Kansas Memory
KANSAS HISTORICAL SOCIETY

Kansas Territory versus Charles Freeman for selling liquor without a license

2nd District. Funds for digitization provided by Mr. Steve Peckel in memory of William Chalfant.

Date: date of crime January 1, 1858; indictment March 31, 1858

Callnumber: Kansas Territory Criminal Case Files, Box 6, Folder 51

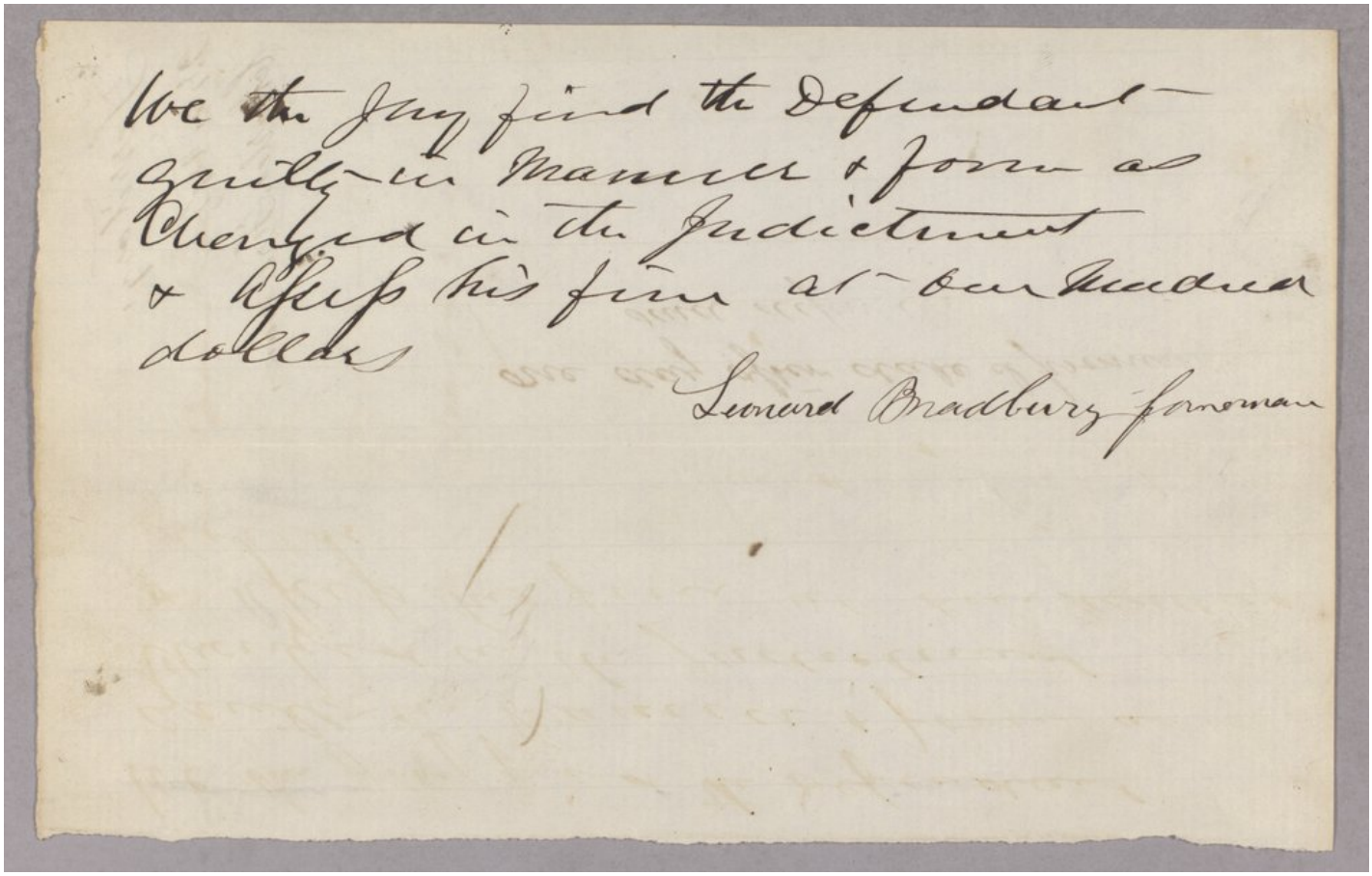
KSHS Identifier: DaRT ID: 445048

Item Identifier: 445048

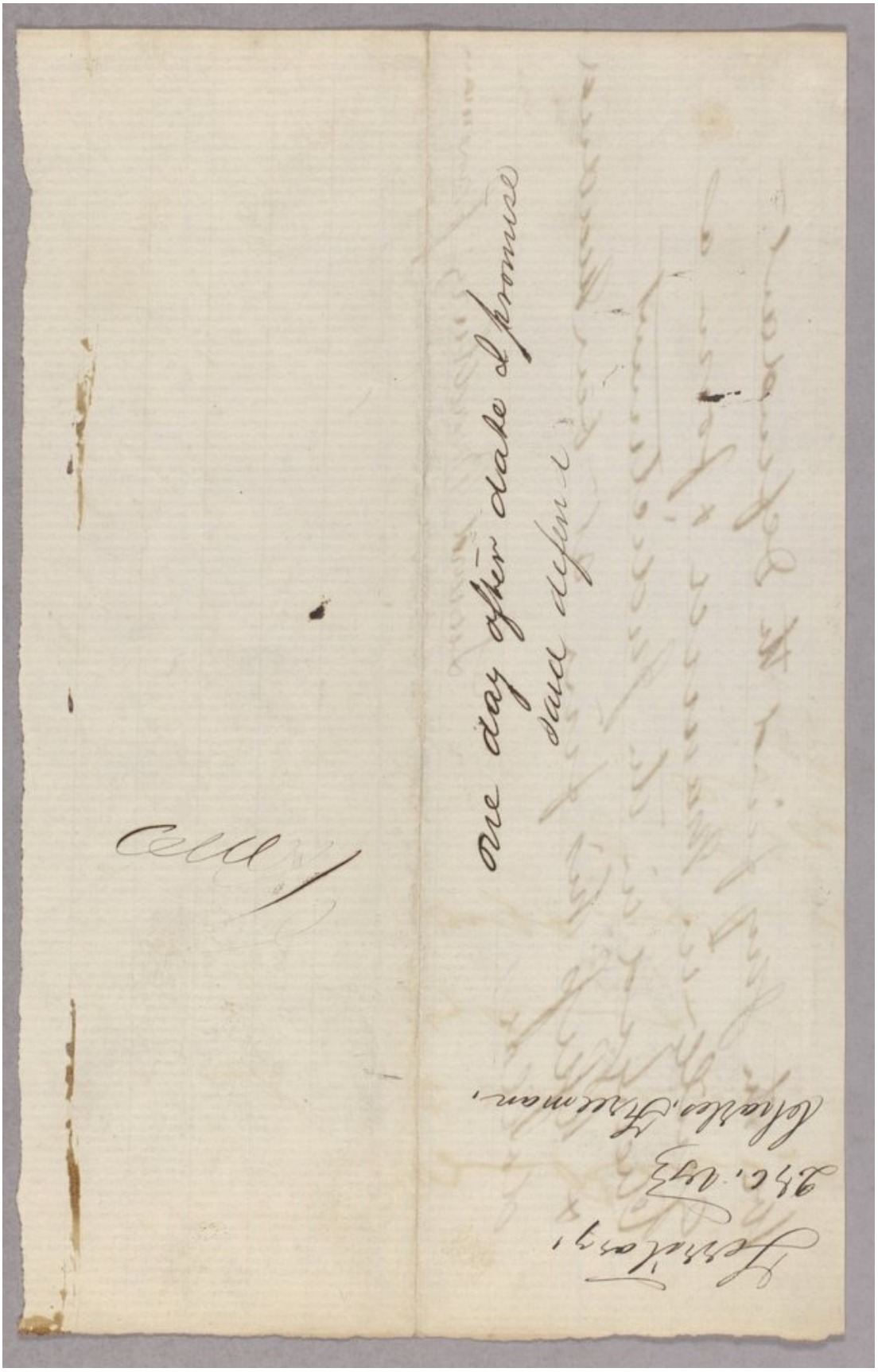
www.kansasmemory.org/item/445048

KANSAS HISTORICAL SOCIETY

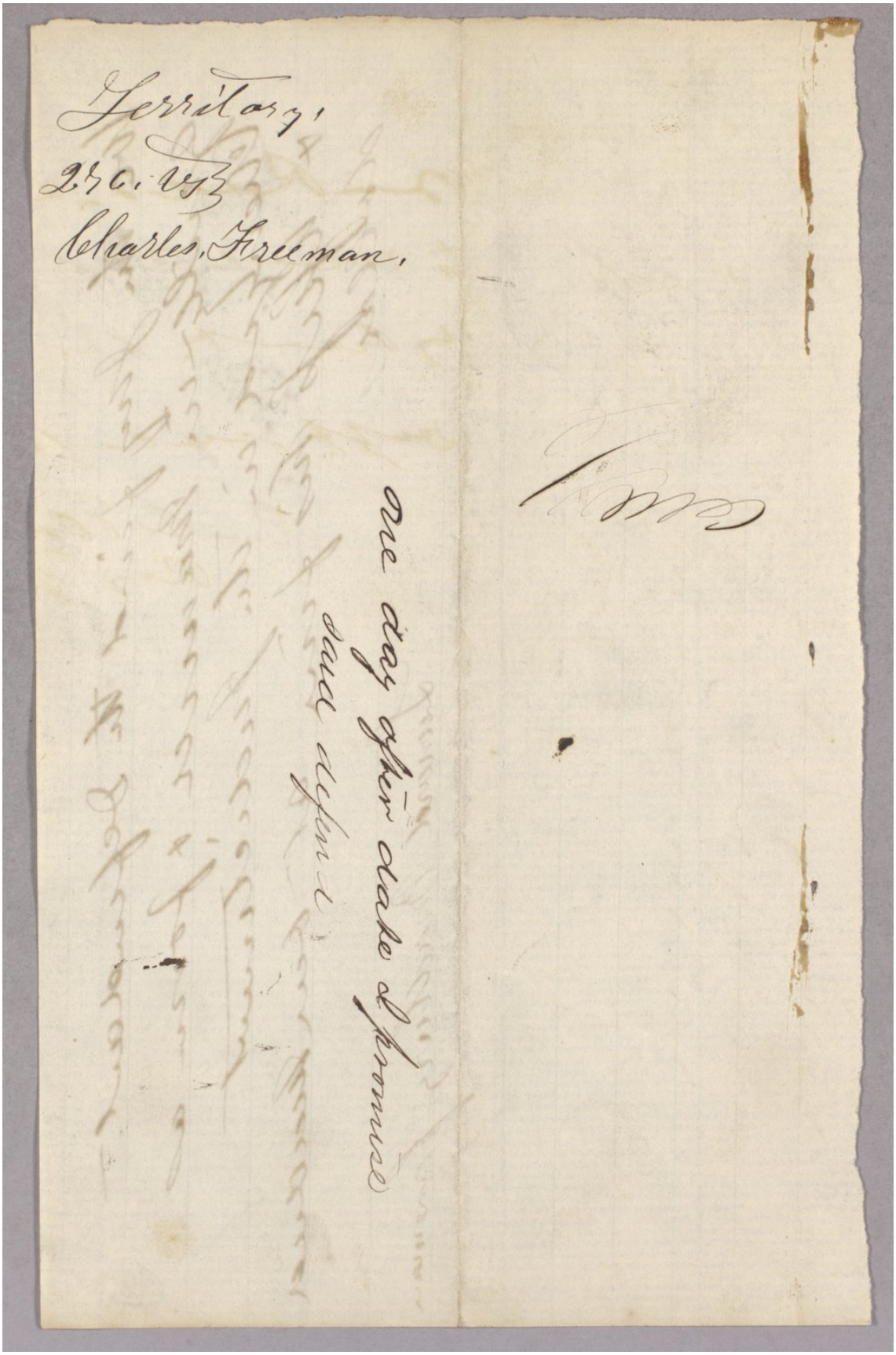
Kansas Territory versus Charles Freeman for selling liquor without a license


We the Jury find the Defendant
guilty in Manner & form as
Charged in the Indictment
& assess his fine at one Hundred
dollars
Leonard Bradbury foreman

