Kansas Memory

KANSAS HISTORICAL SOCIETY

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny

These legal documents relate to the case of the Kansas Territory vs. John E. Brown, John Broils, and James Masterson for grand larceny. Brown, Broils, and Masterson were accused of stealing cattle from James Dudley, Henry Dudley, Rubin Grace, and Margaret Keith on September 21, 1856. The defendants were indicted during the November term of 1856 by the U. S. District Court of the Kansas Territory, Second District.

Date: 1856-1858

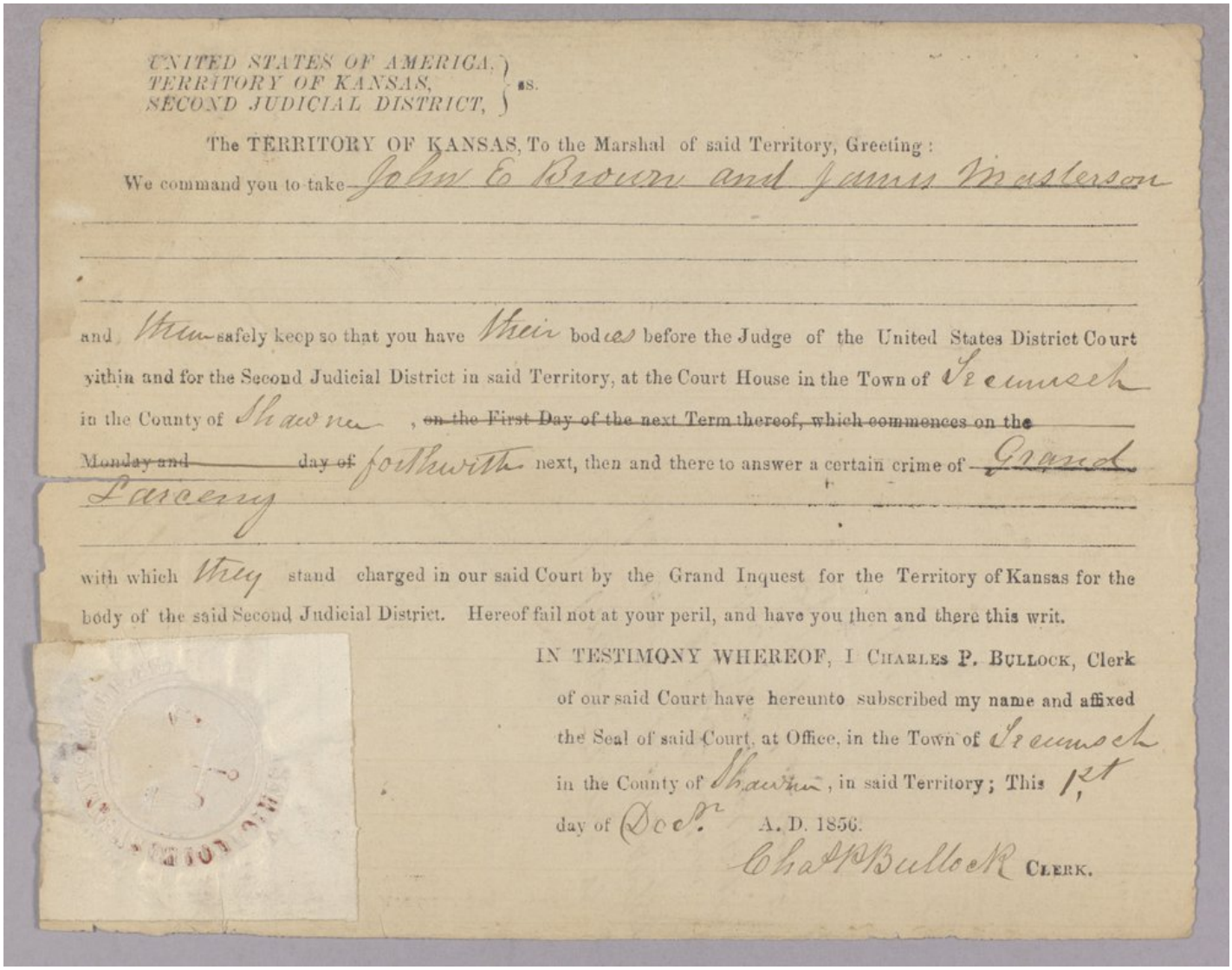
Callnumber: Kansas Territory Criminal Case Files, Box 5, Folder 41

KSHS Identifier: DaRT ID: 444821

Item Identifier: 444821

www.kansasmemory.org/item/444821

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny



UNITED STATES OF AMERICA,
TERRITORY OF KANSAS,
SECOND JUDICIAL DISTRICT, } ss.

The TERRITORY OF KANSAS, To the Marshal of said Territory, Greeting:

We command you to take John E Brown and James Masterson

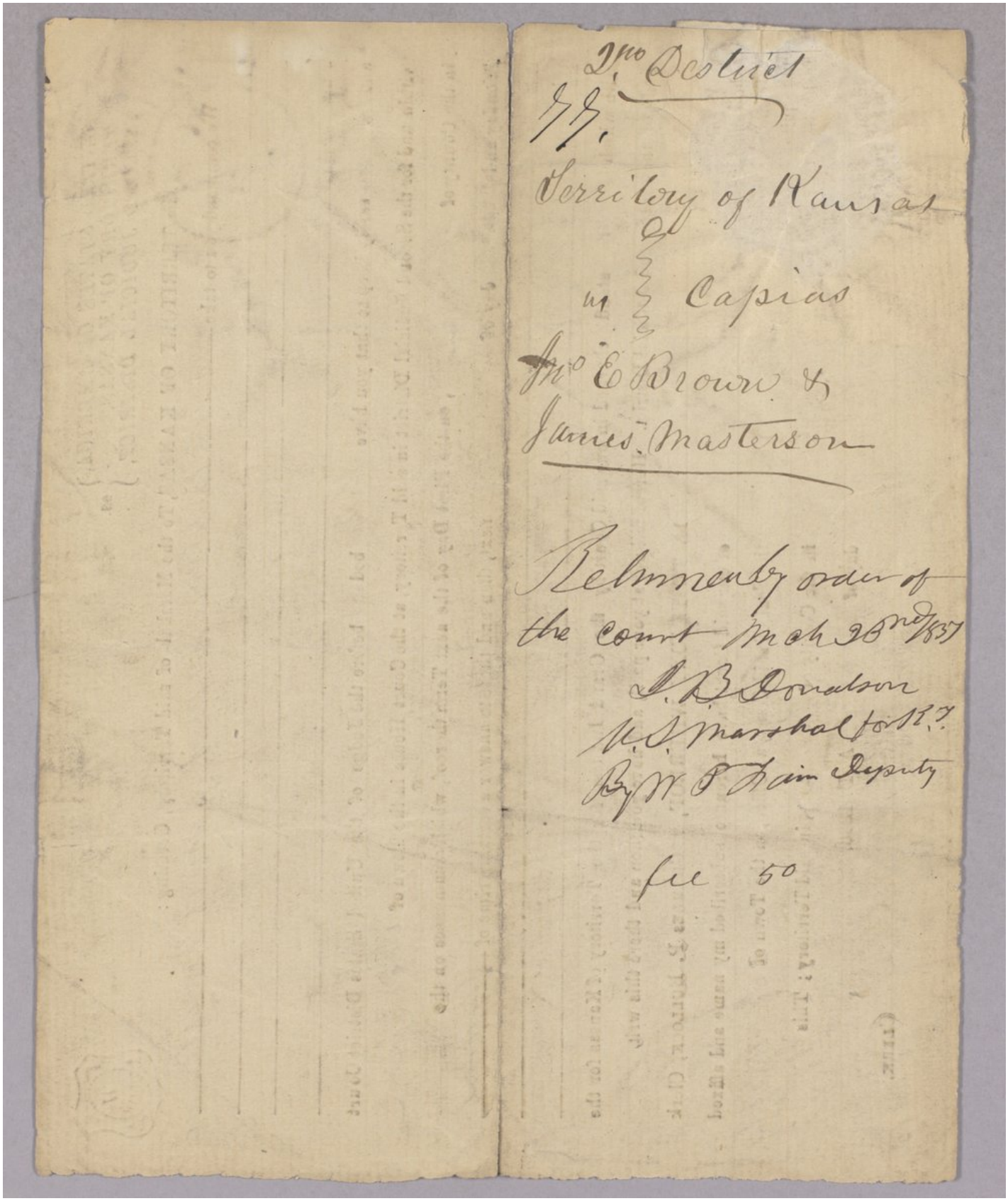
and them safely keep so that you have their bodies before the Judge of the United States District Court within and for the Second Judicial District in said Territory, at the Court House in the Town of Tecumseh in the County of Shawnee, ~~on the First Day of the next Term thereof, which commences on the Monday and~~ day of ~~of~~ forthwith next, then and there to answer a certain crime of Grand Larceny

with which they stand charged in our said Court by the Grand Inquest for the Territory of Kansas for the body of the said Second Judicial District. Hereof fail not at your peril, and have you then and there this writ.

IN TESTIMONY WHEREOF, I CHARLES P. BULLOCK, Clerk of our said Court have hereunto subscribed my name and affixed the Seal of said Court, at Office, in the Town of Tecumseh in the County of Shawnee, in said Territory; This 1st day of Dec. A. D. 1856.

Chas P Bullock CLERK.

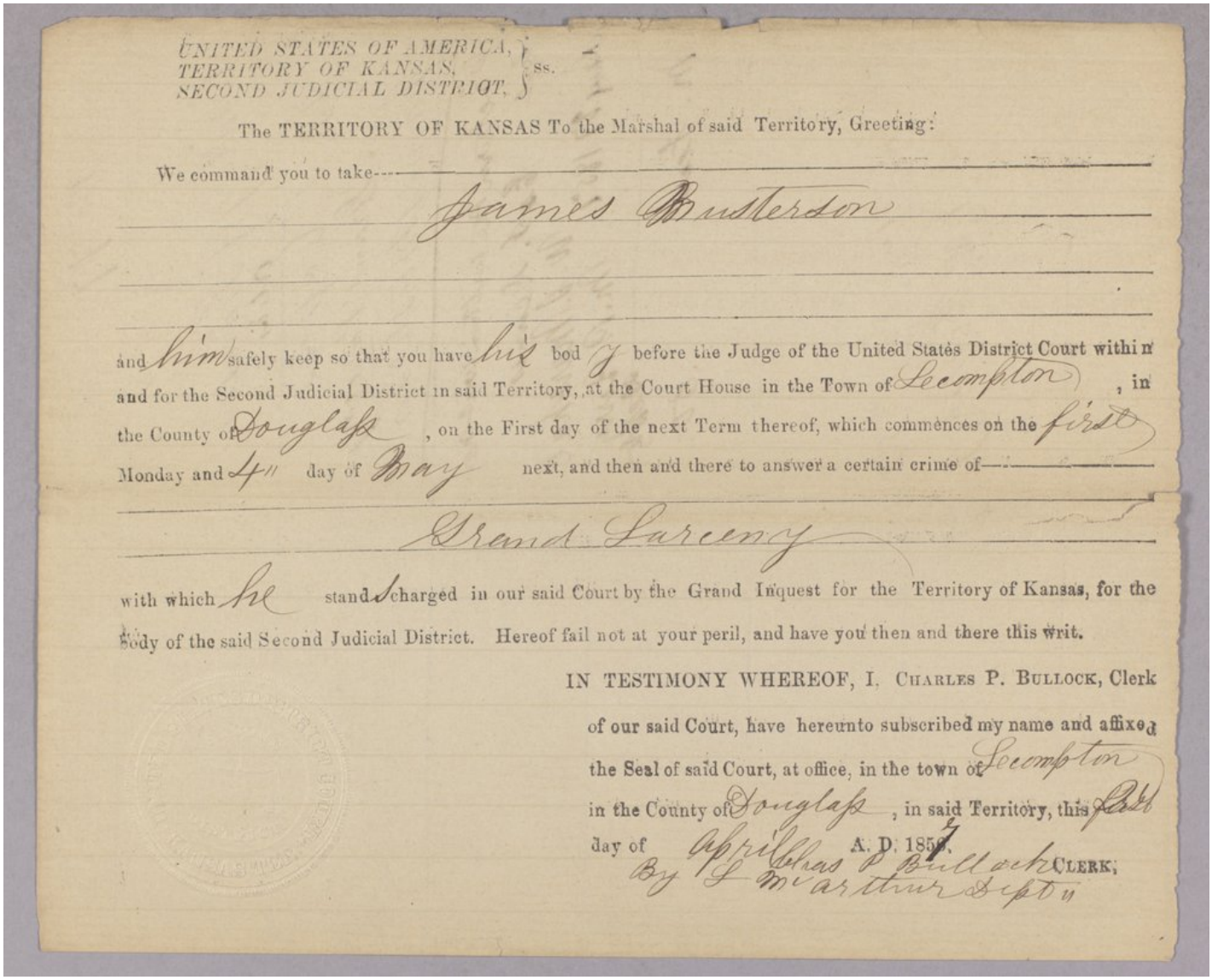
Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny


2nd District
Y.
Territory of Kansas
vs
Capias
Jno E Brown &
James Masterson

Returned by order of
the court March 28th 1857
A. B. Donalson
U.S. Marshal for K.T.
By W. P. Dain Deputy

fee 50

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny



UNITED STATES OF AMERICA,
TERRITORY OF KANSAS, } ss.
SECOND JUDICIAL DISTRICT,

The TERRITORY OF KANSAS To the Marshal of said Territory, Greeting:

