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Kansas Territory versus Jacob Hurd for arson

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Date: date November 4, 1857

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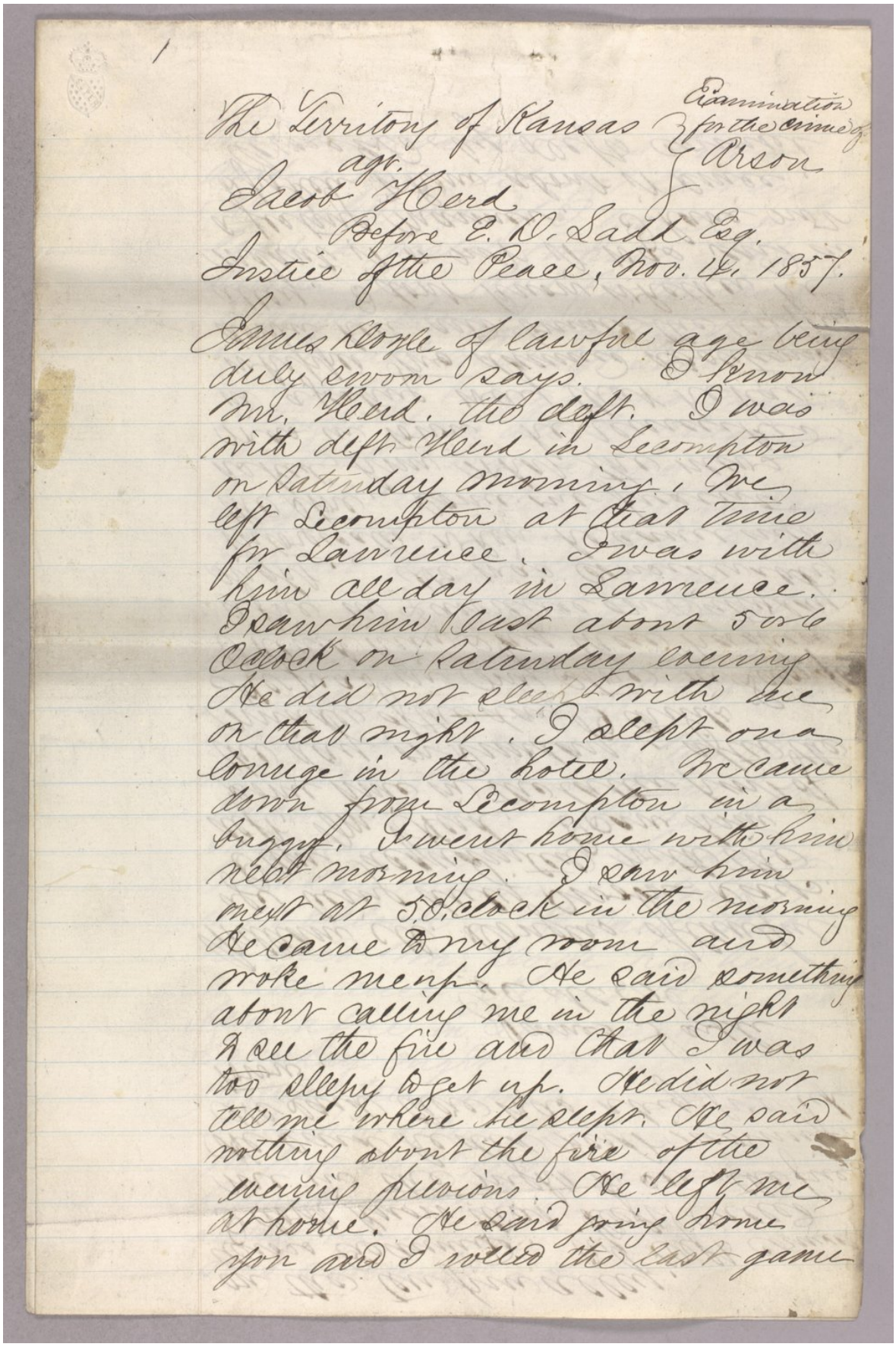
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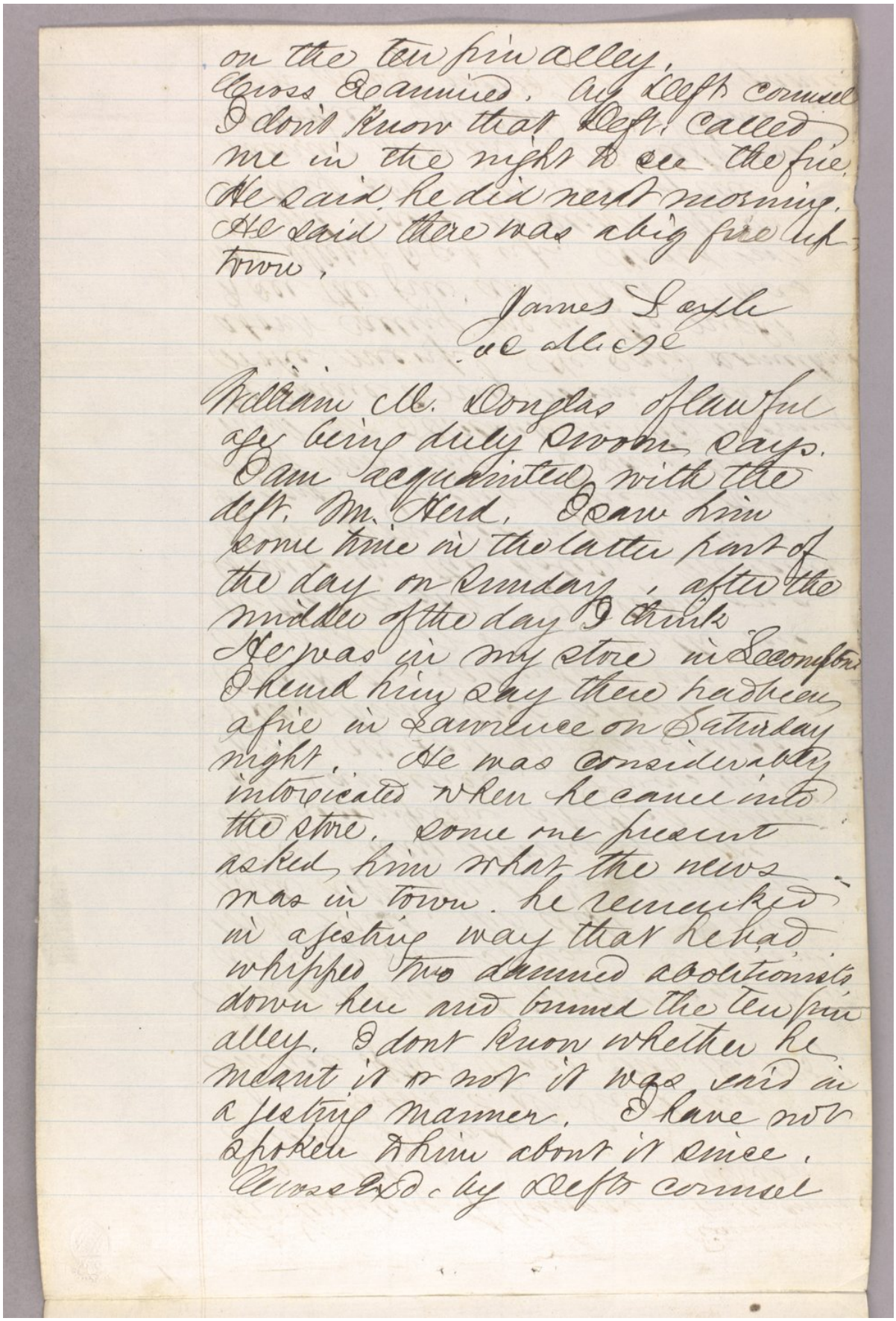
Kansas Territory versus Jacob Hurd for arson



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The Territory of Kansas } Examination for the crime of
agt. } Arson
Jacob Herd }
Before E. D. Sadd Esq.
Justice of the Peace, Nov. 4. 1857.

