

United States versus John J. Baxter for selling liquor to Indians

These legal documents, filed from 1858 to 1859, relate to the case of the United States vs. John J. Baxter for selling liquor to Indians. Baxter was accused of selling whiskey to members of the Cherokee tribe between June and October of 1857 in McGee County, Kansas Territory. Baxter was indicted in October of 1858 by the U. S. District Court for the Kansas Territory, Third District. The majority of the Cherokee Nation was forcibly relocated to Oklahoma from 1838-1839, resulting in thousands of deaths. They were given 800,000 acres in the southeast corner of Kansas, but few Cherokee settled there. Pages 20 and 21 list Thomas Baxter as defendant. Thomas is included on several subpoenas ordering him to testify in the case of John J. Baxter. Documents additionally list T. R. Roberts as a defendant along with J. J. Baxter for Baxter's forfeited recognizance, or bail. (See item 444760 for related documents)

Date: crime June to October 1857; indictment October 1858

Callnumber: Kansas Territory Criminal Case Files, Box 4, Folder 51

KSHS Identifier: DaRT ID: 444759

Item Identifier: 444759

www.kansasmemory.org/item/444759

KANSAS
HISTORICAL
SOCIETY

United States versus John J. Baxter for selling liquor to Indians

Printed at the Fort Scott Democrat Office.

UNITED STATES OF AMERICA,

Third Judicial District, Kansas Territory,

ss.

The Territory of Kansas.

To *Lewis Sidney M R Seymour Thomas Baxter*

You are hereby commanded to be and appear before the Judge of our District Court, on the *fourth* day of the next term thereof, which commences on the first Monday of *next*, at *ten* of the clock in the forenoon of that day, in the ~~town~~ *in the town* of Fort Scott, the truth to say in a certain matter then pending, wherein *J. J. Baxter U. S.* is plaintiff and *M. J. Barata* is defendant on the part of said *U. S.*

WITNESS my hand with the seal of said Court at office, this *15th* day of *July* A. D. 1858.

L. J. Williams Clerk.

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The within subpoenaed came to hand July
the 15th 1848 and was served on the within
named Levi Sidney on Priors Creek 8 miles
below the gravel Saline on gravel River, Cherokee
Nation on the 24th July R. Seymore by leaving a
copy at his residence on Spring River
Cherokee Indian land, also on the 26th July
at his father's residence on the south line
of Kansas Territory on Spring River on
the 26 July 1848
Returned this subpoena this the 29 day of
July 1848

Wm J. Fair
U S Marshal K Territory
By Andrew J Russell Dep.

Marshal Fee

3 Subpoena costs 1 50

175 miles travel one

Wagon and legs etc 4 00

for mill

\$10 50
\$12 00

The within Subpoena came to hand July
The 15th 1898 and was served on the within
named Spert & Meyers on Prions Creek & Miller
below the Green Sulphur on Grand River. Charles
Walter on the 21st of July, 1898, by leaving a
copy at his residence on the Spring River
Charles Walter came called on Thomas Baxter
at his father's residence on the South line
of Kansas Territory on Spring River on
The 26 July 1898
Returned this Subpoena this the 23 day of
July 1898

Wm J. Quinn
U S Marshal &c Territory
By Andrew J. Russell Dep't.

Marshal Fees
3 Subpoena 40 cts each \$ 1.20
175 Miles travel one
way on leg. at 6 cts
per mile \$ 10.50
\$ 12.00

United States versus John J. Baxter for selling liquor to Indians

The United States of America
vs
A J Now

you are hereby commanded to be and
appear forthwith before the judge of the
District Court in & for the third judicial
District in Kansas Territory the docket
to say in matters there pending before
the Grand Jury in that Court and
fail not at your peril

Witness my hand and
Seal of said Court the
23rd June A D 1839
J A Williams clk

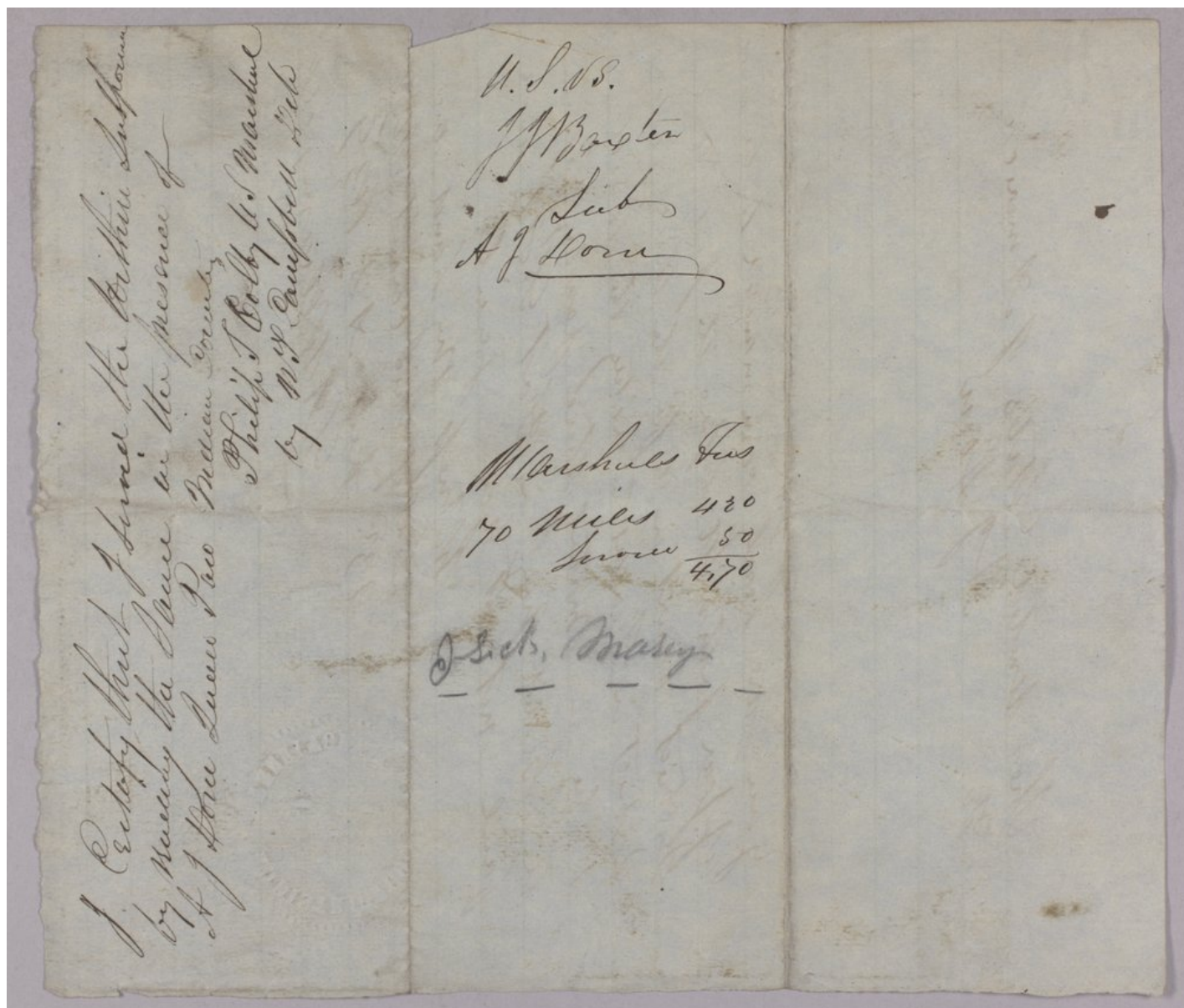
United States versus John J. Baxter for selling liquor to Indians