We command you to take---- James Busterson

and him safely keep so that you have his bod y before the Judge of the United States District Court within and for the Second Judicial District in said Territory, at the Court House in the Town of Lecompton, in the County of Douglas, on the First day of the next Term thereof, which commences on the first Monday and 4th day of May next, and then and there to answer a certain crime of---- Grand Larceny

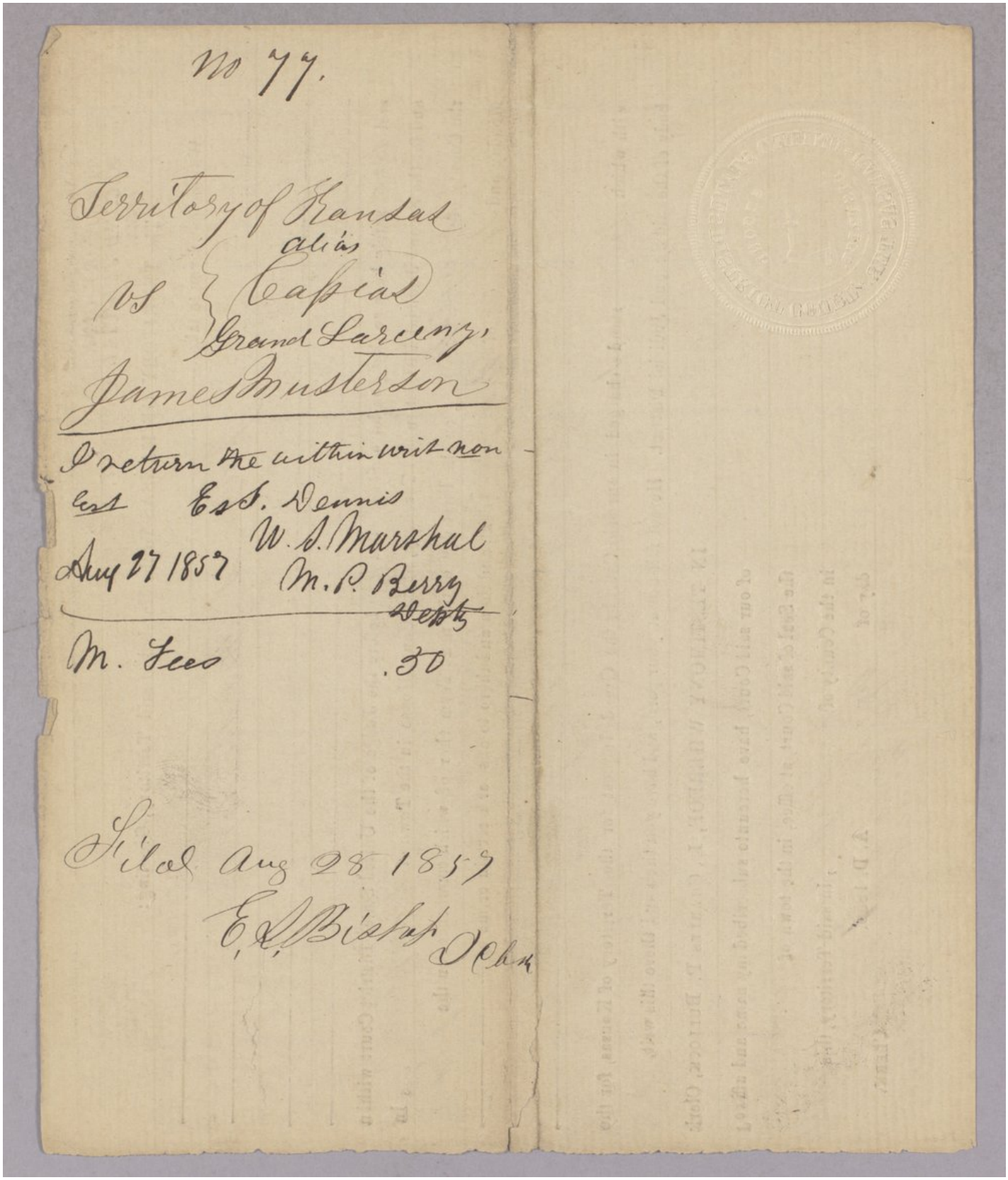
with which he stand charged in our said Court by the Grand Inquest for the Territory of Kansas, for the body of the said Second Judicial District. Hereof fail not at your peril, and have you then and there this writ.

IN TESTIMONY WHEREOF, I, CHARLES P. BULLOCK, Clerk of our said Court, have hereunto subscribed my name and affixed the Seal of said Court, at office, in the town of Lecompton in the County of Douglas, in said Territory, this 24th day of April A. D. 1857.

By L McArthur Dept

Chas P Bullock CLERK;

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny



No 77.

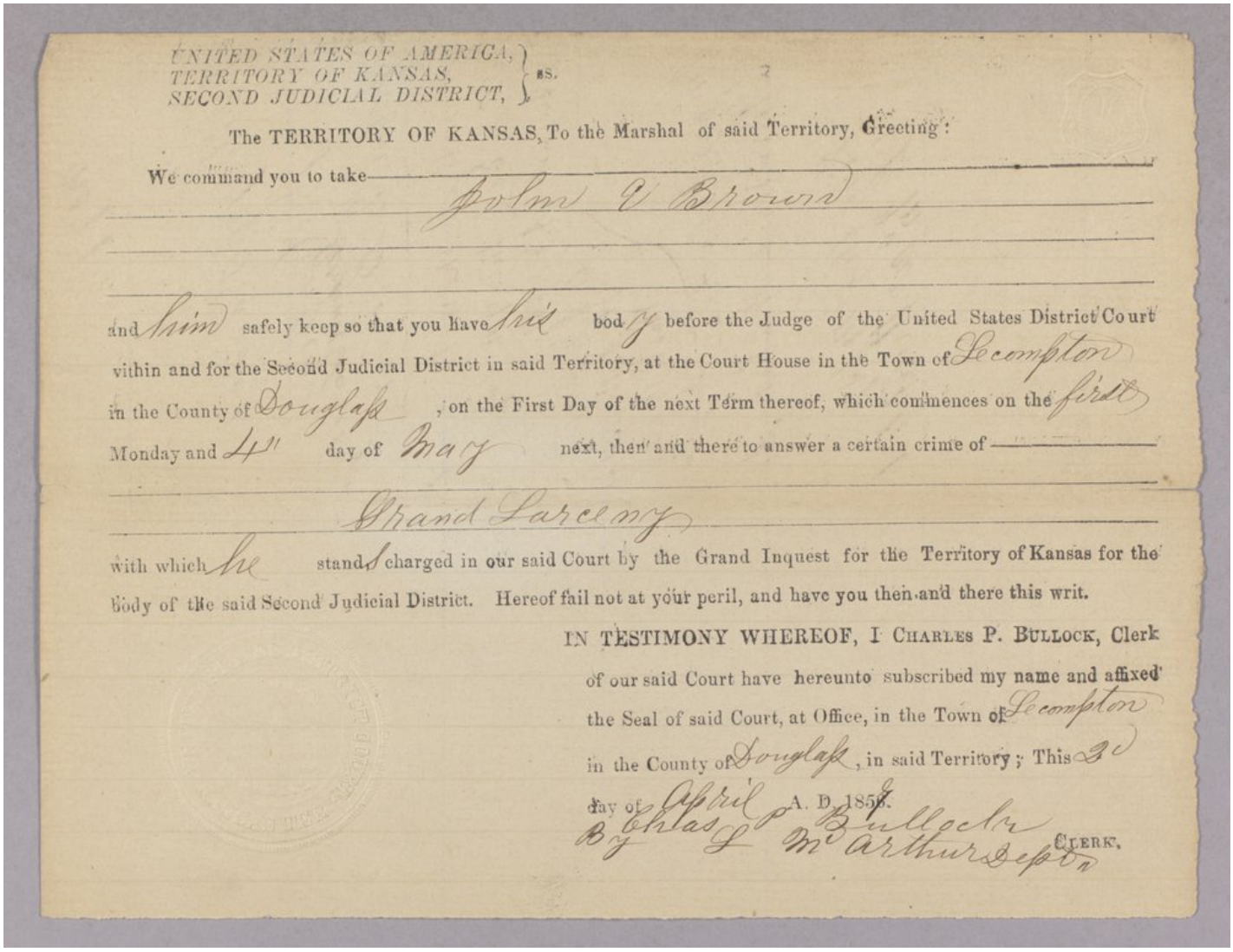
Territory of Kansas
vs } alias Capias
Grand Larceny
James Musterson

I return the within writ non est
Est. Dennis
W. S. Marshal
Aug 27 1857
M. P. Berry
Deputy

M. Fees .50

Filed Aug 28 1857
E. A. Bishop Clk

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny



UNITED STATES OF AMERICA,
TERRITORY OF KANSAS,
SECOND JUDICIAL DISTRICT, } ss.

The TERRITORY OF KANSAS, To the Marshal of said Territory, Greeting:

We command you to take John E Brown

and him safely keep so that you have his bod y before the Judge of the United States District Court within and for the Second Judicial District in said Territory, at the Court House in the Town of Lecompton in the County of Douglas, on the First Day of the next Term thereof, which commences on the first Monday and 4th day of May next, then and there to answer a certain crime of

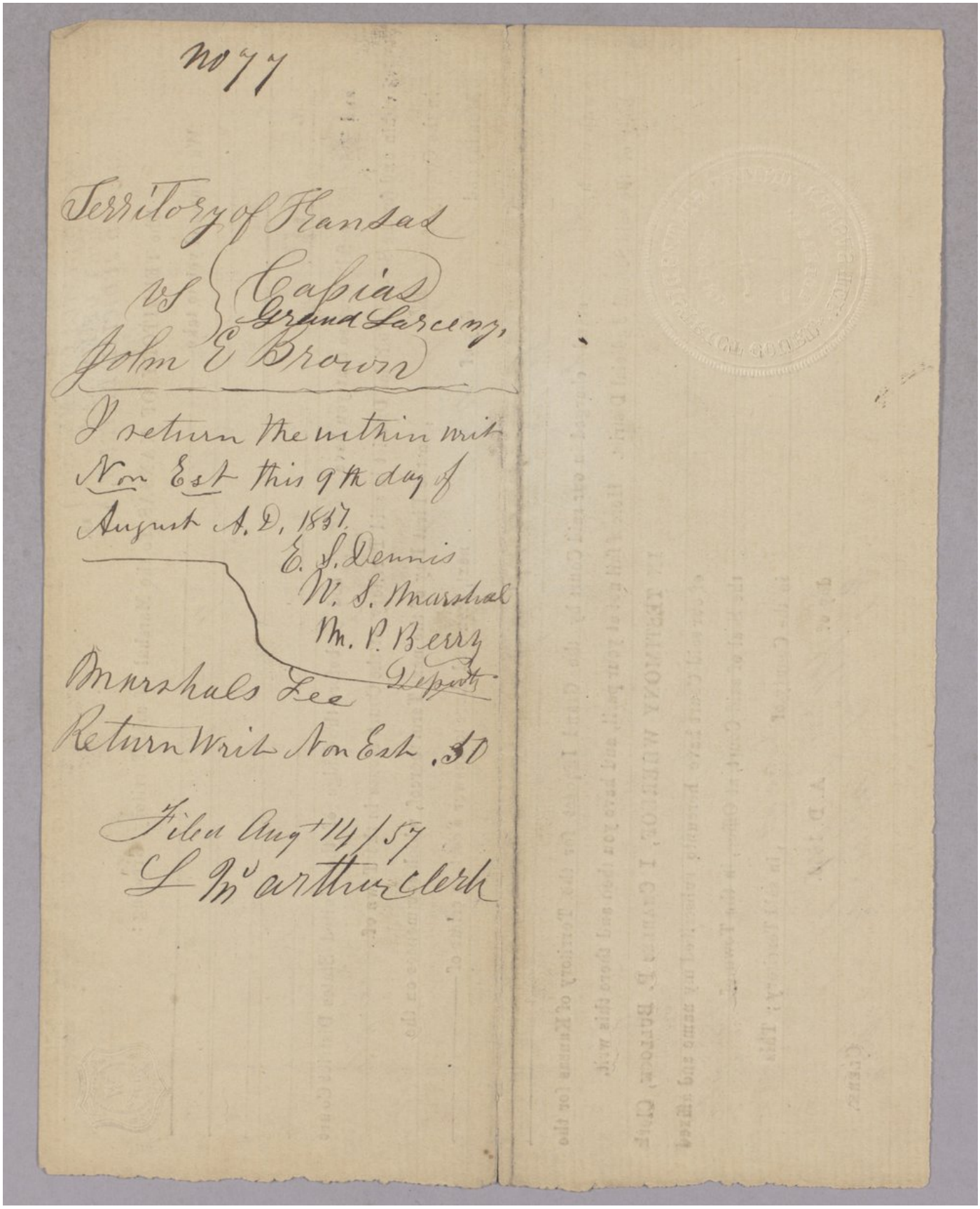
Grand Larceny

with which he stands charged in our said Court by the Grand Inquest for the Territory of Kansas for the body of the said Second Judicial District. Hereof fail not at your peril, and have you then and there this writ.

IN TESTIMONY WHEREOF, I CHARLES P. BULLOCK, Clerk of our said Court have hereunto subscribed my name and affixed the Seal of said Court, at Office, in the Town of Lecompton in the County of Douglas, in said Territory; This 30 day of April A. D. 1858.

By Chas L McArthur Dep'n CLERK.

