

Kansas Territory versus A. J. Armstrong, Frederick Bartles, and Charles Walker for assault

This is the case file for the case against A. J. Armstrong, Frederick Bartles, and Charles Walker for assaulting W. M. Clark on December 11, 1856 near Tecumseh, Kansas Territory. Clark reported to a justice of the peace that Armstrong and his associates Walker and Bartles attempted to attack him and threatened to kill him as the result of a dispute over land ownership between Clark and Armstrong. The three men were arrested December 11, 1856 and released on bond December 12, 1856. The trial was set for the 1857 spring term of the U. S. District Court of the Kansas Territory, Second District.

Date: crime December 1856

Callnumber: Kansas Territory Criminal Case Files, Box 4, Folder 18

KSHS Identifier: DaRT ID: 444724

Item Identifier: 444724

www.kansasmemory.org/item/444724

KANSAS
HISTORICAL
SOCIETY

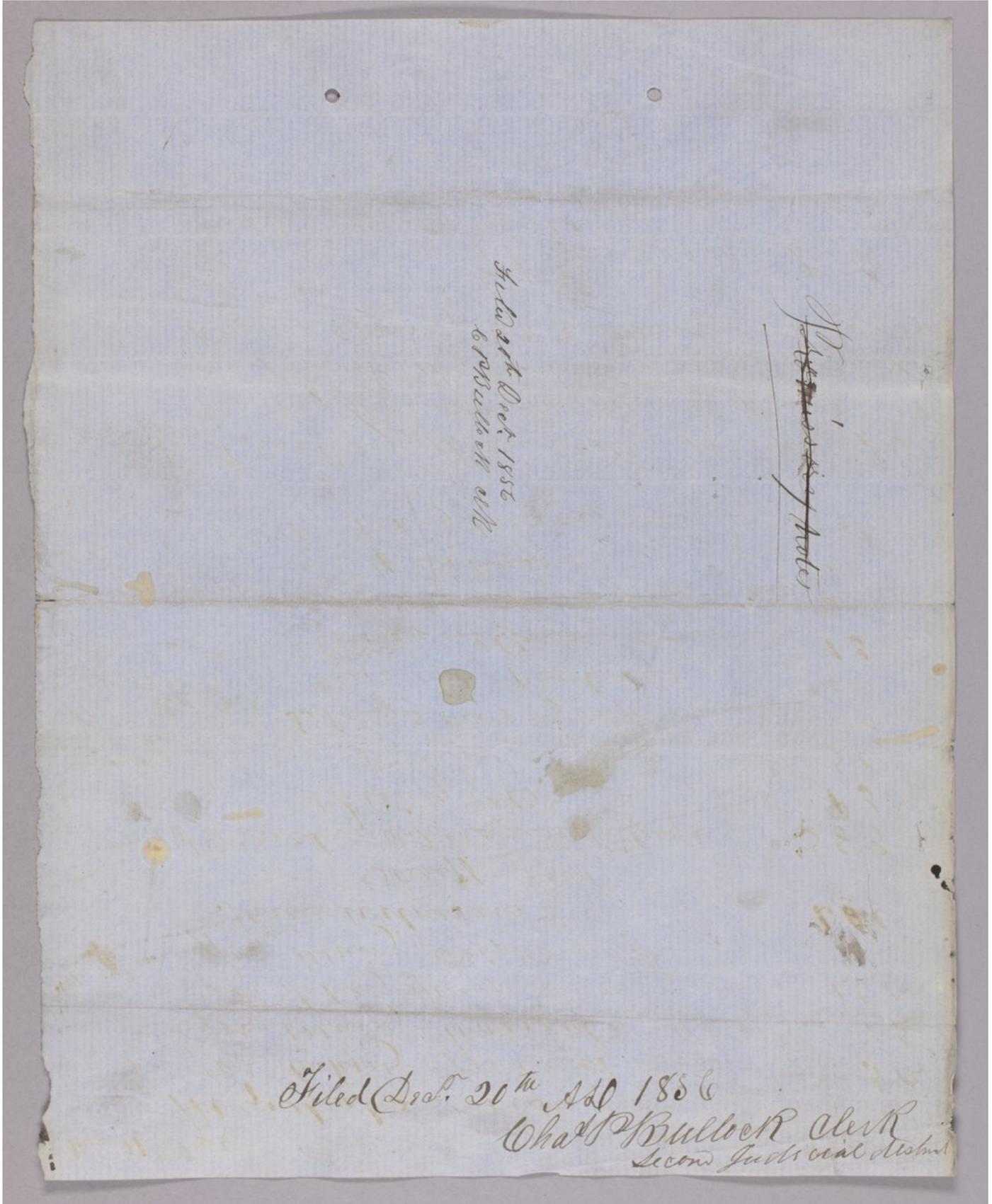
Kansas Territory versus A. J. Armstrong, Frederick Bartles, and Charles Walker for assault