I Certify that I found the within Subpoena
by reading the same in the presence of
A J Stone Lucas Paw Indian Country
Philip T Colby U.S. Marshal
by W.T. Campbell Sec

W. J. O. S.
J. J. Baxter
A J Stone
Lucas
Paw
Indian Country
Philip T Colby
U.S. Marshal
by W.T. Campbell Sec

W. J. O. S.
J. J. Baxter
A J Stone
Lucas
Paw
Indian Country
Philip T Colby
U.S. Marshal
by W.T. Campbell Sec

United States versus John J. Baxter for selling liquor to Indians



United States versus John J. Baxter for selling liquor to Indians

United States of America
 Territory of Kansas
 Third Judicial District

In the United States
 District Court in and
 for the Third Judicial
 District of Kansas Territory.

The Grand Jurors of the United
 States of America within and for the
 Third Judicial District in Kansas
 Territory summoned, impanelled and sworn
 and charged & inquired in and for the
 body of the District aforesaid upon
 their oaths do present That John J.
 Baxter late of the District aforesaid did
 on the first day of June in the year
 of our Lord one thousand eight hun-
 dred & fifty seven sell liquor to
 Bell and Sidney
 Cherokee Indians at
 to wit: in the Indian Country, said
 liquor as aforesaid being whiskey, and
 being of the quantity of one quart, and
 being spirituous liquor, at & to wit,
 being in the County of McPherson, and
 within the jurisdiction of this Court, at
 to wit: in the Third Judicial District
 as aforesaid, contrary to the act of Congress
 in such case made and provided
 and against the peace and dignity of
 the United States. And the Grand
 Jury aforesaid upon their oaths
 aforesaid do further present That

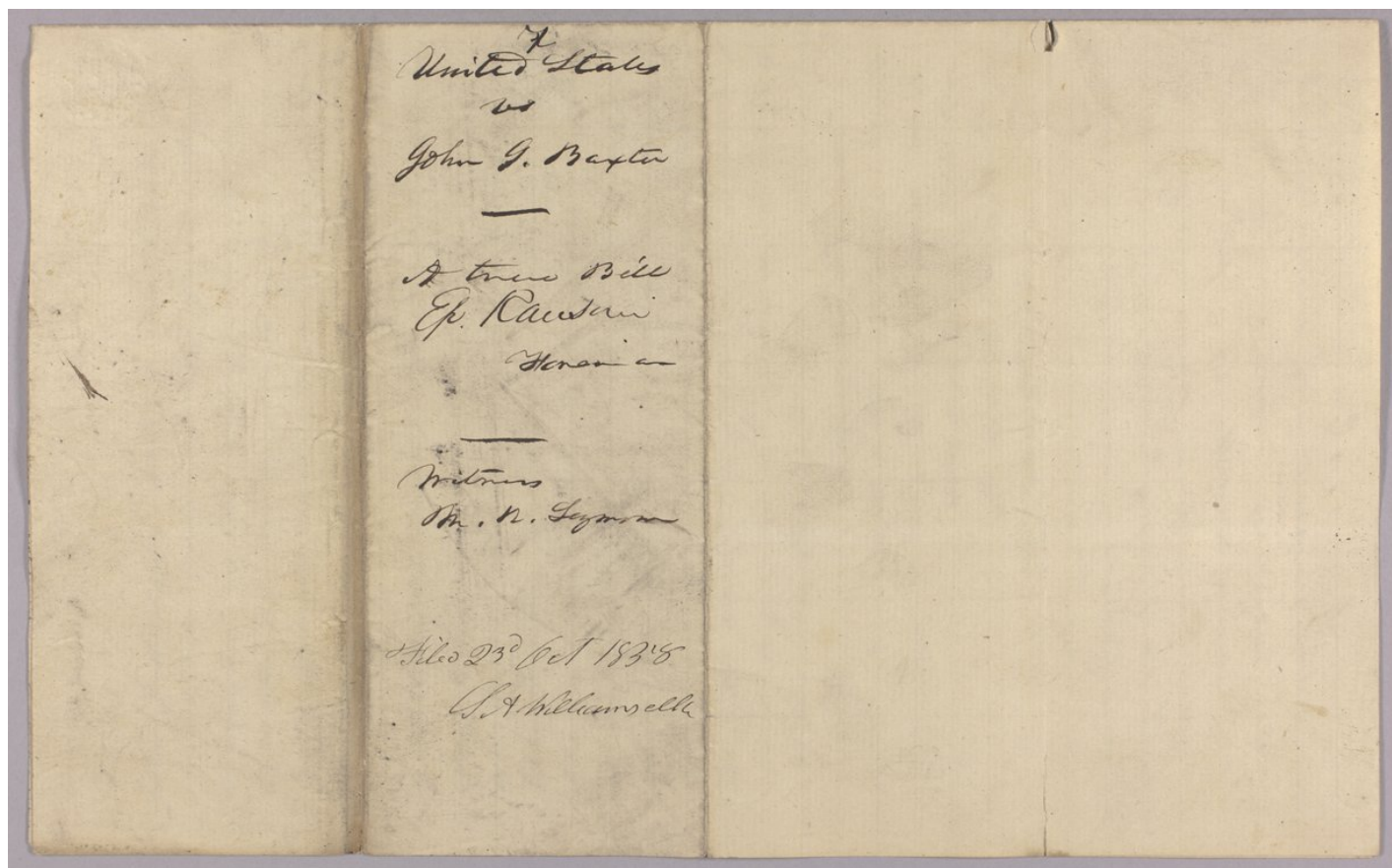
United States versus John J. Baxter for selling liquor to Indians

John J. Baxter, late of the District
aforesaid did on the first day of
September in the year of our Lord
One thousand eight hundred and
fifty seven sell liquor, said liquor
being spirituous liquor, to wit, ten
gallons of whiskey to an Indian woman
of the Cherokee nation by name known as
Mrs Stonica, in the Indian Country
at, to wit, in the County of McPherson, in
the Territory of Kansas and within
the jurisdiction of this Court, at
to wit, within the Third Judicial
District as aforesaid, contrary to
the form of the Act of Congress in
such case made and provided
and against the peace and dignity
of the United States.