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny



No 77

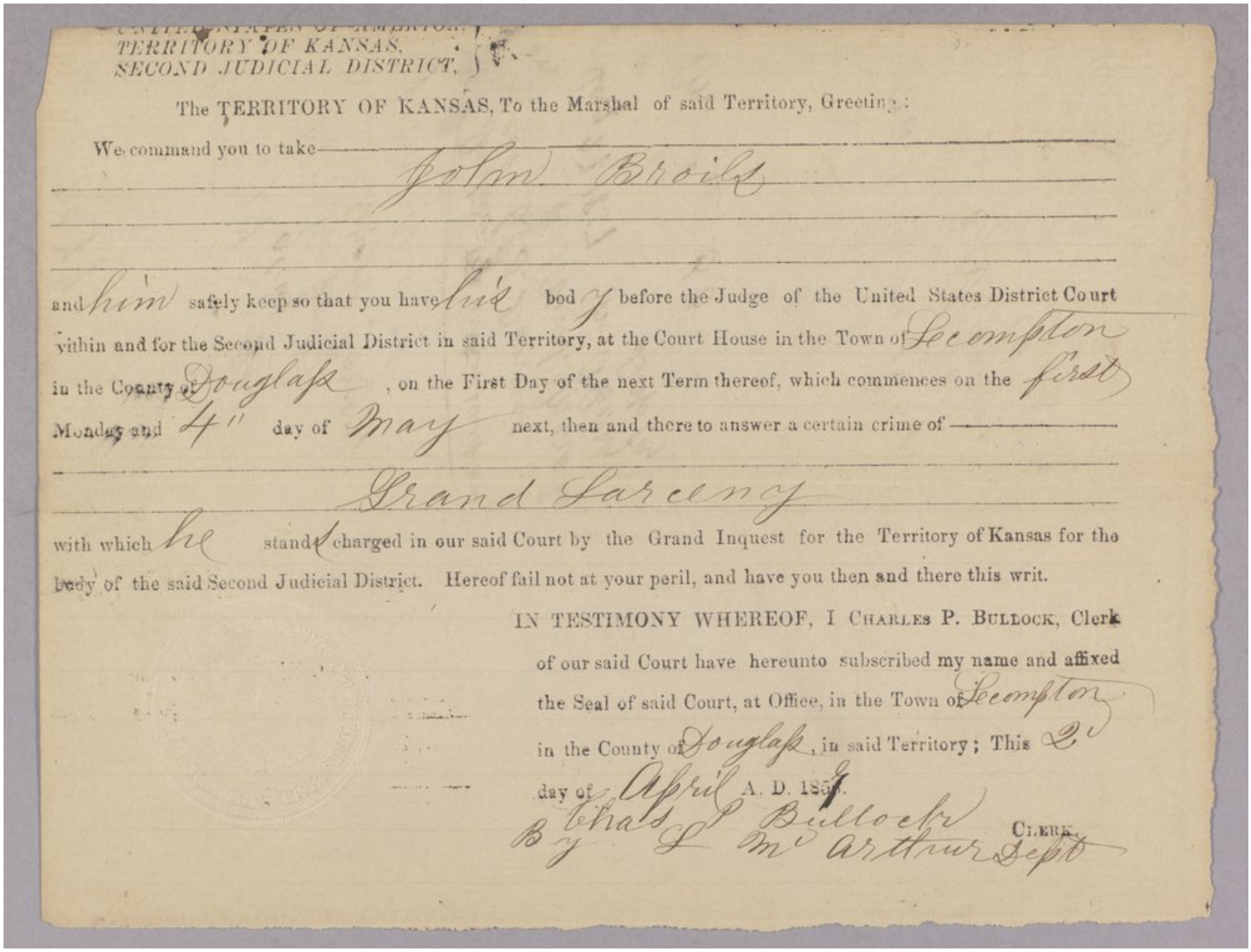
Territory of Kansas
vs } Capias
John E Brown } Grand Larceny,

I return the within writ
Non Est this 9th day of
August A. D. 1857.
E. S. Dennis
U. S. Marshal
Wm. P. Berry
Deputy

Marshals Fee
Return Writ Non Est .50

Filed Aug 14/57
L Wm arthur clerk

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny



UNITED STATES OF AMERICA,
TERRITORY OF KANSAS,
SECOND JUDICIAL DISTRICT, } ss.

The TERRITORY OF KANSAS, To the Marshal of said Territory, Greeting:

We command you to take John Broils

and him safely keep so that you have his bod y before the Judge of the United States District Court within and for the Second Judicial District in said Territory, at the Court House in the Town of Lecompton in the County of Douglas, on the First Day of the next Term thereof, which commences on the first Monday and 4th day of May next, then and there to answer a certain crime of

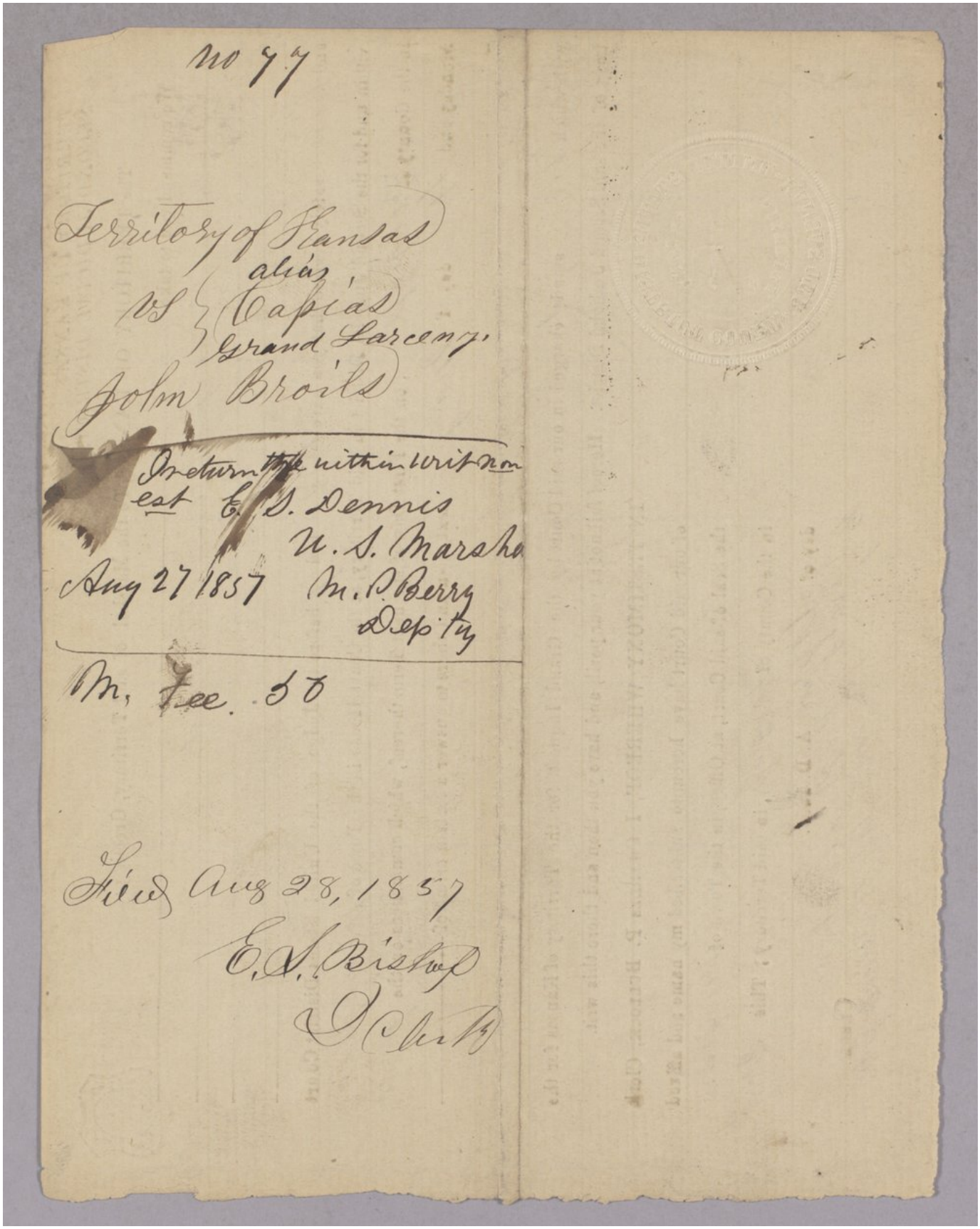
Grand Larceny

with which he stands charged in our said Court by the Grand Inquest for the Territory of Kansas for the body of the said Second Judicial District. Hereof fail not at your peril, and have you then and there this writ.

IN TESTIMONY WHEREOF, I CHARLES P. BULLOCK, Clerk of our said Court have hereunto subscribed my name and affixed the Seal of said Court, at Office, in the Town of Lecompton in the County of Douglas, in said Territory; This 2d day of April A. D. 1859.

By Chas P Bullock Jr
L McArthur Dept
CLERK.

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny



No 77

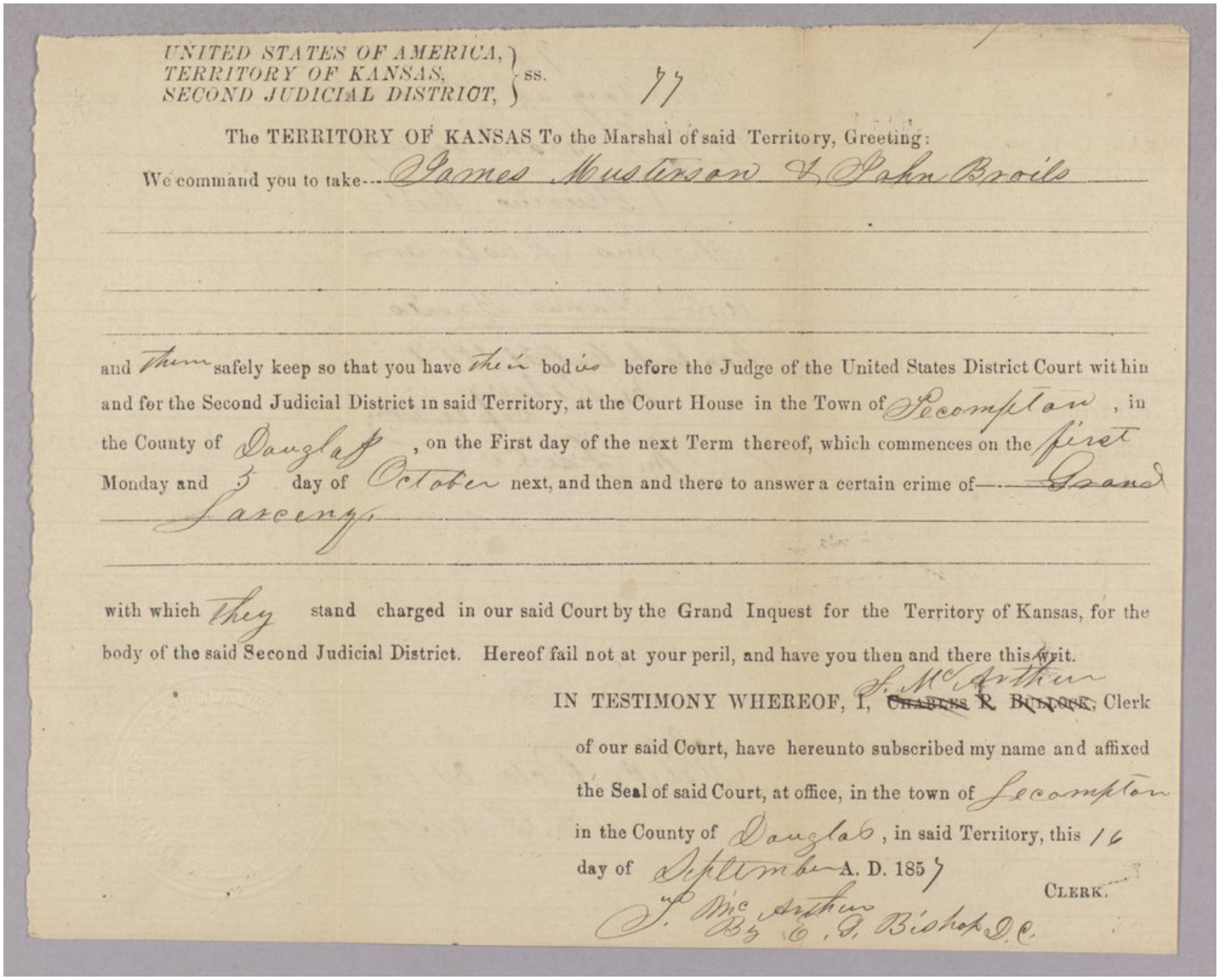
Territory of Kansas
alias
vs } Capias
Grand Larceny
John Broils

I return the within writ no
est E. S. Dennis
U. S. Marsha
Aug 27 1857 M. P. Berry
Deputy

M. Fee .50

Filed Aug 28, 1857
E. A. Bishop
Clerk

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny



UNITED STATES OF AMERICA,
TERRITORY OF KANSAS,
SECOND JUDICIAL DISTRICT, } ss. 77

The TERRITORY OF KANSAS To the Marshal of said Territory, Greeting:

We command you to take--- James Musterson & John Broils

and them safely keep so that you have their bodies before the Judge of the United States District Court within and for the Second Judicial District in said Territory, at the Court House in the Town of Lecompton, in the County of Douglas, on the First day of the next Term thereof, which commences on the first Monday and 3 day of October next, and then and there to answer a certain crime of--- Grand Larceny,