Dec 11 th / 58	Magistrates fees	cts
	for taking affidavit	50
	for issuing warrant	75
	for taking Recognizance	1.00
	for issuing subpoenas for Three witnesses	2.00
	Sheriffs fees	
Dec 11 th	Arresting 3 persons & mileage	383
	Calling action parties	15
		30
	Taking 3 Recognizances	300
12 th	Summoning 4 witnesses	200
	Calling action	13
	3 parties separately	80
	4 witnesses	40
	Taking Recognizance	300

I certify these to be all the papers
in my hands & that this is the amount
of fees in the case of the Territory of
Kansas against A J Armstrong and others

H Carmichael J Sr

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Territory of Kansas
vs
A. J. Armstrong
Charles Walker &
Frederick W. Bartles

} Peace Warrant.

Evidence at the Examination of said Parties before H. Carmichael J.P. in Township Township Shawnee County and City of Kansas, on the 12th day of December 1836. For an Assault on the body of Mrs M. Clark on the 10th day of December 1836. with intent to kill.

Mrs M. Clark Called & Sworn. Says—

I live in this County about one mile from this Town. I knew Mr Armstrong slightly— I was building a Cabin up in the ^{was a clearing} ~~battain~~ while I had taken this claim for my self & men at work and my Cabin Mr Armstrong and a Mr Green came up with a party hauling a house log. — We had some conversation there. Mr Armstrong remarked to me "that a heap of hands make light work & we will go on". They then drove off. And after a short time they came back to the house, and hauled away the log that they had left there, and moved it about one hundred yards from where my house was standing. — The next morning Armstrong and one ^{the person} ~~Bartles~~ came to me with a Revolver & Bowil Knife each, and Mr. Armstrong also had a rifle as I supposed & ordered me down from the house, & said if he caught me there again he would shoot me & Gov. Geary would sustain him in doing it.

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They then left me & got about 30 yards
and then came back I was still on the
house sitting down, this happened
about 3 weeks ago, they then told
~~me~~ ^{me} ~~you~~ if ~~you~~ did not leave that they
would make me leave the premises, I
told them that I was hunting a rule
there & when I got it I would leave
Armstrong said if I had any rule
to get it and leave as he did not
want to see me on the premises any
more, he then said if he caught me
or any other man on the premises any
more taking away timber he would shoot
me or them, a short time after that I
went there to my house & Armstrong came
there with his gun and asked me if I had
been cutting any more timber I told him
that I had not, Armstrong then said (by God)
you had better not, I then proposed
to leave the difficulty to disinterested men
he agreed to it, & set the day I went to the
place but he did not come, I afterwards
met him on the premises, he then told me if
he again caught me on that claim at work he
would pull out my (I B) eyes and stamp
them in the mud, yesterday morning I went
to work on the premises, I then saw Armstrong
& he asked Miller who gave him leave to chop
there again I was present, and spoke & said that
I had orders to chop wood there, he then
said to me leave here or I will kill you

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Armstrong then spoke to Walker to hand him the axe and he (Armstrong) would cut my (God's) guts out, Walker then handed him the axe and he (Armstrong) then run at me with the axe, I kept going from them, Armstrong & Bartles still pursued me Armstrong then said leave you missouri cowed you I kept on and called Miller my head to come on, they then kept hollering at me - and said they did not want to catch me in that hollow any more, and I was fearful of being killed and left the hollow and I still fear that if I continue on my claim I will be killed by Armstrong I made ~~the first~~ improvements on that claim previous to Armstrong it was in October last I think, the first time I ever saw Armstrong there was the 5th or 6th of November last I think, I don't know whether or not Armstrong had ever been on the claim previous to the time I saw him there in November. ~~And~~ I laid my foundation on the claim between the 7th & 8th of November when I was building my house Armstrong had not commenced building his, at ~~that~~ the time in Armstrong drove there with his first log I was laying the foundation ^{my first} of ~~the~~ I commenced cutting my house logs in the latter part of October, Armstrong & Bartles & Walker claim possession of this claim they have claimed this claim since I commenced my improvement on it



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I have known serious difficulties to grow out of Contested Claims, have known men killed in this Territory.