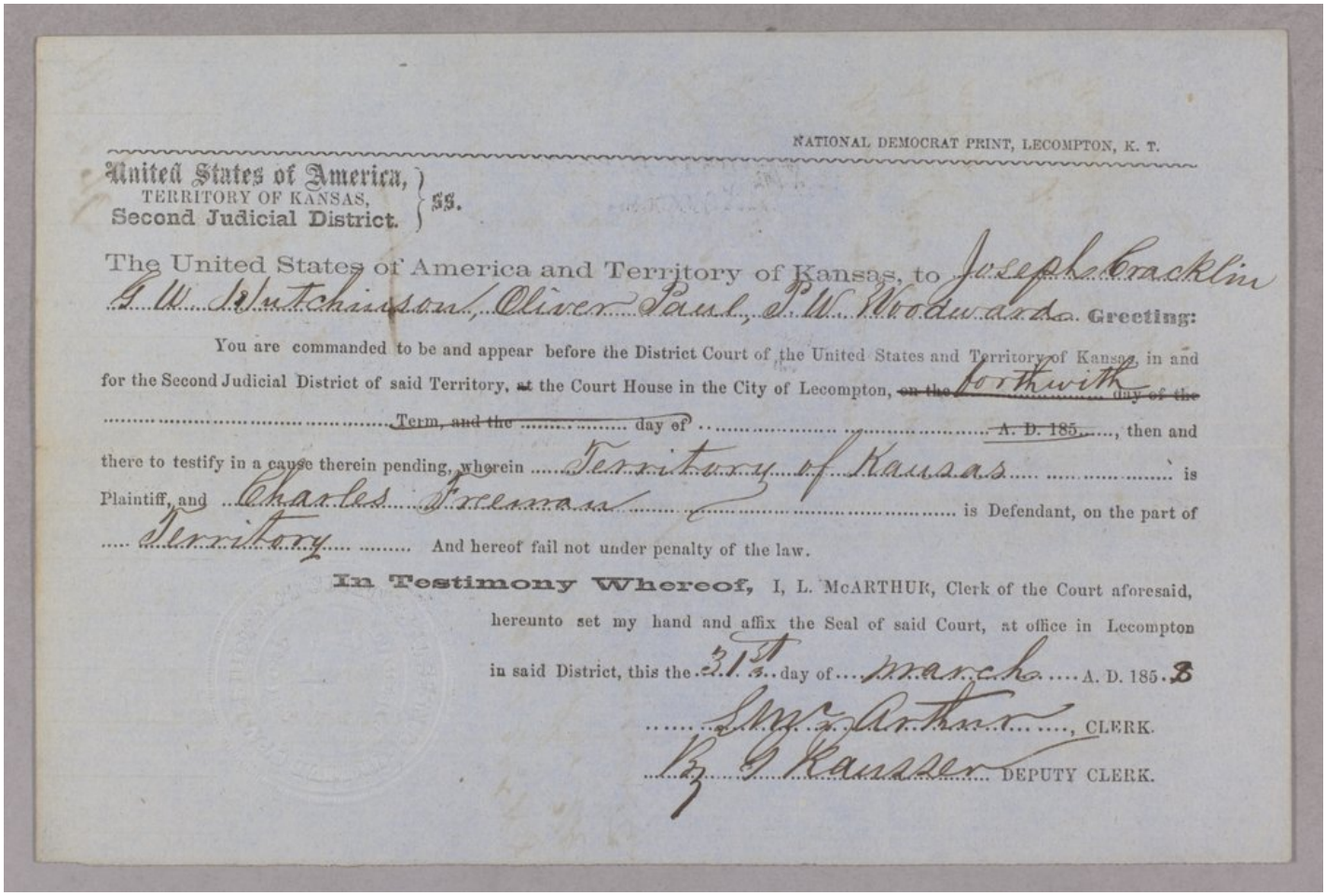
Kansas Territory versus Charles Freeman for selling liquor without a license



Kansas Territory versus Charles Freeman for selling liquor without a license



Kansas Territory versus Charles Freeman for selling liquor without a license



NATIONAL DEMOCRAT PRINT, LECOMPTON, K. T.

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

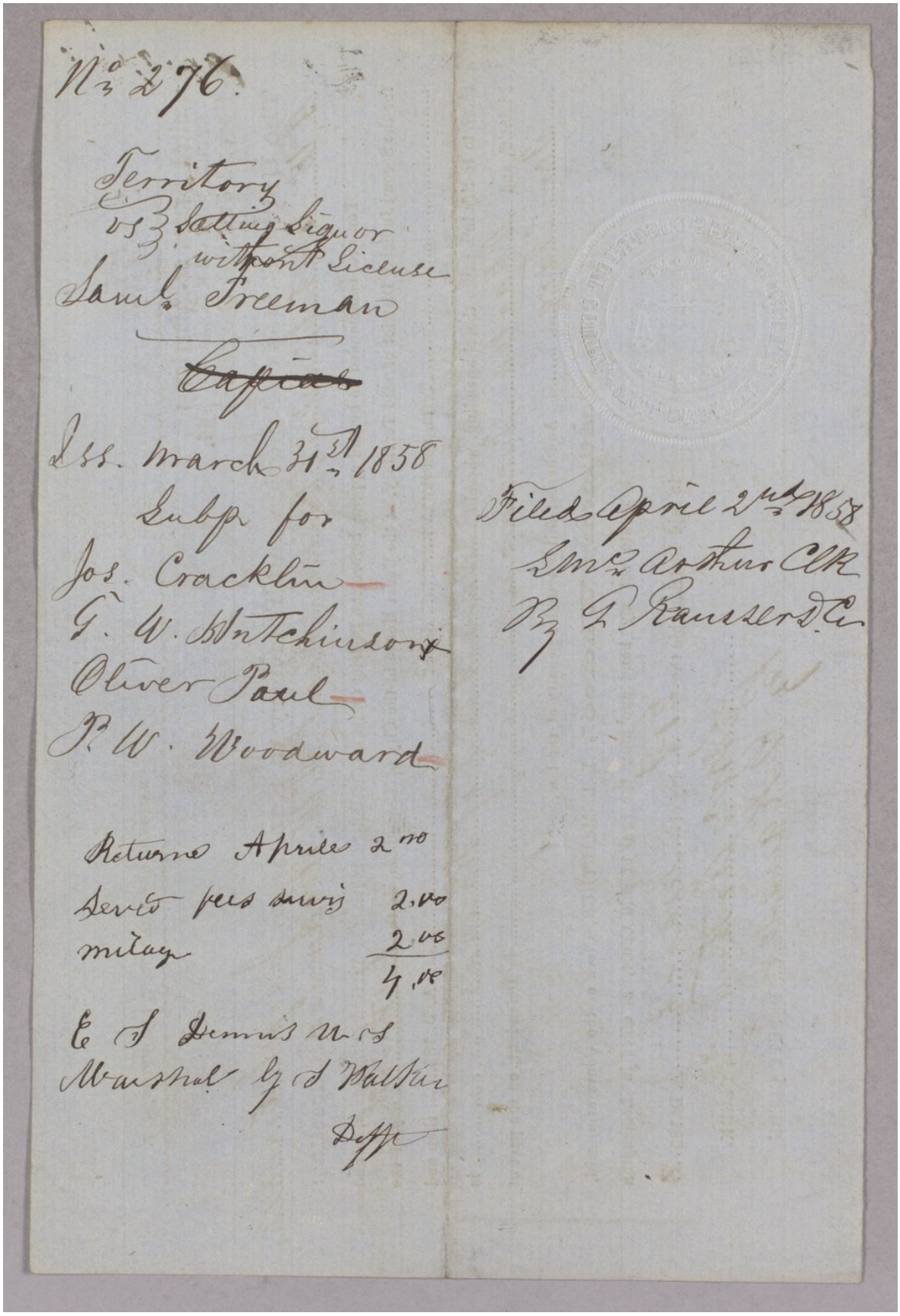
The United States of America and Territory of Kansas, to Joseph L. Bracklin
G. W. Hutchinson, Oliver Paul, P. W. Woodward. Greeting:

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~~ forthwith ~~day of the~~ ..... Term, and the ..... day of ..... A. D. 185..., then and there to testify in a cause therein pending, wherein Territory of Kansas is Plaintiff, and Charles Freeman is Defendant, on the part of Territory. 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 31st day of March A. D. 185 8

L. McArthur, CLERK.
By G. Kausser DEPUTY CLERK.

Kansas Territory versus Charles Freeman for selling liquor without a license



No 276.

Territory
vs
Selling liquor
without License
Saml Freeman

~~Capias~~

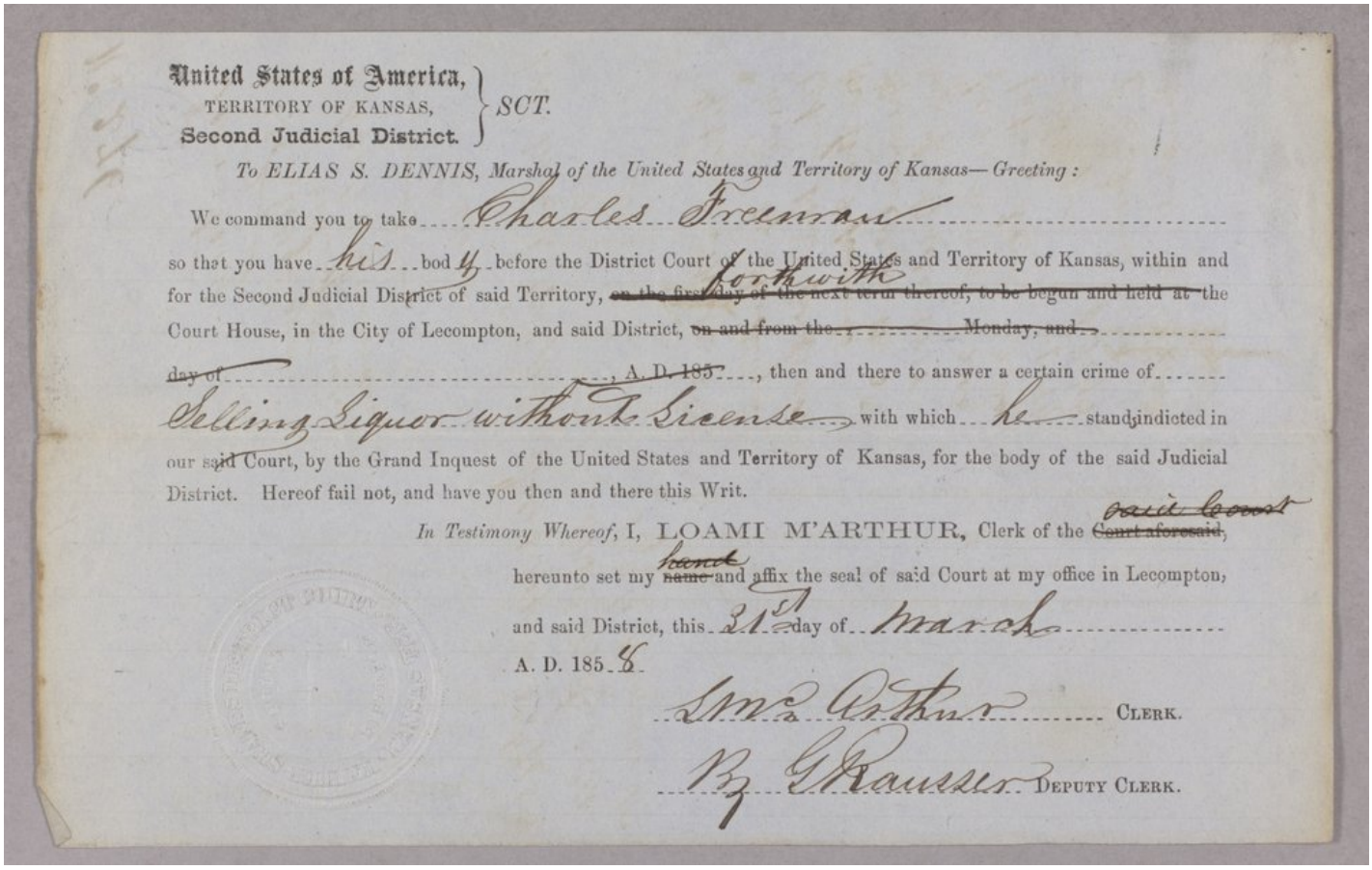
Iss. March 31st 1858
Subp for
Jos. Cracklin
G. W. Watchinson
Oliver Paul
P. W. Woodward

Filed April 2nd 1858
Wm Arthur Clk
By D. Ramsey D.C.

Returns April 2nd
Serv'd fees dues 2.00
mileage 2.00
4.00

E S Dennis U S
Marshal by J Walker
Dep

Kansas Territory versus Charles Freeman for selling liquor without a license



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

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

We command you to take Charles Freeman

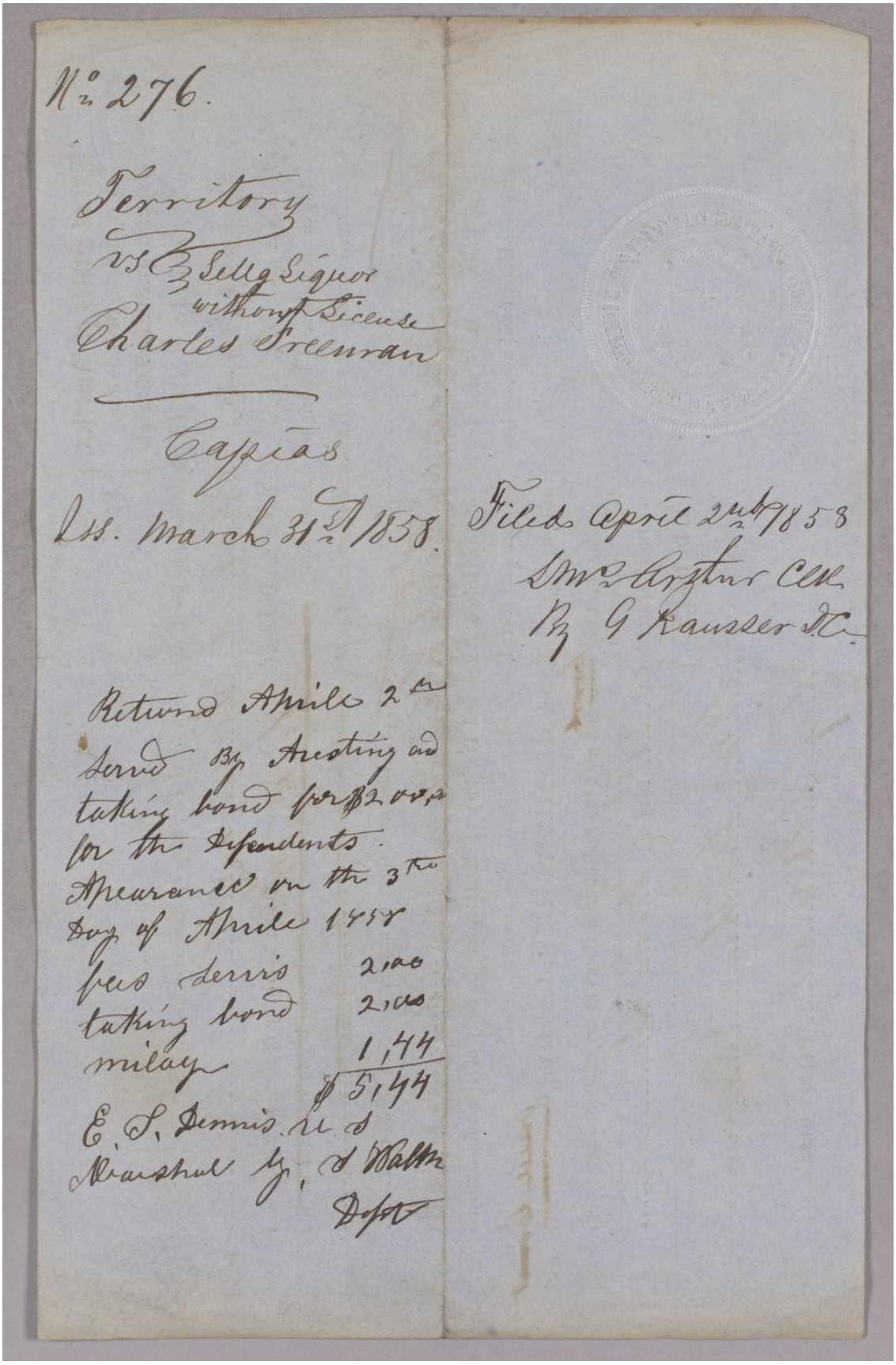
so that you have his bod y before the District Court of the United States and Territory of Kansas, within and for the Second Judicial District of said Territory, ~~on the first day of the next term thereof, to be begun and held at~~ forthwith the Court House, in the City of Lecompton, and said District, ~~on and from the Monday, and~~ ~~day of~~, A. D. 185~~~~, then and there to answer a certain crime of Selling Liquor without License 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.

