

Tony D.L.C.

(Koo Kogey testimony p. 1016)

REPORTS OF COMMITTEES

OF THE

HOUSE OF REPRESENTATIVES.

MADE

DURING THE FIRST SESSION

OF

THE THIRTY-FOURTH CONGRESS,

1855-'56.

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IN THREE VOLUMES.

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WASHINGTON:  
CORNELIUS WENDELL, PRINTER.  
1856.

## KANSAS AFFAIRS.

JULY 2, 1856.—“Ordered, That it be referred to the Committee of Elections, and printed; and that leave be given to the minority of said committee to submit a report at any time within ten days, and to take additional testimony; and when submitted, that the same be referred to the Committee of Elections, and printed.”

Mr. HOWARD, from the Select Committee, made the following

### REPORT.

[Mr. MORDECAI OLIVER submitted the views of the minority, herewith printed.]

*The Special Committee appointed to investigate the troubles in the Territory of Kansas, having performed the duties required by the House, beg leave to submit the following report:*

A journal of proceedings, including sundry communications made to and by the committee, was kept; a copy of which is herewith submitted.

A copy of the testimony has been made and arranged; not according to the order in which it was taken, but so as to present as clearly as possible a consecutive history of events in the Territory from its organization to the 19th day of March, A. D. 1856.

This copy and the original, with copies of the census rolls and the poll-books of all the elections, are herewith submitted.

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

SQUATTER MEETINGS.—BURNING OF OAKLEY'S HOUSE, BY S. J. JONES.—  
ROBBERING OF REV. PARDON BUTLER.—ROBBERING OF PHILLIPS, AND HOMICIDE OF CLARK.—HOMICIDE OF COLLINS.—SEIZURE OF BALLOT-BOX AT LEAVENWORTH, DECEMBER 15, 1855.—MURDER OF R. P. BROWN.—SUNDRY ARRESTS.—ZIMMERMAN AT ATCHISON.—REEDER'S LETTERS.

JOHN A. WAKEFIELD called and sworn.

I came into the Territory in July, 1854, from Iowa, and settled about six miles west of this on the California road in the second district and have resided there ever since. We undertook to have squatter meetings to pass by-laws for the government of citizens in holding their claims. At those meetings we were met by the people of Missouri. A meeting held late in July or first of August, 1854, was organized by electing myself president, and S. N. Wood secretary of the meeting, and it was held on Judge Miller's claim, on what was then called "Backbone Ridge." The first meeting proved a failure on account of those men wishing to vote. We adjourned the meeting for a few days, I think for two days. We came; the Missourians were there, and claimed to take a part and did take a part in the meeting. The actual settlers were dissatisfied with this and adjourned from Thursday to meet on the Saturday following. After the Missourians left the ground the citizens re-assembled on the same day, and then passed a code of by-laws for the government of claims and elected officers, what was termed a chief justice, a marshal, and a register of claims. Some few weeks after a notice was given of a new meeting, at the same place, to adopt amendments to their by-laws. When we assembled in the morning, on the ground, we found between one and two hundred men there from Missouri. Myself being the presiding officer, I called the meeting to order. The Missourians presented themselves to vote. I then rose, made a short speech and told them that none but actual settlers of the Territory would be allowed to vote at that meeting. The meeting then was addressed in a very lengthy and inflammatory speech by a man from the State of Missouri, of the name of Dunham, claiming that the Missourians had a right to vote at that meeting. He was followed in a short speech by a Mr. Lyon, a citizen of the Territory. A Dr. Lykins, of Kansas city, then spoke, claiming the right to vote there. I then took the privilege of responding to Dr. Lykins myself, in a speech, denying the right of Missourians to vote. This produced very great excitement. A man by the name of McGee, from near Westport, Missouri, made gestures with his fist towards me, and cried out "Beware what you are doing." At this time there was a great deal of shoving and pushing, and such excitement as appeared likely to lead to blows. A gentleman there, whose name I cannot call to mind, but he claimed to be from Louisiana, sent me a note, that he wished to address the meeting. I then gave orders for them to open the way and let the gentleman come forward, which, after some difficulty was done. He went on to make a

speech to quell the excitement, and recommended a committee of conference of the settlers and the Missourians to try to make a compromise. A resolution was then adopted raising that committee of conference, which committee took the by-laws we had adopted at the first meeting and went out. They came back and reported the by-laws to the meeting with some amendments to them, and all voted, of both parties, for its adoption, except some of the actual settlers. A minority report was then made by the actual settlers and was concurred in, all voting for it. That was the end of the meetings concerning the rules and regulations for the government of claims.

JOHN A. WAKEFIELD.

LAWRENCE, K. T., May 10, 1856.

*Constitution of the Delaware Squatter Association, embracing all the laws passed by the different Squatter meetings from June 10, to December 2, 1854.*

Constitution of the Delaware Squatter Association, upon the Delaware lands ceded to the United States, by the Delaware Indians, in the Territory of Kansas:

ARTICLE I. This association shall be known by the name of the "Kansas Delaware Squatter Association," and by such name shall be able to hold a court for the trial of all difficulties, growing out of the settlement of the public lands within said district, in regard to its occupancy.

ARTICLE II. The officers of the association shall be a president and two associate judges, a secretary, treasurer and marshal, who shall be elected annually from among the actual settlers upon said lands.

ARTICLE III. The president, by virtue of his office, shall be chief justice of the squatters' court; he shall preside at all meetings of the association, and be judge of the first judicial district.

ARTICLE IV. The associate justices shall be judges of and reside within the district, which shall be assigned them by the association.

ARTICLE V. The president and associate judges shall each respectively be competent to try and determine all causes to them submitted for trial.

ARTICLE VI. The said president and associate justices shall have power to appoint their own clerks and sheriffs, and remove them at pleasure.

ARTICLE VII. The said clerks and sheriffs so appointed, shall perform all and singular the duties, and be entitled to receive the same compensation as the clerks and sheriffs would be for like services in the district courts of the United States for Territories.

ARTICLE VIII. The president shall preside at all meetings of the association.

ARTICLE IX. The secretary shall keep a correct record of all the proceedings of the association in a book kept for that purpose, which shall be open for inspection at all times; and in a book kept for the purpose, keep a record of all claims which shall be made in accordance

night, but I do not know certainly about that. I was up when they started, but did not go with them. There was a call for all who had guns to go, and I did not consider myself called upon to go, as I had no guns. I had two revolvers, but there were other reasons why some of us did not go. I should think about fifteen went. I noticed them first particularly; they were on foot, and were armed with their guns, and some had revolvers and knives, and one or two young men had small pistols. The understanding when they left was that they were going to rescue Sparks. Sparks had left, some fifteen minutes or half an hour before they started for him, for home. I think two of Mr. Sparks's sons and Mr. Tritt went with Sparks, when he left. I think Mr. Sparks had a double-barrelled gun, but I do not think the rest were armed, though I am not positive about that. I do not know that any of the pro-slavery party were up there before the election was over, but two came up after the election was over. I think there was no interruption by the pro-slavery party to the election while it was going on, except what I have stated about a party having come up near the polls, about thirty or forty in number, and their officer ordered them to charge, when some of our party went out, but they did not do so.

To Mr. Sherman :

The election was not held here, in Leavenworth city, because the business men of this place were afraid if it was held here it would result in bloodshed and the destruction of property, and that was the general impression. It was feared that it would result in a general riot. It was expected by the citizens that the opposing force would consist of citizens of this town and from Missouri.

To Mr. Oliver :

I cannot say that I know of any Missourians who threatened to interfere with this election.

J. C. GREEN.

LEAVENWORTH CITY, K. T., *May 16, 1856.*

DAVID BROWN called and sworn.