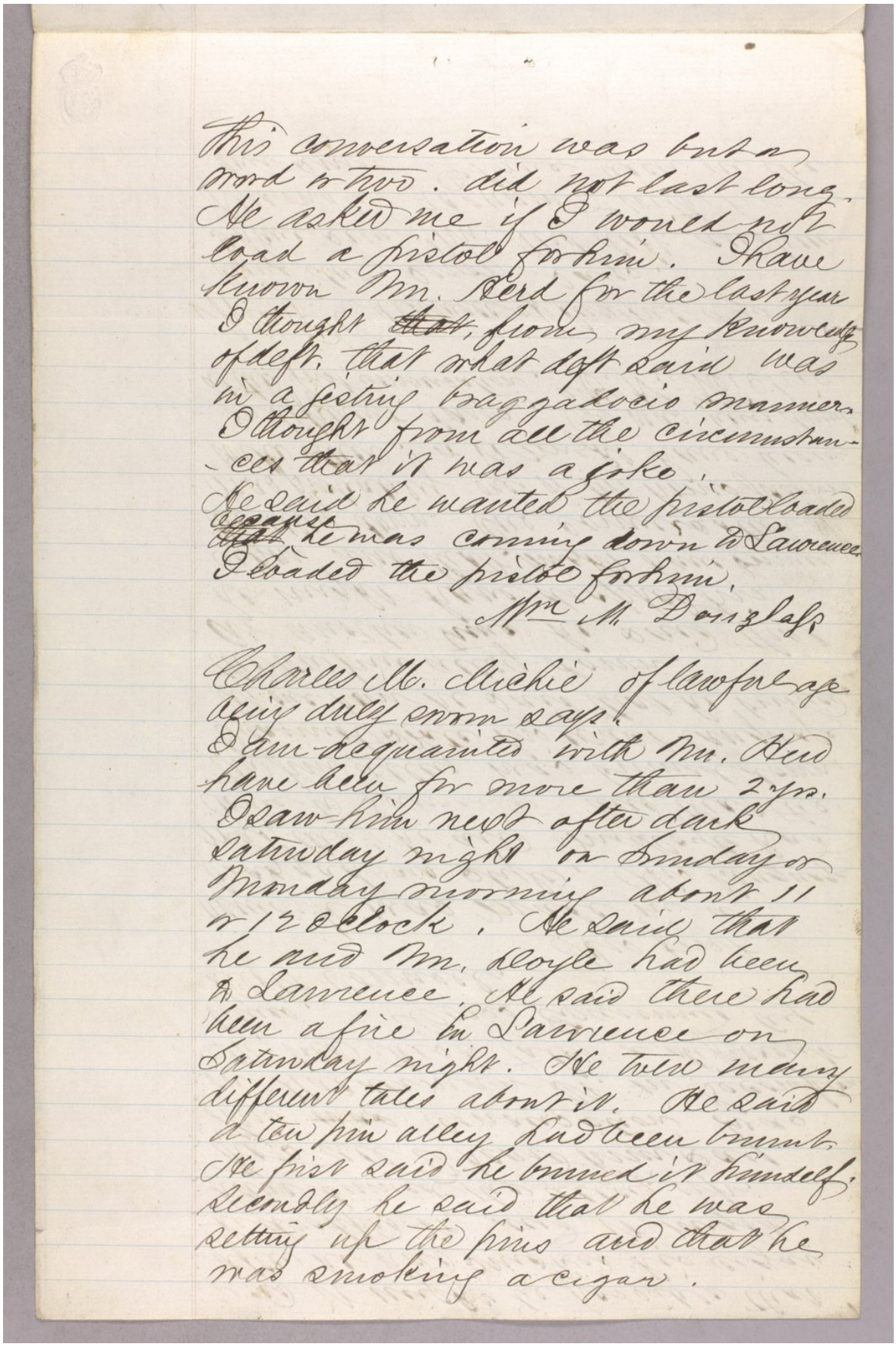
James Doyle of lawful age being duly sworn says. I know Mr. Herd. the deft. I was with deft Herd in Lecompton on Saturday morning. We left Lecompton at that time for Lawrence. I was with him all day in Lawrence. I saw him last about 5 or 6 o'clock on Saturday evening He did not sleep with me on that night. I slept on a lounge in the hotel. We came down from Lecompton in a buggy. I went home with him next morning. I saw him next at 5 O.clock in the morning He came to my room and woke me up. He said something about calling me in the night & see the fire and that I was too sleepy to get up. He did not tell me where he slept. He said nothing about the fire of the evening previous. He left me at home. He said going home you and I will be the last game



on the new fire alley.
Cross Examined. By Defts counsel
I don't know that Defft called
me in the night to see the fire.
He said he did next morning.
He said there was a big fire last
town.

James Doyle
de alio se

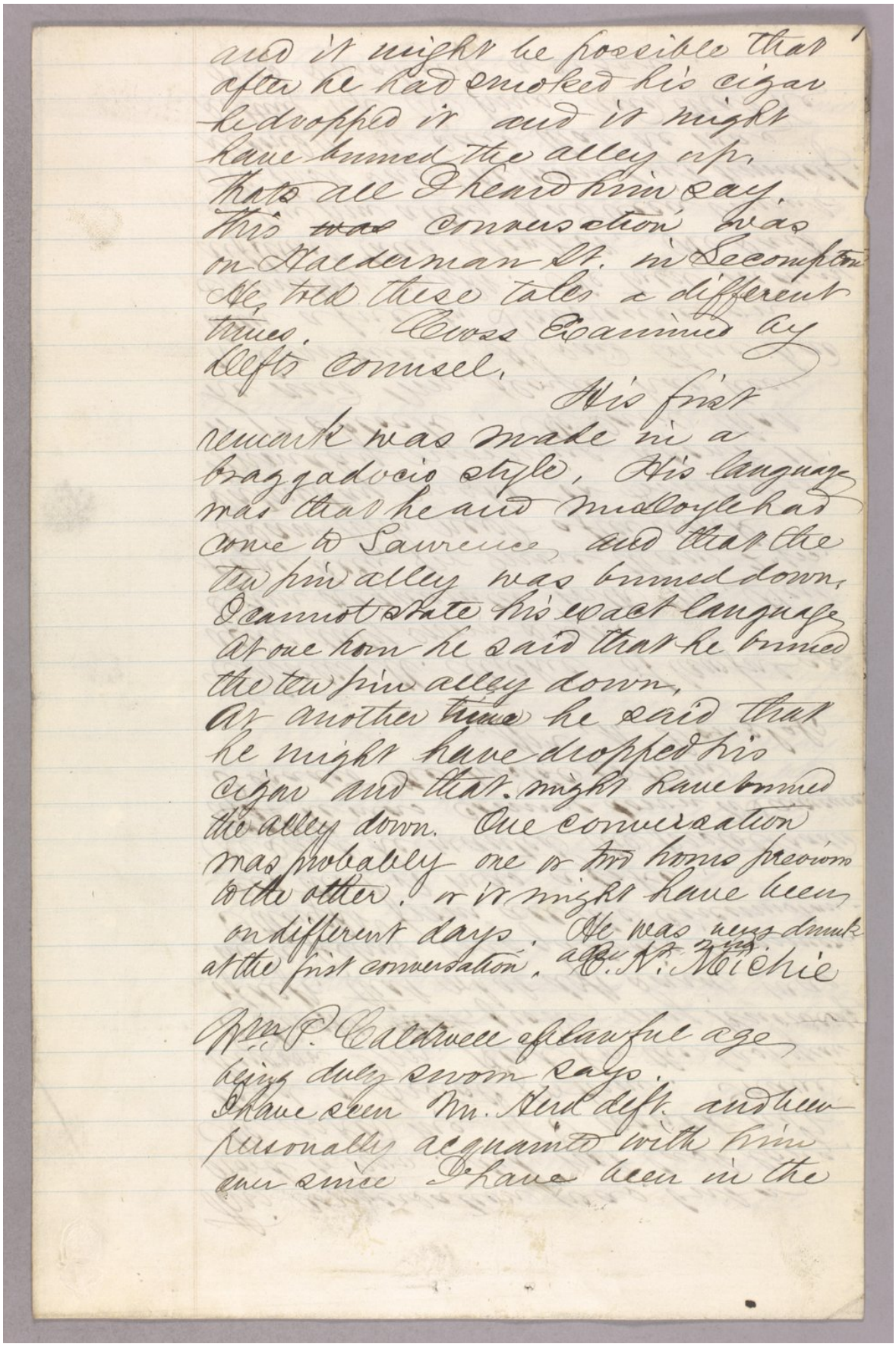
William M. Douglas of lawful
age being duly sworn says.
I am acquainted with the
defft. M. Hurd. I saw him
some time in the latter part of
the day on Sunday, after the
middle of the day I think
He was in my store in Lecompton
I heard him say there had been
a fire in Lawrence on Saturday
night. He was considerably
intoxicated when he came into
the store. Some one present
asked him what the news
was in town. he remarked
in a jesting way that he had
whipped two damned abolitionists
down here and burned the new fire
alley. I dont know whether he
meant it or not it was said in
a jesting manner. I have not
spoken to him about it since.
Cross Exd. by Defts counsel



