his corn, to live upon. They lived on Wade's wheat and corn and the beef that they took from him and others; I lived in Lawrence at the time, and these men told me repeatedly that they had taken Mr. Wade's wheat, corn, and cattle. I do not know the amount of corn taken, but I personally know of several wagon loads. The sorrel mare and

saddle and saddle-bags, and also the revolver, I know that he owned, but only know from rumor of these being taken from him. But it is certain that the property was gone, and that it was lost to Mr. Wade, and I do not believe that he ever recovered any part of it, or received any compensation therefor. He was a pro-slavery man.

JAMES CHRISTIAN.

Sworn to and subscribed before me this 28th day of May, A. D. 1859, as witness my hand and seal.

[SEAL.]

CHARLES P. TWISS,
Notary Public.

Newel W. Spicer, being duly sworn, says: That in the month of September, 1856, he was the 1st lieutenant of the Chicago company, then at Lawrence, and was the adjutant of the regiment. I at that time ordered part of the men under my command to haul into Lawrence the corn and wheat of Mr. Wade. There were wheat and corn both brought in; how much I do not know. There were two loads of corn brought in by the teams belonging to my own company. I do not know anything about the other property claimed for in the petition.

N. W. SPICER.

Sworn to and subscribed before me this 28th day of May, A. D. 1859.

[SEAL.]

CHARLES P. TWISS,
Notary Public.

In the matter of the petition of Achilles B. Wade.

The petitioner claims in this case for—

The loss of property.....	\$955 00
Damages, (general).....	500 00
	<hr/>
	1,455 00
	<hr/> <hr/>

The item of damages rejected.

The residue of the claim is proven and allowed	955 00
Interest on same, 2½ years, at 6 per cent.....	143 00
	<hr/>
Total award.....	1,098 00
	<hr/> <hr/>

SAMUEL A. KINGMAN.
HENRY J. ADAMS.
EDWARD HOOGLAND.

JUNE 24, 1859.

No. 199.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss :*

To the commissioners appointed to audit and certify claims, under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

John Anderson, complainant, states : That on the 14th day of September, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was on the 14th day of September, A. D. 1856, the actual owner, and in the peaceable enjoyment, of the following property, to wit : A hewed log-house in this Douglas county, composed of three rooms, of the value of \$500. Also household furniture, consisting of a mahogany bureau filled with books, a good family library ; tables, chairs, and bedsteads ; and various other articles, in all of the value of \$180, as follows :

A mahogany bureau.....	\$50 00
Two large bedsteads.....	20 00
One table.....	5 00
Chairs.....	5 00
Family library.....	100 00
	<hr/>
	180 00
	<hr/> <hr/>

In all, *six hundred and eighty dollars* And that, on the 14th and 15th days of September, 1856, a company of armed men, under the command of one John Reed, of the State of Missouri, came and camped near the town of Franklin, in this county ; and a portion of said men set fire to the residence of complainant, and burned the same to the ground with all its contents.

Complainant further states that he was compelled to leave with his family, his life being in danger from said men. He states that he was injured and hath sustained damages to the amount of \$300, over and above the actual value of the property destroyed. He therefore prays the commissioners to allow him the sum of \$950, the amount of his *loss and damages*, as aforesaid.

He states that he has never received any remuneration for the loss of said property.

He further states that the matters and things set forth in the above petition are true in substance and in fact.

JOHN ANDERSON.

In the matter of the petition of John Anderson.

TESTIMONY.

DOUGLAS COUNTY, ss :

Thomas Garvin, sworn, says : That he is acquainted with petitioner, John Anderson ; that he is a citizen of this Territory, and has been since the fall of 1854, having resided in Douglas county, living four miles below here on the bottom. The next day after the army of 2,700 men came from Missouri to this county, I think, on the 15th day of September, 1856, said army burned up the house of petitioner. It was a log-cabin ; a double pen with a room between ; I can't say as to the size. I don't know what became of the furniture and contents of the house. I saw the house burned ; it was covered with clap boards. It cost more to build it than one would suppose, but I cannot fix its value.

THOMAS GARVIN.

Sworn to before me April 28, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of John Anderson.

Petitioner claims for—

One house burned by Reed's army of 2,700.....	\$500 00
Furniture, &c.....	180 00
Damages.....	300 00
	<hr/>
	980 00
	<hr/> <hr/>

Petitioner has been negligent in regard to his proof. The destruction and burning of the house and other property are proven by one witness, without fixing any value.

The board, upon general proof in such cases, and the circumstances already in evidence in a variety of cases, award in full of the claim \$500.

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

JULY 1, 1859.

No. 200.

ACCOUNT FOR LOSSES AND DAMAGES.

TERRITORY OF KANSAS, *Douglas County, ss :*

To the commissioners appointed to audit and certify claims under the provisions of "An act to provide for the adjustment and payment of claims," approved February 7, A. D. 1859, to audit and certify all claims for the loss of property taken or destroyed, and damages resulting therefrom, during the disorder that prevailed from November 1, 1855, to December 1, 1856.

William R. Simmons, complainant, states: That on the 1st day of August, A. D. 1856, and for some time previous thereto, he was an actual resident citizen of Douglas county and Territory aforesaid, and still is an actual resident citizen of said Territory, and was, on the 1st day of August, A. D. 1856, the actual owner and in the peaceable enjoyment of the following property, to wit:

About sixty head of hogs, of the value of \$250; household furniture, bed, and bedding, to the value of \$125; that during the summer and fall of 1856 he was the owner and proprietor of the ferry-boat across the Kansas river, at and opposite the town of Lecompton in this county, of the value of \$125; and that on or about the 14th day of September, 1856, the territorial militia, under Captains Donaldson and Wallace, then camped at and near Lecompton, shot and killed for the use of said militia some fifty or sixty head of said hogs during their stay at Lecompton; that fall a portion of said militia also robbed the house of complainant, and took and carried away household furniture, bed, and bedding, to the value of \$125; said militia also by force compelled complainant to ferry them and their horses and wagons free of charge, by which he was prevented from collecting a large amount of toll, to the value of \$400; petitioner further states said militia destroyed and sunk the said ferry-boat, the property of complainant, of the value of \$125, in all to the amount of \$900. Petitioner states that he was injured and hath sustained damages, over and above the actual value of said property, to the value of \$500, in all \$1,400, his *loss and damages*. He therefore prays the commissioners to allow him the sum of \$1,400, his *loss and damages* as aforesaid; he further states that he has never received any remuneration for the loss of said property, nor has he ever recovered the same, but said property was a total loss. He further states that the matters and facts set forth in the above petition are true in substance and in fact.

WM. R. SIMMONS.

Sworn to before me this 25th day of April, 1859.

EDW'D HOOGLAND,
Commissioner.

Petitioner states that, in addition to the property set forth in the foregoing petition, there were two horses taken, one of them a bay, taken by James Cuts—he was recovered afterwards at a cost of \$6; the other a dun horse, taken by some persons unknown about September, 1856—he was worth \$200.

WM. R. SIMMONS.

Sworn to before me this 29th day of April, 1859.

EDWARD HOOGLAND, *Commissioner*.

In the matter of the petition of William R. Simmons.

DOUGLAS COUNTY, ss :

I reside in Lawrence, Douglas county, Kansas Territory; am acquainted with petitioner; have known him since the 9th day of April, 1856, during all which time he has been a citizen of this Territory; the petitioner had a great number of hogs in the summer of 1856 at Lecompton; he was not a farmer that I know of; there were, I should think, little and big, some fifty or sixty hogs; I don't know what became of them; after the war was over, there were but few hogs about anywhere; before the war that summer he had two good feather beds, under beds, and bed clothes sufficient for them; after the war they were gone; he had some chairs, dishes, pots, &c.; these were all gone after the war; furniture and bedding missing was worth \$85; he lost a dun horse worth \$200, which he never got, and a bay horse worth \$200, which he recovered uninjured; he had to ferry a great deal for nothing; his ferry-boat was not sunk that I know of; the hogs were worth on an average \$8 apiece.

B. S. HANCOCK.

Sworn to before me April 29, 1859.

SAMUEL A. KINGMAN, *Commissioner*.

Henry B. Lacy, sworn, says: That he knows nothing of petitioner's hogs; in the fall of 1854 I hauled some groceries, provisions, and household furniture from Kansas City to the claim of petitioner, now the town of Lecompton; in the year 1855 I saw some of the furniture which I hauled in his house; the bedding was rolled up when I hauled it, and I could not fix its value; petitioner was an unmarried man in 1856, and is so yet; he owned a bay horse worth \$80 or \$100, and a dun worth \$150 or \$125; it was my understanding he owned the ferry-boat in 1856 at Lecompton; know nothing of its being lost or sunk; know nothing of the loss of horses, nor of the value of the furniture destroyed, or that it was destroyed.

HENRY B. LACY.

Sworn to before me April 29, 1859.

SAMUEL A. KINGMAN, *Commissioner*.

In the matter of the petition of William R. Simmons.

Petitioner claims for 60 hogs, a ferry-boat sunk, 2 horses stolen, &c., \$900.

The proof is too vague and indefinite to authorize an award. Proof not completed.

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

JULY 1, 1859.

The proof of the value and loss of the horse was elicited by me when asking the testimony of Mr. Hancock. The petitioner had proved many facts for Mr. Hancock, and losses not in his petition, which induced me to ask the witness as to the loss of horses, to which he responded as shown in the testimony; thereupon the amended petition was filed. No award could be made on such testimony.

SAMUEL A. KINGMAN.

No. 201.

To the commissioners on claims appointed under an act passed February 7, 1859, by the legislative assembly of Kansas Territory:

Your petitioner, Anson H. Mallory, on oath, saith: That in the spring of 1856 he resided in Kansas Territory and Douglas county, where he now resides; that then he owned and planted a field of corn, one mile from Lawrence; that said field embraced 12 acres; that he carefully cultivated the same during the ensuing summer; and that during the difficulties of August, September, and October following, this field of corn was wholly destroyed, stolen, and carried away by persons unknown to this petitioner, so that he realized for said crop nothing of any value; your petitioner saith, on his judgment, there were fifty bushels of corn to the acre, and that it was worth \$1 per bushel, making a loss of \$600; and he further states that in the same fall he had stolen and carried away, during the troubles of that date, two horses, of the value of \$200 each, and that he never recovered the same, making \$400, which, added to the above, makes a loss of \$1,000. Which sum, and interest thereon for 2½ years, at six per cent. per year, amounting to \$150, making a total of \$1,150; which amount your petitioner asks may be allowed him.

A. H. MALLORY.

Subscribed and sworn to before me April 26, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Anson H. Mallory.

DOUGLAS COUNTY, ss :

Ferdinand Fuller, being duly sworn, saith : I reside in the Territory of Kansas ; have known the petitioner, A. H. Mallory, since August, 1854 ; he was then a citizen of Kansas, and has continued to be ever since. In the year 1856 he was the owner of a field of corn, about one mile from Lawrence, containing ten acres ; the land was broke in January, 1855, and planted with corn in 1856 ; during the months of August, September, and October, the crop was destroyed by armed bands of men ; I have seen them in the field ; they sometimes carried corn from the field in wagons ; I was where I could see everything that was transacted in and about the field ; it was a good crop of corn ; there were forty bushels to the acre, worth one dollar per bushel. I know that Mr. Mallory lost two horses about the same time—one a sorrel, I think, the other a bay ; they were stolen. The sorrel horse was worth \$150, the bay \$100. At the time the country was overrun by armed bands of marauders, who engaged in stealing and destroying property wherever it could be found, and the horses were no doubt taken by these men.

FERDINAND FULLER.

Sworn to before me April 26, 1859.

SAM'L A. KINGMAN,
Commissioner.

John Mack, sworn, deposeth and saith : He is acquainted with the petitioner, Mr. Mallory ; he was a citizen of Kansas in the year 1855 and 1856, and is now ; I know that Mr. Mallory owned a field of corn of probably ten or twelve acres ; it was a good field of corn. There might be sixty bushels per acre ; corn was worth \$1 per bushel. I know that the corn was all destroyed by bands of armed men who infested the country. The bands of men who destroyed the corn were said and believed to be Missourians. I know that Mr. Mallory had a sorrel horse taken out of his stable by some of these men worth \$150. I have no personal knowledge of his losing any other horses.

JOHN MACK.

Sworn to before me April 26, 1859.

SAM'L A. KINGMAN,
Commissioner.

Asaph A. Faxon, sworn, saith : That he is acquainted with the petitioner, A. H. Mallory ; he was a citizen of Kansas in the year 1855 and 1856. In the year 1856 Mr. Mallory raised a field of corn on the farm of Mr. Fuller ; I should say there were from ten to fourteen

acres, and I suppose there might have been fifty bushels per acre; corn was worth \$1 per bushel. It was destroyed by bands of marauders who were at that time prowling around the country, stealing and destroying the property of unoffending and honest citizens. I know that Mr. Mallory owned a good many horses, and had horses taken from him, but cannot give particulars of any one definitely.

ASAPH A. FAXON.

Sworn to before me April 26, 1859.

SAM'L A. KINGMAN.

George F. Earle, being duly sworn, states: I know the petitioner, Mr. Mallory; I know that in the year 1856 Mr. Mallory lost two horses—the one a sorrel, the other I would call a brown or dark bay; the sorrel horse was worth \$150. The bay or brown horse was worth as much as \$150. The horses were stolen in the fall.

GEORGE F. EARLE.

Sworn to before me this 26th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of Anson H. Mallory.

Petitioner claims for—

Twelve acres corn, one mile from Lawrence, 1856, fifty bushel per acre	-	-	-	-	-	\$600 00
Same fall he had stolen, &c., two horses; worth	-	-	-	-	-	400 00
						<u>1,000 00</u>

Proof shows ten acres (second crop) ground in corn destroyed. From an intimation in the petition, and the uncertainty of proof in such cases, an allowance of 30 bushels per acre as loss is assumed, equal 300 bushels, at \$1, less 10 cents per bushel for harvesting	-	-	-	-	-	270 00
Two horses, worth \$100 and \$150	-	-	-	-	-	250 00
						<u>520 00</u>
Add interest, 2½ years, at 6 per cent.	-	-	-	-	-	78 00
Total award	-	-	-	-	-	<u>598 00</u>

EDWARD HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

MAY 4, 1859.

No. 202.

To the board of commissioners appointed to audit and certify claims in Kansas under the law of 1859:

Your petitioner, Augustus Wolfley, respectfully states: That he is a citizen of Nemaha county, in Kansas Territory, and has been since August, 1855; that he is a farmer, engaged extensively in keeping stock; that on the 27th day of November, A. D. 1855, he was the owner of fifteen head of horses, brought by him into the Territory in the August preceding from the State of Iowa. On the evening of the 27th November, 1855, all the horses were up and fed; on the morning of the 28th November, 1855, three head were missing—a fine riding horse and a mare with her colt. The horse and mare were worth one hundred dollars each; the colt was a sucking colt, about eight months old, and worth from twenty-five to thirty dollars. Suspicious bodies of men were on the creek north of me, said to have been from Kickapoo. At that time I lived on Wolfley's creek, mine being the only family on the creek. We made thorough search for the horses, but could not find the horses, nor have we found them yet; and about the same time the men left the creek north of my house. I don't know who they were, where they went, nor whether they took my horses or not; I know that my two best saddle-horses were gone, and I have no doubt were stolen. About the 21st day of August, 1856, myself and son went to Atchison with a two-horse wagon to buy a mowing-machine. Soon after we reached Atchison our team was taken possession of by members of a large body of men, I should think two hundred in number, who seemed to be under the command of Stringfellow. In less than an hour after my team was taken, myself and son were arrested, kept under guard the rest of that day and night, and the next day until two o'clock p. m., when we were set across the river. Before we went across the river we were told that if we would join them we should ride our own horses. We declined; were then told that the orders were to shoot us, but that they would disobey orders, and telling us if we returned before the election we would be hung, unless I would come in and vote the open ticket; I promised to do so; I kept my word; went to Atchison, fifty miles, and voted the ticket that the party gave me; I think the county clerk gave it to me. They then gave me a receipt for my horses and wagon, which I since gave to D. L. Henry, esq., who has it now, I suppose. My horses were, one a stud, worth \$300; the other a gelding, worth \$125; the wagon was nearly new, and, with the harness, nearly new also, were worth \$100. We had in our load a feather bed, \$10; lariats and iron lariat pins, \$3; cooking utensils, \$3; a tent, \$5; bucket, 25 cents; tub, 75 cents; several sacks, \$1; jug, 25 cents; and two pistols, \$4 50; which were worth, altogether, \$27 75; also, a log chain worth \$2; an axe and hatchet, \$2 25; in all, \$32. The above two horses, wagon and contents, were all taken from me, and none of them recovered, nor any satisfaction for them. I made no resistance, for I did not think it safe. The crowd were violent and threatening, and

while we were under arrest they were talking about Lane's invasion, and the purpose of those present seemed to be to resist it. They took from me same time \$142 55 in money, all gold and silver, except a \$5 note; this was taken by force, and has never been returned, nor any compensation therefor.

