

IN SENATE OF THE UNITED STATES.

DEPOSITIONS

On the subject of Alleged Frauds in the Public Sales of the Lands of the United States, &c.

JUNE 20, 1834.

Reported from the committee, and ordered to be printed.

MR. POINDEXTER, from the Committee on Public Lands, who were instructed by resolutions of the Senate, of the 5th of March last, to make various inquiries in relation to alleged frauds committed at the public sales of the lands of the United States, with the assistance of the land officers, reported, in part, depositions of several persons in relation thereto; and
Ordered, That they be printed.

Letter of Instructions.

WASHINGTON CITY, *April 2, 1834.*

DEAR SIR: Enclosed you will receive a commission authorizing you to take depositions in relation to frauds in the sales of the public lands, if any shall have been committed in any district in the State coming within your knowledge, and the conduct of the officers authorized by law to superintend these sales.

I transmit to you, also, sundry resolutions passed by the Senate instructing the Committee on Public Lands to investigate these matters, with power to send for persons and papers, and take depositions in cases where the witnesses reside at a distance, and their personal attendance cannot be had before the committee. These resolutions will direct your attention, generally, to the objects concerning which the Senate desire to obtain evidence; but it may be useful to incorporate more particularly a specification of some points on which it may be in your power to procure and forward to the committee satisfactory testimony, premising, however, that great reliance is placed on your own judgment and information touching the execution of the duty confided to you.

1st. We desire to obtain evidence as to the conduct of registers and receivers generally in the disposal of the public lands at public or private sale.

Have they demanded of the purchaser fees or compensation for the performance of their official duties, not authorized by law?

Have they accepted a bonus in money, or in the form of interest, for securing particular tracts of land to such purchasers as would comply with the terms prescribed to them in this respect?

Have they sold public lands at any time otherwise than for ready money; and, if so, have they taken the promissory note of the purchaser, payable at a distant day, for the purchase money, and a separate note for interest in their own names, and for their own benefit?

Have they marked any part of the public lands laid down on the map of survey, "sold," or in any other manner which designated the land as entered, when in fact the land so marked had not been actually sold or entered?

Have they at any time been interested with speculators or others who became the purchasers of the public lands, so marked, or shared with them the profits arising out of such purchases?

On this point, if you cannot obtain clear and direct testimony, it would be desirable to resort to strong circumstantial evidence, tending to show any connexion founded on interested motives between the speculators or other purchasers and the officers.

2d. Have combinations of speculators, at any public sale of lands, united for the purpose of driving other purchasers out of the market, and deterring poor men from bidding for the lands on which they resided, or other lands which they might desire to purchase for actual settlement and cultivation, and thereby taking into their own hands the control of the sales for their own benefit, and purchased all the valuable lands at the minimum price of the Government?

Have these speculators, after the public sales were closed, offered the lands so purchased by them for sale at augmented prices; and have these lands been purchased by persons attending the sales at the prices put on them by the speculators or their agents; and, if so, what price per acre, estimating the highest and lowest qualities, did they receive for the lands so purchased?

Have these companies, or any them, large bodies of land now in the market which they fraudulently purchased at one dollar and twenty-five cents per acre; and, if so, what amount of lands, according to the best estimate which may be made, yet remains undisposed of, and what is the price at which it is limited, including lands of the best quality, and those of an inferior quality?

What would be a reasonable estimate of the loss sustained by the Government, at any public sale of lands within your district, in consequence of combinations of companies to purchase them at the minimum price?

Were the registers and receivers attending any such sale informed, or had knowledge, of the existence of such combinations or companies, and their object; and did they aid them in their fraudulent purposes, or did they, having such knowledge, interpose in their official character, or otherwise, to prevent the accomplishment of the purposes for which they had combined?

Have the registers and receivers manifested favoritism in the sale of the public lands, at private sale, where two or more persons made application to purchase or enter any particular tract of land; and, if so, what were the circumstances under which their partiality was so manifested?

Have the receivers, or any of them, of the public moneys, been at any time detected in speculating on the funds paid into their offices, by selling

at a premium bank notes of the Bank of the United States, or other current bank paper, for bank notes not current at par, but which were made receivable for public lands, and then depositing these uncurrent bank notes in the deposite bank selected by the Secretary of the Treasury in lieu of the current notes thus sold at a premium?

Where companies or combinations of speculators in public lands may be known to you, it will be important, as far as practicable, to ascertain and certify their names, and the name or names of their agents, and also the State in which the company may have been formed.

These interrogatories may, and no doubt do, fall far short of covering all the fraudulent practices of many officers authorized to superintend the sales of the public lands: I therefore wish you distinctly to understand that they are not intended to limit the scope of your investigation, but that you will extend your inquiries, and take testimony on all subjects which you may deem essential to the public interest, or the development of illegal or fraudulent practices at any land office within your district or State.

The committee rely confidently on your patriotic exertions in carrying into effect the investigations which they are instructed to make by the Senate. You will receive a suitable compensation for your services when they shall be completed, and the witnesses who may attend to give their evidence will be allowed the usual mileage and daily pay which is given in the highest court of law within your State.

Before taking the testimony of any witness, you will make out such interrogatories as you may deem proper to draw from the witness all that he may know on the points to which you may desire his testimony.

If, in making these interrogatories, you deemed it necessary to employ counsel to assist you by legal advice, you are authorized to do so, and such counsel will be paid a reasonable fee for his services on your certificate.

It is not expected that you are to give notice to any one of the time and place which you may appoint to take depositions; nor will any person be permitted, either as principal or counsel, to interfere with you in the performance of your duty, but you may, at your option, furnish any officer who may reside within convenient distance with a copy of any deposition which may implicate his official conduct: this, however, is submitted entirely to your own discretion. In all cases where a witness may be examined who is not generally known, you will take care to forward satisfactory testimony of his character for truth and veracity. You will cause the depositions to be certified by the judge or justice of the peace before whom they are taken, with the attestation of the clerk of the court, under seal, that such judge or justice is duly appointed and qualified according to the constitution and laws of the State.

I have the honor to be,

Your obedient servant,

GEORGE POINDEXTER,

Chairman of the Committee on Public Lands in Senate United States.

Per BENJAMIN P. SMITH, *Clerk to Committee.*

IN SENATE OF THE UNITED STATES, *March 3, 1834*

MR. POINDEXTER offered for consideration the following resolutions:

1. *Resolved*, That the Committee on the Public Lands be instructed to

inquire into the circumstances attending the recent sales of the public lands in the States of Mississippi and Alabama; and whether the proclamations of the President of the United States, causing the public lands in the districts of country acquired from the Choctaw tribe of Indians by the treaty of Dancing Rabbit creek, and from the Creek tribe of Indians in Alabama, to be offered at public sale, were issued and promulgated a reasonable length of time prior to the day on which said sales were directed to be commenced in each of said districts, to give proper notice to the people of the United States of the days appointed for said sales; and, also, into the causes why the usual public notice was not given.

2. *Resolved*, That the same committee inquire whether any fraudulent practices, to the injury of the public interests, took place at said sales by reason of combinations of companies or individuals interdicting, or unfavorable to, a fair competition between bidders for the public lands offered for sale in said districts; and, if so, whether the officers superintending said sales had knowledge of, or participated in, such fraudulent practices or combinations.

3. *Resolved*, That the said committee be instructed to inquire whether the registers of the land offices, and the receivers of public moneys, at any of the land offices of the United States, or either of them, have, in violation of law and of their official duties, demanded or accepted a bonus or premium from any purchaser or purchasers of the public lands at public or private sale, for the benefit of such officer or officers, as a condition on which such purchaser or purchasers should be allowed to enter or purchase any tract or tracts of land offered for sale by the United States; and, also, whether any register or receiver, as aforesaid, has been guilty of fraud or partiality in the sales of the public lands by adopting rules and regulations, in their respective offices, inconsistent with the laws of the United States.

4. *Resolved*, That the said committee inquire whether the public lands, at any land office in the United States, have been sold otherwise than for cash; and whether any register or receiver in said States has, at any time, taken in payment the promissory note of any purchaser or purchasers bearing an interest to accrue to the benefit of such register or receiver.

5. *Resolved*, That in prosecution of said inquiries the said committee have power to send for persons and papers, to take depositions, and to examine witnesses before them, on oath, touching the matters aforesaid.

IN SENATE OF THE UNITED STATES, *March 5, 1834.*

Resolved, That, in the prosecution of their inquiries, the Committee on Public Lands have power to send for persons and papers, to take depositions, and to examine witnesses before them, on oath, touching the matters aforesaid.

The committee consist of Messrs. Poindexter, Moore, Prentiss, McKean, and Clay.

Attest:

WALTER LOWRIE, *Secretary.*

UNITED STATES OF AMERICA, }
 Murray county, Mississippi, } *Greeting:*

Know ye, that the Committee of the Senate of the United States on Public Lands, reposing entire confidence in your prudence and fidelity, have appointed you, and by these presents do give you full power and authority diligently to examine all such witness or witnesses as you may think proper, upon interrogatories to be exhibited by you, touching the perpetration of any frauds in the sales of the public lands of the United States, if any shall have been committed, in any district in the State of Mississippi; and, also, touching the conduct of any officer or officers of the said United States charged or authorized by law with the conduct, direction, management, or superintendence of said sales. We therefore authorize and empower you, first having yourself taken on oath before some judge or magistrate authorized by law to administer an oath, that you will well, fully, and faithfully, execute this commission, and reduce to writing the deposition of such witness or witnesses as you may examine as aforesaid; and cause to be administered to such witness or witnesses, respectively, an oath that they will true, full, and perfect answers make to all and singular the said interrogatories, and reduce the answer of the said witness or witnesses, respectively, to writing; and, when you shall have completed the same, to transmit the same, under your hand and seal, carefully closed up, to the chairman of the Committee on Public Lands of the Senate of the United States.

By order of the Committee on Public Lands of the Senate of the United States, this fourth day of April, 1834.

*Chairman of the Committee on Public Lands,
 Senate of the United States.*

THE STATE OF OHIO, *Muskingum county, ss.*

Deposition of Phineas Tomlinson, of Adams township, in said county, (of lawful age,) having been first duly sworn, according to law, that he would true, full, and perfect answers make to all and singular the interrogatories that may be proposed to him touching the public service.

The following interrogatories were severally proposed to the witness, (by John Burwell:)

First interrogatory. Do you know whether any register or receiver of public moneys at the land offices of the United States, or either of them, have been guilty of fraud or partiality in the sales of public lands, by adopting rules and regulations in their respective offices inconsistent with the laws of the United States?

Answer. I cannot make a satisfactory answer to the question.

Second interrogatory. Have you known any of the public lands, at any of the land offices belonging to the United States, to be sold otherwise than for cash in ready money?

Answer. I went to Zanesville, and to the Register's office, and asked Thomas Flood, the register, if the west half of the northeast quarter of section No. twenty-two, of township three, in range six, military, was entered? The said register opened the plat book, and said it was not entered. I

then asked the said Flood if there was such a man as Mr. Gilbert? He pointed to a man sitting by the fire in the said register's office, and said "there he is," and at the same time asked me whether there was any improvement on the land? I answered him no. I then addressed myself to Mr. Gilbert, and asked him if he did not enter land, and wait on them for the pay? also asked him if he would do it for me, and asked him what he would take and enter the tract described as aforesaid, and wait with me one year? Mr. Gilbert said he would take twenty dollars, and take my notes, one payable in three months, for twenty-five dollars, and one for ninety five dollars, payable in one year. I gave the two several notes as proposed by said Gilbert, and he went to the plat book, and wrote my name on the said tract upon the register's plat book in the said office. I paid off the twenty-five dollar note referred to, which reads in the words and figures following: "\$25. Zanesville, 29th-February, 1832. On the 1st day of April, 1832, for value received, I promise to pay Charles C. Gilbert, or order, twenty-five dollars.

PHINEAS TOMLINSON."

On the day, and at the time, I paid this note, the said Gilbert wrote on the back of said note the following words and figures: "Paid on the within 3d, April, 1832," and immediately gave up the said note to me. On the fifteenth day of March, eighteen hundred and thirty-three, I paid off, took up, and destroyed, the ninety-five dollar note referred to. When I had so paid off my said last note as aforesaid, I asked the said Gilbert where I should find my certificate? He said "in an hour or two you will find your certificate at Flood's office." I accordingly called at the register's office, and asked a young man who was clerking in the said register's office for the certificate. The young man took from the mantle shelf, and handed to me, the certificate, in the words and figures following: "No. 5,606. Receiver's office, Zanesville, 15th March, 1833. Received of Phineas Tomlinson, of Muskingum county, Ohio, the sum of one hundred dollars, being in full for the west half of the northeast quarter of section No. 22, township No 3, of range No. 6, military, containing 80 acres, at the rate of \$1 25 per acre, \$100.

(Duplicate.)

B. VAN HORNE, *Receiver.*"

Third interrogatory. Was Thomas Flood, the register, present, during the time that the contract was made between yourself and Mr. Gilbert, when the notes were given, and when the plat was so marked as aforesaid? and was these things *all* done in the register's office, and in the presence of the said register?

Answer. It was all done in the register's office, and in the presence of the said Flood, register, excepting the writing and the signing of the notes for which we went into Mr. Gilbert's office. I am inclined to say that the notes were written at a desk in the register's office, where said Gilbert went to, and got some paper; but I am satisfied they were signed in Gilbert's office, which was adjoining and next door to the Register's office; and was all done on the said 29th day of February, 1832.

PHINEAS TOMLINSON.

Sworn and subscribed to before me, this 26th day of April, 1834.

JOSEPH STIERS, *Justice of the Peace.*

Deposition of Frederick Yerean, of Salem township, in said county of Muskingum, (of lawful age,) and having been first duly sworn, according to law, that he should true, full, and perfect answers make to all and singular the interrogatories that may be proposed to him touching the public service.

The following interrogatories were proposed to the said witness, (by John Burwell:)

First interrogatory. Do you know whether any registers or receivers of public moneys at any of the land offices of the United States have been guilty of fraud or partiality in the sales of the public lands, by adopting rules and regulations, in their respective offices, inconsistent with the laws of the United States? or have you known any of the public lands, at any land office in the United States, to be sold otherwise than for cash in ready money? If so, state what you know in relation to the subject.

Answer. I am unacquainted at any of those offices, excepting the Register's office at Zanesville. On or about the last of September, eighteen hundred and thirty-one, I went to the Register's office at Zanesville, and asked Thomas Flood, the register, if the west half of the southeast quarter of section number seven, in township number two, of range six, of the unappropriated lands in the military district, was entered? The said register went and looked on the plat, and said it was not entered. I then asked the said Flood what he would take and secure that piece of land for me eighteen months, and at the same time stated to the said Flood that I would pay him the money within that time. Charles C. Gilbert, being present at this time in the said office, Flood pointed me to Gilbert, and said bargain with Gilbert. I then turned to Gilbert, and asked him what he would take to enter the land, and wait with me the eighteen months? Said Gilbert observed, that, "if I wait with you eighteen months, I must have thirty dollars." I then offered Mr. Gilbert two promissory notes of hand which I, at that time, held against my brother Jacob Yerean, in pledge to secure the payment of the purchase money. He took those two notes of fifty dollars each, making one hundred dollars, and gave me his receipt for those notes, to show they were so left with him in pledge. Flood then marked the tract mine on the plat, and asked me if there was any person living on the land? I told him there was nobody on it; there was no improvement on it. A short time before the eighteen months was up, I paid to the said Gilbert ninety dollars, and lifted the two fifty dollar notes that I so pledged as aforesaid, and gave my own promissory note of hand for the balance of forty dollars, in words and figures following: "For value received, I promise to pay to Charles C. Gilbert, or order, forty dollars on or before the 8th of April next.

\$40.

his
FREDERICK X YEREAN.
mark.

Attest:

July 5, 1833."

CHARLES STETSON.

On the 30th day of April, 1833, I paid to the said Gilbert, (on the note of which the foregoing is a copy) thirty dollars, which he endorsed in words

and figures following, (on the back of said note:) "Received on the within \$30, (thirty dollars,) 30th April, 1833;" leaving ten dollars due on the forty dollar note which I had given to said Gilbert, herein before copied. At the time I paid Gilbert the ninety dollars, and gave him the forty dollar note, Gilbert went down street from the Register's office, and got a paper, and give it to me, containing the words and figures following: "No. 5427. Receiver's office, Zanesville, 5th July, 1833. Received of Frederick Yerean, of Muskingum county, Ohio, the sum of one hundred dollars, being in full for the west half of the southeast quarter of section No. 7. township No. 2, of range 6, military, containing 80 acres, at the rate of \$1 25 per acre. \$100.

(Duplicate.)

B. VAN HORNE, *Receiver.*"

Some time in November, 1833, I went to Zanesville to pay the balance of ten dollars due on the forty dollar note referred to, and, being informed that Gilbert had not paid for the land until the day that I paid to him the ninety dollars, and that he had not entered the land *until* that day, and also informed that, notwithstanding my contract with Gilbert (according to the advice of the register,) and the marking of the plat as aforesaid, that the land had remained in jeopardy, liable to entry by others, while I supposed it was secure to me, I stated to said Gilbert that he had left my land in a situation in danger of losing *it*, and that I understood that he had not entered my land until I paid to him the ninety dollars; and as I was a poor man, and had paid thirty dollars on the note, and as he had got twenty dollars from me more than the price of the land, he ought not to take any more, and give me up the note without paying the ten dollars. Gilbert turned round, and went into the house, (the Zanesville banking house,) and said, come into the house. I went into the house after him, in company with Henry Wheeler: after some conversation between Mr. Gilbert and Mr. Wheeler *on* the subject, Gilbert gave the note to me without the ten dollars.

Second interrogatory. Did you have any other conversation with the register on the subject of the land referred to, other than you have herein stated? If so, relate such conversation.

Answer. In the fore part of September, 1831, and before the contract herein referred to was made, I went to the register's office to see about getting the said land. Squire Flood told me *then*, on making application to him to secure the land *at that* time, and when I informed him that I had not the money then, and that I had a place to sell, I would try and sell it, and pay the money sooner than the eighteen months. He then said, "we would rather have *part* of the money down. Go and try and sell your place, and get the money if you can; and, if you cannot, then come, and we will fix it for you."

Third interrogatory. Was the said Gilbert present in the register's office at this time also? and was there any person present at either of those conversations, except Flood, Gilbert, and yourself?

Answer. The said Gilbert was present at both conversations; and no person present in the office except the register, Gilbert, and myself, at the time of either conversation alluded to.

Fourth interrogatory. What did you understand when the register said to you, "we will fix it for you?" Please state what your understanding was at the time he so expressed himself to you.

Answer. I understood that it signified they were both concerned;—that they both had the power of doing what I wanted them to do for me.

his
FREDERICK × YEREAN.
mark.

Sworn and subscribed to before me, this 26th day of April, 1834.

JOSEPH STIERS, J. P. [SEAL.]

Deposition of Henry Wheeler, of Salem township, in said county of Muskingum, (of lawful age,) who, having been first duly sworn according to law that he would true, full, and perfect answers make to all and singular the interrogatories that may be proposed to him touching the public service—

The following interrogatories were proposed to the witness, (by John Burwell:)

First interrogatory. Have you been present, and an attentive observer of all and singular the interrogatories proposed to, and the answers made by Frederick Yerean, in the foregoing deposition?

Answer. I have.

Second interrogatory. Have you any recollection of what the conversation was between yourself, Charles C. Gilbert, and said Yerean, as alluded to in the foregoing deposition; and how Yerean came to the understanding of the situation in which his land remained from September, 1831, until the same was entered on the 5th of February, 1833? If you can so state, relate the same.

