

# Kansas Memory



## Kansas Territory versus Isaac D. Sims for failure to keep the peace

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## Kansas Territory versus Isaac D. Sims for failure to keep the peace

Territory of Kansas  
vs.  
Isaac D. Sims.

Complaint for threatening and  
attempting to shoot with a pistol.

James K. Mayman Complainant -  
Defendant Sims arrested - Examination had -  
Sims held to bail to keep the peace and  
also Complainant held to bail to keep the  
peace - Recognizance of J.K. Mayman -  
Defendant ~~Costs~~ committed to custody  
of Sheriff -

Justices fees -

Costs -

Taking deposition & certifying - 2 fol	.55c
2 Subpoenas	.50
Swearing 4 witnesses	.40
Taking depositions for handwriting 35 fol 2 15c	5.25
Taking Recognizance	.50
	\$7.20

Sheriff's fees -

Arresting prisoner	\$1.00
Subpoenaing 4 witnesses	2.00
Total	\$10.20

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I have examined the within Bill and find  
it correct and the charges in accordance  
with the Statutes - The same should be paid  
by  
My Barber  
Pres Atty

Territory of Kansas } June Term 1856  
2<sup>d</sup> District Court Shawnee Co. }  
The Grand Jury for Shawnee  
County find that the above bill of costs  
should be paid by James Haysman

Isaac Remond Norman

Bill of Costs  
vs.  
Isaac D. Sims  
Costs on  
Complaint  
for Malfeasance

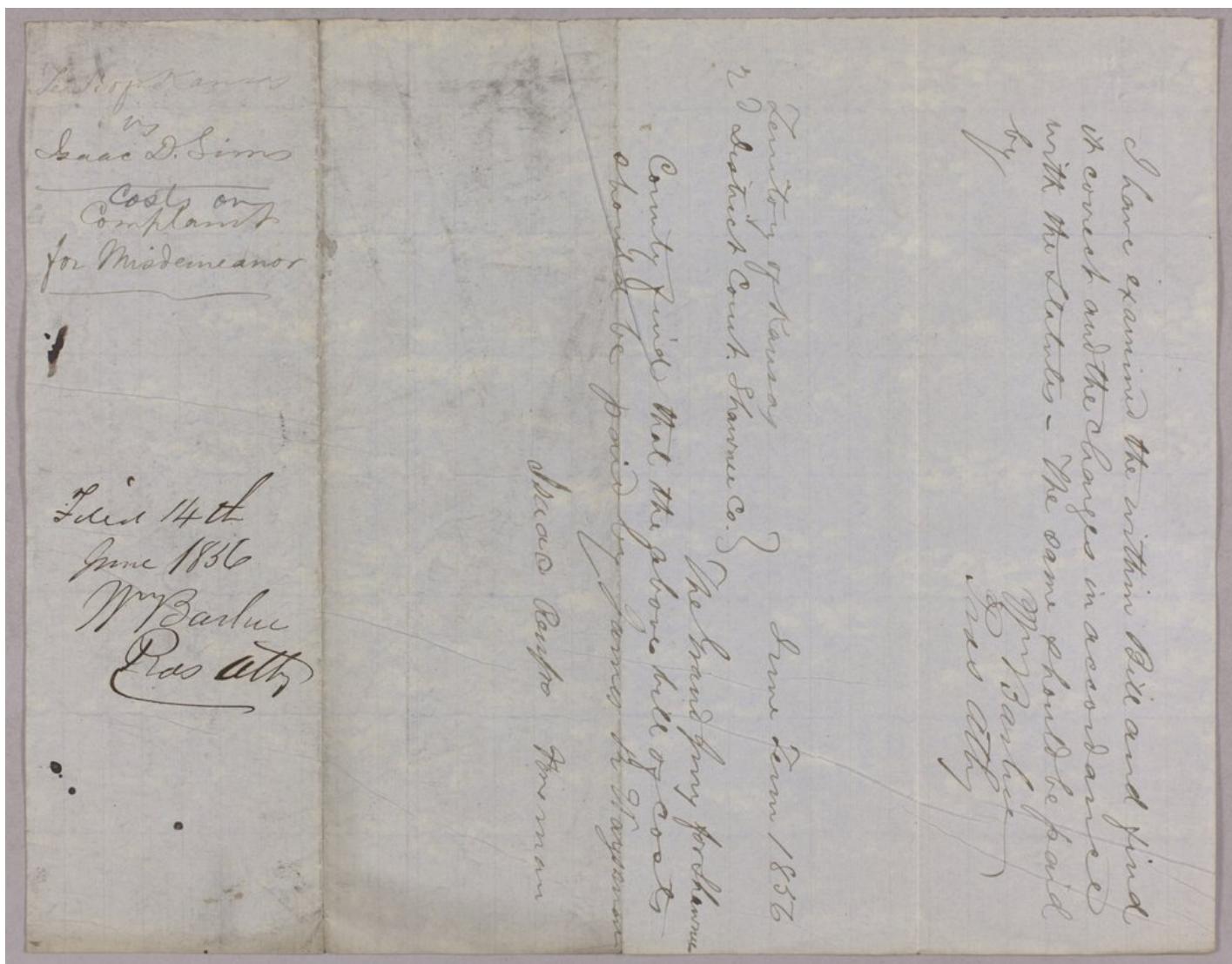
June 14<sup>th</sup>  
June 1856  
My Barber  
Pres Atty

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## Kansas Territory versus Isaac D. Sims for failure to keep the peace

The Territory of Kansas

To The Sheriff or any Constable of Shawnee

County Greetings:

Whereas James K. Weyman hath this day made complaint  
on oath before E. Hoogland a Justice of the Peace of said  
county that Isaac D. Sims hath threatened the life of  
him said Weyman by drawing and presenting at said Weyman  
a pistol; and that he said Weyman is afraid that  
said Sims will do him some bodily harm - trust  
within the County of Shawnee aforesaid -  
There are therefore to command you to take the said  
Isaac D. Sims & bring him before me forthwith to be  
dealt with according to law - Hereof fail not at your  
peril - Given under my hand at the town of Leavenworth  
Shawnee County this 6<sup>th</sup> day of February 1856 -

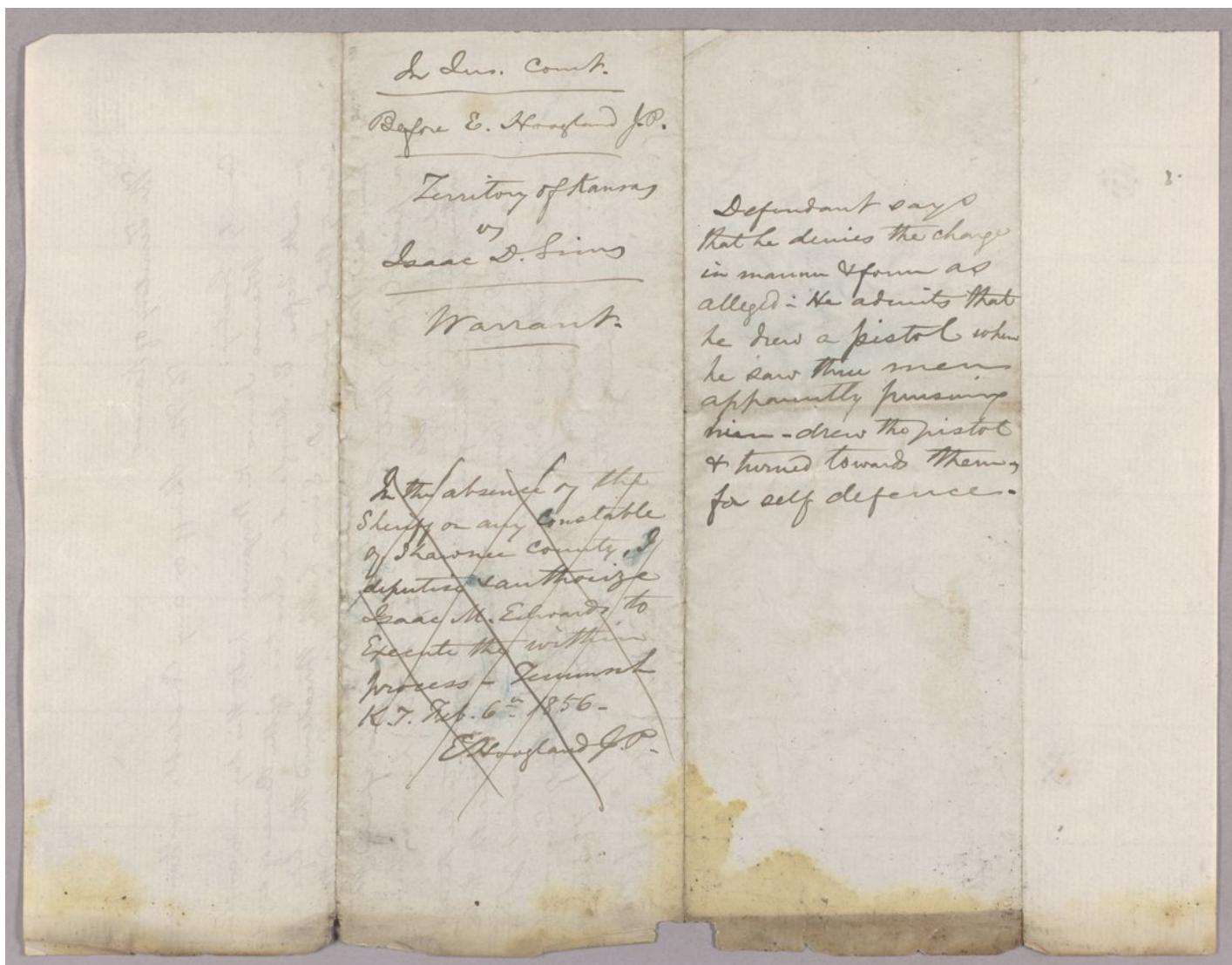
E. Hoogland J.P.

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## Kansas Territory versus Isaac D. Sims for failure to keep the peace

Territory of Kansas-

Shawnee County Ps. Be it remembered that on the seventh day of February 1856 James K. Wysman as principal and Alfred T. P. Byler <sup>as surety both</sup> ~~and~~ of Shawnee County aforesaid, personally came before me E. Hoagland a Justice of the Peace of the said County and severally and respectively acknowledge themselves to be indebted to the Territory of Kansas in the sum of, that is to say, - The said James K. Wysman in the sum of Two hundred and fifty dollars and the said Alfred T. P. Byler ~~in~~ in the sum of Two hundred and fifty dollars, to be levied of their respective goods & chattels lands & tenements to the use of the said Territory, if default shall be made in the condition following:

The condition of this recognizance is such that if the said James K. Wysman shall personally appear at the next term of the District Court for the Second Judicial District of said Territory, to be held at Leavenworth or for Shawnee County aforesaid on the first Monday of June next and shall not depart the court without leave; and in the meanwhile shall keep the peace toward the people of the said Territory and particularly toward Isaac D. Sims and Joseph H. Weaver, then this recognizance to be void, otherwise to remain in full force. Subscribed & acknowledged the day & year aforesaid before me.