AUGUSTUS WOLFLEY.

Subscribed and sworn to before me the 23d day of April, A. D. 1859.

SAM'L A. KINGMAN,
Commissioner.

NEMAHA COUNTY, ss :

Samuel L. Momeny, being duly sworn, says : That he knows the chestnut sorrel stallion lost by Mr. Wolfley in 1856 ; that he rode him part of the way from Iowa here ; he was worth \$325 ; he was a large, fine horse, good for work, well broke, and valuable for a stallion. The other horse lost I never saw. The wagon was worth \$75 or \$80, and the harness \$25. I don't know how he lost them, except from hearsay ; he has never had them since August, 1856. He was a man of means, having a large stock of cattle and horses ; he has had over one hundred head of cattle at once here in the Territory.

SAMUEL L. MOMENY.

Subscribed and sworn to before me April 23, 1859.

SAM'L A. KINGMAN,
Commissioner.

John Wolfley, sworn, says : That he is a son of petitioner, twenty-four years old. That some time near the 20th August, 1856, petitioner and Reuben Wolfley left their residence, in Nemaha county, with a pair of horses and wagon, for Atchison, to get a mowing-machine and hay rake. They left home on Wednesday with the team ; returned here on Monday on foot. Said the team had been taken away from them in Atchison. Father took money to buy the mower and raker ; this, with the balance, was taken away from him ; I don't know how much. The chestnut stallion in the team taken was worth \$300 ; I have seen him (father) refuse that for him. The bay horse he had recently got ; he was worth \$125. The harness and wagon were worth \$100. There was a feather bed, bed clothes, tent, cooking utensils, and other things in the wagon. They had enough of things and provisions to make themselves comfortable in travelling. Among other things, two pistols, which cost \$4 50. These things he took with him on that trip, and has never had them since. We lived in great fear after that till Governor Geary came into the Territory. I

went with father to Leecompton in November to try and find the horses and wagon. Could not find them.

JOHN WOLFLEY.

Subscribed and sworn to before me April 23, 1859.

SAM'L A. KINGMAN,
Commissioner.

Jacob Geyer sworn: In August, 1856, I met the petitioner, Mr. Wolfley, on the road two or three miles from here. He said he was going to Atchison to buy a mower. He was in a wagon, driving two horses; one of them was a stallion, sorrel color, large fine horse. I knew the horse in Iowa; he was worth I don't know how much; the man who owned him in Iowa asked \$300 for him. The other horse was a bay horse; a pretty good looking horse. I did not pay enough attention to him to say what he was worth; had never seen him before. The wagon and harness were worth \$100 or more. I live in the neighborhood, and have never seen the property back here since. I understood it was all taken from Wolfley in Atchison.

JACOB GEYER.

Sworn to before me April 23, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Augustus Wolfley.

NEMAHA COUNTY, ss:

Reuben Wolfley, being first duly sworn, saith: That he is the son of the petitioner; that he is twenty years old; that he came into the Territory with his father in August, 1855, and that his father has resided here ever since. That in the latter part of November, 1855, petitioner lost a horse worth \$100, and a mare worth \$100, and a colt worth \$30 or \$35, a good colt sucking the mare. They were up at night and fed, and in the morning they were gone; I hunted for two weeks on the creeks, but could not see or hear of them. The other horses were about, but these who had always run with the others were gone; companies of men were said to be lurking about at that time; I never saw them; don't know that they took the horses; several of us hunted in different directions, but could not find them; they were good saddle-horses.

About the 21st of August, (day of the month not certainly recollected,) but on Thursday, my father and myself reached Atchison, where we had gone for a mowing-machine and raker and some other things. When we reached town the streets were thronged with armed men, shooting and carousing; we drove to a warehouse on the river bank; father went into the warehouse and was gone a few min-

utes; while he was gone those armed men who had followed our team through the town took out the axe and hatchet from the wagon; when father came out of the warehouse and got in the wagon he took the reins; these men then, with threats, and being armed, unhitched the horses, took them up to a little stone grocery, and left us in the wagon; we got out and followed on, and after we had got up to the grocery my father and I became separated; 15 or 20 men got around me and began asking questions; father came back; they continued questioning. Two or three men made themselves known as having been at father's house; said they were there as spies; charged us with having Sharpe's rifles. Then a man came riding into the crowd that they called Colonel Stringfellow; two letters were handed him; he read them, and ordered Bill Martin to take us into custody. He excused himself on account of sickness in his family; another man was ordered to do it; he offered some excuse, but Stringfellow, with an oath, said: It was no use, somebody had to do it; that man then took us and confined us in a small room, and kept us all that day and night; we were visited by numbers, among others by a man called Captain Ayres, and questioned; Captain Ayres wanted my father to give him his money for safe-keeping; father would not do it; others came in and searched us; I had no money; they found with my father \$142 55, which they counted and took and carried away; this was on the morning after we were arrested; about two o'clock on the same day they took us across the river and released us there; before they took us from the room, and before they took the money, Captain Ayres said if we would give up the money and join them we should ride our own horses and have the money back if they were successful; he gave us time to consider of it; father declined, unless called out by his country; after we had been taken across the river by five men as guards, they told us that they were ordered to shoot us, but that if we would keep out of the Territory till after the election we could save our heads; that if we would vote their ticket we could come in on the day of election, but not before; father and I then walked up to St. Joseph, crossed the river there and came home; I never saw the horses, wagon, or its contents afterwards; they have never been about here; they were a total loss to my father; one horse was a stallion, worth \$300; he was eight years old, large, heavy, and valuable, of a chestnut sorrel color; the other was a bay gelding, worth \$125; the wagon was worth \$80 or \$85; the wagon was Ohio built, nearly new; the harness was nearly new, cost \$22 in Ohio, worth \$25 here, had been but little injured; in the wagon was a feather bed, worth \$10 or more; 22 lariats and lariat pins, worth \$3; cooking utensils and tent, worth \$4 or \$5; there were also a bucket and washtub, some sacks, a jug, two pistols, axe, hatchet, and log chain, worth \$10 or \$15 altogether.

None of this property was ever recovered, nor has my father ever received any compensation for it, to my knowledge; my father was afraid to go down to the river till the election; we lived here under great

anxiety, hiding our horses, and sometimes when strangers were about we hid ourselves.

REUBEN WOLFLEY.

Subscribed and sworn to before me April 23, 1859.

SAMUEL A. KINGMAN.

Commissioner.

Augustus J. Wolfley, sworn, says: That he has heard read the testimony of Reuben Wolfley as to the three horses lost in November, 1855; that he was here, knows the facts therein stated, and that they are true as to those three horses; I was here in August, 1856, and at my father's house, when he left home for Atchison to get a mowing-machine; he drove two horses, one a stallion, worth \$300; had been offered that for him; the other was a bay horse, worth \$125 or \$130; the wagon and harness, at least \$100; he had provisions to last him and my brother there and back, bedding, tent, and other things to make themselves comfortable; he had money to buy a mowing-machine with; I saw him count it, but can't say now exactly how much; in a few days he came back on foot and tired out, saying that horses, wagon, money, and all were gone; he was thankful to get back with his life; I went with father to Atchison to the election; talked with Stringfellow, Palmer, and Captain Ayres, and also the man who took the money, whose name I don't know; the whole matter was talked over; Palmer gave father a written receipt, stating the property was taken for the use of the Kansas militia, and told us to take that and go and get the property; we could not find it; Stringfellow said Ayres had the money, and for us to get it from him; Captain Ayres said Stringfellow had it, and father must get it from him; we went back and forwards between them till things began to look squally; I advised a movement out of town, and we left; my father has never got any of them; I am the son of petitioner; the man who acknowledged that he took the money said he did so in obedience to the orders of Colonel Stringfellow, who had the money then; this man was called doctor; said he was from South Carolina, and appeared like a gentleman.

AUGUSTUS J. WOLFLEY.

Sworn to before me April 23, 1859.

SAMUEL A. KINGMAN,

Commissioner.

In the matter of the petition of Augustus Wolfley.

The petitioner claims for horse, mare, and colt, lost 27th	
November, 1855	\$230 00
For two horses, wagon, things in wagon, and money,	
August 21, 1856	699 55
	<hr/>
	929 55
	<hr/>

The board think there is not proof enough to authorize the inference that the horses lost 27th November, 1859, were lost by reason of the disturbances in the Territory at that time, and therefore disallow it.

The proof sustains the losses, and fixes the value of the property lost in August, 1856, as set forth in the petition, and allow it

and allow it	-	-	-	-	-	\$699 55
Interest on same, 2½ years, at 6 per cent	-	-	-	-	-	104 40

Total award	-	-	-	-	-	<u>804 40</u>
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SAM'L A. KINGMAN.
EDW'D HOOGLAND.
HENRY J. ADAMS.

MAY 3, 1859.

No. 203.

In the matter of the petition of Joab M. Bernard.

TERRITORY OF KANSAS, *Douglas County, ss :*

Joab M. Bernard, the above-named petitioner, being duly sworn according to law, deposes and says: That I presented a statement of my actual losses incurred during the difficulties of 1856 to H. J. Strickler, late commissioner for auditing claims, appointed under the act of 1857, which statement was correct and true, according to the best of the knowledge and belief of this deponent. This deponent would further represent that some of the witnesses whose testimony is material and important to this deponent, in the proof of his claim of losses, are now out of the Territory, and that it is impossible for this deponent to secure the attendance of said witnesses before the board of commissioners appointed under an act entitled "An act to provide for the payment and adjustment of claims," approved February 7, 1859. Your deponent would respectfully ask that proofs, papers, and testimony so presented to the late commissioner, and upon which he made his award in my favor, may be received by the said board of commissioners as his petition and testimony under the present law. This deponent would further represent that he has never recovered any of the property lost, as alleged and set forth in the statement so presented to said Strickler, except three head of oxen, valued at fifty dollars each; one young heifer, worth fifteen dollars; none other of said property has been recovered by the deponent, nor compensation received from any source for said losses. This deponent would further represent that he is a citizen, and has been, of Kansas,

and has been residing in the Territory since the year 1854, and now resides at Mineola.

JOAB M. BERNARD.

Subscribed and sworn to before me th. 16th day of April, A. D. 1859.

E. L. FANT, JR.,
Notary Public.

TERRITORY OF KANSAS, *County of Douglas, ss:*

Petition of Joab M. Bernard, of the Territory of Kansas and county of Franklin, under an act entitled "An act to provide for the auditing of claims," passed by the territorial legislature, and approved February 23, 1857.

I, Joab M. Bernard, of St. Bernard, Franklin county, Kansas Territory, respectfully represent unto the honorable commissioners that he was plundered of a large amount of property during the difficulties in the Territory, and that your petitioner prepared and made out his claim against the government of the United States for the purpose of applying to Congress for relief, but now offers the said statement of losses and testimony therewith to the consideration of the commissioner, praying that his account may be audited.

JOAB M. BERNARD.

Subscribed and sworn to before me this 18th day of January, 1858.

H. J. STRICKLER,
Commissioner.

Statement of goods, wares, merchandise, horses, cattle, money, &c., forcibly robbed, stolen, taken, and carried away from the store and premises of Joab M. Bernard, at St. Bernard, in Franklin county, Kansas Territory, a part of which was taken on or about the 3d day of June, A. D. 1856, and the remainder on or about the 10th day of September of the same year.

On the 3d day of June said property and goods were taken by a party of men known as and constituting a part of a company commanded by one John Brown, in opposition to the laws, peace, and security of the property and persons of all law-abiding citizens of said Territory; said detachment numbered about twenty persons, armed with Sharpe's rifles, Colt's revolvers, pistols, bowieknives, &c., in a violent, threatening, and forcible manner, and within about five miles from said Brown's encampment; at that time and afterwards, on or about the 10th day of said month of September, the balance of the following statement of goods and property was taken by a body of armed men, number not precisely known, and a detachment of the insurgents, under the command of James H. Lane, encamped at Law-

rence at that time, who took the cattle, drove them to their encampment, and appropriated them to the use of their army for beef and other purposes :

Three head large American horses, at \$150 each	\$450 00	
One saddle, bridle, and blanket for each horse	- 50 00	
Nine yoke oxen, at \$100 each	- - - 900 00	
Five cows and calves, and four beef cattle	- 600 00	
Cash taken from store drawer	- - 15 25	
		2,015 25
<i>Dry goods.</i> —Blankets, red, indigo, blue, gentinello, green and white, Indian cloths; fancy and save and gray list; scarlet cloths, cassimeres, satinets, tweeds, jeans, linseys, woollen goods, flannels, shawls, scarfs, handkerchiefs, cotton and silk prints, lawns; brown, bleached, and blue drilling; brown and bleached shirting, checks, cottonade, and hickory goods; hosiery, gloves, cravats, silk ties, &c., woollen comforts, buttons, thread, porte monnaies, fancy notions, &c.		
		2,502 43
<i>Hardware, cutlery, &c.</i> —Knives, axes and handles, butts, screws, locks, fastenings, powder horns, flasks, knives and forks, spoons, gun flints, powder, shot, lead, gun caps, &c.		
		507 50
<i>Clothing.</i> —Frock and dress coats, blanket coats, pants, vests, linen shirts, hickory and calico shirts, cotton drill and flannel drawers, &c.		
		473 00
<i>Groceries.</i> —Sugar, coffee, teas, spice, soda, flour, bacon, lard, saleratus, crackers, candles, raisins, cut and honey-dew tobacco, wood buckets, &c.		
		1,050 00
<i>Boots, shoes, &c.</i>		
		182 00
<i>Indian trinkets.</i> —Silver ear-bobs, hairpins, wampum brooches, Chinese, vermilion, chrome, green, yellow, and other paints, taffeta ribbon, Nos. 2, 4, 6, 9, and 12, farating, assorted yarn, rings and other jewelry, &c.		
		975 50
<i>Drugs, medicines, &c.</i> —Quinine, calomel, sirups, cordials, perfumery, cologne, hair oil, essences, tinctures, &c.		
		34 00
<i>Books and stationery.</i> —Pens, ink, foolscap and letter paper, poetical and historical works, letter envelopes, &c.		
		42 50
<i>Tin, crockery, stone and glass ware</i>		
		105 00
<i>Hats and caps, assorted qualities</i>		
		130 25
In addition to the above and foregoing account is a statement of the damages and injury to farm, and loss of crop for the year A. D. 1856.		
Fifty acres of corn on fine cultivated land, at		
fifty-five bushels per acre, worth \$1 per		
bushel	- - - - -	\$2,750 00
By amount saved	- - - - -	200 00
		2,550 00
		10,567 43
		10,567 43

UNITED STATES OF AMERICA,
Territory of Kansas, County of Franklin, } ss:

Joab M. Bernard, of lawful age, being duly sworn, deposes and says: That the above and foregoing account is a correct and true statement of the goods, wares, merchandise, money, horses, and cattle lost by the said Joab M. Bernard during the times that insurrection, murder, and robbery prevailed in the aforesaid Territory of Kansas; and the said Joab M. Bernard further says that he is a native-born citizen of the United States, and a citizen of said Territory, and that he has resided at St. Bernard, in Franklin county, of said Territory, for more than two years, and still resides there; and that he settled in good faith and desirous of living in a country where law and good order were recognized, and where personal security and the rights of property would be regarded by the inhabitants and guaranteed by the federal army in its protection to infant Territories; the said Joab M. Bernard further says that he was engaged in the business of a merchant, and stock raising, and trading, and had acquired a considerable run of trade, and had on hand a good stock of goods on or about the 3d day of June, A. D. 1856; and the said Joab M. Bernard further says that a short time before the said month of June disturbances broke out in the Territory, and a body of men collected together and organized themselves into a band, equipped with Sharpe's rifles, Colts's revolving pistols, bowieknives, and other deadly weapons, under the command of one Captain John Brown, numbering from one hundred and fifty to two hundred men, and were then encamped about five miles from the aforesaid St. Bernard; the said Joab M. Bernard further says that on or about the 3d day of the said month of June a detachment of the band aforesaid left said encampment, numbering about twenty men, armed and equipped as aforesaid, and mounted on horses, and near nightfall of said day made an attack upon the store of the said Joab M. Bernard, and with threats and violence and the weapons aforesaid in hand, they forcibly and violently entered the said store, plundering, robbing, and carrying away whatever they then desired, and returning with the same into camp that night; and afterwards, on the next morning, another detachment, armed and equipped, numbering and mounted as aforesaid, and accompanied with wagons, left said band at the place of said encampment, and again marched against said store about nine o'clock of said morning, with threats of violence, forcibly and violently entered said store again, and forcibly plundered, robbed, stole, and carried away the balance of said goods, horses, and money, loading the same into wagons, and otherwise carrying the said goods, money, and horses, returned into the camp aforesaid, leaving only a few valueless remnants of said stock of goods in store; and the said Joab M. Bernard further says that the ostensible purpose of said organization of the said band was in opposition to the legal authorities of said Territory, and that their object and aim seemed to be more especially directed against the property of individuals than against the legal authorities and those aiding and assisting in the maintenance of the law; and the said Joab M. Bernard further says that a considerable number of said band were men from a distance, and from

parts unknown, the country in which they rendezvoused and ransacked being but sparsely settled with white settlers, the Indians occupying a considerable portion of the country aforesaid; and the said Joab M. Bernard further says that a short time before the said robbery of him as aforesaid he feared the perpetration of the same, or some other injury, and made every exertion to procure and obtain assistance by applying to Colonel Sumner, the commandant of the United States troops at Fort Leavenworth, who refused to give the same, saying that he did not have a sufficient number of troops at his command to afford and give protection to the citizens of the Territory, and also by applying to the territorial authorities for aid and protection, who likewise failed to render the same; and the said Joab M. Bernard further says that afterwards, on or about the 10th day of September aforesaid, another large detachment, number not precisely known, left the encampment of James H. Lane, at Lawrence, in Douglas county, of said Territory, and marched in the vicinity of the said St. Bernard, armed, equipped, and mounted as aforesaid, forcibly and violently robbed, stole, took, and drove away from the possession of the said Joab M. Bernard his cattle, as stated in the aforesaid account, and drove the said into the aforesaid camp of James H. Lane, at Lawrence, as aforesaid, where the same were appropriated to the use of said army for beef and work cattle, and some were sold for other purposes; and the said Joab M. Bernard further says that he has made use of every means in his power to recover the aforesaid goods and property, and has wholly failed to regain any part of the goods and property mentioned in the foregoing account; and the said Joab M. Bernard further says that most and nearly all of the aforesaid persons in the detachments and armies aforesaid are unknown to him, the said Joab M. Bernard, and as far as known are entirely irresponsible and unable to pay for the said goods, so that the said Joab M. Bernard is wholly without remedy for the recovery of the same; and the said Joab M. Bernard further says that he never associated or identified himself with any parties, organizations, or societies calculated to disturb the peace and good order of society, but entirely devoted himself to his legitimate business as a peaceable citizen of said Territory; and the said Joab M. Bernard further says that he was postmaster in the office established at St. Bernard, which was likewise pillaged at the same time; and the said Joab M. Bernard further says that the losses on his farm, as stated in aforesaid account, are true, and that he, the said Joab M. Bernard, is justly entitled to recover the amount of the aforesaid account, as he verily believes.

JOAB M. BERNARD.

Sworn to and subscribed before me, the undersigned clerk, this 23d day of December, A. D. 1856. In testimony whereof, I, Charles P. Bullock, clerk of the second district court of the second judicial district in and for the Territory of Kansas, hereunto set my hand and affixed the seal of said court this 23d day of December, A. D. 1856.

[L. s.]

CHAS. P. BULLOCK, *Clerk.*
By L. McARTHUR, *Deputy.*

UNITED STATES OF AMERICA, *Territory of Kansas, ss:*

I, John F. Javens, of lawful age, being duly sworn, depose and say: That I am a citizen of Franklin county, Kansas Territory, and have been residing within half a mile of Joab M. Bernard, of St. Bernard, for the period of two years; that on or about the 10th day of September, A. D. 1856, I met a party of men on the road leading from the aforesaid place to Lawrence, and travelling towards Lawrence, in Douglas county, with a lot of cattle in their possession, several of which I knew to be the property of the said Joab M. Bernard, and many others, I have every reason to believe, were his, from the description given of said cattle by the aforesaid Joab M. Bernard and other persons acquainted with the cattle of said Bernard. I further state that I visited the store of the said Joab M. Bernard upon the same day after it was robbed by a body of armed men, and know from my previous knowledge and acquaintance with the establishment that many and a considerable quantity of valuable goods and merchandise were taken from said store. I further state that on the day, and within a short time of the robbery of said store, I saw a body of armed men within half a mile and marching towards said store, and at the time of the robbery aforesaid the country was thronged with large bodies of armed men travelling in various directions.

JOHN F. JAVENS.

UNITED STATES OF AMERICA, }
Territory of Kansas, County of Franklin, ss:

James B. Davis, of lawful age, being duly sworn, deposes and says: That he is native-born citizen of the United States, and a resident of the Territory of Kansas, and has resided with Joab M. Bernard, of St. Bernard, for near the space of one year, in the capacity of clerk in mercantile establishment at St. Bernard, and also his assistant in his business as a trader and otherwise, and also that the above and foregoing account is a correct and true statement of the goods, property, money, and crop lost by the said Bernard during the months of June and September, and the farming season of A. D. 1856; and that he was in the store with three others on the evening of the 3d and on the morning of the 4th of said month of June, when the bodies of men armed with Sharpe's rifles, pistols, bowieknives, and other deadly weapons, came upon the premises and attacked and rushed into the said store, and that he with the others present were deterred, threatened, and overpowered by the desperadoes aforesaid, with said formidable weapons in hand, who demanded a surrender of the goods and chattels of said Bernard to be made without delay, threatening immediate death and destruction should the slightest resistance be offered them, and with the overpowering force aforesaid they violently plundered and robbed the said store, and packing the said goods and money into wagons and other conveyances, and taking the horses, saddles, and bridles, carried the same away to the place of their encampment; and the said James

B. Davis further says that at the time of the robbery aforesaid the country for some distance round about St. Bernard was infested with armed bands of marauders, who plundered and robbed a great many persons, and sometimes killing and burning the houses of those who offered resistance to their robberies, and at the time of the robbery of the said Bernard a large number of the said marauders were encamped about five miles distant from the said St. Bernard, under the command of one Captain John Brown, nearly all of whom were strangers in this part of the Territory, and from places unknown to this affiant, and also all the men who robbed the store and took the property of the said Bernard, with one or two exceptions, were unknown to this affiant, and as far as known are entirely worthless, both in property and character, so that an action against them for the recovery of the property would be entirely unavailable; and the said James B. Davis further says that on or about the 10th day of September aforesaid, and during the disturbances occasioned by James H. Lane and his followers, the cattle of the said Joab M. Bernard were taken from his possession, and driven to Lawrence, where the same were exchanged and appropriated by the confederates of James H. Lane for various purposes, nearly all of whom are strangers to this affiant; and James B. Davis also states that the post office papers and drawers were rummaged and pillaged to a considerable extent.

JAMES B. DAVIS.

UNITED STATES OF AMERICA, }
Territory of Kansas, Franklin County. }

Arrena Davis, of lawful age, being duly sworn, deposes and says: That she was present and upon the premises of Joab M. Bernard, and witnessed the robbery of the store of the said Bernard on the evening of the 3d and on the morning of the 4th of June, A. D. 1856, and saw a number of armed men surround and attack the store of said Bernard, and with threats and violence enter said store and forcibly plunder, rob, steal, and carry off the goods and merchandise therein contained; and also from the premises of said Bernard she likewise saw them take away the horses, saddles, and bridles of said Bernard, and that the miscreants who committed the outrages aforesaid were rude, uncivil, and insulting in their actions; that after they had stripped the store and farm houses and stables of their valuable contents, they forcibly intruded themselves into her private apartments, and presented several guns at her and demanded of her any and all valuable goods and articles in her possession; and the said Arrena Davis further says that the robbers aforesaid were unknown to her, and were desperate and vicious looking men, appearing more like barbarians than civilized beings; and the said Arrena Davis further says that the said Joab M. Bernard had a considerable drove of cattle, which were likewise driven off by some marauding band about the 10th of September, A. D. 1856, and during the troubles which commenced about the first of August, and quieted down about the middle of said month of September, A. D. 1856.

ARRENA DAVIS.

UNITED STATES OF AMERICA,
Territory of Kansas, County of Franklin, } ss:

Jose Remadoes, of lawful age, being duly sworn, deposes and says: That he is a resident of the Territory of Kansas, and has resided with Joab M. Bernard for the period of one year, in the capacity of herder or keeper of stock, and that he was present on the 3d and 4th of June, A. D. 1856, and saw the body of armed men numbering about twenty, armed with guns, pistols, and bowie-knives, and with loud threats and violence, forcibly rush into the store of the said Joab M. Bernard, and whilst himself and three others were kept under guard, with guns and pistols presented at them, the said marauders plundered, robbed, and stole the goods, wares, and merchandise from said store. And the said Jose Remadoes further says, that he also saw them take away the horses, saddles, and bridles of him the said Bernard, and that they also made him, the said Jose Remadoes, with guns and pistols presented at him, threatening to shoot him instantly if he did not get the bridles and saddles, and saddle up the horses of the said Bernard for them, which he was obliged to do, and then they rode the same away. Said Jose Remadoes further says that the armed men aforesaid were detachments from an encampment of about two hundred men, under the command of one Captain John Brown. And the said Jose Remadoes further says that on or about the 10th day of September, A. D. 1856, the said Bernard was in the possession of about thirty-five head of cattle, ten yoke of work cattle, nine head of beef cattle, and the balance cows and calves, and that the same were, on or about the 10th day of September aforesaid, driven off by some marauding party, and lost to the said Joab M. Bernard. And the said Jose Remadoes further says that the cattle aforesaid were driven off by men unknown, and towards Lawrence, where James H. Lane was then encamped, with a large body of outlaws.

JOSE ^{his} × REMADOES.
mark.

Attest: WM. E. CRUM.

All of the above and foregoing affidavits were sworn to and subscribed before me this 25th day of December, A. D. 1856. In testimony whereof I, Charles P. Bullock, clerk of the second district court of the second judicial district of the Territory of Kansas, hereunto set my hand and affix the seal of the said court, this 25th day of December, A. D. 1856.

[L. s.]

CHA'S P. BULLOCK, *Clerk,*
 By L. McARTHUR, *Deputy.*

STATE OF MISSOURI, }
County of Jackson, City of Westport, } ss:

This day, the 29th of December, 1856, personally came before me, Tho's J. Goforth, a justice of the peace in and for the county and State aforesaid, George T. Kezer, of Kansas Territory, who, being duly sworn, says: I am acquainted with Joab M. Bernard, of St. Bernard, Kansas Territory, and was, until a few days prior to the first of June, 1856, associated with him in the mercantile business. I conducted a separate establishment at a place about five miles distant from St. Bernard, in Franklin county. At this store there were Indian cloths, blankets, scarfs, handkerchiefs, prints, wool goods, beads, wampum, hair pipe, ear bobs, drilling, and domestic satinets, and a general assortment of dry goods, clothing, hardware, queensware, groceries, provisions, &c., &c., all of which were removed from my separate storehouse to the main establishment of J. M. Bernard, at St. Bernard, and received by him only a few days before the robbery of his store. Before the robbery I sold my entire interest in the establishment to said Bernard, and believe that there were six thousand dollars worth of goods in his said store when it was pillaged, and there may have been more.

G. T. KEZER.

Subscribed and sworn to before me, a justice of the peace as aforesaid, the day and year above written.

THOMAS J. GOFORTH.

Justice of the Peace in and for Jackson County, State of Missouri.

STATE OF MISSOURI, *County of Jackson:*

I, Samuel D. Lucas, clerk of the circuit court of Jackson county, certify that Thomas J. Goforth's above genuine signature is attached to the above affidavit, is and was at the time of signing the same a justice of the peace, duly sworn and commissioned, in and for Kaw township, Jackson county, Missouri. In testimony of which I have hereunto attached the seal of this office, this 31st day of December, 1856.

[L. S.]

SAMUEL D. LUCAS, *Clerk.*

TERRITORY OF KANSAS, *County of Douglas:*

Petition of Joab M. Bernard, of the Territory and county of Franklin, under an act entitled "An act to provide for the auditing of claims," passed by the territorial legislature, and approved February 23, 1857.

I, Joab M. Bernard, of St. Bernard, Franklin county, Kansas Territory, respectfully represents unto the honorable commissioner that he was plundered of a large amount of property during the difficulties in the Territory, and that your petitioner prepared and made out his claim against the government of the United States, for the purpose of

applying to Congress for relief, but now offers the said statement of losses, and testimony therewith, to the consideration of commissioner, praying that his account may be audited.

JOAB M. BERNARD.

JANUARY 18, 1858.

Subscribed and sworn to before me this 18th day of January, 1858.

H. J. STRICKLER,

Commissioner.

Statement of goods, wares, merchandise, horses, cattle, money, &c., forcibly robbed, stolen, taken, and carried away, from the store and premises of Joab M. Bernard, at St. Bernard, in Franklin county, Kansas Territory; a part of which was taken on or about the 3d day of June, A. D., 1856, and the remainder on or about the 10th day of September, of the same year. On the 3d day of June said property and goods were taken by a party of men known as, and constituting a part of, a company commanded by one John Brown, in opposition to the laws, peace, and security of the property and persons of all law-abiding citizens of said Territory. Said detachment numbered about twenty persons, armed with Sharp's rifles, Colt's revolvers, pistols, Bowie-knives, &c., in a violent, threatening, and forcible manner, and within about five miles from said Brown's encampment, at that time, and afterwards, on or about the 10th day of said month of September, the balance of the following statement of goods and property were taken by a body of armed men, number not precisely known, and a detachment of the insurgents under the command of James H. Lane, and encamped at Lawrence at that time, who took the cattle, drove to their encampment, and appropriated them to the use of their army for beef and other purposes.

Horses: 3 head of large American horses, at \$150 each	\$450 00
One saddle, bridle, and blanket for each horse - - -	50 00
Nine yoke of oxen, at \$100 per yoke - - -	900 00
Five cows and calves and four beef cattle - - -	600 00
Cash taken from the store drawer - - -	15 25
Dry Goods: Blankets, red, indigo, blue, gentinello, green, and white; Indian cloths; fancy, save, and gray list; scarlet cloths; casimeres; satinets; tweeds; jeans; linseys; woollen goods; flannels; shawls; scarfs; handkerchiefs, cotton and silk; prints; lawns; brown, bleached, and blue drilling; brown and bleached shirt- ing; checks, cottonade, and hickory goods; hosiery; gloves; cravats; silk ties, &c.; woollen comforts; buttons, thread, portmoniaes, fancy notions, &c., &c.	2,502 43
Hardware, cutlery, &c.: Knives, axes, handles, butts, screws, locks, fastenings, powder horns, flasks, knives and forks, spoons, gun flints, powder, shot, lead, gun caps, &c., &c. - - - - -	507 50
Clothing: Frock and dress coats, blanket coats, pants, vests, linen shirts, hickory and calico shirts, cotton, drill and flannel drawers, &c., &c. - - -	473 00

Groceries: Sugar, coffee, tea, spices, soda, flour, bacon, lard, saleratus, crackers, candies, raisins, cut and dried and honey-dew tobacco, wood buckets, &c., &c.	\$1,050 00
Boots, shoes, &c., &c.	182 00
Indian trinkets: Silver ear bobs, hair pipes, wampum, broaches, Chinese vermilion, chrome green and yellow, and other paints, taffeta ribbon Nos. 2, 4, 6, 9, and 12, farating, assorted yarn, rings and other jewelry, &c.,	975 50
Drugs, medicines, &c.: Quinine, calomel, syrups, cordials, perfumery, cologne, hair oil, essences, tinctures, &c., &c.	34 00
Books and stationery: Pens, ink, foolscap and letter paper, poetical and historical works, letter envelopes, &c., &c.	42 50
Tin, crockery, stone, and glass wares	105 00
Hats and caps—assorted qualities	130 25
Total amount	8,017 43
In addition to the above and foregoing account, is a statement of the damages and injury to farm and loss of crops for the year, A. D. 1856: fifty acres of corn on fine cultivated land, at 55 bushels per acre, worth \$1 per bushel	\$2,750 00
By amount saved	200 00
	<u>2,550 00</u>
	<u><u>10,567 43</u></u>