Cross examined By Deft

I gave my self orders to cut timber on that claim, I saw the men coming to ward me they were in ten (10) steps from me when I first saw them, can not tell whether they got closer than ten (10) steps or not, when armstrong approached me I walked very fast trotted a little, he (armstrong) held the axe ⁱⁿ horizontal position, he was not close enough to strike me but kept coming toward me, I had my gun and he (armstrong) said Lay down that gun one minute, do not know that armstrong had a foundation on the claim when I put one on I never tore up any foundation on the claim, when I told armstrong that I had authority to cut timber on that claim I done so to screen my self as I was afraid of them (3) men, that claim is a valuable one, my fears do not arise more from anxiety to secure the claim than from these persons, there threats were always made in connection with the that if I did not leave they would do violence to his person I never threated that if I did do violence it would be in any other way than self defence this difficulty occurred in this County

Wm. M. Clark
his
mark

File got. Dec 9-1886
C. W. M. Clark



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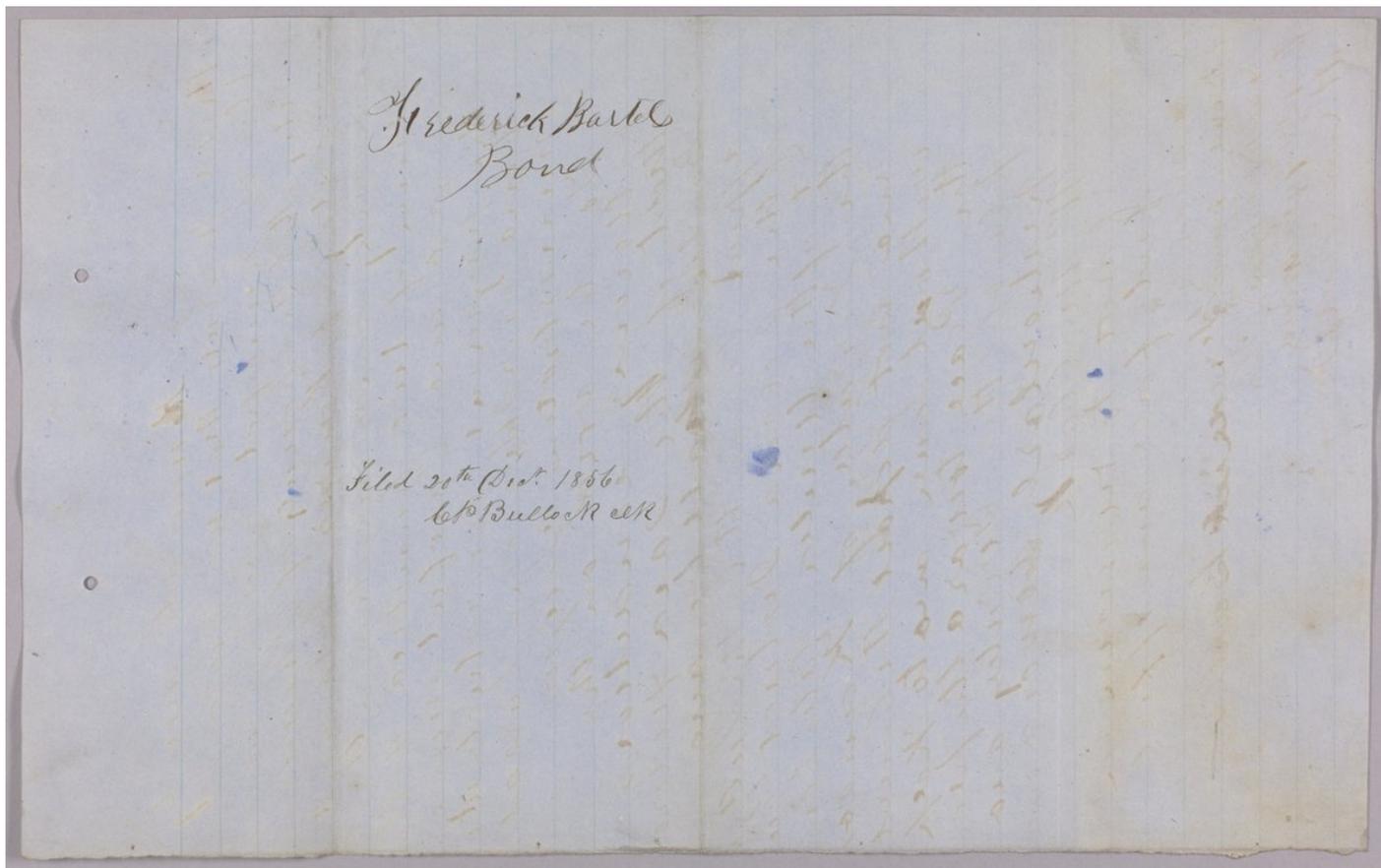
Know all men by these presents that we Frederic Bartles as principal and Henry P Rice securities of the County of Shawnee and Territory of Kansas hold and firmly bind ourselves in the sum of two hundred dollars good and Lawful money the payment for which we bind ourselves our heirs and administrators as follows

