

Todd Family

38TH CONGRESS, } HOUSE OF REPRESENTATIVES. { Mrs. Doc.
1st Session. } { No. 27.

J. B. S. TODD vs. WILLIAM JAYNE.

MEMORIAL

OF

J. B. S. TODD,

CONTESTING

The election of William Jayne, a delegate from the Territory of Dakota.

FEBRUARY 3, 1862.--Ordered to be printed.

To the honorable the House of Representatives of the Congress of the United States:

Your petitioner, J. B. S. Todd, of the Territory of Dakota, respectfully represents that he was duly elected by the legal voters of said Territory, at the election held September 1, 1862, to represent said Territory in the 38th Congress. Notwithstanding such election, the governor of said Territory has given a certificate to Hon. William Jayne, who now claims to represent said Territory in your honorable body. And your petitioner prays that the proof of such election, now in the hands of the Clerk of this House, may be examined and your petitioner declared duly elected and admitted to his seat.

And your petitioner will ever pray.

J. B. S. TODD.

Bon Sioux Point,

Cole County, Dakota Territory, November 15, 1862.

Sir: Having heard that you have received the certificate of election as the delegate for this Territory to the House of Representatives in the 38th Congress, I hereby give you notice that it is my intention to contest your election as delegate and your right to such seat before the House of Representatives, upon the following grounds:

1st. That the rejection by the territorial board of canvassers of *twenty-two* votes cast for me in the precinct of Bon Homme, in the county of Bon Homme, was without warrant of law, unjust, and altogether erroneous.

2d. That the aforesaid votes were cast by legal voters at the time and place and in the manner provided by law.

ORANGE COUNTY CALIFORNIA
GENEALOGICAL SOCIETY



3d. That of the persons who voted in the Yankton precinct, in the county of Yankton, seven and upwards were non-residents of the Territory, and *one* had not been a resident of the Territory ninety days, as required by law; and said votes were cast for you.

4th. That the election held at the precinct of Brulé Creek, in the county of Cole, was wholly illegal, fraudulent, and void, for the following reasons: 1st. The polls at said precinct, contrary to law, were opened at or before *two* o'clock on the morning of the 1st of September, 1862, at which time there were a large number of votes cast, to wit, *thirty-nine* or upwards, which votes, although illegal—said voters not being electors of the Territory—were afterwards counted, returned, and canvassed for you. 2d. That the above votes were cast at a place and time not provided for by law, for the purpose of preventing challenge and objection to said votes on account of illegality. 3d. That at nine o'clock the polls were opened at the place provided by law, but that at this time neither the judges nor clerks of election were sworn, nor before opening the polls was the ballot-box, being the same as heretofore set forth, examined by the judges of election to see that nothing was contained therein, and that the votes cast, as heretofore stated, still remained in the box and were canvassed with the others, both by the judges of said election and the county and territorial canvassers.

5th. That of the persons who voted for you at the precinct of Brulé Creek, in Cole county, *thirty-nine* and upwards had not resided ninety days in the Territory next preceding the day of said election, as required by law.

6th. That six ballots cast for me at said precinct were fraudulently taken from the ballot-box and rejected.

7th. That at the time of the canvass by the territorial board of canvassers the returns of the election in the voting district, composed of Cheyenne, Stevens, Chippewa, and Kittson counties, commonly known as the Pembina district, had not been received at the office of the secretary of the Territory; that the secretary of the Territory neglected and refused, at the end of forty days after the election, to send a messenger to the clerk of the boards of the county commissioners of said district for said returns, as required by law; that at said election, in said district, I received one hundred and forty-five votes and upwards for delegate to the 38th Congress, and you received *nineteen* votes, none of which votes were counted and allowed by the territorial board of canvassers, because the returns had not been received at the time of canvassing. I now claim the benefit of said votes.

8th. That the general election in Charles Mix county, held on the 1st of September, 1862, at the house of Charles E. Hedges, formerly F. D. Pease's, for a delegate to Congress, was wholly illegal, fraudulent, and void, for the following reasons: That one hundred Iowa soldiers, stationed at Fort Randall, voted for you, contrary to the statutes of the Territory; that said soldiers, or a part of them, were armed, drunk, and disorderly; that said soldiers did, by threats and violence, prevent my friends from voting; that Charles P. Booge and others did, by violence, remove one of my friends from the polls who was exercising the right of challenge; that the votes of eleven half-breed Yankton Sioux Indians were received for you; and that of the legal votes of Charles Mix county received, counted, and returned by the judges at said election precinct, had it not been for the above-mentioned frauds, I should have received a majority of five votes; and that for the reasons above recited, and the fact that the legal and illegal votes were so complicated, it was impossible and impracticable to distinguish between the valid and fraudulent votes. Therefore the returns of Charles Mix county were properly and rightfully rejected by the board of canvassers.

