United States versus Jonathan Ruble for taking timber from Indian land

3rd District. Funds for digitization provided by Mr. Steve Peckel in memory of William Chalfant.

Date: date of crime February 1, 1859; indictment May 1859

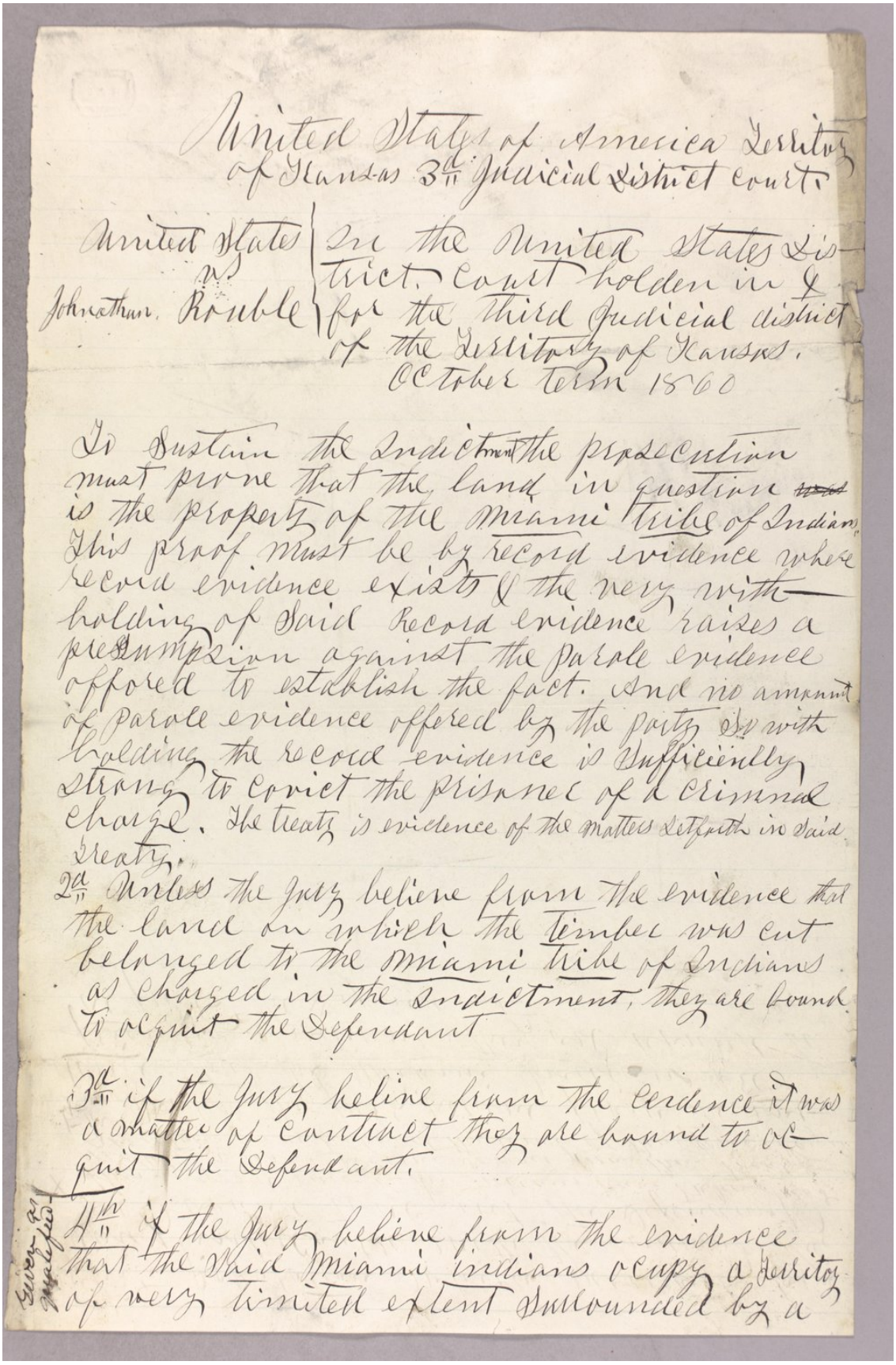
Callnumber: Kansas Territory Criminal Case Files, Box 13, Folder 44

KSHS Identifier: DaRT ID: 445578

Item Identifier: 445578

www.kansasmemory.org/item/445578

United States versus Jonathan Ruble for taking timber from Indian land



United States of America Territory of Kansas 3d Judicial District court.

United States vs. Johnathan Ruble | In the United States District Court holden in & for the third Judicial district of the Territory of Kansas. October term 1860

To Sustain the Indictment the prosecution must prove that the land in question is the property of the Miami Tribe of Indians. This proof must be by record evidence where record evidence exists & the very withholding of said record evidence raises a presumption against the parole evidence offered to establish the fact. And no amount of parole evidence offered by the party by withholding the record evidence is sufficiently strong to convict the prisoner of a criminal charge. The treaty is evidence of the matters set forth in said treaty.