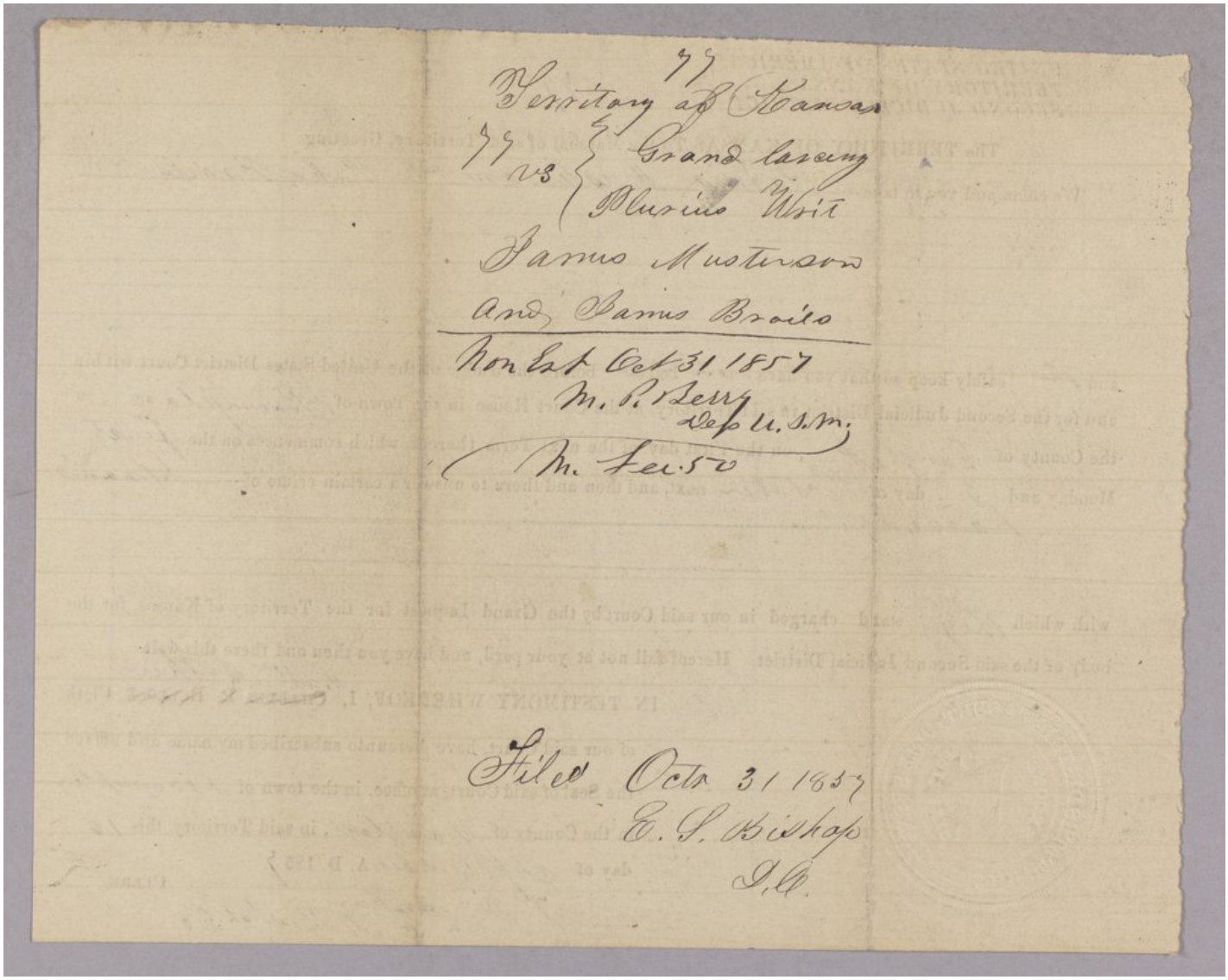
with which they stand charged in our said Court by the Grand Inquest for the Territory of Kansas, for the body of the said Second Judicial District. Hereof fail not at your peril, and have you then and there this writ.

IN TESTIMONY WHEREOF, I, ~~CHARLES R. BUNCE~~ S. McArthur, Clerk of our said Court, have hereunto subscribed my name and affixed the Seal of said Court, at office, in the town of Lecompton in the County of Douglas, in said Territory, this 16 day of September A. D. 185 7

CLERK.

S. McArthur
By C. P. Bishop D.C.

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny

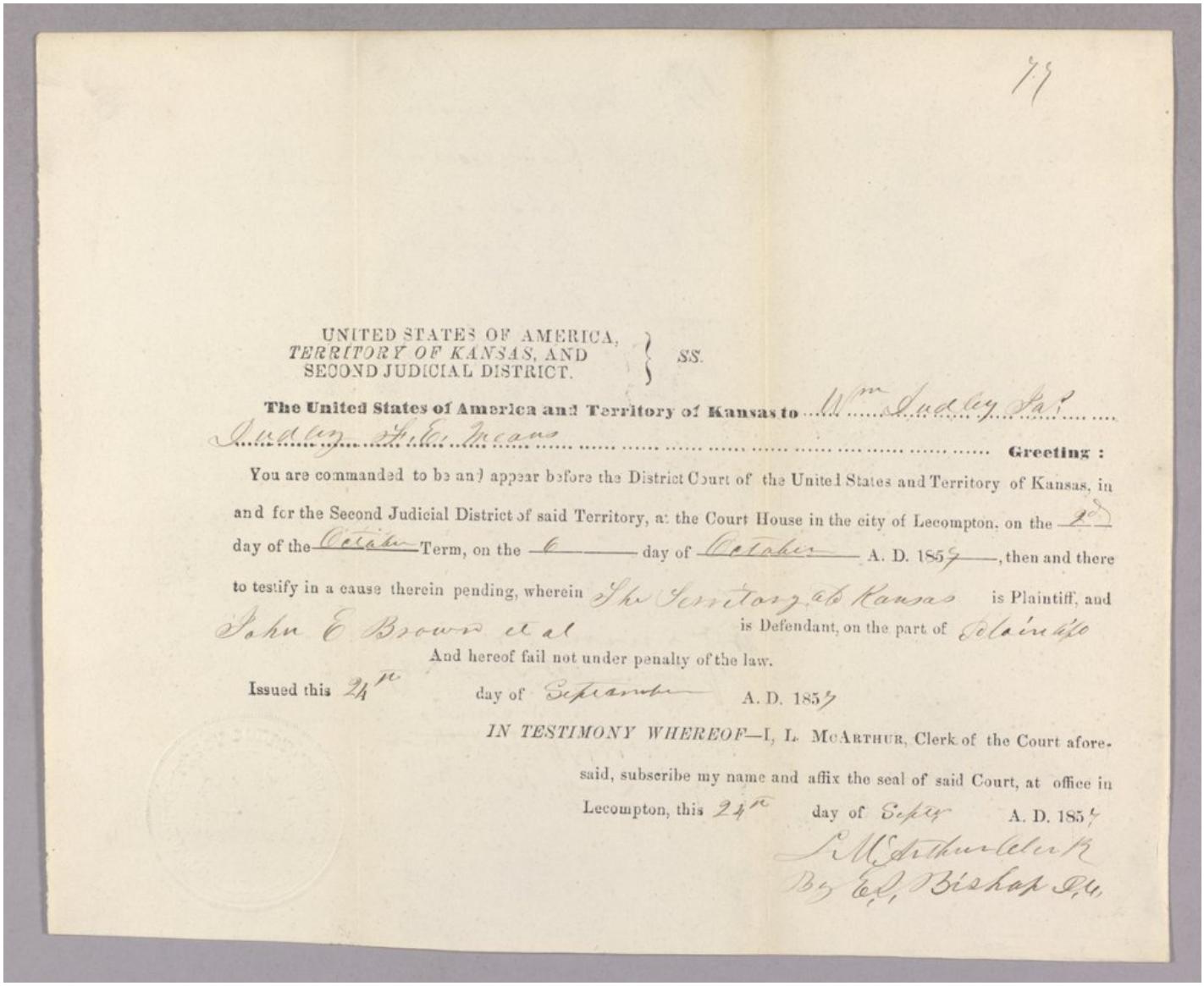


Territory of Kansas
vs } Grand larceny
Pluries Writ
James Masterson
and James Broils

Non Est Oct 31 1857
M. P. Berry
Dep U. S. M.
M. Feb 58

Filed Octr 31 1857
E. S. Bishop
C. C.

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny



77

UNITED STATES OF AMERICA,
TERRITORY OF KANSAS, AND
SECOND JUDICIAL DISTRICT. } *SS.*

The United States of America and Territory of Kansas to Wm Dudley Sr? Dudley Wm Jr. Means **Greeting:**

You are commanded to be and appear before the District Court of the United States and Territory of Kansas, in and for the Second Judicial District of said Territory, at the Court House in the city of Lecompton, on the 2d day of the October Term, on the 6 day of October A. D. 1857, then and there to testify in a cause therein pending, wherein The Territory of Kansas is Plaintiff, and John E Brown et al is Defendant, on the part of Plaintiff

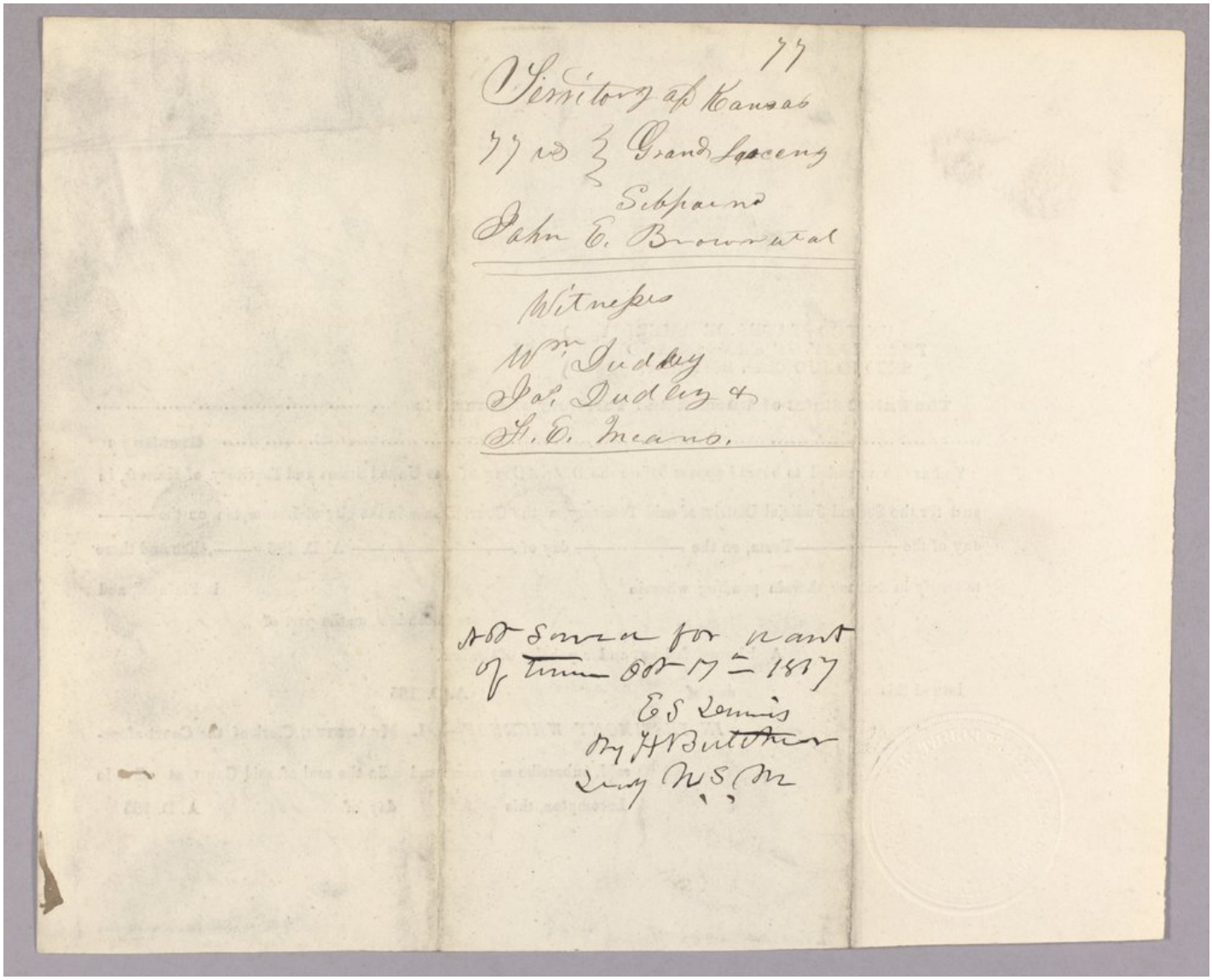
And hereof fail not under penalty of the law.

Issued this 24th day of September A. D. 1857

IN TESTIMONY WHEREOF—I, L. McArthur, Clerk of the Court aforesaid, subscribe my name and affix the seal of said Court, at office in Lecompton, this 24th day of Sept A. D. 1857

L McArthur Clerk
By Ed. Bishop D.C.