I came into the Territory about the middle of September, 1854. I am no relation to Mr. R. P. Brown. I lived about three miles north-west from here, in Salt Creek valley. R. P. Brown lived upon a claim west of me, adjoining mine, some 600 yards from where I lived, upon another man's claim of the name of McCrea, and lived in the cabin of McCrea. I understood there was some partnership in regard to the living on the claim. Mr. Brown had a wife, and a little girl some two and a half years old, living with him. I was at the house some three or four hours after Brown was brought home. I was the first man who was sent for. About 12 o'clock at night a messenger came to me to come to this place to get a doctor. I did not get any one to go out, but spoke to one, who promised to come. The one who

brought me the message was a Frenchman, named Charles Jareau, I think a teamster for Brown. I got back to Brown's house about 3 o'clock, and found him in a dying condition, lying upon a pallet on the floor, his clothes literally covered with blood. I sat down, took his head upon my lap, and examined the wound. I asked him how he was; he said he was dying, but should die in a good cause. I commenced opening his vest to ascertain if there were any further wounds in his body, and he told me they were all in his head. I opened his vest, but found no other wound. He raised apparently from one side as if he wanted to turn over to the other side, and exclaimed, "I am dying;" and immediately died, with his head upon my lap. When I was unbuttoning his vest, Mrs. McCrea, of the house, handed me some warm drink to offer him, but I discovered he was too far gone, and returned it to them. The man who was present stated that they had been giving him some warm drinks at the grocery before they brought him home. This man's name was Charles Dunn, and he was captain of one of the companies out there in the affair. He insisted on my offering it to Brown, but I refused. After Brown died, I proceeded to superintend the burial, changing the clothes, getting a coffin, &c. He was buried on Sunday, the 20th of January. Dunn told me that he had befriended Brown, notwithstanding they had been personal enemies, and had brought him home from Easton, where the affray took place. He said when he first discovered Brown he had received this wound; and after receiving the wound, Brown had made his escape, fled to the woods, and had been caught and brought back; and Dunn had been instrumental in keeping them there from shooting or hanging Brown, as some wanted to do.

Dunn showed me a fresh wound he had received on his hand, he said, while doing this, in shielding off a gun, to prevent a man from shooting Brown. Dunn was at that time very much intoxicated. After Brown died, Dunn promised to come back immediately, but he did not. I saw nothing of him until about 11 o'clock the next day. He lives about a mile from where Brown lived.

The wound on Brown's head was on the left side of the head, cutting the inside of the left ear, and extending perhaps two inches long to the left temple, cutting off a lock of hair. His body was taken up about a week after he was buried, when his brother came on here, and was examined by three physicians of this place. I helped to take the body up, and saw the physicians examine the wound, and run the middle finger of their hands into the skull the whole length of the finger.

I have never known of the public examination of any of the men engaged in this matter, or of any attempt to arrest any of those men. After Brown died, his wife and child came to my house and lived with me until about the first of April, when I saw her on a steamboat and start on her way home to Michigan. Mrs. McCrea lived with me during the same time, and left with Mrs. Brown. After Brown was killed, Mrs. McCrea sold her claim.

I was at the election at Easton on the 17th of January, 1856; and on my way there I was stopped by the Kickapoo Rangers, who demanded where I was going and where my business was. I declined

for a time to tell them. They insisted, and I told them one portion of my business, which was to go and see a Mr. Dawson, a pro-slavery man, to get some money he owed me. That did not seem to satisfy them altogether, and they asked me if I was going to the election to vote. I told them I thought probably I would go to the polls. I said I did not know whether I should vote or not. Two of them, who seemed to be the most forward of them, separated—one taking my horse by the bridle, and the other went back in the grocery where I was stopped, some two miles this side of Easton, where these Rangers were stationed. The one who went to the grocery was named McAleary, and the other was named Hubbard. Hubbard flourished a little pistol around, which he said sometimes silenced abolitionists. Mr. McAleary, after he returned from the grocery, told me I could pass on, and I did so, and went to the election after having collected the money of Mr. Dawson, and then returned back and stopped with the Kickapoo Rangers, voluntarily, at the grocery. They inquired if I had been to the election. I told them I had. They asked me who were sitting as judges of the election. I told them I did not know them. They said they were going up to take the ballot-box. I told them they had not force enough to do that; that, in the first place, there was no ballot-box; that the voting was done in a man's hat. They said they would go and take the hat. I said they could not do that, for there were about sixty men there who I believed were able to and would defend the ballot-box. I then left them and went home. This McAleary did most of the talking with me. I did not know this Hubbard, and may have mistaken his name. I did not see Dunn that day. I should think this company of Kickapoo Rangers consisted of about twenty-five when I was stopped going out. When I came back, I should think there were only twelve or fifteen of them. On my return some of them appeared to be intoxicated, but none, I think, when I went out.

After Brown died, I came to town to get a shroud and a coffin made, and on my way back I met this Dunn coming towards the town. Just after I got back to where Brown's body was, a man who was working for Merrill Smith came in, and said that a Mr. Harvey had sent him to forbid me or any one else touching the body till a coroner's inquest could be held over it. I therefore left him until that night at candle-lighting, when the same messenger came back and told me Mr. Harvey had declined acting in the matter, as he could not get enough to come with him. I then helped to dress the body, and it was buried the next day.

To Mr. Howard :

I came from East Tennessee to Minnesota Territory, and then here.

DAVID BROWN.

LEAVENWORTH CITY, K. T., May 15, 1856.

M. P. RIVELY called and sworn.

I reside at Salt creek, three miles west of this place, and keep store there. I was near Easton on the 18th of January, 1856. I first saw Mr. R. P. Brown near Easton on that day, with a number of men with him, whose names I do not recollect. He was walking, but I do not recollect whether by his wagon or not. As that was some time ago, I do not recollect much that took place; not much took place while I was there. Some men had him, but I don't know whether they were Kickapoo Rangers or not. They had him at Easton, after they took him in Dawson's store, where they kept him. I thought I would be brought up here to testify in relation to the elections, and not in regard to any little difficulties that have occurred in the Territory. I did not come up here to give any testimony about anything but elections.

[Mr. Howard stated to the witness the object of the examination, and read to him the authority given to the committee by the House of Representatives.]

By Mr. Sherman :

Q. Will true answers to questions as to what was done that day by the persons you have spoken of to R. P. Brown, tend to criminate you personally?

A. Upon due reflection, I think they might in some slight degree.

By Mr. Howard :

Q. What persons were there of Mr. Brown's party?

A. I am acquainted with but one of them—a Mr. Adams, I think, a surveyor. The rest I do not know, and don't think I should know any of them now, except a Mr. Green. There were some six others, I think, besides those two.

Q. Did you see Brown's party before they got to Easton?

A. I saw his party, and suppose Brown was with them, though I did not see him, some five or six miles this side of Easton.

They had a wagon with them, but I do not know whether they had just got out of it or not. A Frenchman named Jarcau, I think, was driving. When the wagons met, I think there were of our party a man named Capt. John W. Martin, of Kickapoo; a Mr. Gibson, who, I think, lived at Kickapoo at that time, but I don't know where he lives now, though I have seen him at Kickapoo and at Weston within the last three weeks. Charles Dunn was not with us when the two parties met, but joined us at Easton in the afternoon. A Mr. D. A. N. Grover, now member of the council, and brother to the district attorney, was there. Mr. Sharp was there from Kickapoo. Dr. Harris, from near Kickapoo, was there. Mr. Adkins was there; I do not know his first name, nor where he lives. I think that is about all I can recollect. I should think there were about twelve or fifteen of our party. I think Brown's party consisted of from seven to nine. I think all our party were on horseback, but I do not recollect of their having a wagon, though they may have had. I do not recollect of any other