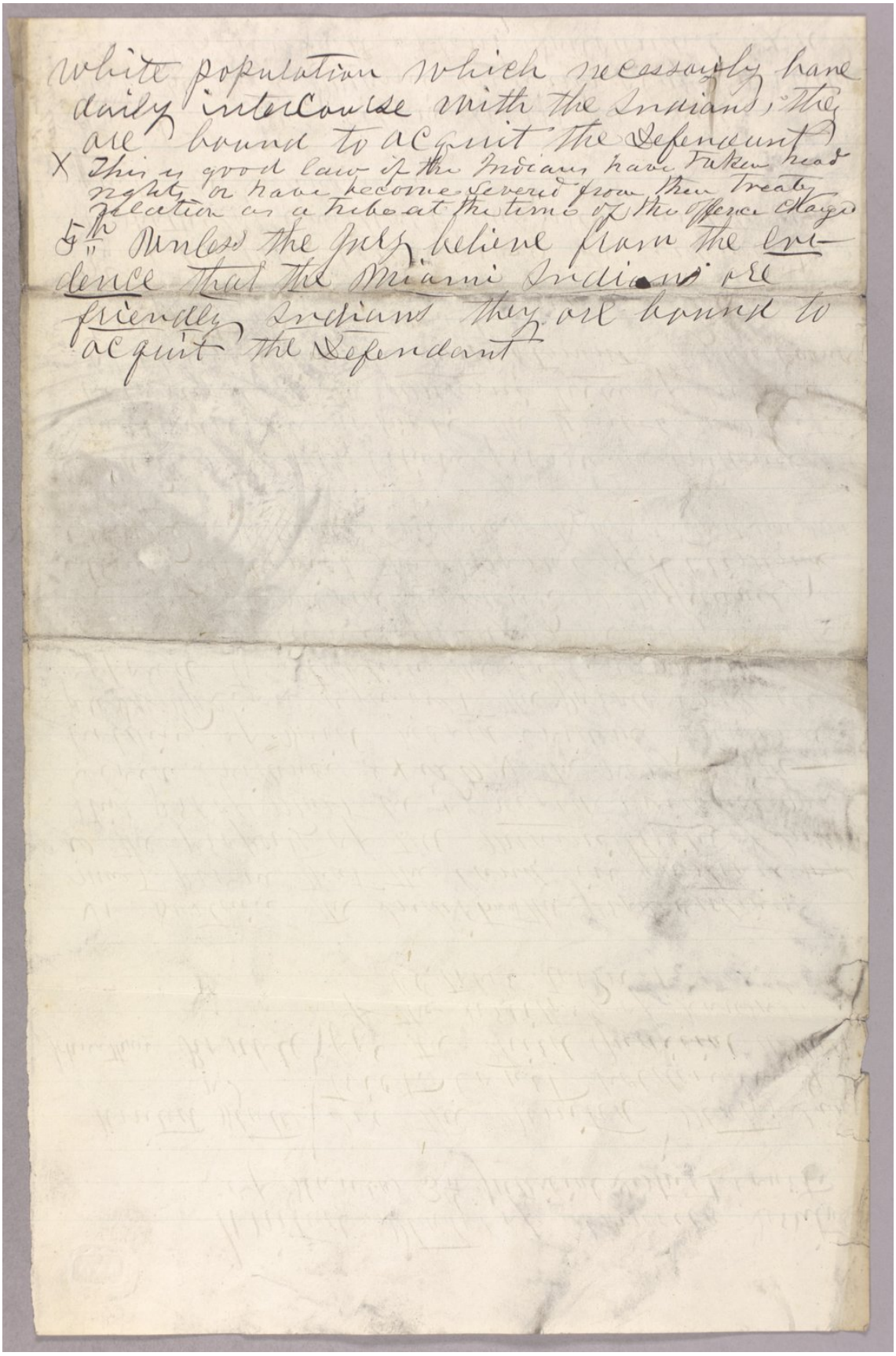
2d Unless the jury believe from the evidence that the land on which the timber was cut belonged to the Miami Tribe of Indians as charged in the Indictment, they are bound to acquit the Defendant

3d if the jury believe from the evidence it was a matter of contract they are bound to acquit the Defendant.

4th if the jury believe from the evidence that the said Miami Indians occupy a territory of very limited extent surrounded by a

