Kansas Territory versus Francis Wright for murder

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

Date: date of crime 1857; indictment May 1857

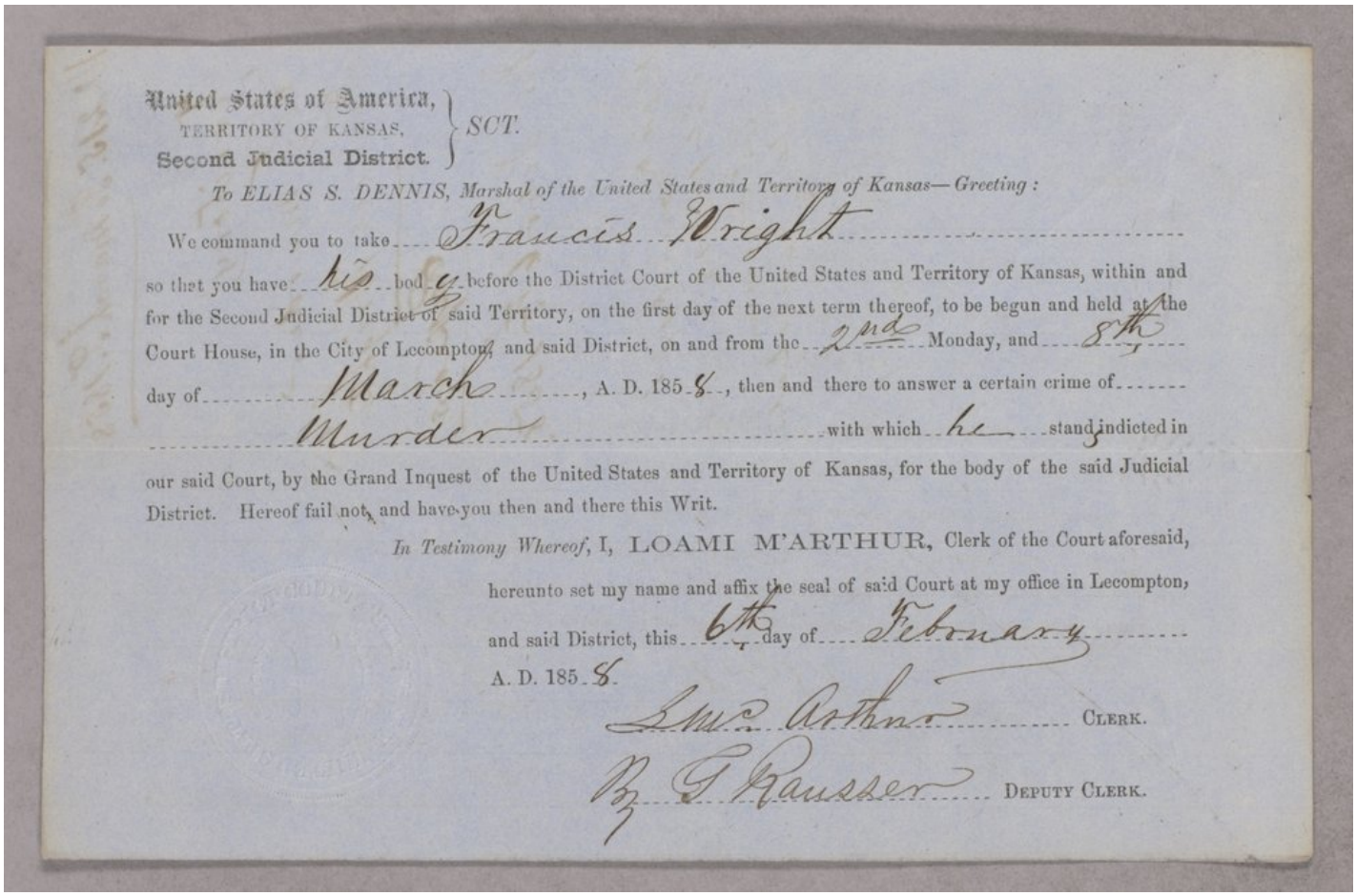
Callnumber: Kansas Territory Criminal Case Files, Box 17, Folder 83

KSHS Identifier: DaRT ID: 445849

Item Identifier: 445849

www.kansasmemory.org/item/445849

Kansas Territory versus Francis Wright for murder



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:

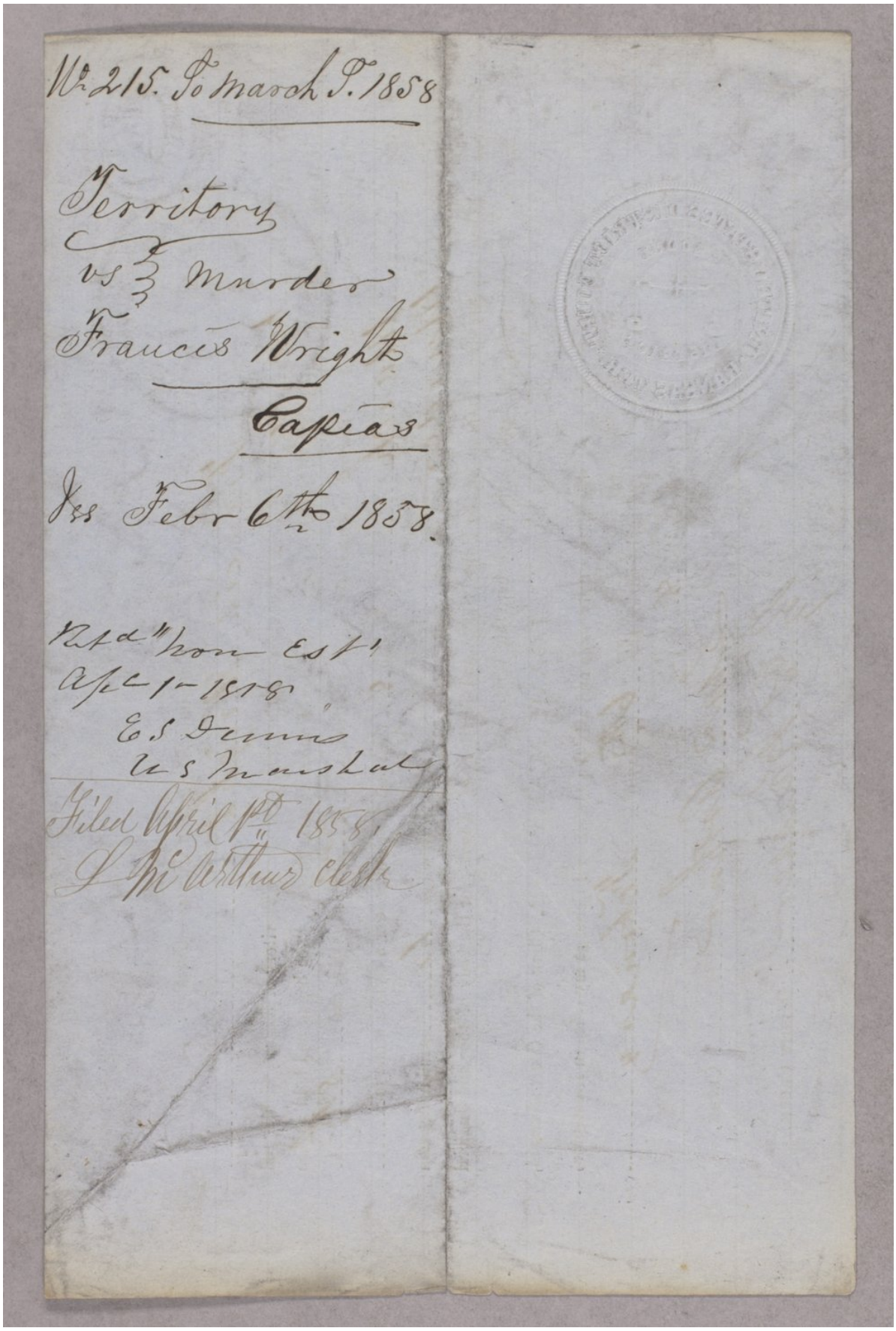
We command you to take Francis Wright so that you have his bod y before the District Court of the United States and Territory of Kansas, within and for the Second Judicial District of said Territory, on the first day of the next term thereof, to be begun and held at the Court House, in the City of Lecompton, and said District, on and from the 2nd Monday, and 8th day of March, A. D. 185 8, then and there to answer a certain crime of Murder 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, hereunto set my name and affix the seal of said Court at my office in Lecompton, and said District, this 6th day of February A. D. 185 8.

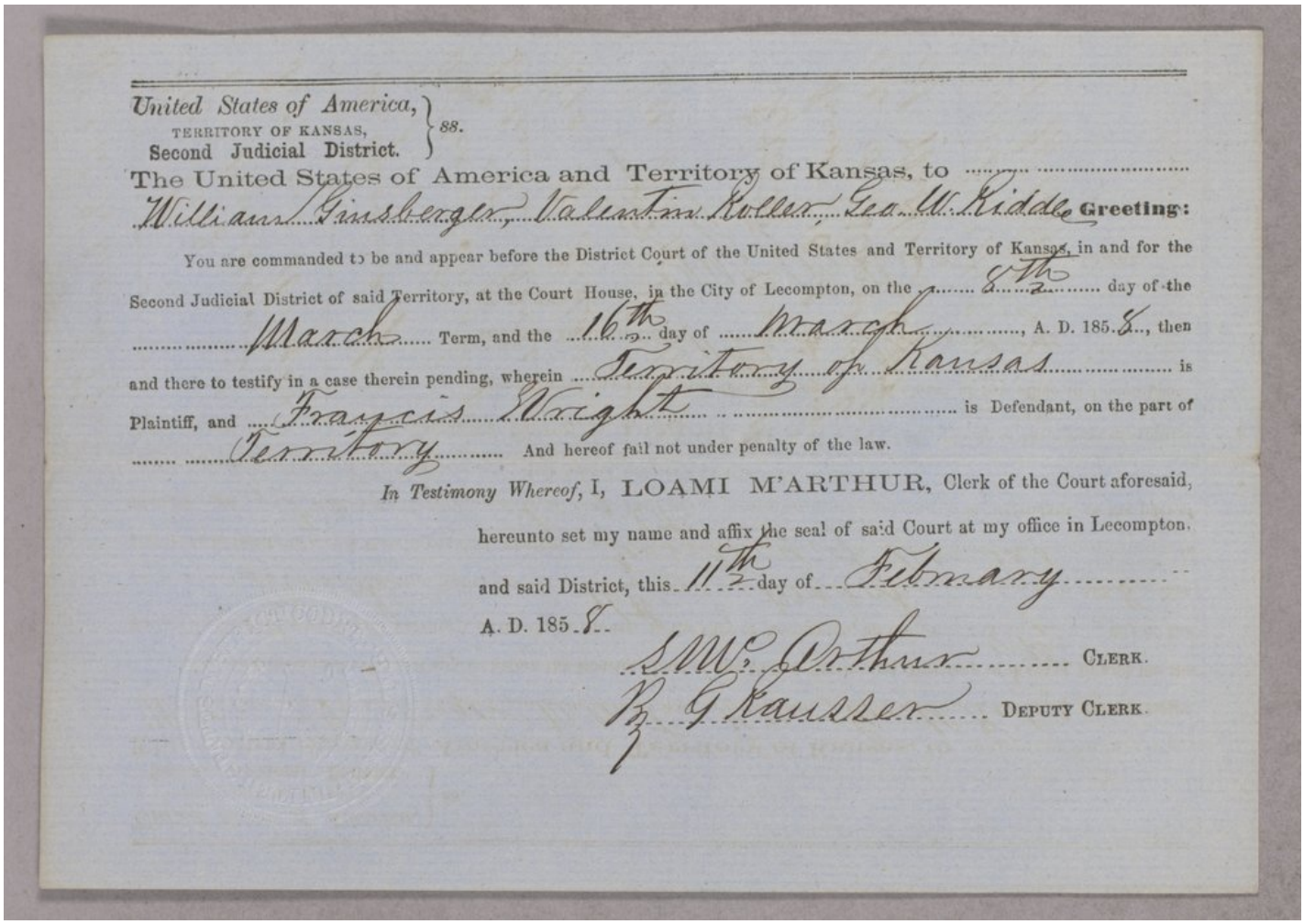
Lm C. Arthur CLERK.