Answer. Yerean had previously informed me concerning the contract, as stated in his deposition at the time referred to: when Yerean got up the forty dollar note, he had showed to me the receiver's receipt, dated on the 5th day of February, 1833. I then discovered the situation in which the business had stood, and so informed Yerean previous to the conversation with Gilbert. In the Zanesville banking house, as alluded to by Yerean, I stated to Gilbert that I thought that he was well paid with twenty dollars for his trouble for staying the land, for it appeared that he had not paid for the land until he had received the ninety dollars from Yerean. Gilbert said, "*If I stayed the land, I stayed it at my own risk.*" I then stated to him that Mr. Yerean was a hard laboring man, and that he ought to give up the note. Gilbert replied, "I have money enough;" he then handed the note alluded to, to Yerean, saying, "here, take the note."

Third interrogatory. Are you acquainted with the character of the said Yerean, and what is his standing for truth and veracity?

Answer. I have been acquainted with him several years. I should say that full credit is due to his statements.

Fourth interrogatory. Are you acquainted with Phineas Tomlinson, whose deposition has also been here taken in your presence? If so, state what character he bears for truth and veracity.

Answer. I have not so much acquaintance with him; I should not doubt his veracity. I have had dealings with him; have found him honorable in his dealings, and have never heard any thing against him.

HENRY WHEELER.

Sworn and subscribed to before me, this 26th day of April, 1834.

JOSEPH STIERS, J. P. [SEAL.]

THE STATE OF OHIO, *Muskingum county, ss.*

Depositions taken under the resolutions of the Senate of the United States, of the 3d and 5th of March, 1834, in behalf of the Committee on Public Lands, May 21st, 1834.

Witnesses sworn before Robert Aikins, esq., a justice of Richhill township, in said county, that they, and *each* of them, would true, full, and perfect answers make to all and singular the interrogatories that may be proposed to them.

The following were severally proposed (by John Burwell:)

First.

Evan Ogan, having been first duly sworn as aforesaid, appeared and testified.

First interrogatory. Do you know any thing in relation to the sale of the west half of the southwest quarter of section number twenty-one, of township number nine, in range number ten, which said tract was sold by Thos. Flood, register of the land office at Zanesville, on the 17th day of February, 1831, to John Cummins? If so, state what you do know in relation thereto.

Answer. The first of my knowledge on the subject of the sale referred to was derived from Bernard Van Horne's (receiver,) receipt in the hands of Cummins, dated on the 17th of February, 1831, showing that Cummins had entered and paid for the land in question on that day, (17th February, 1831;) and having understood there was some dispute between the said Cummins and William C. Bay in regard to the title or possession to the said land, and being at Zanesville on business some time afterwards, (perhaps about the first of December, 1831,) I called at the office of the said Thomas Flood, register, and inquired of him whether Cummins had purchased the said land according to law? Flood said to me, "Cummins has purchased the land according to law, and paid every cent of the money down for it." And further, stated that Cummins had a good right for the land, and that it could not be taken from him. I then stated that Bay claimed the land by pre-emption right, and asked whether there was any such right? to which Charles C. Gilbert answered there *was*, and stated that Bay had not settled on the land in time to obtain that right. Flood observed, "Poh! he has no right, nor never can get any right." And further I know not.

EVAN OGAN.

Secondly.

John Reed, having been duly sworn as aforesaid, appeared and testified.

First interrogatory. Do you know any thing in relation to the sale and purchase of the land referred to in the foregoing deposition? Do you know any thing in relation to the affidavit said to have been sworn to and subscribed by John Cummins, before Thomas Flood, (register of the land office at Zanesville,) acting as a justice of the peace, and filed at the receiver's office at Zanesville, wherein the said Cummins is represented to have sworn that he wished to apply a certain military bounty land scrip in payment for the land in question; and, also, that there was no person residing on the land at the time he made the entry on the 17th day of February, 1831? If so, state what you *do* know in relation to the subject.

Answer. I was not present at the time of the sale and purchase, neither did I ever see the paper referred to. In the spring of 1831, I understood by a report that was *then* circulating in the neighborhood, that the said John Cummins had entered the west half of the southwest quarter of section twenty-one, of township number nine, in range number ten, on which William C. Bay then lived; and that, in making the said entry, he had sworn that there was no person then residing on the land, and, also, that *Bay* intended to have Cummins prosecuted for perjury. I inquired of Cummins as to the *truth* of the report, which he denied. A short time after I heard the report I went to Zanesville, and, from my knowledge of the good character and standing of Cummins, I was induced to call on Thomas Flood, register of the land office at Zanesville, and inquired of him concerning the entry and swearing, by Cummins, referred to. Flood stated to me, in reply, that Cummins had entered the land in question according to law, and that he had paid his money for it. He also stated that Cummins had told him the truth concerning the residence by *Bay* on the land, and stated to me that *Cummins was not sworn at the time of making the entry as was reported*; and further stated that *Bay* was liable to a prosecution for living on the land. I inquired of Flood how Cummins could get possession of the land? He stated that Cummins must go and give Bay notice to leave the premises; and, if he did not go, get the sheriff and throw him out; or get some persons to go with him, and tell *Bay* to take out his goods and his children, and if he did not do it, then take the house down quietly, and be careful and not hurt his goods or his children, and move it away to some other place, and set fire to it and burn it up, or do any thing else with it he pleased.

Second interrogatory. At what time did Thomas Flood, the register, make the foregoing statement to you, in which he stated that the said Cummins "*was not sworn at the time of making the entry, as was reported*" to have been the case?

Answer. Some time in the summer of 1831.

Third interrogatory. *Where were you* and Mr. Flood when he made this statement to you?

Answer. In his (the register's) office at Zanesville.

JOHN REED.

Thirdly.

Lee Ogan, having been first duly sworn as aforesaid, appeared and testified.

First interrogatory. Do you know of any thing in relation to the sale or purchase, or affidavit referred to in the foregoing depositions of Evan Ogan and John Reed, which have been taken in your presence and hearing? If so, state what you know in relation thereto.

Answer. In April or May, 1832, I called at the register's office in Zanesville, and asked Thomas Flood, the register, if the patent had come on for the land in question? He said no. I then asked him if William C. Bay had been there on that day? Flood replied—"he has;" and stated that Bay had just gone away. I then asked the said register if Bay had any right to the land referred to? Flood said he had *not*, neither could he get any. I then stated to Flood that *Bay* had stated that Cummins had sworn a false oath concerning the land when he entered it; and therefore he could not get the land. Flood then said "*it is not true; he was not sworn any thing about the land.*"

Second interrogatory. Did the said Thomas Flood say any thing to you

in relation to what Cummins should do in order to get possession of the said land? If so, state what he said on that subject.

Answer. He did not tell me any thing that *Cummins* should do. He did tell me to tell my father to go and give Bay ten days' notice, and, if he did not go out in that time, to take some hands with him, and pull the house down, and take care not to hurt his children, or his goods, and to move the house to some other place and burn it up; and stated that Bay was a cursed fool; that he wished he would not bother him any more about it. And, further I know not.

LEE OGAN.

Fourthly.

May 22, 1834.

Charles P. Moore, who, having been first duly sworn according to law to answer as aforesaid, testified to the following facts:

First interrogatory. Do you know any thing in relation to an affidavit said to have been signed by John Cummins, and by him sworn to, (before Thomas Flood, register of the land office at Zanesville, acting as a justice of the peace,) bearing date on the 17th day of February, 1831, at the time he applied for, and *entered* the west half of the southwest quarter of section twenty-one, of township number nine, of range number ten? If so, state all you know in relation to the same, and what information you have, and from what source you derived the same.

Answer. My first knowledge in relation to the affidavit was derived from a copy of that paper in the hands of William C. Bay. I afterwards (say a week or ten days,) went to Zanesville at the request of, and *in* company with, the said Cummins, to see if there was such an instrument in existence, (which Cummins did not believe to be the case.) I went with Cummins to the receiver's office (on or about the middle of April, 1831,) and inquired of Bernard Van Horne, the receiver, if such an affidavit was on file in his office? Mr. Van Horne produced the paper purporting to be an affidavit, of which I had seen a copy in the hands of Bay as above stated. Cummins stated to me and Mr. Van Horne that he had never been sworn to any such thing.

Second interrogatory. Did you on the same day that you went with Cummins to the receiver's office, *also* accompany him to the register's office? If so, state what took place at the office of Thomas Flood, the register, in relation to the affidavit in question.

Answer. I went with Cummins first to the register's office, at which place Cummins inquired of George H. Flood for his father, the register. George stated to Cummins that his father was gone east of the mountains. Cummins then stated to the said George H. Flood that William C. Bay was circulating a report in the neighborhood that he (Cummins) had taken a false oath at the time he entered the land referred to, by swearing that there was no person living on *it* at the time the entry was made; and further stated that he had told them at *time* that he entered the land that there was a small improvement on *it*, and that Bay was living on the land. The said George H. Flood said to Cummins, "you never was sworn in this office." I then asked the said George to give from under his hand that Cummins had never been sworn as had been stated, *that* he might have something to show when he went home to counteract the report in circulation. To which, he observed, "*I know my own business;*" and stated to Cummins that he would give him something to show that would counteract

the report. He then wrote something, and gave to Cummins, and, as I supposed, a certificate to show that Cummins had not been sworn, and which Cummins believed to be the case. He took the paper from Flood, and put it into his pocket, and we left the office.

Third interrogatory. Did Cummins ask George H. Flood to give him such a certificate as should counteract the report put in circulation by Bay; or did Flood offer to do so upon your suggestion?

Answer. Cummins, *before and after* I made the suggestion, asked Flood to give him such an instrument.

Fourth interrogatory. Did you read the paper that you say George H. Flood wrote and gave to Cummins, as stated by you? If so, what was the purport of that paper or instrument? What date did it bear? Was it signed by the said George? Please to state, as near as you can, the date, the substance, and the signature.

Answer. I am under the impression that the date was about the middle of April, 1831. I am not positive whether he signed his own name *or* that of his father, the register: I was by him at the table when he wrote the instrument, but did not read it at the time. A few days (not many,) after we went home, Cummins came to me to get me to read the paper, at which time I discovered that it did not contain what the said George H. Flood had promised to give. I cannot, without seeing the paper, state its contents satisfactorily.

Fifth interrogatory. Could you at this time identify that paper, or, on hearing one read, could you detect a fraudulent one if presented to you for the same?

Answer. I think I should know the paper if I was to see it. I think from the size of the paper and the writing I should recognize it; or, if I should hear it read, I could tell whether it contained the same substance.

Sixth interrogatory. Is this paper which I hold *up* the paper referred to, that George H. Flood gave to Cummins? If not, state what your objections are.

Answer. I know that is not the same paper: it was not half as big as that.

Seventh interrogatory. If I hand you the paper which I held up, or if I read it, will you, or can you, detect any, if any variation from the substance of the paper given by Flood to Cummins?

Answer. You may go on to read; I will try: I think, it seems to me, I can tell the substance.

Eighth interrogatory. Is the paper that I have just read in your hearing the same in substance as the one given by Flood to Cummins?

Answer. The first part of the paper that you have just read is in substance a paper (or a copy of a paper,) given on the same day by Charles C. Gilbert to Cummins to direct him how to get possession of the land; and the substance of the latter part is the same as the one given by George H. Flood to Cummins on the same day.

Ninth interrogatory. Do you recognize the hand-writing of this paper that I have just read in your hearing, and which I now hand to you, and of which the following is a copy? And is the same here correctly copied?

"To Ford Barnes and Wm. Sinclair, two justices of the peace in and for the county of Guernsey, State of Ohio:

"John Cummins respectfully represents and complains that William C. Bay is in possession of the west half of the southwest quarter of section

twenty-one, township nine, range ten, in said county, and unlawfully detains the same from him, the said John Cummins, who has purchased the same from the United States, and he requests that a jury may be summoned to try the right to the said tract of land under the provisions of the act entitled 'An act against forcible entry and detainer,' 20th April, 1831."

"LAND OFFICE, ZANESVILLE, OHIO, 20th April, 1831.

"I hereby certify that I did not at any time give to William C. Bay, of Guernsey county, Ohio, any instrument of writing purporting to be a statement of any entry made by John Cummins, or for any other purpose whatever.

"I also certify that said Bay has no claims to the tract entered by Cummins, either by pre-emption right or otherwise.

"GEORGE H. FLOOD, *Acting Reg.*"

Answer. The hand writing I know nothing about; I do not think it is Gilbert's, and George H. Flood's I *know it is not*. The paper is correctly copied word for word, and figure. I am satisfied this paper that I hold, of which the foregoing is a copy, must be the copy of the two papers given on the same day, in my presence, to Cummins, one by Charles C. Gilbert, and the other by George H. Flood; and had the paper here copied, and which I hold in my hand, been read in my hearing, without my seeing it, I should have said it was the *two* original papers.

Tenth interrogatory. What did George H. Flood say to Cummins when he gave to him the paper of which the foregoing is the copy, and where were they at the time?

Answer. They were in the register's office; and when George H. Flood gave to Cummins the paper, (or certificate,) he said to him, "Now go home, and tell them (Bay and others that talked about the copy that he had) to kiss your *arse*, you have got the land."

Eleventh interrogatory. Is the said John Cummins not an illiterate man? can he read or write, and was not this the inducement to him to get you to go with him to see into the business for him?

Answer. He can neither read nor write, and such was his reasons for my going with him. He persisted in protesting against his having ever given the affidavit, and remarked when we left the register's office, "now you see that I was *not* sworn."

Twelfth interrogatory. Are you acquainted with the said Cummins; and what is his general character for truth and veracity, or otherwise? What is his character in every respect? State what you know of him, or concerning him; what you have heard or seen against him.

Answer. I have been acquainted with the said John Cummins, living most of the time within a mile of him, for five years: he is said to have some Indian blood, and the rest white blood. I should say from his appearance that he is one-eighth Indian and seven-eighths white. I have been acquainted with half, one quarter, and one-eighth blooded Indians, and should judge Cummins to be of the latter class, and he is said to *be* such. As to his general character for truth and veracity, I have no reason to doubt *it*; I have never heard any thing against him as to truth or *honesty*, to his prejudice, except the affidavit at the time *that* report first came into circulation; and, on *that* point, he has given satisfactory evidence of his innocence. And further I know not.

CHARLES P. MOORE.

Fifthly.

William C. Bay, having been duly sworn according to law as aforesaid, appeared and testified:

First interrogatory. Do you know any thing in relation to the pretended affidavit said to have been given by John Cummins at the time he entered the land on which you now reside? If so, state what you know on the subject, and what Thomas Flood said to you (if any thing) on the subject of Cummins's swearing to that instrument?

Answer. After I came to hear that Cummins had entered the lands spoken of, I went to the receiver's office at Zanesville, and General Van Horne, the father of the receiver, (to whom I applied in the absence of the receiver,) gave to me a copy of the affidavit, so called, in the following words and figures, to wit:

“REGISTER'S OFFICE, ZANESVILLE, OHIO, *Feb. 17, 1831.*

“I, *John Cummins, of Guernsey*, being desirous of locating the W. $\frac{1}{2}$, S. W. of section No. 21, township No. 9, range No. 10, in the district of land subject to sale at Zanesville, Ohio, by applying in payment thereof a certain certificate of military land scrip, do solemnly swear that, from my own knowledge of the fact, after actual inspection of the said tract of land on or about the *1st of the present month*, there was not, at that time, any person or persons residing thereon, and that I do truly believe that there is no person residing thereon at this present time, or has claims of pre-emption thereto, under the act of the 29th May, 1830.

his
JOHN × CUMMINS.
mark.

“Sworn to and subscribed, this 17th February, 1831, before
THOS. FLOOD, J. P. [SEAL.]”

When I procured the paper from Mr. Van Horne, of which the foregoing is a copy, I went to the register's office, and inquired of Thomas Flood concerning the entry and the affidavit. Flood stated that Cummins had entered the land, and stated that “he was not sworn any thing concerning it.” I stated that I had a copy of the affidavit; Flood then walked away from me, saying, “you know nothing about it; he was not sworn; he (meaning Cummins) will put you off of the land.” I followed him out of the office to his own door where he resided, and kept talking to him concerning my residence on the land, the entry and the affidavit of Cummins. Flood was mad—cursed me pretty smart. When he went into his house, I left him, and came away.

Second interrogatory. How often did Flood tell you that Cummins was not sworn concerning the entry referred to? State how many times on that day.

Answer. On the day that I have referred to, he stated to me three (or four) times that *Cummins was not sworn* concerning the land.

Third interrogatory. How long have you been acquainted with John Cummins? What is his character? State what you know of him, or concerning his character for truth and veracity, or otherwise, as far as you know or have heard concerning the man.

Answer. I have known the said Cummins for twelve years. He is an honest ignorant man, without education. I have heard him testify before Ford Barnes, a justice of the peace; one of the parties objected to his testimony on the grounds that he was not a white man. When the proof was adduced, they made him out one-eighth part Indian, by proving that his mother was one quarter Indian; the rest, with his father, was proven to be white, making Cummins seven-eighths part white, and one-eighth part Indian:—his testimony was admitted. I never heard his truth and veracity suspected until the report of the pretended affidavit; and his innocence in that respect has been satisfactorily proven to all the neighborhood and elsewhere, so far as I have any knowledge of the circumstances concerning the same.

Fourth interrogatory. Did Thomas Flood, the register, offer you an entry of that same piece of land, if you would give him a horse, saddle, and bridle? And did Charles C. Gilbert go with you, at Flood's suggestion, and look at the horse?

Answer. Flood did offer to let me enter the same land, and run all risk, for the horse, saddle, and bridle; and Gilbert did go and look at the horse. I advised with Levi Lewis, and did not give the horse.

Fifth interrogatory. When did Flood tell you that Cummins was not sworn; and when did he offer to grant you the entry for the horse?

Answer. The time that I called on Flood, as stated, with the copy of the affidavit, as it is called, and at which time he said Cummins was not sworn, was some time in the latter part of March, 1831, and shortly after Cummins had made his entry of the land. As near as I can now recollect, the time was about the 1st of December, 1831, when he offered me the grant, to make the entry, and to run the risk, and guaranty the land to me.

WILLIAM C. BAY.

Sixthly.

John Cummins, having been duly sworn according to law as aforesaid, appeared and testified.

First interrogatory. Did you, on the 17th day of February, 1831, apply to enter the west half of the southwest quarter of section twenty-one, of township nine, of range ten, with scrip? And did you state that there was no person living on the said land at the time? And did you give an affidavit of that fact?

Answer. I did not apply to enter the said land with scrip. I knew nothing about scrip at the time. I gave no affidavit. I knew nothing of an affidavit at the time. Neither scrip or affidavit was at the time mentioned to me. The first that I ever heard of the affidavit or scrip, and the first that I knew of either, was after Mr. Bay brought the copy into the settlement. I applied to Thomas Flood, the register at Zanesville, to enter the land. He inquired of me, and I told to him all about Bay's residence on the land; and Flood said I could have the land for the money. I told him that I had the money. He asked for the money, and I gave it to him, and he told me to mark on a paper. I did make my mark, when he showed me to do so. He then gave me some papers, and sent me to the receiver's office. I went. The receiver gave me a paper which, as I understood, was my receipt for the pay for the land. I then went home, and heard no more about it until Bay got a copy of the pretended affidavit.

his
JOHN × CUMMINS.
mark.

I hereby certify that the witnesses to the foregoing depositions were severally sworn before me prior to giving their testimony, and that they severally subscribed to the same as they stand recorded in the foregoing depositions: Evan Ogan, John Reed, and Lee Ogan, on the 21st instant; and Charles P. Moore, William C. Bay, and John Cummins, were severally sworn, and subscribed to theirs on this day.

Given under my hand and seal at Richhill township aforesaid, this 22d day of May, 1834.

ROBERT AIKINS, J. P. [SEAL.]

THE STATE OF OHIO, *Muskingum county*, ss.

Personally came before me, Robert Aikins, an acting justice of the peace in and for said county, Andrew Craig, (a merchant,) who, being duly sworn according to law, deposeeth and saith that he is well acquainted with Evan Ogan, John Reed, Lee Ogan, Charles P. Moore, William C. Bay, and John Cummins, who have testified and subscribed to the foregoing depositions; and that he verily believes that the said witnesses are severally entitled to full credit for truth and veracity, when under oath giving testimony.