wagons there but Brown's, and if there had been I think I should have recollected it. There may have been, but I do not now recollect of any other wagons there but Brown's. Brown's party had guns and revolvers with them, but I do not know that all had. Our party took them prisoners, and made them go back to Easton with us. I think they did not make any resistance to going back, though they did not seem to like it. In going back they rode in their wagon part of the way and part of the way they walked. I was on horseback, part of the time ahead and part behind. I think they were put in Dawson's store when we got to Easton. We got there, I think, about two o'clock in the afternoon; it might have been before noon. I kept along near them all the time going there. We did not let them all go at one time; most of them went off, I think, near about four o'clock. We had no warrant to stop these men. We heard that Mr. Brown, with a number of others, had been out holding an illegal election at Easton; that there had been some misunderstanding between Brown and his party and some gentlemen who lived at Easton, and that Mr. Brown was the leader of the party who fired upon those gentlemen, killing a gentleman by the name of Cook, a pro-slavery man, a resident of the Territory. We then determined to take back this party, and see whether they had fired upon the gentlemen at Easton, and whether Mr. Cook had been shot. They went back with us, and we ascertained that there had been a fight, and that they had shot at a party of pro-slavery men with guns and pistols, and had shot Mr. Cook. Mr. Cook was an old settler, so I understand; a man of family, and a very clever man. He subsequently died. When we got there, Mr. Cook was lying in Mr. Dawson's house, groaning, as I heard him do, but I did not see him. The citizens were very much exasperated, and it is not to be wondered at that they should retaliate; I fully expected they would. The prisoners were questioned, and all let go home, but Mr. Brown. It was proven that Mr. Brown was the leader of the band who had made the attack the night before, and shot several rounds at the gentlemen of Easton. Brown did not deny it. They then considered what should be done with Brown, but did not agree upon anything. All considered him guilty of a very bad act, in heading the mob and first firing upon the citizens at Easton. Some did not wish to punish, as he was in the power of a dozen or more men by himself, though they thought he had acted badly. He was then taken out of the store by some one, I do not recollect whom; and it was proposed by some person, I do not recollect whom, that Brown and Gibson should fight, which they did. Brown fought, and Gibson knocked him down with his fist; that I saw. While he was down, Brown halloed "Enough." He then got up, and I led him to the wagon and put him in it, and he went home in the wagon. That is all I recollect of it. I went off in advance of the wagon, and the next day I heard Brown was dying. I did not see the fight between Brown and Gibson when it commenced. I saw Gibson knock him down, and saw Brown strike at him. I did not see Gibson use any weapon at that time, though I saw Gibson have a hatchet as we were going out there that day. I did not see him have a hatchet at the time of the fight. I do not know that Brown was bleeding when I helped him in the wagon,

for it was about dusk. Mr. Charles Dunn helped me to lead Brown to the wagon, and Brown got in himself. I was not at Easton on the day of this illegal election. I did not see either Brown or Gibson, at the time of the fight, have any weapon. It was about dusk, and I should probably not have seen the weapons if they had had any. The fight took place near the store, but no ring was formed. I do not know how large the party of Easton men was that Brown had fired on the day before. I do not know that any of Brown's party was wounded. The pro-slavery men were taking no part in the election. I heard that they were at Mr. Dawson's store, and Brown and his party came down there to attack them. I do not recollect of hearing, the day Brown was hurt, that the pro-slavery men of Easton had demanded the ballot-box the day before. The pro-slavery party that Brown's party fired at were represented as being much smaller than the other.

When our party met Brown's party, before we went back to Easton, I recollect of seeing Gibson strike at a young man with a hatchet. I think the young man was on his feet running from Gibson, and I saw Captain Martin take hold of Gibson to hold him. This young man had no gun at that time. I do not know what became of the arms of Brown's party, and do not recollect what was said about or done with them when we took them. These prisoners did not have their arms when they were in Dawson's store, and I do not know what had become of them.

Dr. Harris, of Kickapoo, came over here and said they had been killing some of our men at Easton, and wanted us to go and see if it was so. I do not know whether our party was armed. I had none myself. I do not recollect of seeing any one with a hatchet but Gibson. Gibson might have struck Brown with a hatchet, and I not have seen it. I did not look on all the time. The fight did not last more than a minute or two. I did not see Gibson knock Brown down more than once. I saw no rope put around Brown's neck, though I heard some threats. I heard there at Easton that Brown's party had come down from Minard's, where the election was held, and had challenged the pro-slavery men of Easton to fight; had used insulting language, and that had incensed the pro-slavery men. I did not hear that the pro-slavery party had taken any free-State man prisoner just before the fight, or that Brown had come to rescue any one; but I heard that he had come there simply to fight. I heard nothing about a free-State man named Sparks being captured by the pro-slavery party. I do not know, of my own knowledge, that the grand jury has made any inquiry into this matter, or have ever attempted to inquire into this fracas. I have been a member of the grand jury since that time, and nothing was said about it then, and no one ever came before the grand jury to make any complaints that I know of. Easton is in this county. I did not know Brown before that day; but I had seen Gibson once or twice. So far as my recollection goes, I do not think there were more than twelve or fifteen in our party that day. There may have been a wagon in our party that day, but I don't recollect about it. I am confident there were not four wagons in our party. Brown's party had been stopped by some gentlemen ahead o

us, and behind them as we came up. Gibson was of that party, but I do not recollect whether he was on horseback or on foot. So far as I recollect, there were not three wagons in our party; but I am not so confident as I was about there not being four, though I have no idea that there was that many in our party, and I do not recollect our having any four-horse or mule team. I am not positive that there were not twenty men in our party. There may have been more than twelve or fifteen, but that is as near as I can recollect. I would not like to say, upon my oath, there were not thirty; but my impression is that there were not. Mr. Sharp, who was with us at Easton, was on the grand jury when I was. There might have been others of our party on that day on the grand jury, but I recollect of none but Sharp and myself. Deputy Marshal McMeekin summoned us to serve on the grand jury. I am not sure he was not at Easton that day. He lives in this city. I do not recollect whether the judges of the illegal election on the 17th of January last have been indicted or not. There has been some inquiry, I believe. There have been indictments found against those who acted as judges on the election of the adoption of the State constitution. I know our utmost endeavors were made to find out who acted as judges and clerks on the 17th of January last, and at all the bogus elections held by the abolitionists here; but I do not recollect whether or not their names have ever been found out. We were very anxious to find them out, as we thought they acted illegally. I am from Philadelphia to this Territory, and came out here in April, 1852. I do not know of any indictments having been found against persons for political offences.

They killed one of the pro-slavery men, and the pro-slavery men killed one of the others, and I thought it was about mutual. I am opposed to all these quarrels.

M. P. RIVELY.

LEAVENWORTH CITY, K. T., *May* 15, 1856.

GEORGE A. TAYLOR called and sworn.

I was at Easton at the election of the 17th of January, 1856. I went up with Mr. Brown. A Mr. Sparks had been at the election that day. After the election was over, I heard that he had been stopped and taken prisoner, while on his way home, by a company at Dawson's store. When we heard that, some twenty of us started on foot, and went down and found Mr. Sparks surrounded by the company, down a lane a little to the right of Mr. Dawson's store. When I first saw Mr. Sparks he was standing near a fence, and had a double-barrelled gun with him, and the others were standing around him. Some one of our party asked if Mr. Sparks was there, and it was answered that he was. Mr. Brown, I believe, said that we had come down after him, and wanted him delivered up. They said Mr. Sparks could go, as they did not wish to detain him there. Mr. Sparks then came over and joined us, as we were all mixed up together in a crowd. We then separated, and after we had got about one hundred yards from that party, with Mr. Sparks with us, there was a shot from the

other side, which I thought was fired at us. We immediately returned the fire, and it was kept up on both sides for perhaps fifteen minutes. One of our men was wounded. As soon as the firing stopped we all returned to Mr. Minard's. When we got to the house, we found that one of Mr. Sparks's sons was wounded, a ball having broken the skin on the top of his head so as to draw blood. We remained at Minard's till the next morning at sunrise without any more trouble. Most of the free-State men had gone home at that time.

Mr. Brown and his party, eight in all, including the driver, then started to return to Leavenworth. We had got about a mile from where the Kickapoo road joins the Fort Kearney road, where we saw two wagon loads of about fifteen men. When we got up against them they asked us if we were free-State or pro-slavery. There was no answer made to that. They ordered us to halt, and we drove directly along without saying a word. After we got about twenty-five yards, there were two rifles pointed at us from the two wagons we had just passed. A part of our party, all but the driver, then got out of our wagon and walked along by the side of it. We went on very slowly, and one man came on foot and passed us, with a revolver in each hand, and joined the other party.