James K. Wysman,  
A. T. P. Byler

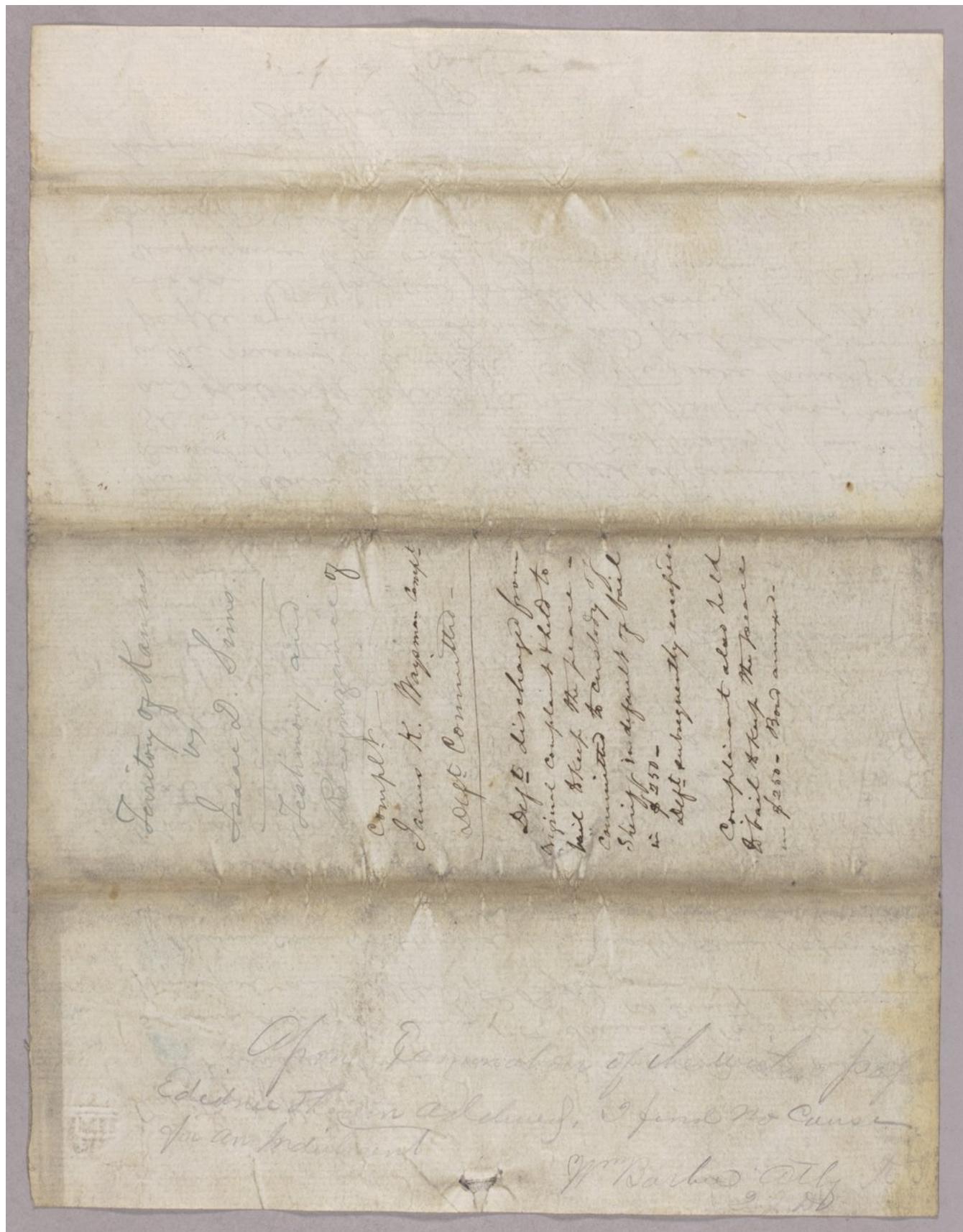
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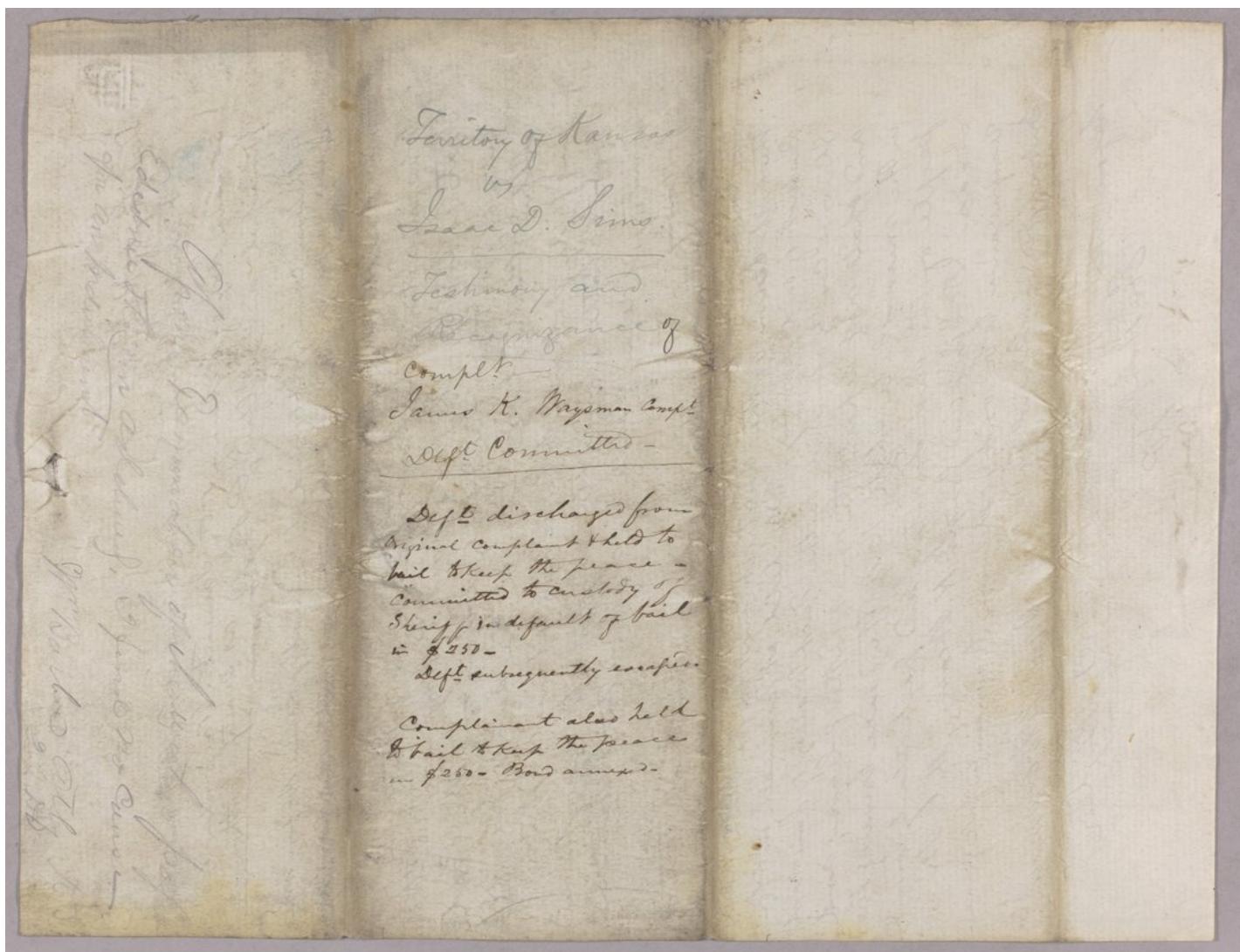