9th. That at Bon Homme precinct, in Bon Homme county, I received twenty-two votes, and you received none; that at Yankton precinct, in Yankton county, I received sixty-seven votes, although but sixty-six were returned and canvassed

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for me, and you received fifty-eight, although sixty-six were returned and canvassed for you; but I complain and show that of these sixty-six votes cast and canvassed for you, only fifty-eight were cast by legal voters, the other eight having been cast by non-residents of said Territory; that at Brulé Creek precinct, in Cole county, there were, at the time of said election, but thirty legal votes, of which I received fourteen and you received sixteen, although the vote returned and canvassed gave me only eight votes, and gave you sixty-three.

10th. That at the general election in the Territory of Dakota, held on the 1st of September, 1862, I received a greater number of legal votes than you did, and the highest number given for any one person, and of right am entitled to said seat in the 38th Congress.

11th. That in this case of contested election, during my absence, my attorneys are Messrs. Currier, of Sioux City, J. Wherry, of Vermillion, and William E. Gleason, of Yankton. Any communications, replies, or notices you may have to make, you will please address to either of the above gentlemen.

I am, very respectfully, your obedient servant,

J. B. S. TODD.

Hon. WILLIAM JAYNE,
Yankton, Dakota Territory.

STATE OF IOWA,
Woodbury County, ss:

I, F. J. Lambert, sheriff of Woodbury county, Iowa, being duly sworn, say that the annexed notice of contest came into my hands on the 17th day of November, A. D. 1862, and was by me served on the same day upon the within named Hon. William Jayne, at Sioux City, Woodbury county, Iowa, by leaving a certified copy of the within notice, personally, with Julia E. Jayne, the wife of the said William Jayne, and a member of his family over fourteen years of age, at the Waungon House, his usual place of residence, at Sioux City, Woodbury county, State of Iowa.

F. J. LAMBERT,
Sheriff of Woodbury County, State of Iowa.

[SRAL.] Subscribed and sworn to before me, this November 17th, 1862. Witness my hand and seal.

JOHN H. CHARLES,
Notary Public.

TERRITORY OF DAKOTA,
Second Judicial District.

I, William Miner, sheriff of Yankton county, Dakota Territory, being duly sworn, say that the annexed notice of contest came into my hands on the 19th day of November, A. D. 1862, and was by me served on the same day upon the Hon. William Jayne, at Yankton, in Yankton county, by leaving a true copy of the foregoing notice at the surveyor general's office, with Newton Edmunds, the said Hon. William Jayne being absent from the Territory, and the said Newton Edmunds being authorized to receive mail matter and other communications for the Hon. William Jayne, and the surveyor general's office being his usual place of business.

WILLIAM MINER,
Sheriff of Yankton County, Dakota Territory.

Sworn to and subscribed before me, James M. Allen, clerk of the United States district court, in and for the second judicial district of the Territory of Dakota.

[SEAL.] Witness my hand and private seal (no seal of said court being yet provided) this 19th of November, A. D. 1862.

JAMES M. ALLEN, *Clerk.*

TERRITORY OF DAKOTA,
Second Judicial District.

I, William Miner, sheriff of Yankton county, Dakota Territory, being duly sworn, say that the annexed notice of contest came into my hand on the 19th day of November, A. D. 1862, and was served by me on the same day upon the Hon. William Jayne, at Yankton, by leaving a true copy of the foregoing notice with Mrs. Mary Ash, wife of H. C. Ash, proprietor of Ash's Hotel, the same being the said Hon. William Jayne's last place of residence in Dakota Territory, he being absent from said Territory.

WILLIAM MINER,
Sheriff of Yankton County, Dakota Territory.

Sworn to and subscribed before me, James M. Allen, clerk of the United States district court, in and for the second judicial district of the Territory of Dakota.

[SEAL.] Witness my hand and private seal (no seal of said court being yet provided) this 19th day of November, A. D. 1862.

JAMES M. ALLEN, *Clerk.*

THE UNITED STATES OF AMERICA,
Territory of Dakota, vs :

In the matter of the contested election of delegate to Congress.

The answer of William Jayne, of said Territory, to the notice of J. B. S. Todd, contestant.