Witness my hand and seal
this 1st day of September 1857
at Washington D.C.

U. S. Atty for Kansas Territory
By Wm. M. McKim U. S.
Dist. Atty for Third
Judicial District Kansas
Territory

United States versus John J. Baxter for selling liquor to Indians



United States versus John J. Baxter for selling liquor to Indians

July 14th 1858

Lasper County Mo

On this day personally appeared before me an acting Justice of the peace in and for said County Mr R. Symon after being duly sworn sayeth on oath that in the month of June or July 1857 that he saw two young men at J. J. Baxter, or what is called the strip in Kansas Territory they told him they were Cherokees he further states that said Baxter kept liquor or spirits to sell one of the young men applied for a hickler of whiskey it was drawn by some member of said Baxter's family the money received and delivered to said young man the said son say it was whiskey he drank of it I also state that one of the young men got very drunk. He further states that he did see said J. J. Baxter sell ten gallons of whiskey to S. Stonaker and wife at his residence in Kansas Territory Stonaker received the whiskey and put it in his wagon and his wife Mrs. Stonaker a Cherokee lady furnished the money to pay said J. J. Baxter for said whiskey in her presence sometime in August or Sept 1857 he further states that said J. J. Baxter is a white man and generally keeps whiskey to sell

M. R. Symon

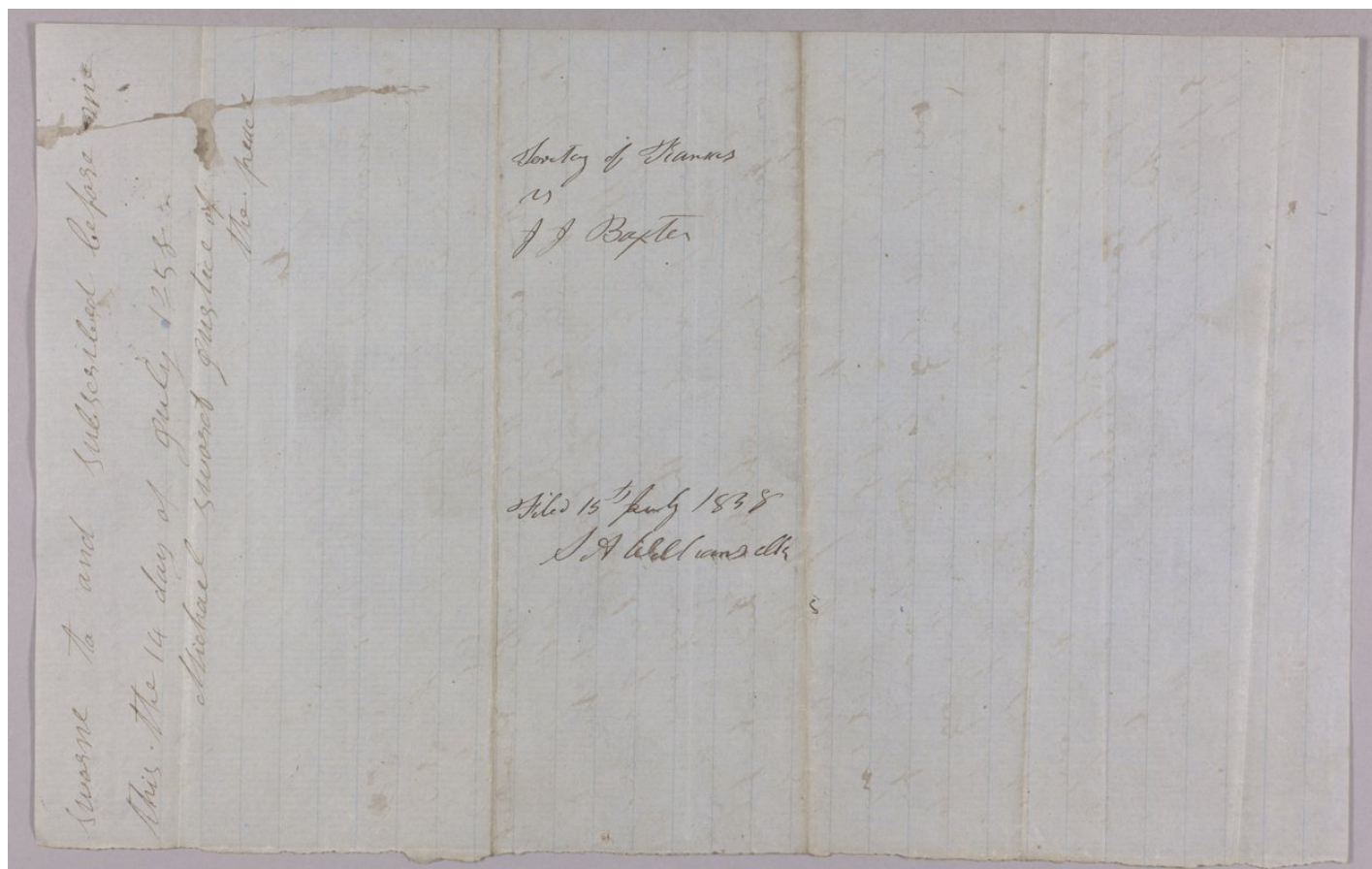
United States versus John J. Baxter for selling liquor to Indians

sworne to and subscribed before me
this the 14 day of July 1858
Michael Sworn Justice of
the peace

County of Thomas
J J Baxter

Attest
J J McAllister

United States versus John J. Baxter for selling liquor to Indians



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Know all men by these presents that we John
J. Baxter as principal and Thomas B. Barnett
as security are held and firmly bound unto the United
States of America in the just and full sum of
One Thousand Dollars, by the said John J. Baxter
in the sum of One Thousand Dollars and the
said Thomas Barnett in the like sum of One
Thousand Dollars to be levied of our respective
goods and chattels lands and tenements
It be void however upon this express condition
that if the said John J. Baxter shall make
his personal appearance before the United
States District Court within and for the third
judicial district in the Territory of Kansas
which commences at the Town of Fort Scott in said
the county of Bourbon on the third Monday in
October next, and on the first day thereof and
from ~~then~~ day to day of said Term and at each
subsequent term of said court, and from
day to day of each term of said court, until
discharged by said court or otherwise discharged
by due course of law. And then and there
answer a certain charge of Selling Liquors
to Indians in the Indian Country, then
the above obligation to be void otherwise to
remain in full force and virtue in law.
Witness our hands and seals this 29th
day of July AD 1858