To be void on the following conditions that if the said Frederic Bartles shall be and appear before the the Judge of the Second District Court of the United States for the Territory of Kansas ^{on the first day of the next term} and not depart the Court without leave and to keep the Peace toward the people of this Territory and particularly toward one W W Clark if not to remain in full force and effect

Signed sealed and delivered in presence of
of & approved by me
This 12th day of Dec 1846

Frederick Bartles Seal
Henry P Rice Seal
H Carmichael J P

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United States of America
Territory of Kansas
County of Shawnee

Know all men that One
A. J. Armstrong as principal and Harvey
D. Rice as Sureties all of the
County of Shawnee by agreement, are held
and firmly bound unto the Territory of
Kansas in the sum of Two Hundred
Dollars (\$200.00) good and lawful money
of the United States of America to the payment
whereof with full truly to be made
we bind our-Selves, our-Heirs, our Exors,
-utors, Administrators, and Assigns, finally
by these present sealed with our seals
dated this 16th day of December 1856.

The condition of the above obligation is such
that whereas in Complaint of One Mrs
M. Clark of the County of Shawnee before
N. Barnichall a J.P. in said County
the above named A. J. Armstrong has this day
been bound over by said Magistrate to keep
the peace towards the Citizens of the
County of Shawnee shall well and faithfully
keep the peace towards the Citizens of this
County, and especially towards the said
Mrs M. Clark; and that the said A. J. Armstrong shall
further make his personal appearance
before the Dist. Court of Kansas
at the City of Lawrence on the next term thereof
to wit on the 1st day of March next and there
said Court shall
then he shall and continue his attendance
from day to day

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~~of said~~ ~~John~~ ~~Henry~~
~~of said~~ ~~John~~ ~~Henry~~ ~~Went~~ ~~and~~ ~~discharged~~
 according to law then this obligation to
 be paid; otherwise to remain in full
 force and virtue in law.
 signed sealed and }
 delivered in presence } *A. J. Armstrong*
 of and approved by me } *Henry J. Rice*
~~H. Carmichael J. M.~~
 this 12th day of December
 A. D. 1856
H. Carmichael J. M.