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Territory of Kansas

Shawnee County So. James K. Mayman being  
huly sworn doth depone and say that on the sixth  
day of February instant between the hours of 12 and  
1 o'clock or thereabouts he met Isaac D. Sims on  
or near the land occupied by Alfred P. Byler in said  
county. Deponent told said Sims that he, deponent  
suspected said Sims of having been engaged in shooting  
stock belonging to deponent & that he deponent wanted  
said Sims to leave the neighborhood by tomorrow  
at 12 o'clock. The said Sims was notified that  
unless he left by that time he would fare pretty  
badly. He said Sims started on along the highway.  
There was some company with deponent & he  
stopped a few moments and part went one way  
part in company with deponent toward deponents  
house. Deponent in going toward home rode on  
towards where said Sims was walking along  
when said Sims turned round and drew a  
pistol which he cocked and presented at  
deponent. Deponent had not said any thing  
nor made any threats or hostile demonstration  
whatever towards said Sims when thus approaching  
towards him nor subsequent to said Sims  
starting on along the highway after the first  
conversation above mentioned. Deponent  
thereby believing said Sims to threaten the life  
or person of him this deponent approached  
no nearer to said Sims but retired towards

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~~his own home~~ in an opposite direction -

For the reasons aforesaid Deponent feels himself in personal danger and is afraid that said Sims will do him some bodily harm and he therefore prays that the Circumstances may be inquired into and said Sims be held to answer according to law -

Sworn & before me this }  
6<sup>th</sup> day of February A.D. 1856 }  
Edw<sup>t</sup> Hoagland J.P.      Jane K. Weyman

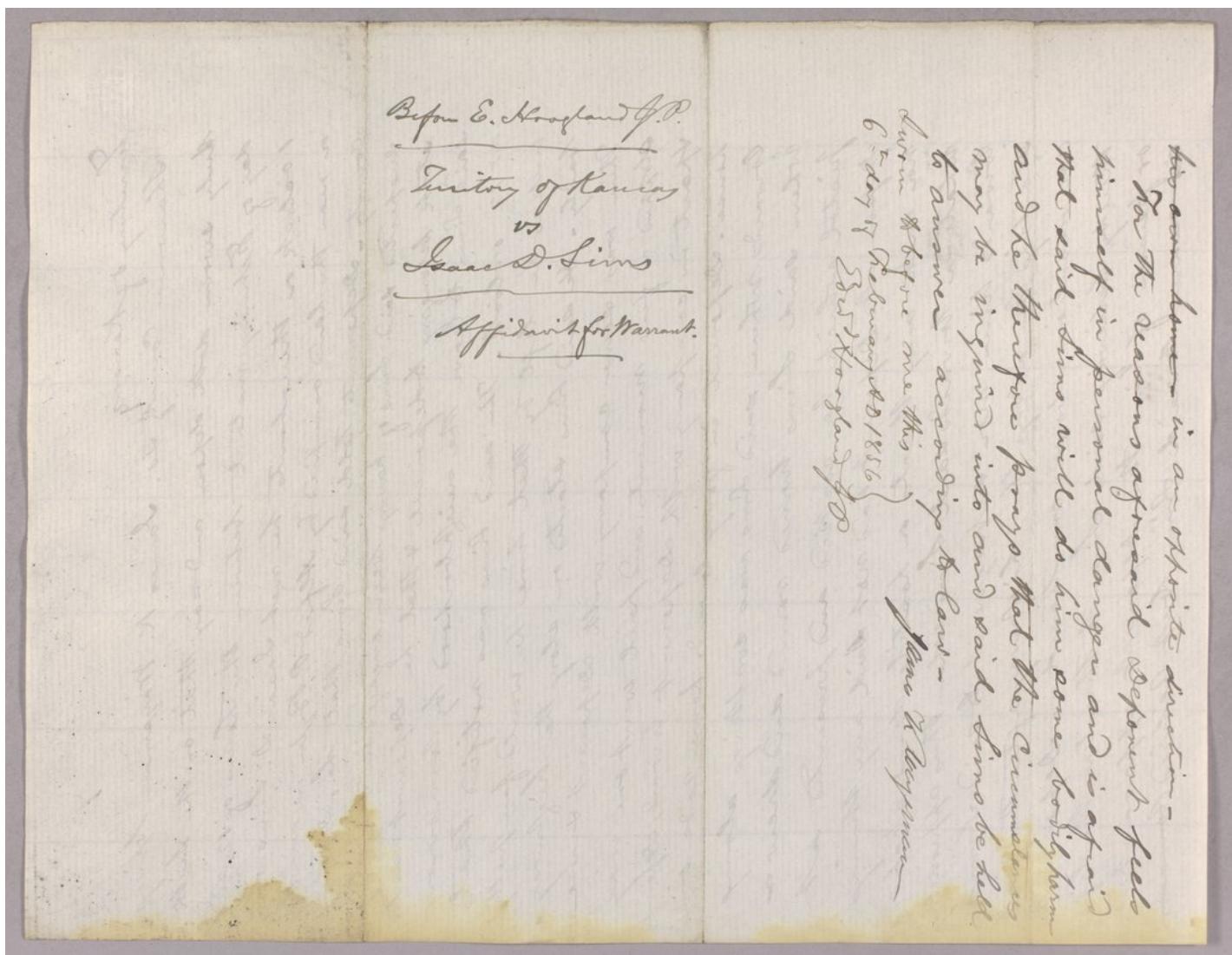
Befor E. Hoagland J.P.  
Suing of Stevens  
vs  
Isaac D. Sims  
Affidavit for Plaintiff.