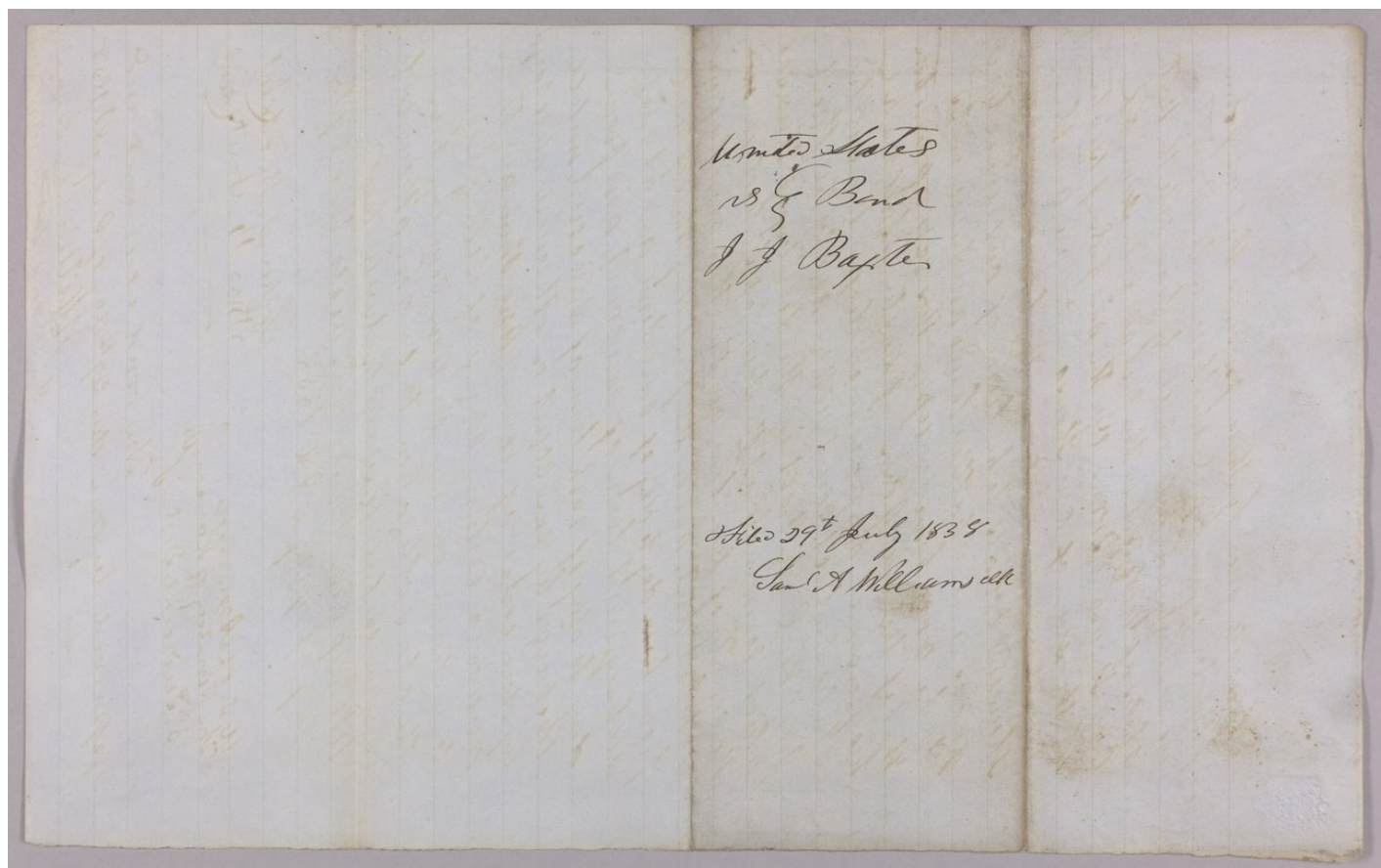
John J. Baxter
Thomas B. Barnett

U.S. of America
The Territory of Kansas
3^d Judicial Dist.

This bond examined and
approved by me this 29th day of July AD 1858

William L. Sawyer
the 3^d Judicial District Territory of Kansas

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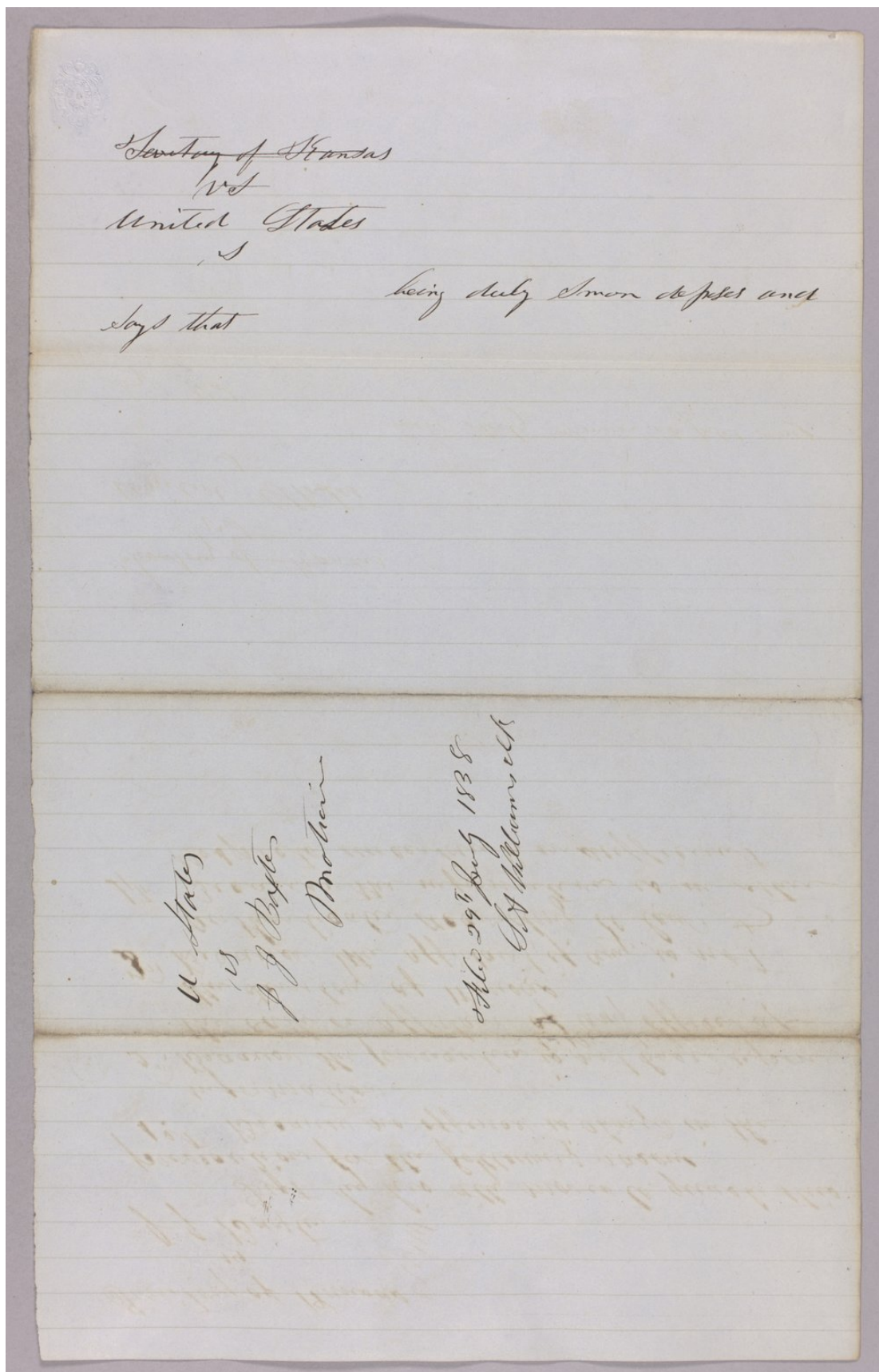
Territory of Kansas