The said William Jayne, the delegate elect from said Territory to the House of Representatives of the United States in the 38th Congress, for answer to the notice served upon him by said Todd, contestant, and to the grounds severally specified by him upon which he relies in said contest, says :

1. As to the grounds numbered 1st and 2d, the said Jayne denies that the number of (22) twenty-two or any other number of legal votes were cast for said Todd in said precinct and county of Bon Homme, but, on the other hand, avers that the votes so claimed to be cast were without any warrant of law whatsoever, but were cast after the time for holding the election had expired, before volunteer judges and clerks unknown to the law, and by a volunteer assembly of riotous persons, from whom the law-abiding and orderly citizens of the precinct kept aloof. The said twenty-two votes so pretended to be cast were certified to the territorial canvassers by a private person, and not by the county register as provided by law, and were very properly rejected by said board of canvassers.

2. The said Jayne denies that seven and upwards, or any number, who voted for him in said Yankton precinct, were non-residents of the Territory, and also denies that one who so voted had not been a resident of said Territory the ninety days required by law, as alleged in said notice, marked 3d.

The said Jayne also denies all the allegations of illegality and fraud set forth in said notice, marked 4th, 5th, and 6th, pertaining to the election held at Brulé Creek, in the county of Cole, and he especially denies that any of the voters of said precinct were non-electors of said Territory, but avers that they were all

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legal electors, and that he received at said Brulé Creek precinct sixty-six lawful votes, all of which were properly returned and canvassed by said territorial board of canvassers. More specifically answering us to the voting at said Brulé Creek precinct, the said Jayne avers that immediately previous to said election in said Territory a panic had seized a portion of the citizens of the Territory in consequence of the reports that had just arrived of the terrible Indian massacres of the frontier settlers in Minnesota; that on the day previous to the election a proclamation of the governor of the Territory was brought to said Brulé Creek settlement, announcing the attack of the Indians upon Sioux Falls, the only settlement lying between said Brulé Creek and the scene of the Indian ravages in Minnesota, the murder by them of two of the citizens of said Sioux Falls, and the flight of the rest, and calling upon the people of the Territory to arm and organize for its defence.

Immediately upon receiving a copy of said proclamation, and towards night of the day preceding the election, the citizens of Brulé Creek precinct assembled to organize a military company and prepare means of defence, and continued their session through the night. As the night progressed the alarm of many increased, and they expressed a determination to flee to the settlement as soon as the day dawned. So many expressed their determination thus to leave, that it was greatly feared that the said precinct—a new and very flourishing one—would be deprived of its own weight in the pending territorial and county election, in which its citizens felt a strong general and local interest; and thereupon, and for the purpose of receiving the honest votes of those of the legal electors who it was feared would leave, and not for any fraudulent purpose whatever, the judges of the election, theretofore appointed according to law, did proceed in said assembly in a public manner to receive a few votes before daylight, and before the lawful hour for opening the polls. The whole number of votes so cast before the proper time for opening the polls was not over (30) thirty, and the persons who cast them, all of whose names were afterwards entered upon the poll-book, were all legal electors of said precinct and Territory.

This irregularity this respondent regrets, and believes would not have occurred but for the cause above named; for no settlement in this Territory, or in any other State or Territory, is more orderly and law-abiding than that of Brulé Creek.

As to the allegation in said notice marked 7th, the said Jayne avers that the voting district composed of said Shesenne, Stephens, Chippewa, and Kittson counties, commonly called the Red river country, is situated wholly in the Indian country, and though within the geographical, it is, by the act of Congress organizing the Territory of Dakota, without the political limits of said Territory. All the persons who voted in said district in the Indian country, and upon Indian lands, have no right to participate in elections in said Territory, and had the returns from said election been received by said territorial canvassers, they should for that reason have been rejected. Further, as to said district this respondent avers that at the election held therein he received a majority of all the legal votes there cast, if any there were; that there are not to exceed thirty white males over the age of (21) twenty-one years in all said district, and of those (19) nineteen voted for the said Jayne. If over thirty votes were actually cast in said district they were cast by Indians, by half-breeds, or by non-residents, or by aliens, and were altogether illegal and should be rejected, or, if counted at all, that nineteen votes should be counted for him, and not over eleven for said Todd.