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Territory of Kansas

Shawnee County } do. Edward Hoagland a Justice of the  
Peace of the said County to the Sheriff of said County and to  
the Keeper of any jail in said Territory:

These are to command you and each of you forthwith  
to convey, deliver and receive into your custody the body  
of Isaac D. Sims, this day brought before me the said Justice  
and required by me to enter into recognizance with one  
sufficient surety, himself in the sum of Two hundred & fifty  
dollars and the surety in the sum of Two hundred & fifty  
dollars, for his personal appearance at the next term of  
the District Court to be held in & for Shawnee County  
on the first Monday of June next, and not to depart  
the same without leave. And in the meanwhile to keep  
the peace toward the people of the said territory and  
particularly toward James K. Wayson, who hath  
demanded surety of the Peace against the said Isaac  
D. Sims - The said Isaac D. Sims having neglected to find  
such surety. And you and each of you are hereby  
required to receive said Isaac D. Sims and him safely  
keep until he shall find such security as aforesaid  
or otherwise be discharged by due course of law.  
Given under my hand at Tecumseh, Shawnee County  
the Seventh day of February 1856.

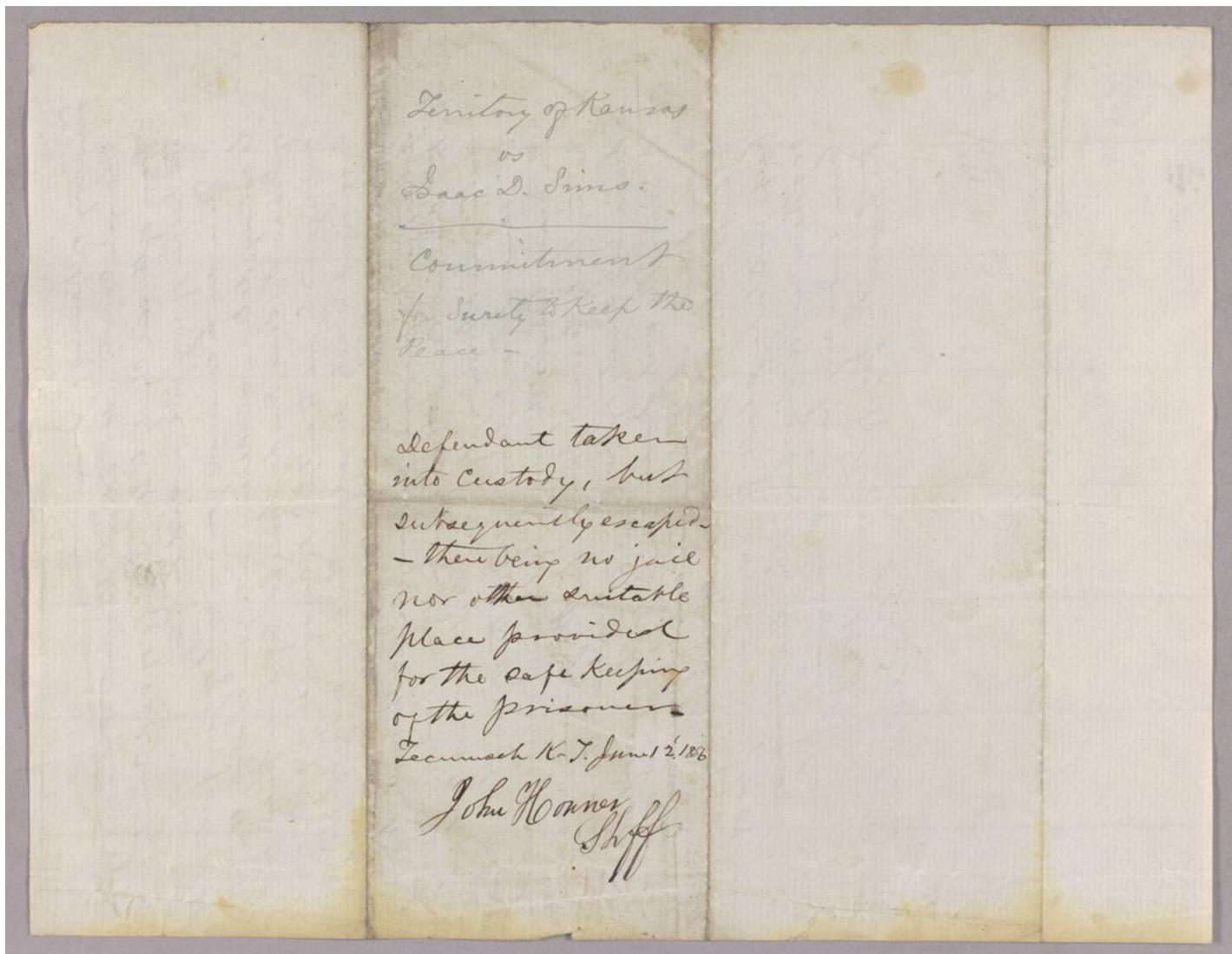
Edward Hoagland J.P.