In Testimony Whereof, I, LOAMI M'ARTHUR, Clerk of the ~~Court aforesaid~~ ~~said Court~~, hereunto set my ~~name~~ hand and affix the seal of said Court at my office in Lecompton, and said District, this 21st day of March A. D. 185 6

Lm^d Arthur CLERK.

By G Rausser DEPUTY CLERK.

Kansas Territory versus Charles Freeman for selling liquor without a license



No 276.

Territory
vs
Sellg Liquor
without License
Charles Freeman

Capias

Iss. March 31st 1858.

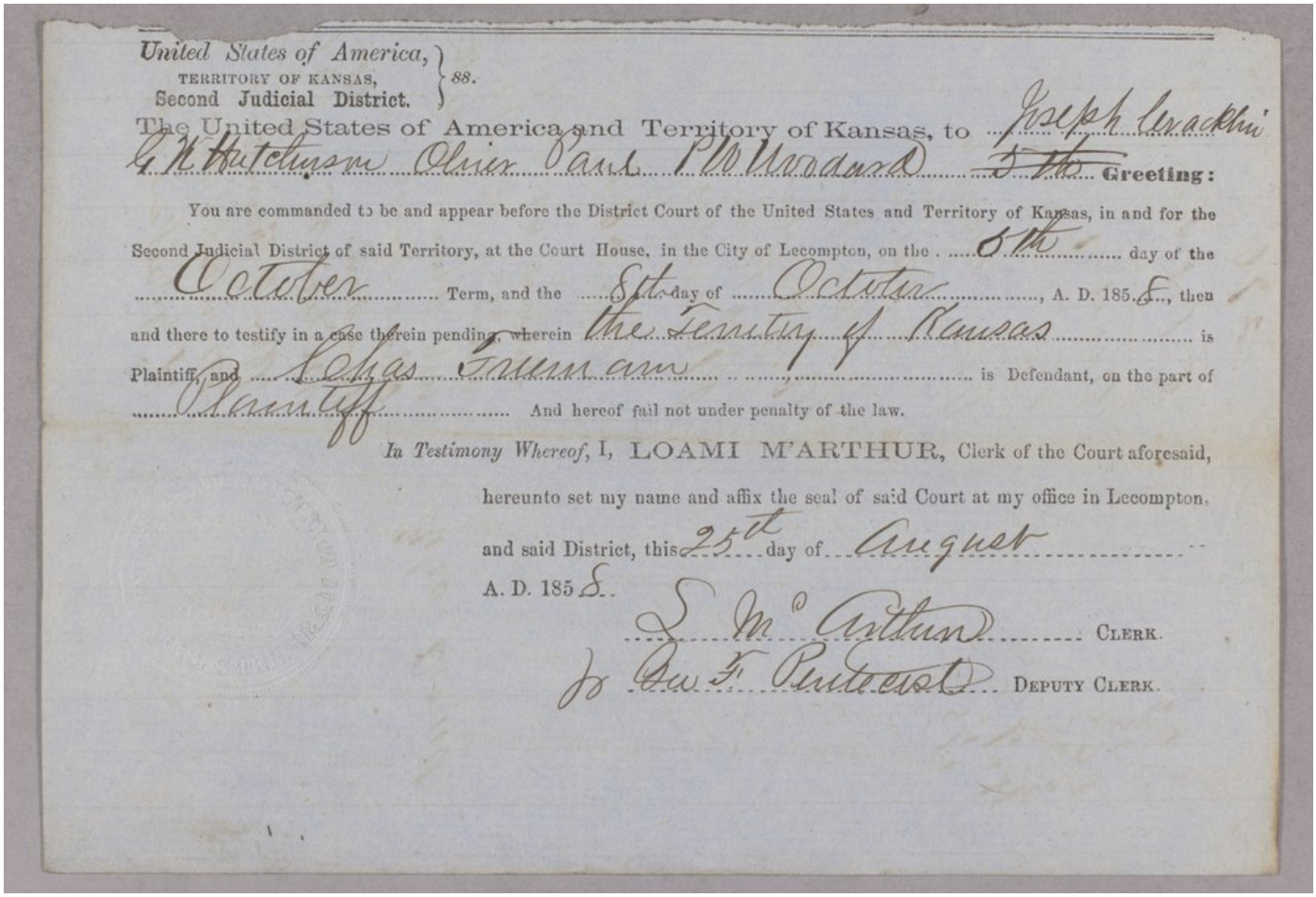
Filed April 2nd 1858
Wm Leyhe Clk
By G Kausser D.C.

Returnd April 2nd
Served By Arresting and
taking bond for $2.00
for the Defendents.
Appearance on the 3rd
Day of April 1858

fees Serris	2,00
taking bond	2,00
milage	1,44
	$5,44

E. S. Dennis U S
Marshal by J. Walker
Dept

Kansas Territory versus Charles Freeman for selling liquor without a license



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

The United States of America and Territory of Kansas, to Joseph Cracklin G K Hutchinson Oliver Lane P W Woodward & Etc. Greeting:

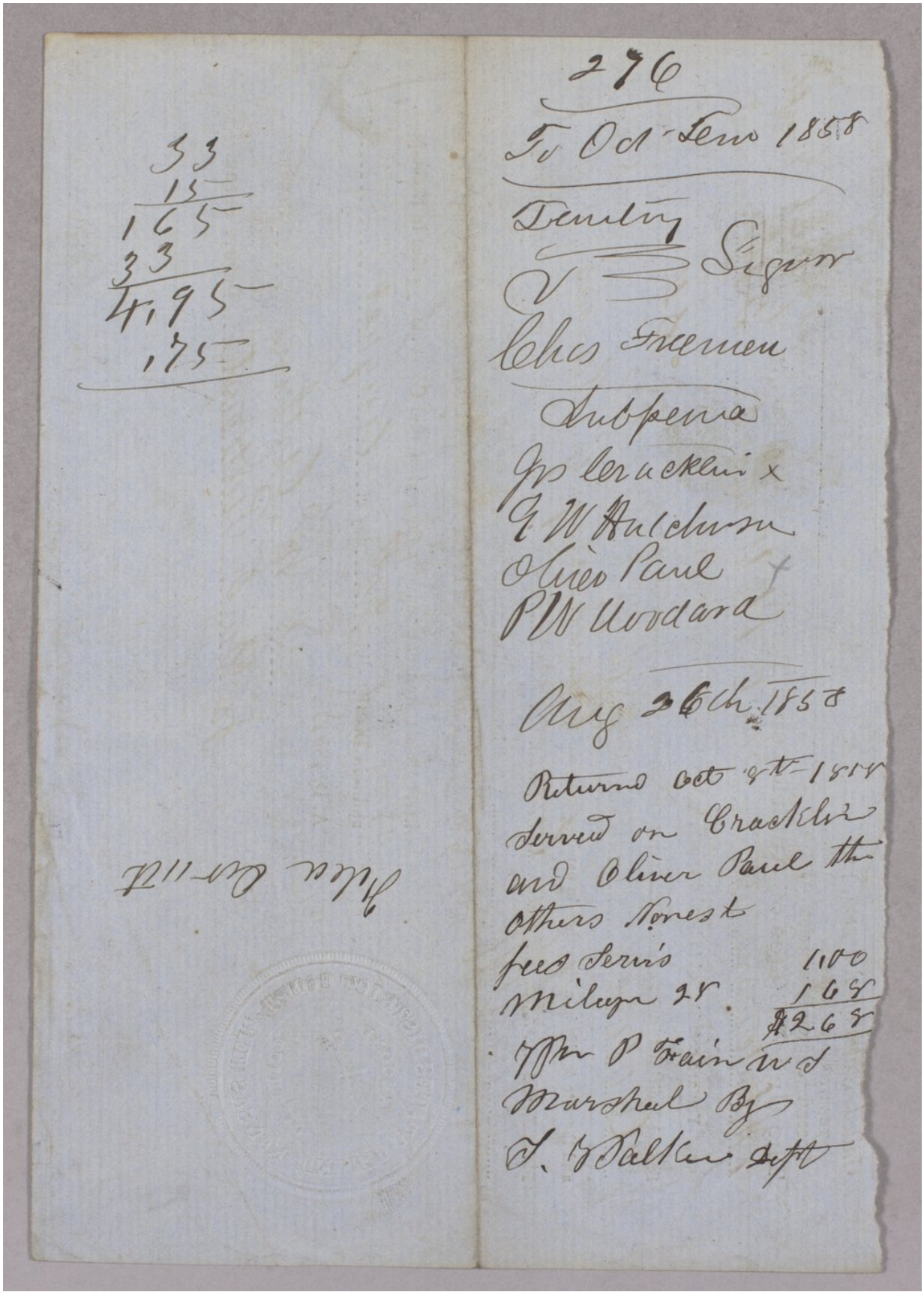
You are commanded to be and appear before the District Court of the United States and Territory of Kansas, in and for the Second Judicial District of said Territory, at the Court House, in the City of Lecompton, on the 8th day of the October Term, and the 8th day of October, A. D. 185 8, then and there to testify in a case therein pending, wherein the Territory of Kansas is Plaintiff, and Chas Freeman is Defendant, on the part of Plaintiff 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 25th day of August A. D. 185 8.

L M°Arthur Clerk.

by Chas F. Pentecost Deputy Clerk.