As to the election in said Charles Mix county, the said Jayne avers that the same was legal, honest, and valid. He denies that one hundred, or any other number of Iowa soldiers, who were not entitled to vote, voted for him at said election; he denies that said soldiers or any one else did, by threats, violence, or in any other manner, prevent the friends of said Todd from voting; he de-

nies that Charles P. Booge, or any other person, did, by violence or in any other manner, remove any of said Todd's friends who were exercising the right of challenging, and he denies "that the votes of eleven or any other number of Yankton half-breed Sioux" were received for him. He also denies that said Todd could have received, by any honest mode of receiving and counting said votes, a majority of five, or any more votes than were actually received and returned for him, to wit, seven in all.

In relation to said last mentioned precinct, the said Jayne avers that he was greatly wronged by the action of said territorial canvassers in rejecting said return and votes. There were cast for said Jayne in said precinct, in said Charles Mix county, and duly returned to said board of territorial canvassers, (138) one hundred and thirty-eight legal votes; and there were also so cast and returned for said Todd seven votes; making a majority for said Jayne so cast and returned of one hundred and thirty-one votes which should have been canvassed for him by said territorial canvassers.

As to the allegations in said notice in the paragraphs marked 9th and 10th, so far as they contradict or are at variance with the statements heretofore or hereafter in this answer made, the said Jayne denies them all.

Further answering, the said Jayne states that illegal votes were cast at said election for said Todd, and returned and canvassed for him by said territorial board of canvassers, to wit: at the precinct of Big Sioux Point, in Cole county, (9) nine illegal votes were received and returned, cast for said Todd by non-residents of the Territory, all of which should be deducted from the votes returned and counted for said Todd.

Wherefore, the said Jayne claims that if no illegal votes had been cast in said Territory at said election, and if all the legal votes so cast had been canvassed by the territorial board of canvassers, he would not only have been declared to have received a majority of votes, but the majority of votes would have been much larger than what was awarded to him.

WILLIAM JAYNE.

YANKTON, D. T., December 15, 1862.

TERritORY OF DAKOTA,

County of Yankton, ss:

Be it remembered, that in pursuance to the notices hereto annexed, before us J. S. Prosho and Samuel Grant, justices of the peace in and for the county of Yankton and Territory of Dakota, on the 6th day of January, A. D. 1863, and on the several days following, hereinafter specified, at the office of William E. Gleason, esq., in the town of Yankton, and county and Territory aforesaid, Daniel A. Babcock, Thomas V. B. Johnson, Benjamin F. Smith, Reuben S. Dexter, Morton Powell, John Shover, James R. Michael, James Maloney, Napoleon Jock, Peter Seepan, Daniel C. Gifford, Chroel Gifford, Ole Halverson, Pierre Clermour, N. J. Wallace, John H. Shober, W. W. Warford, M. H. Somers, Edward W. Gifford, George W. Kingsbury, R. M. Johnson, John Hutchinson, William Bordeno, Abram Vanosdel, C. S. White, Henry Bradley, John Stange, Thomas C. Powers, James M. Allen, D. T. Bramble, William P. Lyman, Parker V. Brown, Obed Foote, H. O. Ash, James Falkinburgo, John Carrier, William E. Gleason, Jesse Wherry, Silas G. Irish, William Miner, Peter Johnson, Charles N. Cooper, Charles McCarty, Timothy Andrews, Horatio Geddes, Hamilton Geddes, William G. Hargis, James Skinner, Hugh Fraley, Lewis Gates, Joseph E. Stinger, and Nathan McDaniells, on the part of the contestant, were produced as witnesses, and having been by us duly sworn to answer truly all such questions as should be propounded to them touching the matter of contested election of delegate to the thirty-eighth Congress, wherein J. B. S. Todd

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is contestant, and William Jayne incumbent, then and there testified as follows, to wit:

In the matter of contested election of William Jayne, as delegate to the thirty-eighth Congress from the Territory of Dakota, J. B. S. Todd contestant.

Testimony taken on the part of the said J. B. S. Todd, in pursuance of the notices hereunto annexed, at the town of Yankton, and Territory of Dakota.

TUESDAY, January 6, 1863.

Present: John Carrier, William E. Gleason, and Jesse Wherry, attorneys for J. B. S. Todd, contestant; and William Jayne, incumbent, with his attorneys, W. W. Brookings and George M. Pinney; also witnesses.

William Jayne, by his attorneys, files the following protest:

UNITED STATES OF AMERICA,
Territory of Dakota, ss:

In the matter of the contested election of delegate to Congress from the Territory of Dakota, to the thirty-eighth Congress of the United States.