UNITED STATES OF AMERICA, }
Territory of Kansas, County of Franklin, } *ss:*

Joab M. Bernard, of lawful age, being duly sworn, deposes and says: That the above and foregoing account is a correct and true statement of the goods, wares, merchandise, money, horses, and cattle, lost by the said Joab M. Bernard, during the times that insurrection, murder and robbery prevailed in the aforesaid Territory of Kansas; and the said Joab M. Bernard further says that he is a native born citizen of the United States, and a citizen of said Territory, and that he has resided at St. Bernard, in Franklin county of said Territory, for more than two years, and still resides there, and that he settled in good faith, and desirous of living in a country where law and good order were recognized, and where personal security and the right of property would be regarded by the inhabitants and guaranteed by the federal arm in its protection to infant territories. The said Joab M. Bernard further says that he was engaged in the business of a merchant and stock raising and trading, and had acquired a considerable run of trade, and had on hand a good stock of goods on or about the 3d day of June, A. D. 1856; and the said Joab M. Bernard further

says that a short time before the said month of June disturbances broke out in the Territory and a body of men collected together and organized themselves into a band, equipped with Sharpe's rifles, Colt's revolving pistols, bowie-knives, and other deadly weapons, under the command of one Captain John Brown; numbering from one hundred and fifty to two hundred men, and were then encamped about five miles from the aforesaid St. Bernard. The said Joab M. Bernard further says that on or about the 3d day of the said month of June, a detachment of the band aforesaid left said encampment, numbering about twenty men, armed and equipped as aforesaid, and mounted on horses, and near nightfall of said day made an attack upon the store of the said Joab M. Bernard, and with threats and violence and the weapons aforesaid in hand, they forcibly and violently entered the said store, plundering, robbing, and carrying away whatever they then desired and returning with the same into camp that night; and afterwards, on the next morning, another detachment, armed, equipped, numbering and mounted as aforesaid, and accompanied with wagons, left said band at the place of said encampment and again marched against said store, about 9 o'clock of said morning, with threats of violence, forcibly and violently entered said store again, and forcibly plundered, robbed, stole, and carried away the balance of said goods, horses, and money, loading the same into wagons and otherwise carrying the said goods, money, and horses, returned into the camp aforesaid, leaving only a few valueless remnants of said stock of goods in store. And the said Joab M. Bernard further says that the ostensible purpose of the organization of the said band was in opposition to the legal authorities of said Territory, and that their object and aim seemed to be more especially directed against the property of individuals than against the legal authorities, and those aiding and assisting in the maintenance of the law; and the said Joab M. Bernard further says that a considerable number of said band were men from a distance and from parts unknown; the country in which they rendezvoused and ransacked being but sparsely settled with white settlers, the Indians occupying a considerable portion of the country aforesaid. and the said Joab M. Bernard further says that, a short time before the said robbery of him as aforesaid, he feared the perpetration of the same or some other injury, and made every exertion to procure and obtain assistance by applying to Colonel Sumner, the commandant of the United States troops at Fort Leavenworth, who refused to give the same, saying that he did not have a sufficient number of troops at his command to afford and give protection to the citizens of the Territory, and also by applying to the territorial authorities for aid and protection, who likewise failed to render the same; and the said Joab M. Bernard further says that, afterwards, on or about the 10th day of September aforesaid, another large detachment, number not precisely known, left the encampment of James H. Lane, at Lawrence, in Douglas county of said Territory, and marched in the vicinity of the said St. Bernard, armed, equipped, and mounted as aforesaid, forcibly and violently robbed, stole, took, and carried away from the possession of the said Joab M. Bernard his cattle as stated in the aforesaid account, and drove the same into the aforesaid camp of James H.

Lane, at Lawrence, as aforesaid, where the same were appropriated to the use of said army for beef and work cattle, and some were sold for other purposes; and the said Joab M. Bernard further says that he has made use of every means in his power to recover the aforesaid goods and property, and has wholly failed to regain any part of the goods and property mentioned in the foregoing account; and the said Joab M. Bernard further says that the most and nearly all of the aforesaid persons in the detachments and armies aforesaid are unknown to him, the said Joab M. Bernard, and as far as known are entirely irresponsible and unable to pay for the said goods, so that the said Joab M. Bernard is wholly without remedy for the recovery of the same; and the said Joab M. Bernard further says that he never associated or identified himself with any parties, organizations; or societies, calculated to disturb the peace and good order of society; but entirely devoted himself to his legitimate business as a peaceable citizen of said Territory; and the said Joab M. Bernard further says that he was postmaster in the office established at St. Bernard, which was likewise pillaged at the same time; and the said Joab M. Bernard further says that the losses on his farm as stated in the aforesaid account are true, and that he, the said Joab M. Bernard, is justly entitled to recover the amount of the aforesaid account, as he verily believes.

JOAB M. BERNARD.

Sworn to and subscribed before me, the undersigned clerk, this 23d day of December, A. D. 1856. In testimony whereof I, Charles P. Bullock, clerk of the second district court of the second judicial district in and for the Territory of Kansas, hereunto set my hand [L. s.] and affix the seal of said court, this 23d day of December, A. D. 1856.

CHARLES P. BULLOCK, *Clerk.*
By L. McARTHUR, *Deputy Clerk.*

UNITED STATES OF AMERICA, }
Territory of Kansas, } ss:

I, John F. Javens, of lawful age, being duly sworn, depose and say: That I am a citizen of Franklin county, Kansas Territory, and have been residing within half a mile of Joab M. Bernard, of St. Bernard, for the period of two years. That on or about the 10th day of September, A. D. 1856, I met a party of men on the road leading from the aforesaid place to Lawrence, and travelling towards Lawrence, in Douglas county, with a lot of cattle in their possession, several of which I knew to be the property of the said Joab M. Bernard, and many others, I have every reason to believe, were his, from the description given of said cattle by the aforesaid Joab M. Bernard, and other persons acquainted with the cattle of said Bernard. I further state that I visited the store of the said Joab M. Bernard upon the same day, after it was robbed by a body of armed men, and know, from my previous knowledge and acquaintance with the establishment,

that many and a considerable quantity of valuable goods and merchandise were taken from said store. I further state that on the day, and within a short time of the robbery of said store, I saw a body of armed men within half a mile, and marching towards said store; and, at the time of the robbery aforesaid, the country was thronged with large bodies of armed men travelling in various directions.

JOHN F. JAVENS.

UNITED STATES OF AMERICA, }
Territory of Kansas, County of Franklin, } ss:

James B. Davis, of lawful age, being duly sworn, deposes and saith: That he is a native born citizen of the United States, and a resident of the Territory of Kansas, and has resided with Joab M. Bernard, of St. Bernard, for near the space of one year, in the capacity of clerk in his mercantile establishment at St. Bernard, and also his assistant in his business as a trader and otherwise; and also that the above and foregoing account is a correct and true statement of the goods, property, money, and crop lost by the said Bernard during the months of June and September, and the farming season of the year A. D. 1856. And that he was in the store with three others on the evening of the 3d and on the morning of the 4th of said month of June, when the bodies of men, armed with Sharpe's rifles, pistols, bowie-knives, and other deadly weapons, came upon the premises and attacked and rushed into the said store. And that he with the others present, were deterred, threatened, and overpowered by the desperadoes aforesaid, with said formidable weapons in hand, who demanded a surrender of the goods and chattels of said Bernard to be made without delay, threatening immediate death and destruction should the slightest resistance be offered them; and with the overpowering force aforesaid they violently plundered and robbed the said store, and packing the said goods and money into wagons and other conveyances, and taking the horses, saddles, and bridles, carried the same away to the place of their encampment. And the said James B. Davis further says that, at the time of the robbery aforesaid, the country, for some distance round about St. Bernard, was infested with armed bands of marauders, who plundered and robbed a great many persons, and sometimes killing and burning the houses of those who offered resistance to their robberies. And, at the time of the robbery of the said Bernard, a large number of the said marauders were encamped about five miles distant from the said St. Bernard, under the command of one Captain John Brown, nearly all of whom were strangers in this part of the Territory, and from places unknown to this affiant. And also all of the men who robbed the store and took the property of the said Bernard, with one or two exceptions, were unknown to this affiant, and, as far as known, are entirely worthless both in property and character, so that an action against them for the recovery of the property would be entirely unavailable. And the said James B. Davis further says that on or about the 10th day of September aforesaid, and during the disturbances occasioned by James H. Lane and his followers, the cattle

of the said Joab M. Bernard were taken from his possession and drove to Lawrence, where the same were exchanged and appropriated by the confederates of James H. Lane for various purposes, nearly all of whom are strangers to this affiant. And James B. Davis also states that the post office, papers, and drawers were rummaged and pillaged to a considerable extent.

JAMES B. DAVIS.

UNITED STATES OF AMERICA, }
Territory of Kansas, Franklin County, } ss:

Arrena Davis, of lawful age, being duly sworn, deposes and says: That she was present and upon the premises of Joab M. Bernard, and witnessed the robbery of the store of the said Bernard on the evening of the 3d and on the morning of the 4th of June, A. D. 1856, and saw a number of armed men surround and attack the store of said Bernard, and with threats and violence enter said store, and forcibly plunder and rob and steal and carry off the goods and merchandise therein contained; and also, from the premises of said Bernard, she likewise saw them take away the horses, saddles, and bridles of said Bernard, and that the miscreants who committed the outrages aforesaid were rude, uncivil, and insulting in their actions; that, after they had stripped the store and farm houses and stables of their valuable contents, they forcibly intruded themselves into my private apartments and presented several guns at her, and demanded of her any and all valuable goods and articles in her possession. And the said Arrena Davis further says that the robbers aforesaid were unknown to her, and were desperate and vicious looking men, appearing more like barbarians than civilized beings. And the said Arrena Davis further says that the said Joab M. Bernard had a considerable drove of cattle, which were likewise driven off by some marauding band, about the 10th of September, A. D. 1856, and during the trouble which commenced about the 1st of August and quieted down about the middle of said month of September, A. D. 1856.

ARRENA DAVIS.

UNITED STATES OF AMERICA, }
Territory of Kansas, County of Franklin, } ss:

Jose Remadoes, of lawful age, being duly sworn, deposes and says: That he is a resident of the Territory of Kansas, and has resided with Joab M. Bernard for the period of one year, in the capacity of herder or keeper of stock; and that he was present on the 3d and 4th of June, A. D. 1856, and saw the body of armed men, numbering about twenty, armed with guns, pistols, and bowie knives, and with loud threats and violence, forcibly rush into the store of the said Joab M. Bernard, and while himself and three others were kept under guard with guns and pistols presented at them, the said marauders plundered, robbed, and stole the goods, wares, and merchandise from said store. And

the said Jose Remadoes further says, that he also saw them take away the horses, saddles and bridles of him, the said Bernard; and that they also made him, the said Jose Remadoes, with guns and pistols presented at him, threatening to shoot him instantly if he did not get the bridles and saddles and saddle up the horses of the said Bernard for them, which he was obliged to do, and then they rode the same away. Said Jose Remadoc further says that the armed men aforesaid were detachments from an encampment of about 200 men, under the command of one Captain John Brown. And the said Jose Remadoes further says, that on or about the 10th day of September, A. D. 1856, the said Bernard was in the possession of about 35 head of cattle, 10 yoke of work cattle, 9 head of beef cattle, and the balance cows and calves, and that the same were, on or about the 10th day of September aforesaid, driven off by some marauding party and lost to the said Joab M. Bernard. And the said Jose Remadoes further says that the cattle aforesaid were driven off by men unknown, and towards Lawrence, where James H. Lane was then encamped with a large body of outlaws.

JOSE ^{his} + REMADOES.
mark.

Attest: WM. E. CRUM.

All of the above and foregoing affidavits were sworn to and subscribed before me this 25th day of December, A. D. 1856.

In testimony whereof I, Charles P. Bullock, clerk of the second district court of the second judicial district of the Territory of [L. s.] Kansas, hereunto set my hand and affix the seal of said court this 25th day of December, A. D. 1856.

CHARLES P. BULLOCK, *Clerk*,
By L. McARTHUR, *Deputy*.

STATE OF MISSOURI, *County of Jackson, City of Westport*:

This day, the 29th of December, 1856, personally came before me, Thomas J. Goforth, a justice of the peace in and for the county and State aforesaid, George T. Kezer, of Kansas Territory, who, being duly sworn, says: I am acquainted with Joab M. Bernard, of St. Bernard, Kansas Territory, and was, until a few days prior to the 1st of June, 1856, associated with him in the mercantile business; I conducted a separate establishment at a place about five miles distant from St. Bernard, in Franklin county; at this store there were Indian cloths, blankets, scarfs, handkerchiefs, prints, wool goods, beads, wampum, hair pipe, ear bobs, drilling and domestic satinets, and a general assortment of dry goods, clothing, hardware, queensware, groceries, provisions, &c., &c., all of which were removed from my separate storehouse to the main establishment of J. M. Bernard, at

St. Bernard, and received by him only a few days before the robbery of his store; before the robbery, I sold my entire interest in the establishment to said Bernard, and believe that there were six thousand dollars (\$6,000) worth of goods in his said store when it was pillaged; and there may have been more.

G T. KEZER. [SEAL.]

Subscribed and sworn before me, a justice of the peace as aforesaid, the day and year above written.

THOMAS J. GOFORTH,

Justice of the peace in and for Jackson County, State of Missouri.

STATE OF MISSOURI, *County of Jackson:*

I, Samuel D. Lucas, clerk of the circuit court of Jackson county, certify that Thomas J. Goforth, whose genuine signature is attached to the above affidavit, is, and was at the time of signing the same, a justice of the peace, duly sworn and commissioned in and for Kansas township, Jackson county, Missouri.

In testimony of which, I have hereunto attached the seal of this office, this the 31st day of December, 1856.

[SEAL.]

SAMUEL D. LUCAS, *Clerk.*

In the matter of the petition of Joab M. Bernard.

DOUGLAS COUNTY, ss:

Daniel Kezer, being duly sworn, saith: I reside at Minneola; have resided in this vicinity more than a year, and within four miles of here ever since 1854; I was engaged in farming; I know petitioner, he has resided in this neighborhood ever since 1854; he was engaged in merchandising, raising cattle, beef, trading, &c.; it was on the creek midway between Centropolis and Minneola; it was a large frame store building, about 18 by 30 feet, may be larger, 1½ stories high, situated on a public road known as the West Point council grove and California road; in May and June, 1856, and previous thereto, Bernard, petitioner, was engaged in the mercantile business aforesaid; I was in his store frequently about that time, every week or two; do not know when I was in his store last in May; about that time there were robbers and thieves around here stealing a good deal; do not know who the parties were nor under whose command; they were parties of armed men tramping around the country, living upon plunder; on or about June 1, 1856, Bernard had in his store a good assortment of Indian goods, trinkets, dry goods, groceries, hardware, boots and shoes, such articles as were used in a country store; his store was half a mile or a little more from the Ottawa reservation; he had Indian trade, Sac and Fox trade, and Ottawa trade; do not think I can give any reliable estimate of the amount and value of the

stock of goods he, Bernard, had on hand; I saw the store about a week after it was said to have been robbed; do not know who robbed the store, nor anything about what was taken away; that season Bernard had a field of corn planted near his store; do not know the size of the field, probably forty acres or more; I saw the corn growing; don't know what became of the corn; don't know whether it was harvested or not; I left this neighborhood and was absent most of the time until the following spring, 1857; I knew Bernard, previous to June 1, had three or four horses, he probably rode off one, I never saw the others afterwards; those horses were worth about \$100 each; he had saddles, blankets, bridles, &c.; he also had a number of yoke of oxen; he had thirty or thirty-five head of cattle, most of them were oxen; the oxen were worth about \$100 a yoke; do not know whether any of the cattle were taken away.

D. J. KEZER.

Sworn to before me May 4, 1859.

EDWARD HOOGLAND,
Commissioner.

Daniel J. Kezer, recalled. My brother was, previous to June, 1856, a merchant on Appanoose creek, about five miles from Bernard's store; the petitioner and my brother were partners in trade; my brother sold out his interest to Bernard about last of May, 1856, and all the property and stock of that store was removed to Bernard's store before the reported robbery; do not know what the Appanoose stock was worth.

D. J. KEZER.

Sworn to before me May 4, 1859.

EDWARD HOOGLAND,
Commissioner.