A. J. Armstrong
Bartles

Filed 20th Dec. 1856
 G. P. Wadsworth clerk

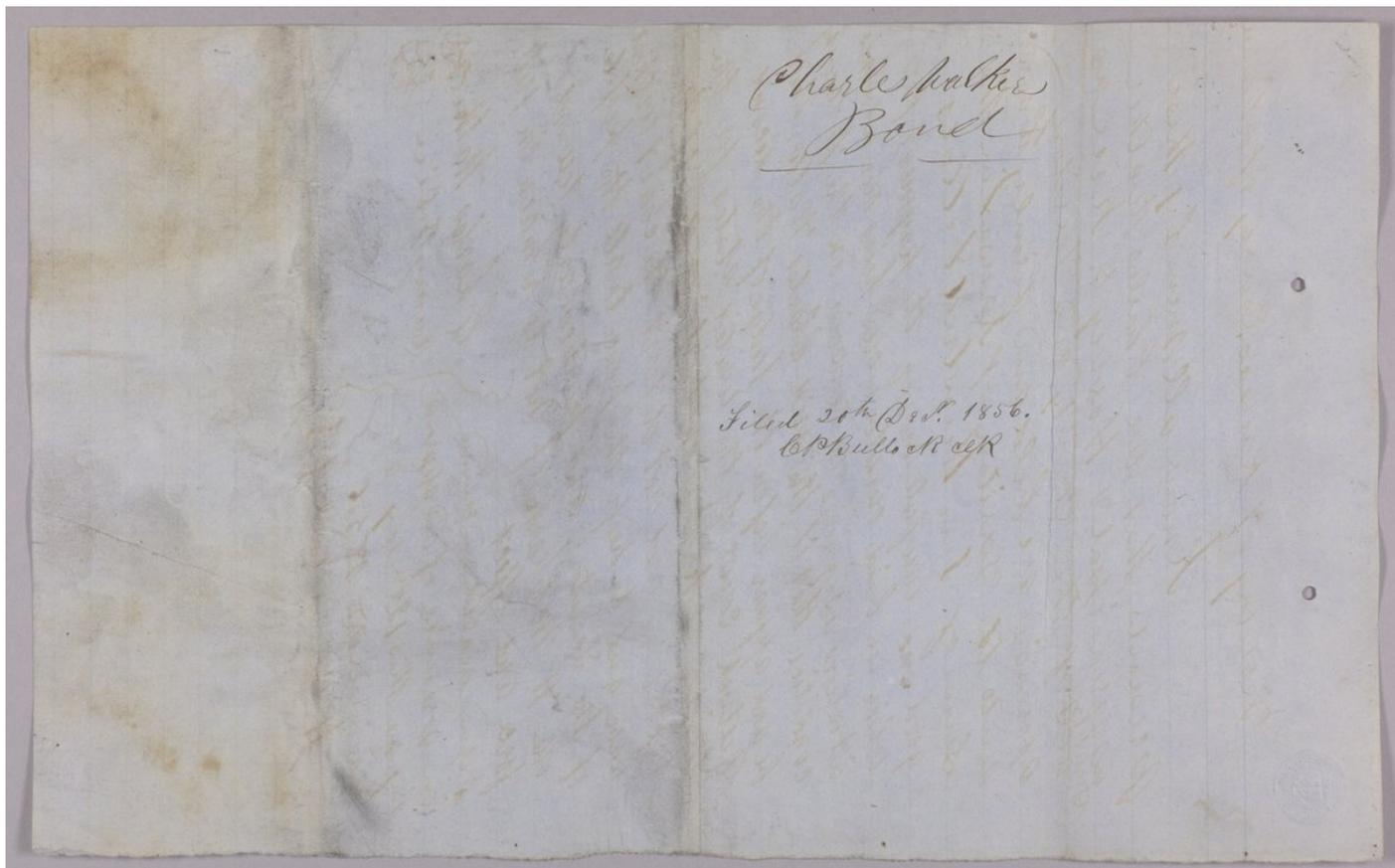
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Territory of Kansas, County of Shawnee