This conversation was but a word or two. did not last long. He asked me if I would not load a pistol for him. I have known Mr. Herd for the last year I thought ~~that~~ from my knowledge of deft. that what deft said was in a jesting boggadocio manner. I thought from all the circumstances that it was a joke. He said he wanted the pistol loaded ~~because~~ he was coming down to Lawrence. I loaded the pistol for him.

Wm M. Davis Jr

Charles M. Richie of lawful age being duly sworn says. I am acquainted with Mr. Herd have been for more than 2 yrs. I saw him next after dark Saturday night or Sunday or Monday morning about 11 or 12 o'clock. He said that he and Mr. Doyle had been to Lawrence. He said there had been a fire in Lawrence on Saturday night. He told many different tales about it. He said a tenpin alley had been burnt. He first said he burned it himself. Secondly he said that he was setting up the pins and that he was smoking a cigar.

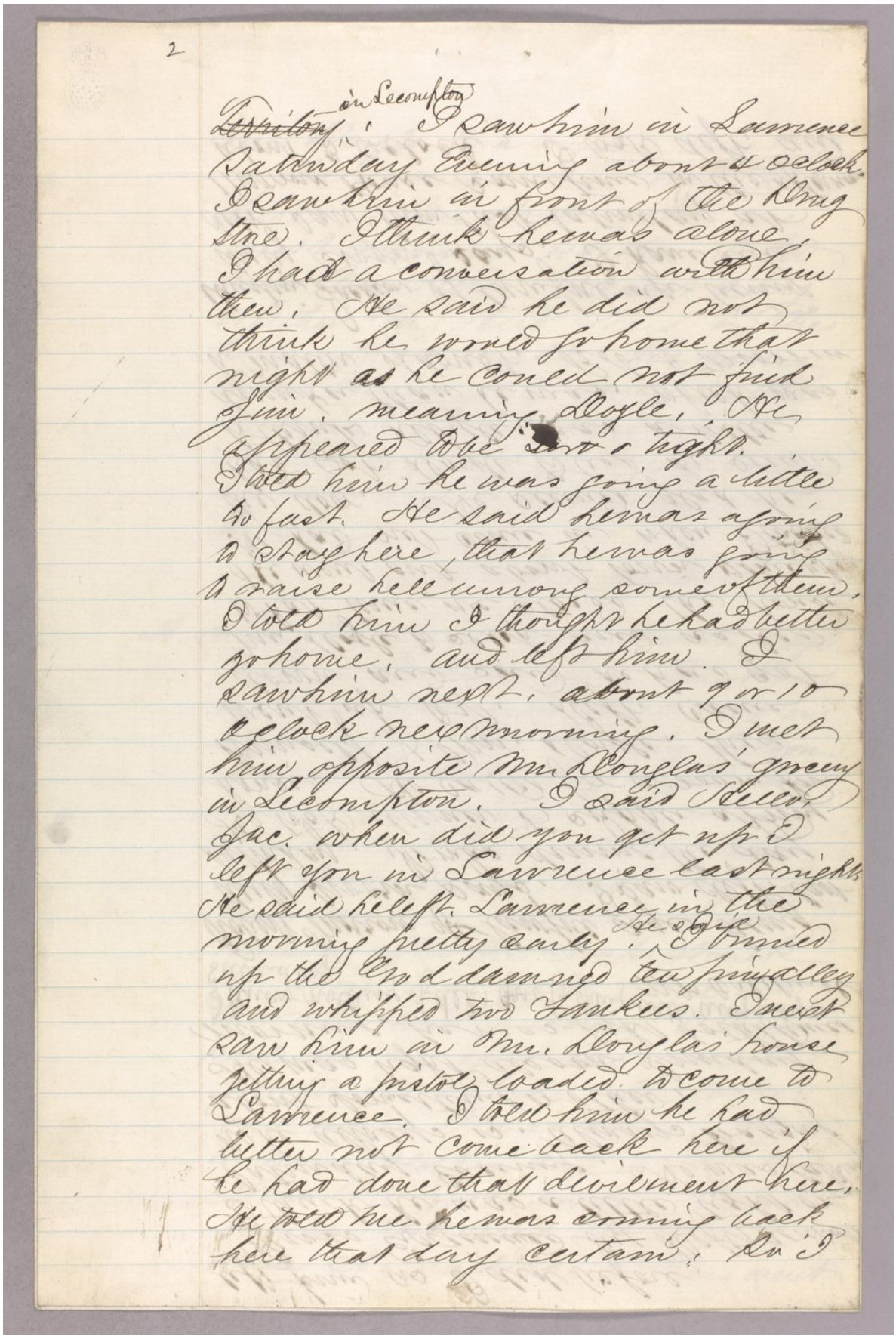


and it might be possible that after he had smoked his cigar he dropped it and it might have burned the alley up. That's all I heard him say. This ~~was~~ conversation was on Haderman St. in Lecompton He told these tales a different times. Cross Examined by Defts Counsel.