By T. Rausser DEPUTY CLERK.

Kansas Territory versus Francis Wright for murder



Kansas Territory versus Francis Wright for murder



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

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

William Ginsberger, Valentine Koller, Geo. W. Riddle Greeting:

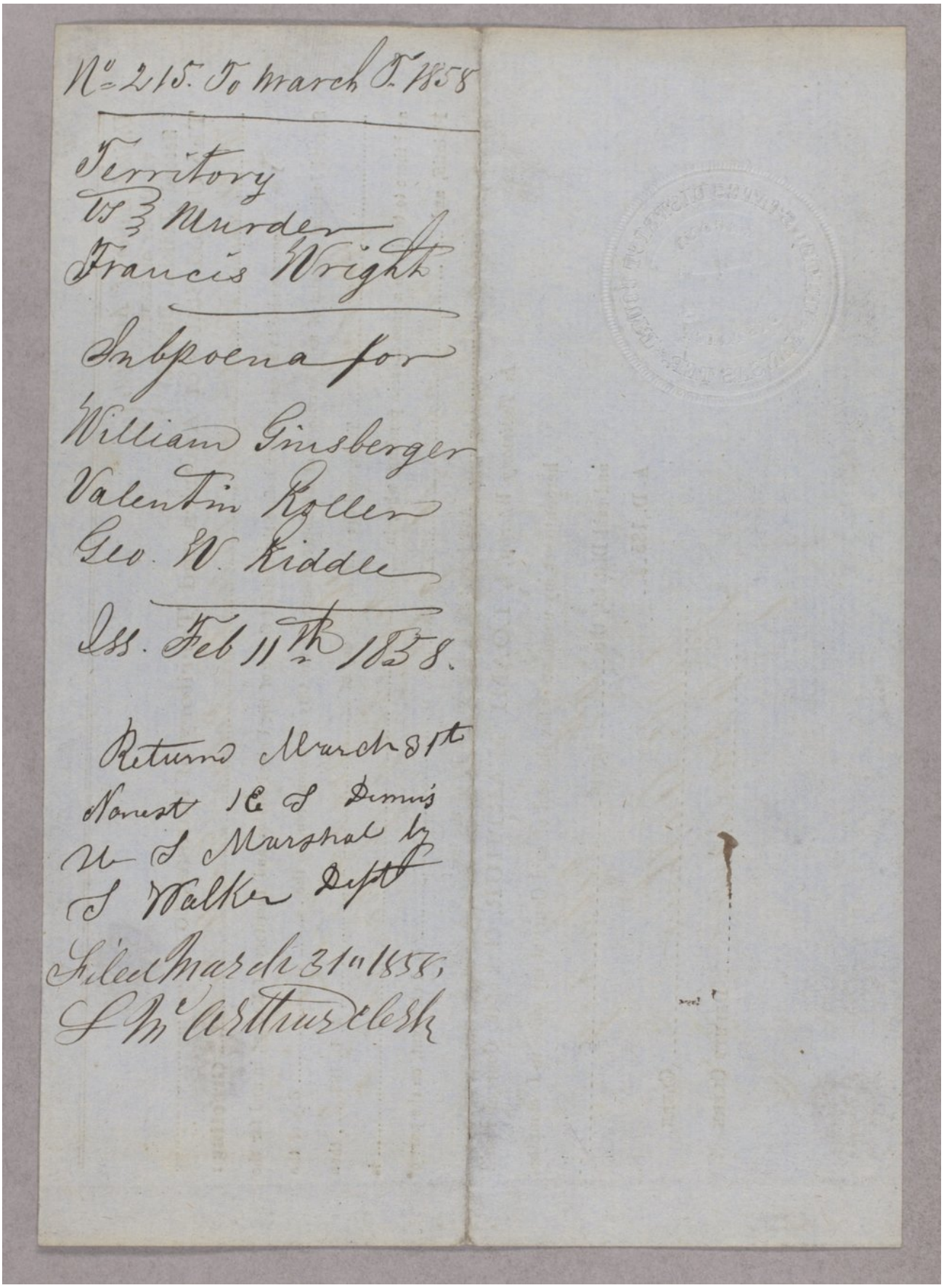
You are commanded to be and appear before the District Court of the United States and Territory of Kansas, in and for the Second Judicial District of said Territory, at the Court House, in the City of Lecompton, on the 2d day of the March Term, and the 16th day of March, A. D. 185 8, then and there to testify in a case therein pending, wherein Territory of Kansas is Plaintiff, and Francis Wright is 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 M'Arthur Clerk.

B. G. Kausser Deputy Clerk.

Kansas Territory versus Francis Wright for murder


No 215. To March T. 1858

Territory
vs
Murder
Francis Wright

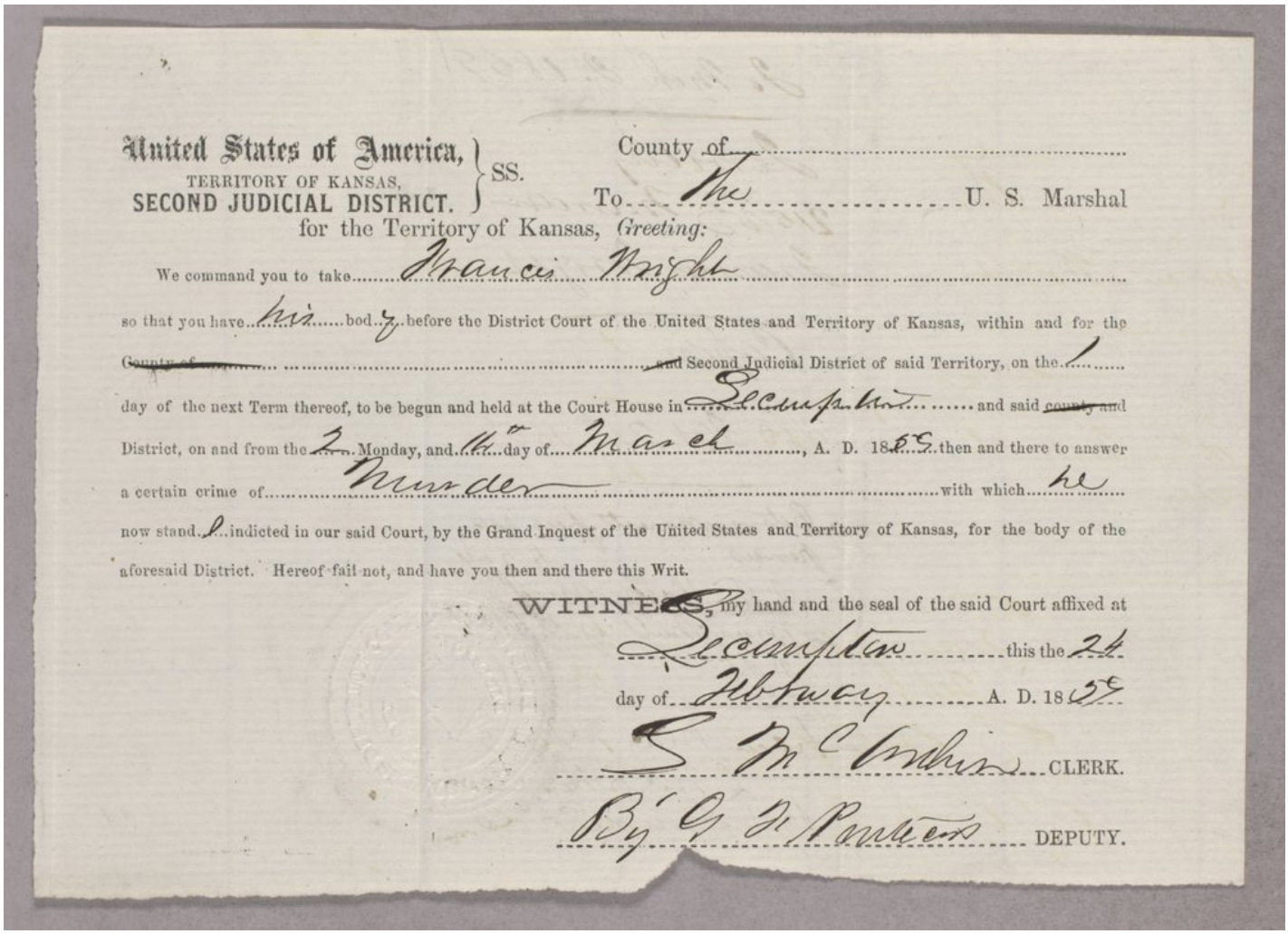
Subpoena for
William Ginsberger
Valentin Roller
Geo. W. Kiddle

Iss. Feb 11th 1858.