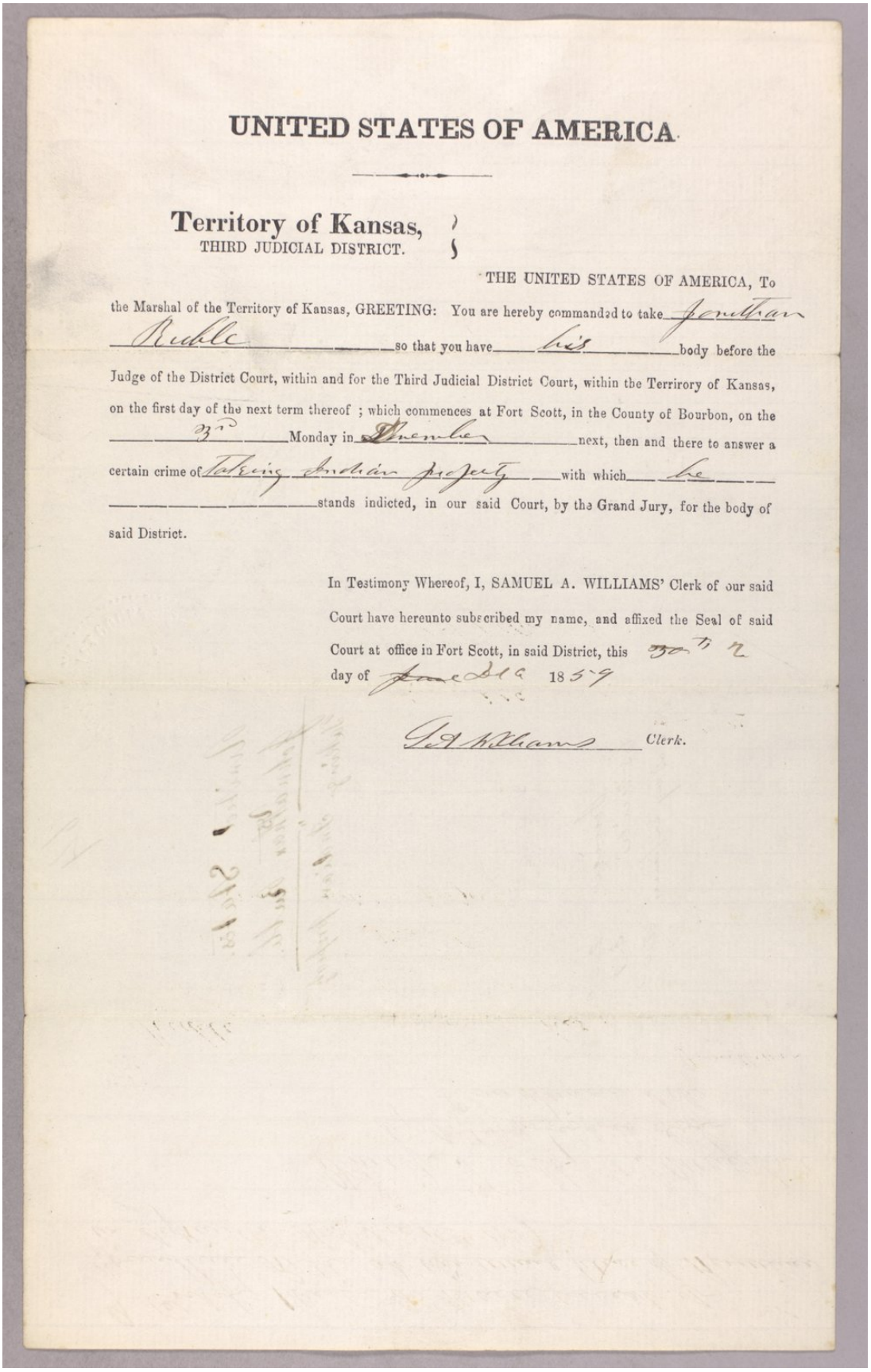
Given as asked

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white population which necessarily have daily intercourse with the Indians; they are bound to acquit the Defendant
X This is good law if the Indians have taken head rights or have become severed from their treaty relation as a tribe at the time of the offence charged
5th Unless the jury believe from the evidence that the Miami Indians are friendly Indians they are bound to acquit the Defendant

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UNITED STATES OF AMERICA.

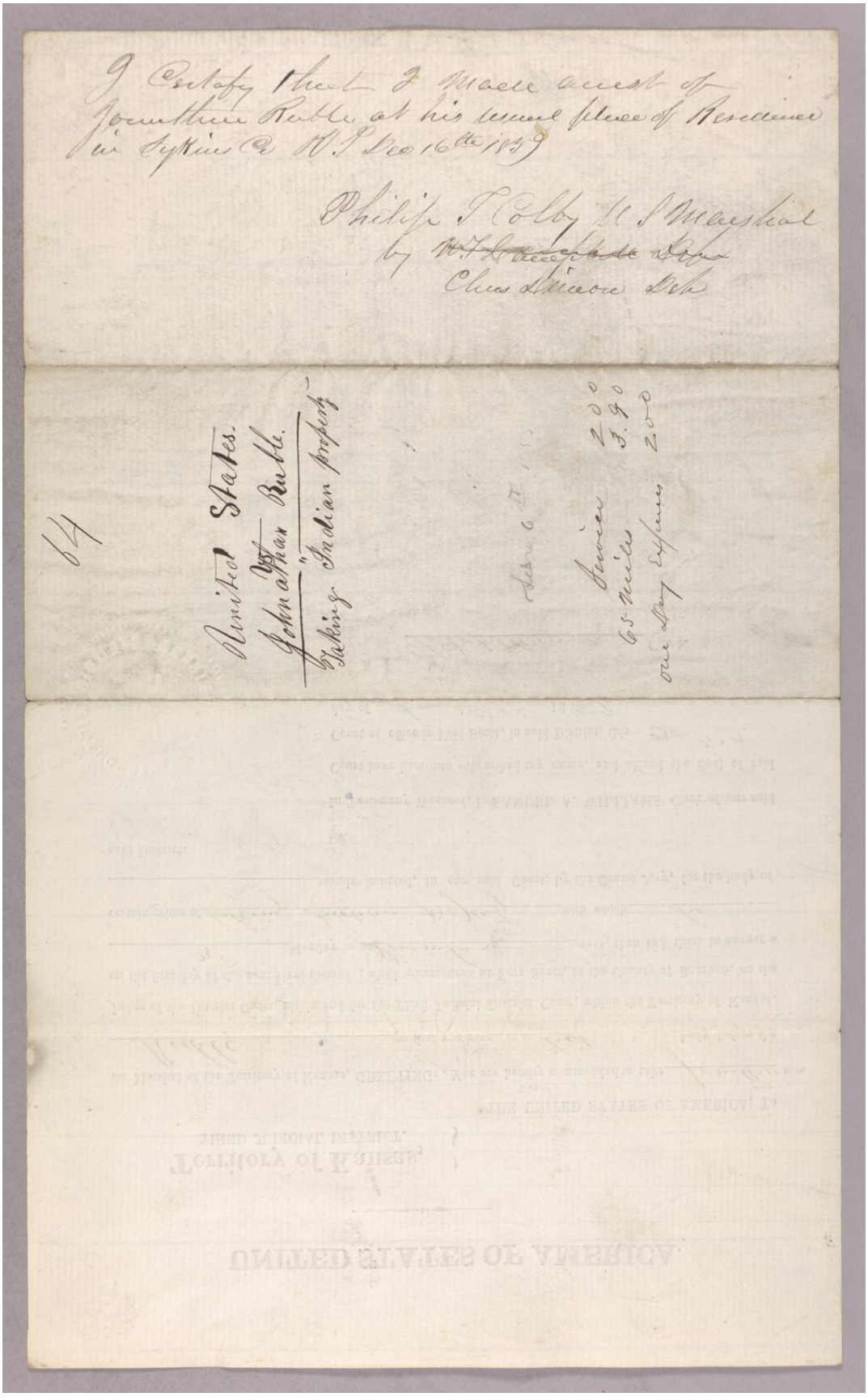
Territory of Kansas,
THIRD JUDICIAL DISTRICT.