Kansas Territory versus Charles Freeman for selling liquor without a license



33
15
165
33
4.95
175

276

To Oct Term 1858

Territory
vs
Liquor

Chas Freeman

Subpena
Jos Cracklin x
G W Hutchinson
Oliver Paul
P W Woodard

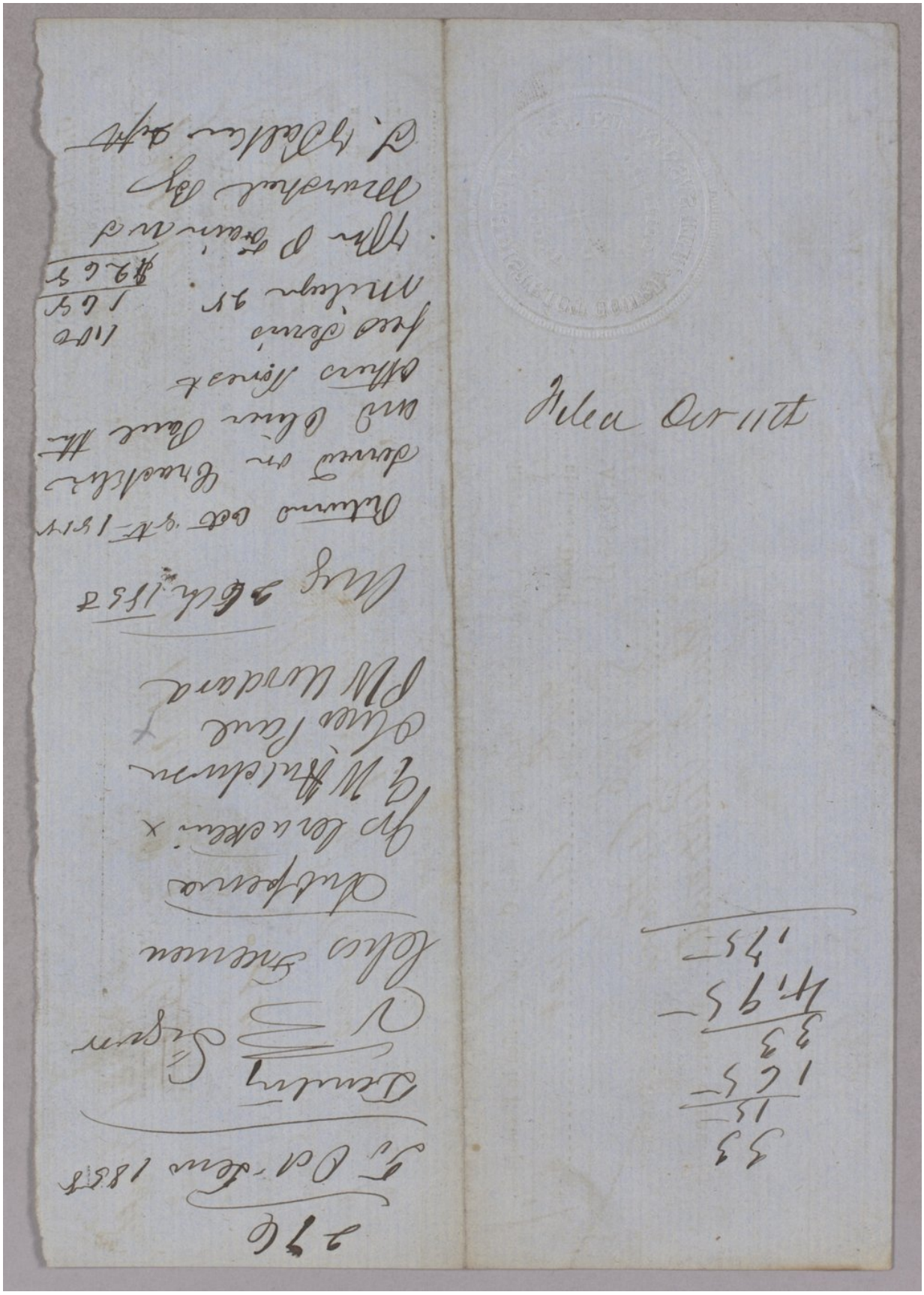
May 26th 1858

Returned Oct 4th 1858
Served on Cracklin
and Oliver Paul the
others Norest

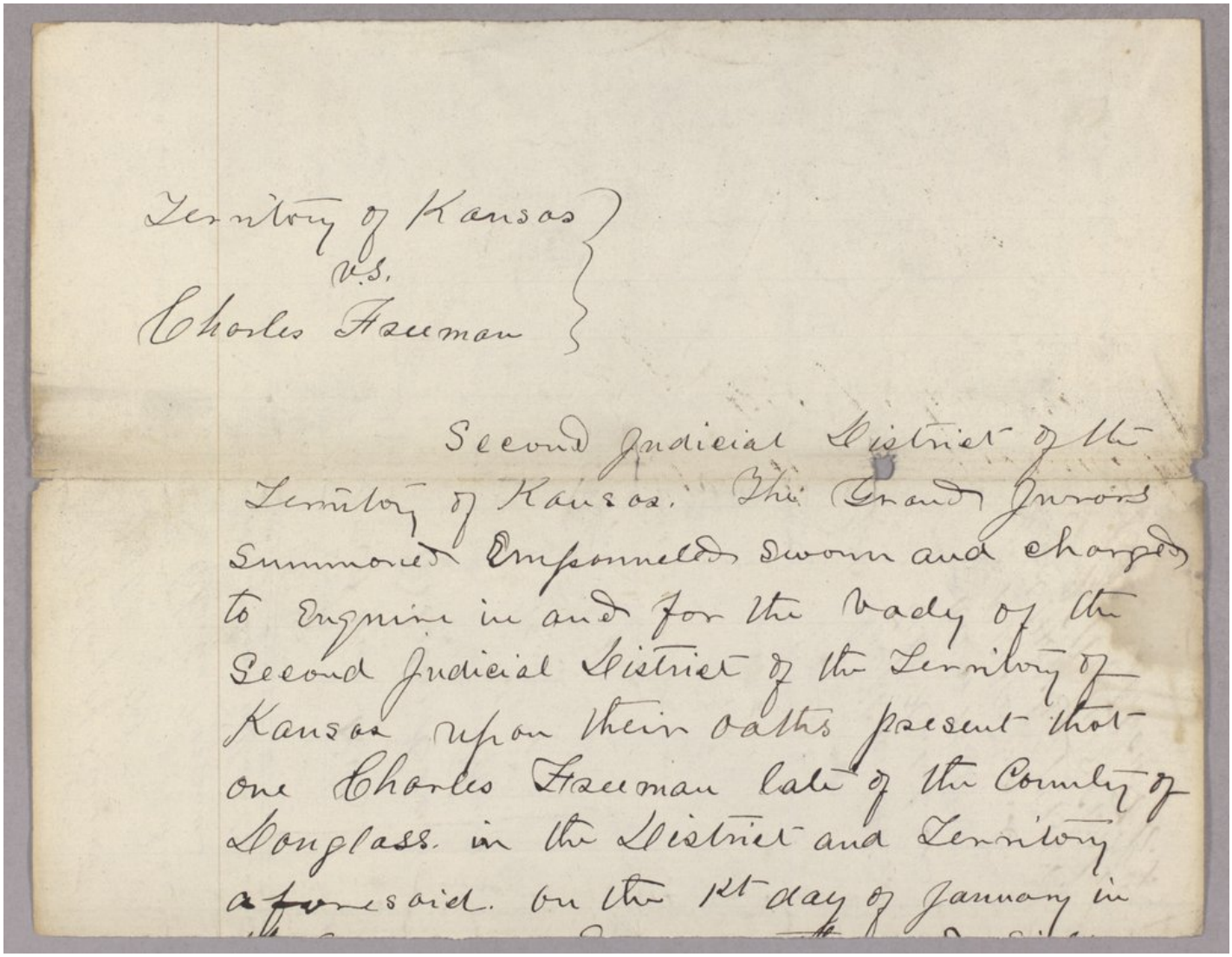
fees Servs	100
Mileage 2	164
	$2.64

Wm P Fain U S
Marshal By
L. Walker Dept

Kansas Territory versus Charles Freeman for selling liquor without a license



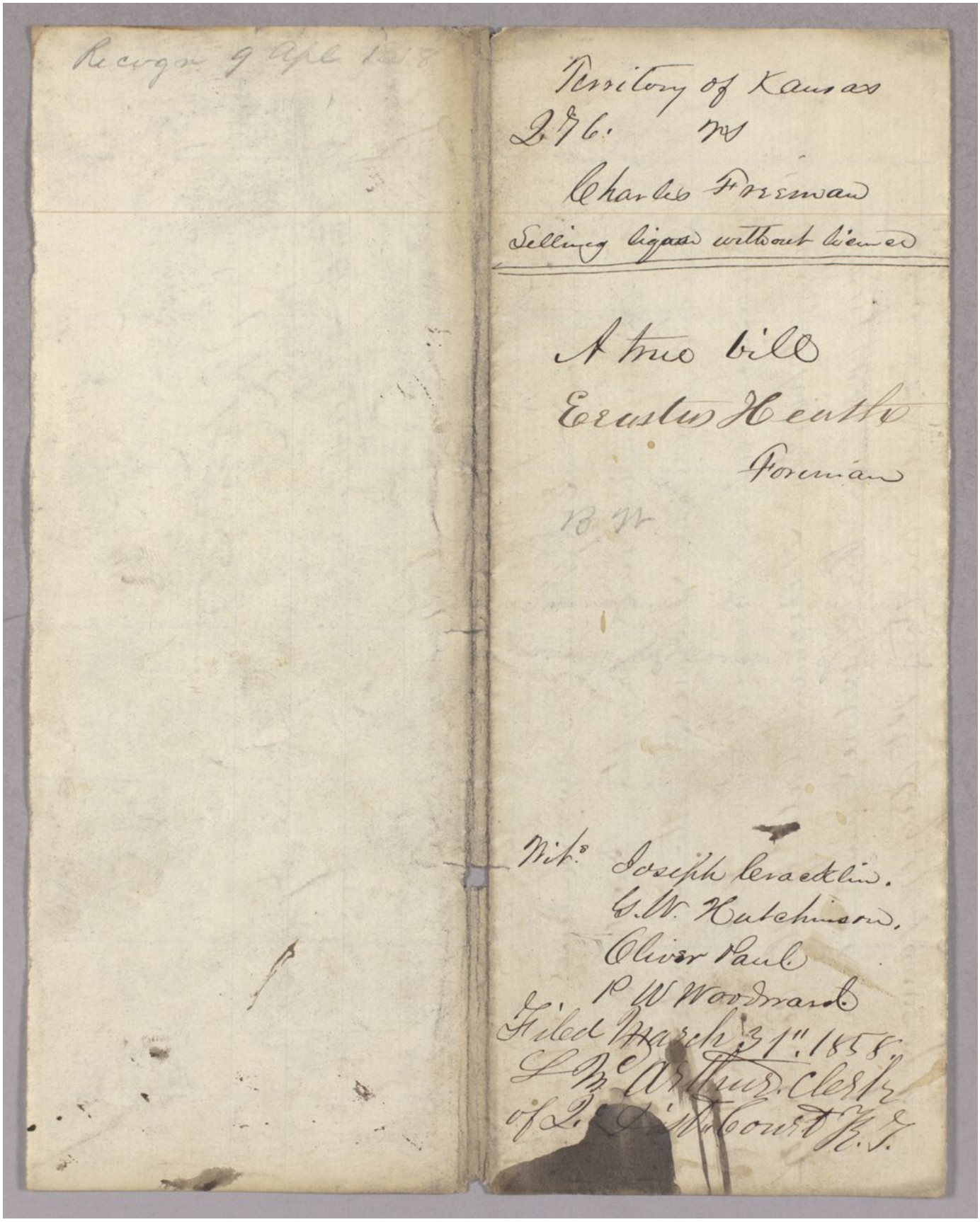
Kansas Territory versus Charles Freeman for selling liquor without a license



Territory of Kansas
vs.
Charles Freeman

Second Judicial District of the Territory of Kansas. The Grand Jurors Summoned Empannelled Sworn and charged to Enquire in and for the body of the Second Judicial District of the Territory of Kansas upon their oaths present that one Charles Freeman late of the County of Douglass. in the District and Territory aforesaid. on the 1st day of January in

Kansas Territory versus Charles Freeman for selling liquor without a license


Recvgn 9 Apl 1858

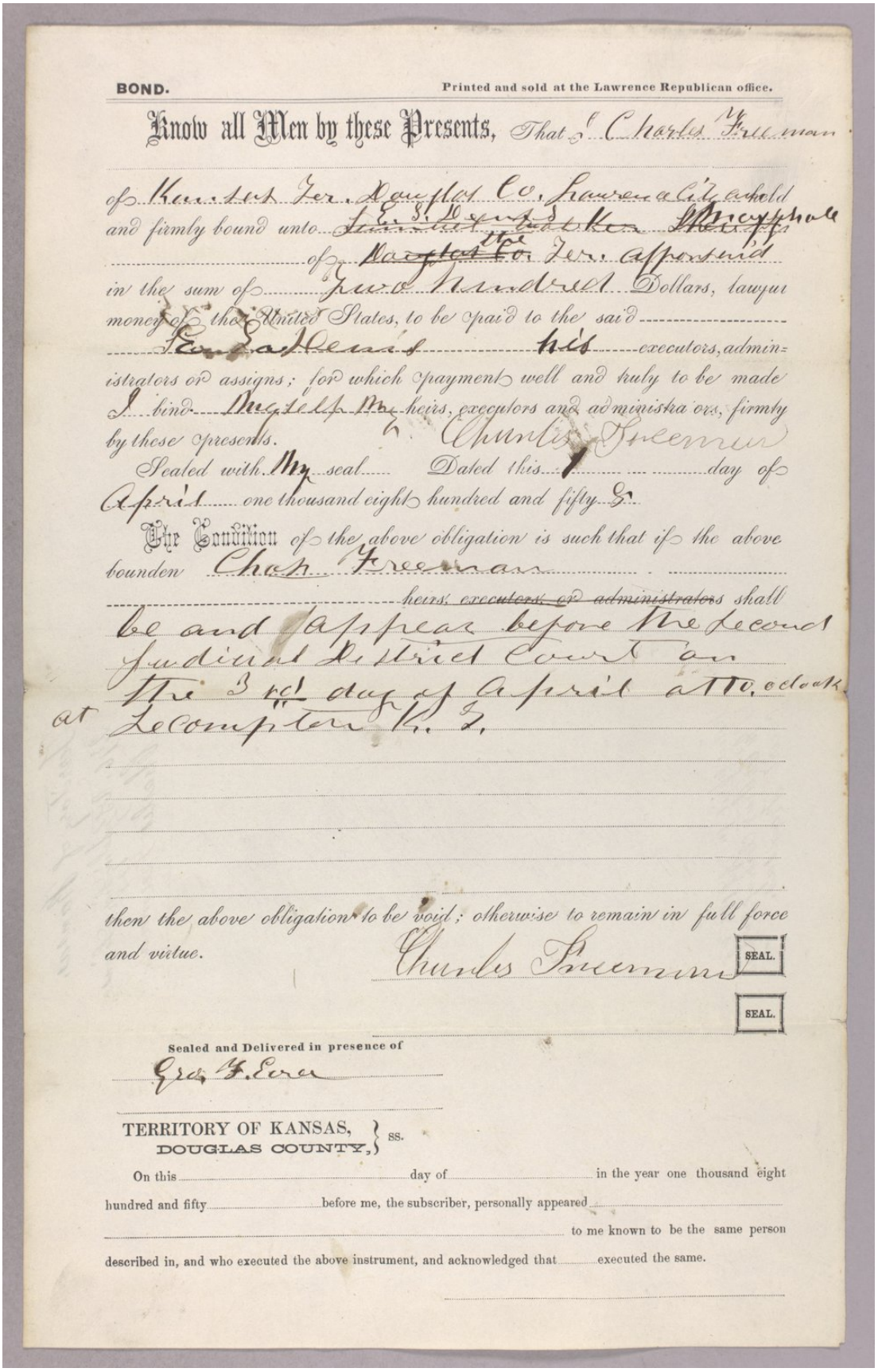
Territory of Kansas
276 Ms
Charles Freeman
Selling liquor without license

A true bill
Erastus Heath
Foreman
1858

Wit. Joseph Leaedlin.
G.W. Hutchinson.
Oliver Paul.
P.W. Woodward.

Filed March 31st 1858.
L.D. Arthur Clerk
of D. Ct. Wabaunsee Co. K.T.

Kansas Territory versus Charles Freeman for selling liquor without a license



BOND. Printed and sold at the Lawrence Republican office.

Know all Men by these Presents, That I Charles Freeman of Kansas Ter. Douglas Co. Lawrence City are held and firmly bound unto Jeremiah Brayfield of Douglas Co. Ter. aforesaid in the sum of Two Hundred Dollars, lawful money of the United States, to be paid to the said Jeremiah his executors, administrators or assigns; for which payment well and truly to be made I bind myself my heirs, executors and administrators, firmly by these presents.