J. B. S. TODD, Contestant, }
 rs. }
WILLIAM JAYNE, Incumbent. }

Now comes the incumbent, William Jayne, by his attorneys, and enters his protest against the present board of magistrates (they being justices of the peace, and not judges of any court of record) taking depositions or examining witnesses in the above-entitled cause.

The said William Jayne, by his attorneys, avers that it is not in accordance with the notice served upon him on the 26th day of December, A. D. 1862, by the attorneys of the said J. B. S. Todd, contestant in the aforementioned cause; but that the notice required him, the said William Jayne, to appear before the "Hon. P. Bliss, chief justice of Dakota Territory," and represented that "said chief justice was a resident within and for the congressional district of the Territory of Dakota," and duly authorized by law to examine witnesses in said case.

The said William Jayne further avers that said chief justice, P. Bliss, is now present, and is ready to examine witnesses in the aforesaid case; and that by the act of Congress entitled "An act to prescribe the mode of obtaining evidence of contested elections," passed the 19th day of February, A. D. 1851, the present board of justices of the peace are incompetent to examine witnesses in the aforesaid case, from the fact that the said chief justice, P. Bliss, is now present, and has not refused to proceed to examine witnesses in said case, and also that Hon. Joseph L. Williams, one of the associate justices residing within the said congressional district of Dakota Territory, is now within said district. Therefore, according to the third and tenth sections of the aforementioned act of Congress, the present board of justices of the peace have no authority by law to proceed to examine witnesses and take depositions in the said matter of contested election.

By his attorneys, WILLIAM JAYNE,
W. W. BROOKINGS,
ENOS PUTSMAN,
GEORGE M. PINNEY.

YANKTON, D. T., January 6, 1863.

To which attorneys and agents of J. B. S. Todd, contestant, in answer, thereupon, filed the following:

UNITED STATES OF AMERICA,
Territory of Dakota:

In the matter of contested election of delegate to Congress from the Territory of Dakota, to the thirty-eighth Congress of the United States.

J. B. S. TODD, Contestant, }
vs. }
WILLIAM JAYNE, Incumbent. }

The contestant, for answer to protest herein filed by incumbent, on the 6th day of January, A. D. 1863, to the jurisdiction of the justices of the peace, denies that there is any discrepancy between the notice served on the said incumbent, on the 25th day of December, A. D. 1862, and the taking of the testimony in this case, under said notice, before two justices of the peace, as will appear by reference to said notice. And, further answering, denies that Chief Justice P. Bliss is now, or ever has been, ready to examine witnesses in this case; and denies that the present board of justices of the peace are incompetent to examine witnesses under the act of the 19th of February, A. D. 1851, or any other act. And, for further answer in this behalf, alleges that, at the time of the giving of said notice to said incumbent of the taking of testimony in this case, there was no officer, not even justices of the peace, in the county of Yankton, who could have acted in the matter; that the time allowed by statute for taking testimony was rapidly passing, and the attorneys for contestant could see no other way of securing the evidence than by applying to Chief Justice P. Bliss, the only one of the judges in the Territory at the time; they did this, as will be seen by reference to original notice of taking testimony, served on the said incumbent, although, at the time of the making such application, they were aware of the incompetency of the said Bliss to act on account of his being a non-resident of the Territory; that in truth and in fact neither the said Bliss, nor either of his associates, Lorenzo P. Williston or Joseph L. Williams, ever had a residence in this Territory or congressional district; that the said Williston is now absent from this Territory, and in the State of Pennsylvania, while the other two judges, to wit, P. Bliss and Joseph L. Williams, are only temporarily here, attending the session of the legislature; that both of the last-named persons are strong partisan friends of this incumbent, and are only willing to act in the taking of the testimony in this case provided the contestant will accept as a clerk a person by the name of George N. Proper, who is well known to be a deeply interested sympathizer of this incumbent in the present contest, as he was in the late election, and who falsely swore that he was a resident of this Territory at the September election of 1862, that he might thus be enabled to vote for this incumbent; that at the time of making the application to Chief Justice Bliss to issue the subpoena for witnesses, the said Judge Williams was not in the Territory, but at Sioux City town, where both his own and the family of Judge Bliss are domiciled; that this contestant would have taken the testimony before the chief justice, although advised of his incompetency, as aforesaid, had not this judge expressed so much unwillingness to act in the premises, and would only consent to act for a day or two, if he acted at all, stating for his reason for not wishing to act that he wished to go east, which brief period of two or three days would have been of hardly any service to this contestant, and he would then have been obliged to have had recourse to the two justices of the peace; that, in view of all these circumstances, these two justices are fully competent to act in the premises, as will be seen, reference being had to section ten (10) of the act of the 19th of February, 1851; that the party incumbent is in no way prejudiced by the taking of the testimony before

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the said justices; that these justices have only become qualified since the issuance of the subpoena by the said Bliss, as aforesaid.