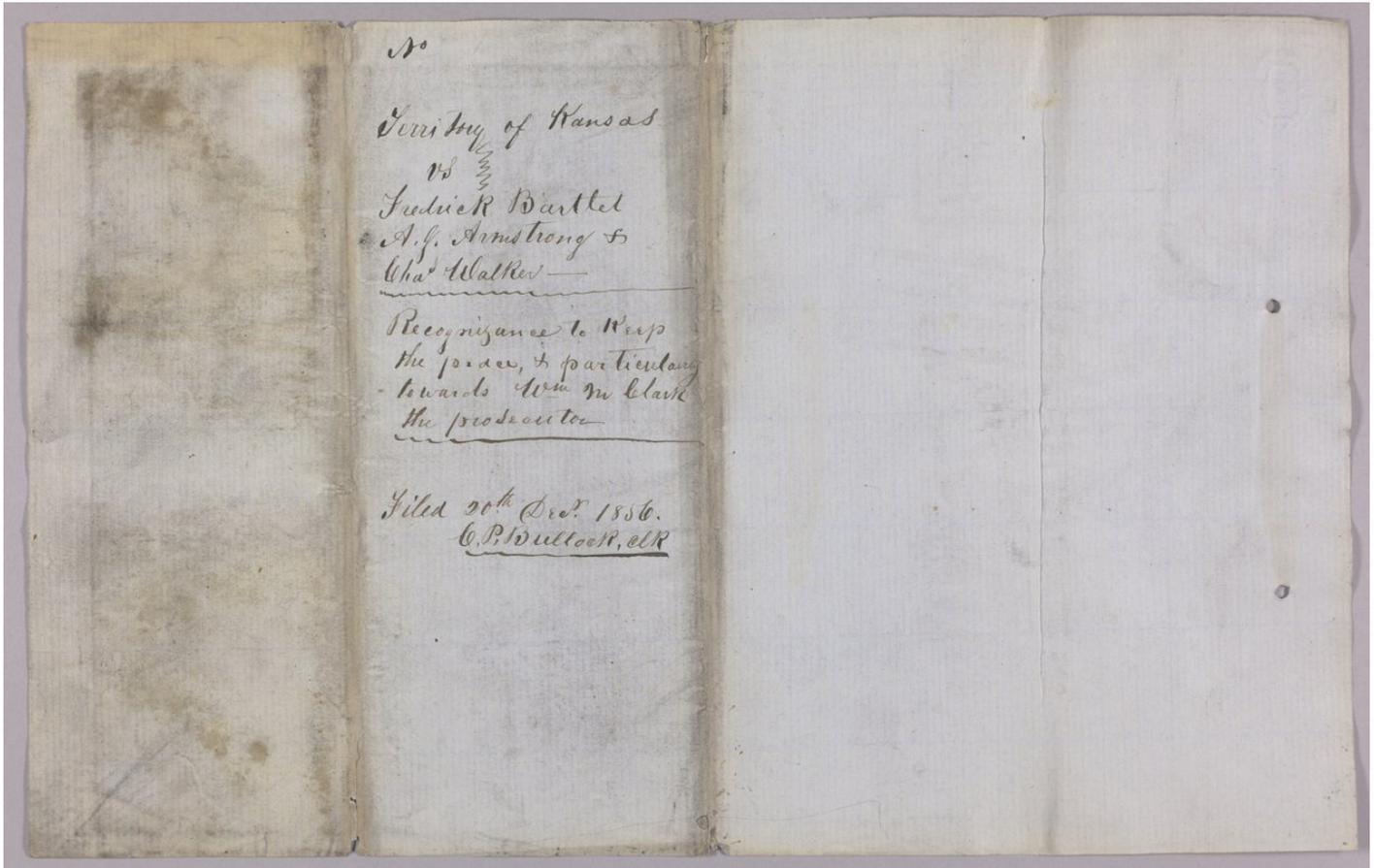
Know all men by these presents that we Charles Walker ^{as principal & Harvey O. Rice as security} all of the County and Territory aforesaid are held and firmly bound unto the Territory of Kansas in the sum of Two Hundred Dollars good and lawful money the payment for which we bind ourselves our heirs our administrators assigns to be void on the following condition that if the said Charles Walker shall be and appear before the Judge of the second District Court of the United States for the Territory of Kansas on the first day of the next term and not depart the court without leave and to keep the peace to all the people of the Territory and particularly towards one W M Clark if not to remain in full force and effect

signed sealed and delivered } Charles Walker
in presence of and approved } Harvey O. Rice
by me this 12th day of }
December AD 1856 }
H Carmichael J.S.