THE UNITED STATES OF AMERICA, To the Marshal of the Territory of Kansas, GREETING: You are hereby commanded to take Jonathan Ruble so that you have his body before the Judge of the District Court, within and for the Third Judicial District Court, within the Terrirory 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 November next, then and there to answer a certain crime of taking Indian property with which he 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 30th day of June A.D. 1859

S. A. Williams Clerk.

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I Certify that I made arrest of Jonathan Ruble at his usual place of Residence in Jefferson Co. K.T. Dec 16th 1859

Philip T Colby U.S. Marshal
by W.T. Hackleton Dep
Chas Lincoln Dep

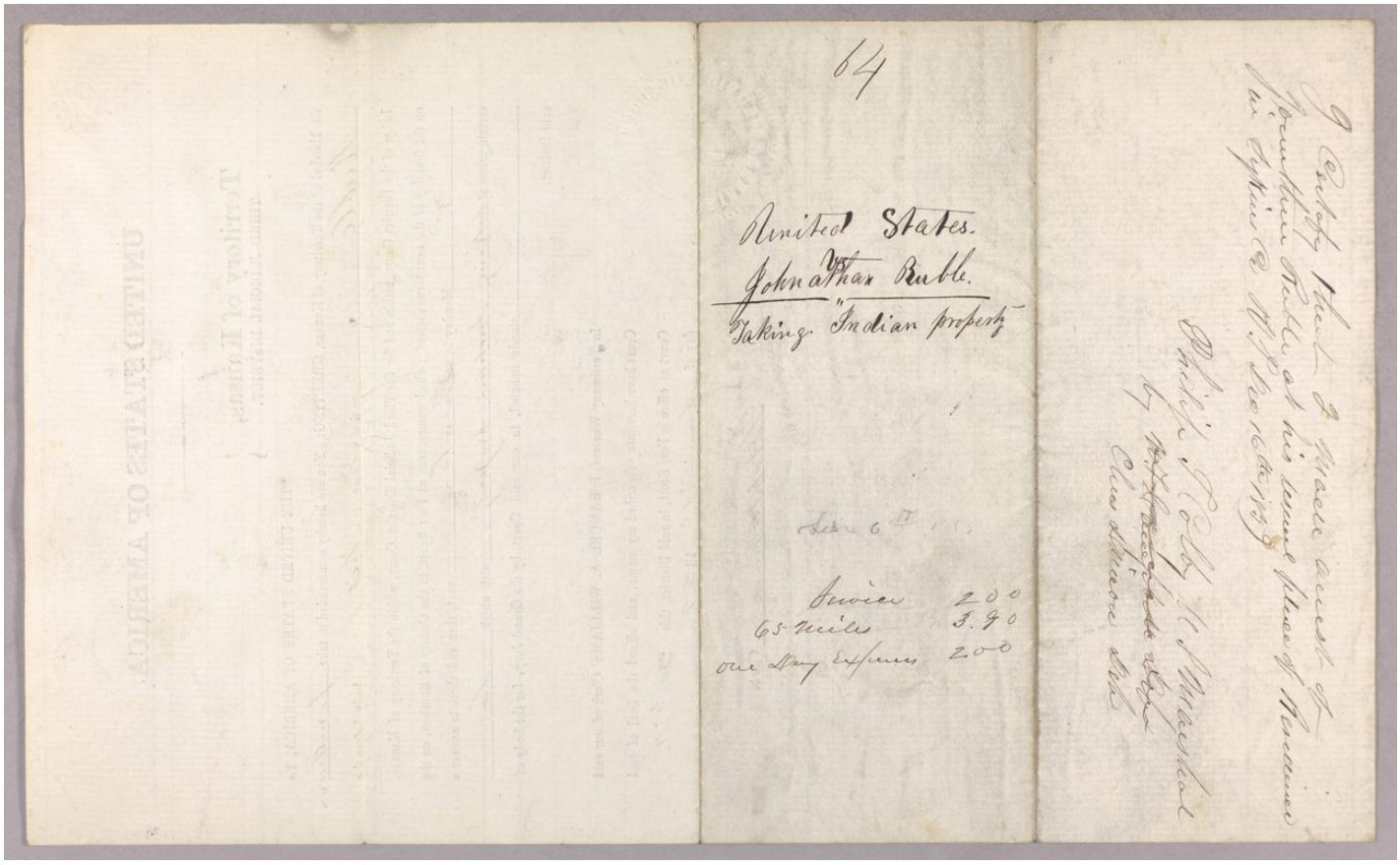
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United States
vs
Jonathan Ruble
Taking Indian property