Returned March 31st
Served 1 C & S Dem's
U S Marshal by
S Walker Dep't

Filed March 31st 1858.
L McArthur Clerk

Kansas Territory versus Francis Wright for murder



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

County of ____

To the U. S. Marshal for the Territory of Kansas, *Greeting:*

We command you to take Francis Wright

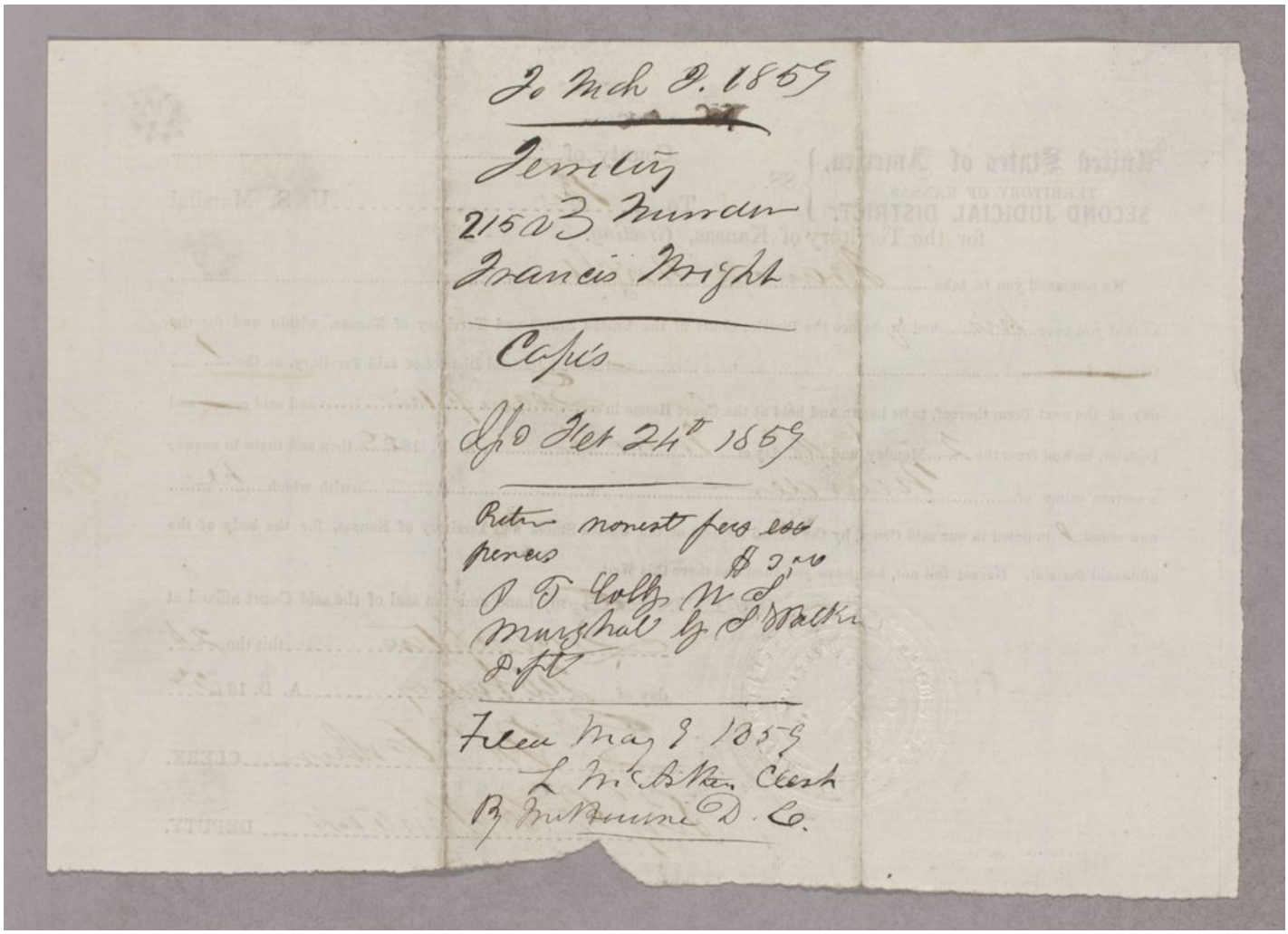
so that you have his bod[y] before the District Court of the United States and Territory of Kansas, within and for the County of ____ and Second Judicial District of said Territory, on the 1 day of the next Term thereof, to be begun and held at the Court House in Lecompton and said ~~county~~ and District, on and from the 2 Monday, and 16th day of March, A. D. 1857 then and there to answer a certain crime of Murder with which he now stand[s] indicted in our said Court, by the Grand Inquest of the United States and Territory of Kansas, for the body of the aforesaid District. Hereof fail not, and have you then and there this Writ.

WITNESS, my hand and the seal of the said Court affixed at Lecompton this the 24 day of February A. D. 1857

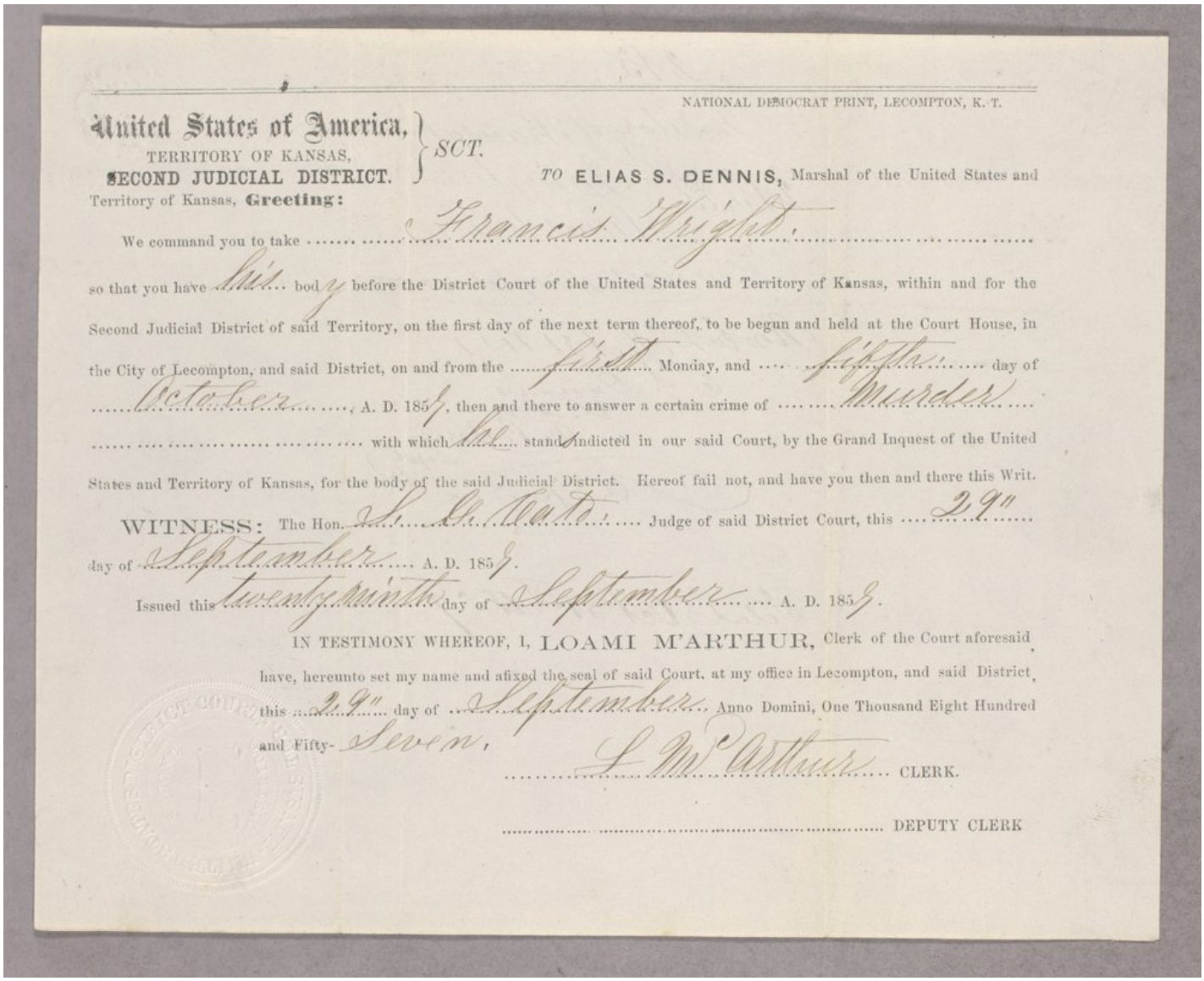
S. McCrohon CLERK.

By G. F. Parker DEPUTY.

Kansas Territory versus Francis Wright for murder



Kansas Territory versus Francis Wright for murder



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 Francis Wright.

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 first Monday, and fifth day of October, A. D. 185 7, then and there to answer a certain crime of Murder 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. D. Lecompte Judge of said District Court, this 29th day of September A. D. 185 7.

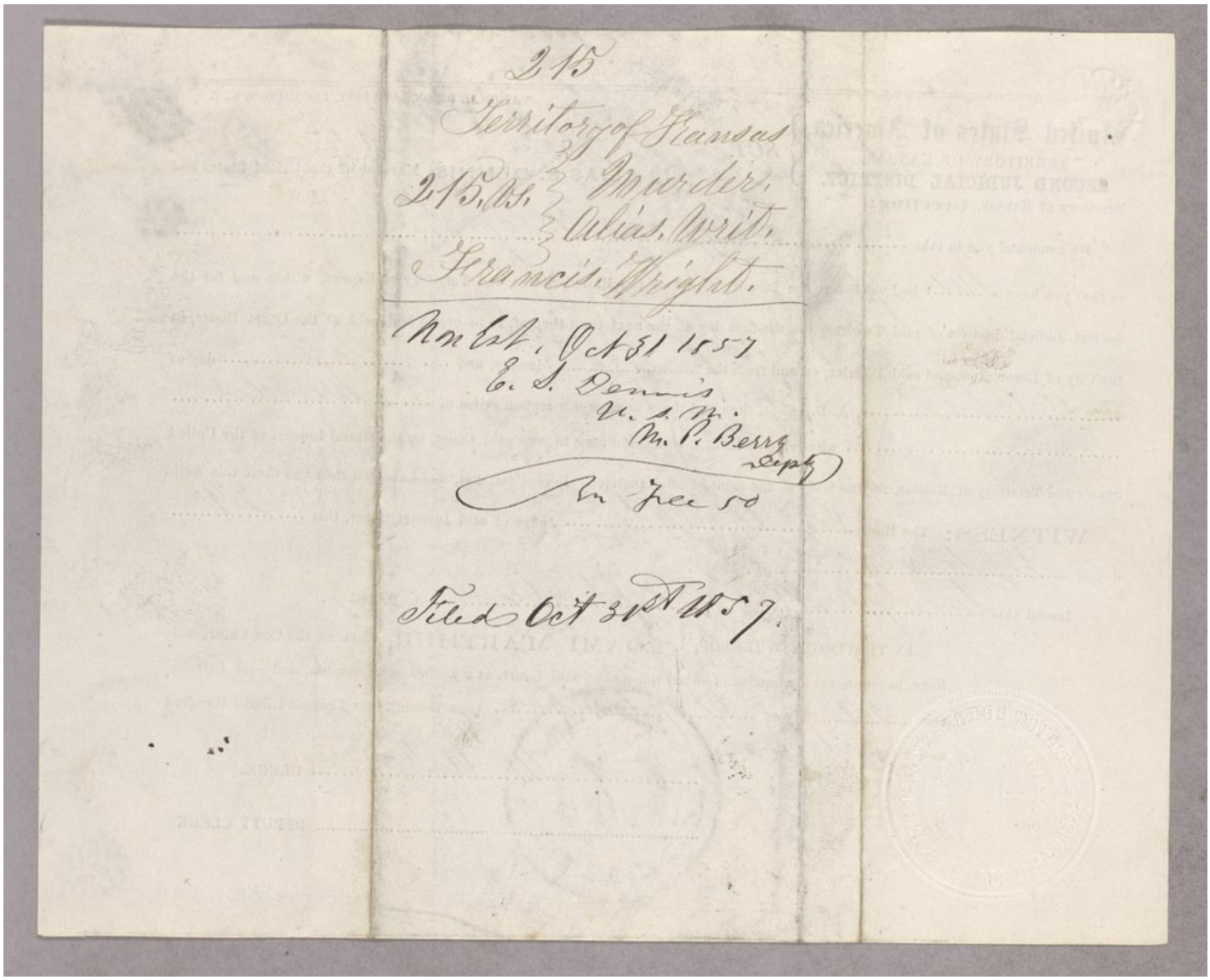
Issued this twenty-ninth day of September A. D. 185 7.