ANDREW CRAIG.

Sworn to, and subscribed before me, this 23d day of May, A. D. 1834.

ROBERT AIKINS, J. P.

THE STATE OF OHIO, *Muskingum county*, ss.

Deposition of Bernard Van Horne, (receiver of public moneys of the land office at Zanesville,) of lawful age, who, having been first duly sworn according to law, before Anthony Wilkins, a justice of the peace in and for said county, appeared and testified.

First interrogatory. Did John Cummins on the 17th day of February, 1831, enter the *west half* of the *southwest* quarter of section No. 21, of township No. 9, of range No. 10?

Answer. He did.

Second interrogatory. In whose hand-writing are the papers which are in your office on file, and necessarily connected with the case of entry referred to? Is it the register's?

Answer. There are no papers excepting an affidavit such as are required of purchasers who pay with military land scrip. That affidavit is a printed form, filled up in the hand-writing of *George H. Flood*, certified by *Thomas Flood* in his own hand-writing as a justice of the peace, and who was also at that time register of the land office.

Third interrogatory. Have you compared the copy of said affidavit as given by William C. Bay, in his (foregoing) deposition taken before Robert Aikins, a justice of the peace, of Richhill township, in this county, on the 22d instant, with the original? and is the same there correctly copied, agreeing with the original on file in your office?

Answer. Yes.

Fourth interrogatory. Did Phineas Tomlinson enter the west half of the northeast quarter of section twenty-two, of township three, in range six, (military?) and, if so, when did he enter the same?

Answer. He did on the 15th March, 1833.

Fifth interrogatory. Was the west half of the southeast quarter of section seven, of township two, in range six, (military,) entered in the name of Frederick Yerean? If so, when?

Answer. It was, on the 5th of February, 1833.

Sixth interrogatory. Was the northeast quarter of northwest quarter of section No. 7, of township No. 8, range No. 3, (military,) entered on the 26th of November, 1832, in the name of Michael Fetter?

Answer. Yes.

Seventh interrogatory. Did James Brewer, on the 30th day of January, 1832, enter the southwest quarter of section fourteen, township eight, of range three, (military?) and, if so, has any part of the said land since been entered by any other person, and who?

Answer. On the day referred to James Brewer did enter the said land; and on the 26th day of July, 1833, by the directions of the Commissioner of the General Land Office, John Benninger was permitted to enter the west half of the same tract.

Eighth interrogatory. Was the west half of the northwest quarter of section number eight, of township number seven, of range number four, (military,) entered on the 23d day of April, 1832, in the name of Michael Roger? If so, was the common and necessary affidavit filed? Was the said land entered with scrip?

Answer. It was; the payment was made in military land scrip; and the usual affidavit is on file.

Ninth interrogatory. Before whom was the said affidavit taken? In whose hand-writing does it appear? Please state, if you can; and also permit me to take a copy of that instrument.

Answer. The affidavit is a printed form filled up in the hand-writing of Charles C. Gilbert, and certified by Thomas Flood as a justice of the peace, and is in words and figures following, to wit:

“REGISTER’S OFFICE, ZANESVILLE, OHIO.

I, Michael Roger, of Tuscarawas county, Ohio, being desirous of locating the west half northwest quarter of section number eight, township number seven, range number four, (military,) in the Zanesville district, by applying in payment thereof a certain certificate of military land scrip, do solemnly swear that, from my own knowledge of the fact, after actual inspection of the said tract of land, on or about the 18th instant, that there was not, at that time, any person or persons residing thereon, and that I do truly believe that there is now no person residing thereon, or has claims of pre-emption thereto.

his
MICHAEL X ROGER.
mark.

Sworn to, and subscribed, this 23d April, 1832, before me:

THOS. FLOOD, J. P. [L. s.]

Tenth interrogatory. Was the east half of the northeast quarter of section number fourteen, of township number seven, of range four, (military,) entered on the 22d day of January, 1833, in the name of Joseph Caughe-more? and if so, in what funds was the payment made?

Answer. It was so entered, and payment made in military bounty land scrip.

Eleventh interrogatory. Was there any part of section three, of township seven, in range four, (military,) entered on the 23d day of May, 1832, in the name of George Bellman? If so, what kind of funds were applied in payment thereof?

Answer. The *northwest* quarter of the *southwest* quarter of said section was so entered, and fifty-five dollars seventy-five cents of military land scrip was surrendered in payment.

Twelfth interrogatory. Was the *east* half of the *southeast* quarter of section number five, township seven, of range number four, (military,) at any time in the year 1832 entered in the name of Christian Berger? and if so, when?

Answer. It was on the eighth day of May, 1832.

Thirteenth interrogatory. Was there a tract of land entered in the name of James Cook Calson on the 14th day of March, 1833, to wit: the east half of the southeast quarter of section number three, of township number six, of range No. 4, (military?)

Answer. Yes.

Fourteenth interrogatory. Did Samuel Dennis, on the 11th day of October, 1833, enter the *northeast* quarter of the *northwest* quarter of section number sixteen, township number one, of range three, (military?)

Answer. Yes.

Fifteenth interrogatory. Did Daniel Burt, jr., on the 3d day of October, 1833, enter the *southeast* quarter of the *northwest* quarter of section number sixteen, of township number one, of range three, military?

Answer. Yes.

Sixteenth interrogatory. Did John Robins, on the 31st day of August, 1831, enter in his own name the *west half* of the *northeast* quarter of section number two, of township number nine, of range number ten?

Answer. Yes.

Seventeenth interrogatory. Did the said Robins, on the same day, enter in the name, and in behalf of *Thomas Scott*, the *west half* of the *southwest* quarter of section number twenty-three, of township number one, of range number three, (military?)

Answer. On referring to the blotter, (or original book of entries,) I find the name of Thomas Scott following that of John Robins as purchaser of that tract of land; but it appears to have been subsequently erased, and one hundred dollars (the amount of the purchase money) credited to Mr. Scott in my *private day-book*, on the same day, as a deposit.

Eighteenth interrogatory. Was the same tract here referred to again entered in the name of said Thomas Scott on the 13th day of September, 1831?

Answer. It so appears on the books of my office.

Nineteenth interrogatory. Can you in any way account for this singular transaction? If so, please to state what you know in relation thereto? Why the entry did not remain as first made?

Answer. My recollection of the transaction is too indistinct to attempt any detail of the circumstances.

Twentieth interrogatory. Did you accompany John Robins to the Register's office on the day he made the entry in the first place?

Answer. I do not now recollect.

Twenty-first interrogatory. Was the *northeast* quarter of the *southwest* quarter of section number seventeen, of township number one, of range number three, (military,) on the 4th day of January, 1833, entered in the

name of John Newland; and was the southeast quarter of the *same quarter section* entered on the 20th day of May, 1833, in the name of James Karr?

Answer. Yes, as appears by reference to the books in my office.

Twenty-second interrogatory. Were the two tracts of land referred to in the sixteenth and seventeenth interrogatories of this deposition *ever* located in the name of James Sprague, or by Charles C. Gilbert for his use, by virtue of a warrant?

Answer. I presume they were not, as they were both entered and paid for in the usual way—one by John Robins, and the other by Thomas Scott.

B. VAN HORNE.

Sworn on the 30th day of May, and subscribed to on the 31st day of May, 1834.

ANTHONY WILKINS, [SEAL.]

Justice Peace.

ZANESVILLE, OHIO, 31st May, 1834.

I hereby certify that the witnesses who have testified and subscribed to the foregoing depositions were severally first duly qualified according to law; the interrogatories were then stated and proposed as they now stand; and the answers given by the witness (or witnesses) were severally read to them respectively as they now stand recorded by me, and were acknowledged to be correctly entered.

Given under my hand and seal, this 31st day of May, 1834.

JOHN BURWELL, [SEAL.]

Commissioner.

STATE OF OHIO, *Muskingum county.*

I, John Willson, jr., clerk of the court of common pleas in and for said county, do hereby certify that Joseph Stiers, Robert Aikins, and Anthony Wilkins, esquires, before whom the foregoing depositions appear to have been taken, were, on the dates thereof, severally, and now are, acting justices of the peace in and for said county of Muskingum, duly elected and qualified according to the constitution and laws of said State, to whose official acts as such full faith and credit are due.

In testimony whereof, I hereunto set my hand and affixed the seal of said [SEAL.] court at Zanesville, this 31st day of May, A. D. 1834.

For JOHN WILLSON, Jr., Clerk,

CHARLES W. O'NEAL, *D'y Clerk.*

The deposition of William B. Magruder, before the Committee on Public Lands of the Senate of the United States, under a resolution of the Senate, relative to the public lands.

Question. Were you not an agent for the locating of Indian reservations in the Creek country, in the State of Alabama?

Answer. I went out as secretary to the commissioners for locating reservations of the Creek Indians according to the treaty with that tribe, and was afterwards appointed by the commissioners as a locating agent in Chambers county, in said State of Alabama.

Question. What was the condition of the locations of these reservations on the 17th December, 1833, being the date of the proclamation of the President for the sale of the public lands in the tract of country ceded to the United States by the Creek Indians? Were the locations completed and

returned to the proper department prior to that day, or any time prior to the sale of said lands under the proclamation aforesaid?

Answer. On the 17th December the locating agents were actively engaged in performing their duties, and, consequently, the locations were not completed, and returns were not made: the only returns were made one week after the day appointed in the proclamation for the commencement of the sales to the register of the land office in Montgomery, in that district. This answer has reference to the Tallapoosa land district.

Question. What portion of the lands ceded by the Creek Indians would be covered by the reservations under the treaty, and what amount of these reservations were contained in the report made to the register of the land office in Montgomery?

Answer. I think there were more than half of the lands ceded covered by the reservations, and about one half of the locations were returned to the register of the land office in Montgomery one week after the sales were ordered by the proclamation.

Question. Were the surveys of the lands ceded by the Creek Indians completed by the surveyors of the United States, and returns made to the proper offices prior to the President's proclamation for the sale of the ceded lands?

Answer. The surveys were completed, but the plats of the townships had not been returned to the land offices at which the sales were to take place either at the date of the proclamation, or at the commencement of the sales, or at any time during the sales; consequently the sales were not completed.

Question. Had the people of the district information of the proclamation prior to the day appointed for the commencement of the sales, so as to enable the actual settlers to attend the sales and purchase?

Answer. The proclamation was not generally known, so far as I know or believe, in the district prior to the day of sale, and complaints were made by the people that they had not time to make arrangements for purchasing. I gave information to a number of settlers myself that the sales were ordered a few days before the day appointed for opening the sales, which they informed me was the first notice that they had of it.

Question. Had you, as a locating agent, information of the day of sale? And, if so, how did you obtain it?

Answer. I had information of the day of sale, and I obtained it by a letter from one of the locating commissioners through a private conveyance.

Question. Did you obtain that information in time to attend the sales?

Answer. I could have done so, but did not attend the sales.

Question. Did the actual settlers in the Creek country attend the sales so far as you know or believe?

Answer. They did not.

Question. Were not the sales attended by speculators from different parts of the country, so far as you know or believe?

Answer. They were.

Question. Have you any knowledge of a purchase or purchases made by a company of speculators at either of these sales? And, if so, state what such purchase or purchases were, as far as your information extends? What price was paid to the United States for the lands so purchased, or any part of them, and what amount was subsequently obtained by any such company of speculators for the same lands?

Answer. I have no personal knowledge on this subject: it was generally understood throughout the country that companies of speculators did attend the sales, and that they purchased the greater portion of the lands sold, and particularly one tract of 640 acres, for the consideration of about eight hundred dollars, which they sold in the course of twenty-four hours afterwards, at public sale, for more than as many thousands as they had given hundreds.

Question. Do you know any other matter or thing in relation to the sales of the public lands in the tract of country ceded by the Creeks, or the conduct of the officers employed in such sales, which you deem material to the investigations before the committee?

Answer. I know nothing of my own knowledge that I have not already stated.

W. B. MAGRUDER.

WASHINGTON CITY, *April 11, 1834.*

The deposition of Edmond Row before the Committee on Public Lands of the Senate of the United States under a resolution of the Senate relative to the public lands.

Question. Where do you reside, and what is your occupation?

Answer. I reside in Orange county, Virginia, and am by occupation a farmer.

Question. Have you ever attended any public sale of the public lands? If so, state what place, and what State, and at what time?

Answer. In 1833, from the 23d to the 29th of October, I attended at Chochuma land office, in the State of Mississippi, the sale of the public lands which had been ceded by the Choctaw tribe of Indians to the United States.

Question. Were the surveys of the lands ceded by the Choctaw Indians completed by the surveyors of the United States, and returns made to the proper officers prior to the date of the proclamation for the sale of those lands?

Answer. As to the surveys being completed, and returns made, I know not. I saw one or two companies going out to survey the unsurveyed ceded lands. I also heard many of the citizens of the State, some of them actual settlers, complaining that the lands were put into market before more than one half of them was surveyed.

Question. Had the people of that district sufficient information prior to the day appointed in the proclamation for the commencement of the sales, to enable the actual settlers to make their arrangements for attending and purchasing?

Answer. I heard many men complain that they had not had sufficient time, from the first notice they had of the proclamation until the day of sale, to make their arrangements for attending and purchasing. The first information, too, obtained by some, was received from persons riding through the country to examine the lands, within a very short time before the sale.

Question. Were not the sales attended by speculators from different parts of the country, so far as you know and believe?

Answer. I believe they were. There appeared to be speculators from Tennessee, Alabama, and Louisiana, besides those who resided in the State of Mississippi.

Question. Did the speculators you mention, from the States of Tennessee, Alabama, Louisiana, and Mississippi, bid against each other, or did

they combine for the purpose of deterring poor men, or men who only wished to purchase small tracts of land, from bidding for the lands on which they resided, or other lands which they might desire to purchase for actual settlement and cultivation, thereby taking into their own hands the control of the sales for their own benefit?

Answer. I arrived at Chochuma on the 23d of October, two days after the commencement of the sales; and, on that day, there was a public address made to the people by a gentleman who said that they, the companies of speculators, had united to shield the actual settlers from being imposed upon by individual speculators, and that his company was willing that any actual settler should buy one quarter section of land wherever he pleased, and as low as he could get it, if it were at the Government price; or that his company would purchase it for him as low as they could get it, and let him have it for what they gave, provided, however, that said settler would sign a paper obliging himself not to bid for any other lands thus offered at that sale of the public lands of the United States. He suggested, however, that his company would, immediately after the sales of the United States' lands were closed, sell at public sale any lands they might purchase to the highest bidder, at which sale the settlers would have an opportunity of purchasing as much more land as they might want.

Question. Did these companies of speculators purchase large quantities of the public lands? If so, at what price?

Answer. I believe, according to the best estimation I could make, they purchased three-fourths of what was sold, and most generally at Government prices.

Question. Did these speculators, after the public sales were closed, offer the lands so purchased by them, at augmented prices? And did they make any sales to persons attending the Government sales at the prices put on them? If so, what price per acre did they receive?

Answer. I can make no answer to these inquiries, as I left the place before the Government sales were closed.

Question. Did you attend the sale for the purpose of purchasing land with a view to actual settlement and cultivation? And, if so, did you purchase at the public sale of the Government, or did you purchase from the company of speculators?

Answer. I did attend the sale for the purpose of purchasing for actual settlement and cultivation, and purchased from, or rather through, one of the agents or bidders of a company of speculators.

Question. Had you selected for purchase any particular tract of land?

Answer. I had.

Question. Why did you prefer purchasing from, or through one of the agents of the company of speculators, to bidding for it yourself at public sale?

Answer. I was a stranger in the country, and this being the first sale I had ever attended there, was entirely ignorant of the customs and proceedings at the sales of the public lands.

Question. What were the circumstances which induced you to purchase through the agent of the company?

Answer. In bidding for the land which I had selected before the sale, I found it run on me, and knocked off to myself and son at between four and five dollars per acre; whereas I observed that the company, generally, obtained their lands at \$1 25 per acre; and, with but very few exceptions,

no person bid against them: I was therefore induced to forfeit the lands thus charged to myself and son, to be resold. It was then purchased by the agent of the company of speculators at a price not exceeding \$1 27, who immediately sold it to me at one dollar advance per acre, which he had previously agreed to do. I took, of course, the receiver's receipt to said agent, with the register's receipt upon the back of it, for the transfer of the same to me.

Question. Who were the bidders or agents of the company for purchasing at the public sales? How many of them were there, and where did they reside?

Answer. I think there were five, if not six, persons who were considered by the people at large as bidders or agents for the companies of speculators. I cannot now remember the names or residence of more than four of them. There were Robert J. Walker, of Natchez, Mississippi; — Ellis, of Louisiana, and Malcolm Gilchrist, of Alabama, and — McLemore, of Tennessee.

Question. Who was the person whom you say addressed the meeting, and told them of the combination of the speculators? And what was the name of the agent from whom you purchased your land?

Answer. The man who addressed the people was Robert J. Walker, the same from whom I purchased the land.

Question. Who were register and receiver at Chochuma land office? Were they present at the sale, and informed, or had knowledge of the existence of such combinations of speculators, and their object? and did they interpose in their official character or otherwise, to prevent the accomplishment of the purchases for which they had combined?

Answer. Samuel Gwin, who was register, and Richard H. Sterling, who was receiver, (as will appear from the receipts for the land which I purchased,) were both present when Robert J. Walker addressed the people on the subject of the combination, and their intention; and I neither saw or heard of any interference on their part, either by word or deed.

Question. Did you see or know of any conduct on the part of either the register or receiver which would justify you in the belief that they were concerned in the said speculations?

Answer. I heard the register, Samuel Gwin, say exultingly, and with a snap of his finger, to some persons who were near him when a certain portion of the public lands were bought by one of the agents of the company, "that land will bring us ten dollars per acre."

Question. Do you know if the register or receiver of that office has ever demanded of the purchaser fees or compensation for the performance of their official duties not authorized by law?

Answer. I paid the register one dollar for every separate transfer of eighty acres from the said Robert J. Walker to myself. I am ignorant if he were justifiable or not in taking that fee.

Question. Who acted as auctioneer, and was he considered as a one of the company of the speculators, or was he in any manner connected with them?

Answer. Colonel Rather, of Alabama, generally acted as cryer. He himself told me that he had constantly been in the woods for the last six weeks, examining the lands and taking numbers. I understood him to say he was one of the company of speculators.

Question. Did the actual settlers who attended the sales, and bid for the tracts of land on which they were settled, independent of the company, in a

single instance, obtain their lands at Government price, and were not most of those settlers driven to the necessity of purchasing by permission of the companies of speculators, and each limited to one quarter section before such permission was granted?

Answer. I know of no instance of a person purchasing independent of the companies who obtained the land purchased at one dollar and twenty-five cents per acre. I do know several instances where the purchaser was bid up to six dollars per acre. Most of the actual settlers obtained their lands through the companies, or by their permission, and consented to limit their purchases to one quarter section each as a condition on which the permission to purchase at Government prices was granted by the company of speculators.

Question. Were there any lands sold at a higher price than one dollar and twenty-five cents per acre, and again offered at public sale on the same day by the officers superintending the sales, and bought in by the company of speculators at Government prices? And, if so, state at what price the land was first sold, and the cause assigned by the officers for setting aside the original purchases as aforesaid, and again offering the land for sale.

Answer. There was a tract of land, the quantity I do not precisely know, bid off for Mr. Wilkinson at twenty-two dollars per acre, to the best of my recollection. Immediately after the sale, and before any other land was offered, one of the officers, I do not know whether the register or receiver, demanded a deposit of the money for the land, of the purchaser. Mr. Wilkinson replied he had the money, and exhibited the money in his hand, but stated that, as the regulation of the sales allowed him until next day at 10 o'clock to make payment, he would not be driven to deposit at that moment. To which the officer replied that, if the money was not deposited in five minutes, the land would be considered as forfeited and resold. The deposit was not made, and the land was sold in five minutes afterwards to one of the bidders, for the company of speculators, at one dollar and twenty-five cents per acre.