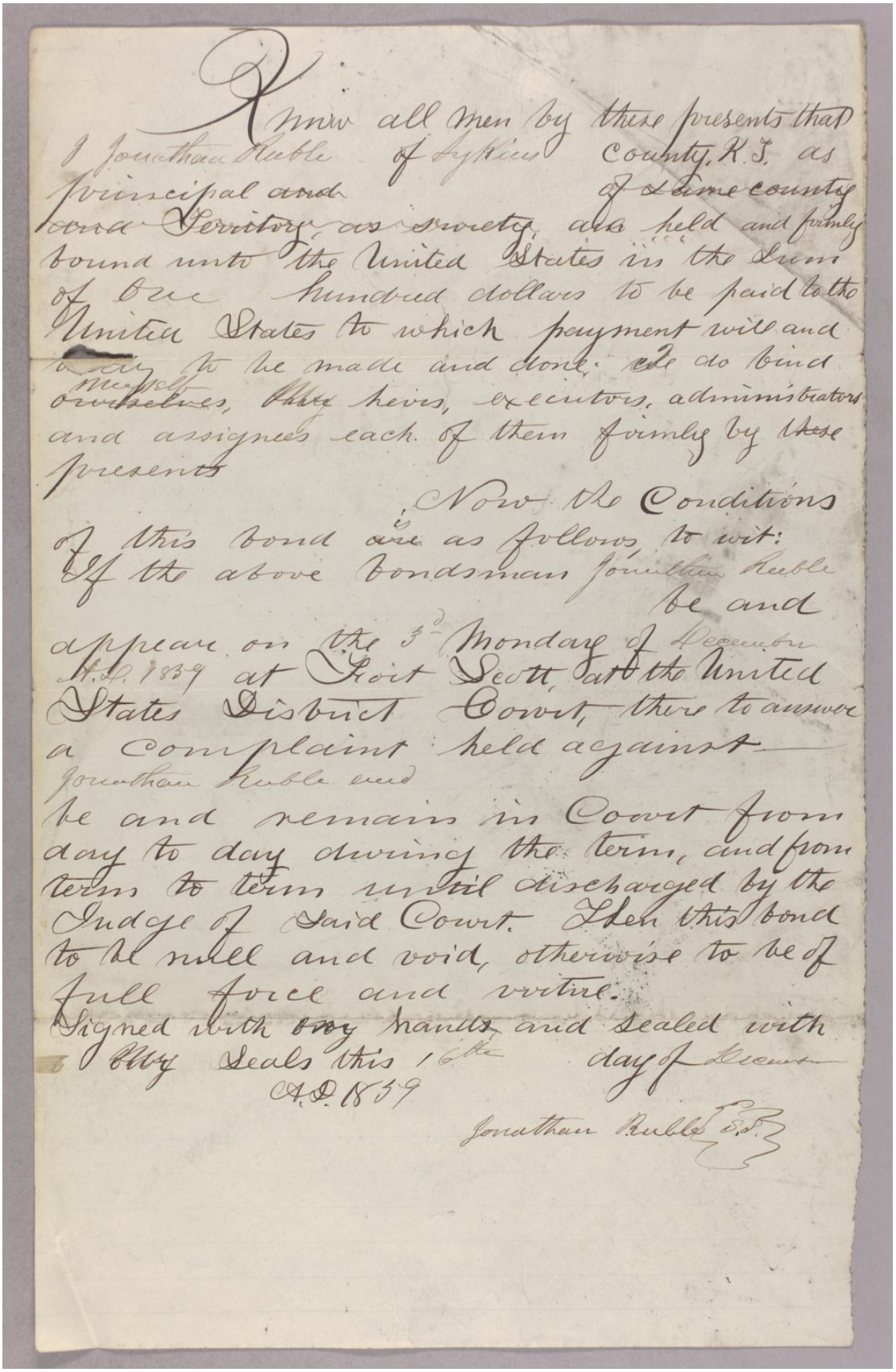
Feb 6 [illegible]