His first remark was made in a braggadocio style. His language was that he and Mulvey had come to Lawrence and that the tenpin alley was burned down. I cannot state his exact language at one time he said that he burned the tenpin alley down. At another time he said that he might have dropped his cigar and that might have burned the alley down. One conversation was probably one or two hours previous to the other. or it might have been on different days. He was very drunk at the first conversation. Sworn N. Ritchie

Wm P. Caldwell of lawful age being duly sworn says. I have seen Mr. Hurd left and have personally acquainted with him ever since I have been in the

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~~Lecompton~~ in Lecompton. I saw him in Lawrence Saturday Evening about 4 oclock. I saw him in front of the Drug Store. I think he was alone. I had a conversation with him then. He said he did not think he would go home that night as he could not find Jim, meaning Doyle. He appeared to be ~~drunk~~ tight. I told him he was going a little too fast. He said he was going to stay here, that he was going to raise hell among some of them. I told him I thought he had better go home, and left him. I saw him next, about 9 or 10 oclock next morning. I met him opposite Mr Douglas' grocery in Lecompton. I said Hello Jac. when did you get up? I left you in Lawrence last night. He said he left Lawrence in the morning pretty early. He ~~Dye~~ said I owned up the G-d damned Free State party and whipped two Yankees. I next saw him in Mr. Douglas' house getting a pistol loaded. I come to Lawrence. I told him he had better not come back here if he had done that devilment here. He told me he was coming back here that day certain. So I

left him as I did before.
Cross Examined by Defts. counsel.
I think he was a little tight on
Saturday Evening. He was talking
as he always is. Always bragging
about something or other.
He was tight about noon Sunday
morning. he was tight both times
I know nothing of Defts ~~quo~~ fighting with any body on
Saturday.
Wm Caldwell

Robert Morrow of lawful age being
duly sworn says. I saw deft. last
Saturday. It was during the day
he took dinner & supper at my
house. He called for a room for
himself & Mr. Doyle. They
went up & Deft. came
down and said he had got
Mr Doyle to sleep and asked
what time we closed the house
He went out about town some when
he had not come in when I locked
the door. He seemed glad he
had got Doyle to bed. he seemed
to think Doyle was a little
drunker than he was. which was
a matter of doubt. Robert Morrow

Martin Jackson of lawful age being
duly sworn says. I have seen
deft. saw him last Saturday at
Morrow House sometime in the afternoon
about 3 oclock. I took deft. and

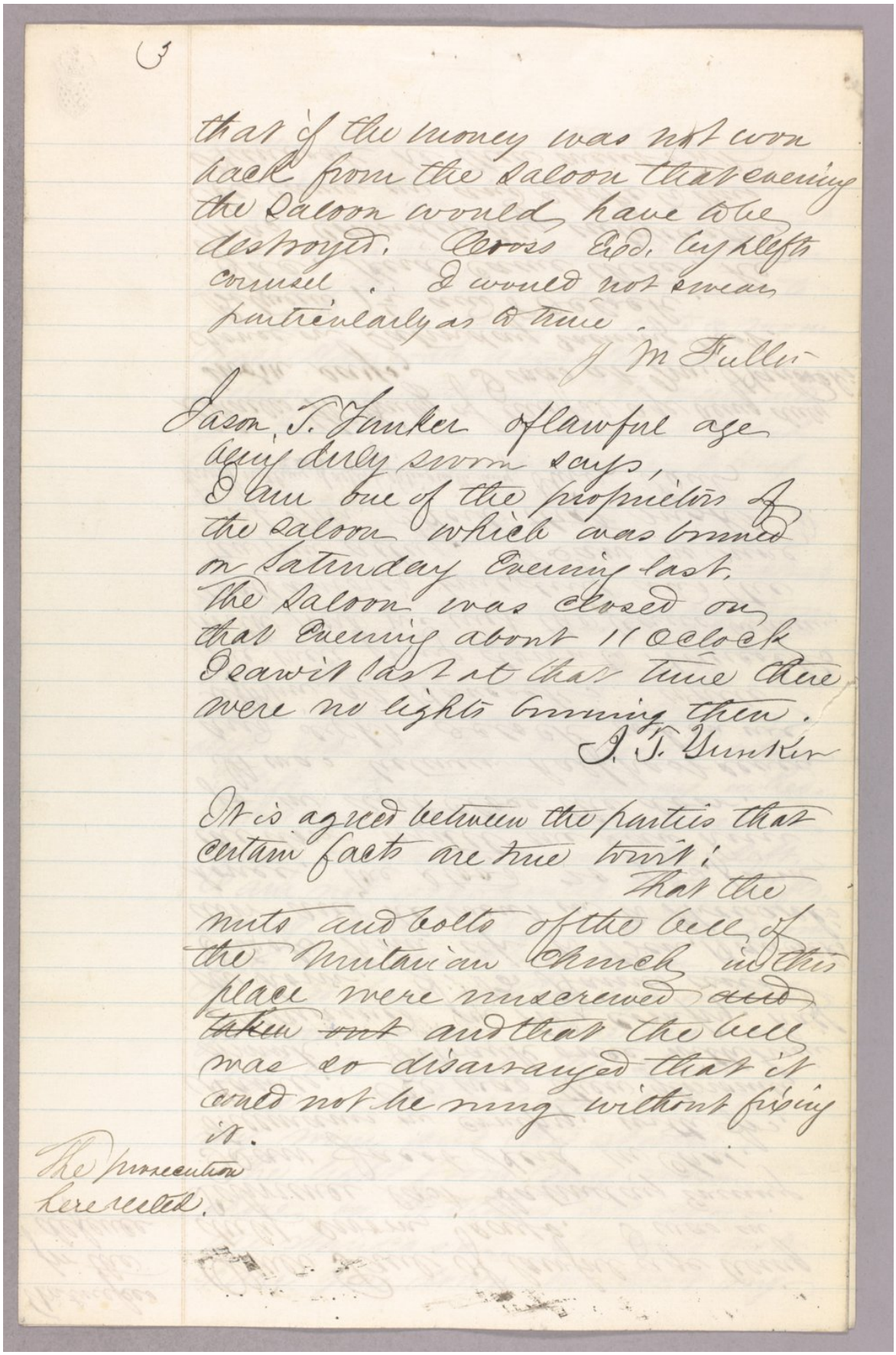
Mr. Doyle to a room very late in the evening and left them there. Mr Doyle asked me next morning whether I had seen Mr. Hurd. I cant say whether Mr. Hurd staid in the house that night. He came to the house quite early in the morning about sun rise. He did not pay for any lodging he said he did not stay at the house.

Marion Jackson

A. A. Brown [illegible] being duly sworn says I live in Lawrence in a stone house on Massachusetts Street, 40 or 50 rods from the Bowling Saloon. I awoke on Saturday night, and we had lost a friend and were talking about him, at that time our clock struck two. My wife was awake. About 5 or 10 minutes after the clock struck 2. There was light come into the room and a noise. I then said me me afire and we both jumped out of bed. She looked out while I was trying to get on some clothes and said it was Mr. Jones house, I started out without any clothes on, when she said so. I then went

back and put my clothes on. I found the fire was in the saloon. I saw the fire about 20 ft. from the East end first. I saw no one there but an old man. A. A. Tozier

James M. Allen of lawful age, being duly sworn says. I never said ~~any thing to~~ Hurd that last Saturday afternoon he came to my place with Jack Boyle He came there about 7 o'clock. I showed judge. I showed think after. I don't know that Mr. Hurd said any thing about rolling on ten pin alley that evening. Mr. Hurd borrowed my money of me that evening I don't know what he did do[wn] town of any body. I heard Mr. Hurd & Mr. Boyle say they had lost $10 at the ten pin alley that evening - I don't think that Mr. Hurd & Mr Boyle said any thing more about the ten pin alley that Evening. There was some money borrowed of me that Evening and property taken from Hurds pocket & handed to me by Mr. Boyle was left in pledge for it. I think Mr. Boyle said the match was his. I heard nothing said ~~about~~



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that if the money was not com back from the Saloon that evening the Saloon would have to be destroyed. Cross Exd. by Defts counsel. I would not swear particularly as to time.