Question. From the conduct of the officers throughout the sales, and every thing which you observed during your attendance at these sales, are you, or are you not, firmly impressed with the belief that these officers were combined with the speculators, and interested in their purchases?

Answer. I certainly was so impressed with the belief at that time, and still believe so. They were combined and interested in the purchases made by the speculators.

Question. Did it not appear to you to be the general impression of those who attended the sales to purchase lands, that the officers were concerned with the speculators?

Answer. Such appeared to be the general impression of the settlers who attended the sales.

Question. Did the register, Samuel Gwin, demand of each person who received a transcript from the speculators one dollar for such transfer?

Answer. I saw several persons pay one dollar for such transfer, and believe it was a general practice, and heard several persons complain of the charge.

Question. Did the speculators require the actual settlers to sign a paper pledging themselves not to purchase more than one quarter section before they granted permission to them to purchase at the Government price?

Answer. I believe they did, for such was the observations of Robert J. Walker in his public address to the people.

EDMOND ROW.

WASHINGTON CITY, *April 29, 1834.*

THE STATE OF OHIO, *Guernsey county, ss.*

Depositions taken under the resolution of the Senate of the United States of the 3d and 5th of March, 1834, authorizing the Committee on Public Lands to inquire into the conduct of registers of the land offices, and receivers of public moneys at the land offices of the United States. Taken on behalf of the said Committee on Public Lands, (by John Burwell.)

The following witnesses appeared before Isaac Willson, a justice of the peace in Jackson township, in and for said county, and by him were *severally* duly sworn according to law to make true, full, and perfect answers to all and singular the interrogatories that may be proposed to them.

First.

Thomas Marshall, of lawful age, appeared, who, having been first duly sworn as aforesaid, testified.

First interrogatory. Do you know any instance of a case wherein any register or receiver has been guilty of selling any of the public lands of the United States otherwise than for cash in ready money, or have they or either of them taken a bonus, and marked the map of survey to "retain" any tract of land for any individual or individuals, so that the particular tract appeared by the plat or "map" as though the same had been entered, when in fact the same had not been sold or entered?

Answer. I know of only one instance wherein Thomas Flood, register of the land office at Zanesville, sold to me the southeast quarter of the northwest quarter of section sixteen, of township number one, of range number three, military; which said land I lost by deception on the part of the said Thomas Flood, register.

Second interrogatory. Upon what conditions did Mr. Flood sell to you the land referred to, and in what manner did he deceive you? When was the contract made?

Answer. The contract was made on the 28th day of March, 1833. Flood agreed to keep the land for me one year from that day. I was to pay him ten dollars in hand, and the remainder within the year. I paid the ten dollars to said Flood on the said 28th day of March, 1833. If I failed to pay the whole of the money within the year, Flood was to keep the ten dollars for interest. He sold the said tract of land to Mr. Burt in less than seven months after the contract was made.

Third interrogatory. How came you to apply to the register (Thomas Flood,) to purchase land on a credit?

Answer. I understood by Samuel Dennis that *he* had a contract with Flood in the same way, and therefore I was induced to apply and contract with him in that manner: by reason of which I went on the land, and, after working all summer, I had put up a cabin and a tobacco house, and cleared and fenced some of the land, supposing my title was good, and to my astonishment he sold the land to another, and I was turned off of the land

without remedy. If he had have told me in the first place that my title would not be good until I paid all the money, and got another title, I should not have lost my labor.

Fourth interrogatory. What kind of a title did Mr. Flood give to you, which you supposed to be good? Did you give to Flood, at the time you made the contract, your note or any instrument of writing to secure to him the payment of the purchase money? If so, state the same.

Answer. When I contracted with him for the land he gave to me a paper which he called a *scrip*, on the back of which he receipted the ten dollars which I paid, and which was to go for interest, as I have before stated; And the which said paper or "*scrip*," with the receipt on the back, you (John Burwell,) took a copy *from* in October last, in Zanesville. The original I gave up to Flood on the same day (after) you took the copy, and demanded the ten dollars, and he paid back to me. I was under the impression that Flood held an instrument of writing against me. I told him if there was any other writing between us I wanted them up. He said there was *none* there: that I had never given him any.

Fifth interrogatory. Did Flood tell you at the time he gave you the paper that you permitted me to take the copy from, with the receipt on the back thereof, that the same would *hold* the land, or that it was a good title for the land? And did he then mark the map or plat with your name in such manner as to make that particular tract appear as though it was actually entered?

Answer. He opened a large book that lay on the table, into which he looked to see whether the land was entered or not; in which he wrote *something*, telling me at the time that he wrote my name on the tract, and that "now no man can enter it." He told me that the paper, or "*scrip*," as he called it, would hold the land, and charged me to keep the transaction a secret, and tell Samuel Dennis not to say any thing about his business.

Sixth interrogatory. Can you write or read writing?

Answer. I can neither write or read writing: if I could I should not have been deceived by Flood in *this business*, nor been so cheated by him. Relying on the information and directions of Flood, I rested easy until Samuel Dennis learned that his was not safe; and mine, being in the same situation, I went to Flood on the second Tuesday in October last, and found that the land was entered by Burt. Flood said, "I feel most damned sorry for you, but I cannot help it." And further I know not; *only* Flood told me to tell Dennis to come and see about *his* land; that he could not save it if any body came to enter it. I did tell Dennis.

his
THOMAS X MARSHALL
mark.

Secondly.

Samuel Dennis, of lawful age, who, having been first duly sworn as aforesaid, testified.

First interrogatory. Have you any knowledge of any of the public lands of the United States having been sold otherwise than for cash in ready money? If so, state where, and by whom sold; upon what condition, and to whom the same was sold.

Answer. At the register's office of public lands at Zanesville, Thomas Flood, the register, sold to me the east half of the northwest quarter of sec-

tion number sixteen, of township number one, of range number three, military. I paid him nineteen dollars down, and was to pay him the remainder within one year.

Second interrogatory. Did the said register agree to keep the tract in question one year for you? Did he mark that particular tract on the map at the time with your name or otherwise, in such manner as to have the appearance of being entered? Was you to give him any bonus or interest on the purchase money? If so, state all about it, from beginning to ending.

Answer. On the 9th day of March, 1833, I agreed with the said Flood as above stated, and he gave to me (on my asking him for a *scrip*, having understood that others could hold land with a "scrip,") two papers, one was, as he informed me, a receipt for the nineteen dollars paid to him as aforesaid; and the other was, as he told me, "a *scrip*," which I have here in words and figures following, to wit:

"LAND OFFICE AT ZANESVILLE,
March 9, 1833.

"I, Samuel Dennis, of Guernsey county, Ohio, do hereby apply for the purchase of E. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ section No. 16, township No. 1, range No. 3, military, containing 80 acres, according to the returns of the surveyor general, for which I have agreed with the register to give at the rate of \$1 25 per acre.

SAMUEL DENNIS.

"I, Thomas Flood, register of the land office at Zanesville, Ohio, do hereby certify that the lot above described contains 80 acres as mentioned, and that the price agreed upon is \$1 25 per acre.

T. FLOOD, *Register.*"

He did place my name upon the tract on the map. He also agreed to keep the land one year; and, if I did not pay the remainder of the money within the year, I was to forfeit the money that I had paid. He told me that "*that*" scrip (the paper of which the foregoing is a copy,) would hold the land one year; that I might go home and go to work on it, and raise my *tobacco*; that there would be no danger. I went home, and built me a house and two tobacco houses on the north half of the said tract, and cleared, fenced, and planted three or four acres of tobacco on that part of the land; believing that I had fairly purchased the said land, and that I was safe in so doing, until I showed the said "*scrip*" (by which I was holding it under Flood's assurance,) to Isaac Willson, esq., who informed me that my title was good for nothing, and that my land was liable to be entered by any other person. Mr. Willson asked me what kind of title Thomas Marshall had; I told him that Marshall's and mine were alike. He informed me, and I informed Marshall of our situation. Marshall went immediately to Zanesville to see about our business, and found his was entered. And, on his return, informed me of what Flood said concerning mine. I immediately pledged my crop of tobacco and borrowed all the money that I could raise, and went as soon as possible to town; and on the 11th day of October, 1833, I entered that part on which I had made my improvement, and got the receiver's receipt for the purchase money in the words and figures following, to wit:

"No. 6,411. RECEIVER'S OFFICE, ZANESVILLE,

October 11, 1833.

"Received of Samuel Dennis, of Guernsey county, Ohio, the sum of fifty dollars, being in full for the northeast quarter of the northwest quarter of section number sixteen, township number one, of range number three, (military,) containing forty acres, at the rate of \$1 25 cents per acre, \$50.

"(Duplicate.) B. VAN HORNE, *Receiver*."

Third interrogatory. How came Flood to sell you the eighty acres, (or half-quarter,) and also sell to Marshall forty acres, being the south half of the same tract, as is represented?

Answer. I cannot tell, unless Flood made a mistake.

Fourth interrogatory. What did Flood say to you on the 11th day of October, 1833, at the time you entered the forty acres on that day, being the one-half of the tract which he had so agreed to keep for you one year, and in the short space of nineteen days sold one half of the same to Marshall at one year's credit, and then, in six or seven months after, sold that part to Burt? State what excuse he made to you, as far as within your recollection.

Answer. The error in the *numbers* was not discovered by me until this day, and whether Flood or Marshall ever discovered or knew it I cannot tell; there was nothing said on the subject to me. When I entered the land described in the receiver's receipt, of which the foregoing is a copy, Flood pointed his finger on the map to the place where my name was (as he said) *written*, and said, "here is your name on the map: I'll defy all the devils in hell to take it from you; you might have rested easy in the first place, but, I suppose, hearing of Marshall's, you got uneasy." He told me to take the "*scrip*" home with me again, and if I could get the rest of the money within the year to come, and pay off, and get the other part of the land, that no one would enter it from me. And I then came away.

his
SAMUEL + DENNIS.
mark.

Thirdly. May 23, 1834.

Daniel Burt, who being first duly sworn as aforesaid, testified—

First interrogatory. Did you apply to Thomas Flood, register of public lands at Zanesville, for the purpose of purchasing forty acres of land from the United States, being the southeast quarter of the northwest quarter of section sixteen, of township number one, of range number three, (military,) on which Thomas Marshall was at the time making improvements, and which said land Marshall stated to you the evening previous to making such application, that he had entered the said land? If so, state the fact.

Answer. Some time in April, 1833, I called on the said Thomas Marshall, who was then at *work*, and making improvements on (as I presume) the land in question. I was by said Marshall informed that he had entered the land on which we then were. I doubted Marshall's having entered the land according to his statement. He told me if I did not believe *him*, I might go to Zanesville and see for myself. Accordingly, I went on the next day to the land office at Zanesville, and applied to Thomas Flood, the

register, to purchase the said land. Flood (after I had given him the numbers of the land) opened the plat-book, and looked at the tract, and said, "It is entered." I inquired of him who had entered it? He replied, "Thomas Marshall." He shut the plat-book very quick, and walked out of the office. From his *conduct*, the manner in which he shut the book, and from his looks, and manner in which he went *out* of the office, I did not believe the land to be entered. I followed him *out*, and inquired whether he did not think there might be a chance yet to get the land? He said "No, Marshall has entered it," and turned and walked off another way into an alley, and left me in the street. My brother, *David Burt*, as I am informed by him, entered the same land some time, perhaps, in September last. And further I know not.

DANIEL BURT.

Fourthly.

Hugh McCoy appeared, and, after being duly (affirmed) qualified according to law, testified—

First interrogatory. Did you, on or about the 31st day of August, 1831, send money by John Robins to purchase, at the land office at Zanesville, the west half of the southwest quarter of section number twenty-three, of township number one, of range number three, (military,) for your son-in-law, Thomas Scott? And did you go yourself on the 13th of September, 1831, to the register's office on business concerning the same land? Did you then and there converse with Thomas Flood, the register, on that subject? If so, state what that conversation was?

Answer. On the 30th of August, 1831, I sent by John Robins one hundred dollars for the purpose alluded to. Mr. Robins brought to me, on his return, the receiver's receipt for the money. Having been informed by Mr. Robins that Charles C. Gilbert claimed the land, and was keeping it for Wm. Sammons for two weeks, I went to the said register's office on the 13th day of September, 1831, where I found the said Charles C. Gilbert lying on a bed, and the said Thomas Flood sitting in a chair in the said office. I stated to the said Flood that I had come to see about the land for Thomas Scott, (the land referred to;) that I sent the money two weeks ago by Mr. Robins. The said Gilbert replied, "You can't have the land; I have located that land for James Sprague, and have promised to keep it two weeks for William Sammons." I then stated that the two weeks were up. I stated, at the same time, that Mr. Robins brought word that if Sammons failed, and I would pay twenty dollars, that the land could be had for Scott. I also stated that Scott was a poor man, and that the Government price was full as much as the land was worth; also, that it was unjust to ask more for it. The said Flood replied, "Now, Mr. McCoy, let me speak a word: Scott is your son-in-law, and your daughter no doubt would like to be settled close by you, and you had better give Mr. Gilbert something; but, for my part, if Mr. Gilbert has a mind to raise his location, and let you enter the land, I have nothing further to say in it." I replied that I would not give it. After considerable altercation, Gilbert offered to take ten dollars, and I gave my note for that sum, payable to Gilbert, eight months after date.

Second interrogatory. Had you any further conversation with the said register on the subject of that land?

Answer. At the time, and when Flood gave to me a certificate of application for the land to take to the receiver, I asked the said Flood what kind of a title I would get for the land? and whether, as I supposed it would

be, a soldier's right? He replied, "*It's none of your business what kind of a right it will be: you or Scott will get a right that will secure the land to you.*" I carried to the receiver the certificate of application, gave to him the receipt that Mr. Robins had brought me, and procured one in words and figures following, to wit:

"No. 3,468. RECEIVER'S OFFICE, ZANESVILLE,
September 13, 1831.

"Received from Thomas Scott, of Guernsey county, Ohio, the sum of one hundred dollars, being in full for W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of section No. 23, township No. 1, range No. 3, containing 80 acres, at the rate of \$1 25 per acre.—\$100.

(Duplicate.)

B. VAN HORNE, *Receiver.*"

Third interrogatory. Did you, from the conduct of the said *Flood and Gilbert* at the time, believe that they were engaged in speculating from purchasers of the public lands?

Answer. I did *then* and do *now* believe that they were; and my suspicions were, if possible, more fully confirmed on the 11th day of May, 1832, when I again went to that office, and found the said Gilbert lying on the *same bed*, and assisting Flood to transact my business of entering the east half of the northwest quarter of section nineteen, township number one, range number three, military. He took my money, assisted in hunting the land on the map, and, as I now think, filled up the certificate of application, and gave me *it*, and a scrip to take to the receiver's office, all in Flood's presence. And further I know not.

HUGH MCCOY.

Fifthly.

David Burt, jr., who, after having been duly sworn according to law as aforesaid, testified.

First interrogatory. Did you apply to Thomas Flood, register of the land office at Zanesville, for the purpose of inquiring after the situation of, or for the purpose of purchasing the southeast quarter of the northwest quarter of section number sixteen, of township number one, in range number three, military? If so, state the conversation and time it took place.

Answer. On the 19th day of September, 1833, I did inquire of the said register, at his office, to know if the tract referred to could be had to enter? He answered, "I guess it is entered; do you want to enter it?" I informed him that I did not wish to enter it at that time, and stated that if it was *not* entered, I wanted to enter it in a few days, at which observation Flood walked off, and left me standing on the pavement at the door of the office, in such manner as induced me to suspect that the land was not entered. I waited until the said Flood went away, and I went into the office, and found by a man that was in the office that the land was not entered; and on the 3d day of October, 1833, I again went to the said office, and applied to the same man that informed me the land was not entered, and got the grant to enter the land. Flood came in before the business was completed, and inquired what we were at. On being informed, he asked me what kind of money I had. I informed him, when he observed we will change it for

you, saying it was not land office money. They gave me scrip, or land stock, with which I paid for the land, and procured a receipt, in words and figures following, to wit:

"No. 6,391. RECEIVER'S OFFICE, ZANESVILLE,
"October 3, 1833.

"Received of David Burt, jr., of Guernsey county, Ohio, the sum of fifty dollars, being in full for the southeast quarter of the northwest quarter of section number sixteen, township number one, of range number three, military, containing forty acres, at the rate of \$1 25 per acre. \$50.

"(Duplicate.) B. VAN HORNE, Receiver."

Second interrogatory. Is the tract which is described in the receipt, of which the foregoing is a copy, the same tract spoken of by your brother Daniel Burt, and by Thomas Marshall, *in* (the foregoing) their depositions?

Answer. Yes; I am satisfied of the correctness of that fact. And further I know not.

DAVID BURT, Jr.

Sixthly. May 27, 1834.

William Salmans, of lawful age, who, having been first duly sworn as aforesaid, appeared and testified.

First interrogatory. Did you, on or about the 30th day of August, 1831, apply to Thomas Flood, register of the land office at Zanesville, to secure to you, for a short time, the west half of the southwest quarter of section twenty-three, of township number one, of range three, military? And if so, state the whole transaction?

Answer. On or about the 30th day of August, 1831, I applied to the said register for the purpose of getting the said land secured to me for the term of two weeks and one or two days, at which time I expected to have the money to pay for the land in question. Mr. Flood called on Charles C. Gilbert, from an adjoining room in the same office, (or building,) and stated that Mr. Gilbert was authorized to do such things; that he had a right to secure lands by virtue of some *scrip*, (or soldier-right,) for, as I now think, the benefit of James Sprague. Mr. Gilbert proposed that, for thirty dollars in addition to the price of the land, he could (or would) secure to me the tract in question. I stated to them that I would not give that sum, for reasons that it was too much; having previously stated to them that I expected that a person, in a few days, would send on the money, or come himself to enter the same land. I left Messrs. Flood and Gilbert in conversation on the subject, and was absent attending to my horse about one hour, when I again returned to the register's office. Flood was present, and Gilbert, who was standing a short distance up the street, soon came in, and offered to secure the land as stated, *for that short time*, for twenty dollars. I then stated to them that I would go home, and, if I got the money according to my expectations, that I would come on at the end of two weeks, or thereabouts, and, if the land was then safe for me, that I would then pay the price of the land in money, and give to Mr. Gilbert my note for the twenty dollars bonus, or premium, to be paid (as I now think) in January then next. Before I got the money, I understood that *Hugh McCoy* had sent on the money by John Robins, who I met going *to*, as I came from,

Zanesville, and also had entered the said land for his son-in-law, Thomas Scott; and I therefore did not go, according to agreement, to enter or see further about the land.

Second interrogatory. From whom did you understand that the land in question had been entered as aforesaid?

Answer. I understood from Scott that *McCoy* had went *himself* to the land office, and entered the land for him, Scott, Robins not having effected the entry.

Third interrogatory. Did you at the time believe that they were asking you a higher premium, or bonus, in consequence of the information that you had given in relation to another person's intention to enter the land than they otherwise would have done? or did you understand that the bonus went to Sprague to benefit an old soldier? State what you understood at the time in relation to the subject.

Answer. Gilbert stated to me that, for twenty dollars, he would locate the land for Sprague, and that I should have it for one hundred and twenty dollars. Flood and Gilbert both stated to me that the business was done by Gilbert for Sprague, and I did suppose that the twenty dollars would go to Sprague. I drew this inference from Gilbert's conversation. From the circumstance of first asking thirty dollars, and then coming down to twenty, I supposed it a speculation for the benefit of some one or more persons.

Fourth interrogatory. Did you inform Flood and Gilbert that the person who wanted the land, and who would bring or send the money to enter it, was Thomas Scott?