FRANKLIN COUNTY, ss:

Perry Fuller, being duly sworn, saith: I knew petitioner when he was keeping store in the spring and summer of 1856, at his location, midway between where Centropolis and Minneola are now located, in Franklin county. I was in his store frequently. I was a merchant near by, about a quarter of a mile from him; he had a small assortment of goods for the whites and Indians; a general country furnishing store; do not know the particulars of his stock. I went to St. Louis about the 12th May, 1856; on my return learned that the goods that he had on the Appanoose had been returned to his main store. From my general knowledge of the stock and store, it would be impossible for me to give any reliable estimate of the amount of goods he had on hand the last of May. His stock and mine generally averaged about \$6,000 before payment; payment took place last of April or 1st of May. Do not know how many goods he sold at payment, nor the amount of stock brought from the Appanoose. I had a pretty good

trade that season, as I was crediting Indians, and Mr. Bernard was not. Mr. Bernard had a field of corn that season, near forty acres, looking over it; never measured it; think it was planted, but don't remember distinctly. Come to recollect, it was planted; do not know what became of the corn. I lived in the vicinity most of the summer. I was in St. Louis in June, when Bernard's store was said to have been sacked. I do not know anything of the horses being taken; he generally had five or six horses; three of them were American horses, and some Indian ponies. He had 30 or 40 head of cattle that spring; most of them were taken away by a man named Laws, as I understood. I missed the cattle from the neighborhood in September, 1856, and never saw them again; do not think he recovered more than three or four of them. I have looked over the bill of goods alleged to have been taken away at the time of the robbery of the store of Mr. Bernard, and find it contains about such a list and such an assortment of articles as I know Bernard as well as I myself usually kept on hand. The proportions and amounts charged range about, as I should judge, would probably have been in the store at the time and season mentioned.

PERRY FULLER.

Sworn to before me this 4th day of May, 1859.

EDWARD HOOGLAND,
Commissioner.

DOUGLAS COUNTY, ss:

Joab M. Bernard, being duly sworn, saith: The original papers and depositions prepared under my direction, in 1856 and 1857, for presentation to Congress for indemnity for losses sustained by me, but which, under the law of 1857, were subsequently presented to Commissioner Strickler, are herewith presented to this board of commissioners. The annexed deposition is a fair and true statement of facts and circumstances attending the losses of petitioner. The property charged for in said application was wholly taken and lost to petitioner, except the few head of cattle mentioned in my petition to this board. I believe said deposition and the schedule thereto annexed contains a fair, just, and honest account of the property taken away and destroyed by the sacking of my store, as mentioned in the petition. It contains as complete a list of the property taken as I could make out; I was the sole owner of said property, and the losses specified were sustained by me. I cannot give any material details, any fuller than are already set forth. The field of corn, I think, contained between 40 and 50 acres; a little over 40 acres, I think. It was well fenced; the fence was knocked down and the crop almost destroyed by cattle, horses, &c. The destruction continued from 4th June till 15th September, 1856. Taking as a criterion, as directed by the board of commissioners, the value of that field of corn as it stood in the field, equalizing the time of destruction to say, the 1st to 15th August, I

do not think the corn was worth more than \$15 per acre, which, for 42 acres, say, would be \$630, although I believe if it had matured and been properly harvested, it would have yielded and netted 50 or 60 bushels per acre. Having no horses left, to work the corn was a disadvantage. The horses were taken about the 4th June, 1856; three were taken, worth \$150 each—good American horses. The number and value of the cattle taken away, were:

Nine yoke of oxen, \$100 per yoke -	-	-	-	\$900 00
Five cows and calves and four beef cattle -	-	-	-	400 00
Add corn, as above	-	-	-	630 00
And horses	-	-	-	450 00

The cows were worth with their calves, \$40 each, \$200.

The four beef cattle were worth \$50 or \$60 each; I could have got that for them, \$200.

Three saddles, blankets and bridles, worth	-	-	-	50 00
Money taken from store drawer	-	-	-	15 25
Dry goods	-	-	-	\$2,502 43
Hardware, &c.	-	-	-	507 50
Clothing	-	-	-	473 00
Groceries, &c.	-	-	-	1,050 00
Boots and shoes	-	-	-	182 00
Indian trinkets, &c.	-	-	-	975 50
Drugs, medicine, &c.	-	-	-	34 00
Books and stationery	-	-	-	42 50
Stone ware and tin ware	-	-	-	105 00
Hats and caps	-	-	-	130 25

Contents of store	-	-	-	-	-	6,002 18
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I had taken an inventory of my goods a few days before, when I ordered the goods mentioned from the Appanoose.

I added to my stock the bill of goods brought from the Appanoose store, and deducted from the whole, as near as I could get at it, the value of the few goods that were left, and also the small amount of sales made within that time. The above bill of \$6,002 18 includes and means the amount of goods taken after making all proper deductions as aforesaid

Deduct one yoke and a half of cattle recovered, \$150 ; one heifer, worth \$15	-	-	-	-	-	8,447 43
	-	-	-	-	-	165 00

After making all deductions, as set forth in testimony	-	-	-	-	-	8,282 43
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JOAB M. BERNARD.

Sworn to before me this 4th day of May, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of Jacob M. Bernard.

Petitioner claims for loss of contents of store - - -	\$6,002 18
Horses, cattle, crops, &c. - - - - -	4,565 25
	<u>10,567 43</u>
The loss of the goods and their value is generally established by the proof and allowed by the board - -	6,002 18
The petitioner, in his testimony, by giving credits of property recovered and explanations of values, reduces the second item to the sum of \$2,280 43, which is sustained by the proof and allowed by the board - -	2,280 43
	<u>8,282 61</u>
Interest on same, 2½ years, at 6 per cent - - -	1,242 30
	<u>9,524 91</u>
Total award - - . - - - -	<u>9,524 91</u>

SAM'L A. KINGMAN.
 HENRY J. ADAMS.
 EDW'D HOOGLAND.

MAY 6, 1859.

No. 204.

TERRITORY OF KANSAS, *Douglas County*, ss :

To the claim committee under act of the legislature February 7, 1859.

Your petitioner represents the following facts : That Robert Morrow and James Blood were residents of Douglas county, Kansas Territory, and the owners of a team of horses in the fall of 1855 ; that on or about the 1st of December of that year said horses were taken and used by the free-State forces in command in the town of Lawrence at that time ; that said team was broken up and disabled, and both horses killed from the effects of such use and service ; that said team cost us in cash, in September of that fall, the sum of two hundred and fifty dollars, and that we never have received any pay for the same.

Robert Morrow, upon being duly sworn, doth say : That he is one of the above firm, and that the facts set forth in the above petition are true.

ROBERT MORROW.

Sworn to before me April 26, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Morrow & Blood.

DOUGLAS COUNTY, ss :

Clark W. Southmayd, being sworn, says: I am acquainted with petitioners, Robert Morrow and James Blood. They were citizens of this Territory in 1856, and at the time of the loss of property hereinafter described, and are now citizens. In the month of December or January they were the joint owners of a span of horses. I drove the horses in the fall of 1855; they were worth \$250—a good team. On the breaking out of the Wakarusa war they were taken by the free-State men, and rode and used by them about six weeks, until they used them up. They brought one of the horses back before the war was over, stiffened up and injured so that he died in a few days. When the war was over the other horse was brought back so thoroughly knocked up that he died in a few weeks. They were good, high-spirited horses. I had driven them before the war, and took care of them after they were brought back. Good care was taken of them after they were returned. They were a total loss.

C. W. SOUTHMAYD.

Sworn to before me April 26, 1859.

SAM'L A. KINGMAN,
Commissioner.

Edward Clark, being first duly sworn, says: That in the fall of 1855, I think about 30th November, after the breaking out of the Wakarusa war, and during its continuance, I was directed by Dr. Robinson, who then commanded the free-State men, to take the gray horse of petitioners and go down to the Miami mission, about fifty miles from here. I took the horse, went down there on one day and returned the next between 12 and 1 o'clock at night. During the journey I was pursued twice by the opposing party, and had to take by-paths, and when within ten miles of Lawrence on my return the horse gave out. I had to dismount and lead him into town. The day following Mr. Blood informed me that the horse was sick; shortly afterwards he died. He was large, young, a fine horse. I think he was worth from \$175 to \$200.

EDWARD CLARK.

Sworn to before me April 26, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Morrow & Blood.

Petitioners claim for a span of horses taken and destroyed in the Wakarusa war - - - - -	\$250 00
The facts proven warrant an award for the amount.	
Add interest, 2½ years, at 6 per cent - - - - -	37 50
	<u>287 50</u>

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

MAY 3, 1859.

No. 205.

A.

*List of articles belonging to A. D. Searl, damaged, destroyed, and
stolen during the difficulties of 1855 and 1856, in Kansas Territory.*

1856, May 21.—One gold watch stolen - - - - -	\$150 00
Notes of surveys, maps, deeds, and books destroyed and damaged - - - - -	100 00
One transit, damaged by being thrown about - - - - -	100 00
Drawing instruments destroyed and dam- aged - - - - -	30 00
Drawing materials - - - - -	20 00
One leather covered trunk, broken - - - - -	10 00
Damage to office and furniture - - - - -	50 00
Six shirts stolen - - - - -	15 00
One pair boots stolen - - - - -	5 00
Two pair shoes stolen - - - - -	5 00
Two hats stolen - - - - -	5 00
Coat vest and pants stolen - - - - -	30 00
Small articles in trunk (handkerchiefs, col- lars, &c.) - - - - -	25 00
One set chess-men, burned or stolen from Robinson's house - - - - -	5 00
Two buffalo robes - - - - -	12 00
One Sharpe's rifle - - - - -	30 00
	<u>592 00</u>

APRIL SESSION, HELD AT LAWRENCE.

TERRITORY OF KANSAS, *Douglas County, ss :*

To the commissioners of claims under act of February 7, 1859 :

Your petitioner, A. D. Searl, respectfully represents: That he is a citizen of Kansas Territory, and has been a citizen thereof ever since September, A. D. 1854, and that he is now a resident of Douglas county.

Your petitioner further represents that he was the lawful owner of the property described in the schedule hereunto attached, marked A, and made part of this petition, at the times of the several dates therein set opposite each item. That said property was wrongfully and unlawfully taken, damaged and destroyed, from your petitioner, during and in consequence of the disorder which prevailed in said Territory from November 1, 1855, to December 1, 1856, at the several times and in the manner set forth in said schedule; and that your petitioner has received no compensation for the same or any part thereof. That your petitioner believes he is entitled to \$592 for his loss of the property so taken, damaged and destroyed; and \$500 for his damages resulting therefrom, which amount of ——— dollars your petitioner prays your honorable body to audit and certify as his claim, as before specified.

SAFFORD & SAFFORD,
Attorneys.

TERRITORY OF KANSAS, *Douglas County, ss :*

A. D. Searl, being first duly sworn, says: That he believes the several matters and facts set forth in the above petition are true.

A. D. SEARL.

Subscribed and sworn to before me this 26th day of April, 1859.

SAMUEL A. KINGMAN.

Commissioner.

In the matter of the petition of Albert D. Searl.

TESTIMONY.

DOUGLAS COUNTY, *ss :*

George F. Earl, being first duly sworn, says: That he is acquainted with the petitioner, Albert D. Searl; he is a citizen of the Territory of Kansas, and was during the years 1855 and 1856. I know that on the 21st of May, 1856, at the time of the sacking of Lawrence, petitioner's office was broken open and a gold watch taken therefrom, worth I don't know exactly how much; it might have been a hundred

dollars, may be more. His clothes were taken away, and old rags left in their place; I don't recollect the articles. He had a good wardrobe; the clothes were all taken that were of value; I should think was worth one hundred or one hundred and fifty dollars. I heard him say his gun was taken; know nothing of it myself. - Mr. Searl was a civil engineer, and kept an office here in town. He had a transit, and two or three sets of drawing instruments. The box containing the transit had been kicked off the table; the instrument was out of the box, apparently injured; I don't know much about such things; I don't recollect of seeing the sets of drawing instruments complete since; don't know the damage done to transit or other instruments. His trunk was broken open, damaged to the amount of six dollars. He had a set of ivory chessmen, worth five dollars, lost in Dr. Robinson's house when it was burned. Mr. Searl slept in his office, and I frequently slept with him; he was well dressed before the said robbery, and looked seedy afterwards. His papers, consisting of deeds of town-lots, notes of surveys, notes and letters, drafts of different localities, obtained for the purpose of making a map of the Territory, appeared to have been thrown on the floor, assorted over, and examined. An oyster supper had been eaten in the office, and the papers had been dirtied and defaced, and nearly ruined. The deeds were of town-lots in Lawrence, held by the petitioner as collateral security for the payment of fees; on each deed four dollars was due. There were three or four hundred; I can't tell exactly how many; most of the papers were ruined. I had occasionally worked for Mr. Searl in making surveys, and was frequently in his office. I think the petitioner's damage, by the destruction of the deeds alone, was \$400; and by the destruction and injury of the other papers, \$400. The lock was broken off the door, windows broken, office dirtied; I should estimate damages to office, ten dollars.

GEORGE F. EARLE.

Sworn to before me April 26, 1859.

SAMUEL A. KINGMAN,
Commissioner.

Lyman D. Coleman, being sworn, says: That in May, 1856, he resided in petitioner's office in Lawrence. On 21st May, the armed men came into town and made a general destruction of property. I was in Searle's office in the morning of the 21st. On the next morning I was in the office; it had been broken open, and it looked like a bar-room; bottles smashed, oyster cans and sardine boxes lying about; the trunk was broken open, papers were scattered, old clothes were lying about, that I supposed had been left in exchange for those taken from Searl. He had a gold watch; I saw it in his trunk a few days before; it was a large watch; I don't know its value; I should think it was worth one hundred or one hundred and twenty-five dollars; it was missing. He had both notes and plats, maps and deeds; he held some deeds for surveying. He took the deeds as collateral security for his fees for

surveying; there was a large package of them; nearly all destroyed. He was engaged in getting up a map of the Territory; had got some maps of government surveys; I don't know how many. He had sketches of different parts of the Territory; drawings of creeks, &c., forty or fifty; I think they were destroyed; I was in the office frequently after, and never saw them after. I am not a judge of surveying, and don't know the value of the papers; I know something about Mr. Searle's having a transit, it was in a box; it was taken out of the box, and axis bent and a screw gone, I think. I think a corner of the instrument was broken, but can't state particularly about it. Petitioner had three or four cases of drawing instruments in his room; they were partially destroyed; he has never had a full set since; I should judge they were worth ten dollars per case. He had a large quantity of drawing paper destroyed. The trunk was damaged to the amount of seven dollars, which would be the value of a new trunk of that kind in Massachusetts; it was nearly new. The office lock was damaged; I don't recollect of any other damage to the office. I fixed the lock. I examined the office next morning. I know he had a pretty good assortment of clothes; I can't tell what he had; he generally had two or three pair of boots and shoes, and two hats, and three suits of clothes; he had a set of chessmen in his office at the time it was sacked, or a short time before; ivory, I think; worth, I expect, five dollars. He had two buffalo robes in my care; they were taken at the same time; worth twelve or fifteen dollars. He had a Sharpe's rifle; don't know its value; worth thirty-five dollars; he usually kept it in his office. The office in which I staid was the property of petitioner, but not the one he occupied; it was about twenty-five feet from the one petitioner occupied. I examined the office next morning and don't recollect of any of the furniture being injured. The injury to the lock was from one dollar to one dollar fifty cents.

L. D. COLEMAN.

Sworn to before me April 26, 1859.

SAMUEL A. KINGMAN,
Commissioner.

Albert D. Searl, being duly sworn, says: That on the 21st day of May, 1856, he was the owner of a gold watch, worth \$150, which was in my trunk, it was taken out on that day by the men who sacked Lawrence; I had among my papers notes of surveys of different parts of the Territory, some had been sent me, and some I got by travelling about the country; I think there was a description of thirty or forty localities; these localities were not connected, except by estimated distances, got for the purpose of making a map of the Territory, they were worth \$100; I also had notes of the surveys of Lawrence and Topeka, worth \$10; some blank books were wet by the liquor and injured, and 100 or 150 deeds for lots in the town of Lawrence were

mostly destroyed; I held them as collateral security for fees for laying off the town site of Lawrence. there was \$4 due on most of the deeds, on some \$1; the total damage from loss of deeds was \$50; there were private deeds of my own destroyed, worth, to get them replaced, \$5.

The transit instrument was injured, the axis of the telescope was bent, and the screw that secures the axis to the upright pieces that support the telescope was broken and rendered the instrument unfit for use; the transit cost, in Troy, \$200, I considered it damaged to the value of the instrument at the time; it has never been a good instrument since; part of three cases of drawing instruments were taken away; the boxes cost about \$10 each on an average; the instruments left were worth \$5 or \$10; drawing materials destroyed was worth \$15 or \$20; the trunk was injured to the amount of \$7, or \$8, or \$10.