J J Baxter -

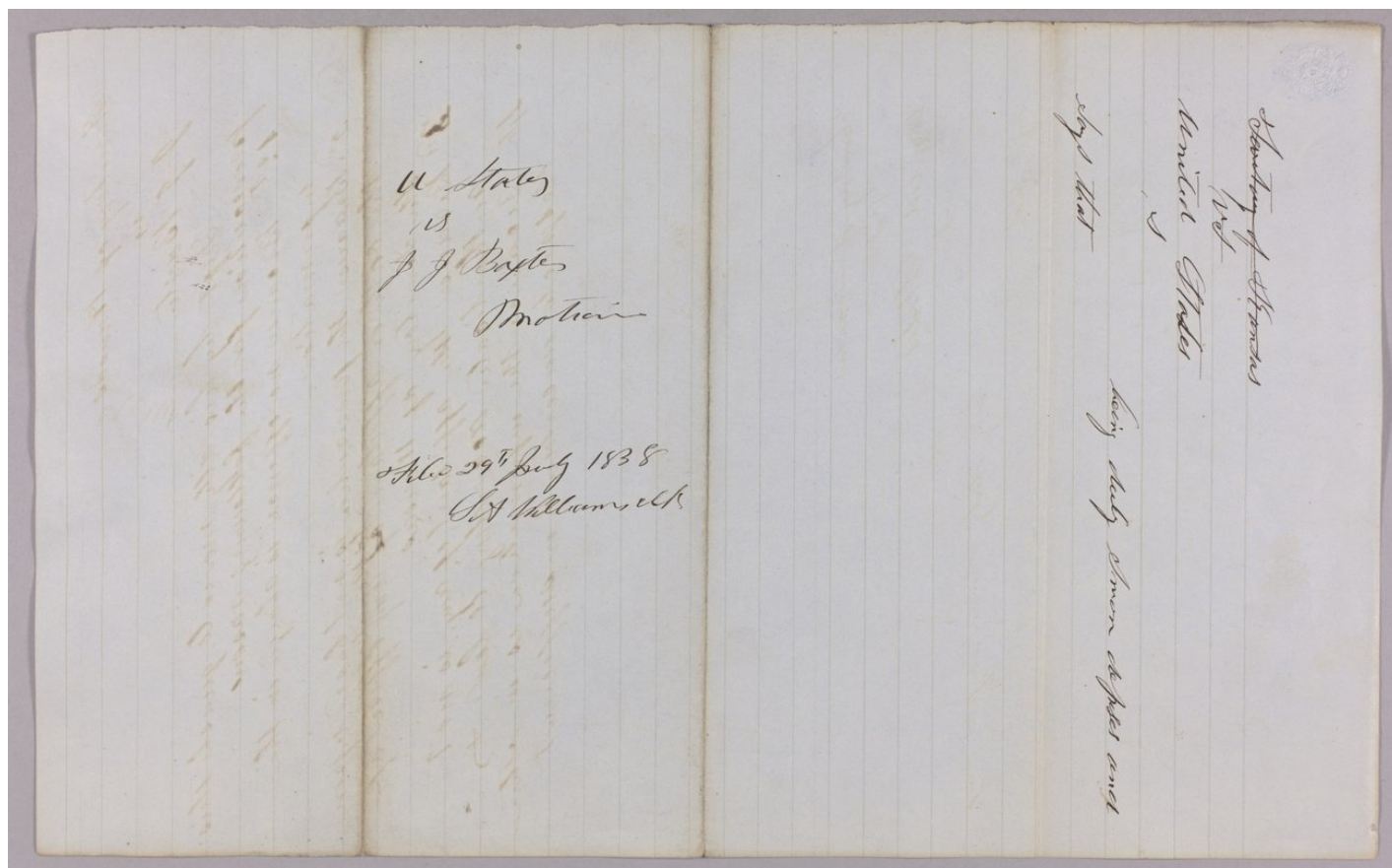
Def't by his atty moves to quash this
prosecution for the following reasons

- 1st Because no offence is charged in the
information -
- 2nd Because the prosecution is not based upon
the oath or affidavit ^{taken before} of any officer of
the Territory of Kansas
- 3rd Because the affidavit, if any, is not
authenticated according to law &
- 4th Because the information is in other
respects uncertain & insufficient

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United States versus John J. Baxter for selling liquor to Indians