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny



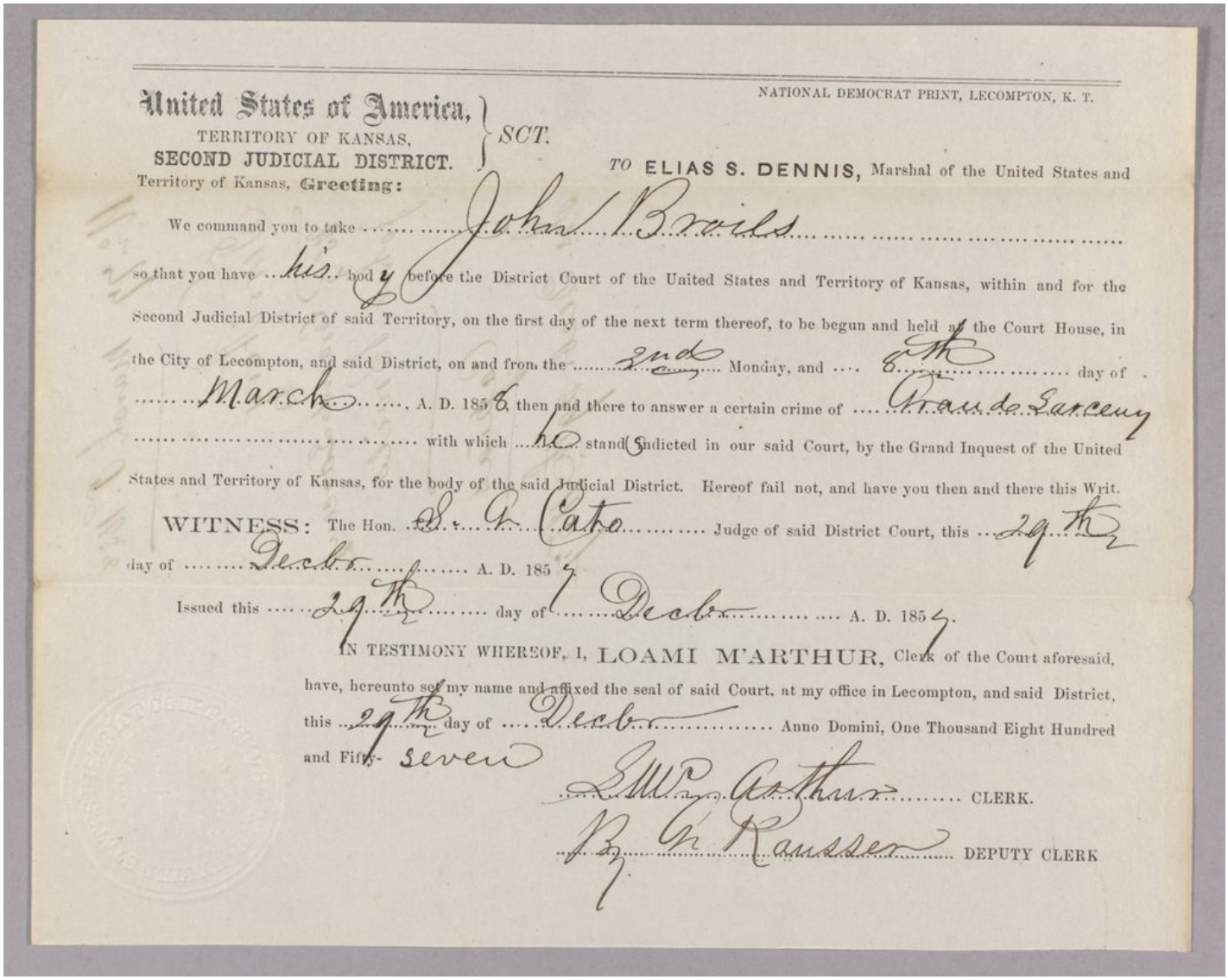
77

Territory of Kansas
77 vs } Grand larceny
Subpœna
John E. Brown et al

Witnesses
Wm Dudley
Jas. Dudley &
S. E. Means.

A true Copy for want
of time Oct 17 — 1857
E S Lewis
By H Butcher
Dep U S M

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny



NATIONAL DEMOCRAT PRINT, LECOMPTON, K. T.

United States of America,
TERRITORY OF KANSAS,
SECOND JUDICIAL DISTRICT. } SCT.

Territory of Kansas, Greeting:

TO ELIAS S. DENNIS, Marshal of the United States and

We command you to take John Broils

so that you have his body before the District Court of the United States and Territory of Kansas, within and for the Second Judicial District of said Territory, on the first day of the next term thereof, to be begun and held at the Court House, in the City of Lecompton, and said District, on and from the 2nd Monday, and 6th day of March, A. D. 185 6, then and there to answer a certain crime of Grand Larceny with which he stand indicted in our said Court, by the Grand Inquest of the United States and Territory of Kansas, for the body of the said Judicial District. Hereof fail not, and have you then and there this Writ.

WITNESS: The Hon. D. A. Cato Judge of said District Court, this 29th day of Decbr A. D. 185 6

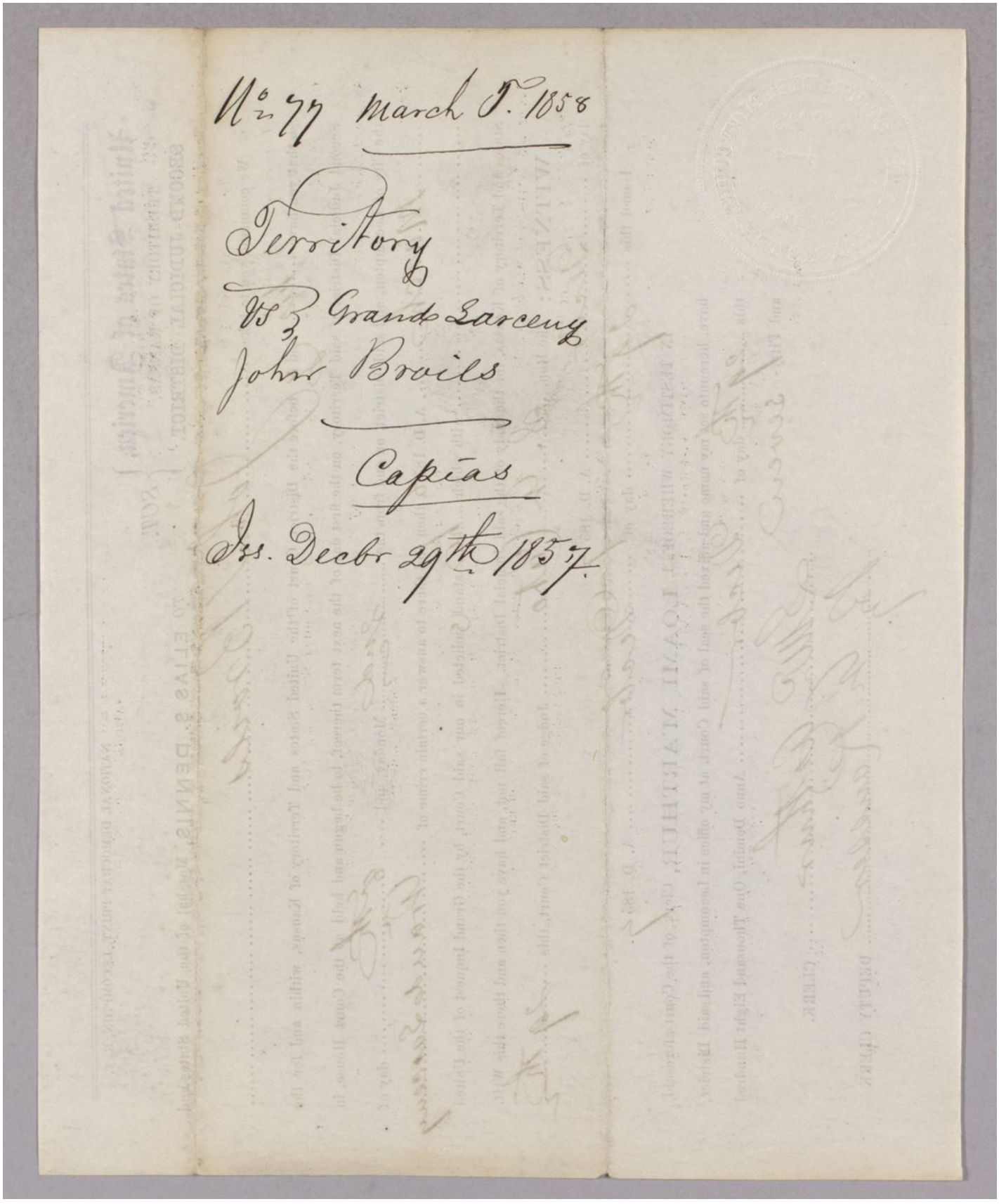
Issued this 29th day of Decbr A. D. 185 6.

IN TESTIMONY WHEREOF, I, LOAMI M'ARTHUR, Clerk of the Court aforesaid, have, hereunto set my name and affixed the seal of said Court, at my office in Lecompton, and said District, this 29th day of Decbr Anno Domini, One Thousand Eight Hundred and Fifty-seven

L M'r Arthur CLERK.

By G Ransser DEPUTY CLERK

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny



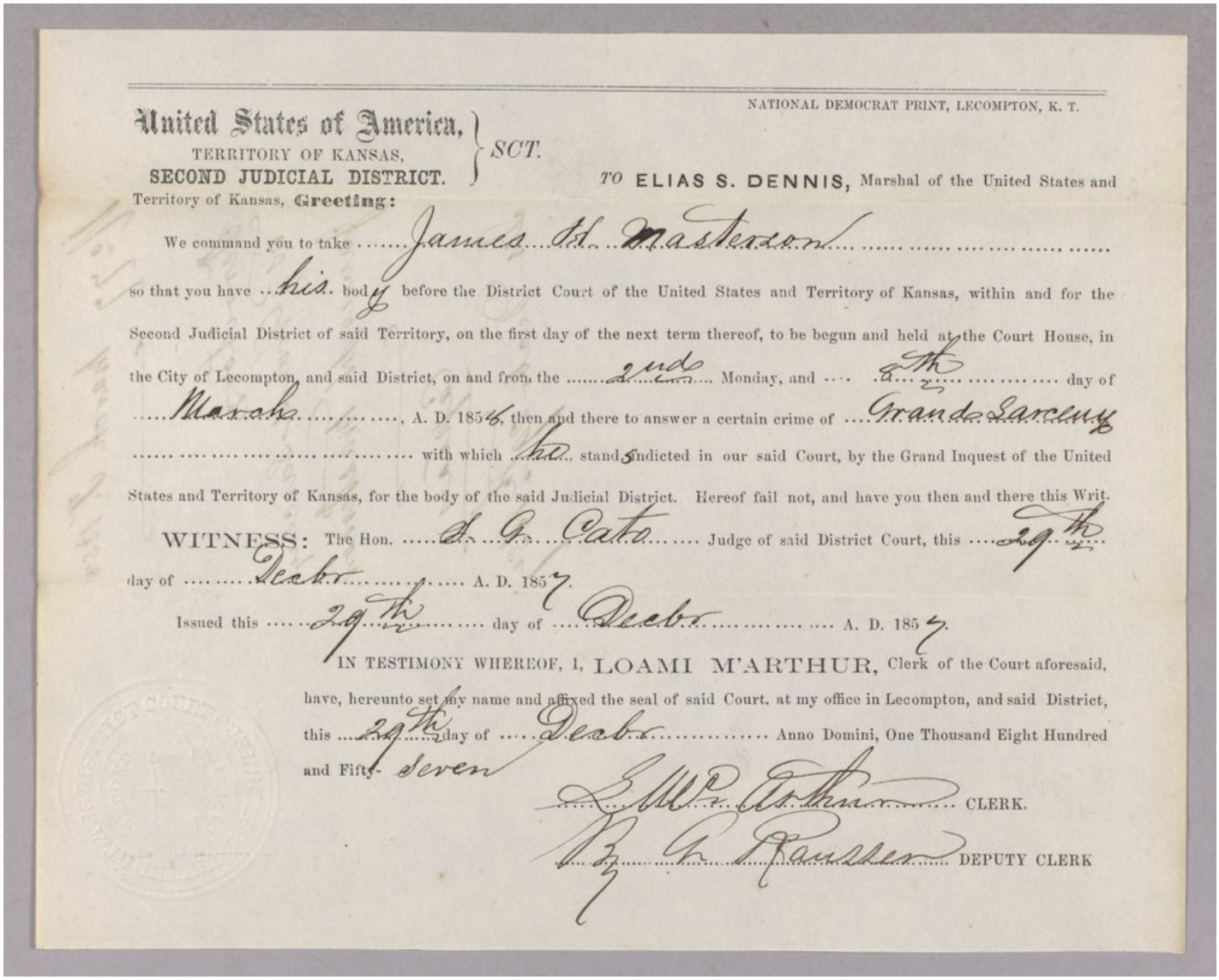
No 77 March 5. 1858

Territory
vs
Grand Larceny
John Broils

Capias

Iss. Decbr 29th 1857.

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny



NATIONAL DEMOCRAT PRINT, LECOMPTON, K. T.

United States of America, } SCT.
TERRITORY OF KANSAS,
SECOND JUDICIAL DISTRICT.

TO ELIAS S. DENNIS, Marshal of the United States and Territory of Kansas, Greeting:

We command you to take James H. Masterson so that you have his body before the District Court of the United States and Territory of Kansas, within and for the Second Judicial District of said Territory, on the first day of the next term thereof, to be begun and held at the Court House, in the City of Lecompton, and said District, on and from the 2nd Monday, and 9th day of March, A. D. 1857, then and there to answer a certain crime of Grand Larceny with which he stands indicted in our said Court, by the Grand Inquest of the United States and Territory of Kansas, for the body of the said Judicial District. Hereof fail not, and have you then and there this Writ.