J. B. S. TODD, *Contestant*.

By his agents and attorneys,

CURRIER, GLEESON & WHERRY.

Attorneys for J. B. S. Todd here file the following correspondence, marked, respectively, "1 to 6," "1, 2, 3, 4, 5, 6," hereto annexed, between Judge Bliss and attorneys of J. B. S. Todd, contestant, relative to the taking of the testimony in the pending case. [See envelope enclosing correspondence. See deposition of Daniel A. Babcock.]

No. 1.]

DECEMBER 31, 1862.

GRNTS: The undersigned, judges of the supreme court for this Territory, having been and expecting to be called upon to take depositions, have to say, that we have selected George Propper as our clerk in taking said depositions. We select this gentleman in preference to the one suggested by one of your attorneys, not from any want of confidence in or want of friendly feelings towards the latter, but because we consider the former competent; and as he is now out of employment, while Mr. Allen has all he can do in his present position, we deem his selection most judicious.

It will be incumbent upon the person for whom the depositions are taken to make provisions for paying the clerk.

Very respectfully,

JOSEPH L. WILLIAMS,
P. BLISS.

Hon. J. B. S. Todd and Hon. Wm. Jayne.

No. 2.]

YANKTON, D. T., January 5, 1863.

DEAR SIR: The joint communication of yourself and the Hon. Joseph L. Williams was received on Saturday evening last. As we relied solely on yourself to take the testimony, we beg to be informed what connexion you propose to have with Judge Williams in the premises, or in what relation you propose to have the judge stand to us. Please be explicit in your explanation.

If for any reason you would prefer to be excused from serving in this matter alone, please inform us, so that we may secure the services of two justices of the peace, which we are pleased to be able to inform you can be done. Please answer by the bearer.

Very respectfully,

JOHN CURRIER,
WILLIAM E. GLEESON,
J. WHERRY,

Attorneys.

Hon. P. Bliss.

No. 3.]

YANKTON, January 5, 1863.

GRNTS: In reply to your note, I will say the same as I told Mr. Gleeson yesterday. I did not suppose it would be convenient for me to go through the Territory and take *all* the testimony in the contest. I therefore, as I understood the law, supposed you would be under the necessity of calling on Judge Williams, even if you should not prefer to do so, before the testimony should be closed; I therefore consulted with him upon the subject of clerk. Judge

(INCOMPLETE)

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This file contains an index to the South Dakota
Genealogical Society Quarterly.

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Memorandum Book of
JOHN TODD

*Written during September 1774 on a march against
the Indians from Camp Union, Virginia,
to the Ohio River.*

A facsimile of the original in the Margaret I. King
Library, University of Kentucky, with a foreword
and transcription by Jacqueline Bull, Head of the
Department of Special Collections.

KEEPSAKE NUMBER 13

UNIVERSITY OF KENTUCKY
LIBRARY ASSOCIATES

1964

John Todd, a lawyer and resident of Fincastle, Virginia, was one of a group of Botetourt County men who marched against the Indians on the Ohio in the fall of 1774.

The westward expansion of white settlers and the frequent raids of Indians on frontier settlements had increased tensions on the frontier. Finally, in July of 1774, the governor of Virginia, Lord Dunmore, wrote to Col. Andrew Lewis of Botetourt County asking that, as commander-in-chief of the militia of southwestern Virginia, Lewis gather as large a force as possible to meet him at a convenient place on the Ohio to proceed against the Indians. The forces of Indians and colonists clashed at Point Pleasant in what is now West Virginia, on October 10.

This battle has sometimes been called "the first battle of the American Revolution." While this appellation may claim more importance for the engagement than it merits, the victory for the colonists was, no doubt, a stimulus to them. The experience which they gained in fighting as a group, proved of value to them in the struggle with the mother country.

This journal covers the period of September 4 through September 23, 1774. It is very similar to one kept by Col. William Fleming, head of the Botetourt militia. After Fleming was wounded at the Battle of Point Pleasant, that journal is in the handwriting of John Todd. The original Fleming journal is in the Draper papers in the Wisconsin State Historical Society.