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

L M'Arthur CLERK.

DEPUTY CLERK

Kansas Territory versus Francis Wright for murder


215

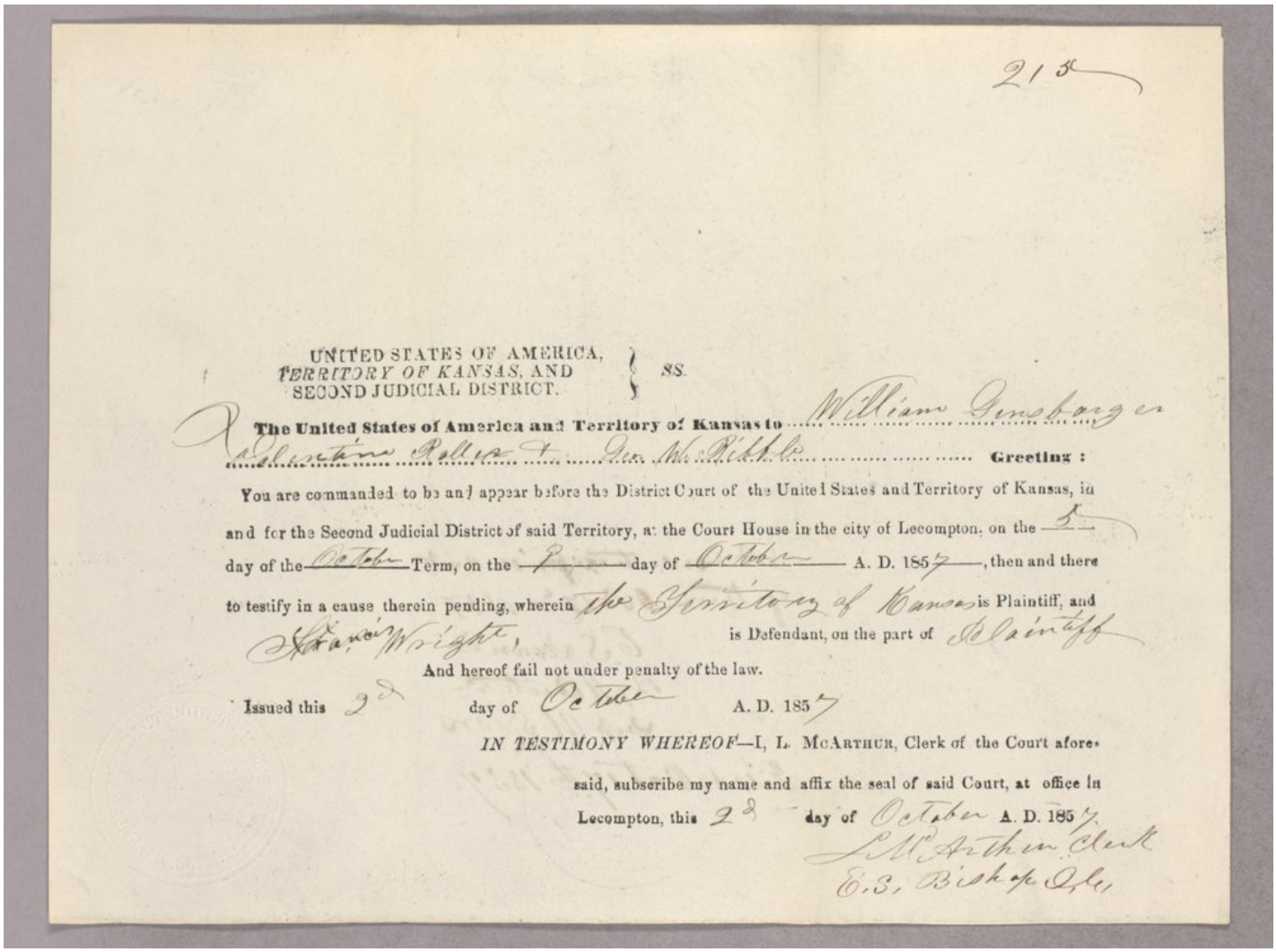
Territory of Kansas
vs. Murder.
Francis Wright. Alias. Writ.

Non Est. Oct 31 1857
E. S. Dennis
U. S. M.
M. P. Berry Deputy

In Jail

Filed Oct 31st 1857.

Kansas Territory versus Francis Wright for murder



215

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

The United States of America and Territory of Kansas to William Gensbanger
Valentine Roller & Geo. M. Bibb 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 5 day of the October Term, on the 2 day of October A. D. 1857, then and there to testify in a cause therein pending, wherein the Territory of Kansas is Plaintiff, and Francis Wright, is Defendant, on the part of Plaintiff

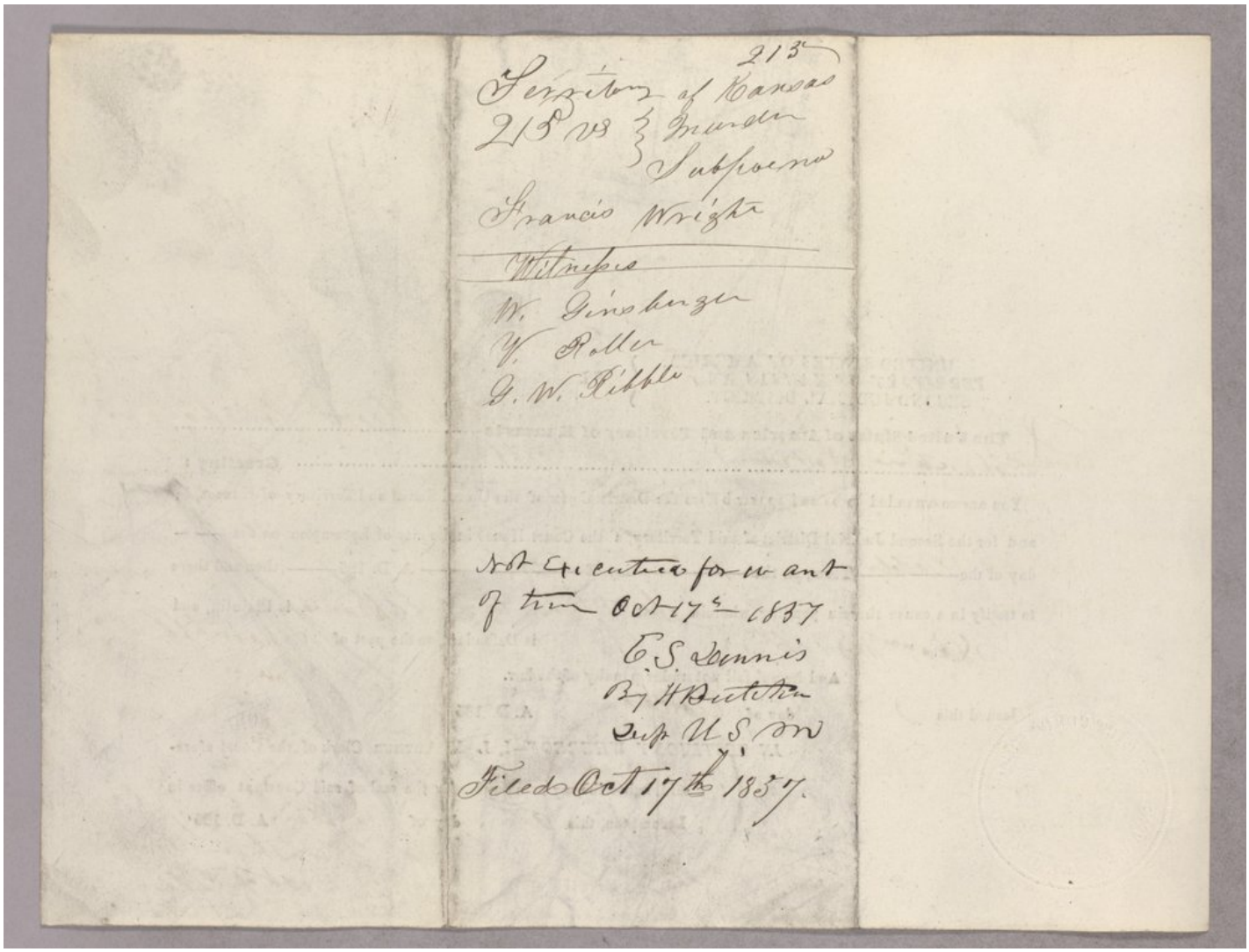
And hereof fail not under penalty of the law.

Issued this 2d day of October 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 2d day of October A. D. 1857

L. McArthur Clerk
E.S. Bishop Dpt.

Kansas Territory versus Francis Wright for murder



213

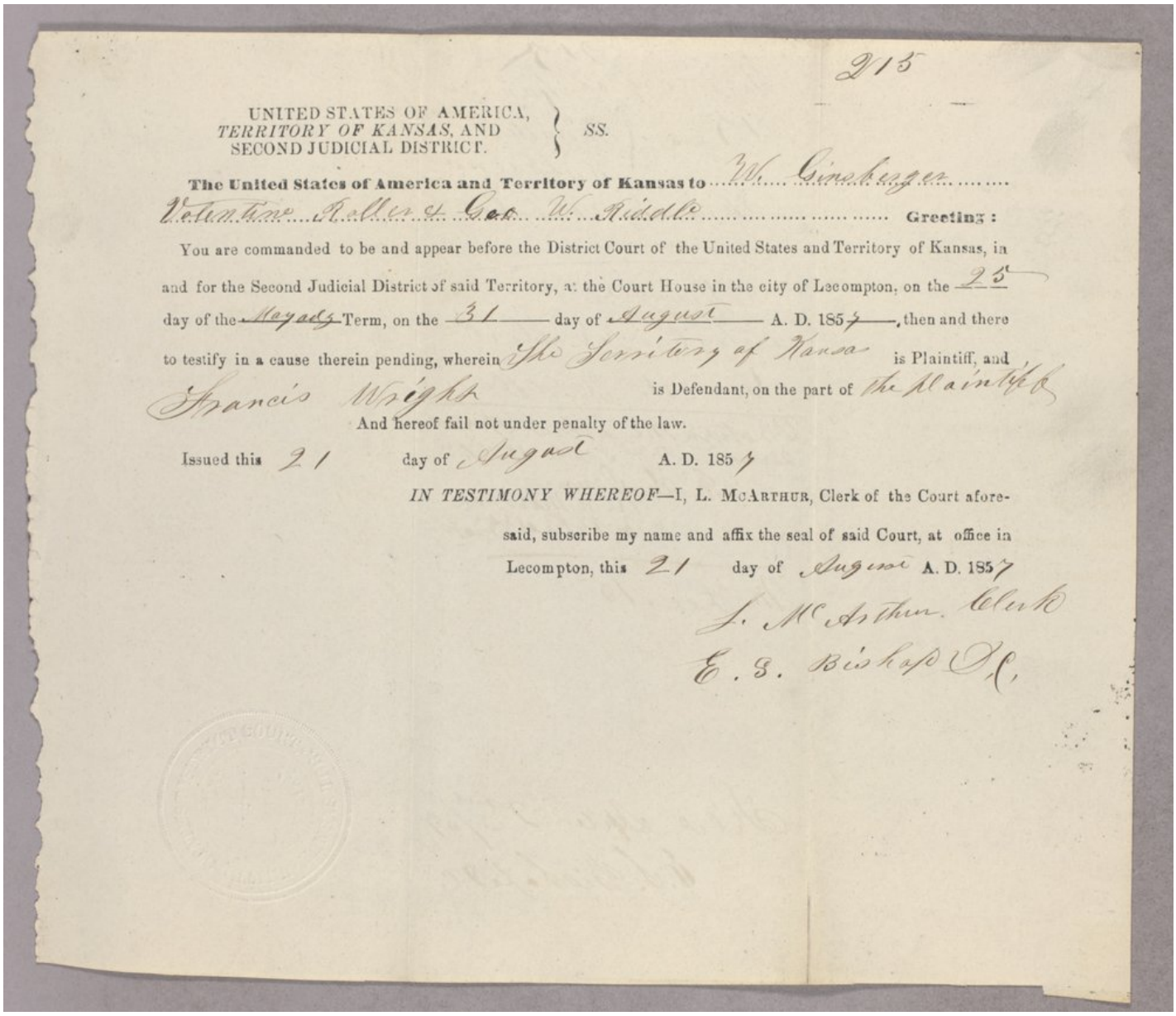
Territory of Kansas
vs } Murder
Francis Wright } Subpoena

Witnesses
W. Ginsbinger
V. Roller
G. W. Pibble

Not executed for want
of time Oct 17th 1857
C. S. Dennis
By H Burtis
Dep U.S. Mr

Filed Oct 17th 1857.