The door of the office was broken open, some window lights broken, two chairs injured; the drawing table besmeared with whiskey and sugar, and the house dirtied up by oyster cans, &c. No other damage to office or furniture remembered, three or four lights were broken.

The articles of clothing as set down in my bill were lost, and were worth the amount there charged; I had more than six shirts taken, undershirts and overshirts; the chessmen were in Dr. Robinson's house when it was burned, either burned or stolen, they were worth \$5; two buffalo robes were taken, they were in Mr. Coleman's hands, worth \$12; I left a Sharpe's rifle here in my office the last of May, 1856, and went to Kansas City, was arrested, when I returned in the fall the rifle was gone; I left it in charge of John Hutchinson, he told me James Redpath took it against his protest, it was worth \$30. All the above things were taken and injured as stated in my petition, and I have received no compensation for any of them.

A. D. SEARL.

Sworn to before me April 26, 1859.

SAMUEL A. KINGMAN.

In the matter of the petition of Albert D. Searl.

The petitioner claims for property lost	-	-	-	-	\$592 00
The board allow him, for one gold watch	-	-	-	-	100 00
Notes of surveys, &c.	-	-	-	-	100 00
Damage to transit instrument	-	-	-	-	5 00
Damage to drawing instruments	-	-	-	-	20 00
Damage to drawing materials	-	-	-	-	15 00
Damage to trunk	-	-	-	-	7 00
Damage to office and furniture	-	-	-	-	3 00
Loss of six shirts	-	-	-	-	15 00

Loss of boots, \$5; shoes, \$5; coat, vest, and pants, \$30 -	\$40 00
Chess men, \$5; 2 buffalo robes, \$12; Sharpe's rifle, \$30 -	47 00
	<hr/>
	357 00
Interest on same, 2½ years, at 6 per cent. - - -	53 00
	<hr/>
Total award - - - - -	410 00
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SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

MAY 4, 1859.

No. 206.

To the Commissioners of claims under act of February 7, 1859.

The undersigned, William Jessee, respectfully represents that he is a citizen of Kansas Territory, and has been such citizen ever since February, 1855. He now resides and since February, 1855, aforesaid, has resided on SW. ¼ S. 13, T. 13, R. 18, near Bloomington, in Douglas county.

Petitioner further represents that he has sustained losses by reason of the disorders which prevailed in this Territory from November 1, 1855, till December 1, 1856, for which he claims indemnity, viz :

That the Territory of Kansas, and particularly the county of Douglas, in which petitioner resides, was invaded by a numerous and hostile body of armed men in the months of November and December, 1855, whose avowed object and design was the destruction of the city of Lawrence and the expulsion of all but pro-slavery settlers; petitioner, exercising his rights as a free citizen, was known and recognized as a free-State man, opposed to slavery, and as such was elected a member of the first legislative assembly which met at Pawnee, where the majority of said body voted out petitioner and other free-State men who held the governor's certificates of election to that body. As such member petitioner knows that he was obnoxious to the pro-slavery men and their aiders and abettors, and when the circumstances arose known as the Wakarusa war, deponent felt that he was not safe in his life or property while said body of armed and hostile men, most of whom had been drawn from the State of Missouri, were assembled and arrayed against the peaceable citizens of the Territory. Knowing that he and his neighbors and friends were in danger from said hostile forces, petitioner, responding to the call and martial law orders issued by General Lane, allowed his horses, wagons, and other property to be used for the common defence. And in such service a valuable horse belonging to him, and worth \$150, was used up and destroyed, that said horse died on the 13th of December, having been severely ridden

and used while petitioner was employed in actual service of said Territory, as will appear by his discharge, hereto annexed.

Petitioner further shows that he has never received any compensation for said horse from any source whatever.

WILLIAM JESSEE.

HEADQUARTERS KANSAS VOLUNTEERS,
Lawrence City, December 11, 1855.

This is to certify that William Jessee faithfully and gallantly served as aid in the general's staff of Kansas volunteers, from the 27th day of November, 1855, to the 11th day of December, 1855, in defending the city of Lawrence, in Kansas Territory, from demolition by foreign invaders; when he was honorably discharged from said service.

C. ROBINSON,
Major General Kansas Volunteers.

TERRITORY OF KANSAS, *Douglas County, ss:*

On this 26th day of April, 1859, personally appeared before me the above named William Jessee, who, being duly sworn, saith: That the facts stated in the above petition are true.

WILLIAM JESSEE.

Sworn to before me this 26th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

DOUGLAS COUNTY, *ss:*

Alexander E. Love, being duly sworn, saith: I reside in Bloomington, Douglas county; I resided with him in Bloomington township in 1856, and until about a year ago. I remember a certain horse that he had in November and December, 1855; he was a bay horse, five or six years old—a good animal. The horse was brought to Lawrence during the trouble known as the Wakarusa war, and was taken and used from time to time by various persons for scouting parties or other service that circumstances required. I was with the forces in Lawrence at the time mentioned. The horse was always ready, and used for any of the service as though he were public property. He was in good order and condition when brought to Lawrence in November. After the dispersion of the Missouri forces assembled against Lawrence, Mr. Jessee and I returned home. His horse was then about used up, and died in one or two days afterwards. He was destroyed in the public service. The horse was worth \$150 or more. I knew that at one time, before he went into the service, Mr. Jessee was offered \$200 for that horse, and declined it.

ALEXANDER E. LOVE.

Sworn to before me this 29th day of April, 1859.

EDWARD HOOGLAND,
Commissioner.

In the matter of the petition of William Jesse.

Petitioner claims for one horse, destroyed in "Wakarusa war," worth	- - - - -	\$150 00
The proof fully sustains the claim.		
Add interest, 2½ years, at 6 per cent.	- - - - -	22 50
Total award	- - - - -	<u>172 50</u>

EDWARD HOOGLAND,
SAMUEL A. KINGMAN; -
HENRY J. ADAMS.

MAY 4, 1859.

No. 207.

To the honorable commissioners on claims, Edward Hoogland, Henry J. Adams, ——— Kingman:

Your petitioner, Francis Meyer, respectfully represents: That he was and now is a citizen of Anderson county and Territory of Kansas, and that during the disorders which prevailed from November 1, A. D. 1855, until December 1, A. D. 1856, he was forcibly driven from his claim in said county, and compelled to flee to the State of Missouri. And your petitioner further states that he was the owner of certain property at that time, a list of which is annexed and made a part of this petition, and that said property was taken and destroyed during the disorder aforesaid; and therefore your petitioner prays compensation for the loss of said property, or the value of the same, and a judgment for damages occasioned by the loss and destruction of said property; also his damages occasioned by his being compelled by force to leave the Territory of Kansas during the disorders aforesaid; and he says that said damages amount to the sum of two thousand dollars, for which amount he prays judgment.

FRANCIS MEYER.

APRIL 17, A. D. 1859.

TERRITORY OF KANSAS, *Wyandotte county, ss:*

Personally appeared before me, J. W. Johnson, Judge of Probate in and for the county of Wyandott, Territory of Kansas, Francis Meyer, who, being duly sworn, deposes and saith, that the facts and statements set forth in the above petition are true to the best of his knowledge and belief.

FRANCIS MEYER.

Sworn to and subscribed in my presence this 17th day of April, A. D. 1859.

J. W. JOHNSON, [L. s.]
Judge of Probate.

A.

List of property taken or destroyed.

1856.					
Aug.	2.	One horse stolen	-	-	\$75 00
	15.	Shooting one heifer	-	-	25 00
Nov.	15.	One yoke of oxen	-	-	75 00
		One bull, four years old	-	-	40 00
	17.	One bull, three years old	-	-	25 00
	18.	One bull, three years old	-	-	25 00
	25.	One cow, seven years old	-	-	30 00
	28.	One cow, five years old	-	-	30 00
	30.	Two cows, four years old, at \$30 each	-	-	60 00
		One cow, five years old	-	-	30 00
Dec.	4.	One steer, three years old	-	-	20 00
		One steer, four years old	-	-	45 00
	12.	Two steers, two years old, at \$10 each	-	-	20 00
	14.	Two steers, two years old, at \$10 each	-	-	20 00
	16.	One cow, three years old	-	-	25 00
		One calf	-	-	5 00

 550 00

Tools for farming taken during the month of
August, 1856:

Aug.	15.	Two garden hoes, at 75 cents each	-	-	1 50
		Six iron wedges, at \$1 12½ each	-	-	6 75
		Two mall-rings, at \$1 50 each	-	-	3 00
		One crowbar	-	-	3 50
		Two picks, at \$1 25 each	-	-	2 50
		Two shovels, at \$1 50 each	-	-	3 00
		Two spades, at \$1 50 each	-	-	3 00
		One plane bench screw	-	-	1 50
		One big log-chain	-	-	5 75
		Two wagon chains, at \$2 25 each	-	-	4 50
		One big well pipe	-	-	2 60
		One two-inch auger	-	-	1 25
		One inch and a half auger	-	-	1 00
		One inch auger	-	-	75
		One steel square	-	-	1 50
		One foot adze	-	-	1 75
		One broad-axe	-	-	4 50
		One jack-plane	-	-	1 25
		One smoothing-plane	-	-	1 00
		One two-inch chisel	-	-	75
		One one-inch chisel	-	-	50
		One half-inch chisel	-	-	40
		One set auger-bits	-	-	3 00
		One bitt-brace	-	-	1 50
		One hatchet	-	-	75

1856.		
Aug. 15.	One hand-axe	\$2 00
	One carpenter's hammer	1 00
	Three chopping-axes, at \$1 50 each	4 50
	One grub-hoe	1 00
	One cross-cut saw	6 00
	Two saw files, at 75 cents each	1 50
	Two saw files, at 15 cents each	30
	One hand-saw	2 25
June 22.	One rifle	15 00
	One shot gun	12 00
	Ten pounds powder, at 50 cents per pound	5 00
	Twenty-five pounds shot, at 8 cents per pound	2 00
	Six boxes of percussion caps, at 20 cents per box	1 20
Aug. 15.	One butcher knife	1 50
	Five sacks flour, at \$5 50 per sack	27 50
	Two sacks corn meal, at \$3 per sack	6 00
	Ten gallons molasses, at \$60 per gallon	6 00
	One keg	1 00
	Twenty-five pounds sugar, at 12 cents per pound	3 00
	Fifty pounds coffee, at 12 cents per pound	6 00
	One bushel dried apples	2 00
	Twenty-five pounds rice, at 10 cents per pound	2 50
	One bushel beans	2 00
	One bolt calico, 35 yards, at 12½ cents per yard	4 35
	Twenty yards hickory shirting, at 15 cents per yard	3 00
	One box iron spikes	5 00
	Twenty yards, factory, at 10 cents per yard	2 00
	Fifteen yards blue drill for pants, at 15 cents per yard	2 25
	Two iron pots, at 75 cents each	1 50
	One frying-pan	50
	One tea-kettle	1 50
	One coffee-pot	1 75
	One flat-iron	50
	One large tin bucket	1 50
	One tin milk bucket	1 00
	Two pails, at 35 cents each	70
	One small tin bucket	40
	One stone jar, three gallons	60
	Four stone jars, one gallon, at 20 cents each	80
	One stone jug, two gallons	40
	Three stone jugs, one gallon, at 20 cents each	60
	One stone jug, ½ gallon	15
	One wash-tub	1 50
	One wash-bowl	35
	One sprinkling can	1 00
	Two candle moulds, at 75 cents each	1 50
	One and a half kegs of nails, at \$6 per keg	9 00
	One box glass	4 00

1856.			
Aug. 15.	Six window sash, at 30 cents each	- -	\$1 80
	One bedstead	- - - -	1 50
	Two chairs	- - - -	1 00
	Two scythes and snaths, at \$1 62½ each	- -	3 25
	One hand corn mill	- - - -	5 00
	One dozen milk pans, at 60 cents each	- -	7 20
	One iron garden harrow	- - - -	50
	Two wheelbarrows, at \$1 each	- - - -	2 00
	One lounge	- - - -	4 00
	Two mattresses, at \$2 50	- - - -	5 00
	One box linen cloths	- - - -	150 00
	One draw-knife	- - - -	1 25
	Ready-made clothing, pants, vests, stockings, and dresses	- - - -	15 00
	Clothing damaged	- - - -	60 00
	One mason's trowel	- - - -	1 00
	One pair spring scales	- - - -	75
	Medicines destroyed	- - - -	5 00
	One gallon spirits turpentine	- - - -	1 25
	One box matches	- - - -	2 50
	Two conch shells	- - - -	1 00
	One coffee-mill	- - - -	40
	One cradle	- - - -	3 00
	Two ox-yokes, at \$2 each	- - - -	4 00
	Eight hundred rails, at \$4 per hundred	- -	32 00
	Two whiskey barrels, at \$1 50 each	- -	3 00
	One pork barrel	- - - -	2 50
	One five gallon keg	- - - -	1 00
	One three gallon keg of vinegar	- - - -	2 20
	One sack of salt	- - - -	4 00
	Bed cords and clothes lines	- - - -	1 20
	Clothes-pins, two dozen, at 25 cents per dozen	- -	50
	Two baskets, at \$1 each	- - - -	2 00
	Twenty-five pounds chewing tobacco, at 30 cents per pound	- - - -	7 50
	Box black tea	- - - -	4 00
	Box green tea	- - - -	6 00
	Box soap	- - - -	3 00
	One lady's saddle	- - - -	20 00
	One riding saddle	- - - -	14 00
	Two bridles, at \$1 50 each	- - - -	3 00
	Two saddle blankets, at \$1 each	- - - -	2 00
	Sixty-six pounds bacon, at 12½ cents per pound	- -	8 25
	One small crowbar	- - - -	1 50
	Two iron chimney rods	- - - -	3 75

1,141 40

In the matter of the application of Francis Meyer for damages and loss of property taken or destroyed, resulting from the disorders which prevailed in the Territory of Kansas from November 1, 1855, to December 1, 1856.

Rudolph Meier, of lawful age, being duly sworn, says: I am acquainted with Francis Meyer, the aforesaid applicant. In the spring of 1854 he settled in Anderson county, Kansas Territory, and is now residing in said county and Territory. In the year 1856 I resided on an adjoining claim of the applicant. In the beginning of June, 1856, his life was in danger, and he was forced to leave the Territory, and left his property in my and Melchior Henry Strauze's care. In the beginning of August of the same year he returned to the Territory, on his claim in said county. In the latter part of the same month he was again compelled to leave the Territory for his personal safety, and was absent till the next spring. This absence from his claim was occasioned by threats and demonstrations against his life. I have seen the list of lost and destroyed property made out by Francis Meyer, and know that he had between the 1st of December, 1855, and the 1st of December, 1856, all or most of the property and effects enumerated in said list. At the time he last left the Territory he locked up in his house the greater part of his household furniture, and when he returned in the spring the house was broken open and stripped of everything. The following property was destroyed or taken away from him:

One rifle gun, worth \$25; one double-barrel shot gun, \$18; two iron pots, \$1 50; tin pans, flat-irons, milk-pans and buckets, stone jars, jugs, kegs and barrels, knives and forks, dishes, two lounges, one bedstead, baskets, mattresses, bed-cords, clothes-lines, clothes-pins, baby-cradle, sprinkling-can, coffee-mill, conch-shells, tubs, washboards, and corn-mill, amounting to about \$150. Farming and carpenters' tools, as follows: Garden hoes; iron wedges; maul-rings; crowbars; picks; shovels; spades; grass scythes, with handles; one set of carpenters' tools; axes; grubbing-hoes; log-chains; which affiant considers worth the amount the applicant claims in his schedule annexed to his petition.

The aforesaid property was lost and destroyed during his absence in the autumn of 1856. There were bands of armed men in the neighborhood of the said applicant, who were engaged in plundering, stealing, robbing, and breaking open houses during the summer and autumn of 1856. This banditti shot one of his cattle, worth twenty or twenty-five dollars, one quarter of which they took with them, and left the balance on the prairie. After he returned in August, 1856, he commenced cutting grass for his stock, but was advised that it was useless to make and stack hay, because the armed bands aforesaid, before winter, would burn his hay. He then quit cutting, and on the same day his life was threatened. In a day or two after these threats he went to the State of Missouri, and took with him his stock; and twenty or twenty-one head died in consequence of his not being able to procure food for them. They were worth, probably, at an average price, twenty-five dollars a head. Also, in the latter part of August,

they took from him a mare. This was done by a man named Baxter, calling himself Captain Pate, who was a leader of one of those armed bands. The mare was worth \$75. The applicant has never received any compensation for the aforesaid property.