John Todd was born in 1750 and moved to Kentucky in 1775, settling near Lexington. He represented Kentucky in the Virginia legislature on two occasions. He was killed at the Battle of Blue Licks in 1782.

State of Lawrence P. Richmond

Memorandum
Dodd

John Dodd

Commencing September 1774.

Camp, Union, great levels

Green Briar

September 1774

4th Jno Frogg ... the Sutlers Books

By 17/6 [per] Archer Mathews ... Sutlers.

4 Archer Mathews ... Sutlers Dr.

To John Frogg - 17/6 as [per] yr Books

McCoy or McClung ads poage Bot...

memo not take fee vs. def.^d

Mathew Jouet Cr.

By 20/ a Batt on Gaming

Saml. Lewis Dr.

To won at whist Sept. 28th £ 2 2 6

To won at whist Sept. 29 15 - 0

Sept 28th

Alex McClanahan Dr.

To won at whist £ 1 - 2 - 6

Robt Farrish Aug.^a (Nov. 18th 1774) Dr

To advice concerning [yr] bond to Greenlee.

September 1774

To Mr. Frogg ~~of~~ the Suller Books
By 17/6 & Anne Mather of Cutlers

Anne Mather of Cutlers D.
To John Frogg — 17/6 as by Books

W. Coy. W. being a sponge hat cap
recept memo net to be see in def.

Mathew Gould C.

By 20/ a Rate or Gaming
Tand Lewis D.

To won at whist Sep. 28. £2.6

To won at whist ~~the~~ 29. 15.0
Sep. 28th

Acc. to W. Canahan D.

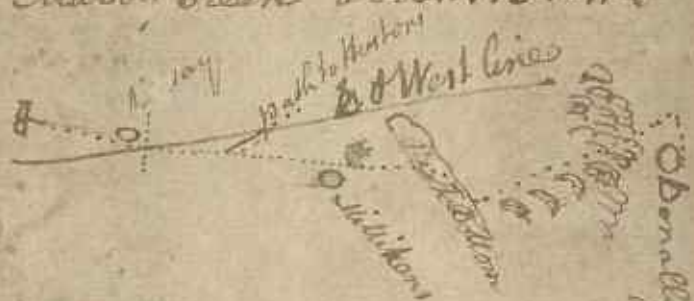
To won at whist £1.2.6

To Mr. Smith Aug. (Nov. 18. 1774) 5.
To Service concerning the bond to be made

Marched Sept. 12, 1774 from
Camp Union on the Great Levels
of Green Briar River about 7 miles
to Donallys place on a branch of
Muddy Creek about W. N. W.

Sept. 13th Marched from Camp
pleasant at some Cool Springs at
Donally's place about S. S. W. 3 miles
then S. W. $2\frac{1}{2}$ miles then west up Muddy
Creek 3 miles to Jacksons place then
up a branch of Muddy Creek W. N. W.
2 miles to Camp 3.

Marched Sep. 12th 1774 from
 Camp Union on the great level
 of Green Briar about 7 miles
 to Donally's place on a branch of
 Muddy Creek about W.N.W.



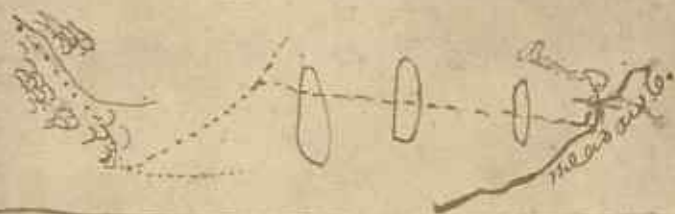
Sept. 15th Marched from ~~our~~ camp
 Pleasant at some Cool Springs at
 Donally's place about S. S. W. 5 miles
 then S. W. 2 1/2 miles then West up Muddy
 Creek 3 miles to Jackson's place then
 up a branch of Muddy Creek W. N. W.
 2 miles to Camp G.



Sept. 14th March'd from camp 3d about 2 miles above Jackson's place W N W $1\frac{1}{2}$ miles up a branch of Muddy Creek to the foot of the mountain, then N N W $\frac{1}{2}$ mile up a mountain then N W, then $1\frac{1}{2}$ miles W, S. W, down the mountain then leaving the other path West Course 4 miles over three meadows to the beaver dams on Meadow Creek.

Sept. 15 Marched South winding to S W & near West 3 miles to a great Buffaloe Spring Lick falling into to _{sic} the other Camp road about a mile from the Walker's Creek Camp.