Answer 2.00
Fees 3.90
65 miles 2.00
one day Service

United States versus Jonathan Ruble for taking timber from Indian land



United States versus Jonathan Ruble for taking timber from Indian land



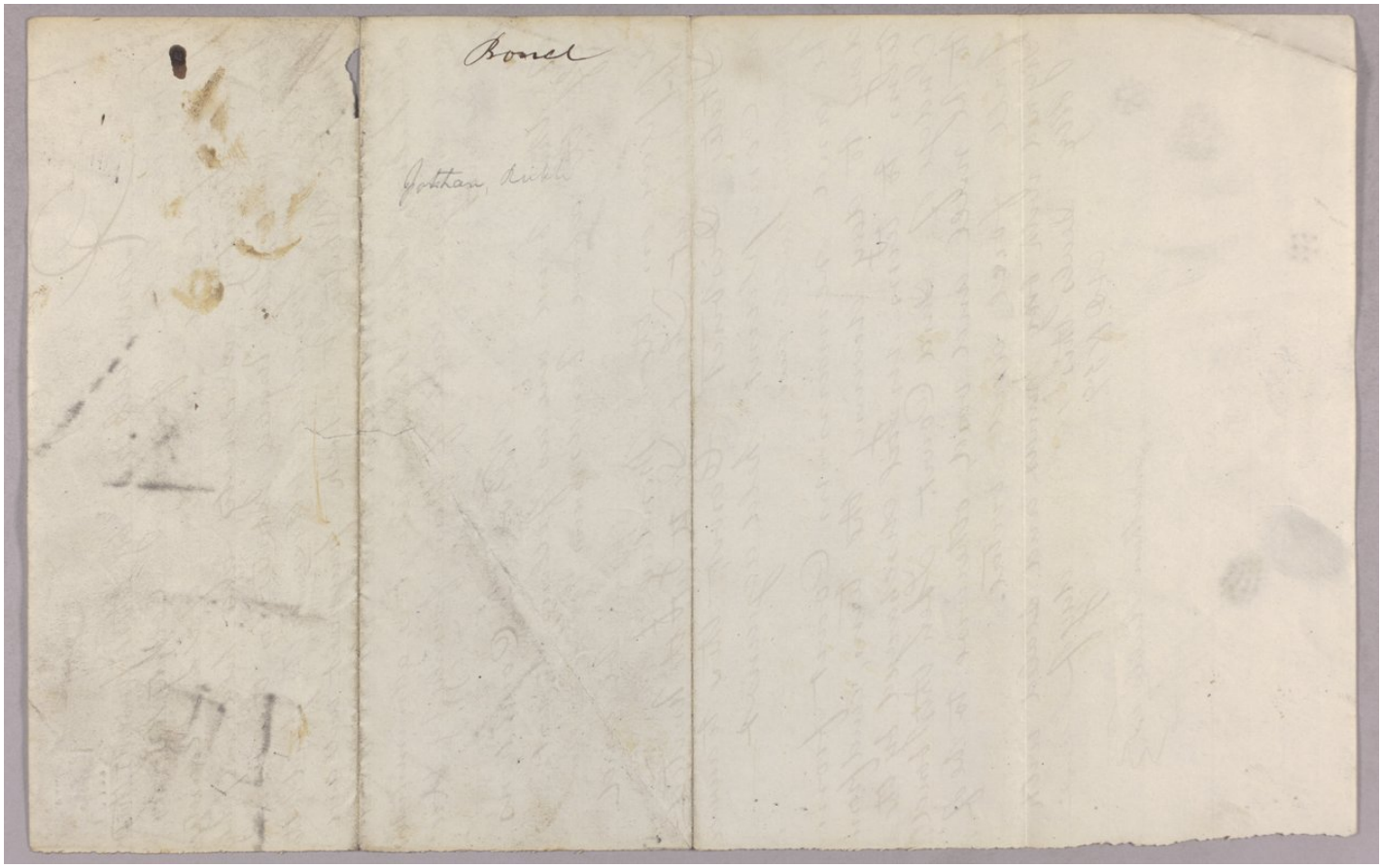
Know all men by these presents that I Jonathan Ruble of Lykins County, K.T. as principal and _____ of _____ County as Sureties are held and firmly bound unto the United States in the sum of One hundred dollars to be paid to the United States to which payment well and truly to be made and done we do bind ourselves, our heirs, executors, administrators and assignees each of them firmly by these presents

Now the Conditions of this bond are as follows to wit: If the above bondsman Jonathan Ruble be and appear on the 3d Monday of December A.D. 1859 at Fort Scott, at the United States District Court, there to answer a complaint held against Jonathan Ruble and be and remain in Court from day to day during the term, and from term to term until discharged by the Judge of said Court. Then this bond to be null and void, otherwise to be of full force and virtue.

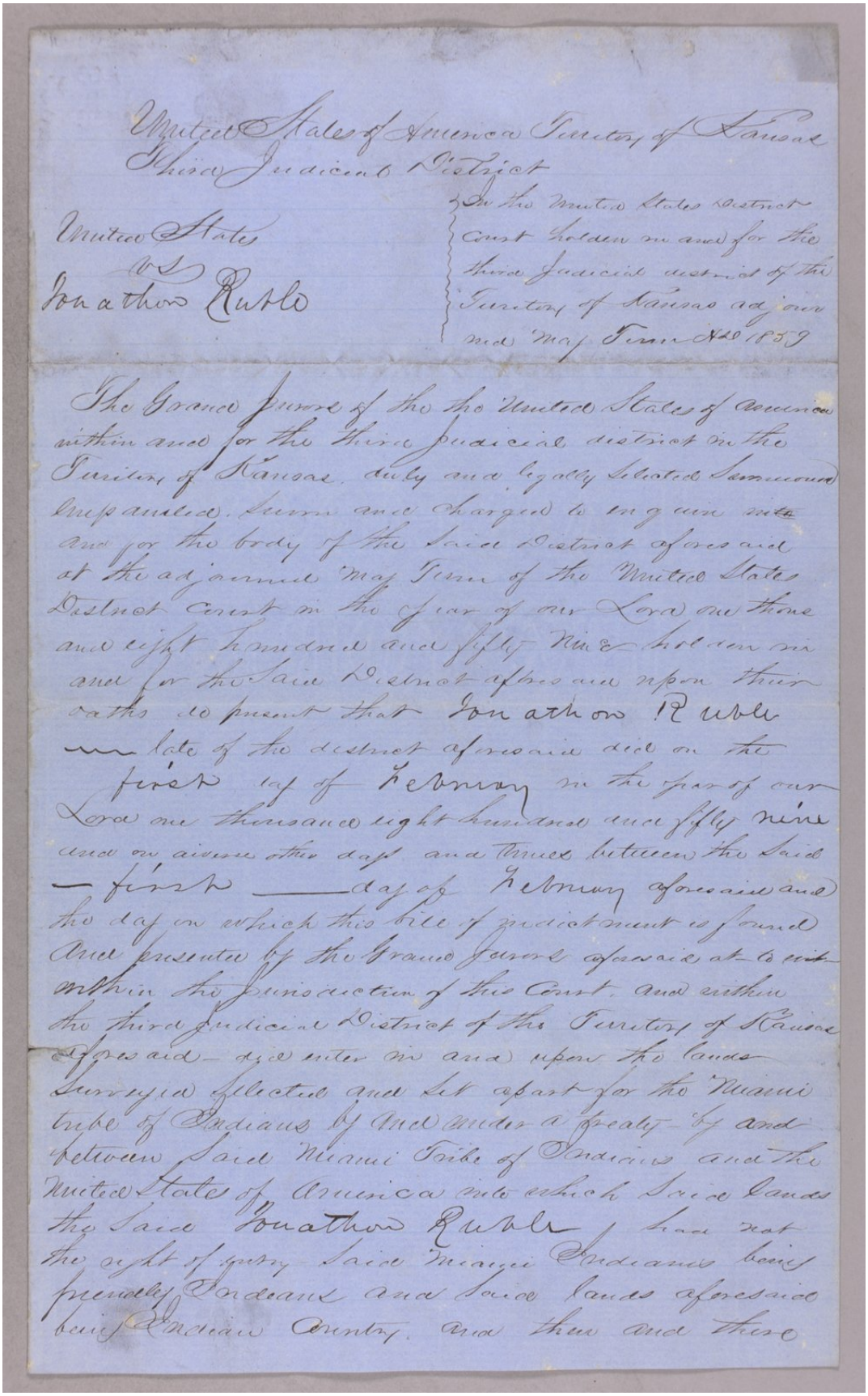
Signed with our hands and sealed with our Seals this 16th day of December A.D. 1859