Answer. To the best of my recollection, on stating that I expected that another person *would* send or bring the money to enter the same land, Flood asked me *who* it was? I then stated that I expected that Mr. Robins would be there, *either on that* or the next day, to enter a piece for himself, and would bring the money to enter the tract in question for Scott. I am satisfied that I did so inform them of the *fact*, in as much as I well recollect they were both acquainted with Mr. Robins, and Flood stated that Robins entered a good deal of land. And further I know not.

WM. SALMONS.

Seventhly.

John Robins came, who, being first duly (affirmed,) qualified according to law as aforesaid, testified.

First interrogatory. Did you, at the office of the register of public lands at Zanesville, *on* the 31st day of August, 1831, apply for, and purchase from the United States, in your own name, and for your own use, the west half of the northeast quarter of section number two, of township number nine, of range ten, of Congress lands?

Answer. I did.

Second interrogatory. Did you, at the same time and place, apply for, and (at the request of Hugh McCoy, who sent the money by you for that purpose,) purchase the west half of the southwest quarter of section *twenty-three*, of township *one*, of range *three*, military, for and in the name of Thomas Scott?

Answer. I did.

Third interrogatory. Did you apply so as aforesaid, and purchase the two tracts referred to from the register, Thomas Flood, or did you transact your

business respecting those purchases as aforesaid with a clerk in the absence of the register?

Answer. When I inquired (on entering into the office) for the register, George H. Flood, who was present in the office, observed that he, (the register,) was not in; and stated, if I wanted any business done concerning the entering of land, that he was authorized to attend to it as well as his father. I observed that *that* was sufficient.

Fourth interrogatory. At the time you made application for, and purchased, the two tracts referred to, did you examine the plats or maps on which those tracts were particularly laid down? Were those two tracts, or either of them, in any way marked at the time you first examined those maps with Flood to see if they were vacant? Please to state what you know in relation to their being marked at the time you applied for and obtained leave to enter them.

Answer. I examined the maps on which those two tracts were particularly laid down, and pointed them out on the plats, and inquired if they were vacant. The said George H. Flood and Wyllys Silliman, junior, were present and looking on at the same time. I saw no marks on either of them at *that* time, and they told me that they were vacant. I then requested certificates to take to the other office, which they gave to me, one in the name of Scott, and the other in my own name, both of which I delivered to the receiver, and took his receipt for the purchase money.

Fifth interrogatory. Did you return to the Register's office on the same day, and did you so return immediately after having went to the Receiver's office and paid to *him* the purchase money for the tracts referred to, and obtaining the receipts as aforesaid?

Answer. I did. Perhaps I was absent (not more than a half,) at *furtherst*, not more than one hour, until I did so return; and, having taken duplicate receipts from the receiver for the purchase money on each tract, one in the name of Scott, and the other in my own name, I delivered one of each to young Mr. Flood (or young Silliman) to be recorded, and kept my own, and carried it home with me.

Fifth interrogatory. What did you do with the receipt that you had *yet* in your hands in the name of Scott? Did you give *it* to Mr. McCoy, or did you give to Scott on your return home?

Answer. I gave that to neither Scott or McCoy. I gave *it* back to Bernard Van Horne, the receiver, who was present, and had accompanied me from his office to the Register's office.

Sixth interrogatory. Why did you return the *one* receipt which you had taken in the name of, and for the tract you had so entered for Scott, to the receiver?

Answer. *Because* Charles C. Gilbert objected to both of those entries on the grounds that *he said he had "selected" those two tracts* in question, in behalf of James Sprague, to satisfy a military land warrant.

Seventh interrogatory. Were the two tracts actually located by Gilbert, in behalf of Sprague, previous to making those entries by you? Did he show to your satisfaction that he was entitled to a preference? What evidence did Mr. Gilbert adduce to show that fact? Please to state what took place in relation thereto.

Answer. *He did not satisfy me of that fact.* When I returned and delivered the duplicate receipts as aforesaid to be recorded, Mr. Gilbert was present, and observed to me, "you cannot have that land. I have *selected*

it to satisfy a warrant granted to James Sprague." He proceeded and read to me the warrant.

Eighth interrogatory. Was the reading of the warrant as aforesaid, and his assertion, all the evidence that Mr. Gilbert presented to satisfy you of his having located (or "*selected*") those tracts as aforesaid?

Answer. He also showed to me on the map an "S" marked on the plat of each tract as an evidence of his having so "*selected*" them. I observed to Mr. Gilbert that I knew James Sprague, and was satisfied that he had a warrant; *but* that I objected to those two letter "S's," which he called a *mark of selection*, as I did not see them at first when I made the application, and that "I thought I had as good a chance to see them *then* as now, *if they had been there.*" I reached my hand for the plat book which was then open in the hands of Gilbert. He gave to me the map or plat book that was so open in his hands, and I submitted the book to the inspection of young Flood, and Silliman, junior, for their decision respecting the said marks ("S's") having been there at the time we had first inspected the maps, and at which time I obtained the grant to enter the land; and both of those young men stated that they had not seen them, and that they believed that the land was vacant when I made the application. Young Mr. Silliman, in a *stern* voice, observed, "*Gilbert, when did you mark them?* I have not been out of the office." Gilbert observed, addressing himself, as I thought, more particularly to George H. Flood, "*I marked them last night when you was gone to supper.*" Young Mr. Silliman then asked Gilbert, "who was at that time in the office?" Gilbert replied "old Mr. Flood."

Ninth interrogatory. Did you then give up the land you had entered in the name of Scott, or did Gilbert give up his pretended claim to those lands?

Answer. As I was fully satisfied in *my* mind that those letters ("S's") had been made in my absence to the Receiver's office, (and which was also confirmed by the opinion of those two young men in my favor,) I did then, and do now, believe that they were made in my absence for a pretence to make a speculation from McCoy (or Scott,) and myself. I then observed to those young men that, *if* I was to be particular, I might have the gentleman qualified concerning those marks as to the time when they were made. But as the land was of no great *value*, I would not make any disturbance in the matter, and that I could find other land as good, and perhaps better; and stated, at the same time, that if the tract that I wanted did not join other land of mine, that I would not pay fifty dollars for *it*, and pay the tax on it. At which Mr. Gilbert observed, "as you are an *old gentleman* for whom I have *great respect*, you may have the tract that *you* want for yourself." I then stated to him that Scott was a poor man, and "wish that you would be so kind as to let him have the other tract that he might have a home." Mr. Gilbert replied, "a fellow by the name of William Salmons" requested me yesterday to keep that tract for him two weeks, and he would give me, in addition to the purchase money, *twenty dollars*," and stated that he meant to keep the tract two weeks for Salmons; and, after that, if Scott would apply, and Salmons did not come, Scott might have the land. After which I gave the receipt spoken of to Van Horne, and he gave me a certificate in the name of Thomas Scott for money deposited to be delivered; which certificate I delivered to Mr. McCoy on my return home, and also stated to him what Gilbert had said on the subject. I also

advised McCoy to *not* permit any speculation to be made from himself or Scott in that case.

Tenth interrogatory. What is the general character of the official conduct of Thomas Flood, the register of the land office at Zanesville, and those who are about his office almost continually, and apparently either employed by him or permitted to be there? Please to state what common report is, so far as you have knowledge on the subject.

Answer. From what I have *seen*, I am satisfied that they will make speculation from purchasers whenever they can, and I have heard *several* report the same opinion. And further I have nothing in my recollection to relate.

JOHN ROBINS.

Eighthly.

May 28, 1834.

James Karr, of lawful age, who, having been first duly sworn according to law as aforesaid, testified.

First interrogatory. Did Thomas Flood, register of the land office at Zanesville, agree with you that, for and in consideration of a *bonus* of ten dollars, he would retain of the public lands at that time belonging to the United States for (the space of) one year, to give you an opportunity to make up the money to purchase the said land, to wit: the east half of the southwest quarter of section number seventeen, of township number one, of range number three, military?

Answer. He did agree to save the said tract for me one year, and I did pay him a bonus of ten dollars for so doing.

Second interrogatory. When was the agreement referred to made with said Flood; and when was the bonus paid; and did Mr. Flood reserve the land for you according to agreement, and did you ultimately get the said land?

Answer. The agreement was made in May or June, 1832. The bonus was paid at the time the contract was made. Flood did reserve the land for me until I got the money; and, on the 4th day of January, 1833, I went to the said Register's office with my *son-in-law*, *John Newland*, and entered in the name of the said *John Newland*, *my son-in-law*, and *paid the money myself* for one half of the said tract, being *forty acres*, off of the north end of the said tract, and entered the same in the name of the said John Newland, and procured the receiver's receipt for the purchase money in words and figures following, to wit:

"No. 5,275.—RECEIVER'S OFFICE, ZANESVILLE,

January 4, 1833.

"Received of John Newland, of Guernsey county, Ohio, the sum of fifty dollars, being in full for the northeast quarter of the southwest quarter of section No. 17, township No. 1 of range No. 3, m'y, containing 40 acres, at the rate of \$1 25 per acre.—\$50.

(Duplicate.)

B. VAN HORNE, *Receiver.*"

And on the 20th day of May, 1833, I went to the said Register's office, and entered and paid for the other half of the said tract in my own name, and procured the receiver's receipt in words and figures following, to wit:

"No. 5,911.—RECEIVER'S OFFICE, ZANESVILLE,

May 20, 1833.

"Received of James Karr, of Guernsey county, Ohio, the sum of fifty dollars, being in full for the southeast quarter of the southwest quarter of section No. 17, township No. 1, of range No. 3, m'y, containing 40 acres, at \$1 25 per acre.—\$50.

(Duplicate.)

B. VAN HORNE, *Receiver.*"

Third interrogatory. Did the register, Thomas Flood, at the time you agreed with him to reserve the said tract of land for you as aforesaid, mark *that particular tract* on the map in the plat book in his office with your name or otherwise, that the same should appear as having been entered, when in fact the said land so marked had not been actually sold or entered,

Answer. At the time referred to, when the agreement was made, the marking of the tract on the map in the plat book was in part of the condition on which I agreed to pay the bonus of ten dollars. *He did* write my name on that particular tract on the map in the plat book in his office. I refused to give him the money until he did so write my name on the map, that the same should so appear to be entered as aforesaid. *This* was done to prevent any other person from entering the said land.

Fourth interrogatory. Did the said Flood enjoin secrecy on you in relation to this subject?

Answer. He did; after he wrote my name on the map, he said to me (after I gave to him the ten dollars,) "it's fixed now; go away, and say nothing about it." And further I cannot tell.

JAMES KARR.

THE STATE OF OHIO, *Guernsey county, Ohio, ss.*

I, Isaac Wilson, of Jackson township, in said county, do hereby certify that Thomas Marshall, Samuel Dennis, Daniel Burt, David Burt, jr., Wm. Salmons, and James Karr, who have subscribed to the foregoing several depositions, were first each severally sworn according to law before me previously to their testifying as aforesaid; and that Hugh McCoy and John Robins were severally affirmed as aforesaid: also, that the said several persons each severally subscribed their names to their depositions before me after the same was so taken. Given under my hand and seal, this 28th day of May, 1834.

ISAAC WILSON, *J. P.* [L. s.]

ZANESVILLE, OHIO, May 31, 1834.

I hereby certify that the subscribing witnesses to the foregoing depositions were first duly qualified according to law. The interrogatories were then stated and proposed to the witness, and their answers severally committed to writing by me, and then read to the witness, and by them severally acknowledged to be correctly recorded as they now stand. Given under my hand and seal this 31st day of May, 1834.

JOHN BURWELL, *Comm'r.* [L. s.]

THE STATE OF OHIO, *Guernsey county, ss.*

Personally came before me, John Hunter, an acting justice of the peace in and for said county, Isaac Wilson, esq., before whom the foregoing depositions appear to have been taken, and deposeth and saith that he is well acquainted with Thomas Marshall, Samuel Dennis, Daniel Burt, David Burt, jr., Hugh McCoy, William Salmons, John Robins, and James Karr, who are the subscribing witnesses to the foregoing depositions; and that he verily believes that they are severally entitled to full credit as to truth and veracity when giving in testimony on oath, as in the case of the foregoing depositions.

ISAAC WILSON.

Sworn to, and subscribed before me, this 28th day of May, 1834.

JOHN HUNTER, *J. P.* [L. s.]

THE STATE OF OHIO, *Guernsey county, ss.*

I, Moses Sarchet, clerk of the court of common pleas for said county, do certify that Isaac Wilson and John Hunter, esquires, before whom the foregoing testimony was severally taken and sworn, were, at the times and dates the same appear to have been taken, and still are, justices of the peace in and for said county of Guernsey, duly elected, commissioned, and sworn, according to the constitution and laws of said State of Ohio, to whose official acts full faith and credit are severally due.

In testimony whereof, I have hereunto set my hand, and affixed the seal of said court at Cambridge, this second day of June, in the year of our Lord one thousand eight hundred and thirty-four.

MOSES SARCHET, *Clerk.* [L. s.]

THE STATE OF OHIO, *Coshocton county, ss.*

Deposition of Mrs. Sarah Booth, of Oxford township, in the county of Tuscarawas, in the State aforesaid, (of lawful age,) having been first duly sworn according to law that she would true, full, and perfect answers make to all and singular the interrogatories that may be proposed to her touching the public service. The following interrogatories were severally proposed to the witness, (by John Burwell:)

First interrogatory. Do you know whether any register or receiver of public moneys at any of the land offices of the United States, or either of them, have been guilty of fraud or partiality in the sales of public lands, by adopting rules and regulations in their respective offices inconsistent with the laws of the United States?

Answer. I do not understand the laws of the United States which regulate those offices. All that I know in relation to their rules is, that, on the eighteenth day of May, eighteen hundred and thirty-two, I went to the Register's office at Zanesville to enter the northeast quarter of the southwest quarter of section number twenty-two, of township numbered five, of range numbered three, (military,) and which said land I did enter, and procured a

receipt from the receiver for the purchase money, in the words and figures following, to wit:

“RECEIVER’S OFFICE, ZANESVILLE,

May 18, 1832.

“Received of Sarah Booth fifty dollars, to be applied to the entry of the N. E. $\frac{1}{4}$ of S. W. quarter of section No. 22, township No. 5, of range No. 3, m’y.; when instructions are received under the act of 5th April last.—\$50.

B. VAN HORNE, *Receiver.*”

Second interrogatory. When you went to the Register’s office as aforesaid, did you inquire of Thomas Flood, the register, any thing in relation to the land on which Samuel McDoll Wilson was then living, (to wit, the northeast quarter of the northeast quarter of section four, township four, range three?) If so, please to state what the conversation was between yourself and the said Thomas Flood, register of that office, on the subject of *saving* the land for Wilson.

Answer. At the time, and at the Register’s office, when I entered my land referred to, (on the 18th day of May, 1832,) at the request of Mr. Wilson, I inquired of Thomas Flood, register, whether said Wilson, who was then living on the said land, could hold the same by *pre-emption* in consequence of his settlement on the land. At the same time I stated to said register that Mr. Wilson said that he had not money enough, and wished to secure the land. Flood (the register,) replied to me, “He cannot hold it by pre-emption right—any one can enter it that comes; *but* tell *him* to come and bring what money he has got, and we will save it for him;” and at the same time stated that a person, (whose name I do not now recollect,) whose name Flood mentioned at the time, was in the habit of saving land for people. On my return I informed Mr. Wilson what Flood said on the subject. And further I cannot say.

SARAH BOOTH.

Sworn and subscribed to before me, this 28th day of April, 1834.

JAMES LISK, *J. P.* [SEAL.]

Deposition of *Samuel McDoll Wilson*, of Wheeler township, in Guernsey county, (of lawful age,) who appeared, and was *also* duly sworn as aforesaid that he would true, full, and perfect answers make to all and singular the interrogatories that may be proposed to him touching the public service. The following interrogatories were severally proposed to the witness, (by John Burwell:)

First interrogatory. Do you know whether any register or receiver of public moneys at the land offices of the United States, or either of them, has been guilty of fraud or partiality, by adopting rules and regulations in their respective offices inconsistent with the laws of the United States?

Answer. I know of none.

Second interrogatory. Do you own and live *on* the northeast quarter of the northeast quarter of section numbered four, of township numbered four, of range three, (military,) and did you request Sarah Booth, (as she has

stated in your presence,) to inquire of Thomas Flood, register, respecting your pre-emption right to said land, and did she return to you the answer as stated in her answer to the second interrogatory in her deposition just taken in your presence?

Answer. I own and reside on the land referred to. I did request her to make the inquiry as she has stated in her testimony referred to. She did, on her return from Zanesville, informed me, as she has stated in the deposition referred to; which said deposition *has here* been taken in my presence and hearing. I did not go to get the land *saved* according to the request of the register, (Mr. Flood;) but, on the nineteenth day of October, 1833, I made up the money, and went to Zanesville, and paid the money to the receiver, and entered the land in question.

SAMUEL D. WILSON.

Sworn and subscribed to before me, this 28th day of April, 1834.

JAMES LISK, J. P. [SEAL.]

Deposition of James Cook Colson, of Coshocton county, (in Adams township, of lawful age,) having been first duly sworn according to law as aforesaid, to make true, full, and perfect answers to all and singular the interrogatories that may be proposed to him touching the public service. The following interrogatories were severally proposed to the witness, (by John Burwell:)

First interrogatory. Have you known any of the public lands belonging to the United States to be sold at any of the land offices of the United States otherwise than for cash in ready money? If so, state when, where, and by whom such sale was made: relate all and singular the circumstances in relation thereto, as near as you can.

Answer. On or about the last of March, eighteen hundred and thirty-two, (to the best of my recollection, on the twenty-eighth day of that month,) I went to the office of Thomas Flood, register of public lands Zanesville, where I found the said register, with one or two young men, (one of which was clerking) in the said office. I also, at the same time, saw in the said office Charles C. Gilbert, who was, at the time, writing at the table in the register's office. I asked Mr. Gilbert if the east half of the southeast quarter of section numbered three, of township numbered six, in range four, (military) was entered? The said Gilbert turned over some leaves in the map (or plat) book, which was lying at the time open on the table where he was writing, and, after examining the plat, said it was not entered, also said it was a large half quarter. I then asked the said Gilbert what he would take and secure that land, (meaning the tract referred to,) and wait with me one year for the money? He hesitated a short time, and then asked me how much money I had? I then showed to him all the money I had, amounting to twenty-four dollars and a half, (as near as I can now recollect.) He counted over the money, and seemed to hesitate. I then told him that I would give him *all*, except enough to bear my expenses home. Said Gilbert then asked old Mr. Flood (the register) what he had better do? Flood said "I think you had better risk it, and try for once what a poor man can do," and also observed to Gilbert, "you must not be too hard, he is a brother yankee of yours." Gilbert then took twenty-three dollars of the money referred to, and told me that I must give him

three securities; and asked me what men were living near to me? I then mentioned the names of several persons who resided in the same neighborhood with myself. Gilbert then looked over the plat book, and asked me what the circumstances were of several persons whose names were written on the plat book on tracts adjoining or near the tract hereinbefore referred to? After I had stated, as near as I could, what the circumstances of those persons were, he (Gilbert) chose Richard Taylor, Robert Corbet, and Henry Delong, who he required me to give as my securities for the faithful performance, on my part, to pay the money for the land in one year from that time. He then drew up an instrument of writing, binding myself and those three individuals above named to pay the sum of one hundred and fourteen dollars and fifty cents, being the amount of the purchase money to which the land came to at one dollar and twenty-five cents per acre, and gave the said article or obligation to me, and said I must take it home with me, and get those three men to sign the said instrument with me, and return the same to him, so executed, within three months, or forfeit the land and the twenty-three dollars. I took the said instrument of writing home, and signed the same, and procured the signatures of those individuals so named and *required* to the said writing as my securities, and returned the same within the time so required. When I sent the same to the said Gilbert, he sent (by the bearer, George Williams,) to me an instrument of writing wherein he bound himself (upon conditions that I, on my part, paid punctually, within the time stipulated, the purchase money) to secure the land to me; but if I failed, he was not bound, and I forfeited all. On the fourteenth day of March, 1833, I went to Zanesville to pay off my obligation so given as aforesaid for one hundred and fourteen dollars and fifty cents. I could not find Gilbert to receive the money: when I inquired for said Gilbert at the Register's office, a man that was clerking in that office, who I informed that I had a piece of writing from Mr. Gilbert about a piece of land, asked to see the writing, and I gave it into his hand. When the clerk had read the same, he observed, "we sometimes do business for Mr. Gilbert:" he then informed Mr. Flood (the register) of my business. Mr. Flood then observed that there was a note in that case, with three securities; and also said "I will attend to that." Said Flood (register) went and got the note, and gave it to the clerk, and I gave the money, one hundred and fourteen dollars and fifty cents, to the said clerk, and he gave me up the said note against myself and my securities. Flood said it was not all land office money, and the clerk said it would do. They gave me some papers, telling me, at the same time, to take them to the Receiver's office, which I did do, and, at the same time, received from the receiver a receipt for the purchase money in words and figures following, to wit:

"No. 5,596.—RECEIVER'S OFFICE, ZANESVILLE,
14th March, 1833.