The United States of
America
vs.
J. J. Baxter

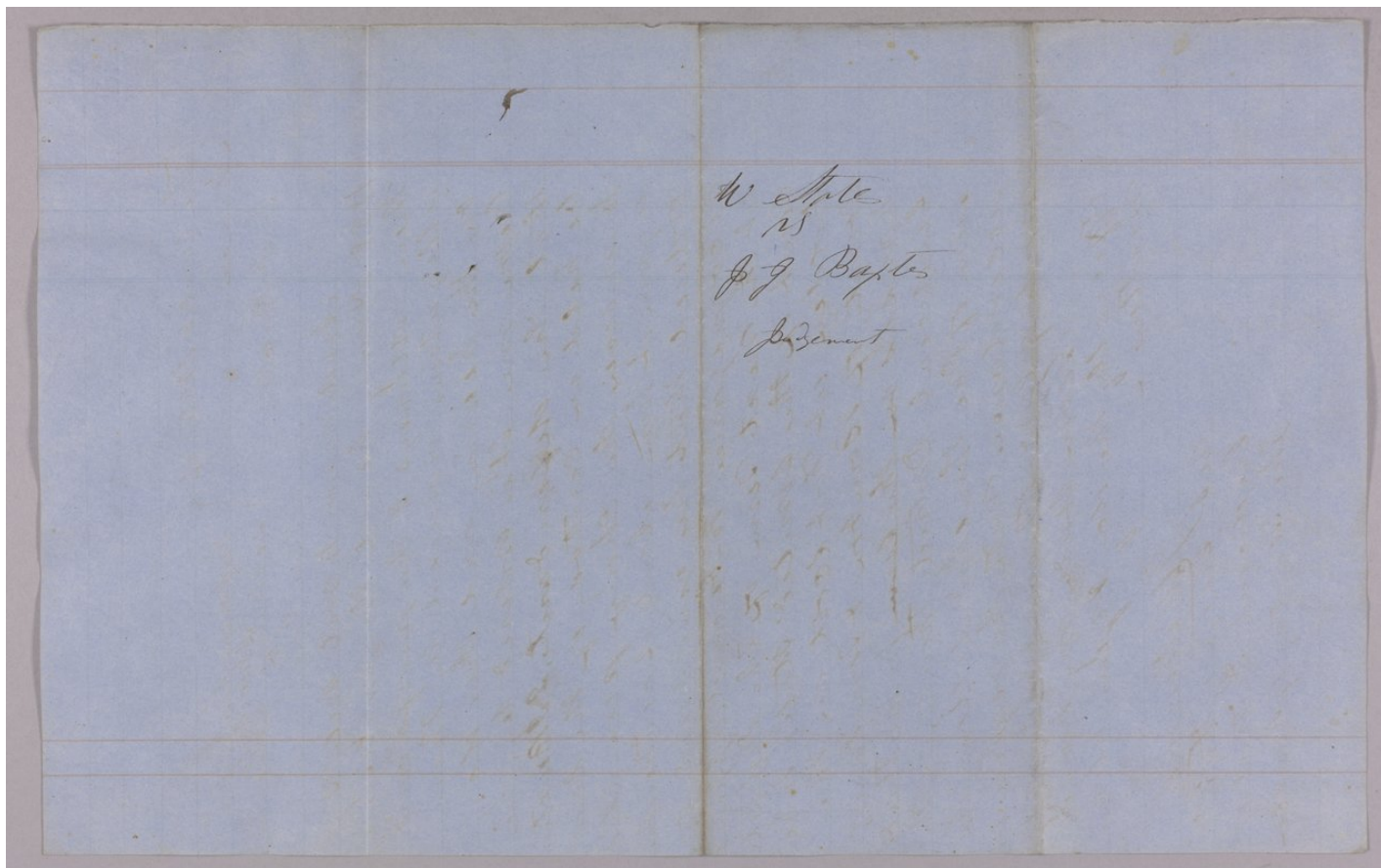
Information, for
selling ^{spirits} liquor to
the Indians.

And now to wit July 29th
1858. Having heard the parties by
their attorneys & the proofs and
allegations adduced by them
on the hearing had this day
before me it is ordered by me
that the defendant, J. J. Baxter
be held in custody of the law
to answer the charge presented
against him. And it is therefore
ordered that he give bond of
recognizance to be and appear
at the next Term of the District
Court of the United States to be
holden at Fort Scott in the
County of Bourbon & Territory of
Kansas on the 1st day of the third
Judicial District thereof, in the
sum of One thousand dollars in
accordance with the require-
ments of law, otherwise to be in custody.

Given under my hand
Officially the day & year above
written.

J. Williams
U.S. Judge of the 3d.
Judicial District of
the Territory of Kansas.

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United States versus John J. Baxter for selling liquor to Indians

1849

United States of America }
Third Judicial District } AS
Of Kansas Territory }

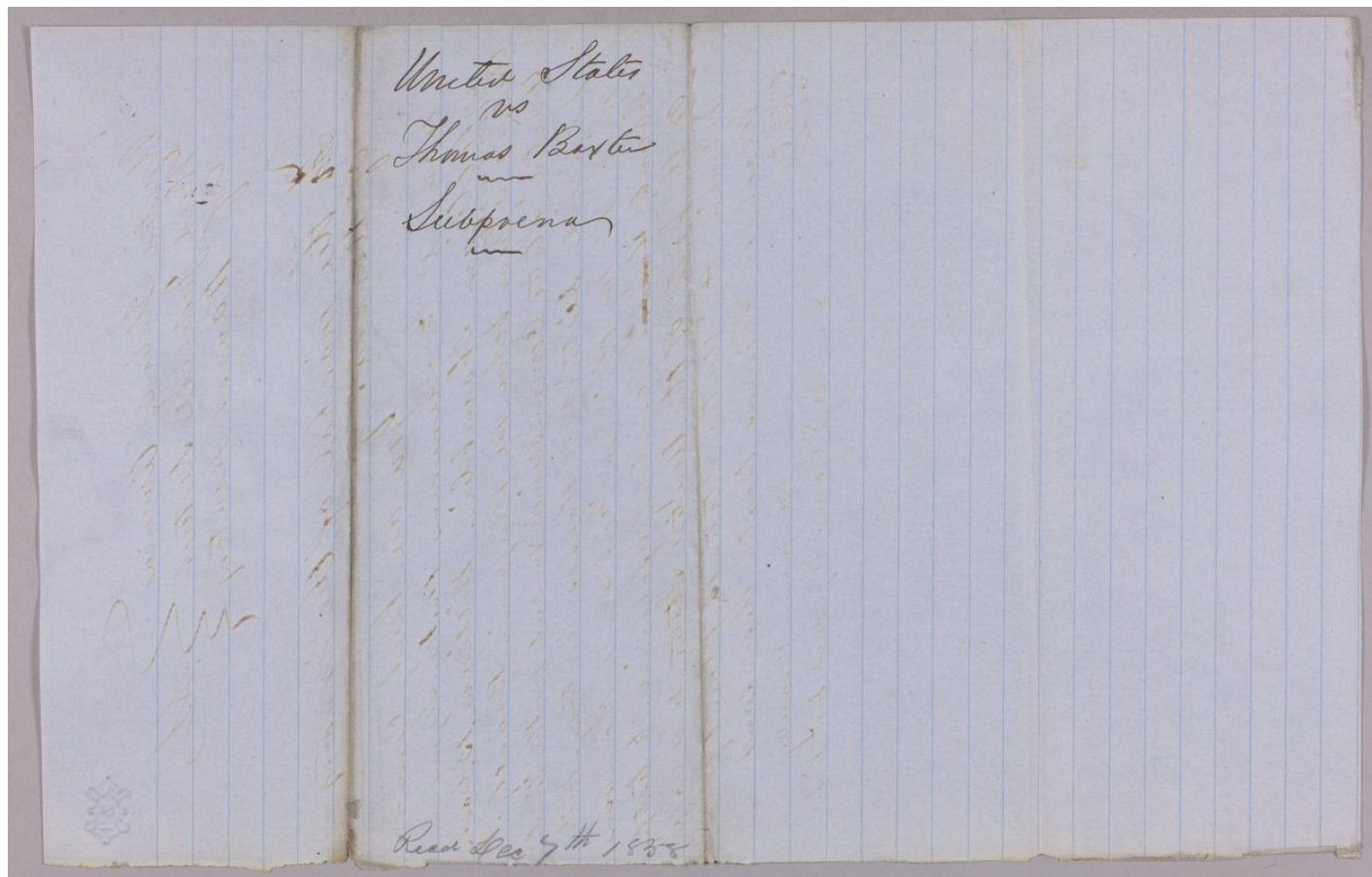
In the Marshal of the Territory
of Kansas.