WITNESS: The Hon. S. G. Cato Judge of said District Court, this 29th day of Decbr A. D. 1857.

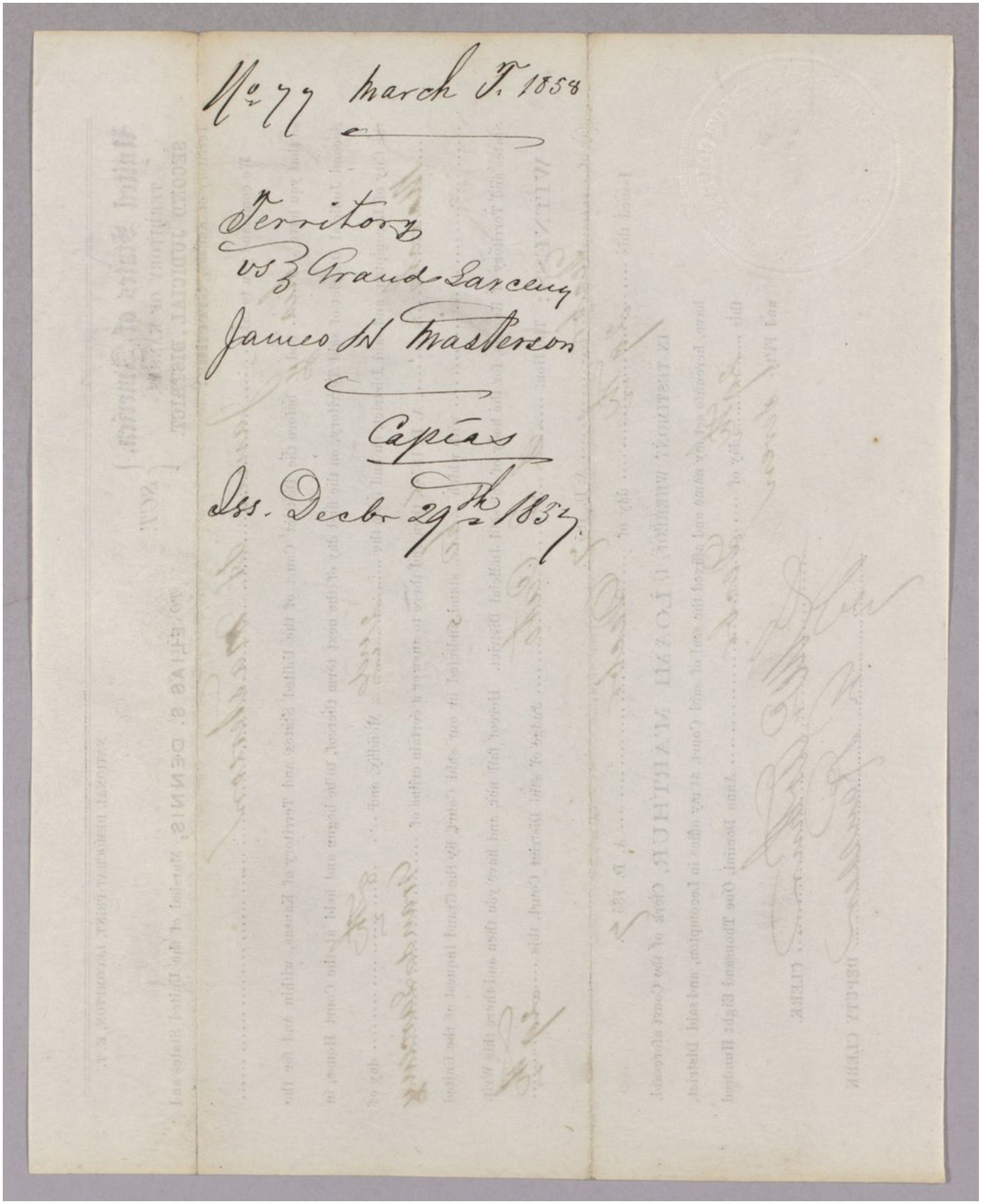
Issued this 29th day of Decbr A. D. 1857.

IN TESTIMONY WHEREOF, I, LOAMI M'ARTHUR, Clerk of the Court aforesaid, have, hereunto set my name and affixed the seal of said Court, at my office in Lecompton, and said District, this 29th day of Decbr Anno Domini, One Thousand Eight Hundred and Fifty-seven

L. M'Arthur CLERK.

By G. Rawlins DEPUTY CLERK

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny

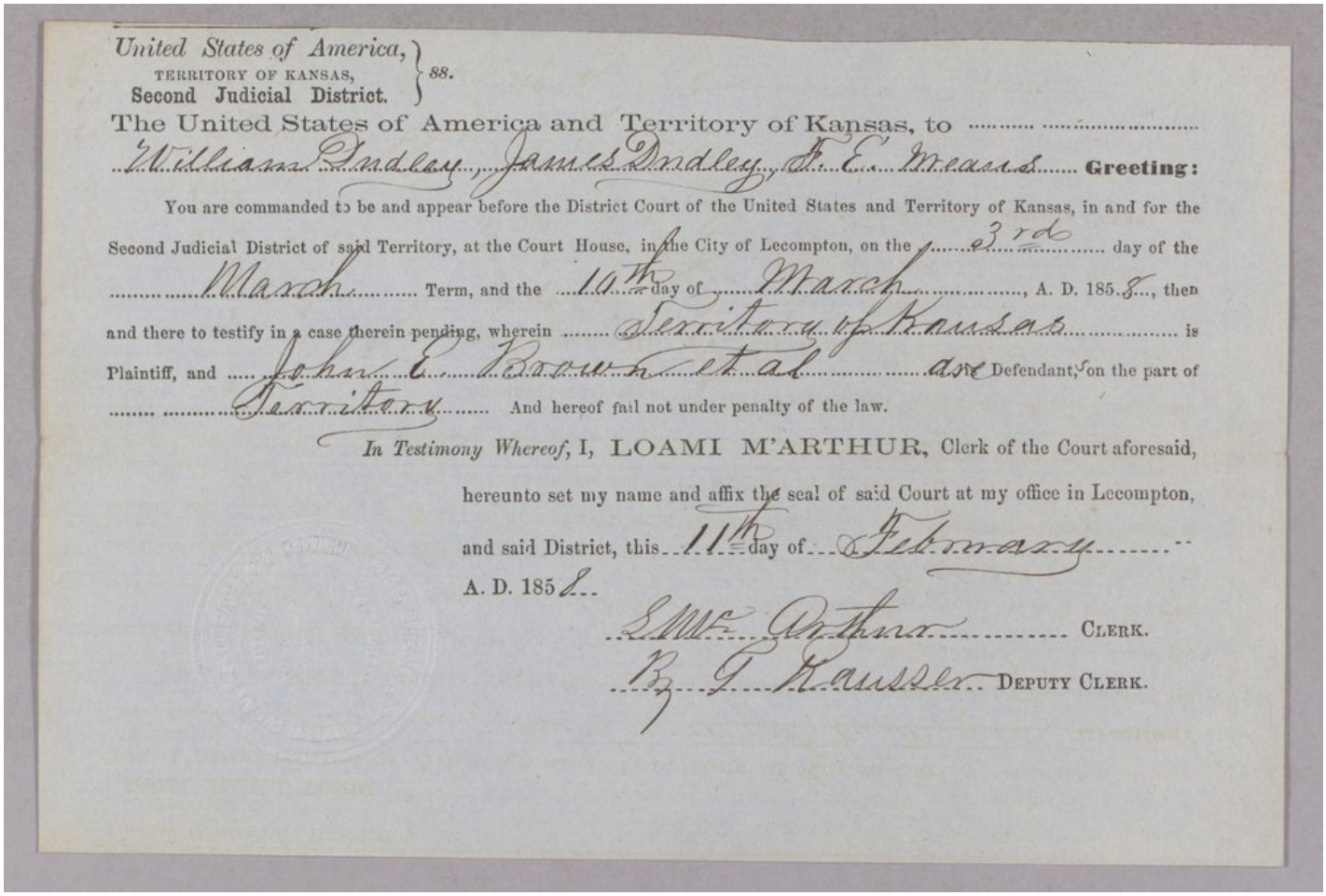

No 77 March T. 1858

The Territory
vs
Grand Larceny
James M Masterson

Capias

Issd. Decbr 29th 1857.

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny



United States of America,
TERRITORY OF KANSAS,
Second Judicial District. } 88.

The United States of America and Territory of Kansas, to ..... Greeting:

William Dudley, James Dudley, F. E. Means

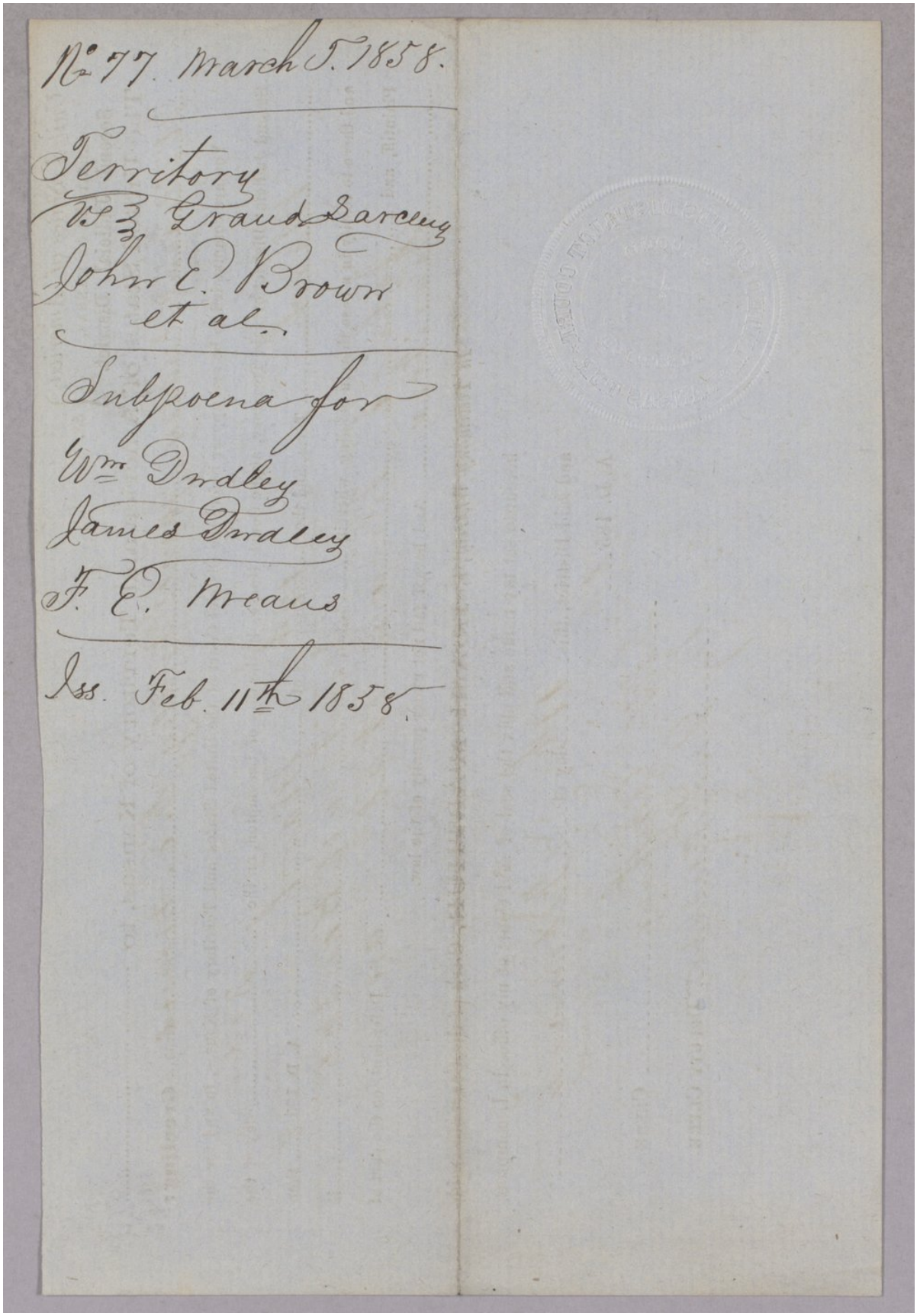
You are commanded to be and appear before the District Court of the United States and Territory of Kansas, in and for the Second Judicial District of said Territory, at the Court House, in the City of Lecompton, on the 3rd day of the March Term, and the 10th day of March, A. D. 185 8, then and there to testify in a case therein pending, wherein Territory of Kansas is Plaintiff, and John E. Brown et al are Defendant, on the part of Territory. And hereof fail not under penalty of the law.

In Testimony Whereof, I, LOAMI M'ARTHUR, Clerk of the Court aforesaid, hereunto set my name and affix the seal of said Court at my office in Lecompton, and said District, this 11th day of February A. D. 185 8

L. McArthur CLERK.

By T. Kausler DEPUTY CLERK.