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Territory of Kansas }  
Isaac D. Sims.      }  
                        }  
                        complete for threatening  
                        with a drawn pistol -

Deposition taken before me Feb. 6<sup>th</sup>  
1856.                E. Hoagland J.P.

James K. Weyman sworn - I was out today in company with Mr. Edwards, Mr. Byler, Mr. Updegraff, Mr. Monday, W. B. Edwards, Mr. A. D. Hand - all on horseback, riding in the Bottom near my claim & as we came back towards Tecumseh met Mr. Sims the defendant in the road near Byler's claim. I turned my horse around opposite to Sims & told him I believed that he was or had poisoned stock in the neighborhood and had assisted or had himself as I suspected injured or destroyed our stock meaning stock belonging to myself, Hand & Byler. I told him I was desirous that he should get out of the neighborhood or county by 12 o'clock K tomorrow, or leave - get away some how, or that he <sup>might</sup> be dealt with pretty roughly. Sims aimed to say something and I endeavored to or did stop him, & told him I did not want to hear any thing from him - and then told him he could pass on, that I had no more use for him - We all had some conversation together then inviting each other home &c - Sims had passed on - Do not remember that Sims denied

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my allegations or charges - Did not hear or understand any remark that Sims might have made in reply - My friend and I were together a few moments before separating when each man took his course for home - Mr Byler, Mr Nunday & myself started toward Mr Byler's gate and had got within 15 or 20 steps of Mr Sims - we were riding on a usual gait - No conversation particularly between us & riding quietly - no unusual noise - Mr Sims whirled round with a pistol in his hands and pointed it at deponent. I saw him pull back the hammer and heard the click of the pistol - All three quitted our horses and ran in an opposite direction, Mr Sims following on after us. Every once in a while poking or pointing the pistol toward me - He thus followed us two or three hundred yards with the pistol in his hand - We stopped our horses then and he passed on by us, - his pistol yet in his hand - We could not see that he had it cocked - He at that time passed within 20 steps of me - He kept muttering something - did not understand what - He passed on without offering any violence - We had been following the road on which Sims had preceded us a few moments, but when we turned with our horses

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and retraced our course, Sims turned round and followed after us as described - Sims having passed me and gone on towards Leavenworth I concluded to go to Leavenworth too - In doing so Mr. Byler Mr. Munday and myself rode on 200 or 300 yards before we passed Sims again, and also the others mentioned first, whom we had joined as soon as we first turned on horses from Sims - The subject of notifying Sims had been talked of amongst us before we met him and we had been looking for him for the purpose of notifying him as mentioned.

Cross Examined - I told Sims he might be dealt with pretty roughly - perhaps I told him he would get a coat of tar & feathers with some hickory in it, - at least I do not deny that that was said.

~~# I asked Sims what he was following me for - Sims said he just followed me and that he only had his pistol in his hand to defend himself.~~

I K. Weysmans

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Derrick Updegraff sworn - I had been up to Mt Waysman and was returning thence towards Leimach with Waysman Byler R. Edwards, Jerry Niccum, a young man (Munday) Wm Edwards. We were stopped in the road by Mr Sims - I was behind Waysman & the others named, in company with Mr Munday - They had been stopped I had some conversation which I did not hear -

As they passed on W. Wayman told Sims "he might rest assured that they were in earnest" - W. Sims passed on without any remark that I heard. We stopped & stalked some ten or fifteen minutes more or less and we all parted & started on - part of us toward Leavenworth & Wayman, Byler & Munday toward Wayman's. We had ridden 150 or 200 yards when we heard a call to stop, that Sims was going to shoot Wayman. We all turned round & rode back to meet them, - they were coming toward us. When we got in sight of Sims he had a pistol drawn <sup>a</sup> in his hand. They all passed me except Mr. <sup>Munday</sup> Wayman who stayed along side of me. All rode on that way 150 or 200 yards Sims followed along, with his pistol in his hand.

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I told them I was going to stop - They all turned a little out of the road except Mr. Monday who turned with me merely to the edge of the road - Waysman had turned out 15 or 20 steps from the road - While we were all waiting there Sims passed us & swore if he had to die he would just as leave die there as in any other place - That he would sell his life as dear as he could before he did". ~~then~~ Sims passed along - We turned into the road from 50 to 100 yards behind him - We rode along till near Jerry Niccum's house - It being cold I concluded to pass Sims & go on - We came close on to Sims - I was ahead - Sims turned out of the road, still had his pistol, a revolver, in his hand - I told him not to do it that there was no one there who was going to interfere with him or "mislike" him any way - He was 8 or 10 steps out of the road - We all passed on - after which I saw no more of him till I find him here.  
Cross Examined - When I first saw Sims he was half way between Boyles & Jerry Niccum's - Sims was coming from the direction of Leavenworth - We were all going toward Leavenworth