Kansas Territory versus Francis Wright for murder



215

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

The United States of America and Territory of Kansas to W. Ginsbarger
Valentine Roller & Geo. W. Riddle **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 25 day of the Regular Term, on the 31 day of August A. D. 185 7, then and there to testify in a cause therein pending, wherein The Territory of Kansa is Plaintiff, and Francis Wright is Defendant, on the part of the Plaintiff

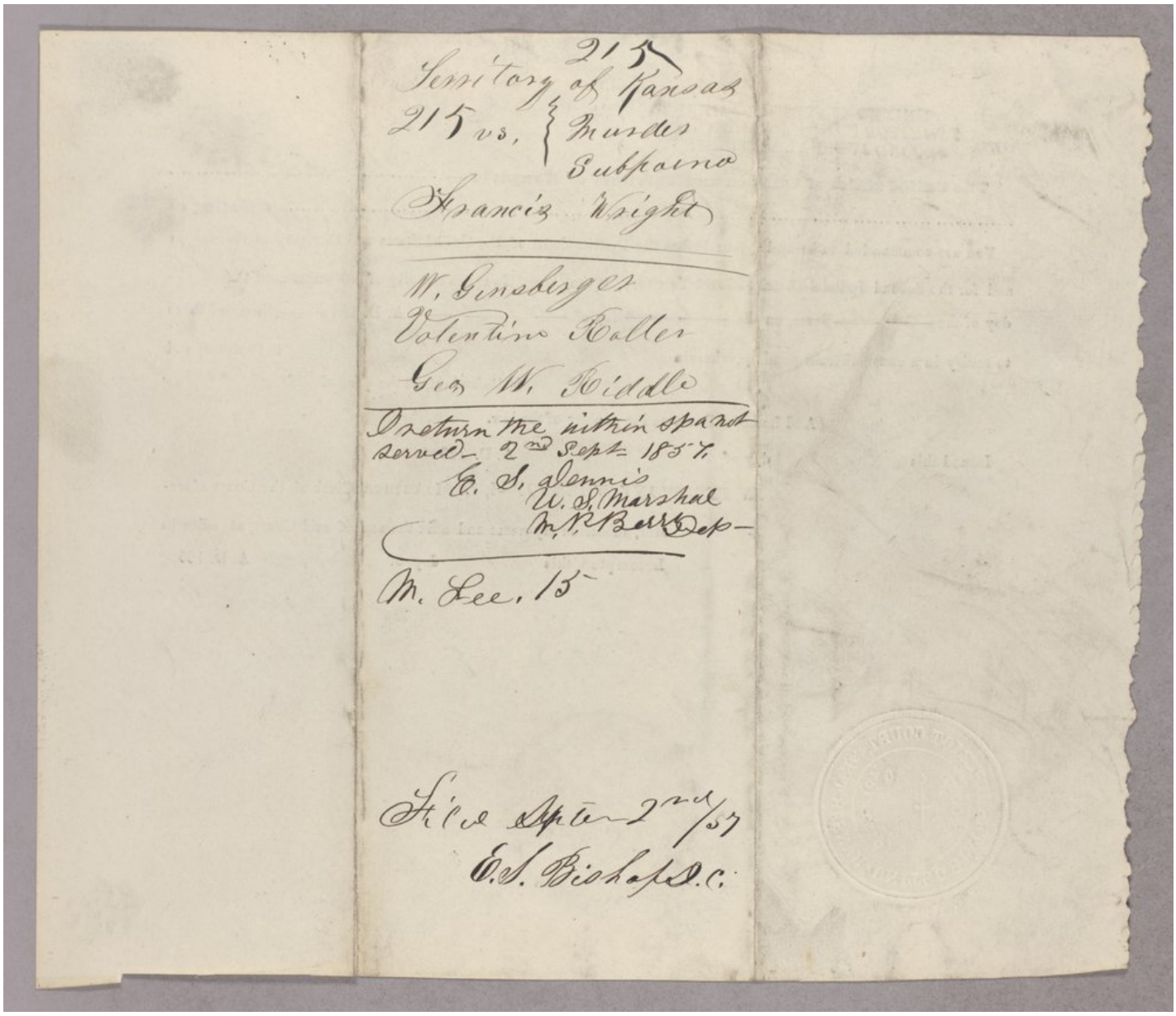
And hereof fail not under penalty of the law.

Issued this 21 day of August A. D. 185 7

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 21 day of August A. D. 1857

L. McArthur Clerk
E. S. Bishop D.C.

Kansas Territory versus Francis Wright for murder



215

Territory of Kansas
215 vs. } Murder
Subpoena
Francis Wright

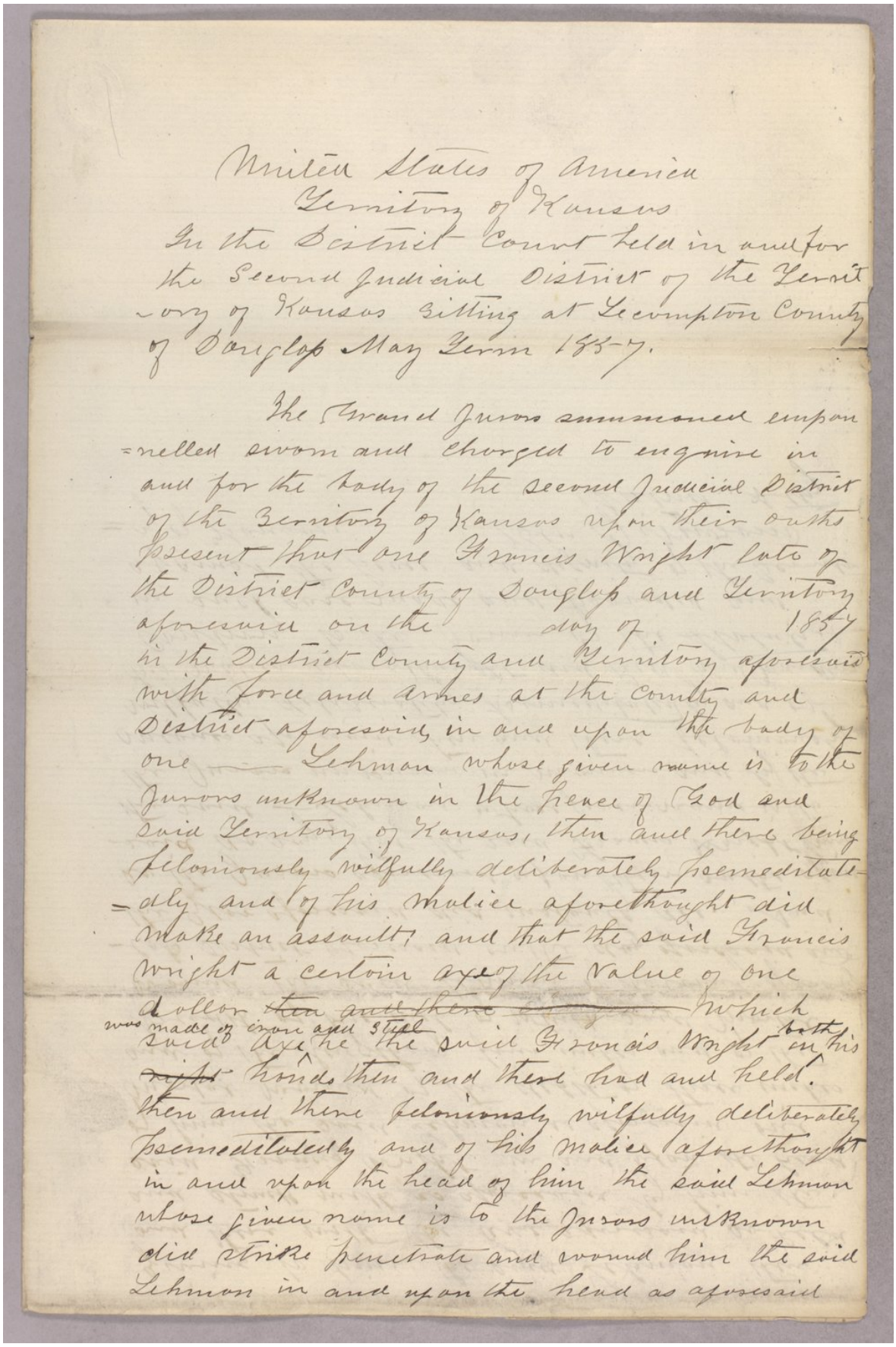
W. Ginsberger
Valentine Keller
Geo W. Riddle

I return the within subpoena served 2nd Sept 1857.
E. S. Dennis
U. S. Marshal
M. P. Berry Dep