RUDOLPH MEIER.

Sworn to and subscribed before me this 25th day of May, A. D. 1859

J. W. JOHNSON,

Judge of Probate in and for Wyandott county.

Melchior Henry Strauze, of lawful age, being duly sworn, says: I am acquainted with Francis Meyer, the said applicant. He came in the Territory in 1854, as I am informed, and he now resides on his claim in Anderson county, Kansas Territory. I resided with him on his claim in Anderson county in the years 1855 and 1856, up to the time he was forced away, in August, 1856, and lived with him during his stay in Missouri. In the summer and fall of 1856 there were roving bands of armed men in the neighborhood of Francis Meyer, who were engaged in plundering, destroying, and stealing property, and breaking open houses for plunder. They drove him from his premises; threatened his life; and he was compelled to leave the Territory in order to save his life. They stole and destroyed his groceries and provisions, worth about \$200, and stole and destroyed his household property and effects, (with the exception of a few articles of bedding,) embracing the articles mentioned in his schedule, which were worth about \$200. These are articles I know were owned and in the possession of the said applicant. They also stole and carried away a full set of carpenters' tools, the value of which I do not know. They also stole from him iron wedges, spades, picks, axes, shovels, log-chains, crowbars, and one iron rake, the value of which I am unacquainted with. They also stole from him a large quantity of dry goods, consisting of bolts of linens, designed for shirts, table cloths, towels, pants, worth \$150. They also stole from him one bolt of calico, twenty yards of unbleached muslin, twenty yards of hickory shirting, and fifteen yards of blue drilling for pants, worth \$12. He lost also twenty-one head of cattle in consequence of his being driven out of the Territory, and being prevented from making hay, so that he could provide for them in the winter. The cattle died from starvation. These cattle, at an average price, were worth \$25 a head. They also stole from him a mare, worth \$75. The applicant has never received any compensation for the aforesaid property or any part thereof, and was never concerned or engaged with any party, bands of armed men, or otherwise, during the disorder which prevailed in the Territory of Kansas from November 1, 1855, to December 1, 1856, or at any other time.

MELCHIOR HENRY STRAUZE.

Sworn to and subscribed before me this 25th day of May, A. D. 1859.

J. W. JOHNSON,

Judge of Probate of Wyandott county.

In the matter of the petition of Francis Meyer.

1. Petitioner claims for one horse stolen, one cow shot, and 21 cattle died from starvation, &c.	\$550 00
2. Furniture, tools, dry goods, groceries, &c., taken and destroyed	591 40
	<hr/>
	1,141 40
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1. The evidence shows that the cattle were taken to Missouri and starved to death. No time or place specified when or where horse stolen or cow shot.	
2. The residue of the claim is proven and awarded	\$591 40
Add interest, 2½ years at 6 per cent.	58 67
	<hr/>
Total award	650 07
	<hr/> <hr/>

EDWARD HOOGLAND.
HENRY J. ADAMS.
SAMUEL A. KINGMAN.

JULY 5, 1859.

No. 208.

To the commissioners of claims under act of February 7, 1869. April session, held at Lawrence.

Your petitioner, George F. Earle, respectfully represents: That he is a citizen of Kansas Territory, and has been a citizen thereof ever since the fall of 1854, and that he is now a resident of Douglas county.

Your petitioner further represents that he was the lawful owner of the property described in the schedule hereunto attached, marked A, and made part of this petition at the time of the several dates therein set opposite each item. That said property was wrongfully and unlawfully taken, stolen, burned, and destroyed during and in consequence of the disorders which prevailed in said Territory from November 1, A. D. 1855, to December 1, A. D. 1856, at the several times and in the manner; and that the prices set opposite each item is a fair value for the same as set forth in said schedule, and that your petitioner has received no compensation for the same or any part thereof. That your petitioner believes he is entitled to \$225 50 for his losses of the property so taken, stolen, burned, and destroyed, and \$100 for his damages which resulted therefrom, which amount of \$325 50 your petitioner prays your honorable body to audit and certify as his claim, as afore specified.

SAFFORD & SAFFORD,
Attorneys.

KANSAS TERRITORY, *Douglas County, ss:*

George F. Earle, being first duly sworn, deposes and says: That he believes the several matters and facts set forth in the above petition to be true.

GEORGE F. EARLE.

Subscribed and sworn to before me this 26th day of April, 1859.

SAMUEL A. KINGMAN,
Commissioner.

A.

List of articles belonging to George F. Earle, stolen or burned at the time of the sacking of Lawrence, and at the time Dr. Charles Robinson's house was burned in May, A. D. 1856.

May 21, 1856.

1 promissory note for \$15, given by Grout	-	-	-	\$15 00
1 black broadcloth coat	-	-	-	25 00
1 pair broadcloth pants	-	-	-	9 00
1 pair broadcloth pants	-	-	-	5 00
6 shirts at \$3 each	-	-	-	18 00
6 shirts at \$2 each	-	-	-	12 00
1 hat	-	-	-	3 00
Books	-	-	-	35 00
2 Sharpe's rifles at \$30 each	-	-	-	60 00
1 revolver	-	-	-	25 00
1 pair of boots	-	-	-	6 50
1 pair of shoes	-	-	-	3 50
1 purse, silk	-	-	-	2 50
1 trunk	-	-	-	6 00

To Hon. H. J. Strickler, commissioner for auditing of claims under the provisions of an act to provide for the auditing of claims and the act supplemental thereto, passed and approved February 23, A. D. 1857.

Your petitioner, George Earle, of Douglas county, Kansas Territory, respectfully shows: That your petitioner, as hereinafter stated, was engaged as a laboring man in said county; that on the 21st day of May, 1856, your petitioner then living in said county, that on the day and year above mentioned there was taken from the possession of your petitioner by some men who were said to belong to the territorial militia, whose names are entirely unknown to your petitioner, the following which is fully set forth in a schedule which is hereto annexed, and valued at \$242; and your petitioner further states that he has not received any pay from any person or persons for the same. Your petitioner therefore prays that he may receive the sum of \$242

for the loss sustained by him, as is set forth in the foregoing petition, and that the same may be paid therefor pursuant to the statutes made and provided.

GEORGE F. EARLE. [SEAL.]

Subscribed and sworn to before me on this 17th day of November at Lawrence, Kansas.

In testimony whereof I have hereunto set my hand and affixed my [L. s.] seal the day and year above mentioned.

D. H. WEIR,
Notary Public.

Schedule of the property and goods referred to in the foregoing petition.

Clothing: 9 shirts	-	-	-	-	-	-	-	-	\$27 00
One coat	-	-	-	-	-	-	-	-	15 00
One pair of pants	-	-	-	-	-	-	-	-	8 00
One pair of pants	-	-	-	-	-	-	-	-	5 50
Certificate of stock of New England Aid Company	-	-	-	-	-	-	-	-	25 00
Note against S. Andrew	-	-	-	-	-	-	-	-	30 00
Note against M. Grout	-	-	-	-	-	-	-	-	15 00
One Sharpe's rifle	-	-	-	-	-	-	-	-	30 00
Specimen of gold	-	-	-	-	-	-	-	-	35 00
Books	-	-	-	-	-	-	-	-	50 00
Amount	-	-	-	-	-	-	-	-	<u>242 00</u>

TERRITORY OF KANSAS, *Douglas County, ss:*

Charles Robinson and George W. Hunt, being duly sworn, say: That they have heard the foregoing petition and know the contents thereof, and the facts contained therein are true according to these affiants' belief; and these affiants further say, that they know, on or about the 21st day of May, 1856, the above named petitioner sustained the above loss of property in the manner in the said petition set forth, and to the sum of two hundred and forty-two dollars, the said property being the same as is stated and specified in the foregoing schedule; and further these affiants say not.

C. ROBINSON. [SEAL.]
GEORGE W. HUNT. [SEAL.]

TERRITORY OF KANSAS, *Douglas County, ss:*

Before me, D. H. Weir, a notary public in and for said county, being duly commissioned and sworn, personally appeared before me George W. Hunt and Charles Robinson, whose names appear to the above affidavit, and after being duly sworn, depose and say that the contents of the said affidavit are true as they verily believe.

Witness my hand and seal this 17th day of November at Lawrence, [L. s.] 1857.

D. H. WEIR,
Notary Public.

In the matter of the petition of George F. Earle.

Petitioner claims for loss of property and damages..... \$325 50

No proof offered ; rejected.

HENRY J. ADAMS.
SAMUEL A. KINGMAN.
EDWARD HOOGLAND.

JULY 1, 1859.

And now, at this day, to wit : the 29th day of August, 1859, before the said commissioners, at the city of Leavenworth, the said petitioner claims an award in his favor upon the proof on file and presented to the late commissioner of claims, which papers are hereto annexed. Amount of loss then claimed..... \$242 00

The following items of said claim are inadmissible:

Certificate of stock of New England Aid Co.....	25 00
One note against S. Andrew	30 00
One note against M. Grout.....	15 00
	<u>70 00</u>

The balance is allowed.....	172 00
Interest, 2½ years, at 6 per cent.....	25 80

Total award..... 197 80

EDWARD HOOGLAND.
SAMUEL A. KINGMAN.
HENRY J. ADAMS.

AUGUST 29, 1859.

No. 209.

To the honorable board of commissioners for the auditing and certifying of claims, appointed under an act of the territorial legislature, entitled "An act to provide for the adjustment and payment of claims," and approved February 7, A. D. 1859 :

Your petitioner, Paul R. Brooks, respectfully represents : That he had property taken or destroyed, and sustained certain damages during the disorder that prevailed in this Territory from November 1, 1855, to December 1, 1856, and that he is a citizen of Kansas Territory, and was a citizen of said Territory at the time of the losses sustained as aforesaid.

Your petitioner represents that, on the 21st day of May, A. D. 1856, in the city of Lawrence and county of Douglas, his store was

entered, and goods to the amount of seventy-five dollars taken therefrom by some person or persons during the excitement which existed during that day.

And your petitioner further represents that on the same day, in the city of Lawrence and county aforesaid, his clothing, to the amount of ninety-five dollars, was taken from the Johnson House, where he then lodged.

And your petitioner further represents that on the 6th day of June, 1856, on the road from Kansas City, Missouri, a party of men took from the wagon of Jacob D. Herrington a quantity of flour, the value of which was ninety dollars, which was the property of petitioner.

And your petitioner represents that the schedule hereunto annexed and made a part of this petition gives a true and accurate list of the property taken or destroyed during the disorder as aforesaid.

And your petitioner represents that he has never been reimbursed, either in whole or in part, for the damage sustained as aforesaid; and he therefore prays that your honorable board will audit and certify his claim for the loss and damages so sustained.

P. R. Brooks, being duly sworn, says: The matters and things set forth in the foregoing petition are true in substance and in fact.

P. R. BROOKS.

Sworn to before me and subscribed in my presence this 21st day of March, A. D. 1859.

CALEB S. PRATT,
Clerk Probate Court, Douglas County, K. T.

Schedule referred to in the above petition.

One trunk of clothing.....	\$90
One lot of goods taken from store	75
One lot of flour	95
	<u> </u>

Amended and sworn to April 27, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of Paul R. Brooks.

TESTIMONY.

DOUGLAS COUNTY, ss:

Francis A. Bailey, sworn, says: That on the 21st May, 1856, he, petitioner, had a good assortment of clothing at the Johnson House; that day it was all taken and carried away; I slept in the same room with him at the Johnson House; the house was sacked that day and

Brooks's clothes taken, as well as others ; I cannot fix, item by item, the clothing taken, but think it was worth about \$100 ; I had been with him in the room, and knew pretty well what he had, and what he lost.

F. A. BAILEY.

Sworn to before me April 27, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Paul R. Brooks.

TESTIMONY.

DOUGLAS COUNTY, ss :

Jacob D. Herrington, sworn, says : That in the summer of 1856, and on the 5th day of June, I was hauling a load of goods for petitioner from Kansas City to Lawrence ; the load was upwards of twenty-five hundred pounds, in which were twelve hundred pounds of flour ; I was followed by three men out of Westport, one of whom I have since learned was of the name of Banks ; they came into the Territory a little ahead of me ; turned and met me ; ordered me to halt ; I did so ; they asked me for the bill of lading ; some conversation occurred ; I demurred ; I saw several men stationed along the line of the road ; I at last gave up the bill of lading ; they read it over ; some further talk was had ; they ordered me to get in the wagon and throw out the flour—that it should not go to feed any of the damned abolitionists at Lawrence ; I refused ; one of them got in the wagon, threw out all the flour, and some other packages ; I expostulated, representing that I would be held responsible ; Banks presented a double-barrelled gun, ordering me to be silent ; I thought it best to keep quiet ; the flour was kept, the other packages I was permitted to load ; they were somewhat injured ; this flour was worth at that time about \$5 per hundred at Lawrence, and my trip was as costly as though I had brought up the whole load, though I have got no pay for it ; as Brooks was unfortunate, I did not press ; I lacked \$4 of receiving pay for the whole load.

JACOB D. HERRINGTON.

Sworn to before me April 28, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Paul R. Brooks.

DOUGLAS COUNTY, ss:

Philip W. Woodward, being first duly sworn, says: That he is acquainted with petitioner; he was a citizen of Kansas Territory on 21st May, 1856, and has been ever since; on the 21st May, 1856, and for some time previous, the petitioner had been the owner and keeper of a dry goods store in the city of Lawrence, and I was his clerk; on that day, the day the Free-State Hotel was destroyed, I remained in the store till the firing commenced on the hotel; some of the party who were concerned in the sacking of Lawrence ordered me to leave, or I would likely be hurt by the firing; I left the store open, several of these men in it; late that evening I returned to the store, found several articles missing, among them a piece of cloth, three boxes of cigars, and some boots; I cannot name anything else; the value of the articles taken I thought at the time (when I knew more than I now recollect of the losses) was about \$75; and I have no doubt my judgment was then more correct than any estimate I could now fix from my recollection.

PHILIP W. WOODWARD.

Sworn to before me April 27, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Paul R. Brooks.

Petitioner claims for loss of one trunk of clothing.....	\$90 00
Lot of goods taken from store.....	75 00
One lot of flour.....	95 00
	<hr/>
	260 00
	<hr/> <hr/>

The proof of loss is satisfactory, but there are no items given by which the board can determine whether the charges are too high or too low; petitioner has also neglected to state the amount of flour so that a well-informed judgment could be had as to its value. The witness who was introduced by petitioner, and who, during the examination, went to the petitioner for a memorandum as to the flour, testified that in Lawrence the flour (12 cwt.) was worth \$5 per cwt.; on that we award.....

Reducing the other items in proportion, for clothing.....	60 00
Reducing the other items in proportion, for goods.....	50 00
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Total award.....	170 00
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SAM'L A. KINGMAN.
EDW'D HOOGLAND.
HENRY J. ADAMS.

MAY 3, 1859.

No. 210.

I, Rachel E. Lewis, of Breckinridge county, Kansas Territory, depose and say: That on or about the 31st day of August, A. D. 1856, at the farm occupied by myself and family, three and a half miles southeast of Lecompton, in Kansas Territory, I had taken or destroyed the following property:

Eight acres of corn, estimated at 30 bushels per acre, making 240 bushels, worth \$1 25 per bushel - -	\$300 00
Sept. 1, 1856.—The burning of my house, worth - -	300 00
Two hundred pumpkins, at 10 cents - -	20 00
Burning library and bedding - -	200 00
One riding bridle - -	1 00
One one-horse harness - -	5 00
Thirty-three chickens, at 50 cents - -	16 50
	<hr/>
	842 50
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RACHEL E. LEWIS. [L. s.]

TERRITORY OF KANSAS, *Breckinridge County, ss:*

Subscribed and sworn to before me this 26th day of March, A. D. 1859.

T. E. HICKS, *J. P.*

I do hereby certify that the above-named T. E. Hicks is a duly authorized and commissioned justice of the peace in and for the county of Breckinridge, Kansas Territory. In witness whereof, I have hereunto set my hand and affixed the seal of our said court this 26th day of March, A. D. 1859.

[L. s.]

ROBERT PARHAM, JR.,
*Deputy Clerk U. S. Dist. Court, 2d Judicial District,
in and for the County of Breckinridge, K. T.*

TERRITORY OF KANSAS, *Breckinridge County, ss:*

To all persons to whom these presents shall come, greeting: Know ye, that whereas George H. Lewis, late of the county of Breckinridge, died intestate, as it is said, having at the time of his death property in this Territory, which may be lost, destroyed, or diminished in value, if speedy care be not taken of the same: To the end, therefore, that said property may be collected, preserved, and disposed of according to law, we do hereby appoint Rachel E. Lewis administratrix of all and singular the goods and chattels, rights and credits, which were of the said George H. Lewis at the time of his death, with full power and authority to secure and dispose of said property according to law, and collect all money due said deceased, and in

general to do and perform all other acts and things which are or may hereafter be required of her by law.