Sep 14th Marched from Camp B about 12
 miles above Jackson's place ~~ON~~ ~~NNW~~ ^{1 1/2}
 miles up a branch of Muddy Creek to
 the foot of the mountain. then ~~NNW~~ ^{1/2} mile
 up a mountain then ~~West~~ ~~NNW~~. then 1 1/2
 miles W.S.W. down the mountain then leaving
 the other path West Course & slides over
 three meadows to the beaver dam on
 Meadow Creek.



Sep 15th Marched Southward along to
 S.W. ^{1/2} near West 3 miles to a great
 Buffalo Spring Lake following into
 to other camp road about 2 miles
 from the Walker's creek camp



Sept. 16. Marchd from Buffaloe lick
W inclining a little to N. rising mountain
about 2 miles then descending a little
to little laurel Creek 1 mile then
rising the Mountain again & descending
a little & rising higher & higher about
then descending
7 miles to Kelly's road near a branch

March^d from Camp 6 at the forks of
the road N. & N W. $\frac{1}{2}$ miles to big laurel
Branch running to the left hand west
2 miles to a laurel branch running
the same Course then rising
a high Hill by degrees N. W. $2\frac{1}{2}$
miles to a laurell creek, down.

Sep. 16. Should have been Calaculick.

Went in a little fork N rising mountains
about 2 miles then ascending a little
to Little Laurel Creek. To the left
was the mountain again extending
a little higher higher & higher than
the deepening road near a branch
W. side



Went from camp to the fork of
the road N to W. 1/2 mile to the Laurel
Creek crossing to the left hand W. side
2 miles to a Laurel branch crossing
the same course then rising a
high hill by degrees N.W. 2 1/2
miles to Laurel Creek down

about a mile & half crossing to N.
about $\frac{1}{4}$ mile to Wm. Manns Creek
Crossing to the Col.^O C. L's* Camp.
N West over 2 or 3 Hills to the
head of a small Branch $3\frac{1}{2}$ miles
to Camp 7.

Sept 18 Marched from Camp 7 at a
small Branch N inclining to E. about
 $1\frac{1}{2}$ M. then turning towards West a little
going N W 2 M. to Col.^O C. L's Camp at
the head of a branch then N N W
to the foot of Gauly Mountain

*Col. Charles Lewis

up to the north from Camp B at the
 foot of Gauley Mountain leaving Kelly
 south under the Mountain Westward
 - into North abt 1/2 m. crossing to a
 branch bearing another about half way
 then lead Col. C. L. tracks up the M. lake
 a much easier setting of West wind some
 to N or NE to the top ~~to~~ to the track
 of Col. B. then N or NW down the m. to the
 main branch of Hill Creek & down abt 1/2
 mile to Camp 9th abt 5 miles the 1 day



up to North from 6. 9th down Rock
 a abt 1/2 mile to a fork N. & W. then
 W winding near west 3 m to the
 fork then 1/2 m to Gauley River N. & W
 crossing the river & down it about 2 miles
 West course to the mouth of the river

N. up the Creek abt. a mile & winds
round to West up the windings of the Creek
2 miles to Camp 10th about 1 mile below the
buffaloe Spring in all 10 miles.

NB the River Gauley may be best forded 3 times

Sept 21 Marchd from Camp 10 up
lick Creek winding from N W to West &
sometimes S. W. 5 m. to the hill crossing
N W to the top & S W down to the head of
Polly's Creek up it about a mile the
turning to N W. W. & S. West about 5
miles to Camp 11 about 2 miles above
Kellys

at the creek at a mile I turned
around to West up the winding of the creek
2 miles to Camp 10th about 1 mile below the
buffaloe spring in all 10 miles



at the River maybe better to stone

Sept 21. Started from Camp 10 up
the creek winding from NW to West &
sometimes SW. I m. to the hill crossing
NW to the top & SW down to the head of
the valley across up it the back side the
turning to NW. W. & S. West about 6
miles to Camp 11 about 2 miles above
Kelly's

Sept. 22nd Marchd from Camp 11 down
pollys Creek W. inclining to South 2
miles to the mouth & W N W
down the river winding to N. 11 miles
to Camp 12 about 2 miles below the
burning Springs.

Sep. 23 Marchd N N W about 6 miles
to Camp on Elk

Sept 22nd near D from Camp W down
Pollys Creek the incline to south 2
miles to the mouth of W.W. ~~at~~
down the river winding to N.W. 11 miles
to Camp P about 2 miles below the
burning springs

Sept 23rd near D. N.W. about 6 miles
to Camp on S. h