Sealed with My seal. Dated this 1 day of April one thousand eight hundred and fifty 9.

The Condition of the above obligation is such that if the above bounden Chas. Freeman heirs, ~~executors or administrators~~ shall be and appear before the Second Judicial District Court on the 3rd day of April A.D. o'clock at Lecompton K. T.

then the above obligation to be void; otherwise to remain in full force and virtue.

Charles Freeman SEAL.

SEAL.

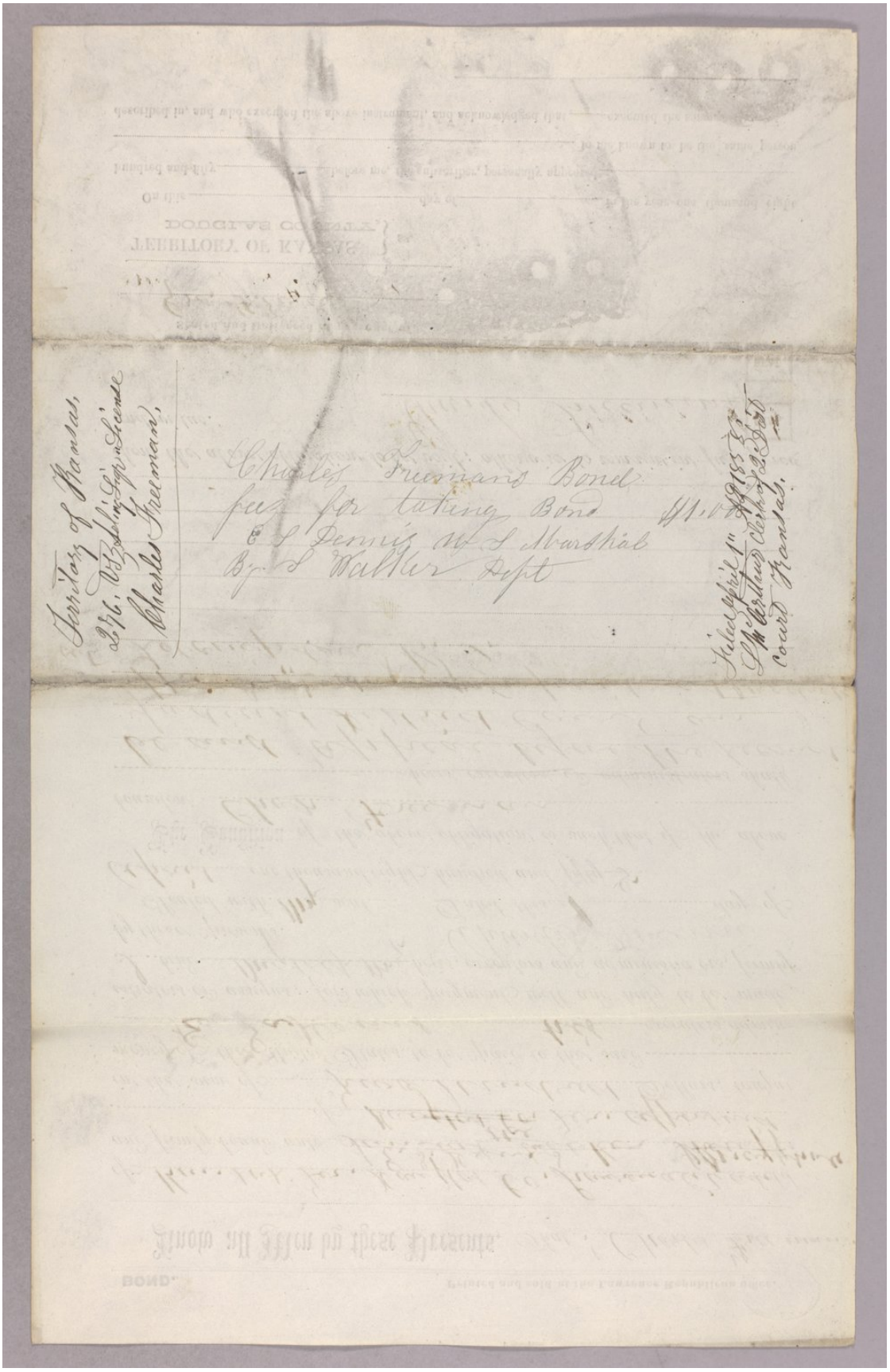
Sealed and Delivered in presence of

Geo. F. Cora

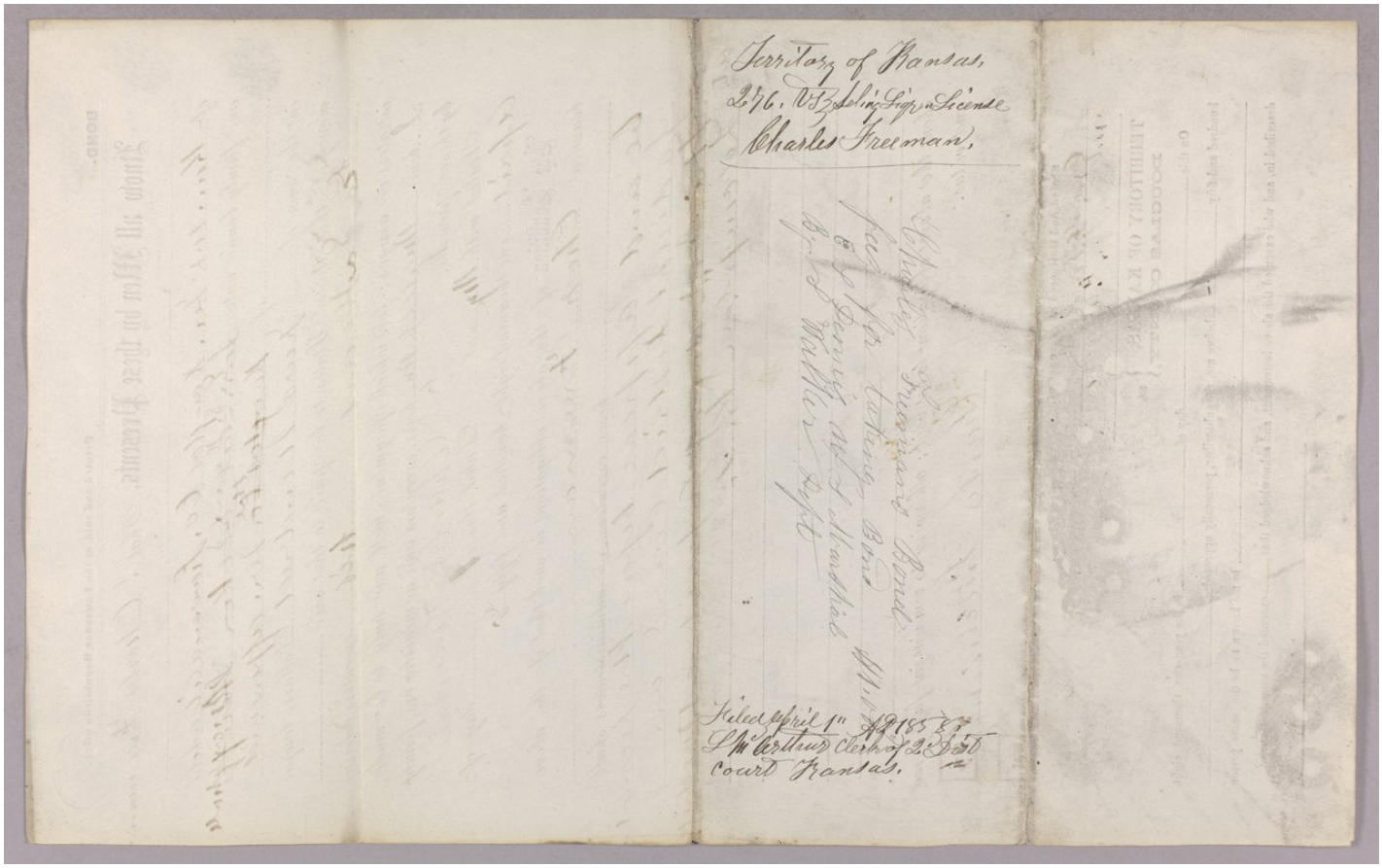
TERRITORY OF KANSAS, } ss.
DOUGLAS COUNTY, }

On this day of in the year one thousand eight hundred and fifty before me, the subscriber, personally appeared to me known to be the same person described in, and who executed the above instrument, and acknowledged that executed the same.

Kansas Territory versus Charles Freeman for selling liquor without a license



Kansas Territory versus Charles Freeman for selling liquor without a license



Kansas Territory versus Charles Freeman for selling liquor without a license

July, 1859

United States of America,
TERRITORY OF KANSAS,
SUPREME COURT. } SS.

To the ~~United~~ United States District Court, within and for the Second Judicial Districts of Kansas Territory, GREETING:

WHEREAS, In a certain ~~civil~~ action lately pending before you, wherein The Territory of Kansas was Plaintiff, and Charles Freeman was Defendant, a judgement was rendered by you in favor of the said Territory for the sum of $100, with costs, on a transcript of which judgment and record, the said Charles Freeman prosecuted ~~a PETITION IN ERROR~~ an appeal in the Supreme Court within and for the Territory of Kansas;

AND, WHEREAS, At the December Term of said Supreme Court, A. D. 1859, on consideration of the said ~~petition~~ appeal of the said Charles Freeman, and the Joinder in Error of the said Territory of Kansas, it was ordered and adjudged by the said Supreme Court that the said judgemnt be Reversed, with costs, which costs, as taxed, amount to the sum of $12.65.

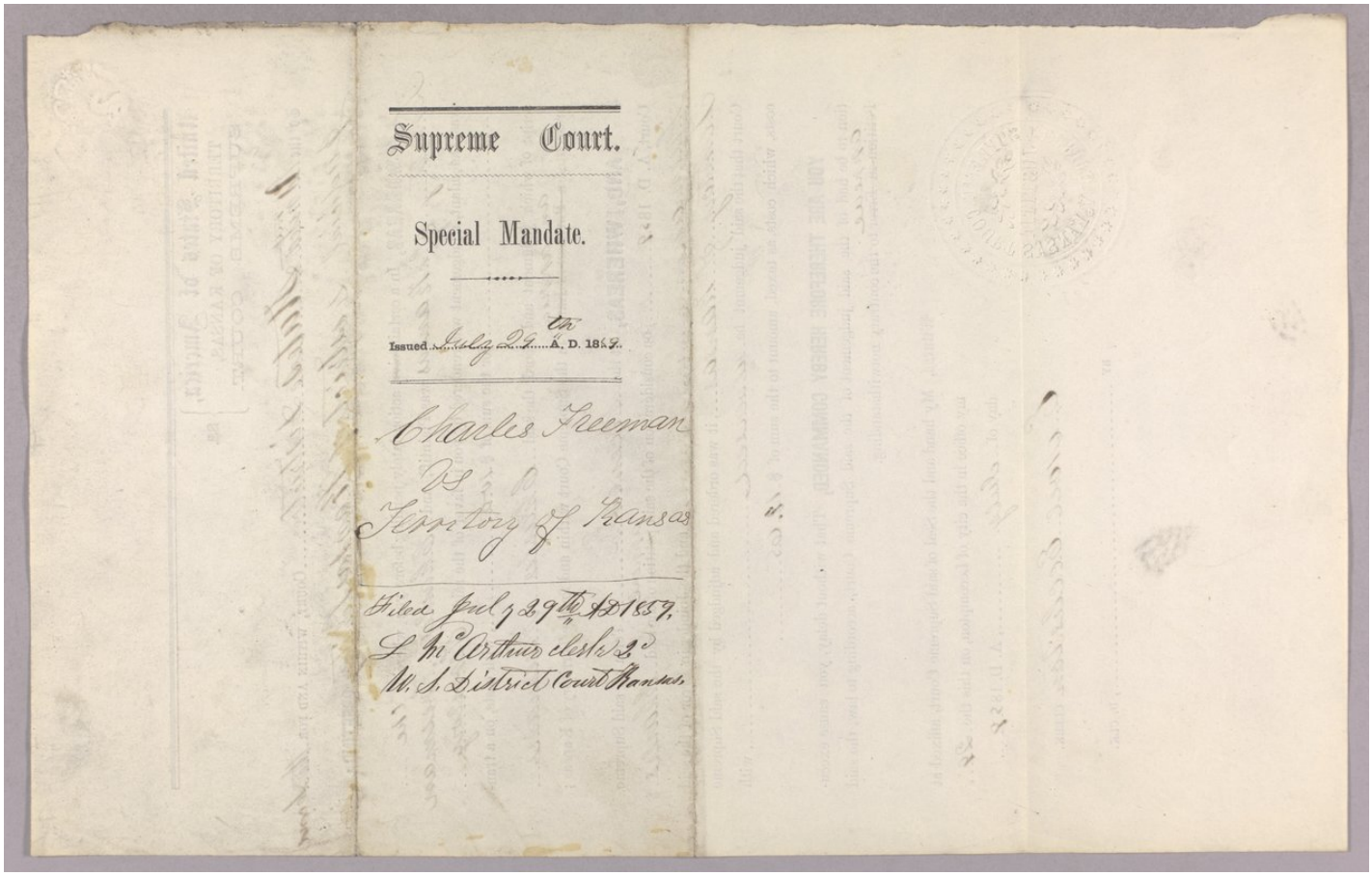
YOU ARE THEREFORE HEREBY COMMANDED, That without delay, you cause execution to be had of the said judgement of the said Supreme Court, according to law, the said ~~Petition in Error~~ appeal to the contrary notwithstanding.

Witness, My hand and the Seal of said Supreme Court, affixed at my office in the city of Lecompton, on this the 29 day of July, A. D. 1859.