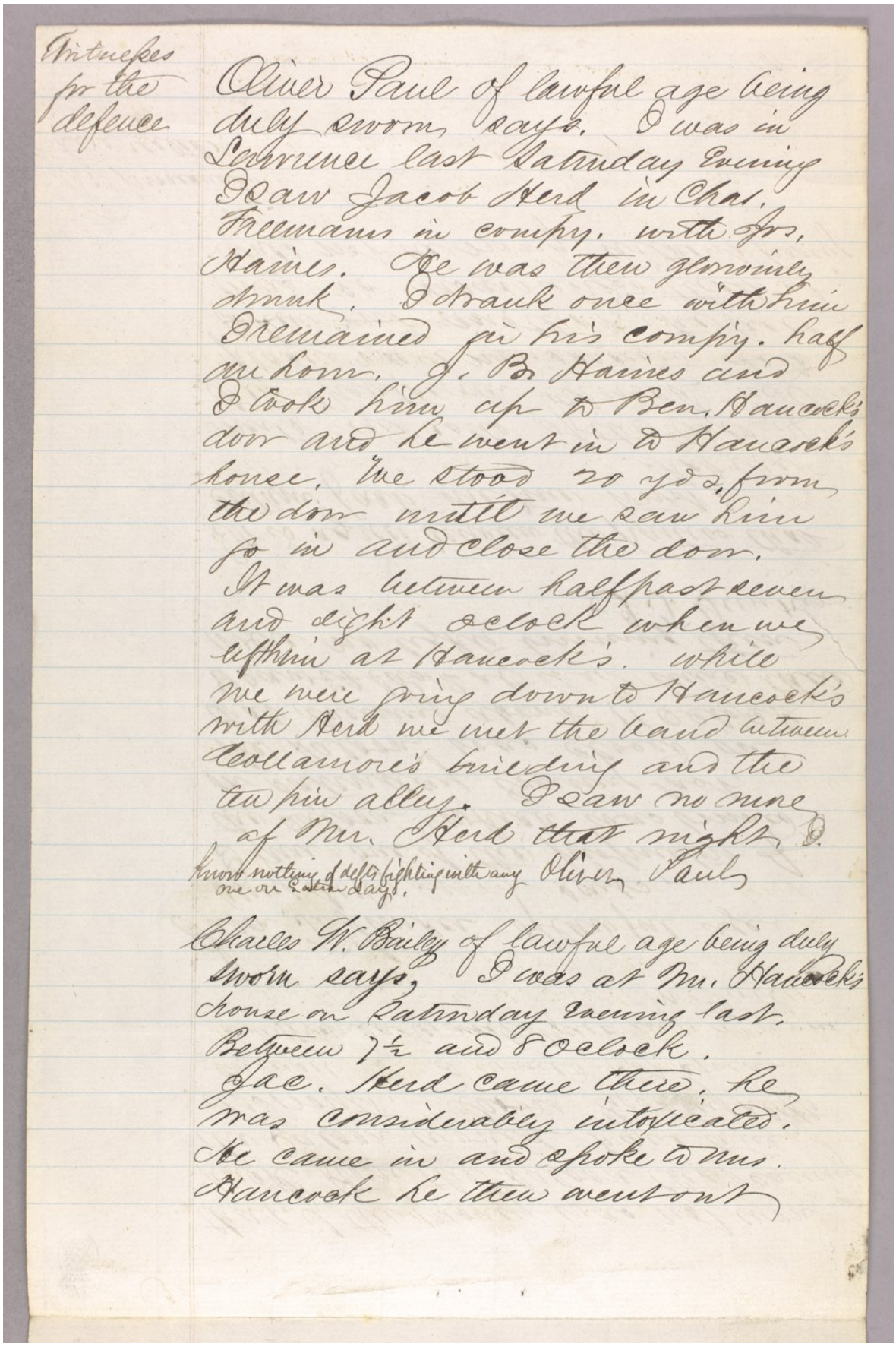
J M Fuller

Jason T. Tunker of lawful age being duly sworn says, I am one of the proprietors of the Saloon which was burned on Saturday Evening last. The Saloon was closed on that Evening about 11 oclock I saw it last at that time there were no lights burning there.

J. T. Tunker

It is agreed between the parties that certain facts are true to wit: That the nuts and bolts of the bell of the Unitarian Church in this place were unscrewed and taken out and that the bell was so disarranged that it could not be rung without fixing it.

The prosecution here rested.



Witnesses for the defence

Oliver Paul of lawful age being duly sworn says. I was in Lecompton last Saturday Evening I saw Jacob Hurd in Chas. Freemans in company with Jas. Haines. He was then glooming drunk. I drank once with him I remained in his company half an hour. J. B. Haines and I took him up to Ben. Hancock's door and he went in to Hancock's house. We stood 20 yds. from the door until we saw him go in and close the door. It was between half past seven and eight o'clock when we left him at Hancock's. While we were going down to Hancock's with Hurd we met the band between Dellamore's building and the ten pin alley. I saw no more of Mr. Hurd that night. I know nothing of Hurd's fighting with any one on Sunday last. Oliver Paul

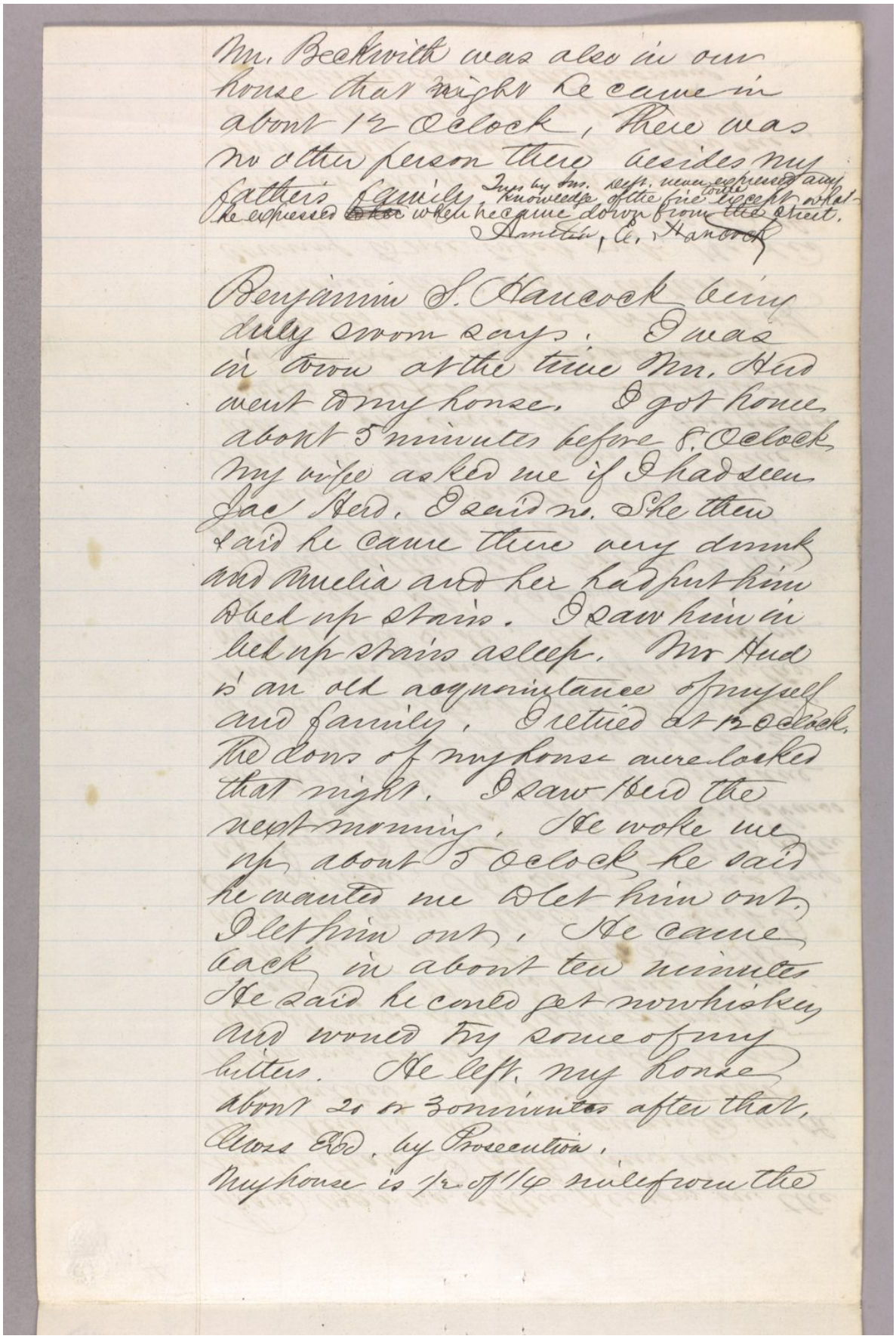
Charles W. Bailey of lawful age being duly sworn says, I was at Mr. Hancock's house on Saturday evening last. Between 7½ and 8 o'clock. Jac. Hurd came there. He was considerably intoxicated. He came in and spoke to Mrs. Hancock he then went out