When we got to the top of a knoll, we saw another party—I should think of a hundred men—who were at a double log-house. We walked on up the road to where they were. Directly one of them came to me and told me he wanted my rifle. I gave it to him. I was standing among the crowd about five minutes, and the man who took my rifle came up to me and knocked me down, and several hit me while I was down. He caught hold of my hair, and when I raised up I saw him trying to hit me with a hatchet. I raised up and pulled away from him. I dodged about then for some time, and he followed me with his hatchet. Some one caught him and held him, so as to prevent his hitting me. In the mean time the horses had started, and some one fired a revolver at the driver. The horses were then turned around, and we were put in our wagon—two pro-slavery men exchanging places with two of our party—and we were taken back to Dawson's store and kept there. I was let off about three hours after Mr. Adams left.

There was a man there who said his name was Sharp, who came into the store and told Mr. Brown that they wanted him to come out. Mr. Brown then went out with them, and that was the last time I saw him. After Mr. Brown went out, they came in for Mr. Bird, and he went out and came back directly. We were all discharged about three-quarters of an hour after Mr. Brown was called—a little after sunset. As we came out, we saw a crowd very near the door gathered around some one, I understood to be Mr. Brown, some crying out, "kill him," and others saying they had better not. I should think there were at least 125 men, consisting of those who took us, and others, from Leavenworth. Those who took us called themselves the Kickapoo Rangers. Of those I saw there, I knew Mr. Burnham, of this city, and a Major Donner, I think they called him.

These men were all armed with rifles, double-barrelled shot-guns, and nearly all with revolvers and knives. While we were kept in the store as prisoners, I heard men say that Brown should never go away

alive; and others, that they had rather not kill him. They appeared to be angry with him because he was the leader of our party. They complained of his being at the election, and the leader of the party who came down the night before to rescue Mr. Sparks. I heard no demand made for the poll-books. There was a party came up about sundown, but I do not know what they came for. I have never seen my rifle since it was taken from me. It is fourteen miles, I think, from here to Easton. Mr. Sparks, I think, lives in the neighborhood of Easton. I do not know his full name.

GEORGE A. TAYLOR.

LEAVENWORTH CITY, K. T., *May 15, 1856.*

DR. JAMES DAVIS called and sworn.

I came to this place about the 4th of April, 1855, and have resided here ever since. I was here last winter, and attended the post mortem examination of Mr. R. P. Brown, when he was taken up from his grave for that purpose, in February or March last. His brother came here and requested that this examination should be made. When the body was taken up, I took particular pains to examine the wound. It was in the left temple, severing the temporal bone to the length of about two and a half inches. I judge that the wound was made with one blow of a hatchet or tomahawk, or some weapon of that kind. The temporal bone was opened sufficiently to admit my finger anywhere along it for two inches. I ran my fore-finger into the wound up to its second joint. I have no doubt it was a mortal wound. Dr. Few and Dr. Park, of this city, were also present at the examination. I am a physician, and have been a practising physician for about twenty-seven years.

JAMES DAVIS.

LEAVENWORTH CITY, K. T., *May 16, 1856.*

DR. J. G. PARK called and sworn.

I came to this city in May, 1855, and have resided here ever since. I attended a *post mortem* examination of Mr. R. P. Brown, when his body was taken up from his grave—I think in March, 1856. We discovered but one wound upon his person, except a slight flesh wound over the left eyebrow, though we did not examine particularly—only what appeared externally. We found a wound on the left temple, about a line from the outer end of the socket of the eye, and running towards the ear, and about an inch and a half or two inches long, so far as I can now recollect. I ran my finger through the squamous portion of the temporal bone, which is the thinnest part of the skull bone. The opening into the skull was sufficiently large to admit my fore-finger, which I ran into the brain. Fragments or pieces of bone were sticking on the inside into the brain, no doubt forced in by the

instrument with which the blow was inflicted. So far as the flesh was concerned, I should think the wound was made by a sharp-edged instrument, and the bone seemed to be broken in wider than it was cut. From the appearance of the wound and the appearance of the bone, it would seem to have been made by a hatchet, and the blow must have been struck from behind, or when the head was inclined downwards. The wound could have been made by a tomahawk or lath-hatchet. The wound was one that must have produced death, and the only wonder is that the person should have lived so long after he received it.

I have been a practising physician for ten years past. This examination was made some weeks after Brown's death. He was buried in the coldest weather we had. There was no decay in the body, except that we could rub up the outer cuticle of the skin with our fingers; but the body was in sufficient state of preservation to allow us to make a satisfactory examination.

J. G. PARK.

LEAVENWORTH CITY, K. T., *May 17, 1856.*

SAMUEL F. FERR called and sworn.

I have been a practising physician for five, and a consulting physician at the Hot and Warm Springs, Virginia, for nearly three years. I now reside near Leavenworth city, and have been residing there since 1854. I was called upon to examine the body of Mr. R. P. Brown on a Sunday, on an intensely cold day. On account of the cold I rather declined going, but promised, if the parties would bring the body near by my cabin, I would examine it, in connexion with any other physician they would call. They tried to make the arrangement, but they failed to do so, and they took it to the graveyard and buried it. Some time after that I was introduced to a gentleman of the name of Brown, who asked me to accompany Drs. Park and Davis, of this town, to examine the body of his brother. I went up to the grave a little before they had exhumed the body. After they had taken it up, I think I examined the body first. There was no decomposition. The body had been frozen stiff, and was about thawing then. I examined only the head, where I found two wounds: one was a sharp cut, a mere flesh wound, that would have done no harm, over one of the eyebrows; another was upon the left temple. From what I had heard, I had expected to find only a depression or a fracture of the skull pressing upon the brain; but on opening the lips of the wound to examine it, I introduced my fore-finger, its full length, to the base of the brain; I also ran it in front and in rear of the brain, and up and down. I found lying upon the brain the soft portion of the temporal bone. I tried to pull it out with my finger, and could not do it; and then I introduced two fingers into the cavity at the same time. I did not get the bone out, because I could not manage my two fingers. I did not know Mr. Brown; I may have seen him.

This wound was caused by a sharp instrument. A hatchet could have caused such a wound, and was necessarily mortal.

LEAVENWORTH CITY, K. T., *May 17, 1856.*

SAMUEL F. FEE.

NICK SMITH called and sworn.

I reside in Leavenworth city. I am acquainted with Eli Moore; he is now a deputy marshal or deputy sheriff of this county, and I have seen him engaged in the public service of writs, processes, &c. I was in the office of Mr. D. J. Johnson, an attorney in this city, when Captain Dunn and Eli Moore were present. This, I think, was about a month ago, perhaps more or less. There were several other gentlemen present. The conversation turned upon the murder of Brown, last January. I observed that I had heard that Brown had been treated very brutally and outrageously by the members of the company who took him, and said that I had heard he had been kicked in the face by some member of the company. After expressing disapprobation and disgust myself, Captain Dunn remarked that he would give me a full history of the case, and then proceeded to do it; and before completing it, was called out. Mr. Moore said that he was there himself. The treatment of Brown was not denied by any one; but I think Captain Dunn disapproved of the murder, and stated that he had opposed it in council. Captain Dunn said Brown was killed with a hatchet, but did not say who had done it. Eli Moore did not say what part he took in it, though he said he was there; but did not say whether he approved it or not. I do not think Moore was deputy sheriff or marshal when this murder took place. I never conversed with any one but Captain Dunn, of those who witnessed it, about this murder.

LEAVENWORTH, K. T., *May 16, 1856.*

NICK SMITH.

EDWARD MOTTER called and sworn.