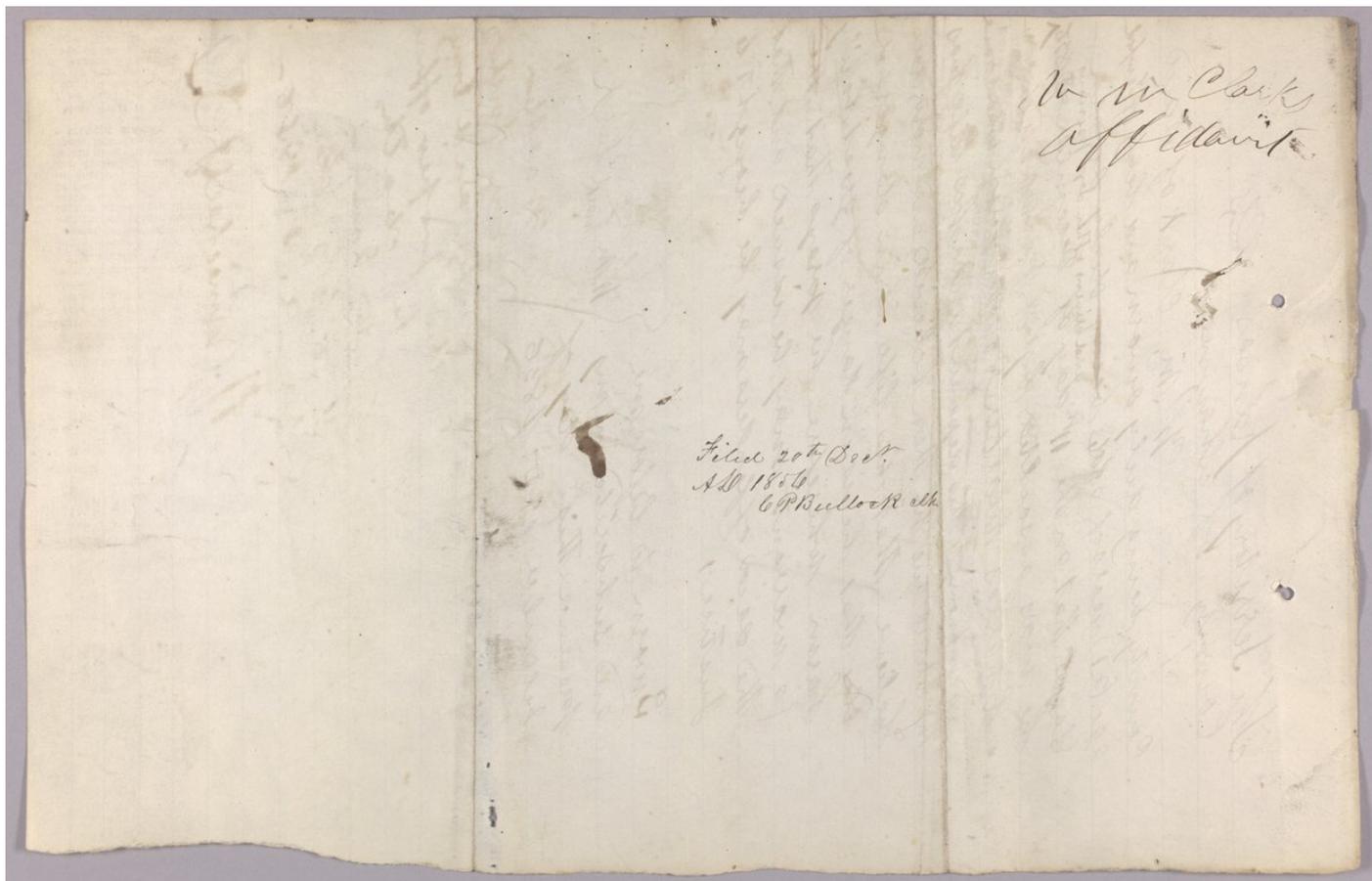
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Territory of Kansas }
County Shawnee } ss