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny



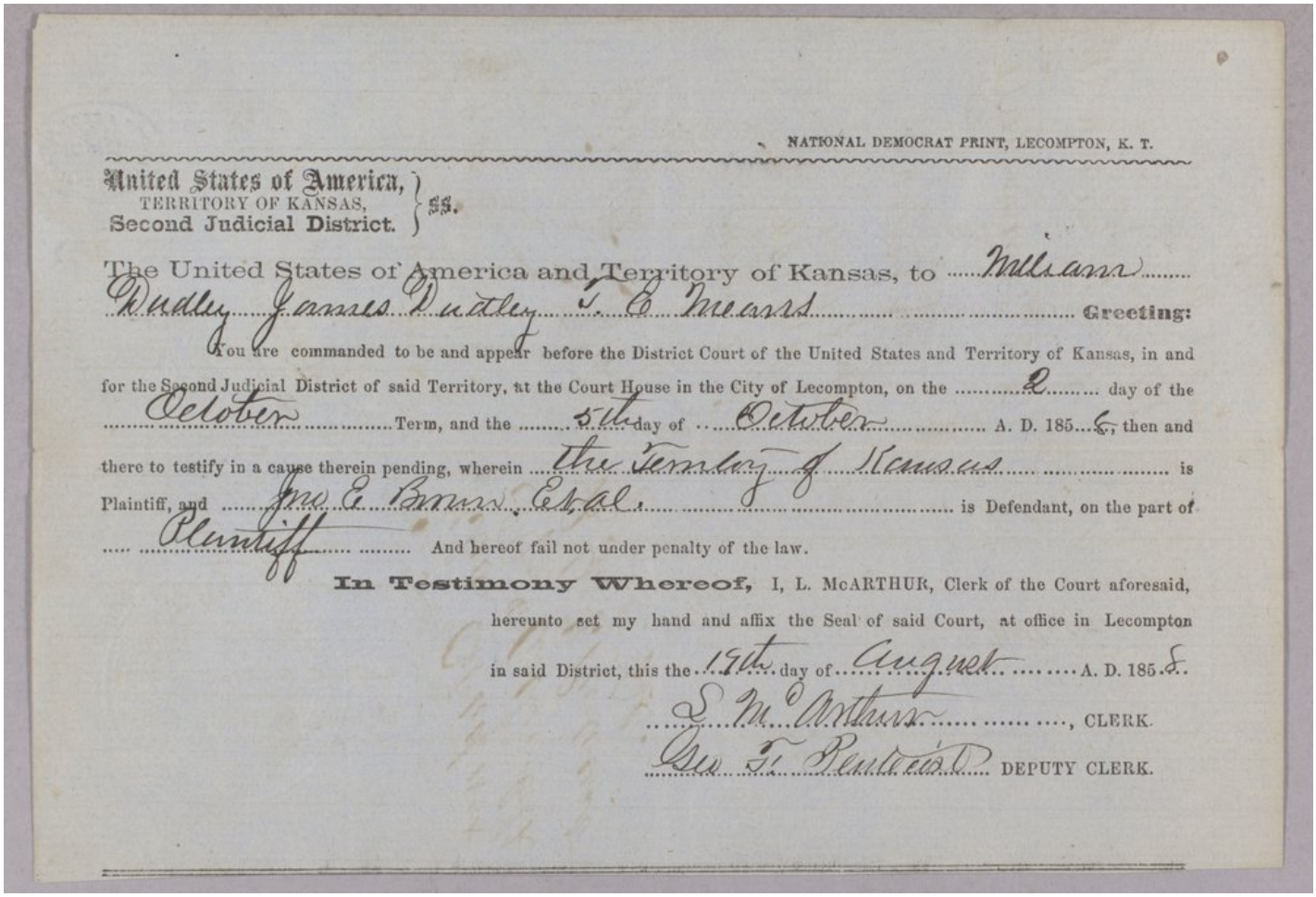
No 77. March 5. 1858.

Territory
vs
Grand Larceny
John E. Brown
et al.

Subpoena for
Wm Dudley
James Dudley
F. E. Means

Iss. Feb. 11th 1858.

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny



NATIONAL DEMOCRAT PRINT, LECOMPTON, K. T.

United States of America,
TERRITORY OF KANSAS,
Second Judicial District. } ss.

The United States of America and Territory of Kansas, to Williams Dudley James Dudley I. C. Mears Greeting:

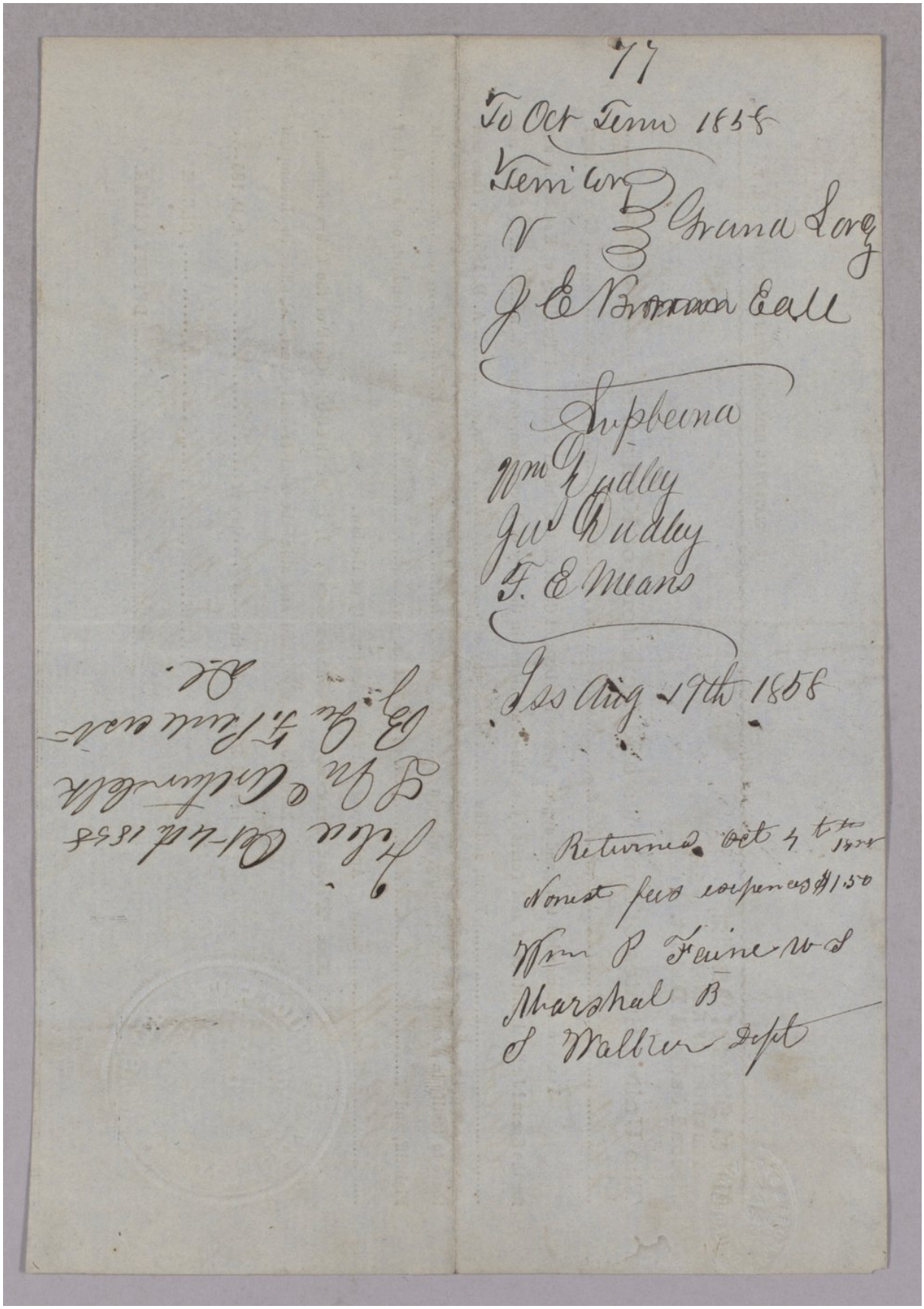
You are commanded to be and appear before the District Court of the United States and Territory of Kansas, in and for the Second Judicial District of said Territory, at the Court House in the City of Lecompton, on the 2 day of the October Term, and the 5th day of October A. D. 185 6, then and there to testify in a cause therein pending, wherein the Territory of Kansas is Plaintiff, and Jno E Brown, Et al. is Defendant, on the part of Plaintiff And hereof fail not under penalty of the law.

In Testimony Whereof, I, L. McARTHUR, Clerk of the Court aforesaid, hereunto set my hand and affix the Seal of said Court, at office in Lecompton in said District, this the 19th day of August A. D. 185 6.

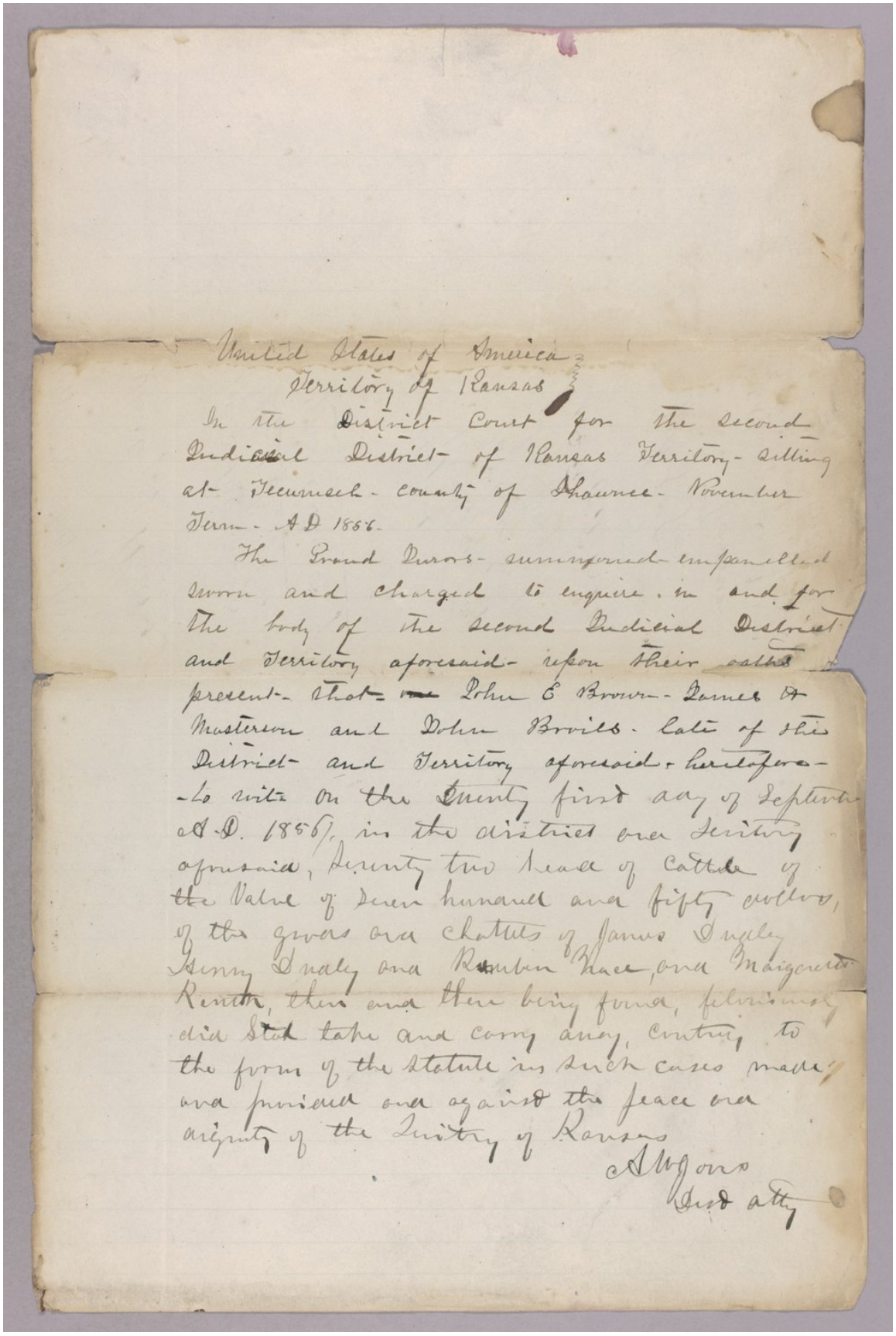
L McArthur, CLERK.

Geo F Rentaich D. DEPUTY CLERK.