You are hereby Com-
manded to summon M. R. Seymour
William Shambler, William B. Cooley
^{George W. Cooley}
And to appear before me Benjamin Brantly
United States Commissioner in and for the Third
Judicial District of Kansas Territory, forth-
with at my office in Fort Scott, Bourbon
County ~~Kansas~~ Territory aforesaid, to testify
on the part of the United States, in a case
wherein the United States is plaintiff
against Thomas Baxter defendant —

Benjamin Brantly,
U.S. Com'r 3d Judicial Dist. K.T.

Seal
me

United States versus John J. Baxter for selling liquor to Indians



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2

Ans. H. Bell being produced sworn &
Examined says that he knows nothing
about Baxter selling whiskey & drunk
whiskey in the neighborhood of Baxter's
house. there is whiskey sold there &

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UNITED STATES OF AMERICA.

Territory of Kansas, }
THIRD JUDICIAL DISTRICT.

THE UNITED STATES OF AMERICA, To

the Marshal of the Territory of Kansas, GREETING: You are hereby commanded to take *notice*
H. R. Roberts so that you have to appear ~~and~~ before the

Judge of the District Court, within and for the Third Judicial District Court, within the Territory of Kansas,

on the first day of the next term thereof ; which commences at Fort Scott, in the County of Bourbon, on the

3rd Monday in *May* next, then and there to ~~show~~ *show*

cause why he should not be made final in the case of
~~certain crime of~~ with which

the U.S. of J. Baxter & you were his bail on forfeited recogno-
~~stands indicted, in our said Court, by the Grand Jury, for the body of~~

~~said District.~~

In Testimony Whereof, I, SAMUEL A. WILLIAMS' Clerk of our said

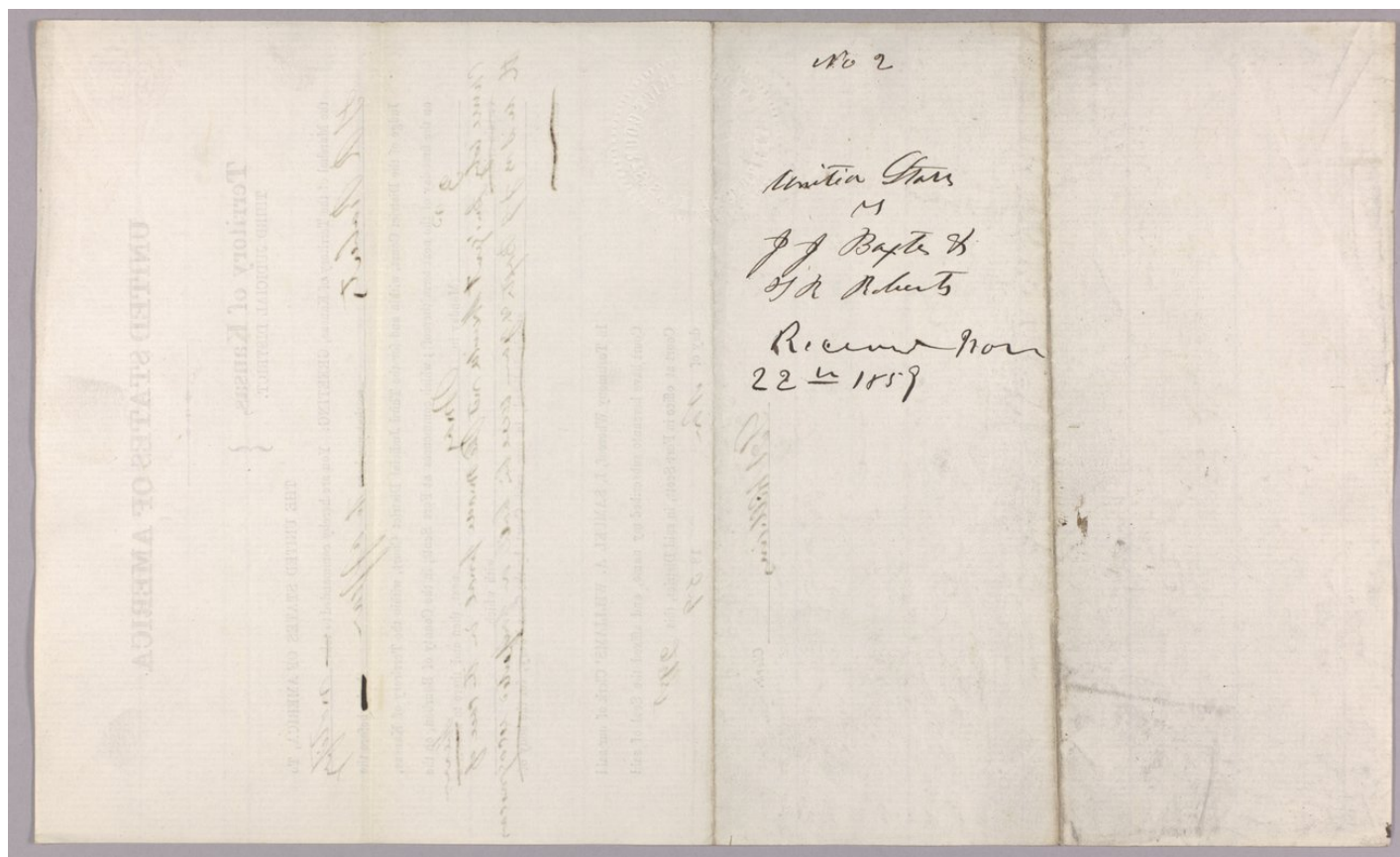
Court have hereunto subscribed my name, and affixed the Seal of said

Court at office in Fort Scott, in said District, this *23rd*

day of *Nov* 18 *59*

S. A. Williams Clerk.

United States versus John J. Baxter for selling liquor to Indians



United States versus John J. Baxter for selling liquor to Indians

UNITED STATES OF AMERICA.