Jonathan Ruble [seal]

United States versus Jonathan Ruble for taking timber from Indian land



United States versus Jonathan Ruble for taking timber from Indian land



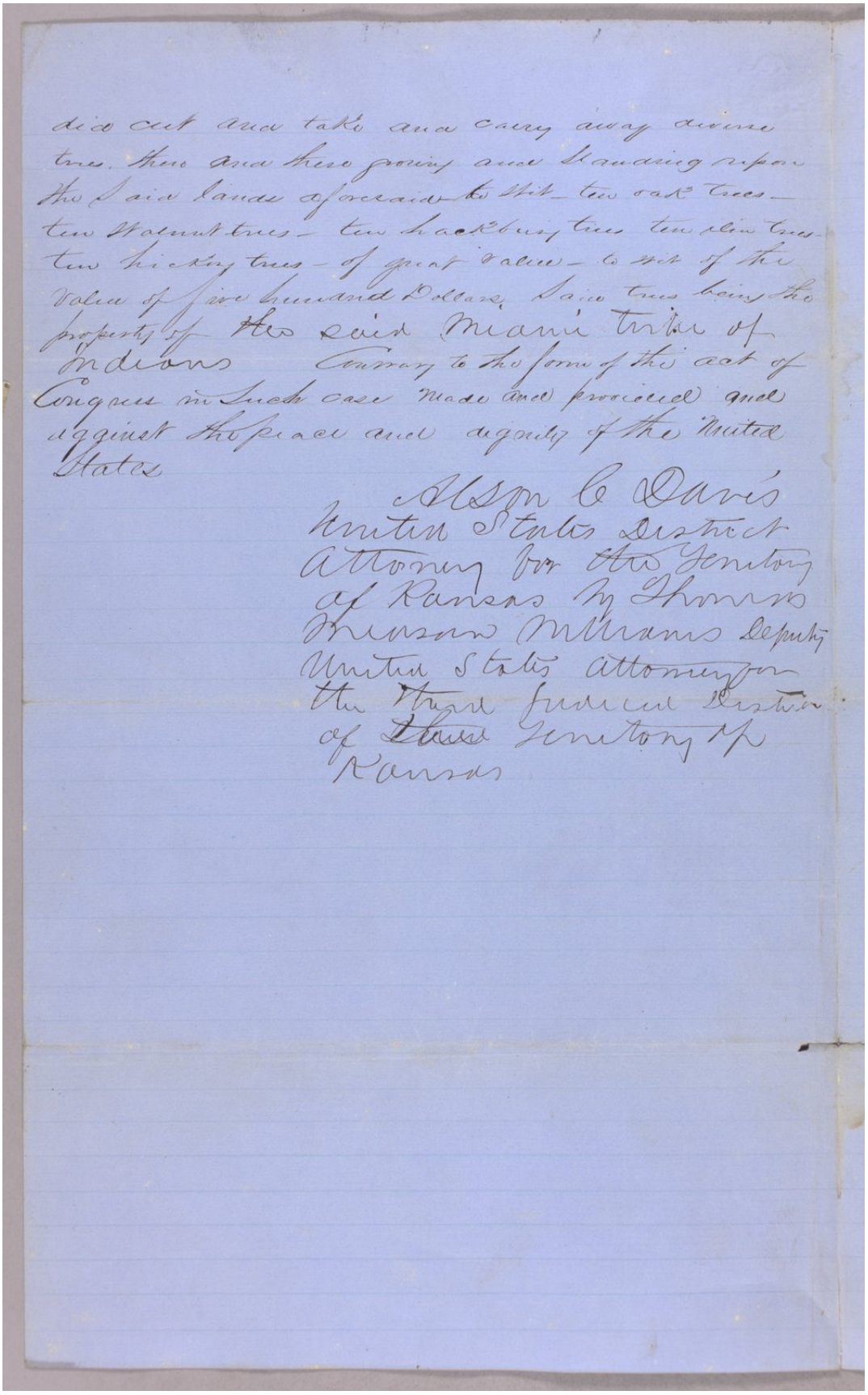
United States of America Territory of Kansas
Third Judicial District

United States
vs
Jonathon Ruble

In the United States District Court holden in and for the third Judicial district of the Territory of Kansas aforesaid and the May Term A.D. 1859