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I was behind them riding with Monday - The others of the company were 15 or 20 paces <sup>behind</sup> Sims was walking along through the snow as fast as he could. Don't know who spoke first - When I saw him particularly he was standing still looking straight at Mr. Waysman - I was not near enough to hear particularly the first conversation - The first part of the company being a little ahead, the first that I heard was Mr. Waysman said to Sims that "he was in earnest & he might depend upon what he said." None of the rest of the party said any thing then that I know of. I did not hear Mr. Sims make any reply - Sims had no weapon out then - Then Mr. Sims passed on going easterly and we all continued our course on towards Leavenworth. Soon after that we stopped a few moments and talked when Waysman, Byler & Monday turned & went easterly towards Waysman's house, - that being the direction that Sims had been and was traveling - Before they left us, the conversation was such that I do not recollect particularly - Waysman invitations & come up & see &c - Heard nothing that I can remember in that conversation, concerning Mr. Sims -

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About this time Sims had about reached the forks of the roads - on leading my horse the other to Mr. Meavis - I then discovered that he had turned around & was coming back. He was then about 100 yards distant from us. He had a pistol in his hand & we halted. We remained there till he came within 200 or 300 steps of us - He had the pistol in both hands, about half raised, in a shooting position, pointed as I thought, toward Mr. Weyman. & saying something that I could not understand about shooting, but I took to be threatening to shoot, and still coming on toward us. I told Weyman we had better retreat as I thought Sims would shoot him. We then turned our horses & struck off in a lop, getting away from Sims - He still followed on, with his pistol about half raised & cocked. I then called to the boys who had gone ahead & told them that Sims was following & shoot Weyman - They then turned & rode back & met us - We all halted in the road then a little bit - Sims continued prancing with his pistol raised - We all turned then rode towards town - Sims had then followed some 200 or 300 yards & continued following. Whenever

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from our halting Sims came within near shooting distance we would ride on faster again - Waysman then asked Sims what he had drawn that pistol for. Sims' answer was to defend himself. Sims still coming on in the direction that we were. We then turned out left the road - Mr Waysman rode out 20 steps from it - Mr Sims passed on with his pistol in his hand - We then halted a little & rode on in the direction of town, the course that Mr Sims was going then. Some of them named that they were going by, as Sims went too slow - When we got up tolerably close, Sims stepped out 8 or 10 steps from the road, his pistol still in his hand, half raised - We all rode on & left him -

Cross Ex? In the bottom some of the party proposed to go to town and we started for Leavenworth - We changed our mind & turned for home as soon as the conversation took place with Mr Sims - Mr Waysman having notified Sims we turned for home. The object of our starting for Leavenworth was to find Mr Sims here and notify him. When Sims first stopped he had not his pistol drawn - Before he stopped second time he went some 300 yards or more. After Waysman

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Alfred P. Byler swom - W. Weyman today asked me to go down into the Bottom with him today - I rather declined - Mr Edwards or some other person insists that I should go along - I then told them that I would go. On our way down there W. Weyman said he was going to give Sims notice to leave this County or this neighborhood, as near as I can recollect - We rode on up to Mr Weaver's - Weyman inquired for Mr Sims - answer that Sims was not there - was at town or something to that effect - We then turned toward my house - While on the way some of the company that was along named something about going on up to town - The company were two Mr Edwards W. Weyman Mr Updegraff <sup>Mr. H. A.</sup> Mr Monday myself - After coming to the fork of the path had turned off & alone went toward my house - The balance of us rode on towards Leavenworth - We met Mr. ~~came~~ Sims coming from Leavenworth toward Mr. Weaver's between my house & Mr. Niccum's - W. Weyman & Mr Sims spoke "how dye" at each other - about that time Mr Updegraff & Monday who were a little behind came up - The company all halted - Mr Weyman told Sims he suspected him of having poisoned stock & being engaged in killing stock of his - Mr Sims said "Now W. Weyman" - I could not understand Sims as saying any thing more - I think that was.

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W Waysman then told Sims that he wanted him to leave or that he Sims had to leave - or warned him to leave by 12 o'clock tomorrow - (forget exactly how it was expressed -) and that if he did not, he would be hickoried and perhaps tarred & feathered. I think Mr Sims answered yes or nodded or replied low affirmatively - W Waysman then told Sims he might go about his business, that he had no more use for him - Just before that Sims undertook to say something and Waysman told him he had no use for his conversation - Sims then started on towards Weaver's & went a little piece I halted if I am not mistaken - Some one told him to go on - Sims started on. After going a piece, - some conversation took place between our company of a friendly character inviting each other to W Waysman, W Monday & I turned our horses toward home & started - The balance of the company went on ~~toward~~ <sup>toward home</sup> down - I rode on a little piece before I noticed where Sims was - Then I thought he had traveled very slow, seeing where he was - Sims was ahead,

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Dont know that I ever told any neighbor there that Sims had better leave that neighborhood for his safety - Dont know as I have said he had better leave Weavers -

Sixth again. Did not know what Wayman was going to say to Sims today except that he was going to notify him to leave - It was not till we were near W. Weaver's house that Wayman informed me that he was going to notify Sims to leave -

Amended - I may have said at some time that Mr. Sims ought to leave W. Weaver's.

A. T. Byler

John Horner affirmed - Am Sheriff of Lawrence County. When I arrested Sims I found in his possession a Colt's Revolver with five chambers, loaded & capped, and a pen knife. (Pistol shown.) Dont know how Sims came in possession of that pistol - Dont know whose it is.

When I arrested Sims he was here in December in the Court room - Dont know that Mr. Sims had the pistol when the occurrence on which the complaint is founded took place - Mr. Sims' character is

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good as far as I know. never saw any thing to induce me to think otherwise. Never heard of his being engaged in any scrape only this - Have known Sims since last fall when he first came into the country. Have seen him frequently since - He is from the same state that I am & was acquainted with some of my brothers in Virginia.