I came to this Territory in November, 1855, and was residing at Easton in January last. On the 15th of January, 1856, an election was to be held, but it was put off until the 17th, on which day a body of men came in armed with a number of Sharpe's rifles. I do not know the men, but I understood them to be free-State men going to the election, and 65 or 70 in number I think. The election went on, the men standing around with arms and voting. All were armed; I heard that some five or six had Sharpe's rifles, and saw one; others were armed with revolvers and bowie-knives in any quantity. About 10 o'clock a man named Brown came to Easton with eight or ten men, all armed to the teeth. During the day nothing occurred of any importance. About 6 o'clock in the evening Mr. Brown came down; I

went up to him and said, "Mr. Brown, I think it would be advisable for you to return with your men." He threw open his coat and said, "by God, you think I am not armed." I said, "that makes no difference to me," and left him for a few moments. About an hour afterwards I went over to the grocery and saw Brown reading a letter, and told him things were getting to a critical position, and he had better go home with his men. I did not then see anything more of him until about 9 o'clock that evening. He brought about twenty men down to the grocery, part of them armed and part not. I told Mr. Brown that his men could not come into the grocery, because they were getting drunk and there would be violence committed. Nine of them rushed into the grocery, and I kept eleven of them out. Brown was one of those who came in—the first one who went in. About 11 o'clock men were running both ways. Brown's party had gone back to Mr. Minard's house. They sent down a messenger to us, calling us cowardly, thieving, niggardly sons of bitches, and dared us to come up to Minard's house, and that if we did, there would not be one to tell the tale. That was just the expression Mr. Minard used, and they all said so. After that news came down I sent them a note as follows: that if they would hold on, probably we would call to see them upon any demand they had requested. I have that note at home yet. About 12 o'clock Mr. Sparks came down, and instead of going directly home he walked at least a quarter of a mile to come down where our men—the pro-slavery party—were. He knew that his most bitter enemies were there and intoxicated at the time. I was sitting in the office, in company with Mr. Samuel J. Kookogey, Samuel Burgess, and Dr. Kennedy, when he passed by. I heard some one outside exclaim, "there goes old man Sparks, with his rifle on his shoulder." Some ten or twelve of our boys ran after him, hallooing after him. Mr. Kookogey and myself immediately ran down to where Sparks had stopped, and got on the fence and made a speech, that they should let the old man go on home; that it would not do to commit any violence on him. Ten or twelve of the men were about leaving, when Sparks commenced cursing and swearing about something—I could not tell what. I went to him, and tried to persuade him to go on home, and he refused to go. Then Mr. Brown came down from Mr. Minard's house, with I think 25 or 30 men. He was at their head himself, and had a double-barreled gun, cocked. When he got to the head of the lane where we were, I was standing there in company with Mr. Kookogey. Brown came up to me and called me a God damned cowardly, thieving, niggardly son of a bitch, and told us to clear the lane, and took Mr. Sparks out; after he had got him out, he then commanded the pro-slavery men to march in front. Mr. Burgess told our men they should not do it; to go behind, as he thought Brown's intention was to fire on us. I myself went behind all of the folks there, for fear that they would fire upon us. We arrived at the forks of the road, where an Indian trail led off, and they had got between 80 and 90 yards ahead of us, when there was a pistol fired from Brown's party. Immediately after the first fire, firing commenced on both sides. One man named Richardson, on the pro-slavery side, was shot in the leg, the ball penetrating the anterior portion of the



I know Mr. Gibson, and saw him there that day. I judge he was armed. I did not see him with any arms until after Brown's party were taken. I was in the room where they were, and asked Brown some questions. I asked Brown if he was the leader of the party the night before. He said he was. I asked him if he had not been doing wrong. He said he had. I judge he meant that he was violating the laws of the Territory by supporting a legislature not recognised by the governor, and in supporting an election which was illegal. I do not know what else he meant. He must have had reference to the firing, also, upon our men. He was not a citizen of Easton. I cannot say what he referred to, but I thought that must have been what he referred to. I did not specify what I meant when I asked him if he had been doing wrong. I heard others specify to him what they meant. I think Dr. Harris talked with him about the election. Captain Martin was also in the room, and asked Brown the same questions I did. Mr. Rively was in the room. I never heard Mr. Gibson say anything about who wounded Brown. McNish lives in Easton, and was there. I did not see Brown after he was wounded. I was in the store at the time and did not go out at all. I heard some noise and hallooing outside, but not much, as the most of the men had gone off. Brown was out of the store at the time. I do not know whether he had been taken out of the room where he was, or had gone out himself. He had been in a room adjoining the store, and I think was taken in there for protection. Brown was in that room when he told me that one of his men fired the first shot. There were some seven or eight men in there. I do not recollect all of them. I was in there about a quarter of an hour. Brown's men were not there, but I think were about town somewhere, but I do not know where. Mr. Cook stated, after he was shot, that he thought some man in or about the grocery had shot him, but we examined that man's revolver and it was all loaded. Mr. Cook was in front of the grocery when he was shot, not up where the fighting was.

By Mr. Oliver :

I heard Mr. Brown say to men who asked him, that he came out there to vote, and I know he did vote. They said they brought their arms to protect the election. I did not hear any of Brown's party say that day that there were no laws in the Territory. All the difficulties that happened that day grew out of that election. I think if Mr. Sparks had not come down by the grocery, there would have been no difficulty. I think there were about fifteen of the pro-slavery party at the grocery, and about sixty or seventy free-soil men at Mr. Minard's house. I don't recollect of hearing Mr. Brown say at any time that he had come to this Territory to make this a free State.

By Mr. Howard :

Some drunken men of the pro-slavery party did say something about going to take the ballot-box, and they were so drunk I don't think they could have carried the box if it weighed six pounds.

By Mr. Oliver :

I heard no sober man of our party saying anything about taking

the ballot-box until they had dared us to come up and there had been considerable swearing.

By Mr. Howard :

After the excitement began to grow pretty high, liquor might have had some effect, but I think it commenced from the effects of the election and men coming there to vote with arms.

The ball which hit Mr. Cook was probably about a quarter or a half ounce, I should think, though I did not see it. I should think it was a rifle-ball, that run about seventy or eighty to the pound.

E. S. MOTTER, M. D.

LEAVENWORTH, K. T., May 16, 1856.

STEPHEN SPARKS called and sworn.

I came to the Territory in October, 1854, from Platte county, Missouri, where I had been living since 1845. An election was called to be held on Tuesday, the 15th of January, A. D. 1856, at Easton; and upon learning a rumor that prevailed through the neighborhood that Kickapoo Rangers were collecting in force to prevent the election, it was postponed until the Thursday following, the 17th. On the evening before that day I went up to Easton. The polls were opened about noon; everything was quiet then; but we saw a company at Janesville, half a mile or a mile from us, passing on horses once in a while on a bluff there, and several persons came in and complained of being insulted by them, and were stopped by them.

Among others my son, Moses Sparks, was halted, also Mr. Pennock, and some two or three with them were stopped, and their guns taken out of their sleds or wagons. From a bluff near the polls we could see the party. It passed on so until a little before sundown. They came over into Easton across the creek, and stopped at a grocery near Dawson's. About dusk, between thirty-five and forty-five men, as near as I could guess, came up towards Minard's, where the election was held. I heard some one of the crowd, who appeared to be the leader, say, "Charge on them, God-damn them, I aint afraid!" About this time our men had nearly formed themselves from the door to the road. Upon seeing our force they halted, and returned without further difficulty. Some time after a note was sent to the house where we were, from them. The note was directed to me and Mr. Minard, and had no name to it. After looking at it, we concluded to give no answer until some one would put his name to it. Another note was sent by a messenger with Dr. Motter's name signed to it. Mr. McAlear then came up, and Kookogey with him, to reason with us, and said it would be better for us to give up the ballot-box, or it would turn out worse. We concluded there would be no difficulty. This was late at night, and I proposed that I would go home, and started home with my son and nephew. My road was through Easton. Snow was on the ground, and that was the only broken way to my house, and it is the road I always go. When getting near Dawson's