"Received of James Cook Colson, of Coshocton county, Ohio, the sum of one hundred and fourteen dollars and fifty cents, being in full for the east half of the southeast quarter of section No. 3, township No. 6, of range No. 4, m'y, containing 91 60-100ths acres, at the rate of \$1 25 per acre.—\$114 50

(Duplicate

B. VAN HORNE, Receiver."

Second interrogatory. What did you pay in all for the land referred to? State the whole amount.

Answer. One hundred and thirty-seven dollars and fifty cents.

Third interrogatory. Do you know any thing further in relation to rules and regulations adopted at that or any other of the land offices, not authorized by law?

Answer. I once saw in the hands of George Williams a paper, the writing on which was in relation to a case of the same nature of this of mine. And further I know not.

Fourth interrogatory. What became of the obligation referred to, signed by yourself and those three securities, "Taylor, Corbet, and Delong?"

Answer. After I paid the money, and got up that obligation, I burned the same in the fire in the grate in the Register's office at the time.

JAMES COOK COLSON.

Sworn and subscribed to before me, this 28th day of April, 1834.

JAMES LISK, [L. s.]

Justice of the Peace.

I also hereby certify that I am well acquainted with the witnesses, Mrs. Sarah Booth, Samuel D. Wilson, and James Cook Colson, whose depositions have been taken before me, (by John Burwell, commissioner;) and that their character for truth and veracity is entitled to the fullest confidence, to the which I would testify on oath, but for the circumstance of particular engagements, and no justice of the peace near that I can possibly, under the circumstances, attend before to have such oath administered to me. I beg leave to refer the honorable Committee on Public Lands, for their confidence in this statement, to the Hon. David Spangler, M. C. from this district.

JAMES LISK, Justice of the Peace.

April 29, 1834.

DISTRICT OF THE STATE OF OHIO, ss.

I, John Burwell, of Muskingum county, and State aforesaid, do hereby certify that, after the witnesses had first been duly qualified, the within and foregoing interrogatories were by me severally reduced to writing, and proposed severally to the witnesses, each in succession as they stand in the catalogue of the within and foregoing depositions. Also, that the answers reduced to writing in succession, after each interrogatory, are the same as made thereto by the witness or witnesses respectively; and that each and every of the said answers were severally read to the witnesses making the same, after being recorded as they now stand, and were severally acknowledged to be correctly entered.

Given under my hand and seal at Zanesville, this 3d day of May, 1834.

JNO. BURWELL, Commis'r. [L. s.]

THE STATE OF OHIO, Coshacton county, ss.

I, John Fiew, clerk of the court of common pleas for said county, hereby certify that James Lisk, esquire, before whom the foregoing depositions were taken, was, at the time thereof, and now is, an acting justice of the peace within and for said county, duly commissioned and qualified agreea-

ble to the constitution and laws of the State of Ohio, to all whose official acts as such full faith and credit are due.

In testimony whereof, I hereunto set my hand, and affix the seal of said court at Coshocton, this 3d day of May, A. D. 1834.

JOHN FIEW,
Clerk Com. Pleas.

THE STATE OF OHIO, Tuscarawas county, ss.

Depositions taken at Rogersville, in Bucks township, before Richard Cunningham, a justice of the peace in and for said county, before whom the witnesses were first severally sworn according to law that they and each of them would true, full, and perfect answers make to all and singular the interrogatories that may be proposed to them touching the public interest. After which the following interrogatories were severally proposed to the witness or witnesses in succession, (by John Burwell.)

First.

May 1, 1834.

Michael Fetter, having been first duly sworn as aforesaid, the following were proposed to him.

First interrogatory. Have you known any register or receiver of public moneys at any of the land offices of the United States to be guilty of fraud or partiality in the sales of the public lands, by adopting rules and regulations in their respective offices inconsistent with the laws of the United States? If so, state what you know in relation to the subject.

Answer. On the twenty-sixth day of November, 1832, I went to Zanesville, in company with Abraham Overholt, and applied at the Register's office to Thomas Flood, the register, in his office, for the entry of the northeast quarter of the northwest quarter of section seven, township eight, of range three, military. Mr. Flood at the time had the plat book before him; he looked at the tract on the map, and informed me that I could have the land. I expected a few lines to take to the Receiver's office, which was not handed to me according to my expectation. After waiting some time, and having noticed the clerk to leave the Register's office, and no person appeared to attend to my business, I began to suspect that something was going on wrong; I rose up, and observed to Mr. Overholt, who was also entering land for Samuel Welty, "let us go and pay our money where it ought to go; one bite is enough." On hearing my observation so made to Mr. Overholt, the register said, "we are doing this to get you off sooner, knowing you are in a hurry, and we can do the business so much sooner than you can." After this the clerk referred to, returned, and brought the receiver's receipt, showing that the land so applied for had been entered and paid for, to wit:

"No. 5,116.—RECEIVER'S OFFICE, ZANESVILLE,
November 26, 1832.

"Received from Michael Fetter, of Tuscarawas county, Ohio, the sum of fifty dollars, being in full for N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$, section No. 7, township No. 8, range No. 3, military, containing 40 acres, at the rate of \$1 25 per acre.—\$50.

(Duplicate.)

B. VAN HORNE, Receiver."

The said clerk, on producing the receipt of which the foregoing is a copy, demanded my money in payment for my land, stating at the same time that he had paid for *it*. I then gave to him my money, and took the receipt referred to.

Second interrogatory. Did you ask the register or the clerk referred to to act in your behalf in respect to transacting the business of making your entry as aforesaid, or was it a voluntary transaction performed on their part without your knowledge or consent?

Answer. I did not ask either of them to assist me in that respect. It was performed without my knowledge or consent at the commencement. The departure of the clerk, and the delay in the business before referred to, induced me to invite Overholt to go with me, "and pay our money where it ought to go," fearing that they would put in a scrip, and get my money, which was not my will to do so. My suspicions were confirmed by the remarks made by the register: "we are doing this to get you off sooner." When the clerk returned with the receipt referred to, I then acquiesced and paid to him my money, as they had paid for the land without saying any thing to me on the subject.

Third interrogatory. Why did you remark that "one bite is enough;" and why was you fearful "that they would put in a scrip, and get 'your' money?" Please to state your reasons for those remarks, if such reasons you had.

Answer. The reason why I remarked that "one bite was enough," was, that I was present on the 30th day of January, 1832, with James Brewer, of Westmoreland county, Pennsylvania, at the time when he paid his money to Flood, and his clerk, (or a person who was by us, at the time, taken to be his clerk, and whom, from information since acquired, I am induced to believe was Charles C. Gilbert,) and entered the southwest quarter of section number fourteen, of township number eight, of range number three, military, in which case they put in a scrip, by reason of which Brewer lost one half of the land; and I was fearful they would serve me; that I would have some *baffalation* concerning my title.

Fourth interrogatory. Was you present, and at all times with Brewer at the time referred to; and did they substitute the scrip in place of his money without his knowledge and consent, in the case of his entry on the 30th January, 1832?

Answer. I went to Zanesville with Brewer at that time. I went with him to the Register's office; while there he was not out of my presence, and could not have held any conversation upon the subject of scrip without my knowledge. They did, as I am informed, put in the scrip, by reason of which *Beninger* was permitted to enter the one half of the quarter for which I saw Brewer pay to Flood and his said clerk the money at the request or demand of said Flood.

MICHAEL FETTER.

Secondly.

Michael Royer, having been duly sworn as aforesaid, was interrogated as follows, (by the same):

First interrogatory. Have you known any of the public lands at any of the land offices of the United States to be sold, otherwise than for cash in ready money? and if so, state at what office, by whom sold, and upon what conditions such sale was made.

Answer. On or about the first of November, 1831, I went to the Register's office at Zanesville to know if the west half of the northwest quarter of section No. 8, of township No. 7, of range No. 4, could be entered. I applied to Thomas Flood, the register, who informed me that the said tract was not entered, and that I could have it to enter. I then informed the said Flood that I had only fifty dollars, and that I wanted to pay that sum, and to have six months' time to pay the balance or remaining fifty dollars. Flood then said to me, "stop a little; there is a man that has just gone to breakfast; as soon as he comes he will make some arrangement." In a short time a slim spare man, with green spectacles on, came into the office. Flood then said "*this* is the man you have to bargain with;" when Flood made *this* remark, the man with the spectacles on asked me what I wanted. I informed him that I wanted the land referred to, and that I had fifty dollars, and could pay the balance in six months. He offered to take the fifty dollars down, and save the land for me by my paying sixty dollars within six months. I refused to pay the fifty down and pay sixty more in six months, making one hundred and ten for the land. He then offered to take the fifty down, and my note payable in six months for fifty-seven dollars, and drew up a note to that effect, and presented to me for my signature, which I did not wish to sign, and at which I hesitated. On which Flood, the register, arose from his chair, and told me to sign the note, that it was right so to do; that I could not get the land unless I did sign the said note. And also, at the same time, observed, if it was wrong he would not suffer it to be done in his office: upon which I signed the said note, and paid fifty dollars in cash. The man with the spectacles on gave to me a writing which I could not read, stating, at the same time, that the substance of the writing *was* that, if I paid the note off within the time, the land would be sure to me; but if I failed to be punctual to the time, that I should forfeit the land and all the money that I had then paid. In about one month after I gave the note, I was at Zanesville, and paid five dollars on the said note, and, on the 23d day of April, 1832, I sent the money by my brother Samuel Royer, and paid off the note, and received a receipt in the following form, to wit:

"No. 4,083.—RECEIVER'S OFFICE, ZANESVILLE,
23d April, 1832.

"Received from Michael Royer, of Tuscarawas county, Ohio, the sum of one hundred dollars, being in full for W. $\frac{1}{2}$ N. W. $\frac{1}{4}$ section No. 8, township No. 7, range No. 4, m'y, containing 80 acres, at the rate of \$1 25 per acre.—\$100.

(Duplicate.)

B. VAN HORNE, *Receiver*."

Interrogatory. Did you send by your brother Samuel the paper that you received from the man with the spectacles on; and did Samuel return to you the note you gave for fifty-seven dollars? If so, what has become of said note, if you can so state.

Answer. I sent the writing by Samuel, and he brought to me the note, and gave *it*, with the receipt referred to, to me; and I destroyed the said note.

MICHAEL ROYER.

Thirdly.

Samuel Royer, having been duly sworn as aforesaid, the following were proposed, (by the same:)

First interrogatory. Have you been present, and a constant observer of all the testimony given by your brother Michael? and, so far as his testimony has a reference to you, is that statement correct?

Answer. It is correct in relation to the business by him entrusted to me, and my performance for him.

Second interrogatory. What did you do with the money sent by your brother Michael? and how did you procure his note and receipt referred to?

Answer. I carried the paper and the money to the Register's office, where I found sitting at the table in said office, Thomas Flood, the register, and a man with spectacles on, as described by my brother. I gave the paper (sent by Michael) to Flood, who, on looking at it, showed the said paper to the man with the spectacles on. This man took the paper, went out, and soon returned with the note; and I paid him the balance due on the said note of fifty-two dollars, and took up the note. They gave me some papers, telling me, at the same time, to take them to the other office; and I took those papers to the receiver, and he gave me the receipt, which, with the note referred to, I gave to my brother Michael Royer as he has stated.

Third interrogatory. Have you any further knowledge of any register or receiver who have been guilty of adopting rules and regulations in their respective offices inconsistent with the laws of the United States?

Answer. I have no knowledge of those offices except at Zanesville. I have been at the register's office at Zanesville three times: twice I entered land for *myself*, and once for Jacob Summers. I do not understand the law referred to.

Fourth interrogatory. At those three times that you entered land, did you pay your money at the Receiver's office, or did you pay *all* at the Register's office? and, if so, did you pay it to the register, or to some other person by and with his advice?

Answer. The first time Flood had nothing to say on the subject. The money was paid in his office, and Flood was present. The second time, the money was all good, and Flood, and the person with the spectacles on, persuaded me to give them the money, and take the scrip, and I did pay the money to the spectacle man, and took scrip. The third time, the money was all silver except two one-dollar notes. The man with the spectacles on said it would not go in the land office. Flood swore me. I paid the money in his office without his persuasion. And further I know not.

SAMUEL ROYER.

Fourthly.

John Dickey having been duly affirmed, according to law, to answer so as aforesaid, the following were severally proposed, (by the same:)

First interrogatory. Have you known any register or receiver of public moneys at any of the land offices of the United States to demand or receive from any purchaser or purchasers of the public lands fees or compensation for the performance of their official duties, not authorized by law?

Answer. None, except in one instance wherein I paid to Thomas Flood, register of the land office, ten dollars to secure a pre-emption right, which

I claimed to the W. $\frac{1}{2}$ of the northeast quarter of section four, of township seven, in range four; and which sum he afterwards paid back to me again.

Second interrogatory. What were the circumstances under which you paid this fee? How came you to pay that sum to the register?

Answer. I resided on the tract referred to on the 10th day of July, 1832, and had, for some time previously, resided and made considerable improvements thereon. Henry Brant had entered this tract on the 17th of May, 1832, without my knowledge and consent. I went to Flood for information on the subject of the pre-emption right; and he informed me that he would secure to me the pre-emption right for ten dollars. I paid to him the ten dollars, and also paid one dollar and seventy-five cents for drawing up the writings to be forwarded to the General Land Office, to prove my settlement on the land. Said Flood agreed to secure to me the land, and secure me from all damages from Brant: he agreed to send me a letter to inform me of my prospects and his success. On or about the first of October I received a letter in the following words, to wit:

“REGISTER’S OFFICE, ZANESVILLE,
July 21st, 1832.

“SIR: I have this moment received a letter from the Commissioner of the General Land Office confirming your claim to the land, provided you fill the requisites of the law—will inform Mr. Brant that he can have his money, or apply to other lands. You had better come down immediately.

“Yours respectfully,

“THOMAS FLOOD.

“MR. JOHN DICKEY.”

On the fourth day of October, 1832, I attended at the said Register’s office to see about the business. Flood told me that the pre-emption right would be out on the next day, *but* that he would keep the land for me. I then informed him that I had not received the letter until two or three days before that time, and therefore was unprepared, but could pay fifty dollars the next week. Flood said it made no odds, if I could pay ten dollars at a time, send it on. On the 11th day of October, 1832, (seven days after this conversation,) I attended again at the Register’s office to enter the said land, and had with me all the money that I needed for that purpose. When I made my application to said Flood for the purpose of making said entry, he then informed me that I could not have the land. His excuse was, that Brant had called for his money on the land, and that he had to give it up to him. I then went home, and supposed that Flood had stated to me what was true, until the 28th of January 1834, when I was informed that had I have paid my money to the Receiver at any time previous I could have had the land. But in consequence of Flood’s statement, I had parted with my money, and was unable then to procure that sum. At the time Flood informed me that he had given up the land to Brant, he paid back to me the ten dollars in two five-dollar notes, one of which was good for nothing, (*on the Bank of Steubenville.*) And further I know not.

JOHN DICKEY.

Fifthly

Joseph Caughenour, having been first duly sworn as aforesaid, the following were proposed to him (by the same.)

First interrogatory. Has any register or receiver of public moneys at any of the land offices of the United States accepted a bonus in money or in the form of interest for securing particular tracts of land to such purchasers as would comply with the terms prescribed in this respect? or have they or any of them demanded or taken fees from purchasers for performing their official duties, not authorized by law? If so, state what you may know in relation to the subject.

Answer. In May, 1830, (if I mistake not,) I called at the Register's office at Zanesville, and applied to Thomas Flood, the register of that office, for the purpose of entering the east half of the northeast quarter of section number fourteen, township number seven, of range number four, military. By some means a mistake was made in the position of the quarter, and on examination in September following, I found that I had entered the east half of the northwest quarter of said section. I immediately applied to the said register at his office to have, if possible, the error corrected. He informed me that I could have the error rectified, but said, "it would be some expense to me." He then drew up my affidavit, to which I placed my signature, and was sworn to before said Flood, as justice of the peace, who informed me that I must give to him my receipt for the purchase money, which I did do. At the same time said Flood demanded from me about two dollars and fifty cents fees for his *trouble*, which I paid. The affidavit, or writing drawn up so as aforesaid, I had to take to the neighbourhood of the land, and get several persons to sign and to qualify to, stating the existence of the error—which was done, and the paper forwarded to Flood. On the 30th day of March, 1832, I again called on the register respecting this subject. He then informed me that he had written to the Commissioner of the General Land Office on the subject, and that he had not received an answer, and stated that I had better enter the tract first intended to be entered. I informed him that I did not feel myself able to enter both. Flood then stated to me that if I would pay him ten dollars, that he would keep the land for me. I then paid him the ten dollars.

Second interrogatory. Had you settled on the land in question? Did Flood understand that fact; and was that the inducement on your part to comply with his demand, (to pay the ten dollars to save the land,) as aforesaid; and did the register mark the said land on the plat or map of survey with your *name*, or otherwise, as having been entered, when in fact it had not been entered? If so, state what you know in relation thereto.

Answer. Before I discovered the error I had built a house on the land, presuming that I had it entered and paid for. Of this fact the register was by me informed at the time when I first applied to have the error corrected. Also, I had informed him of my inability to purchase both tracts at that time; and this circumstance was the only inducement, and *that* alone compelled me to pay this bonus. The said Flood did write on the said plat in a fine hand-writing, "reserved," before it was entered. And on the 22d day of January, 1833, I went to the register with the whole of the money to pay for the land in question. The said Flood, (register,) informed me that my money would not pass in the land office, and told me that he would fix it for me. I gave to him the money, (one hundred dollars;) the said Flood sent

his clerk *out*, and in a short time the clerk returned, and presented to me the receiver's receipt for the purchase money in the words and figures following, to wit:

"No. 5349.—RECEIVER'S OFFICE, ZANESVILLE,
January 22, 1833.

Received of Joseph Caughenour, of Tuscarawas county, of Ohio, the sum of one hundred dollars, being in full for the east half of the northeast quarter of section No. 14, township No. 7, of range No. 4, military, containing 80 acres, at the rate of \$1 25 per acre.—\$100.

(Duplicate.) B. VAN HORNE, Receiver."

Third interrogatory. Did the said Flood enjoin on you *secrecy* in relation to this transaction, or did he appear bold in the business, and seemingly care nothing about it? Please state what you know in relation thereto.

Answer. When I paid him the bonus, (the ten dollars,) he told me to say nothing about it—to let on that I had it *secure*; that he did not want any persons to be pestering him by applying to enter it. He also put me off at the time that I paid for the land until we were alone. And further I know not. JOSEPH CAUGHENOUR.