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny


77
To Oct Term 1858
Territory
vs
Grand Larceny
J E Brown et al
Subpena
Wm Dudley
Jno Dudley
F. E Means
Issd Aug 17th 1858
Returned Oct 4th 1858
Nonest fees expenses $1.50
Wm P Feine U S
Marshal B
S Walker Dept
Filed Oct 4th 1858
Jno A Halderman
Clk
By A Fullerton
Dep

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny



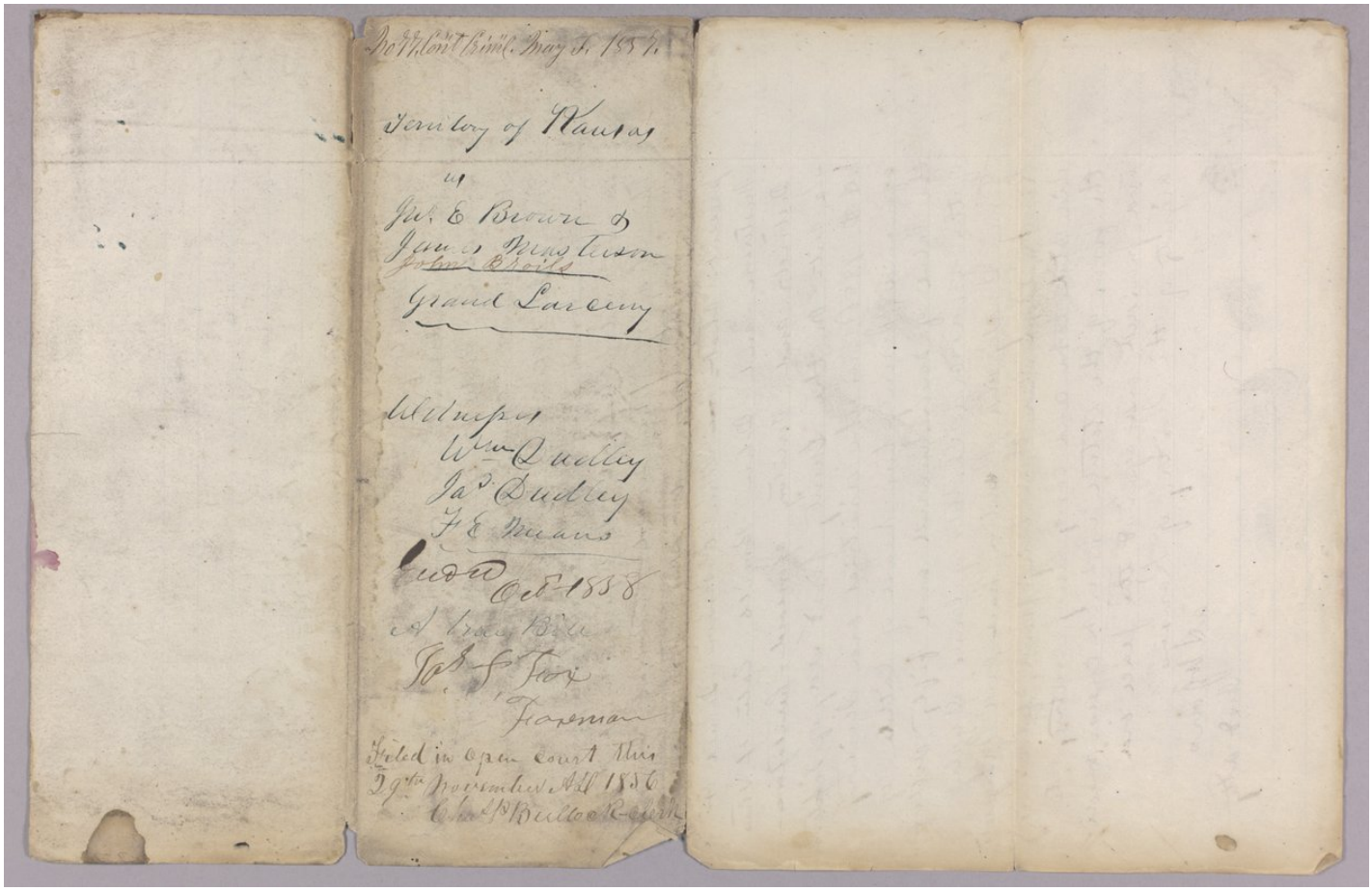
United States of America
Territory of Kansas

In the District Court for the second Judicial District of Kansas Territory sitting at Tecumseh county of Shawnee November Term AD 1856.

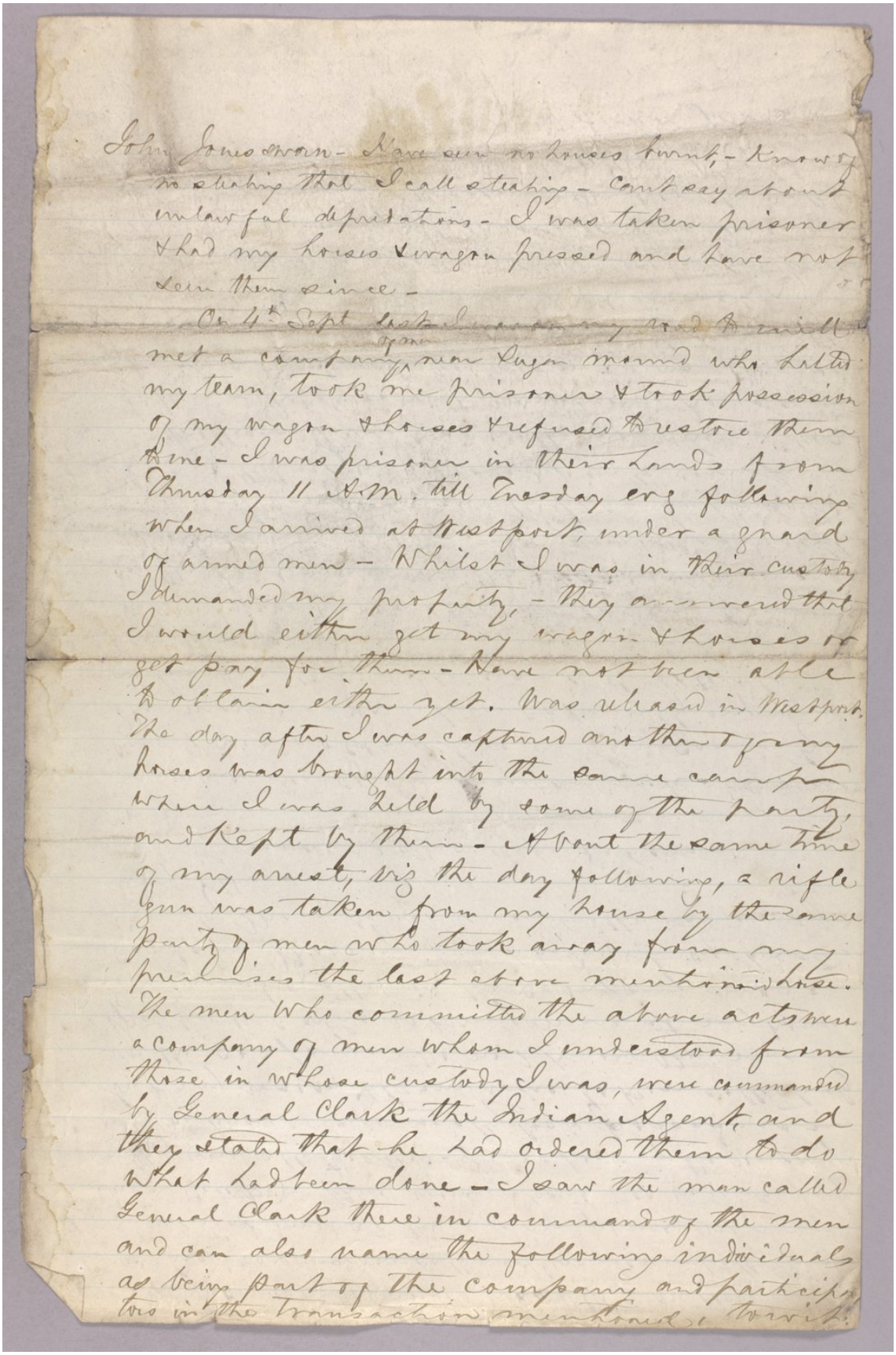
The Grand Jurors summoned empanelled sworn and charged to enquire in and for the body of the second Judicial District and Territory aforesaid upon their oaths present that John E Brown James A Masterson and John Broils late of this District and Territory aforesaid heretofore to wit on the twenty first day of September A.D. 1856, in the district and Territory aforesaid, twenty two head of cattle of the value of seven hundred and fifty dollars, of the goods and chattels of James Dugley Henry Dugley and Reuben Race, and Margaret Renick, then and there being found, feloniously did steal take and carry away, contrary to the form of the statute in such cases made and provided and against the peace and dignity of the Territory of Kansas

A Wilson
Dist atty

Kansas Territory versus John E. Brown, John Broils, and James Masterson for grand larceny



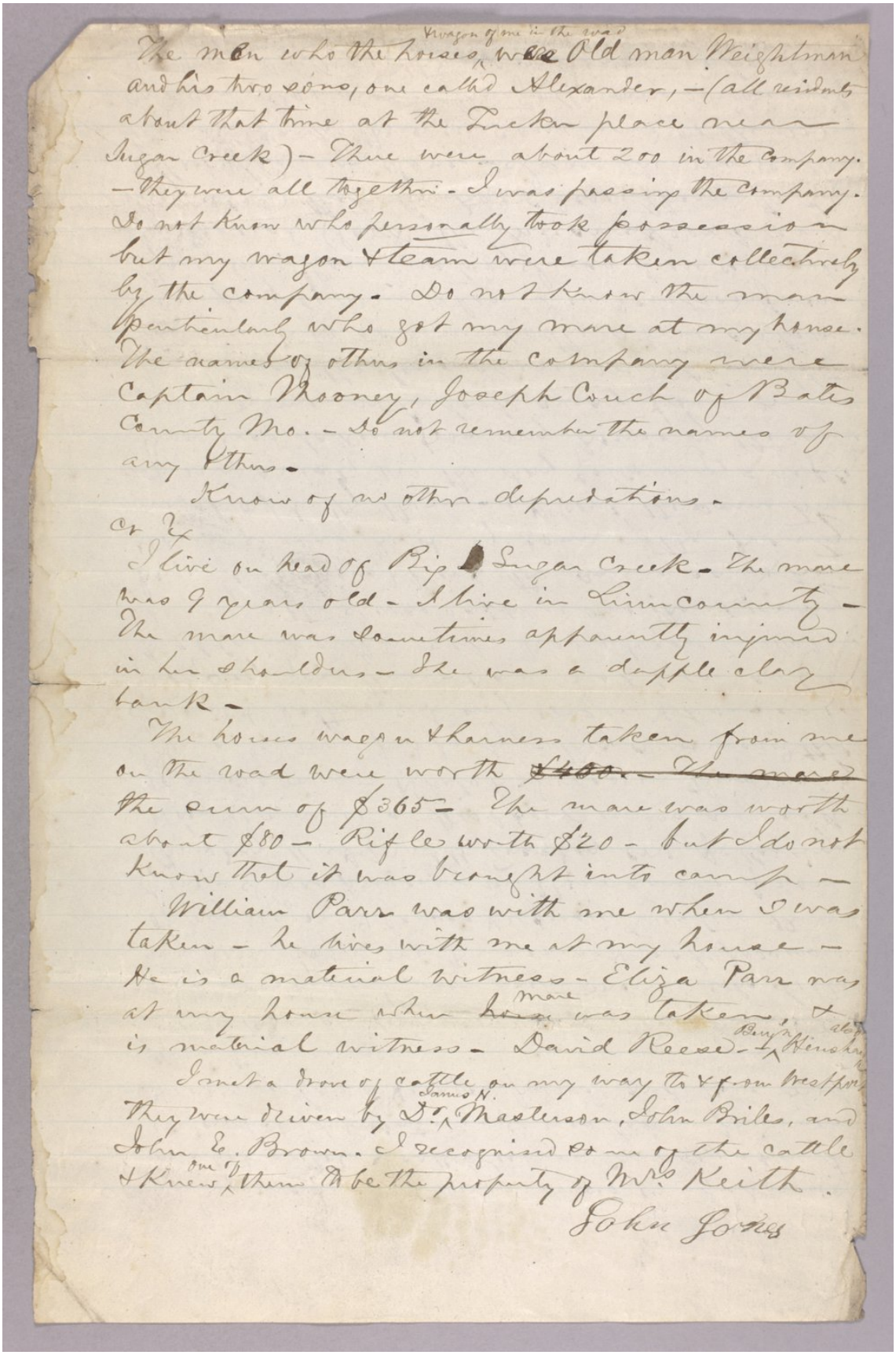
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John Jones sworn - I have seen no horses taken, - know of no stealing that I call stealing - can't say about unlawful depredations - I was taken prisoner & had my horses & wagon pressed and have not seen them since -

On 4th Sept last I was on my road & I with met a company of men near Sugar mound who took my team, took me prisoner & took possession of my wagon & horses & refused to restore them to me - I was prisoner in their hands from Thursday 11 A.M. till Tuesday eve following when I arrived at Westport, under a guard of armed men - Whilst I was in their custody I demanded my property, - They answered that I would either get my wagon & horses or get pay for them - Have not been able to obtain either yet. Was released in Westport the day after I was captured and then I found my horses was brought into the same camp where I was held by some of the party, and kept by them - About the same time of my arrest, viz the day following, a rifle gun was taken from my house by the same party of men who took away from my premises the last above mentioned horse. The men who committed the above acts were a company of men whom I understood from those in whose custody I was, were commanded by General Clark the Indian Agent, and they stated that he had ordered them to do what had been done - I saw the man called General Clark there in command of the men and can also name the following individuals as being part of the company and participators in the transaction mentioned herein:

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The men who the horses, wagon of me in the road were Old man Weightman and his two sons, one called Alexander, – (all residents about that time at the Dutch place near Sugar Creek) – There were about 200 in the Company. – They were all together – I was passing the Company. Do not know who personally took possession but my wagon & team were taken collectively by the company – Do not know the man particularly who got my mare at my house. The names of others in the Company were Captain Mooney, Joseph Couch of Bates County Mo. – Do not remember the names of any others –

Know of no other depredations –

Or 2

I live on head of Rip[illegible] Sugar Creek – The mare was 9 years old – I live in Linn County – The mare was sometimes apparently injured in her shoulders – She was a dapple clay bank –

The horses wagon & harness taken from me on the road were worth ~~$400 – The mare~~ the sum of $365 – The mare was worth about $80 – Rifle worth $20 – but I do not know that it was brought into camp –

William Parr was with me when I was taken – he lives with me at my house – He is a material witness – Eliza Parr was at my house when mare was taken, & is material witness – David Reese – Buys & sells Hemp

I met a drove of cattle on my way to & from Westport They were driven by D. James N. Masterson, John Briles, and John E. Brown. I recognised some of the cattle & knew one of them to be the property of Mrs Keith.

John Jones