store, I saw several men, and heard several say, "God damn him, there he is," and called old man Sparks, and said they had got me now. There was a great deal of talk, and the men had been drinking. I walked on and came near the store-door; several men threatened me very heavy, and demanded that I should surrender. They were then all round me, some in front and some behind, and on each side. I kept on until where the road turned off between the store and the grocery. They demanded that I should go in and drink with them, but I refused. My son wanted me to surrender, but I spoke to him low, and told him to keep near me and close by my side. We then turned south from Easton towards home. The company then fell back and gathered as if in consultation, so that I got several rods ahead of them. They then burst loose with a good many threats and cursings, and followed me. I kept on at my usual pace, and kept the boys close by me. They again stopped to consult, and then the crowd came on and made a heavy charge on me, and their common expressions was, God-damn him, shoot him! kill him! damned abolitionist! There were then two guns fired. Upon this I turned and levelled my gun, but my son dissuaded me and I did not fire, but started on again, and was then near Dawson's house. I turned into the lane leading to his house, and part of the crowd formed a line across the lane, so that I could get neither way, and were making—  
My son and nephew, at my suggestion, got into a corner of the fence—a rail fence, staked and ridered. We were there at bay, and were prepared to make the best defence we could. I reasoned with them, and said there were plenty of my old neighbors in Platte county with them; that I knew I would not surrender to a drunken mob. Benjamin Foster then fetched his fist in my shoulder, and said, God-damn you, I could or would smash you. I then told him to stand back, and told him if he laid his hands again on me he would regret it. They demanded our general surrender, and that we should go back to the grocery. They had guns, pistols, &c., and presented them at me, and told me to march or they would shoot me. I told them to shoot. No gun was fired there. I said they must shoot me, as I would not give up to a drunken mob. David Large then took hold of my son's gun and demanded that he should give it up. He refused, and in their struggling I presented mine, and told him to let go. He did so. They then, with threats, hallooed several times; and we remained in that position some fifteen minutes, until R. P. Brown came and rescued me.

At the time they fired, as I spoke of, the man who was riding my horse went back to Minard's and gave the word. I had no idea of this. The first I saw of Brown he was near by, and his party afoot, stretched across the road, and inquired if I was there. I answered that I was. He told me to march to him. I started and was about half way when Sam. Burgess caught hold of my shoulder. I told him to let me go, and prepared for defence, and he did let me go. He marched forward around me, and my son and nephew also came into the ring. Brown told his men to march back, and all did so, friend and foe going together in a crowd, I being in the centre. Then we went to the forks of the road; there the other party took the straight-

forward road, and we, with Brown's party, turned to the left. About forty or fifty yards, Brown urged me to walk in, as they were going to shoot. This he told me three times distinctly. The last time, I told him I would obey him. He was marching backwards looking towards the other crowd, conversing with them not to fire, and told them that if they did, he would return the fire. When we were about sixty or eighty yards off, the fire was opened upon us. The first fire was from the northwest of their crowd. I am sure they fired first, as I saw the fire distinctly. Then Brown ordered a fire in return, and both parties fired, and a great many guns were fired. The men were scattered in Indian file, and the fire was kept up for some time. My son was wounded and knocked down, within six or eight feet of me, at the second fire, but he raised again and fired. He was wounded in the arm and head slightly. We finally marched back to Minard's. I staid there all night, and started home before breakfast. About 3 o'clock in the afternoon I heard of Brown's capture, and that Minard was also taken, and that they were to be hung. I never saw Brown afterwards.

Cross-examined by D. A. N. Grover :

There was a rumor that the Kickapoo Rangers were mustering on Sunday, in Kickapoo, for the purpose of taking the ballot-box at Easton. I heard this in my neighborhood before Tuesday; I think I heard it on Sunday or Monday. The election was put off from the 15th to the 17th, on account of this rumor. There was an election held by the free-State party at Easton on the 17th of January, 1856. The purpose of the election was to elect State officers under the State organization. I can't say, for my life, whether the organization was either a free-State or slave-State organization, but, as I understood, and organization of the people of Kansas. Robinson and Roberts were the candidates for governor; Miles Moore was a candidate for attorney general; I was a candidate for the legislature, and was declared elected to the lower branch, and was at Topeka, and served as such. Over fifty votes were cast at Easton that day. I belong to the free-State party, but am no abolitionist either.

I can't say whether the men at Minard's house were armed. There were arms at the house. I did not see men come there with arms, as far as I now recollect. I did not go to the polls that morning, and I did not go there that day. I went the evening before, but I did not take my gun with me. I had two sons there with me, and I did not see either of my sons or my nephew taking any arms there with them. I saw my sons and nephew have guns the night of the election. I think Brown's company had guns—all, I think, who came for me. There was a rumor that the Kickapoo Rangers had taken the ballot-box at Leavenworth city, and were coming to Easton to get the ballot-box there. How true the rumor was I do not know. While I was at Minard's I saw a company of men across on the bluffs, on the other side of the creek, riding back and forth, during the day. I only know from hearsay whether these men were armed or not. I should think it was three-quarters of a mile from Minard's to where these men were. I do not know who these men were, except from hearsay, where they

were from, or where they were going. I do not think I went from the polls, during the day, alone down to Dawson's store. I went to Bristow's store, but I did not go alone. That was in the evening. I had no difficulty with the pro-slavery men at that time near the store, not a word, as far as I recollect. There was some whiskey at Minard's. It was, I think, about sundown that I went down to Bristow's. I had not a word of difficulty with any individual that I now recollect. I was there but a very short time when I saw a crowd coming up; I walked up to keep out of difficulty. I had no difficulty with John Moore. I did not see him, to my knowledge, until I started for home that night, and he pitched around me and said, Damn you, I have got you now. There has been a private difficulty between us, and my opinion was that he sought that difficulty. There had been unpleasant feelings between us for some time. Dr. Motter came to me in Dawson's there, when more than twenty-five or thirty men were standing around me making threats, and said to the company, "as Mr. Sparks is on his way home and has got thus far, let him go." He requested that of the company, and then went round between me and home, and the last I saw of him was standing there in the lane. I do not know as any messages were sent by the men at Minard's down to the men at Dawson's to provoke them. I heard nothing of any challenge being sent down to the pro-slavery men to come up and fight. I sent none myself, and I never heard of any, though there might have been. A man by the name of Woodward came up to Minard's with one of the notes, and I saw the same man around me in the lane. Shep. Woodward was not sent back to the store to tell the boys to come on, as I recollect. My answer was, I think, that if they got the ballot-box they would get it at all hazards, as they said they would have it. I had but little to do with the notes, but handed them over to Mr. Minard: the second one; I never handed any more. I may have had a conversation with Shep. Woodward, but I did not know it. I felt a little fired when I was noted out as an individual, and the threats were made that they would have the ballot-box, and I may have said something harsh, but I do not now recollect. I saw a crowd come up towards Minard's house, and I heard one of them call out to charge; he was not afraid; but he did not charge. Our company were drawn out from the door, pretty much towards the road, and I think some had arms and some had not, but whether the most of them had arms or not I cannot say. I do not know as any one commanded our company at that time. I could have gone from Mr. Minard's house on a bee-line home, which would have been nearer home than the way I went, but it would have been over rocks and drifts. I went the road I usually go—and go yet. I saw one young man who was drunk on that day, and there were several who went down to Dawson's for drink; and there was some whiskey at Minard's. Mr. R. P. Brown wanted me to go down with him once and get some liquor; but I did not go, and cannot say whether he went or not, but I think he did. I do not know that Brown got into any difficulty there that day, but I heard of such a thing, I think, a day or two afterwards. I have no recollection of Brown coming back and making hard assertions against those down there; I think some one did, but I do not recollect who it

was. I saw John Moore and his brother in the crowd that surrounded me in the lane. There was one man laid his hand on my shoulder and said he would or could thrash me, and a great many harsh threats were made against me. I do not know how many men staid at Minard's that night. I remained there that night until 12 o'clock, in consequence of the threats made against the ballot-box. I did request a large number to stay, when reports were brought to me of what was said down town. After staying there a while I concluded that I would go home, as I thought the mob had gone away or would go away, and there would be no difficulty.