Sixth.

May 2, 1834.

John Kern, having been first duly sworn as aforesaid, the following interrogatories were severally proposed to the witness (by John Burwell):

First interrogatory. Was you at the office of the register of public lands at Zanesville on the 23d day of May, 1832, and did you see and converse with the register, Thomas Flood, on that day? Did you enter land at that time, and did you pay the money to the receiver? or did you pay your money to the said Flood, register, and did he furnish you with a scrip? What fees did he demand or receive from you on that occasion? Please to state what you know on the subject.

Answer. I was at the Register's office at Zanesville on the 23d day of May, 1832. Thomas Flood, the register, was present; with him I did converse and transact the business of entering the northeast quarter of the northeast quarter of section twenty three, township eight, of range number four; also, the southeast quarter of the southeast quarter of section number eighteen, township number eight, range number four, containing forty acres each: both of which said tracts I entered on that day. The said register requested me to show him my money. I did show to him the money: he said it was not land office money, and *also* said that he would "*fix it*" for me. Flood took the money and gave me scrip in place thereof, with which I entered the land. He swore me to an affidavit declaring the land to be for my own use, for which he made me pay to him fifty cents. At the same time I entered a tract of about forty-four acres for *George Bollman*, in township seven, range four, (and, as I now think, was a part of section three.) The said Flood demanded the money in this case also, which I gave to him. He said it was not land office money: likewise offered to "*fix it*" if I would give him two dollars. This I refused to do. He then sent (as I understood him to be,) his son to the Receiver's office, and entered the land with scrip in the name of Bollman, and kept the money.

Second interrogatory. Was the said Bollman at Zanesville on that day? Were you sworn any thing in relation to the entry of the land for Bollman? Did you sign Bollman's name to an affidavit? If so, state the facts.

Answer. Bollman was not at Zanesville on that day. I left Bollman at home when I went, and found him there when I returned. I do not know that Bollman was ever at Zanesville until this spring. I did sign Bollman's name to a paper which the said Flood informed me was absolutely necessary to effect the entry. He asked me if I was willing to swear that Bollman wanted the land for his own use, and that there was no person living on the said land? I informed the said register that Bollman wanted the land for his own use, and that there was no person living on it. I told him that I did not wish to swear; but stated that I knew those facts. He then stated that I could not swear; that it would be improper for me to do so. Flood then went to writing, and said that he must certify to a *lie*, (and laughed heartily.) He charged me twenty-five cents fees in the case of Bollman, which I paid.

Third interrogatory. Did the said Flood, register, make any further remarks in relation to this subject? If so, state what further remarks he made that attracted your attention at that time.

Answer. When the boy had got out at the door to go the Receiver's office, Flood said to him, if they say any thing at the other office, *tell* them that the man is tired (or sick.) He then remarked to me that when any person wanted to enter forty-acre tracts they had better come themselves.

Fourth interrogatory. What did you understand by those remarks: "I must certify to a *lie*," "tell them that the man is tired, (or sick,)" and, "they had better come themselves?" Please to state what your understanding was in relation to the meaning of those remarks.

Answer. I thought that he was doing something that was not just correct. I knewed it; but could not just tell what it was. And further I know not.

JOHN KERN.

Seventh.

Henry Brant, having been first duly sworn as aforesaid, was also interrogated as follows, (by the same):

First interrogatory. Have you any knowledge of the fact that any register or receiver of public moneys at any of the land offices of the United States has been interested with speculators or others who have become the purchasers of the public lands, or shared with them in the profits arising from such sale, or taken a bonus, or charged fees, from purchasers to which they were not entitled by law?

Answer. Not that I know of. They might have done it, and I not know of it, because I know nothing about law, much.

Second interrogatory. Are you acquainted at the Register's office at Zanesville, and with Thomas Flood, (late) register of that office? Have you had conversation with him on the subject of entering land? If so, state when, where, and what, that conversation was.

Answer. On the seventeenth day of May, 1832, I sent by John King, and entered the west half of the northeast quarter of section four, township seven, range four, containing $89\frac{25}{100}$ acres. On the 19th day of July, 1832, I became acquainted with Thomas Flood, register of that office, and received from him a certificate in the following words:

"July 19, 1832.

"I, Thomas Flood, register of the land office at Zanesville, Ohio, do hereby certify that John King did not make oath that there was no person

residing on the land that he entered for Henry Brant, which report is in circulation. The laws concerning such entries were not received at this office until three days after Brant's entry.

T. FLOOD, *Register.*"

When I received from Flood the paper, of which the foregoing is a copy, he told me that he could do nothing for me until the 5th of October, and stated to me, if Dickey paid the money by that time, I would get the money, and if not, I would keep the land. On the 3d day of October, 1832, I again went to Flood's office. He then told me that Dickey had been there, and was to pay the money by the 5th. Flood asked me which I would rather have, the money or the land? I told him I was willing to take either. On the 6th day of October aforesaid, I again called to see about the business, and Flood then informed me that I must *keep* the land, that Dickey had failed to pay the money against the time. I never paid him any fees.

HENRY BRANT.

Eighth.

Christian Forney, having been first duly sworn as aforesaid, was also interrogated as follows, (by the same:)

First interrogatory. Do you know of any register or receiver having accepted a bonus in money, or in the form of interest, for securing particular tracts of land to such purchaser as would comply with the terms prescribed to them in this respect? And if so, did such officer mark any part of the public lands laid down on the maps of survey in any manner which designated the land as entered, when in fact it had not been actually sold or entered? And what kind of mark was placed on such map? State what you know in relation to this subject?

Answer. On or about the last of March, 1832, Christian Burger employed me to go the Register's office at Zanesville to secure for him a piece of land, to wit: East half of the southeast quarter of section five, township seven, of range four: he gave to me twenty five dollars, and instructed me, if possible, to secure for him the land in question. I went to the Register's office at Zanesville, and applied to Thomas Flood, the register, at the same time informed him that I had only twenty-five dollars of the money. Flood replied, you cannot enter it; you must get some body to hold it for you. I asked him how? and he said "give me five dollars, and I will keep it two months." I then gave to the said Flood the twenty five dollars, and he gave me a receipt in my name for twenty dollars, and also wrote my name on the map. I objected to having the land marked on the map in my name as the five dollars bonus was paid, and the deposit of the twenty dollars was the money sent by Mr. Burger, for whom I was only acting as agent, and contended that *his* name should be on the map, as the *land* was for him. Flood said it would make no odds: when the other money came he would fix it then.

Second interrogatory. Did the register enjoin on you *secrecy* in relation to this subject? State what the facts in this respect were.

Answer. When I left the office, Flood walked with me down the street some distance, (perhaps one hundred yards or more,) and charged me not to go to the other office, or say any thing about it, and told me to say when I returned home that I had entered the land. He also observed that, when

the other money was ready, it would perhaps be better for me to come down and bring it. I then asked the said Flood how it would be if the man (Burger,) could not make the money against the time? He said, send down that receipt, and he could get back the twenty dollars on producing the receipt. I took the twenty dollar receipt, and gave it to Burger, and informed him what Flood said.

Third interrogatory. Has it been generally understood for several years past through this section of country, that people could get land "saved," "secured," "kept," or "retained," by paying some small sum at the Register's office of five or ten dollars as a bonus until they could make up the purchase money? State what you know in relation to the subject.

Answer. I did not so understand it until about the time of this affair. Since that time, I have heard of *others*, and considerable said on the subject. And further I know not.

CHRISTIAN FORNEY.

Ninth.

Christian Burger, having been duly sworn as aforesaid, was also interrogated in the following manner, (by the same):

First interrogatory. Did you employ Christian Forney to go to Zanesville and secure the land for you as he has stated? Was you satisfied with his transaction of that business?

Answer. I did so employ him. I was satisfied with him in that respect. I was not satisfied with Flood on account of his charging the bonus of five dollars.

his

CHRISTIAN + BURGER.
mark.

I hereby certify that Michael Fetter, Michael Royer, Samuel Royer, Joseph Caughenour, John Kern, Henry Brant, Christian Forney, and Christian Burger, were severally sworn, and John Dickey affirmed before me, after which the interrogatories were severally proposed, and the answers taken down as represented in the foregoing depositions, and signed by the witnesses in my presence, as stated in the foregoing catalogue.

Given under my hand and seal, at my office in Bucks township aforesaid, this 2d day of May, 1834.

RICHARD CUNNING, J. P. [SEAL.]

THE STATE OF OHIO, *Tuscarawas county*, ss.

Personally came before me, Joseph Caughenour, a justice of the peace in and for said county, Richard Cuning, esq., who being duly sworn according to law, deposeth and saith that he is acquainted with Michael Fetter, Michael Royer, Samuel Royer, Joseph Caughenour, John Kern, Henry Brant, Christian Forney, Christian Burger, and John Dickey, all witnesses who have testified, and whose depositions are recorded in the foregoing catalogue of testimony; and that he believes that their, and each of their characters for truth and veracity, when under oath, is entitled to full credit. And further this deponent saith not.

RICHARD CUNNING.

Sworn and subscribed to before me, this 2d day of May, 1834.

JOSEPH CAUGHENOUR, J. P. [SEAL.]

STATE OF OHIO, *Tuscarawas county, ss.*

I, Joseph C. Hance, deputy clerk of the court of common pleas for the county of Tuscarawas, do hereby certify that the said Richard Cuning and Joseph Caughenour, before whom the foregoing depositions purport to have been taken, were at the time, and still are, acting justices of the peace within and for the county aforesaid, duly elected and qualified according to the laws and constitution of the State of Ohio; and that their official acts are entitled to full faith and credit as such.

In testimony whereof, I have hereto set my hand, and affixed the seal of said court, this 3d day of May, A. D., 1834.

[SEAL.] JOSEPH C. HANCE, *Dept. Clk.*

DISTRICT OF OHIO, *ss.*

I, John Burwell, of Muskingum county, do hereby certify that, after the witnesses had first been duly qualified, the within and foregoing interrogatories were by me severally reduced to writing, and proposed severally to the witnesses each in succession as they stand in the catalogue of the within and foregoing depositions. Also, that the answers reduced to writing in succession, after each interrogatory as herein before recorded, are the same as made thereto by the witness or witnesses respectively; and that each and every of the said answers were severally read to the witness making the same, after being recorded as they now stand, and were severally acknowledged to be correctly entered.

Given under my hand and seal at Zanesville, this 12th day of May, 1834.

JOHN BURWELL, *Comm'r.* [SEAL.]

THE STATE OF OHIO, *Muskingum county, ss.*

Deposition of James G. Hilton, of Zanesville, in said county, of lawful age, having been first duly sworn according to law, before Anthony Wilkins, esquire, that he will true, full, and perfect answers make to all and singular the interrogatories that may be proposed to him touching the public service. The following were severally put to the witness, (by John Burwell:)

First interrogatory. Do you know whether any register or receiver of public moneys at any of the land offices of the United States has been guilty of fraud or partiality in the sales of public lands, by adopting rules and regulations in their respective offices inconsistent with the law of the United States?

Answer. I do not.

Second interrogatory. Do you know any thing in relation to the system of retaining land, saving land, or securing land, as it is called, said to be practised at the Register's office at Zanesville?

Answer. Of my own knowledge I know nothing.

Third interrogatory. Have you any knowledge of any register or receiver as aforesaid having taken fees for the performance of their official duties not allowed by law?

Answer. I know not what the law does allow them. I have never been in the habit of frequenting those offices, except in a few instances on business.

Fourth interrogatory. Do you live in that part of the town, and near the Register's office? are you in the habit of passing frequently, and do you know whether George H. Flood was clerking in that office in 1831?

Answer. I live in that part of the town. I think he was: I am positive of it.

Fifth interrogatory. Have you any knowledge of the trade in scrip? Can you state any thing in relation to that business, how is it carried on, and by whom? If such is within your knowledge respecting the proceedings at that office, state the same.

Answer. In eighteen hundred and thirty-two, I was an acting justice of the peace in Zanesville. Thomas Flood, the then register of the land office, called on me to attend at his office for a few days, while he was to be absent, for the purpose of swearing persons that were applicants for forty-acre lots, as prescribed by law. I remained there for about ten days during the absence of the register. Mr. Charles Stetson was, at all times, a constant attendant at the Register's office. I have frequently seen said Stetson receive the money from purchasers telling them to remain in that office; and that he, Stetson, would bring them their certificate from the receiver, stating, at the same time, that the receiver was not in, and that he, Stetson, done business for him, the receiver, in his absence. The papers or certificates of purchase were uniformly returned by said Stetson to the purchaser.

Sixth interrogatory. Do you know or believe that the receiver employed Mr. Stetson to transact business for him as aforesaid? or do you not believe and know that the receiver was at home at the time, and attending to the business of his office, by the hand writing on the certificates returned?

Answer. I do not know or believe that Mr. Van Horne, the receiver, ever employed or permitted Mr. Stetson to transact the business for him. The certificates were uniformly in the hand-writing of the receiver: therefore, I know he was attending to his official business; and I frequently saw him at his own and at the Register's office.

Seventh interrogatory. What induced Mr. Stetson to attend to the business of those purchasers? what was his profession? Please to state what you know in relation to his motive.

Answer. Mr. Stetson is, by profession, an attorney at law. The inducement to attend to this business, I presume, was to pass off his scrip for money. I know of no other motive.

Eighth interrogatory. Was Thomas Flood acquainted with the proceedings of Mr. Stetson as aforesaid? and do you not know that Mr. Stetson has been in the constant habit of attending at that office for the purpose of passing off scrip, until the office of register became vacant within a few days?

Answer. I pass that office *generally* several times in a day. I have not seen Mr. Stetson pass off scrip. I have seen him have scrip, and I *almost* always see him at the office as I pass: but as I only pass by, had no opportunity of knowing what was going on *in* the office. Mr. Stetson occupies Mr. Gilbert's office, which is under the same roof with that of the register.

J. G. HILTON.

Sworn and subscribed to before me, this 21st day of April, 1834.

ANTHONY WILKINS, [L. s.]

Justice of the Peace.

THE STATE OF OHIO, *Muskingum county*, ss.

Deposition of George H. Hilton, of Zanesville, in said county, of lawful age, having been first duly sworn, before Anthony Wilkins, esq., that he would true, full, and perfect answers make to all and singular the interrogatories which may be proposed to him touching the public service. The following were proposed (by John Burwell:)

First interrogatory. Do you know whether any register of the land offices of the United States, or receivers of public moneys at any of those offices, have been guilty of fraud or partiality in the sales of public lands at public or private sale, by adopting rules and regulations in their respective offices inconsistent with the laws of the United States?

Answer. I believe the register of the land office at Zanesville, Thomas Flood, has been guilty in many instances.

Second interrogatory. What grounds have you to believe that Thomas Flood, as register of the land office at Zanesville, has been guilty so as aforesaid? Please to state what you know in relation to the subject.

Answer. I was employed by Thomas Flood, then register of the land office at Zanesville, as a clerk in that office for about the space of nine months prior to the third day of January, eighteen hundred and thirty-three; and during that time, I have known the said Flood to take small sums of money from persons who applied to him for the purpose of saving land, and then mark on the particular tract on the plat so applied for, "retained;" after which he would make out an application, and take the affidavit of the person, and those papers Flood generally took from the office to his own house. I think in most cases the applicant took a receipt for the money paid.

Third interrogatory. Were those small sums of money received by the register taken as a fee for keeping the land back from a fair competition in the market? and did other persons apply for those lands, or any of them; and did the register remark to such second applicant that the land was entered or "retained?" State what you know.

Answer. I understood that the money was paid as a deposit in part payment for the land. Generally, in those cases, the register and the applicant would go out of the office and hold a private conversation; then come in and transact the business as aforesaid, and go out and hold another private conversation. I have no distinct recollection of any particular case of second applicants where lands were thus marked "retained." When persons came to enter land, on looking over the plats, if the tract so marked attracted attention, I informed such persons that the tract, as I supposed, was entered, and the name had not been, as yet, placed there.

Fourth interrogatory. If those persons came and paid up for those tracts marked as aforesaid, who received the money? and was it paid into the hands of the receiver, or was it kept by the register? Who paid the receiver; or how were the certificates of purchase procured, and by whom? If you can so state, please relate the process of operation relative to those cases.

Answer. In some instances persons would send the remainder of the purchase money; and that part already in the hands of the register was added. Sometimes I went and paid the receiver, and sometimes Esquire Flood went himself. When the person was himself present, the papers were given to him, with the money deposited, and he went *himself* to the receiver.

Fifth interrogatory. Have you any knowledge of the fact that any register or receiver as aforesaid has, at any time, been interested with speculators or others, who became the purchasers of the public lands so marked, or shared with them the profits arising out of such purchases?

Answer. I have no knowledge respecting the conduct of other officers, excepting the said Flood, in this respect; and I never saw Mr. Flood receive any money immediately from speculators, except a fee for swearing persons to the affidavit as a justice of the peace, in cases where lands were to be entered with scrip.

Sixth interrogatory. What sum of money did this fee that you mention consist of?

Answer. He received from those who were speculators in scrip fifty cents, and twenty-five cents from those who paid the money and entered forty-acre tracts.

Seventh interrogatory. By "speculators in scrip," do you mean persons who came to purchase land with scrip, or do you here refer *only* to persons who attended at the Register's office to convert scrip into money?

Answer. By "*speculators*," I mean those who were engaged in converting scrip into money at that office.

Eighth interrogatory. Was Thomas Flood, the register, engaged in converting scrip into money? Was he interested in passing off scrip? Did he assist in procuring the money from the purchasers of the public lands to be paid into the hands of those speculators? and, if so, state to whom such agency was afforded.

Answer. I cannot say that he was himself immediately engaged in converting scrip into money. He was interested in getting scrip passed off, as he received fifty cents fees on every entry made with scrip, which he did not receive when the land was paid for in money. He did assist in procuring the money to be paid by the purchasers into the hands of Charles Stetson, who constantly attended at that office for the purpose of passing off scrip. Flood would say to the purchaser, "give this man" (referring to said Stetson) "the money, and he will pay for the land, and bring you the receiver's receipt," and the purchaser would give Mr. Stetson the money. Stetson would then give to said Flood fifty cents for the scrip affidavit.

Ninth interrogatory. At whose expense was this fifty cent fee paid—by the purchaser or the speculator? If you can so state, please to answer that fact.

Answer. The speculator always paid this fifty cent fee, when the purchaser paid the money at the time the entry was made. When the purchaser procured a credit from the speculator in scrip, (which was frequently the case,) the purchaser, in those cases, paid the fifty cent fee. Those cases of credit to the purchasers were not (to my knowledge) given by Mr. Stetson at any time.

Tenth interrogatory. In those cases of credit you refer to by the speculators to the purchasers, were the entries made at the time such credit was given? Were any of those tracts marked on the plats prior to making of such entry, or any of them, and, if so, by whom were those tracts marked on the plat or plats, and for what purpose were such marks placed on the plat? If you can so state, relate the whole subject.

Answer. In relation to the entries referred to, on which the purchasers obtained a credit, the entries were made at the time, and those lands were paid for in scrip by the speculator. I have no recollection of any of those

tracts being marked prior to the entry being made. There were other cases, however, where credits were given, and the plats marked, and to which I had no reference in answering the question, "at whose expense the fifty cent fee" was paid.

Eleventh interrogatory. In those cases where a credit was given, and the plats marked, by whom were those credits given; by whom were the plats so marked, and for what purpose were they marked; and what kind of mark was so placed on the plat as aforesaid? If you can so state, relate the whole circumstance; the process by which those proceedings were had, and who was concerned in such practice or practices.