M. Lee. 15

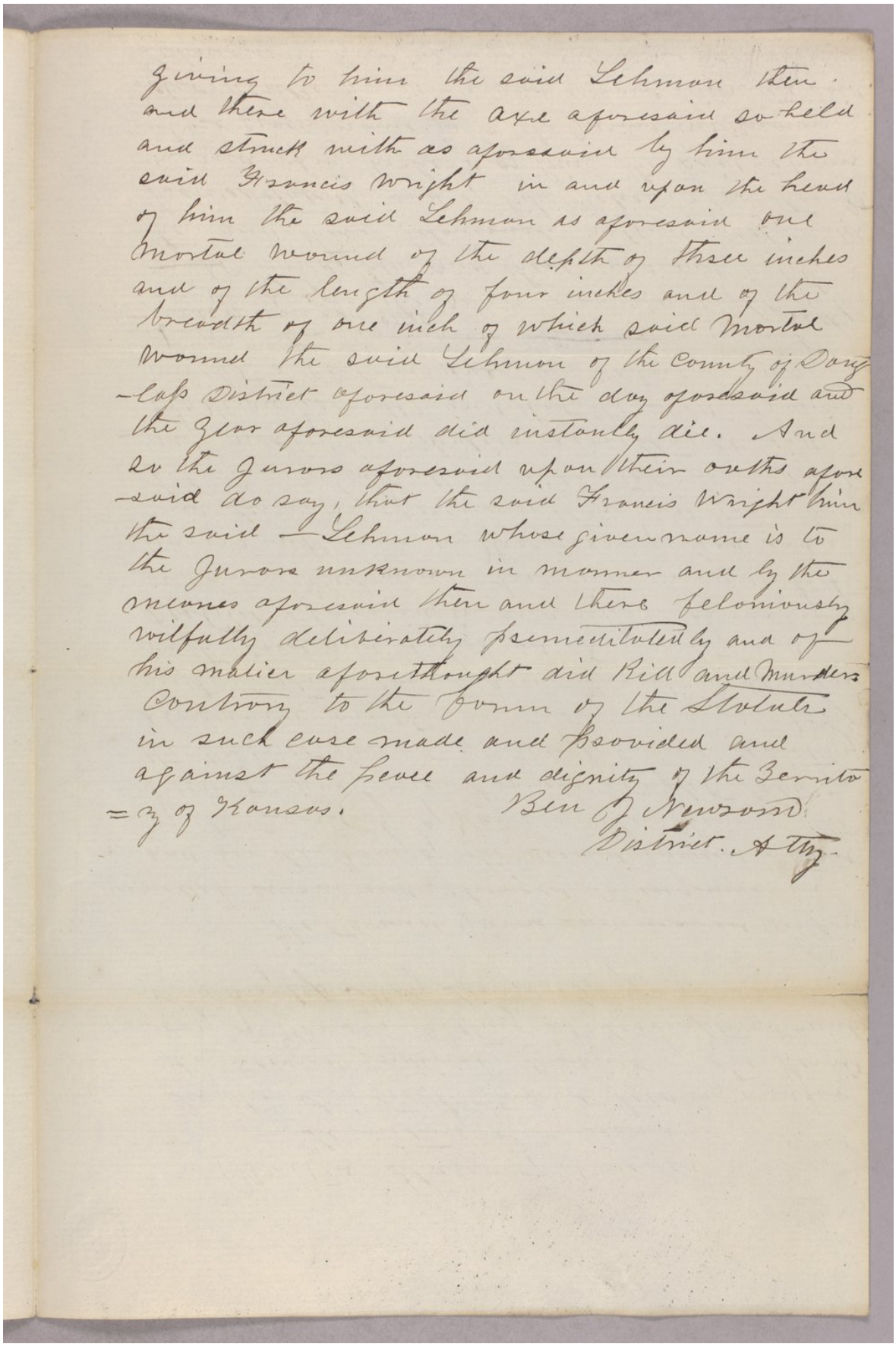
Filed Sept 2nd /57
E. S. Bishop D.C.

Kansas Territory versus Francis Wright for murder



United States of America
Territory of Kansas
In the District Court held in and for the Second Judicial District of the Territory of Kansas sitting at Lecompton County of Douglas May Term 1857.

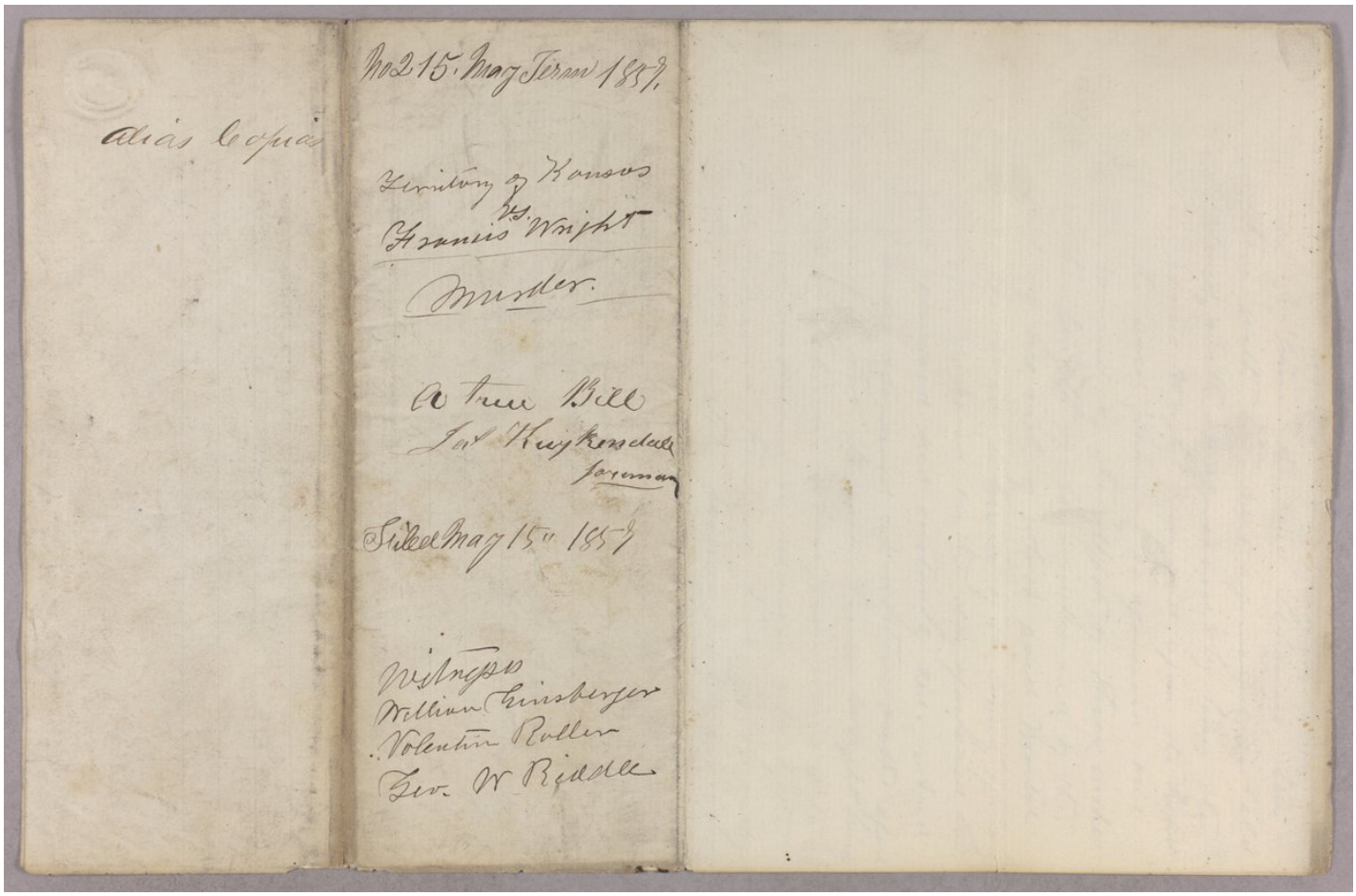
The Grand Jurors summoned empannelled sworn and charged to enquire in and for the body of the second Judicial District of the Territory of Kansas upon their oaths present that one Francis Wright late of the District County of Douglas and Territory aforesaid on the day of 1857 in the District County and Territory aforesaid with force and arms at the County and District aforesaid in and upon the body of one —— Lehman whose given name is to the Jurors unknown in the peace of God and said Territory of Kansas, then and there being feloniously wilfully deliberately premeditatedly and of his malice aforethought did make an assault, and that the said Francis Wright a certain axe of the value of one dollar ~~then and there~~ ——— which was made of iron and steel said axe he the said Francis Wright ~~in his right~~ both in his hands then and there had and held. then and there feloniously wilfully deliberately premeditatedly and of his malice aforethought in and upon the head of him the said Lehman whose given name is to the Jurors unknown did strike penetrate and wound him the said Lehman in and upon the head as aforesaid



giving to him the said Lehmon then
and there with the axe aforesaid so held
and struck with as aforesaid by him the
said Francis Wright in and upon the head
of him the said Lehmon as aforesaid one
mortal wound of the depth of three inches
and of the length of four inches and of the
breadth of one inch of which said mortal
wound the said Lehmon of the County of Doug-
-las District aforesaid on the day aforesaid and
the year aforesaid did instantly die. And
so the Jurors aforesaid upon their oaths afore
-said do say, that the said Francis Wright him
the said Lehmon whose given name is to
the Jurors unknown in manner and by the
means aforesaid then and there feloniously
wilfully deliberately premeditatedly and of
his malice aforethought did kill and murder
Contrary to the form of the Statute
in such case made and provided and
against the peace and dignity of the Territo
-ry of Kansas.

Ben J Newsom
District Atty.

Kansas Territory versus Francis Wright for murder



Kansas Territory versus Francis Wright for murder

Territory of Kansas
v. April 10th 1857.
Francis Wright

The defendant, having this day been brought before me, the undersigned Judge of the second Judicial District of said Territory, sitting as an examining Court, charged with the murder of one William Lehman; and both the prosecution and the defendant announced themselves ready, the following witness were introduced and examined, to wit,

William Grinberg being sworn on the part of the prosecution says. "I live about ~~two~~ one miles from where Mr. Lehman claim is situated. I was acquainted with Mr. Lehman. I know that he is dead. I helped to bury his body, and dig it up after he was first buried. I don't know when Mr. Lehman was first missing — he was found about two hundred yards from his house, may be more or less — buried about fourteen or fifteen inches under the ground. I was acquainted with him (Lehman) before he died — and recognized the body, when taken up as the body of Mr. Lehman."

X. Says. "I have known Lehman for two years previous to his death he visited me frequently. in the summer time, he came nearly every week to my house, or his partner - ~~the winter~~ Mr. Lehman came to my house about four weeks ago and that was on the Sunday and Monday about a week before the defendant says he was missing. he borrowed five dollars ~~—~~ from my wife, as Lehman stated to buy cloths with.

William Gunsling

John Phemister. Sworn for the prosecution says.. I live on Deer Creek in this County. and within about three hundred and fifty or four hundred yards of Mr. Lehmans ~~claim, and~~ house, but was not well acquainted with Lehman, saw him probably three or four times - About two weeks since, last Tuesday, the neighbors began to be alarmed about Mr. Lehmans absence - and on last Saturday morning I was told that search was about to be made for him. I proceeded to near the house of Lehman

and in a short time some fifteen came up. My Neighbor Mr. Riddle told Mr. Wright that we had come to make search for Mr. Lehman Mr. Wright replied to them, to go on and make search - they went to the house, and some of the Germans made some inquiry, or had some talk, I do not know what. and Mr Wright brought out a receipt, to show that he had paid a certain sum of money for the claim, I believe One hundred dollars - I then left the house and proceeded to make search and found something like a grave, I came back then to the house and reported, or was ready to notify those at the house to come - they all came, or most of them, with shovel and spade to the grave, and sent me to the house to see that Mr. Wright did not leave.

On the next day, I saw the body of Mr. Lehman, after it was taken out of the grave - I saw that there was a severe looking gash cut in the head, and bruises on the temples, I saw three wounds in the

mark apparently made with a knife, and one in the face - the cut in the head seemed to have been made with an axe, or something like an axe. I don't know how the bruises on the head were made might have been with an axe or club. I took Mr. Wright to the grave, some one asked him if he thought the body looked like Lehman's. he said it looked like him.