E. Noel Ecclestone CLERK.

BY ....., D. CLK.

Kansas Territory versus Charles Freeman for selling liquor without a license



Supreme Court.

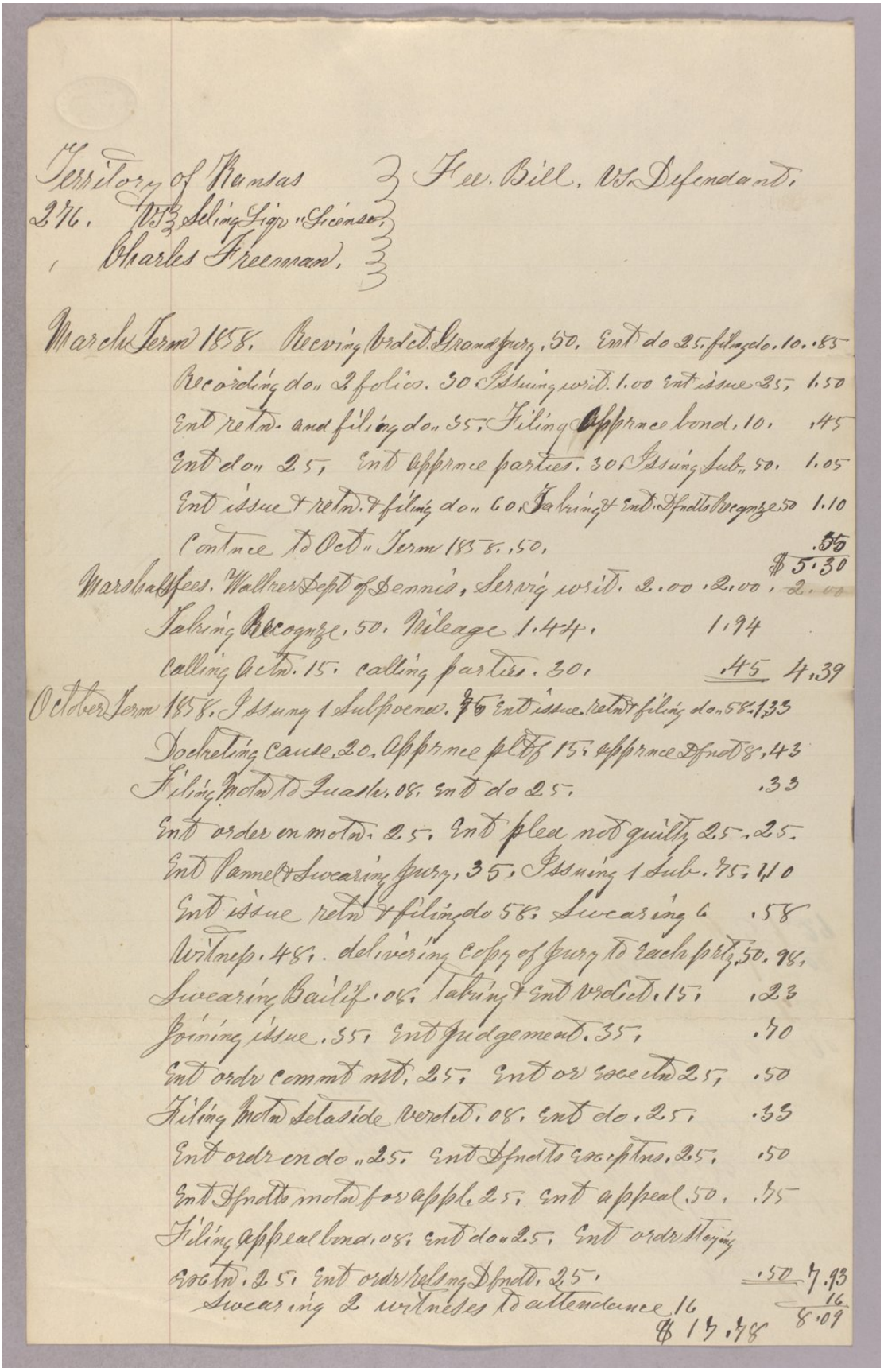
Special Mandate.

Issued July 24th A. D. 1857.

Charles Freeman
vs
Territory of Kansas

Filed July 29th 1857.
L. M. Arthur clerk 2d
U. S. District Court Kansas.

Kansas Territory versus Charles Freeman for selling liquor without a license



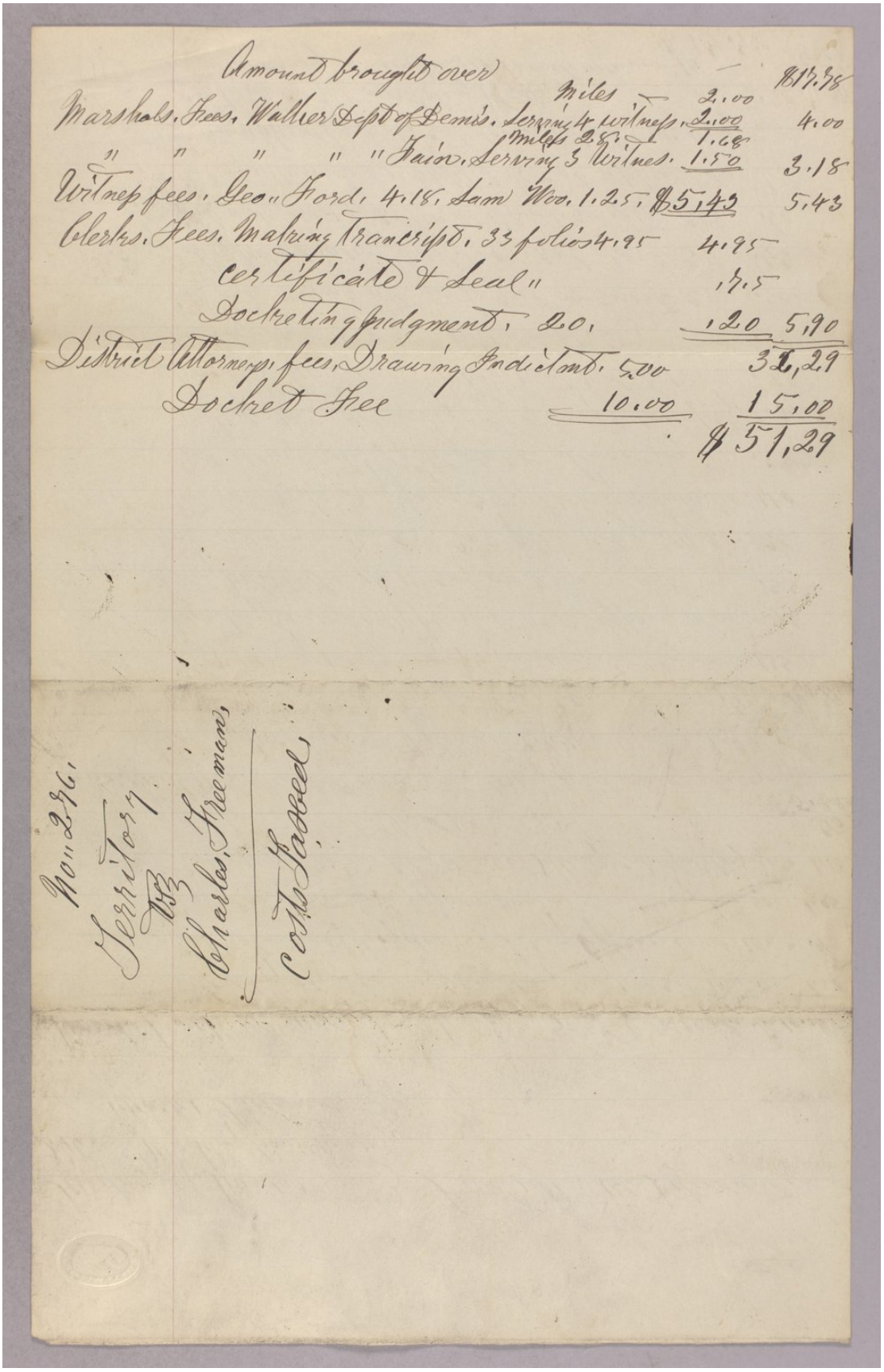
Territory of Kansas } Fee. Bill. Vs. Defendant.
276. vs } Selling Liqr "License."
Charles Freeman. }

March Term 1858. Recvg Wrd ct. Grand jury, .50. Ent do 25. filing do. 10. .85
Recording do 2 folios. .30 Issuing writ. 1.00 ent issue .25 1.50
Ent retn. and filing do .35. Filing Apprnce bond. .10 .45
Ent do 25, Ent Apprnce parties. .30. Issuing Sub. .50. 1.05
Ent issue & retn. & filing do .60. Taking & Ent. Dfnds Recognze .50 1.10
Continue To Oct. Term 1858. .50. .55
$5.30

Marshalls fees. Walker Dept of Dennis, Servg writ. 2.00 2.00 2.00
Taking Recognze .50. Mileage 1.44. 1.94
calling Actn. .15. calling parties .30. .45 4.39

October Term 1858. Issuing 1 Subpoena. .75 Ent issue. retn & filing do .58. 1.33
Docketing cause .20. Apprnce pltf .15. Apprnce Dfnd .08. .43
Filing Motn to Quash. .08. Ent do .25. .33
Ent order on motn. .25. Ent plea not guilty .25. .25.
Ent Panel & Swearing Jury .35. Issuing 1 Sub. .75. 1.10
Ent issue retn & filing do .58. Swearing 6 .58
Witnes. .48. delivering copy of Jury to Each pty .50. .98.
Swearing Bailif. .08. Taking & Ent Verdict .15. .23
Joining issue .35. Ent Judgement .35. .70
Ent order comm'd mtd. .25. Ent do ovr rule .25. .50
Filing Motn to Set aside Verdict. .08. Ent do .25. .33
Ent order on do .25. Ent Dfnds exceptns .25. .50
Ent Dfnds motn for appl .25. Ent appeal .50. .75
Filing appeal bnd .08. Ent do .25. Ent order Stay
Exctn .25. Ent order Relsng Dfnd .25. .50 7.93
Swearing 2 witnesses to attendance .16 .16
$13.38 8.09

Kansas Territory versus Charles Freeman for selling liquor without a license

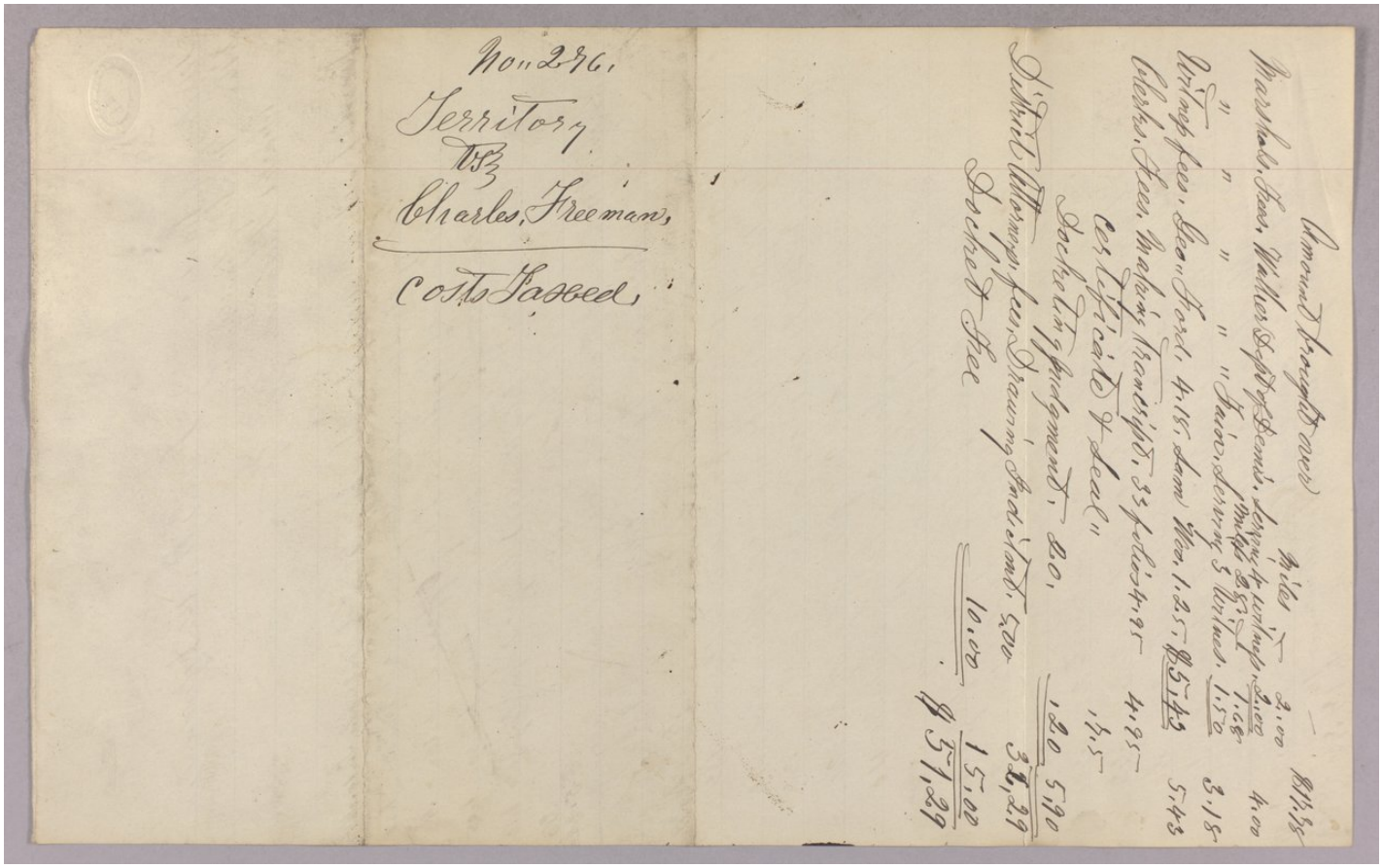


Amount brought over $17.38

	Miles		
Marshals. Fees. Walker Dept of Dem's. Serving 4 witness.		2.00	4.00
" " " " " Fain. Serving 3 Witnes.	Miles 2.50	1.68	3.18
Witness fees. Geo. Ford. 4.18. Sam Wes. 1.25.		$5.43	5.43
Clerks. Fees. Making Transcript. 33 folios		4.95	4.95
Certificate & Seal		.75	
Docketing Judgment. 2.0.		.20	5.90
District Attorneys fees. Drawing Indictment.		5.00	32.29
Docket Fee		10.00	15.00
			$51.29

No. 286.
Territory
vs
Charles Freeman
Costs Taxed.