Territory of Kansas,
THIRD JUDICIAL DISTRICT.

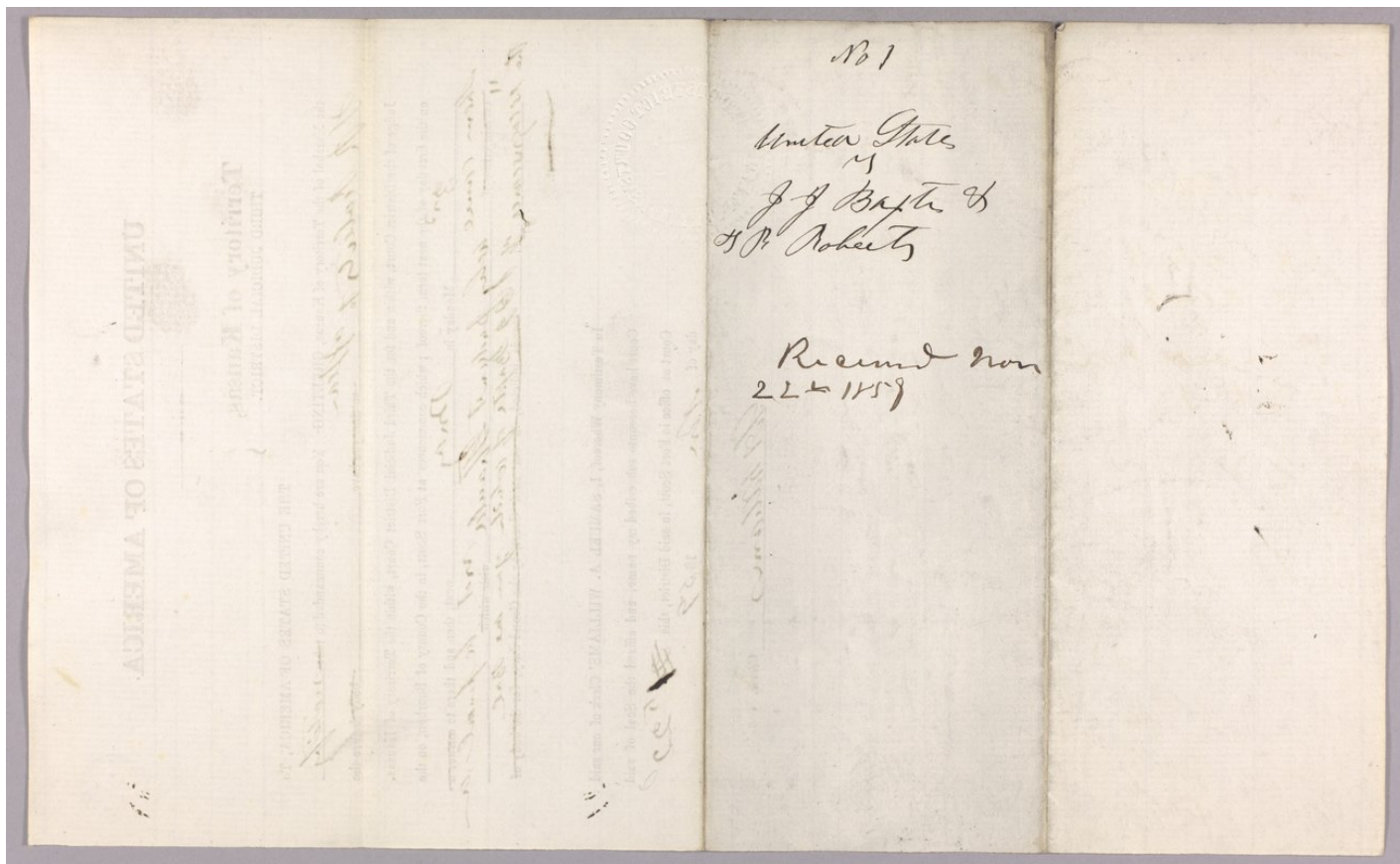
THE UNITED STATES OF AMERICA, To

the Marshal of the Territory of Kansas, GREETING: You are hereby commanded to take notice
of R. Baxter to appear so that you have _____ body before the
Judge of the District Court, within and for the Third Judicial District Court, within the Territory of Kansas,
on the first day of the next term thereof; which commences at Fort Scott, in the County of Bourbon, on the
3rd Monday in May next, then and there to answer a
them cause certain crime of howly bastard should not be final a with which
the recurrence of of R. Baxter of which you are Bal stands indicted, in our said Court, by the Grand Jury, for the body of
said District.

In Testimony Whereof, I, SAMUEL A. WILLIAMS, Clerk of our said
Court have hereunto subscribed my name, and affixed the Seal of said
Court at office in Fort Scott, in said District, this 21st day of May 1859

Sam Williams Clerk.

United States versus John J. Baxter for selling liquor to Indians





United States versus John J. Baxter for selling liquor to Indians

UNITED STATES OF AMERICA.

Territory of Kansas,
THIRD JUDICIAL DISTRICT.

THE UNITED STATES OF AMERICA, To

the Marshal of the Territory of Kansas, GREETING: You are hereby commanded to take notice

J. J. Baxter so that you have to appear body before the

Judge of the District Court, within and for the Third Judicial District Court, within the Territory of Kansas,

on the first day of the next term thereof ; which commences at Fort Scott, in the County of Bourbon, on the

3^d Monday in May next, then and there to answer a

certain crime of Shen-Canal-holy with which Indiant

Should not be made final of his recognition stands indicted, in our said Court, by the Grand Jury, for the body of

said District.

In Testimony Whereof, I, SAMUEL A. WILLIAMS' Clerk of our said

Court have hereunto subscribed my name, and affixed the Seal of said

Court at office in Fort Scott, in said District, this 22nd

day of May 1887

S. A. Williams Clerk.

United States versus John J. Baxter for selling liquor to Indians