~~Have seen~~  
Direct - don't know that I have ever heard an expression from any of the neighbors derogatory to him - don't know that I have ever heard him spoken of particularly at all -

John Howell

### For Defence —

James K. Mayman recalled - Very likely I have had conversation with Mr Hook about Isaac Sims leaving this country - I considered him a dangerous man and I don't remember that I called Sims name, although Sims was living with Weaver - I told Hook I was going around to see all the neighbors and speak to them all around to advise with them as to what course to pursue concerning the killing of cattle which I had charged on Weaver. told him I did not like to go to law nor to do any

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They contrary to the will of the neighborhood -  
I believe I had proof, but I wanted to get rid of him  
without reference to law. <sup>4</sup> People of the  
neighborhood advised me to go or send down and  
notify Weaver & leave - as I wanted to stay in peace.  
Dont recollect that any thing was said about  
Sims - Dont know that I came to the conclusion  
<sup>to state to Sims</sup> about tarring & feathering Sims until a few  
moments before I met him, but determined  
to notify him <sup>Weaver</sup> several days before - dont  
know any thing positively about Sims interfering  
with me or mine - never knew Sims to have  
a fight. ~~None~~

James K. Weyman

West of town

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### Brief of Decision

Sims turned round and pursued after the comptl<sup>t</sup> in a threatening manner, notwithstanding his declaration that he was merely acting in self defence. His duty was to have gone on in his own direction & taken a direct course homeward. The circumstances taken into consideration with all the evidence warrant his being held to bail - and as it appears that he is in the habit of carrying arms he is particularly dangerous. He should be held to keep the peace - The majority of the witnesses do not carry the inference of an assault with a dangerous weapon - The whole scene & circumstances must be taken together and Sims & Wayman's declarations considered & compared - The fact that Sims subsequently passed near Wayman without interfering with him or threatening carries the inference that he intends to act on the defensive only - But he went beyond that his conduct amounted to a threat in turning & following - Hold to bail to keep peace in § 250 -

Comptl<sup>t</sup> comes within the Statute of threatening a breach of the peace & the & his own witness prove his declaration that he would tax & feather Sims &c - Law must be maintained & order preserved - Personal violence must give way to the law - He must give security to keep the peace.

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Monday I left the balance of the company we had not spoken of Sims that I recollect. After we turned towards home I first saw that Sims was going on towards Weavers - We went on 100 or 200 yards before Sims turned round; he was then 100 yards from us. He then had a pistol in his hand. I noticed it told them - Sims came on - He got within 20 or 30 steps of us when I proposed retreat or Sims would shoot Waysman. Sims was not taking sight - had it about half way up - nothing said except something by Sims about shooting which I could not understand. After we turned or about that time Sims advancing with his pistol drawn said if he had to die he would as soon die then as any time - After our retreat and Sims came up or just before we left the road Waysman asked him why he was following him with that pistol drawn. Sims answered to defend himself - Sims having passed on we all fell into the road & came on towards town, - Mr Waysman having said that Sims having drawn a pistol & he Waysman having retreated & Sims still having pursued he would go on to town & get a warrant for him. As we all came up Sims gave the road & after we passed he continued on toward Leavenworth -

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Mr. Hand and I have met Sims before, - or at least I have met him in the road. No harsh words that I know of - Met Sims & Wearn - they left my & went on toward Mr. Horner's. My party spoke of going to Horner's too & turned out of the road a few steps toward Mr. Horner's but changed our mind and then went on to town - Did not speak of doing so until we saw Sims & Wearn going towards Mr. Horner's. It was made as they turned off - I said we will go too as I wanted to see Horner - Then I said again I would not follow them & said to the boys let us go to town - No words passed between my party & Mr. Sims on that occasion - Did not hear Matthews say any thing - No remark made about going on to the woods & having some hickories for them - Nothing said about hickorying Sims - W. Waysman was not present - Declines answering the question whether there was any thing then said about hickorying Mr. Wearn who was in company with Mr. Sims -

W. Waysman Hand & myself had not made any understanding to drive Sims off - I have not myself made the remark that Mr. Sims should leave the neighborhood

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## Kansas Territory versus Isaac D. Sims for failure to keep the peace

a pretty severe trot - Mr Weyman, from the motions made seemed "cautious" & afraid. Heard no remarks then by Sims or any of the party -

Direct - Sims had the pistol all the time in an attitude of defence - might have pointed it at any body - did not seem to be pointing it particularly - X? He may have pointed it, but not in my presence. The pistol was laying in his hand -  
Never heard Weyman, Ward or Tyler say they intended to have Sims out of that settlement -

Derrick Alford

# Kansas Memory



KANSAS  
HISTORICAL  
SOCIETY

## Kansas Territory versus Isaac D. Sims for failure to keep the peace

Did not see Wayman, Byler & Monday talking together in that conversation particularly - After leaving them we heard a hallo & someone called attention to Sims having a pistol drawn to shoot Wayman - Sims was then coming towards us with his pistol in his hand - They all passed me & I fell in behind - Wayman rode by me - Sims had his pistol in his two hands not pointing it toward any one as near as I can recollect - He was merely passing along with his pistol in his hand - Heard Wayman say if he had a pistol he would be damned if he would be driven before him (Sims) I think it was Wayman said so - not certain. The crowd all passed off to the left of me & Monday & Sims passed along quietly - I did not think there was any danger for me - I could not understand what Sims was saying as he passed along - After he passed Monday & me we two went ahead & the others fell in behind us, some 20 or 30 yards behind Sims - When near Niccum's Sims turned out of the road - I told him he need not turn out as horsemen could turn out easier than footmen - I did not consider myself meddlesome at all and therefore felt no danger - As Sims stepped out to the right Sims said he did not fear any man on the public way, & then I remarked to him about getting out of the way - I was on a full trot & all of us passed on