Kansas Territory versus Charles Freeman for selling liquor without a license

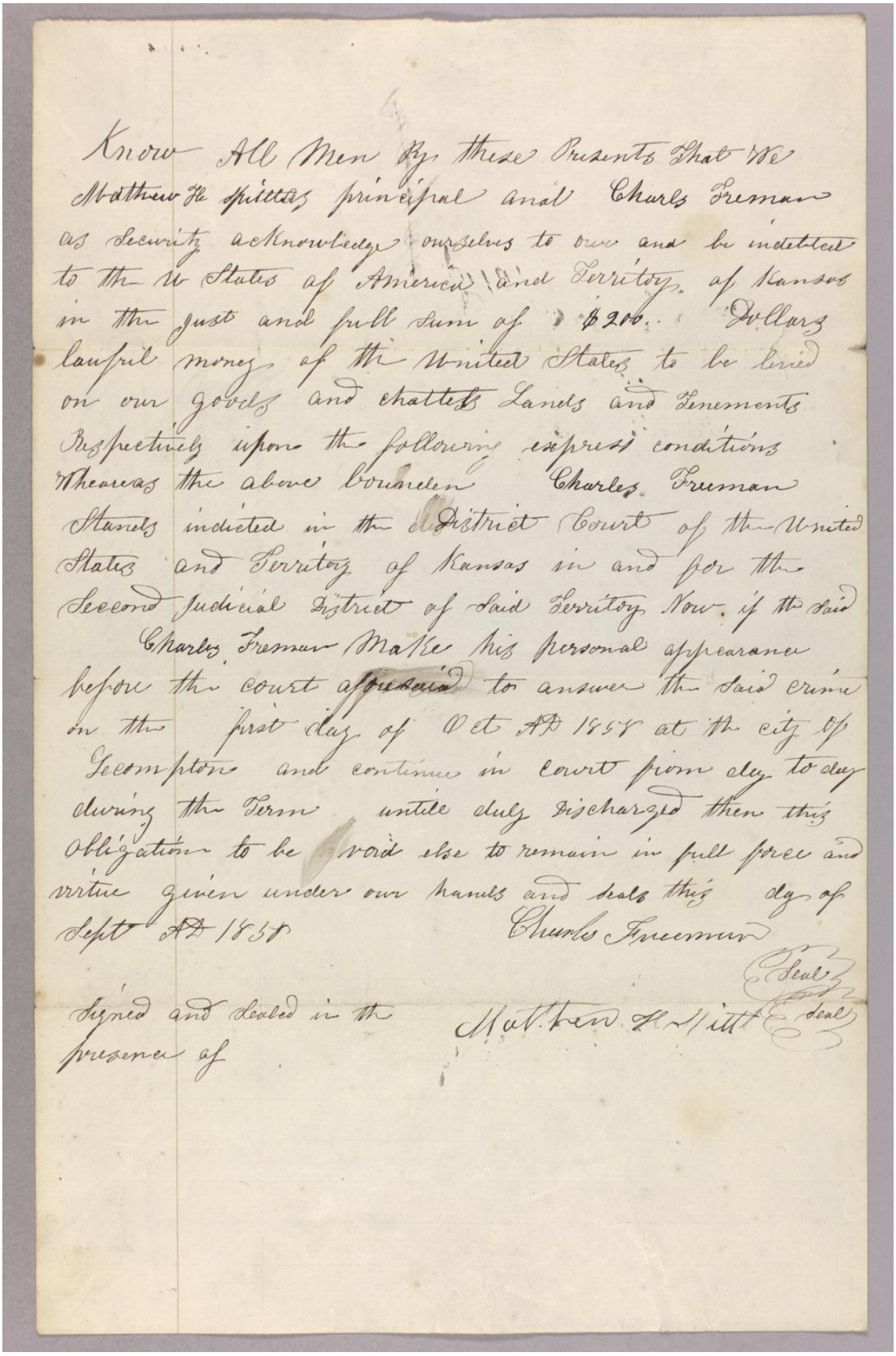


No. 276.
Territory
vs
Charles Freeman,
Costs Taxed.

Amount brought over
Marshals fees, Walker & Lowry & Lumley
" " " Kaw, Delany & Conner
Witness fees, Jean Ford, 4 days
Clerks fees, Mandate, 33 folios
Certificate & Seal
Docketing Judgment
Docketing Appeal
Docketing Appearance, Bail, Mit. &c
Docket Fee

$ 57,29

Kansas Territory versus Charles Freeman for selling liquor without a license



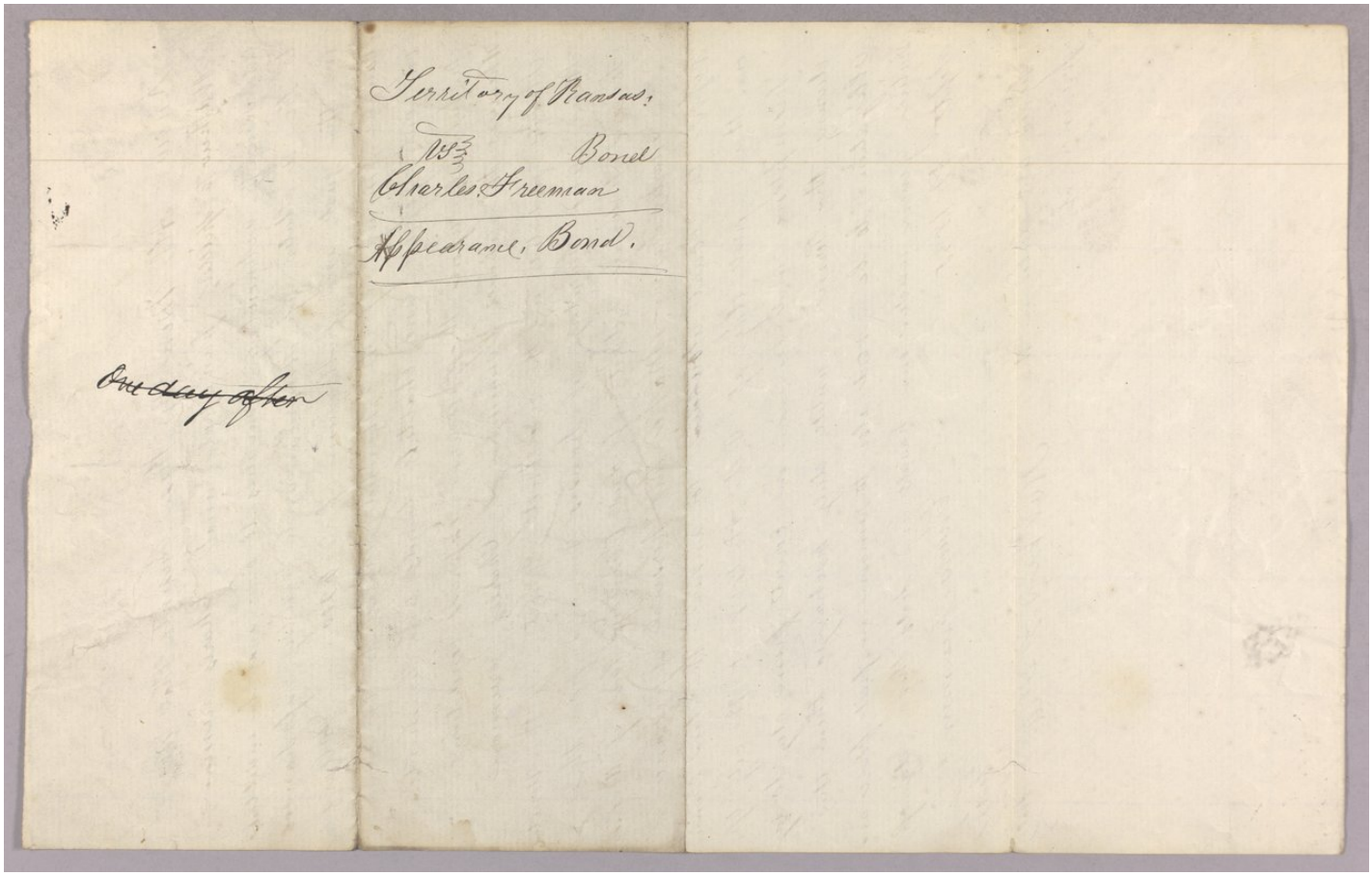
Know All Men By these Presents That We
Matthew Hopkins principal and Charles Freman
as Security acknowledge ourselves to owe and be indebted
to the U States of America and Territory of Kansas
in the just and full sum of $200. Dollars
lawful money of the United States to be levied
on our goods and chattels Lands and Tenements
Respectively upon the following expressed conditions
Whereas the above bounden Charles Freman
Stands indicted in the District Court of the United
States and Territory of Kansas in and for the
Second Judicial District of said Territory Now if the said
Charles Freman Make his personal appearance
before the court aforesaid to answer the said crime
on the first day of Oct AD 1858 at the city of
Lecompton and continue in Court from day to day
during the Term until duly discharged then this
Obligation to be void else to remain in full force and
virtue given under our hands and seals this day of
Sept AD 1858

Charles Freeman
Seal

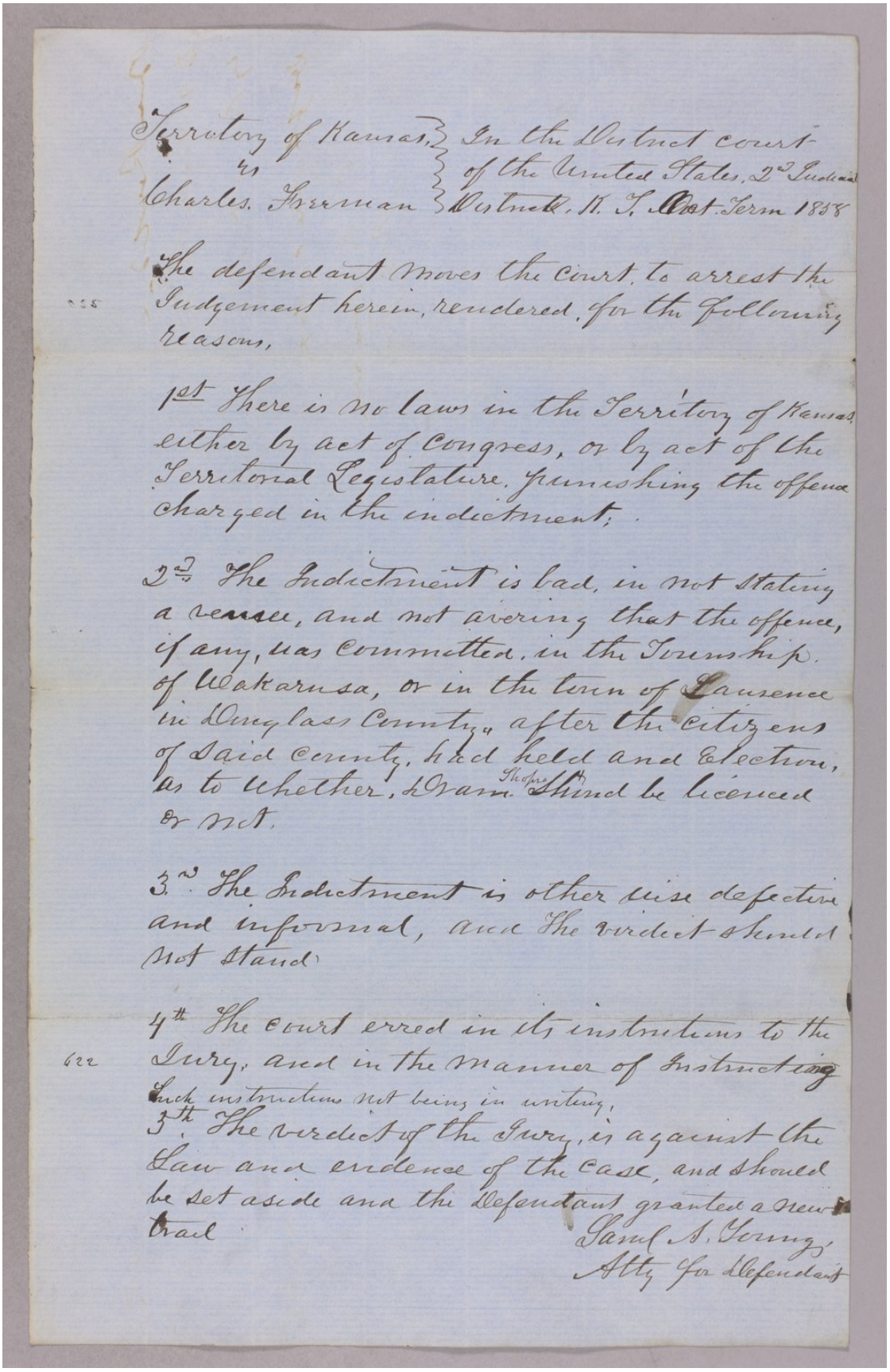
Signed and Sealed in the
presence of

Matthew Hopkins Seal

Kansas Territory versus Charles Freeman for selling liquor without a license


Territory of Kansas.
vs. Bond
Charles Freeman
Appearance Bond.
One day after

Kansas Territory versus Charles Freeman for selling liquor without a license



Territory of Kansas, } In the District court
vs } of the United States, 2d Judicial
Charles Freeman } District, K. T. Last Term 1858

The defendant moves the court to arrest the
Judgement herein, rendered, for the following
reasons,

1st There is no laws in the Territory of Kansas
either by act of Congress, or by act of the
Territorial Legislature, punishing the offence
charged in the indictment.