round the corner of the house and
I heard him vomiting. He came
back into the house and they got
him up to bed. When he got near
the top of the stairs, he fell over to
the left side and fell into a room
Miss Hancock assisted him in
getting up stairs. He went into
a small room and went to bed.
He gave his revolver to her to keep
till morning. I saw him no
more that night. I remained
in the house until about 11 o'clock.
I was up stairs in the next room
to where deft. was. (over abundance of precaution.) He came
to Mr. Hancock's room after the band
wagon came from Lecompton.
deft. was at Mr. Hancock's when
I left. I heard him snoring until.
I don't know but there may have been
some one else in room with deft.
I am not acquainted with deft's
snoring. I did not go into the room
there is no door to my room.
He would have no call to go into to
go down stairs. There was a
light all through the stairs.
There is no partition between
my room and the stairs.
The light from my room
shone on to stairs all down
the staircase. He could not
have gone down without my

seeing him. I am positive he did not go down. Chas. W. Bailey

Amelia Hancock of lawful age being duly sworn says. I was at my father's house on Saturday night last. I was there when Mr. Hurd came there it was between 7 and 8 o'clock. He came into the house alone. He was intoxicated he could scarcely walk. I was in my room when he came there. I heard him at the corner of the house vomiting before I came down. He called for me I went to see what he wanted. He said he was drunk and wanted to go to bed. My mother and I helped him into the house my mother went in thro. the house and I assisted him up stairs. He fell over on the left side into the left hand room. I took a candle and showed him his room and left the candle there and came out. Then I went into the room he was in bed. I took the candle He handed me his revolver and told me to take care of it until morning. I went into my room and left him in his room. I took his revolver in my room.

There was no other person in the room that I took him in.
Mr. Reid is well acquainted with my father. I saw him next morning early soon after he got up it was daylight about 5 O'clock, it must have been between 6 and 7 O'clock. He went up town. Thats the last I saw of him. He said he was going up town & go home. I retired after 12 O'clock that night. There was sickness in the family. He could not have possibly left the house before 12 O'clock without my knowledge. My room joins the cleft. on the right hand side. Our house is on Tennessee St. facing East.
If my father does not lock the house at night I do it myself We were acquainted with Mr. Hurd in Pennsylvania. Have been so for some years. ~~My father locked the front door that night and I locked the back door.~~ He could not have got out of the house that night without coming to me to get out. He did not do that. I locked the door at the foot of the stairs. My father locked the other one. I kept the key all night and unlocked the door in the morning



Mr. Beckwith was also in our house that night he came in about 12 o'clock, There was no other person there besides my fathers family, Sworn by Mrs. Hoyt. never expressed any knowledge of the fire except what he expressed when he came down from the street.
Amittie, E. Hancock

Benjamin S. Hancock being duly sworn says. I was in town at the time Mr. Hurd went to my house. I got home about 5 minutes before 8 o'clock my wife asked me if I had seen Jac Herd. I said no. She then said he came there very drunk and Amelia and her had put him to bed up stairs. I saw him in bed up stairs asleep. Mr Hurd is an old acquaintance of myself and family. I retired at 12 o'clock. the doors of my house were locked that night. I saw Herd the next morning. He woke me up about 5 o'clock he said he wanted me to let him out. I let him out. He came back in about ten minutes He said he could get no whiskey and wanted by some of my hitter. He left my house about 20 or 30 minutes after that. Cross Ed. by Prosecution.
My house is 1/2 of 1/4 mile from the

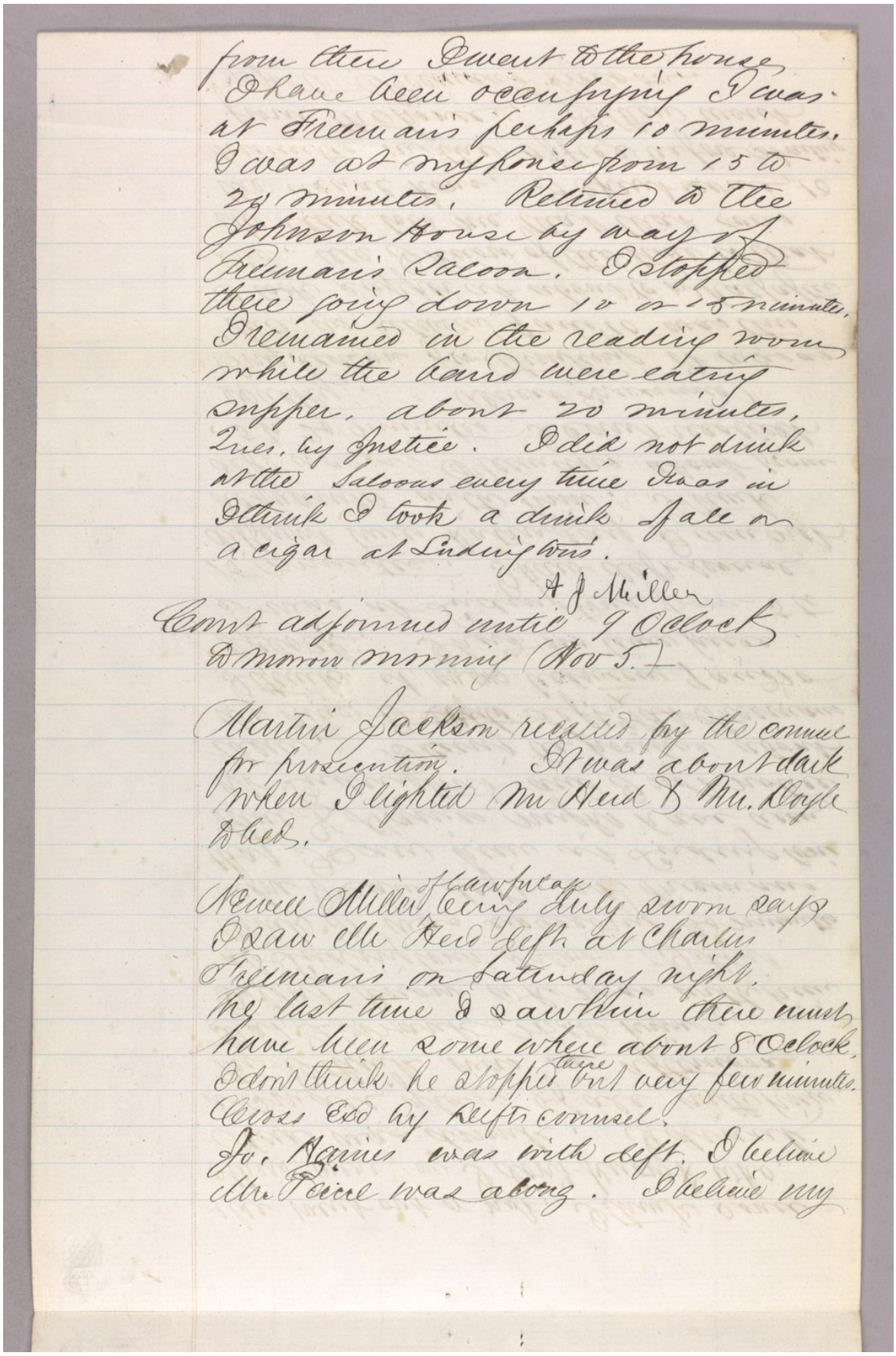
alley that was burned. I saw no fire that night. There are houses between mine and the Saloon. I was very wakeful that night. I did not know there was a fire until next morning. I went up to see it about 11 o'clock. Jac. told me when he came down from town in the morning that the Saloon was burned. I am confident that Herd could not have got of my house that night without my knowledge. (Question by the Justice) He said nothing about the fire at any time until after he had returned from town when he Mr. Herd expressed no knowledge of the fire to me at any time except when he came from town in the morning. I heard of no fighting by Mr. Herd on Saturday with any body.