STEPHEN SPARKS.

LEAVENWORTH CITY, K. T., *May 22, 1856.*

JOHN WILPLEY called and sworn.

To Mr. Scott :

I was at the free-State election, at Easton, on the 17th of January, 1856. The election was held at Mr. Minard's house. I was at Minard's house, and saw voters coming in armed with guns, and they generally came in armed. They remained at that house all day. Every man (so far as I saw them) voting was armed. No pro-slavery men voted, so far as I saw. I should think there were about sixty-five free-State men there. There were pro-slavery men in town that day; some fifteen of them while I was there, which was until dark. The pro-slavery men were not armed that I saw, and they interfered in no way, so far as I saw. Mr. Brown, in the afternoon, went down into town some half a mile from the place where the election was held, and publicly declared he had an organized company with him of armed men, and made threats that he would shoot holes through any man faster than he could count, if any man dared to touch him, and declared that he would get on his hands and knees and crawl through the snow, as bad as it was, a mile, to get pro-slavery men to fight him and his men. He also stated that his company had sixty-eight shot ready to fire. That was about all the threats I heard Brown make. There was no fuss in town until after these threats were made. No man had made any threats to him before that, and no one said anything to his threats. There was no difficulty or quarrelling up to the time I left, which was about dark. I understood afterwards that a man by the name of Cook was shot that night, and Brown killed the next day.

Cross-examined by Mr. Howard :

I did not vote that day, because I did not want to vote; I staid there merely to see the people, and see what was done. I was down in town when Brown came down and made those threats. Brown had two men with him whom I did not know, and stood in front of Dawson's store when he said this. There were some fifteen men at the store—Dr. Motter, Mr. Kookogey, the two Messrs. Rose, Mr. Price, and others I do not now recollect. This was, I should think, about, or a

little before, sundown. I think they had liquor to sell at Dawson's store. I do not know whether the men with Brown came down with him, but they went away with him. Brown said he and his company had sixty-eight shots ready. I supposed his company were up to Mr. Minard's. I do not know who came with Brown to the election. He said he had sixteen shot himself, and he showed them. Nobody spoke a word to him, but he did all the talking. I do not think Brown was drunk then.

To Mr. Scott:

These twelve or fifteen men at the store where Brown made these threats, I do not know whether they were all pro-slavery men or not; I think they were mostly, though one or two that I knew were not. I do not know whether any of those twelve or fifteen men, except myself, had been up to the place of voting or not; I do not recollect of having seen any of them up there. No difficulty had occurred at the place of voting before I left for home, and I do not think any pro-slavery men were there when I left. When I left the place of voting the free-State party were putting out armed guards. I had stopped there a time, after Brown made his threats, while I was on my way home.

JOHN WILPLEY.

LEAVENWORTH CITY, K. T., *May* 29, 1856.

S. J. KOOKOGEX called and sworn.

To Mr. Scott:

I was clerking for Dawson, at Easton, at the time the free-State party had an election at Minard's, the 17th of January, 1856. The election was said to have been appointed for the 15th, and was postponed till the 17th, but I do not know for what reason. I saw a number of men there that day that I never saw before or since. All the men who came there to vote were armed. I do not know of any pro-slavery men who came to that election; and at night, when I went up to Minard's with his wife, who was down town, I saw some seventy or eighty men in the room there; it was about ten o'clock at night. I was quite well acquainted with nearly all the persons in that neighborhood, as they traded where I was clerking. I saw but three men in the room that I recognised; the rest appeared to be strangers to me. I recognised James Comstock, a Mr. Davis, and old Mr. Sparks. There might have been others I knew, but I did not notice them. I was not challenged by sentinels when I went up to the house, though I saw some about a hundred yards from the house. After I came back to the store, I went up again to see Mr. Minard, as I had just received notice from General Whitfield that Dawson had been appointed postmaster at Easton. Mr. McLear went up with me, and went into the house, while I stopped outside and talked with Mr. Minard, who had just come out about the post office. We walked back to the door, and old man Sparks rushed out very much excited;

and said "Here is this damned McLear up here; Minard, let's kill him," or hang him, I forget which. Minard went into the house, and at the same time Sparks recognised me, and asked what I was doing up there. I told him I thought I had a right to go anywhere I chose. He asked me if I did not know these were very ticklish times. I told him I did not know of any difficulty anywhere. He took me one side and endeavored to get me into a political discussion, detaining me some ten or fifteen minutes longer than I wanted to stay. I told him we were so far apart on the slavery question, there was no use in our talking about it. I then went back to the store, leaving McLear at the house. I met Mr. Samuel Burgess at the store, and told him that McLear was at Minard's, and he had better go up and see about it. We had some talk as to what we should do about McLear, and while we were talking McLear came down, saying that he had been released. Everything appeared then to be quieting down. The first time I saw Mr. Brown in my life was that day, before the store, about sundown. He had two men with him, and said that they had come there to have an election, and to vote, and would not be molested, as they were armed for resistance. He remarked that he was prepared, and said if we did not believe it he would show us, and then he threw open his coat, and I saw one or two pistols on him. No one had spoken to him then. That is all the remark I heard him make, as I was called off in the store. At night, after McLear and myself had been at Minard's and returned to the store, Brown marched down with ten or twelve armed men, and the party threw the muzzles of their guns down, and he said "We act upon the defensive." We told him to come on, and he should not be molested. All the men in the grocery then came out, and Brown's party went into the grocery. He called for something to drink all round, and got a jug of liquor and a fiddle. They then came out of the grocery, and Brown commenced a conversation with Dr. Motters and myself. He said he had seen one ballot-box taken, and he would be God-damned if he would see another taken unless they went over his dead body. We told him we had no such idea; and that even if we had had, it was then too late. Brown and his men then left, and went off leisurely towards Minard's. In an hour or so after that, while I was nearly asleep, old man Sparks came along in front of Dr. Motters's office, leading his horse, with a crowd of men about him, and turned around the store towards Dawson's house, two or three men walking along talking to him, one of whom he was not on good terms with; the main crowd was walking along behind. He turned into a lane near Dawson's house, and when he had got down the lane about fifteen steps he stopped, but whether of his own accord, or because the men made him stop, I do not know. I was sitting about ten steps from Sparks, and heard some talking to him, condemning his course. While they were talking to him, I heard some noise behind me, and looked around and saw Mr. Brown and a party coming along. Some of his men seemed disposed not to come, and he was saying to them, "God damn you, come along." When he got to the entrance of the lane, they levelled their guns, and Brown said, "You God damned lousy, pro-slavery sons of bitches, we demand old man Sparks." We

then turned and walked up to his party. He told us to march on before his party, and we refused. We then came along together towards Dawson's store. When we got about a hundred and fifty yards from the lane, there was a road that turned off to Minard's from the one that led to Dawson's store; we separated; the free-State party, who had old man Sparks in the middle of their crowd, turned off towards Minard's, while we kept on to the store. Dr. Motter and myself were some five or six steps from our main party, and were talking. After they turned off, and had got some ten or fifteen steps, some one in the free-State party fired a pistol, which I considered was rather in exultation of their having got old man Sparks, and not intended to be fired at our party. There was then a general firing on both sides, and then the free-State party broke and ran, some behind some houses, and some behind the bank of a creek there. The principal portion of our party got behind Dawson's store. Several of our party had no guns at all, while the others had double-barrelled guns and rifles; but I do not think more than fifteen or eighteen of our party had arms. The firing, I think, lasted some minute or a minute and a half, not longer. I saw a man fall in front of the grocery, and I heard some one cry out, "Cook is shot." Mr. Comstock and myself, I think, were the only men behind Dawson's store then, while the rest of our men ran over to the grocery, some thirty yards from the store, where Cook was shot. We then came out from behind the store, and as we stepped out some man on the free-State side fired at us twice, striking the fence near us, and then they ran away from behind the house where they were. I then went into the store and got some blankets, and took Mr. Cook down to Dawson's house. When I came back, everything was still and quiet, and I saw no men of either side. I heard that the free-State men were going to stay that night at Minard's. I went to bed. The next morning I saw Mr. Brown and his party—some six or seven of them—start for Leavenworth. I think that, if it had not been for Mr. Sparks and Mr. Brown, there would have been no difficulty at all.