2d The Indictment is bad, in not stating
a venue, and not averring that the offence,
if any, was committed, in the Township
of Wakarusa, or in the town of Lawrence
in Douglas County, after the citizens
of said County, had held and Election,
as to whether, Drams Shops should be licenced
or not.

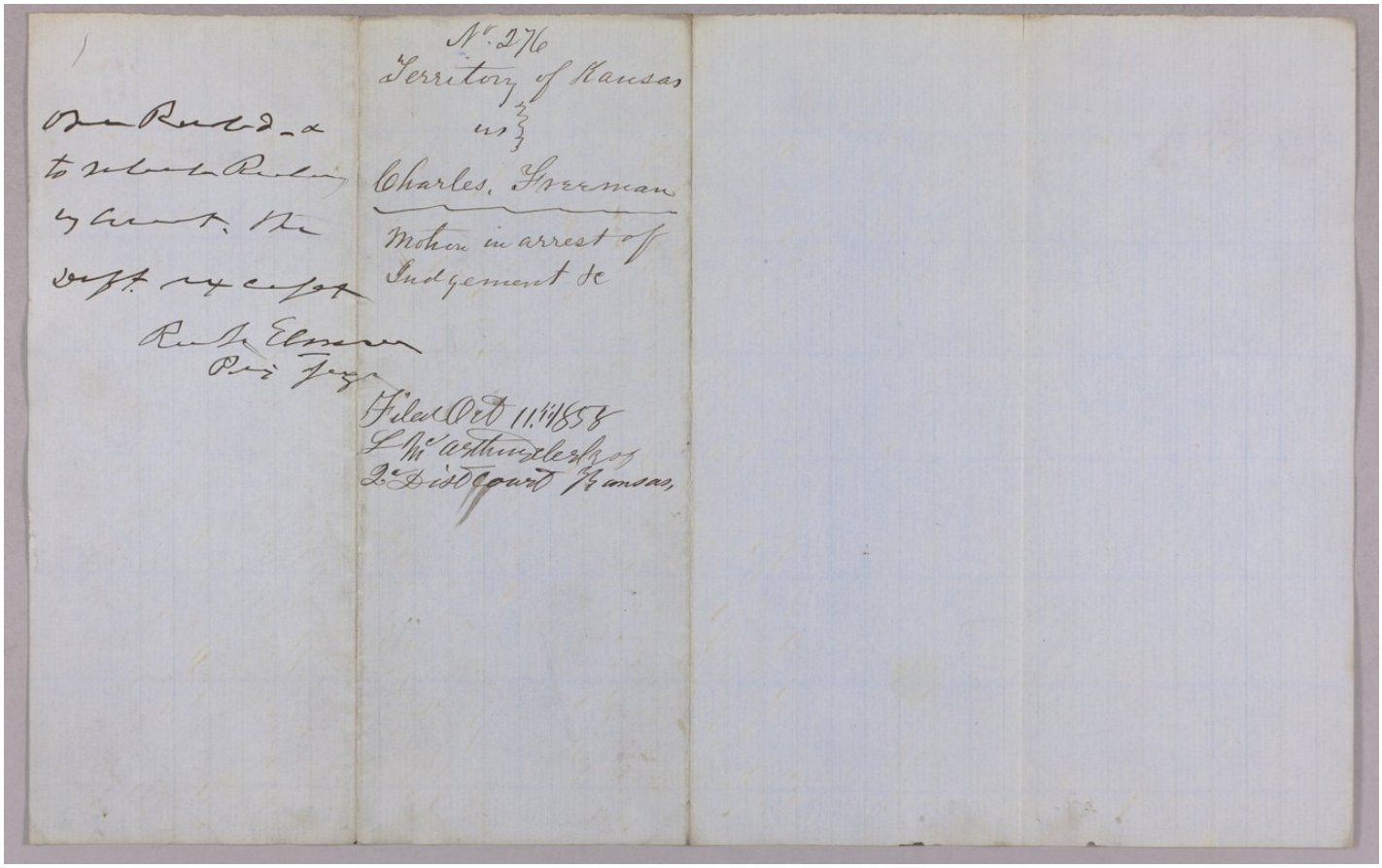
3d The Indictment is other wise defective
and informal, and the verdict should
not stand.

4th The court erred in its instructions to the
Jury, and in the manner of instructing
such instructions not being in writing.

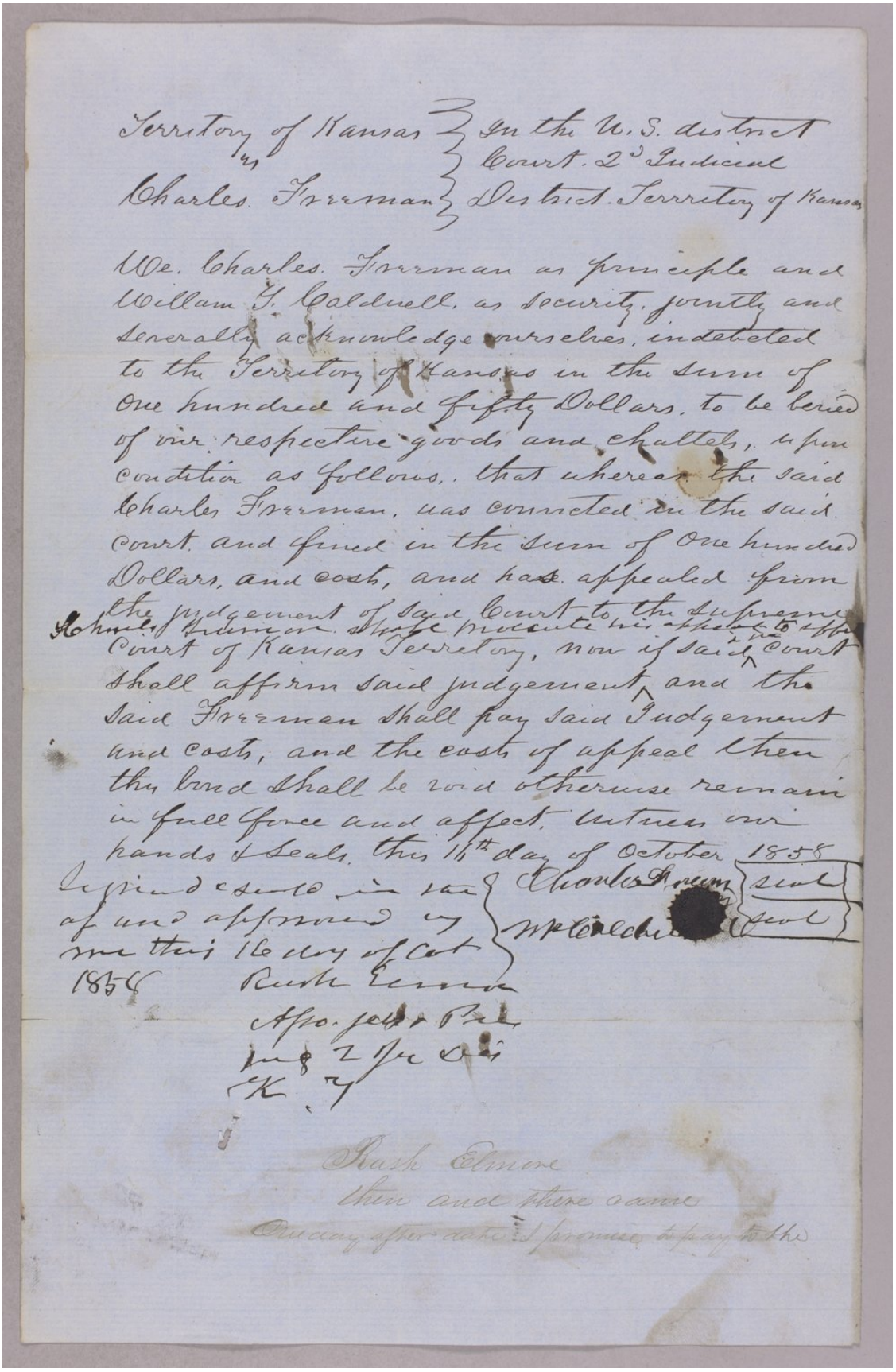
5th The verdict of the Jury, is against the
Law and evidence of the case, and should
be set aside and the defendant granted a new
trial.

Saml A. Young,
Atty for defendant

Kansas Territory versus Charles Freeman for selling liquor without a license



Kansas Territory versus Charles Freeman for selling liquor without a license



Territory of Kansas vs Charles Freeman } In the U. S. district Court. 2d Judicial District. Territory of Kansas

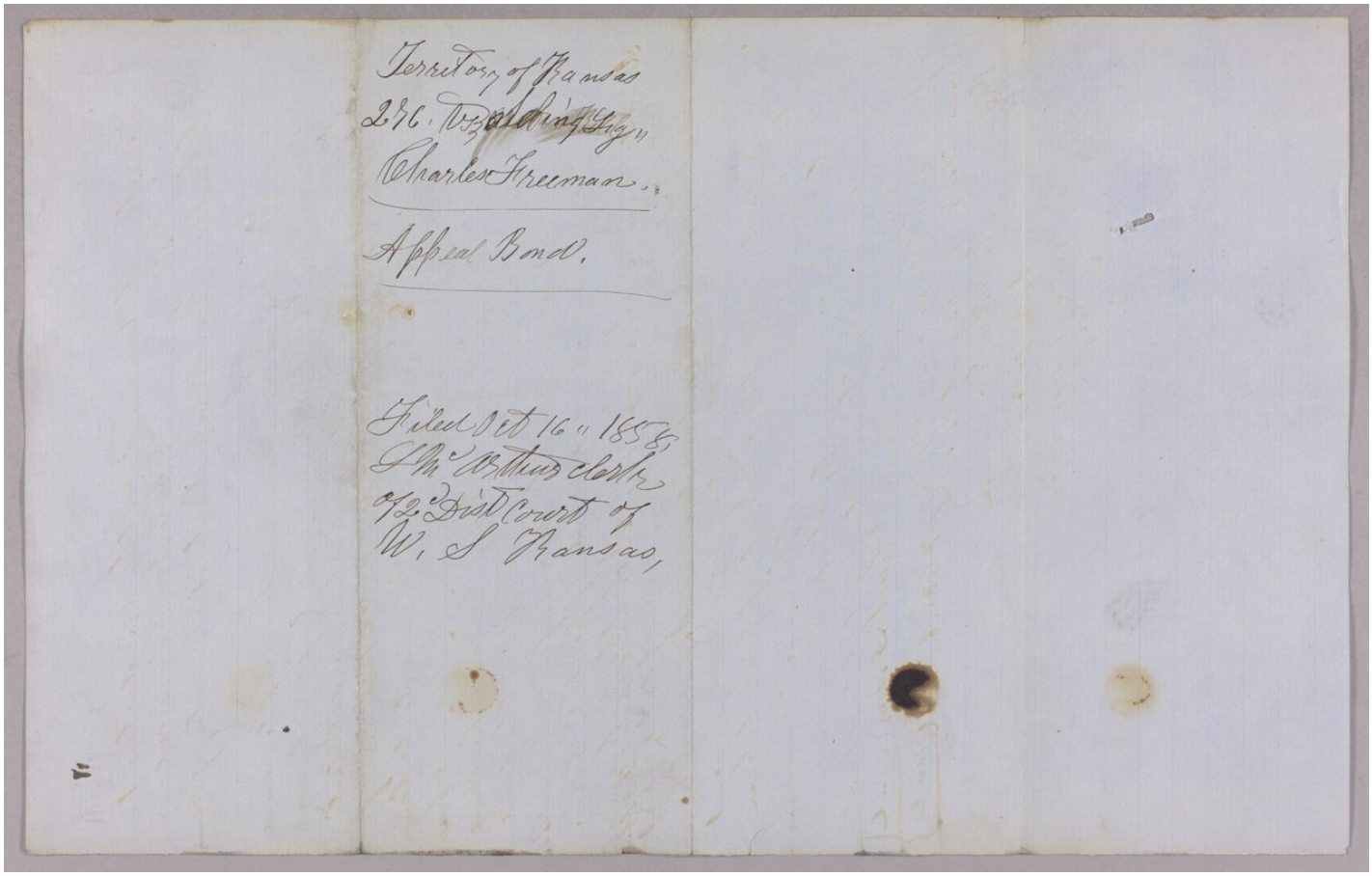
We. Charles Freeman as principle and William G. Caldwell, as security, jointly and severally acknowledge ourselves, indebted to the Territory of Kansas in the sum of One hundred and fifty Dollars, to be levied of our respective goods and chattels, upon condition as follows, that whereas the said Charles Freeman, was convicted in the said court and fined in the sum of One hundred Dollars, and cost, and has appealed from the judgement of said Court to the Supreme Court of Kansas Territory, now if said Court shall affirm said judgement, and the said Freeman shall pay said Judgement and costs, and the cost of appeal then the bond shall be void otherwise remain in full force and effect. witness our hands & Seals this 11th day of October 1855

Chas Freeman seal
Wm Caldwell seal

Recognizance in vacation approved by me this 16 day of Oct 1855
Rush Elmore
Atto. for Pltf in Error

Rush Elmore
then and there came
One day after date I promise to pay to the

Kansas Territory versus Charles Freeman for selling liquor without a license



Territory of Kansas
vs. Doc. Selling Liq.
Charles Freeman.

Appeal Bond.

Filed Oct 16 1855
Jn° Wathus clerk
2d Dist Court of
W. T Kansas