I have known Mr. Wright slightly, for about two years - never had much acquaintance till about 18 months since. he has lived within about half mile, more or less, of Mr. Lehman, till he went to live with Lehman some three or four months since.

I am of the opinion that Mr. Lehman's claim is worth some three or four hundred dollars.

x says. I live south west of W. L.'s claim on the same side of the Creek, but on the other side of the branch. Mr. Strick, lives on the hill Mr. Wright formerly lived about

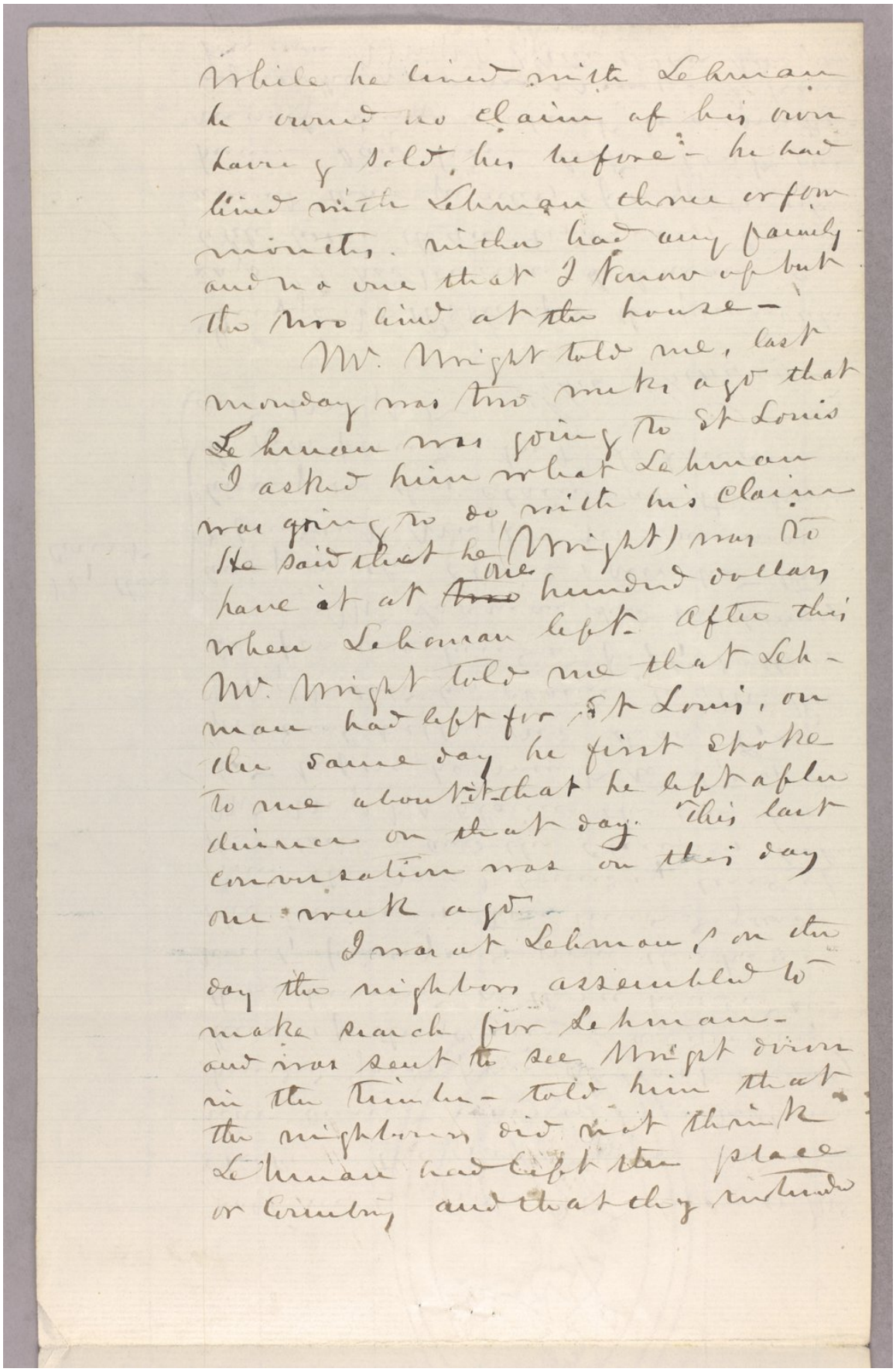
half mile from Mr. L.'s. or Mr. Stickey - the grave where Mr. L is now buried ~~was~~ is about three hundred yards from the east boundary line of the claim - and about three hundred, or three hundred and twenty five yards from the house the house is two hundred yards from the west boundary line of the claim - and the claim is what Mr. Wright's claim the one he had before he went to L.'s is a good deal better one than L.'s. Wright sold his claim to Mr. Rol he for one hundred fifty dollars

By the Court

Mr. Lehman had no family living on the claim, nor had the defendant Wright no one was living on this claim at the time L was found, but Lehman and Wright

Edward Thomeston

George W Riddle for the prosecution says." I had known Lehman a little better than two years, lived about three quarters of a mile of him - saw him last about one month since - about two months before he was murdered. I have known Wright better than two yea



While he lived with Lehman he owned no claim of his own have ~~&~~ sold, ~~her~~ before - he had lived with Lehman three or four months. neither had any family and no one that I know of but the two lived at the house -

Mr. Wright told me, last Monday was two weeks ago that Lehman was going to St Louis I asked him what Lehman was going to do with his claim He said that he (Wright) was to have it at ~~two~~ one hundred dollars when Lehman left. After this Mr Wright told me that Lehman had left for St Louis, on the same day he first spoke to me about it that he left after dinner on that day. This last conversation was on this day one week ago.

I was at Lehman's on the day the neighbors assembled to make search for Lehman - and was sent to see Wright down in the timber - told him that the neighbors did not think Lehman had left the place or country and that they intended

to search for him. Wright said if he (W) had any property there that did not belong to him he did want it. ~~they~~ told told that was not what we wanted we wanted Lehman. W then asked me when the men were I told him at the house. he said he'd go and see them and did so. When I got to the house some of the men spoke of searching for Lehman. Wright said if had any property that did not belong to him he did not want it. I saw nothing unusual in the appearance of things about the house - saw an axe with some gore in it - and three or four butcher knives - examined the cellar and found that blood had run down into the cellar and blood was also on the rocks of the hearth and on the sleeper there was a considerable quantity of blood found - I saw some blood on a sack that was found under the bed - the sack was not very bloody but the blood was plainly to be seen -

I saw the body after it

was taken from the grave
and believe it was Mr. Leitsman;
the body might have been buried
some week or ten days. from ap
pearances - was buried about fif
teen inches as near as I can recol
lect. I examined the wounds on
the body - the one on the right side of the head
was a large gash cut through the
skull - and one on the left side
of the head was cut through the
skull. there was one wound on
the head that looked like it might
have been done with the poll of
an axe - there was a wound on
the right cheek, can't say what
it was made with. She was stabbed
in the throat - I think ten,
gashes - apparently with a dull
knife - small knife, about like a
pocket knife - one of these wounds was
pretty deep - and the others seemed
to be shallow. one of the knife
I saw may have been small
enough to have made these
wounds. I saw no blood about
the grave. (By the Court) I was at the
grave when Wright first came up
the body had just been taken out -

Mr. Wright looked badly - was asked if that was Lehman - answered he believed it was - said, you all say it is, and it must be him - was asked if he could speak to him - Wright answered yes he could - and came round and took him by the hand - saying "as he did so - "good by Lehman."

By the Counsel - The Cellar is five or six feet deep.

X I have known Wright better than two years - we settled near each other - his claim or house about one mile from mine. Wright had been on the claim he sold about two years - he had a cabin and small farm - was not particularly quarrelsome - was somewhat deaf and had to have conversation sometimes repeated to him before he could understand it.

his
George W. + Roode
mark

valentine.

William Roller. sworn for the prosecution says. "I have seen the body of Mr. Lehman since his death -

and knew him before his death. Was present at the grave when the body was taken up - Wright was there also, and looked badly - some one asked him if the body was Lehmans, & said he believed it was.

I saw blood on the rock and in the cellar - could not examine the body - but saw wounds - x says I was present when the house was examined after coming from the grave - saw no money found - but heard others say that about three dollars had been found. When Wright came to the grave and looked badly and surprised he was in custody after this -

I have known Wright during the winter - pay four or five months - he has been sick in the at time with chills.

Mr. Wright said that Lehmans had taken sick him when he left for St. Louis, his best clothes - but his best clothes - his Sunday clothes - boots &c were found in the house after his death, and he was buried in his ragged coat.

I brought Mr. Wright's claim at one hundred & fifty dollars, paid a

tolerable claim.

Valentin Roller

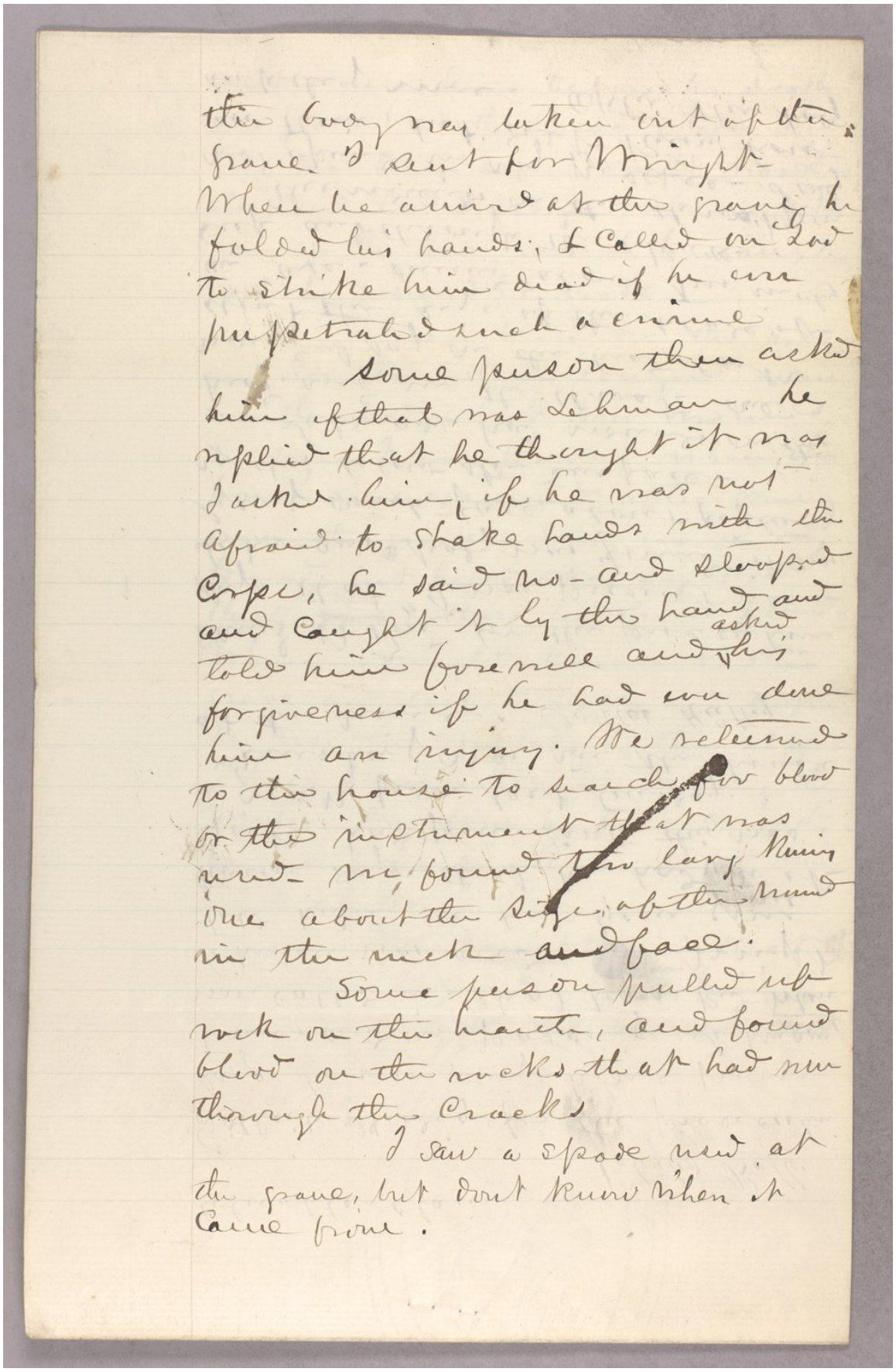
Gotlieb Steadig for the prosecution says. he was going home from town, and on passing Lehmans was called in - that he asked when Lehman was acted upon - Wright told him he had been gone twelve days - that he had gone to St - York, had gone East - this was a week from last Tuesday.