B. S. Hancock

A. J. Miller of lawful age, being duly sworn says I was in town on Saturday evening last. The Band wagon came in from Lecompton a little after supper time on Saturday night we have supper at 6 o'clock. Between supper and the arrival of the band I had been up street. After I had been up from home some time I

returned to Johnson House, they were there Eating Supper, I remained at Johnson House about 20 or 30 minutes, after that I went from there to the front of Easton Bakery Mass. St. and I remained there some 5 or 10 minutes. From there I went to Ludington's Saloon. I saw Mr. Herd and 2 or 3 others there. I went from there up to Freeman's Saloon. Herd came to Freeman's while I was there. It was about 30 minutes after I left Ludington's before Herd came into Freeman's. He only remained there a few minutes not exceeding 10 I think, I did not see Herd again that night. Cross Ex'd. by Defts. Counsel. I think it was about. My brother was at Freeman's when I first came in there, One of the proprietors Mr. Freeman or Mr. Neff was there. I think Mr. Neff. I think I saw him. Some there sometime during the evening. I think I saw Mr Some there with Hurd during the day or night sometime, I think I saw Mr Haines there. I think that Mr. Haines went out about the time Mr. Hurd did either a little before or after. I am not sure whether anyone

else went out or not. I think some others were, in I don't know who. Reed was drunk. I drank a small glass of ale with him. this I think was in afternoon that I drank with him. I don't know who was with him at Lindyston's saloon I don't think it was exceeding 30 minutes before I saw deft. at Freeman's that I saw him at Lindyston's Paul & Haines might have been at Lindyston's and I not notice them. I am positive about the time ~~I left~~ deft left Freeman's I think it was between 9 and 10 o'clock. I had no time piece. I was at Lindyston's from 5 to 15 minutes. I saw deft several different times Saturday I am not acquainted with him. I think deft was at Freeman's ~~about~~ from 5 to 20 minutes I can't recollect exactly. (Direct Ex. resumed) My reason for thinking it was as late as between 9 and 10 was this I took supper at about 6 or half after six. All I know of the time is that the Clerk told me that that was the usual hour. I spent some 10 minutes in the office before starting from the house. I then went up to Freeman's saloon.



from there I went to the house
I have been occupying I was
at Freeman's perhaps 10 minutes.
I was at my house from 15 to
25 minutes. Returned to the
Johnson House by way of
Freeman's Saloon. I stopped
there going down 10 or 15 minutes.
I remained in the reading room
while the band were eating
supper. about 20 minutes,
Direct. by Justice. I did not drink
at the Saloons every time I was in
I drink I took a drink I ate a
a cigar at Lindsey's.

A J Miller

Court adjourned until 9 O'clock
to morrow morning (Nov 5.)

Martin Jackson recalled by the commonwealth
for prosecution. It was about dark
when I lighted Mr Hurd & Mr. Doyle
there.

Newell Miller of Hawpreap being duly sworn says
I saw the Hurds left at Charles
Freeman's on Saturday night.
My last time I saw him there must
have been some where about 8 O'clock.
I don't think he stopped there but very few minutes.
Cross Exd by Defts counsel.
Jo. Haines was with deft. I believe
Mr Foote was along. I believe my

brother was there. Mr. Freeman's
caretaker was there. I don't know that
I saw Mr. Hurd's brother in town on
Saturday night. ~~I would not be~~
I know Lib Hurd he is so much younger
that I could distinguish him from deft.
I don't know the other brother.