In testimony whereof, I, Charles V. Eskridge, probate judge of Breckinridge county, Kansas;—aforesaid, have hereunto signed my name and affixed a scrawl for a seal (no seal of the court having yet been procured) the 2d day of May, A. D. 1859.

[SCRAWL.]

CHARLES V. ESKRIDGE,
Probate Judge of Breckinridge County, K. T.

Indorsed as follows :

“I certify that the within letters of administration were recorded in my office May 2, 1859.

“C. V. ESKRIDGE, *Probate Judge.*”

I, Charles V. Eskridge, probate judge of Breckinridge county, Kansas Territory, do hereby certify that the foregoing is a true and exact copy of the letters of administration granted to Rachel E. Lewis on the estate of George H. Lewis, in the county aforesaid, on record in my office. In testimony whereof, I have hereunto set my hand and affixed a scrawl for a seal (the court being without a seal) the 6th day of May, A. D. 1859.

[SCRAWL.]

CHARLES V. ESKRIDGE,
Probate Judge of Breckinridge County, K. T.

In the matter of the petition of Rachel E. Lewis.

TESTIMONY.

DOUGLAS COUNTY, ss :

Robert Hughes, sworn, says: He is acquainted with petitioner; that she has resided in the Territory since August, 1855, and now resides in Breckinridge county. Her husband died in December, 1857. In the summer of 1856 herself and husband lived on their claim, three and a half miles southeast of Leocompton, and had a field of corn containing 10 acres. It was pretty much destroyed. They gathered some, and the fodder on the field. It was pretty good corn. About half of it was old ground; the other half of it was sod corn. It was destroyed in the troubles in the fall of 1856, I can't state by whom. They took also some pumpkins, and all the melons, worth I can't say how much. Their house was a log house, about 15 feet square, with a roof extending over the end eight or ten feet, worth from \$200 to \$300. The things in the house I can't testify as to. I saw the light of the fire at a distance; it was late in August or early in September, 1856, when it was burned; that is, the house.

ROBERT HUGHES.

Sworn to before me this 27th day of April, 1859.

SAMUEL A. KINGMAN,
Commissioner.

Daniel Hager, being duly sworn, says: That in the summer of 1856 George W. Lewis and his wife, the petitioner, resided on their claim, three and a half miles southeast of Lecompton, in this county. They had 10 acres of corn; about half old ground corn, and half sod corn, which would average 30 or 40 bushels per acre; worth in the fall \$1 per bushel. They had pumpkins, melons, and squashes in the field. Nearly all the corn, pumpkins, melons, and squashes were destroyed. About the last of August or first of September, 1856, I saw the cattle in the corn; the fence was broken down while the family was gone; persons had been in the field to get melons, pumpkins, &c., and they had left the fence down. I lived on an adjoining claim. The border ruffians were encamped in several places in the neighborhood of their claim, and I have no doubt they did the mischief. Mr. and Mrs. Lewis were compelled to leave by threats from the border ruffians; and while they were gone, and about the 1st of September, 1856, their house was burned; it was burned the same night that several others were burned on the same road—Captain Walker's, Judge Wakefield's, Mr. Heath's, and others—all free-State men; the house was worth \$200 or \$300; it was a good log house, 15 feet square, with an extension roof on one end. I don't know anything about the contents of the house.

DANIEL HAGER.

Sworn to before me this 27th day of April, 1859.

SAMUEL A. KINGMAN,
Commissioner.

Mrs. Elizabeth Thomas, being first duly sworn, says: That about the 1st of September, 1856, in the night, the house of George W. Lewis, the husband of petitioner, was burned. He was a Welsh Congregational minister; had fled to Lawrence for safety; his family remained on their claim, three and a half miles southeast from Lecompton. The day before I had heard threats that they would burn their house, and hang the abolition preacher, and sent word to Mrs. Lewis; she came to my house; the next morning I went over, the house was burned, the fence thrown down, and cattle in the corn destroying the crop. The furniture and contents of the house were all burned. The Missouri ruffians were (some of them) on the ground, and asked me where there were any abolitionists for them to hang. I lived a near neighbor; was often in the house; they had good feather beds, furniture, and some very valuable books—theological and miscellaneous. I think the charges made by Mrs. Lewis are very small indeed—less than they were worth.

ELIZABETH THOMAS.

Sworn to before me this 27th day of April, 1859.

SAM'L A. KINGMAN,
Commissioner.

In the matter of the petition of Rachel E. Lewis.

Petitioner claims for eight acres of corn	-	-	-	\$300 00
Burning of house, worth	-	-	-	300 00
Pumpkins and vegetables	-	-	-	20 00
Burning library, bedding, &c.	-	-	-	200 00
One bridle, \$1; 1 harness, \$5	-	-	-	6 00
Thirty-three chickens, at 50 cents	-	-	-	16 50
				842 50
				842 50

The proof shows the burning of the house and destruction of the property in general. The witnesses say there were ten acres pretty much destroyed. Compared with the proof the charges are exorbitant.

Allow for, say, one-half the corn as proven, in gross—5 acres, 30 bushels per acre, equal 150 bushels, at 90 cents	-	-	-	\$135 00
Vegetables	-	-	-	20 00
No particulars of contents of house. Witnesses do not put value of house less than	-	-	-	200 00
Making due allowances, probably \$100 is a fair value for the alleged library and bedding	-	-	-	100 00
None of the other items proven.				455 00
Add interest, 2½ years, at 6 per cent.	-	-	-	68 25
				523 25
				523 25

EDW'D HOOGLAND.
SAM'L A. KINGMAN.
HENRY J. ADAMS.

No. 211.

APRIL SESSION, AT LAWRENCE.

To the board of commissioners appointed under an act to provide, &c., passed February 7, 1859:

Your petitioner, George W. Pearce, represents that he is now, and has been a citizen of Kansas Territory ever since the 7th day of April, 1855, and has during said time resided in Douglas county.

Your petitioner further represents that about the 1st of June, 1856, he had ploughed and prepared for planting ten acres of sod land, and that in consequence of being driven from his claim by a body of armed men under the command of one Clark, and others whose names are unknown to your petitioner, your petitioner was unable to plant said land, which remained uncultivated during one year, to the damage of your petitioner \$100.

Your petitioner further says that in the month of September, 1856, he had destroyed ten acres of corn, which would average 30 bushels per acre, worth at least \$1 per bushel, and that there was a good fence around said field of corn; and that in consequence of your petitioner being driven away, and kept away from his said claim, the crop was entirely destroyed, with the exception of 25 or 30 bushels which was saved after his return to his said claim.

At this time petitioner represents that his neighborhood was infested by a large body of armed men which rendered it unsafe for him to remain at his home. General Richardson and others headed the aforesaid body of armed men.

Your petitioner therefore prays your honorable board to audit and allow him the sum of \$400 for his losses sustained, and interest as resulting damages.

GEORGE W. PEARCE.

Sworn to and subscribed in my presence this 27th day of April, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of George W. Pearce.

Thomas Bickerton, being duly sworn, says: I am acquainted with petitioner, and have been ever since he came to the Territory; petitioner and I have been resident citizens of Kansas ever since we came here; we have both lived in Douglas county, Clinton township; petitioner had two fields on the claim on which he resides; one of these fields was fenced in and planted in corn, the other was ploughed and the fence ready to put up. On or about the first of June, 1856, I knew that a body of armed Georgians were after him, and I went to him and warned him off. When I went to him he was engaged in preparing his unplanted field for planting. He immediately left, as the Georgians were close by, and he was in danger of his life if he remained. The damage done him on the unplanted field, by not being able to attend to it, I should say was about \$100.

While petitioner was gone, and in consequence of his not being able to attend to it, the corn in his fenced field was mostly destroyed by cattle breaking into it through the fence. This field, at a low estimate, would have yielded from 35 to 40 bushels per acre; the corn was worth from \$1 50 to \$2 per bushel; petitioner saved about 20 or 30 bushels of his corn.

Petitioner returned once before his final return, but owing to danger from a second body of armed men, supposed to be headed by General Richardson, he was obliged to leave a second time; he was not able to save himself from any of the damage sustained; I think that \$700 or \$800 would not more than cover his damages.

THOMAS BICKERTON.

Sworn to and subscribed before me this 27th day of April, 1859.

SAMUEL A. KINGMAN,
Commissioner.

Chester A. Hay, being sworn, says: I know petitioner since the spring of 1856; on the 3d day of April, 1856, I made his acquaintance; he was living in Bloomington township, Douglas county; he had one field of ten acres fenced in and planted in corn; he also had another field of from ten to twelve acres, with a fence ready to put up; this field was ploughed, and he was getting it ready for planting; he went away from home about the last of May, 1856, or the first of June of the same year, because he was in danger from a party of hostile men who were then close by, and I suppose they were after him. He returned home about a month after he left; but was afraid to remain, and left a second time. During his second absence his cornfield was broken into by cattle and the most of his corn destroyed. This cornfield would have yielded 30 or 40 bushels to the acre; corn was then high, worth from \$1 50 to \$2 per bushel; I do not think petitioner ever received any remuneration for his losses; I think his entire loss was about \$500 or \$600.

CHESTER A. HAY.

Sworn to and subscribed before me this 27th day of April, 1859.

SAMUEL A. KINGMAN,
Commissioner.

George W. Pearce, being sworn, says: I never have received any remuneration for my losses as stated in the petition.

GEORGE W. PEARCE.

Sworn to before me this 27th day of April, 1859.

SAMUEL A. KINGMAN,
Commissioner.

In the matter of the petition of George W. Pearce.

Petitioner claims for loss of corn that he did not have	-	\$100 00
Petitioner claims for loss of corn that he did have	-	300 00
		<u>400 00</u>
The board allow for the corn he did lose	-	270 00
Interest on same, 2½ years, at 6 per cent	-	40 00
		<u>310 00</u>
Total award	-	310 00

SAMUEL A. KINGMAN.
EDWARD HOOGLAND.
HENRY J. ADAMS.

MAY 4, 1859.

No. 212.

To the honorable board of commissioners for auditing and adjusting claims for damages sustained during the years of 1856 and 1857, and resulting from the difficulties in Kansas Territory :

Your petitioner, James H. Carter, a resident of Franklin county, Kansas Territory, respectfully represents : That in the month of September, 1856, he was the owner of the property hereinafter described, that is to say: 18 acres of corn then growing, yielding 30 bushels to the acre, of the value of 75 cents per bushel ; 125 bushels of old corn, then in crib, of the value of \$1 per bushel ; 100 chickens, worth, in gross, \$25 ; one log chain, of value \$1 50 ; that this property, in the months of August and September aforesaid, was in the possession of your petitioner, then residing on his farm or claim in the said county of Franklin, Territory of Kansas ; that on or about the 1st day of September, 1856, your petitioner was, from fear of personal injury and injury to his family, obliged to leave his said residence and take refuge in Missouri ; that at that time numerous parties of marauders were in the vicinity of his said home, and a state of active war existed in Franklin and the adjoining counties ; that your petitioner was forced to leave at his dwelling before mentioned the property before described ; that your petitioner was absent from the Territory and his home for the period of six weeks, and returned thereto as soon as it was safe for him and his family to do so ; that on his return with his family he found the property above described had been, a portion of it, destroyed, and the balance of it had been taken away by some person or persons unknown to your petitioner, and it became to your petitioner a total loss.

Your petitioner would therefore respectfully ask of your honorable board that the said sums, amounting to \$557 50, be audited and allowed, and certificate therefor be issued to him.

JAMES H. CARTER.

KANSAS TERRITORY, *Douglas County, ss :*

James H. Carter, being duly sworn, says : That he is the petitioner in the above application, and that the matters and things stated in the foregoing petition are true.

Subscribed and sworn to before me this 27th day of April, A. D. 1859.

SAM'L A. KINGMAN, *Commissioner.*

In the matter of the petition of James H. Carter.

MINNEOLA, *Franklin County, ss :*

Leroy Howard, being duly sworn, saith : I reside on Middle creek, Franklin county ; have resided in Franklin county nearly four years last past ; am acquainted with James H. Carter, the petitioner. He has resided in Franklin county the same length of time that I have,

and now resides here. He is a citizen of the Territory. His claim or farm was and is on section 31, township 17, range 20. Carter located there in the fall of 1855. He sustained damage by the troubles; lost corn. He had some corn growing in the field and some in a rail pen. The corn was planted in May or June, 1856. There were between 15 and 20 acres of it. I was working for Carter when the breaking was done. I never measured it, or tried to measure it. Don't know how many panels of fence were around it. There was a full rail fence (worm fence) all around it. He commenced breaking up in May, 1856. Mr. Carter and a neighbor joined teams and ran one prairie plough for breaking up. The fence was a tolerable good one, seven rails high. It was thrown down, and cattle destroyed the crop. Carter was compelled to absent himself, for personal safety, in July or August of that year. His life was threatened by the free-State men. Don't recollect how long he was absent. He removed with his family to Missouri, and was gone about four months. He returned to his home in the fall, I think in October. I think then his corn was wholly destroyed and gone; cattle destroyed the crop. Civil war prevailed during that season throughout all this portion of the Territory. Mr. Carter was not a participant in the hostilities existing that summer, that I know of. It was reported that Carter was a pro-slavery man and his family were sick. Many of the settlers in Franklin county had to leave their homes and claims during that summer for personal safety, the country being overrun by bands of armed men, committing depredations and violence, stealing horses, &c. Settlers were molested or driven away by these bands of men. Can't say how much an acre this corn was worth in the field in July.

Carter had about 150 bushels of corn in a pen on his claim when he left there. He bought that corn the fall before that in the neighborhood there. That corn was destroyed or taken away whilst he was away; I do not know by whom. I do not know of his selling it. It must have been taken away about July or August, 1856. When Carter went away he left a good many chickens on his place—about 100; do not know what became of them. A few only were left there when he returned. Chickens were \$3 a dozen.

LEROY HOWARD.

Sworn to before me this 3d day of May, 1859.

EDW'D HOOGLAND,
Commissioner.

FRANKLIN COUNTY, ss:

Hiram Howard, being duly sworn, saith: I am acquainted with petitioner and the last witness, and know the premises of Mr. Carter, described by last witness. I resided about six miles from Mr. Carter's claim during the year 1856. Mr. Carter had corn growing on his claim that season; I think about 18 acres fenced and growing. I remained in the vicinity of my home and Mr. Carter's that whole season. Mr. Carter left home because his life was threatened and

there was danger that he would be killed. Owing to the difficulties and the absence of Mr. Carter that corn was wholly destroyed in July and August. None of the crop was gathered—hardly a stalk left. About eight acres of that corn was second year's ground. That corn was worth between \$10 and \$20 an acre when destroyed. Carter had bought the claim when the ground was broken the year before. Carter had corn in a pen, nearly 200 bushels; good corn, worth \$1 per bushel. The pen was broken and the corn destroyed by cattle or hogs, or taken away by marauding parties. I did not see any of it when he returned; only six or seven bushels of it left when Carter returned. Know nothing about the chickens. His log chain, worth \$1 50, was taken away. I saw it in the possession of a man named Sam. Robinson, who then resided on Middle creek, about two miles from Carter. I saw Sam. Robinson have that chain there in the month of December, 1856; did not tell him whose it was. I examined it carefully; I know it was Carter's chain. Sam. Robinson had no fixed principles; when he was with pro-slavery men he was a pro-slavery man; when with free-State men he was a free-State man. He left that neighborhood in the spring of 1857, having sold out his claim.

HIRAM HOWARD.

Sworn to before me this 3d day of May, 1859.

EDW'D HOOGLAND,
Commissioner.

In the matter of the petition of James H. Carter.

Petitioner claims for 18 acres of corn destroyed	-	-	\$405	00
125 bushels old corn	-	-	125	00
100 chickens	-	-	25	00
Log chain	-	-	2	50
Total	-	-	557	50

The proof warrants an allowance for the 18 acres of corn, at \$15 per acre	-	-	270	00
125 bushels corn	-	-	125	00
100 chickens	-	-	25	00
Log chain	-	-	1	50
			421	50
Interest, 2½ years, at 6 per cent.	-	-	63	15
Total award	-	-	484	65

SAM'L A. KINGMAN.
EDW'D HOOGLAND.
HENRY J. ADAMS.

MAY 3, 1859.