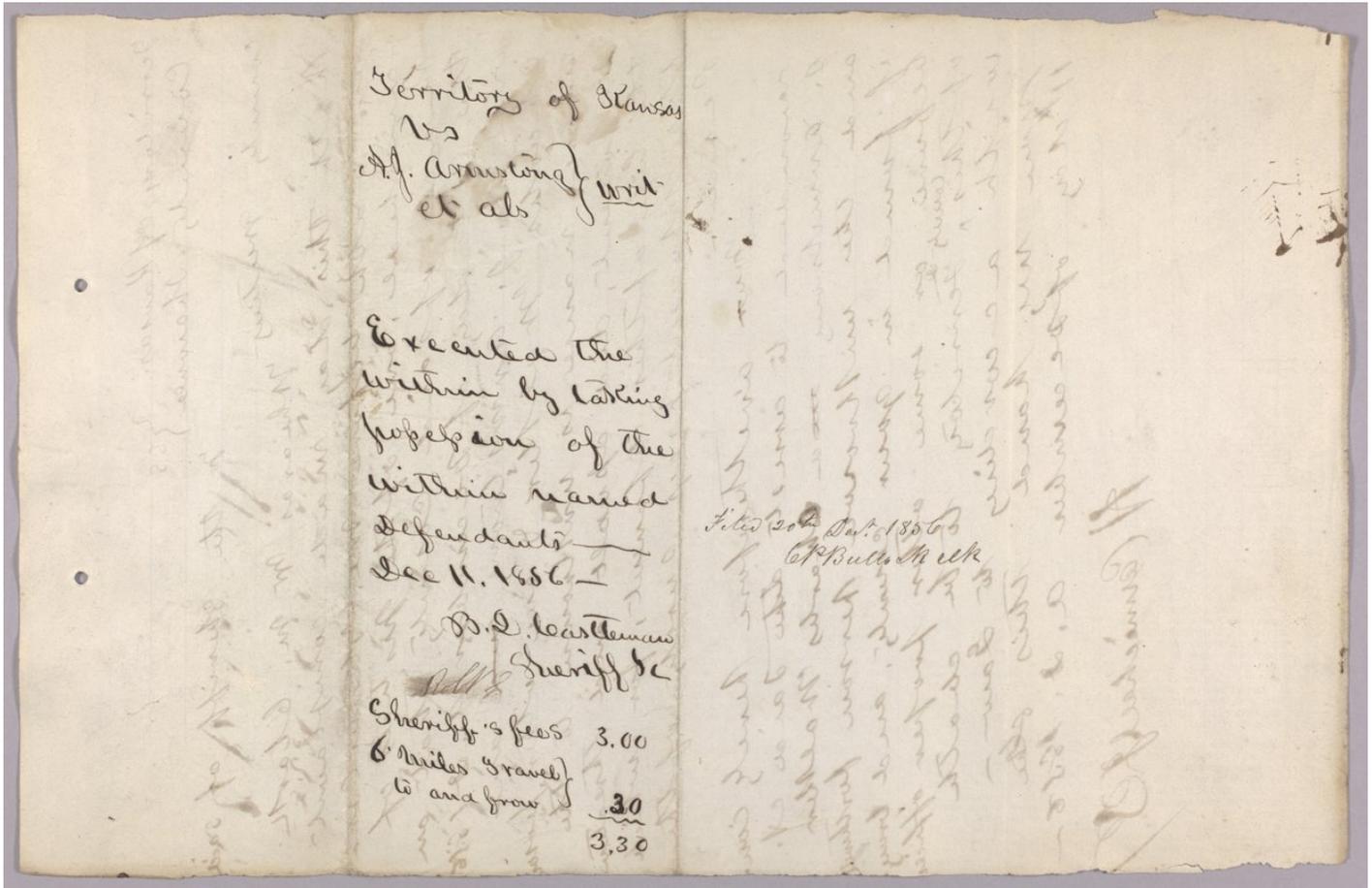
To the Sheriff of said
County greeting

Whereas Mr. M. Charles
North this day made complaint
on oath before me, Henry Car-
michael, one of the Justices of
Peace of said County that on
the 11th day of December A. D. 1856
one A. J. Armstrong and one
Charles Walker & one other person
whose name is unknown to the
deponent, did assault and threaten
the life of this deponent, for which
this deponent prays surety of the
Peace

You are therefore hereby com-
manded to arrest the said A.
J. Armstrong and Charles Walker
and the unknown person forthwith
if found in your County, and bring
before ^{or} some other proper officer
of this ^{County} Territory to be dealt
with according to Law -
Given my hand this 8th
11th day of December A. D. 1856 -

H Carmichael J P

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The Territory of Kansas,
County of Shawnee
to the Sheriff of said County Greeting,
you are hereby commended to summon
Augustus Miller & George ^{of the} ~~of the~~ ^{style} ~~of the~~ to be and
appear before me H Carmichael one of the
Justices of the peace in the County and
Territory aforesaid to testify in a case now
pending wherein the Territory of Kansas is
Plaintiff & A. J. Armstrong, Charles Walker
& another person whose name is unknown to this
Court is defendants,
And this you shall do under
the penalty of the Law —
Given under my hand & seal
This 11th day of December A.D. 1856

H Carmichael J.P. Seal

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