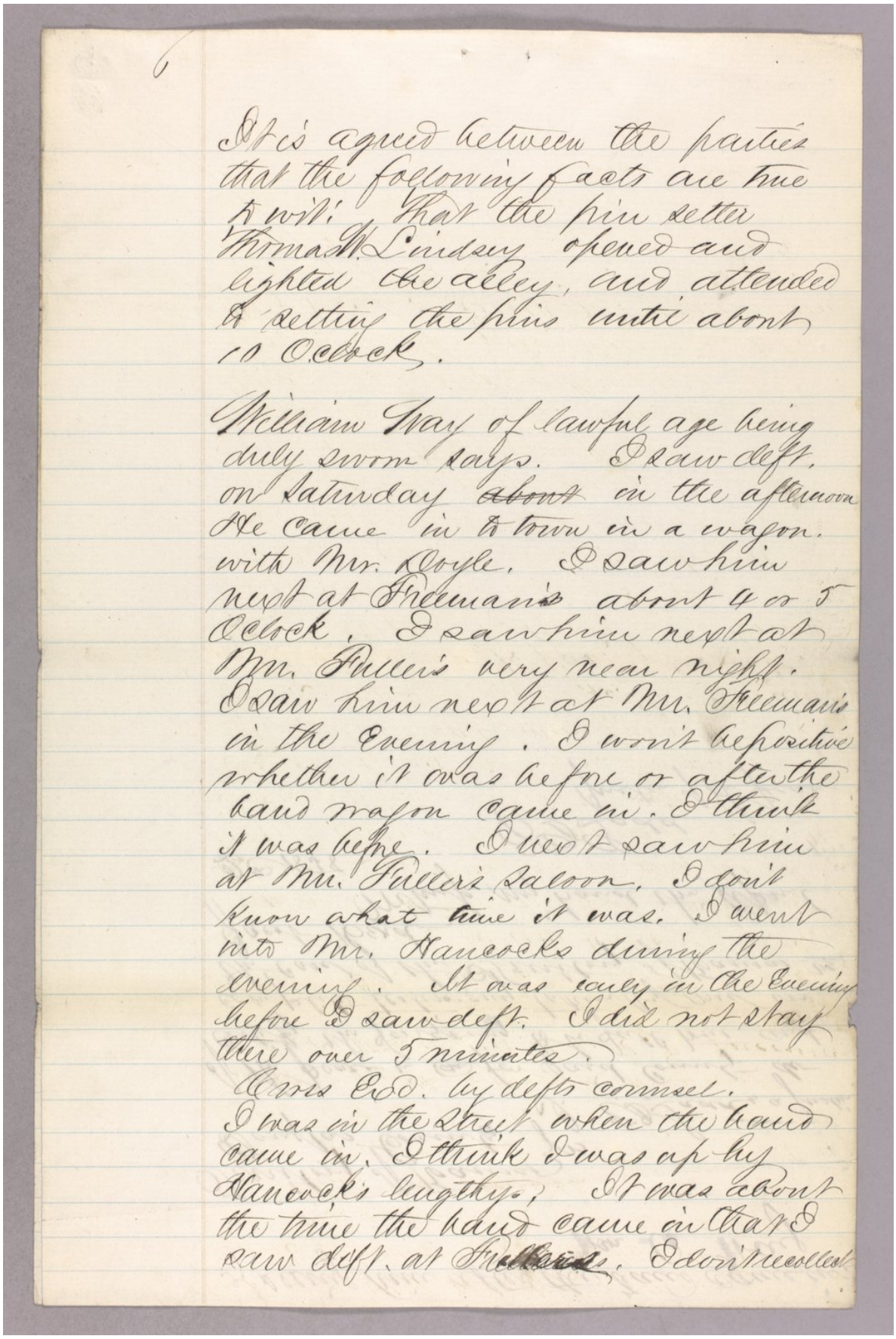
J. E. Miller

Charles Freeman of lawful age being duly
sworn says. I have seen deft.
here in my shop number of times
He came to my shop with Mr.
Doyle on Saturday afternoon I
saw him I think somewhere
about 9 O'clock down at Mr.
Fullers saloon. That was Saturday
evening. I carry a time piece.
I seen them playing billiards some
time after the band came in.
I went to my shop then. It was
about 9 O'clock then. I think deft.
was at Fullers when I left. He was
there 5 minutes prior to the time I left.
I went directly to my shop.
I did not see deft. after that.
Cross Ex. by Defts counsel.
I am pretty confident that deft. was
at Fullers after the band came in.
I could not say positively. I could not
swear it. I was playing a game of

billiards and my mind was on the game. I am not positive which occured first, whether the band came in before or after Herd left. There was no one particular with him when he came into Miller he was pretty drunk and asked a great many to drink. C Freeman

Abram Neff of lawful age being duly sworn says. I am baker for Chas. Freeman. I was in there on Saturday evening. I have seen Mr Herd left. I am not acquainted with him. I know him when I see him. I saw him at Mr. Freemans saloon on Saturday Evening I think that he and Jo. Haines came in there about ½ past 7 Oclock. ~~They~~ left, Jo. Haines & Paine left about 8 Oclock or about 15 minutes before 8. I did not see him after that. that Evening Cross Ed by Defts counsel. There was two other persons in the room when Defft. came in Mr. Miller & Brother. there may have been others but I don't recollect who they were. I did not remain there the rest of the evening. I waited about half an hour for Freeman & came when he came I went home.

Abram Neff



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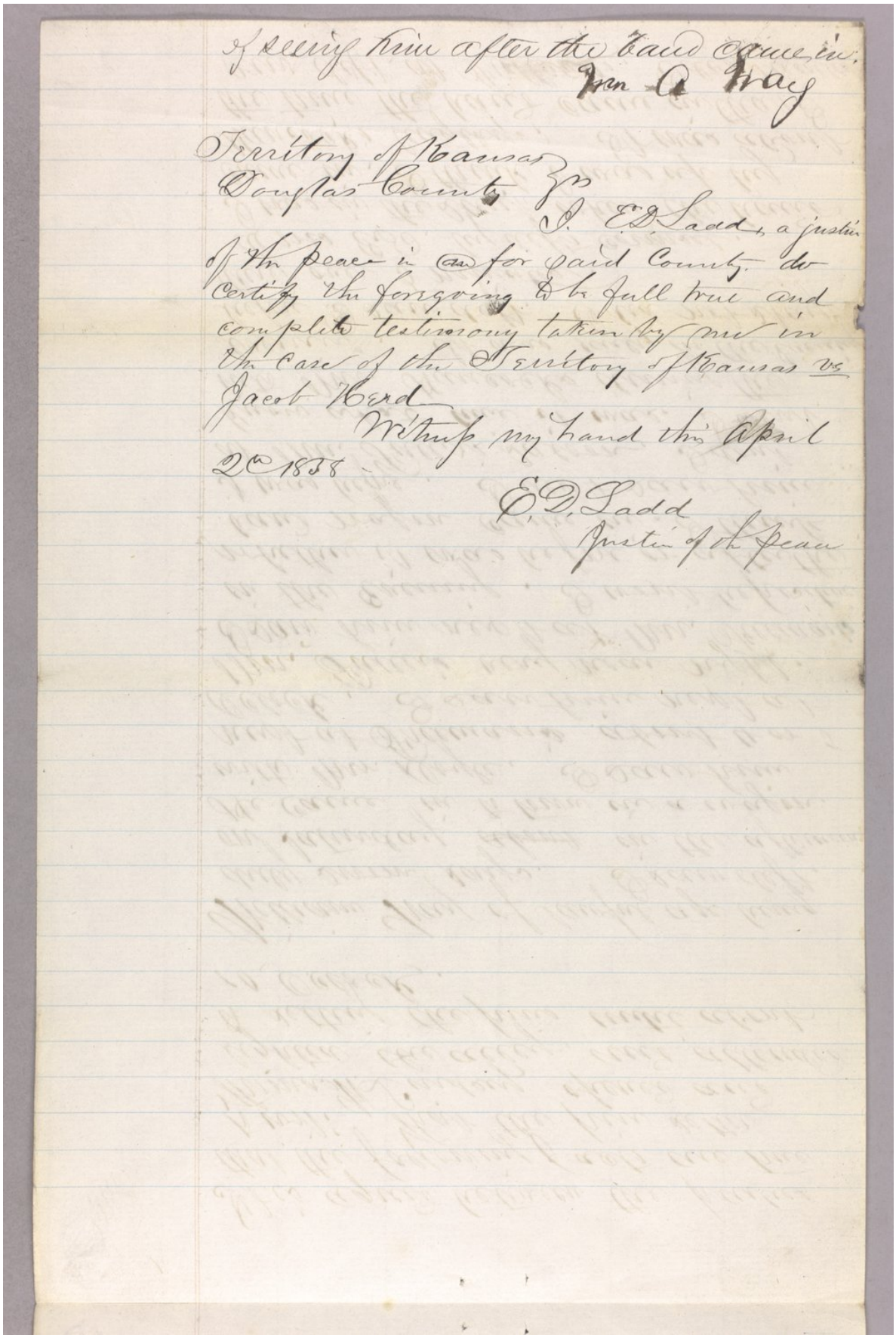
It is agreed between the parties that the following facts are true & will. That the prin setter Thomas M. Lindsey opened and lighted the alley, and attended to setting the prin until about 10 O'clock.

William Gray of lawful age being duly sworn says. I saw deft. on Saturday ~~about~~ in the afternoon He came in to town in a wagon. with Mr. Doyle. I saw him next at Freemans about 4 or 5 O'clock. I saw him next at Mr. Fuller's very near night. I saw him next at Mr. Freemans in the Evening. I won't be positive whether it was before or after the band wagon came in. I think it was before. I next saw him at Mr. Fuller's Saloon. I don't know what time it was. I went into Mr. Hancocks during the evening. It was early in the Evening before I saw deft. I did not stay there over 5 minutes.

Cross Ed. by defts counsel.

I was in the street when the band came in. I think I was up by Hancock's Lughys. It was about the time the band came in that I saw deft. at Freeman's. I don't recollect

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of seeing him after the said fire in.
Wm A Hay

Territory of Kansas
Douglas County ss

I. E. D. Ladd, a justice of the peace in & for said County. do certify the foregoing to be full true and complete testimony taken by me in the case of the Territory of Kansas vs Jacob Hurd

Witness my hand this April 2d 1858

E. D. Ladd
Justice of the Peace

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