The Grand Jurors of the United States of America within and for the third judicial district in the Territory of Kansas, duly and legally selected summoned impaneled, sworn and charged to inquire into and for the body of the said District aforesaid at the adjourned May Term of the United States District Court in the year of our Lord one thousand eight hundred and fifty nine holden in and for the said District aforesaid and upon their oaths do present that Jonathon Ruble late of the district aforesaid did on the first day of February in the year of our Lord one thousand eight hundred and fifty nine and on divers other days and times between the said first day of February aforesaid and the day on which this bill of indictment is found and presented by the Grand Jurors aforesaid at and within the jurisdiction of this Court, and within the third Judicial District of the Territory of Kansas aforesaid did enter in and upon the lands surveyed selected and set apart for the Miami tribe of Indians by and under a treaty by and between said Miami Tribe of Indians and the United States of America into which said lands the said Jonathon Ruble had not the right of entry said Miami Indians being friendly Indians and said lands aforesaid being Indian Country, and then and there

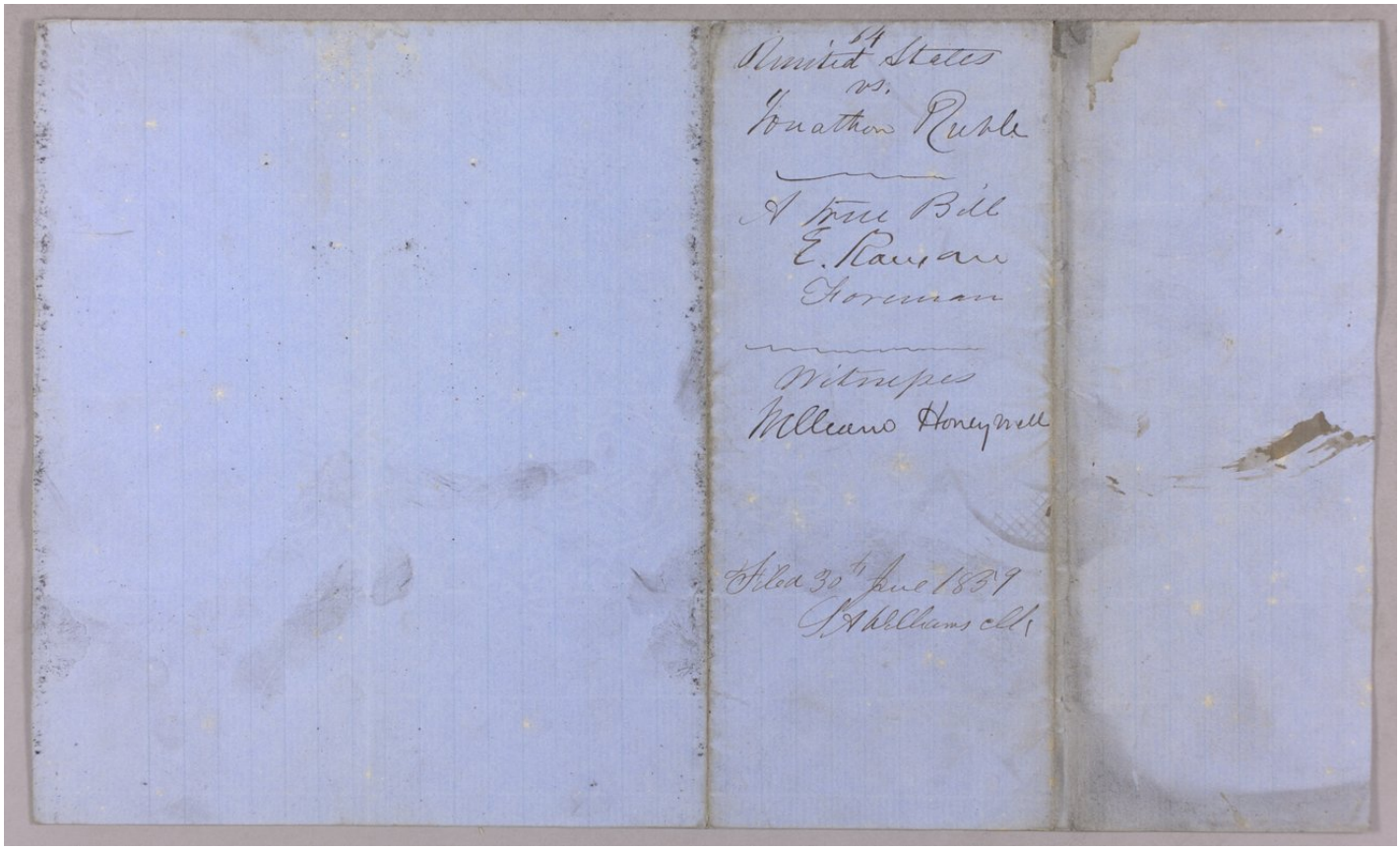
United States versus Jonathan Ruble for taking timber from Indian land



did cut and take and carry away divers trees, then and there growing and standing upon the said lands aforesaid to wit— ten oak trees— ten Walnut trees— ten Hackberry trees ten Elm trees ten hickory trees— of great value— to wit of the value of five hundred Dollars, said trees being the property of the said Miami tribe of Indians 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

Alson C Davis
United States District
Attorney for the Territory
of Kansas by Thomas
Benson Williams Deputy
United States Attorney for
the Third Judicial District
of said Territory of
Kansas

United States versus Jonathan Ruble for taking timber from Indian land


United States
vs.
Jonathon Ruble

A true Bill
E. Ransom
Foreman

Witnesses
Millard Honeywell

Filed 30th June 1839
D. Williams Clk