Cross-examined by Mr. Howard:

When I went up to Minard's with McLeer, it was about eleven o'clock at night.

S. J. KOOKOGHEY.

LEAVENWORTH CITY, K. T., *May* 29, 1856.

ESSENETH SPARKS called and sworn.

My husband's name is Stephen Sparks. We live on the other side of Stranger creek, about twelve miles from this place, and four miles south of Easton. My husband and son were arrested, as they told me, on the night of the 17th of January last, by the Missourians and Kickapoo Rangers, and they were rescued by R. P. Brown, and others. I know that they came home from some conflict by their wounds. My son was grazed by shots on his head and arm.

In the evening of the next day, about 3 o'clock, a party of from 10 to 18, a right smart company of men, came to our house and inquired for Mr. Sparks, my husband. At the time they were coming, Francis Browning was at the house. He had just rode up, and asked two men who were going along the road to help him rescue Brown. One of them said he could not go. The other said he did not know how soon it might be his case, and took the harness off his horse, and one of the guns which the man had, and rode off with him. This man was Francis Browning; the name of the other who went with him was Richard Houcks.

Just as they started, two men rode up and called for Mr. Sparks. I told them he was out on business. They said they had private business with him.

Just then, Mr. Browning seeing a party of horsemen on a little rise, coming from Dawson's, turned back and asked these two men what it meant. They said "they did not know; there was a great excitement at Dawson's, they had heard, but they had not been there." They then gave the sign by firing two pistols in the air, and motioning to the party with their hands. The party then came riding on as fast as they could, shouting. When they came up, they all joined in pursuit of Browning and Houcks, shouting "kill them," "kill them," "kill the damned abolitionists," and firing upon them; but they divided, one going one way, round the hill, and the other the other way, and escaped.

The party of horsemen then returned and stopped before the door, and held council for a few moments, and one man said, "Capt. Dunn, give orders;" and the man he spoke to gave orders. He said, "Now we will take the house; shoot down Capt. Sparks at sight."

I then told them I had an afflicted son, and that anything that excited him threw him into spasms right at once; and that Mr. Sparks, and all but him, were away from home. When I stepped to the door and looked in, I saw Captain Dunn, with a six-shooter presented at my son's breast. I did not hear the question asked, but I heard my son's answer—"I am on the Lord's side, and if you want to kill me, kill me; I am not afraid to die." Dunn then left him and turned to my little son, about twelve years old, and put the pistol to his breast, and asked him where his father's Sharpe's rifle was, and my son told him he had none. Dunn asked him where those guns were, pointing to the racks, and told him if he did not tell the truth he would kill him, and my son told him the men-folks generally took care of the guns.

When they came out, I asked Captain Dunn, "What does all this mean?" He answered that they had "taken the law into their own hands, and they intended to use it."

McAleer, who formerly lived here in Leavenworth, was one of the party, and one of the Scotts, from Missouri, and some said there were two of them there. One John Dunn, a brother of the captain, was there. I heard the name of Dunn from others, but the Scotts and McAleer I know myself. The Scotts were raised within a mile or so of where we lived, in Platte county, Missouri. The party then left.

Late in February, eight men came to the house. Two men came

up first, and the others followed to the house on foot, in the afternoon, and asked for Mr. Sparks, and left the following paper with me:

*To Stephen Sparks:*

"The undersigned, as you are aware, are citizens of this neighborhood. Many of us have come here with our families, intending to make Kansas our permanent home. It is our interest and desire that peace and good-will prevail among us; and whatever may conduce to this desirable end, will meet our hearty approval.

"The local excitements that have occurred in this vicinity have been principally attributed to you, and, we believe, justly. You have figured in them conspicuously, and in the affair at Easton more reprehensible than ever.

"Believing, therefore, that your further residence among us is incompatible with the peace and welfare of this community, we advise you to leave as soon as you can conveniently do so.

Joseph Thomas  
Abner Foster  
Reuben Sutton  
Lark Farrell  
Geo. W. Browning  
Wm. McLain  
Carom Norvell  
Augustine White  
Matthew A. Register  
John M. White  
Thomas Hickman  
Benjamin Foster  
Joseph Moore  
Joseph Moran  
Andrew J. Scott  
Samuel Burgess  
John C. Scott  
John Burgess  
Joseph L. McAleer

John Moore  
H. E. Kennedy  
George W. Brown  
William Gill  
James Foster  
Simon B. Pankake  
C. H. Allen  
R. P. Briggs  
W. Z. Thompson  
O. S. Allen  
Morgan Wright  
Edward McClain  
C. C. Harrison  
Wesley Davidson  
Edward M. Kennedy  
Andrew J. Davis  
John W. Burgess  
James Norvell  
Joseph Grey."

Only one of the signers is an actual resident in the neighborhood. Most of them are Kickapoo Rangers and Missourians. One of the two who first came to the door said his name was Kennedy, from Alabama; the other, I think, emigrated from Missouri to Kansas. I asked him what he had against Mr. Sparks. He said he had nothing against him, but he was too influential in his party, and they intended to break it down. He told me to tell Mr. Sparks to leave by the 10th of March, or abide the consequences.

A night or two before the 10th of March, four men came into the house about 10 o'clock, and searched for Mr. Sparks, but did not find him. They asked for the "notice to leave," and if I had given it to Mr. Sparks, and made many threats, and charged us to leave at that time, and said that if he was there they would cut him in pieces.

ESSENETH <sup>her</sup> + SPARKS.  
mark.

BENJAMIN H. BROOK testifies:

To Mr. Sherman:

I was taken into custody at the first term of the district court, in Doniphan county, in spring of 1856. I was summoned as a juror to attend the first term of the court; I did not understand which, the grand or petit jury. I fell on the ——— of the petit jury. The first two days of the term, I was unwell and could not attend. On Friday, the fifth day of the term, while I was in attendance upon the court, I was arrested on a bill of indictment for sitting as a judge of the election at which Reeder was said to have been elected to Congress. They brought me before the court and arraigned me before the bar for trial, as I understood it. The indictment was quashed. The judge ordered the clerk to quash the indictment and hold me in custody. I got my attorney to get me out on bail to go home that night, that I might appear next morning. I gave bail to appear next morning. The next morning I appeared, and my attorney got it laid over until the next term in August, and I was let off until the next term, on the same bail I had given before. This was for acting as judge of the election on the 9th of October, 1855.

B. H. BROOK.

LEAVENWORTH CITY, *May 23, 1856.*

BENJAMIN HARDING testifies:

I acted as judge of the election upon the adoption of the State constitution, held on the 15th December, 1855. I think I was not arrested, indicted, or imprisoned for that; but I was arrested and imprisoned upon the charge of serving as judge of an election on the 9th of October, 1855; but I did not serve on that day. The indictment was found by the grand jury which sat at Whitehead; Judge Lecompte, I have understood, presiding. I was indicted, and some months afterwards arrested. I was confined because I declined to give bail, and was kept in custody for eight days, and then I gave bail and was discharged from custody. The indictment is still pending. An attachment was also served upon me at the same time, which I understood to be for contempt of court in failing to appear when summoned as a juror. Bail was also required for my appearance on that charge; at the same time I gave bail on the other charge. The amount of the bail for the attachment was \$200, and for the indictment \$500.

[The question was overruled, Major Oliver dissenting.]

Question. Why did you fail to serve as a juror?

[The question was overruled, Major Oliver dissenting.]

Question. Why did you refuse to give bail under the indictment and under the attachment?

[The question was overruled, Major Oliver dissenting.]

B. HARDING.

LEAVENWORTH CITY, K. T., *May 24, 1856.*