Lusher was in the house at the time. Gottlob Hettey

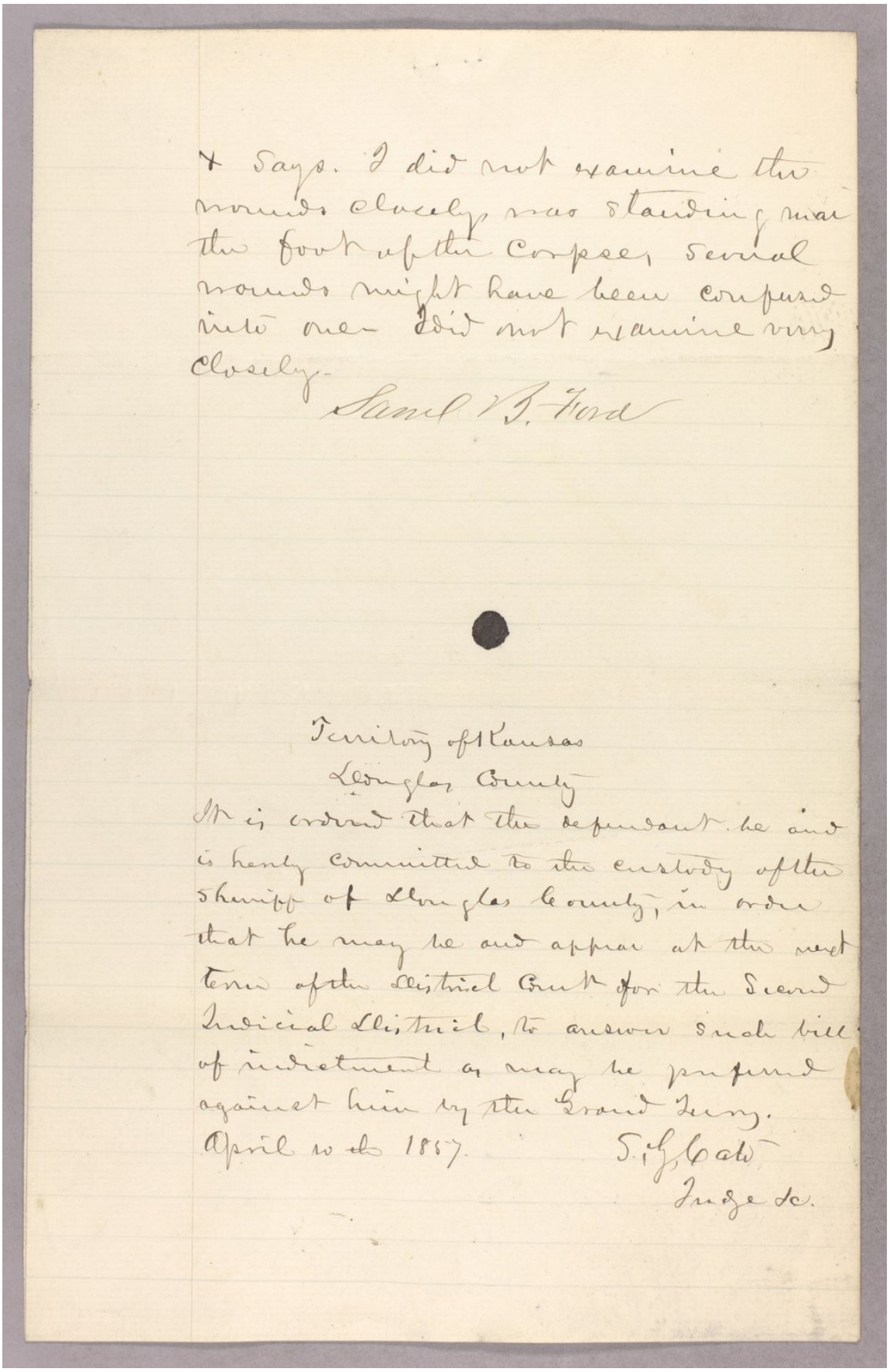
Saml. B Ford for the prosecution says that "I was present when Lehman's body was found - it was lying on its face about fifteen inches below the surface -

Lehman had wounds on the head, and in the throat - one wound I say on the head, cut about the size of the blade of an axe - seemed about two inches deep and through the skull

The wounds on the throat were not opened in my presence - I only saw them, but don't know how deep they were - After the body



the body was taken out after
some I sent for Wright.
When he arrived at the grave he
folded his hands, & called on God
to strike him dead if he was
perpetrated such a crime
Some person then asked
him if that was Lehman. he
replied that he thought it was
I asked him, if he was not
afraid to shake hands with the
Corpse, he said no - and stooped
and caught it by the hand and
told him forewell and his
forgiveness if he had ever done
him an injury. We returned
to the house to search for blood
or the instrument that was
used - we found two large stones
one about the size of the head
in the neck and face.
Some person pulled up
rock on the branch, and found
blood on the rocks that had run
through the cracks
I saw a spade used at
the grave, but dont know when it
came from.



x Says. I did not examine the wounds closely was standing near the foot of the Corpse, several wounds might have been confused into one. did not examine very closely.

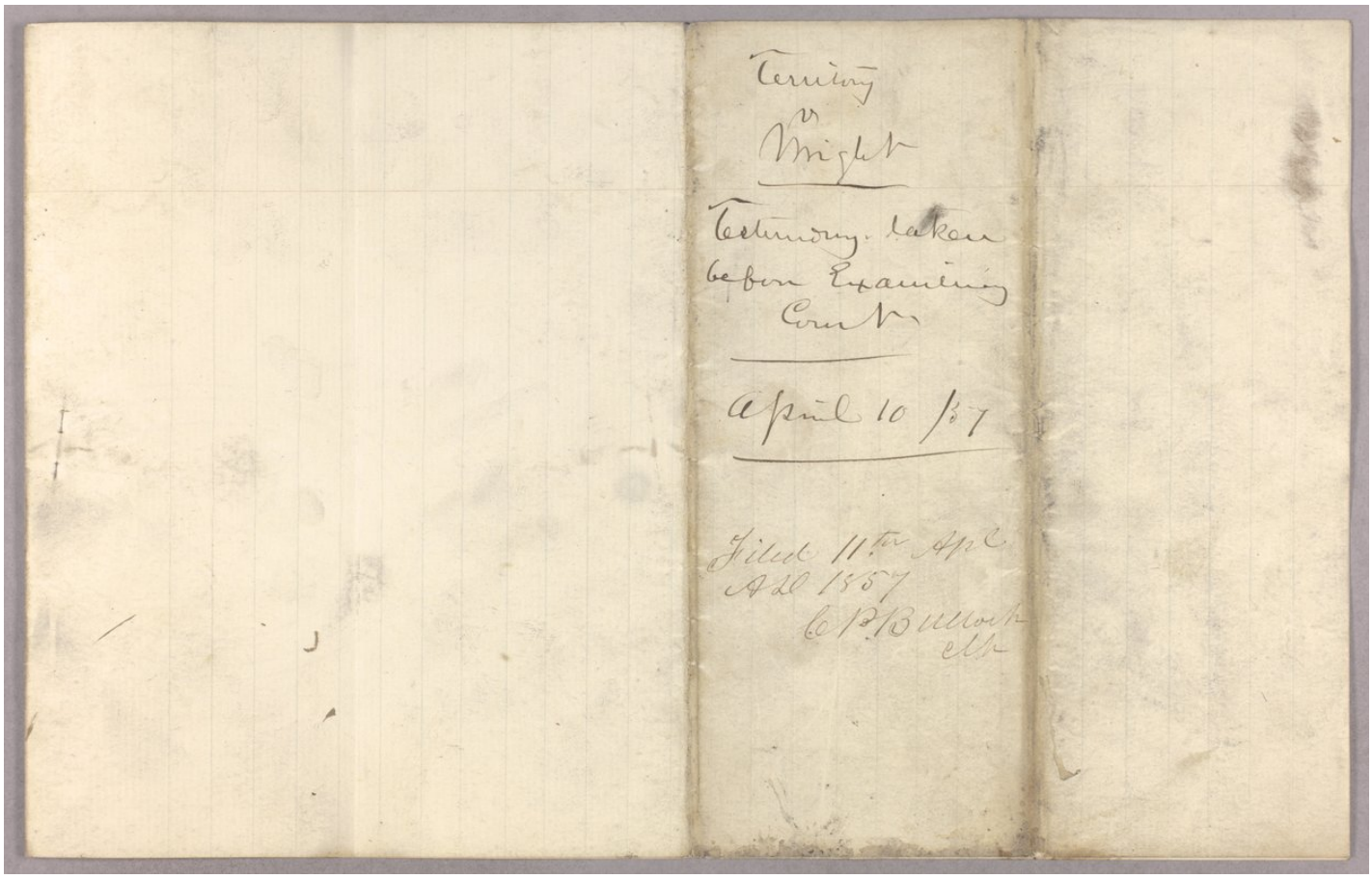
Saml B. Ford

Territory of Kansas
Douglas County

It is ordered that the defendant be and is hereby committed to the custody of the Sheriff of Douglas County, in order that he may be and appear at the next term of the District Court for the Second Judicial District, to answer such bill of indictment as may be preferred against him by the Grand Jury.

April 10th 1857. S. J. Cato
Judge &c.

Kansas Territory versus Francis Wright for murder


Territory
vs
Wright

Testimony taken
before Examining
Court

April 10 /57

Filed 11th April
A.D. 1857
C. P. Bullock
Clk