Answer. While I was employed as clerk at the Register's office, in several instances persons came to pay Charles C. Gilbert money for lands which they stated to me had been entered one year before that time. On turning to the plat I found the person's name in Mr. Gilbert's hand-writing on the plat of the tracts described. On looking over the tract book, I could not find that the lands were entered. When I so informed those persons that there was no entry made on the books, I learned from those persons that one year before that time a contract had been entered into with Mr. Gilbert to enter the land in question, and that the purchaser had given to Gilbert his note payable in one year; that the time was up, and that he had come to pay the money. In those cases the purchasers went to Gilbert, and the said Gilbert came with the purchasers to the Register's office, where the money was paid by the purchaser to Gilbert, the obligation destroyed, and the application made out by Gilbert, and the entry made (in the name of the purchaser) on the same day the money was so paid.

Twelfth interrogatory. Did you see the money paid and the obligation destroyed in those particular cases?

Answer. Yes.

Thirteenth interrogatory. Was the register present at the time last referred to? Was he acquainted with those, or any other circumstances in which Mr. Gilbert gave a credit, and marked the plats so as aforesaid? And did the register, Mr. Flood, permit Mr. Gilbert, knowingly, to do those things in his office?

Answer. It appeared so to me, as I know Mr. Flood saw, in one particular instance, the name was written on the plat before the application was made for the entry. I also know that Mr. Gilbert had access to, and frequently was looking over the books and plats in that office; and I also know that the money was frequently paid in presence of the said Flood, by the purchaser to Gilbert, and the obligation destroyed, *all* in his presence, without any objection on the part of the register.

Fourteenth interrogatory. Do you know what induced Mr. Gilbert to give those credits? Did he receive a premium or bonus for securing those lands? If so, did the register participate in making those contracts or procuring them to be made? If you know any thing in relation to this subject, state the same.

Answer. The bonus for securing lands received by the speculators was from ten to twenty dollars on the hundred. Such was Mr. Gilbert's practice as I then understood. I have no recollection of any participation by the register in making any contract between Mr. Gilbert and any other person; neither do I know whether the register received any part of the bonus from Mr. Gilbert. I have known the said Flood to assist in making contracts between other speculators and the purchasers; but in those cases the

lands were entered at the time when the contract was made, and the plats not marked before the *entries were made*.

Fifteenth interrogatory. Who were those "other" speculators alluded to in your last answer?

Answer. E. Buckingham, jr., and Company, Daniel Brush, and Dr. Jonas Stanbery.

Sixteenth interrogatory. Did those last named speculators receive facilities through the register, Thomas Flood, for which he, the said register, received a remuneration in money or otherwise?

Answer. I have no knowledge of other facilities than those named, as I have before stated, in which Flood assisted in making contracts; except in an instance where, for about the space of three months, I was engaged in passing off scrip for Mr. Brush, in which the register assisted me by saying to the purchasers, "give your money to that young man, and he will attend to the business for you;" by which the money came to my hands, and I applied the scrip in payment for the land. I received a compensation for passing off the scrip, by reason of which I served as a clerk in the register's office for less wages than I otherwise would have done. After the passing off scrip ceased with me, I received the fees for plats, field notes, and examining maps, &c., which Mr. Flood reserved to himself while I was passing scrip.

Seventeenth interrogatory. Do you know of any other facilities where-in persons speculating in scrip, or otherwise, received facilities through the said Flood by reason of and for which he was compensated?

Answer. I recollect one very rainy night a man came to enter two half quarters of land. Flood demanded of the applicant to see his money, which the purchaser handed to him: after looking over the money, Flood said it was not all land office money, and sent me up to Mr. Stetson to tell him to come and change scrip for the money. Stetson came and took the money, and gave the scrip in payment for the land, and brought to the purchaser the certificates from the receiver. In this case Flood received fifty cents fees on each half quarter for the affidavits, making one dollar. I also knew said Flood, in many instances, (when purchasers came to enter land, and Mr. Stetson happened to be absent from the Register's office and in *his* office, which is under the same roof,) to go and tell Stetson that there was a man in the office that wanted to enter land; to come and take his money and pay it out. Stetson would come in and take the money, and apply the scrip in payment for the land. Whether Flood received any further compensation than the fees for the affidavit I am not able to say.

Eighteenth interrogatory. From the manner in which Mr. Gilbert and Mr. Stetson as aforesaid were received and permitted by the register to conduct *in* that office, might not a stranger coming there to purchase land have taken those persons for clerks, or even principal, in the said office?

Answer. Yes. Mr. Stetson frequently filled up applications, affidavits, examined the maps, and examined the books in the office as though he was clerk or principal. A stranger might *well* suppose he belonged to the office.

Nineteenth interrogatory. Do you know any thing in relation to speculations at that office in scrip or forfeited land stock, in which the said register in any wise participated, other than those before stated? If so, state what you know on the subject.

Answer. There was one instance in which the register received from

Wylls Silliman a certificate of forfeited land stock for about sixteen dollars. Flood held Silliman's note for about twenty dollars, which he bought for five from an old man. Mr. Silliman made the assignment on the certificate to the United States. Flood gave the note for the certificate. Flood did not appear in the transaction on paper. At the request of the register I passed off the stock certificate in payment for land, and handed over the money to Flood. I do not recollect any thing further in relation to scrip.

Twentieth interrogatory. Can you state the names of those individuals to whom Mr. Gilbert gave the credits, took their obligations, and marked the plats? Can you state any of their names? If within your recollection, name them.

Answer. At the time I understood their names, and presume I then recorded them in the books; but they were strangers, and I do not recollect at this time any of their names. But I have a perfect recollection of the circumstances.

Twenty-first interrogatory. In those transactions you have mentioned respecting fifty cent fees from the speculator, and twenty-five cents from purchasers of forty-acre tracts, do I understand you to say that in those cases when forty acre tracts were entered with scrip, that the register received twenty-five cents from the purchaser, and fifty cents from the speculator, making, in all, seventy-five cents on each tract?

Answer. When cash was paid for a forty-acre lot, the purchaser paid twenty five cents for the affidavit required by law: in those cases the register received only the twenty-five cent fee; but if scrip was substituted in place of money in payment for the land, *then* the register received twenty-five cents from the purchaser as before stated for the affidavit required by law, and *also* fifty cents from the speculator for a scrip affidavit, making, in all, seventy-five cents.

Twenty second interrogatory. Do you mean to convey the idea that the register made fifty cents more on every entry made with scrip than he made on those where the money was paid to the receiver, and therefore he was interested to the amount of fifty cents on every tract where scrip was substituted in place of money in payment for land?

Answer. Though I intended to convey no particular idea other than a simple narration of the facts in answer to the interrogatory proposed, yet such is the fact, that the register did make fifty cents more on every tract where scrip was substituted in payment than where money was paid for land.

Twenty-third interrogatory. Did the register, Thomas Flood, manifest particular anxiety to have scrip passed off in and about his office?

Answer. He did.

GEO. H. HILTON.

Sworn and subscribed to before me, April 22d, 1834.

ANTHONY WILKINS, J. P. [SEAL.]

May 7th, 1834.

George H. Hilton, who testified, answered, and signed to the foregoing interrogatories, was this day brought forward, and *again* sworn as aforesaid, after which the said witness was interrogated (by the same.)

Twenty-fourth interrogatory. Do you know any thing in relation to a certain sign said to have been used at the office of Thomas Flood, register of the land office at Zanesville, that was frequently placed at or near the door

of that office? And if so, please to state all you may know in relation thereto? Of what did such sign consist; who constructed, who directed the making, how, and for what purpose was it used? If you can so state, relate all the circumstances in relation to the making, the materials, the using, the purpose, and by whom, and for whose benefit the same was used.

Answer. I know that there was a sign *kept* at that office; at the instance of the register, Mr. Charles Stetson furnished a part of an old bonnet consisting of pasteboard and black silk, of which Mr. Stetson and myself constructed the sign by cutting it into a square form. Mr. Stetson cut a hole through it to hang on a nail near the door on the out side of the office:—the front of the office was painted white. The sign of the pasteboard covered with black silk was hung out by order of the register directing me to do so. Also, it was frequently hung out by the register himself to notify Mr. Stetson, (who was concerned in the scrip trade,) to come to the office whenever purchasers came to enter land.

Twenty-fifth interrogatory. Do you know any thing in relation to making affidavits (said to be made,) at the said office, whereby a person was represented to have sworn and subscribed to an affidavit, when in fact the person whose affidavit the same purported to be was not present, and had no hand in subscribing to, or testifying to such pretended affidavit? If so, state how and by whom made.

Answer. I do know that such affidavits were made. A person sometimes would apply to enter land for another. The register (or the clerk at the office by his direction,) in those cases filled up a printed blank in the same manner as though the purchaser had been present; the agent signed the name of the absent purchaser to the affidavit; Flood swore the *agent*, and certified the affidavit as a justice of the peace. The affidavit, when so made, appeared as though the person in whose name the land was entered had been *personally* present, and *wrote* his own signature, and been qualified to the truth of what was therein set forth, when in fact he never saw the said affidavit.

Twenty-sixth interrogatory. Do you know any thing in relation to the practice said to have been adopted at the said Register's office, by which purchasers of land were made to sign an affidavit containing an *assertion that they wished to apply a certain military land scrip in payment for the tract they were entering*, to which said affidavit they were sworn (by the register, acting as a justice of the peace,) without knowing or hearing of scrip at the time?

Answer. Yes. In those cases the register inquired of the purchaser whether there was any person living on the land? If he replied there was not, he would then swear him to it without the affidavit being read to him.

Twenty seventh interrogatory. Was this a common practice pursued at that office for the purpose of enabling Mr. Stetson and others to convert scrip into cash without communicating a knowledge of the design to the purchaser, and to cause the scrip to pass at the Receiver's office?

Answer. I so understand it. The practice was frequently resorted to while I was clerking at that office.

Twenty eighth interrogatory. Do you know any thing further in relation to such practices at that office?

Answer. At this time I have no further recollection of any.

Twenty ninth interrogatory. Are the local situations of the said Register's office, and the residence of Mr. Stetson, such as to enable Mr. Stetson when

at his residence, by looking towards the place, *could he*[to] discover the sign referred to, (when on the nail at or near the door at the usual place for it to be hung,) when purchasers came for land?

Answer. Yes.

GEO. H. HILTON.

Sworn and subscribed to before me, May 7th, 1834.

ANTHONY WILKINS, J. P.

THE STATE OF OHIO, *Muskingum county*, ss.

Deposition of Solomon Sturges, of Springfield township, in said county, (of lawful age) having been first duly sworn according to law, that he will make true, full, and perfect answers to all and singular the interrogatories that may be proposed to him touching the public service.

The following interrogatories were severally proposed to the witness, (by John Burwell:

First interrogatory. Do you know whether the registers of the land offices and receivers of public moneys at any of the land offices of the United States, (in this State,) or either of them, have, in violation of law and their official duties, demanded or accepted a bonus or premium from any purchaser of the public lands at public or private sale, for the benefit of such officer or officers, as a condition on which such purchaser or purchasers should be allowed to enter or purchase any tract or tracts of land offered for sale by the United States?

Answer. I do not.

Second interrogatory. Do you know whether any register or receiver of any of the land offices aforesaid has been guilty of fraud or partiality in the sale of public lands, by adopting rules and regulations in their respective offices inconsistent with the laws of the United States?

Answer. I know of none.

Third interrogatory. Have they demanded of the purchaser or purchasers fees or compensation for the performance of their official duties not authorized by law? If you have any knowledge of the existence of such fact, please state the same.

Answer. I know of none.

Fourth interrogatory. Have any of the registers or receivers as aforesaid been interested with speculators or others, who became the purchasers of the public lands, or in any way shared with them the profits arising out of such purchase or purchases, other than their lawful fees? If you have such knowledge, please state what you know in relation to the subject?

Answer. I know of none.

Fifth interrogatory. Are you acquainted at the Register's office at Zanesville, and with the late register, Thomas Flood? And if so, have you any knowledge of the practices said to be pursued at that office in relation to scrip speculations? Was the said register at any time concerned in speculating by passing off scrip, or has the same been permitted by him to be done in or at his office by his clerk, clerks, agent, agents, or dependants, or either of them? If such is within your knowledge, please state the same.

Answer. I am acquainted at the Register's office at Zanesville, and with the said register. Immediately on the first issuing of military bounty land scrip late in the year eighteen hundred and thirty, or early in eighteen hun-

dred and thirty-one, I placed in the hands of George H. Flood, esq., the son of the register, some of said scrip to be sold, for which I was to allow him a commission; that, some time afterwards, as well as I can recollect, within a few months, the said George informed me that he was advised that it was not proper for him to have any thing to do in it. Since that period he has not been so employed, or any other clerk of said Flood; but have since employed Mr. G. C. Gilbert and Mr. Charles Stetson to sell scrip for me, their office being adjoining and under the same roof with the Register's office. I believe *they* have, in some instances, been permitted to sell scrip within the Register's office.

Sixth interrogatory. Did you not employ George H. Flood to pass off scrip as aforesaid by and with the advice and consent of his father, the register?

Answer. As far as I can recollect, his father did not advise, but I believe it was with his knowledge.

Seventh interrogatory. Have you not had conversation with Thomas Flood, the said register, wherein you informed him that there were reports in circulation prejudicial to his official character; and did you not caution him on the subject, and did he not treat such advice indignantly or roughly?

Answer. I do not recollect any particulars of such conversation.

Eighth interrogatory. Do you not know that charges have been frequently made against the official conduct of the said register by persons who have attended at his office to enter land?

Answer. I do not.

Ninth interrogatory. Do you know any thing further in relation to the official conduct of the said register, as to his official conduct, not warranted by the laws of the United States?

Answer. I am not able to state any.

Tenth interrogatory. Do you know any thing in relation to the official conduct of any receiver of public moneys? Have they, or any of them, been concerned in speculating upon the funds paid into their hands for the public lands? Have they, or any of them, sold good funds, and placed funds of less value in the place thereof, to the injury of the United States?

Answer. I do not.

SOLOMON STURGES.

Sworn and subscribed to before me, this 24th day of April, 1834.

WM. H. MOORE, [L. s.]

Justice of the Peace.

THE STATE OF OHIO, *Muskingum county, ss.*

Deposition of Jonas Stanbery, sen., of Zanesville, in said county, of lawful age, having been first duly sworn according to law, before Anthony Wilkins, esq., that he would true, full, and perfect answers make to all and singular the interrogatories that shall be proposed to him, the following interrogatories were proposed to the witness, (by John Burwell.)

First interrogatory. Do you know whether any of the registers of the land offices of the United States, or receivers of public moneys at those offices, or either of them, have been guilty of fraud or partiality in the sales of the public lands, by adopting rules and regulations in their respective offices inconsistent with the laws of the United States?

Answer. I do not, excepting it has, in some cases, been the practice adopted at the register's, Thomas Flood's, office at Zanesville, to take the affidavit of agents who applied in behalf of absent persons to enter forty-acre lots.

Second interrogatory. Was this practice adopted by the register, Thomas Flood? Were those persons legally agents for the absent persons referred to, or were they *only* entrusted as it were by one neighbor to do an errand for the other? Was the name of the absent person signed to those affidavits, and sworn to by the agent alluded to? Did the affidavit, when completed, purport to be the affidavit of an individual who never had seen it, or knew, at the time of the making of the said affidavit, any thing in relation to the existence of the same? Please to state the whole transaction as it occurred.

Answer. It has to my knowledge, in some cases, been the practice with the register, Thomas Flood, to take the affidavits of agents, who applied in behalf of absent persons, for forty-acre lots: but whether such agents were legally authorized, I know not. I am not positive whether the names of the agents, or the names of the absent persons for whom the entries were made, were signed to the affidavits. I am, however, under the impression that the names of the *absent* persons were signed to the affidavits by the agents.

Third interrogatory. Did you not suggest to the said register the impropriety of such a course of proceedings?

Answer. I did.

Fourth interrogatory. Is it not necessary, in all cases, in making those entries, that the affidavit should correspond with the application in respect to the name of the person or persons in whose name the entry is so made?

Answer. I so understand it.

Fifth interrogatory. Have you known any instance wherein any register or receiver as aforesaid have marked any part of the public lands laid down on the maps of survey "sold," or in any other manner which designated the land as entered, when, in fact, the lands so marked had not been actually sold or entered?

Answer. I have no *personal* knowledge of any such fact.

Sixth interrogatory. Have you any knowledge of the fact that any register or receiver as aforesaid has, at any time, been interested with speculators who became the purchasers of the public lands, and shared in the profits arising out of the sales or purchases of any lands sold at public or private sales by the United States?

Answer. Thomas Flood, register of the land office at Zanesville, charges seventy five cents for the affidavits where forty-acre tracts are entered with scrip.

Seventh interrogatory. Have you any knowledge of any lands having been sold at public or private sale as aforesaid, otherwise than for cash in ready money?

Answer. I have no personal knowledge of such transaction.

Eighth interrogatory. Have you not, from your own observation of the course pursued at the Register's office by the said register, his clerks, and dependants, as to induce you, in company with some other person, *seriously* to advise Mr. Flood, at several times, of the impropriety of such course? And if so, please to state his reply to you on the subject.

Answer. I did once, in company with Solomon Sturges, call on Mr.

Flood, but cannot now exactly recollect the subject of our conversation. For the remaining part of my answer, I refer to my answer to the third interrogatory.

Ninth interrogatory. Have any combinations of speculators, at any public sale of lands, united for the purpose of driving other purchasers out of the market, and deterring poor men from bidding for the lands on which they resided, or other lands which they might desire to purchase for actual settlement or cultivation, and thereby taking into their own hands the control of the sales for their own benefit, and purchased all the lands at the minimum price of the Government? If you have any knowledge in relation to this subject, please to state what you may know in relation thereto.

Answer. I know of no such combination or combinations.

Tenth interrogatory. Have you any further recollection of improper transactions at the land offices in this town, or either of them, other than those hereinbefore referred to by you?

Answer. I have no particular recollection of any thing.

Eleventh interrogatory. Do you not know that charges have been made against the official conduct of the register, Thomas Flood, by persons who have went there to purchase land? And if so, state whether those persons were resident in the immediate neighborhood of that office; also give their names, or any of them, if you can state the same.

Answer. I have heard complaints made against the register, *but* do not recollect the nature of such complaints, nor the names or places of residence of the persons, but they were living at a distance from this place.

JONAS STANBERY.

Sworn and subscribed to before me, April 25, 1834.

ANTHONY WILKINS, [L. s.]

Justice of the Peace.

THE STATE OF OHIO, *Muskingum county*, ss.

Depositions taken as aforesaid.

Henry Stanbery, who having been first duly sworn according to law, before Anthony Wilkins, esq., that he would true, full, and perfect answers make to all and singular the interrogatories that may be proposed to him, the following were proposed (by John Burwell:)

First interrogatory. Do you know whether any register or receiver of public moneys at any of the land offices of the United States has been guilty of fraud or partiality in the sales of the public lands, by adopting rules and regulations in their respective offices inconsistent with the laws of the United States? If so, please to state what you may know in relation to the subject.

Answer. I have no personal knowledge of any rules or regulations adopted by any such officers inconsistent with the laws of the United States.

Second interrogatory. Do you know of any transaction at the land offices in the Zanesville district in which the register or receiver has violated his duty?

Answer. Some time, according to my present impression, in the fall of 1831, I happened to be at the house of my father, Jonas Stanbery, in Zanesville. My younger brother, Charles Stanbery, went with some person desirous of making an entry, whose name I do not recollect, to the Register's

office. In a short time they returned, and stated that the register had refused to allow the entry as the land was *retained*. I immediately went with the applicant to the Register's office. I inquired of the register, Thomas Flood, if the land was vacant; and, at the same time, expressed, in strong terms, my surprise that the applicant had been denied the entry upon a pretence that the land was *retained*, which was a mode of appropriating the public lands that I did not understand. The register, after some little hesitation, admitted that the land was subject to entry, and accordingly the application was received, and the land regularly entered. I have no personal knowledge of any other transaction in which either of the officers designated has violated his official duty.

Third interrogatory. Have you any knowledge of any other of the officers at any of the land offices of the United States who have violated their official duty or duties? If so, please to state what you may know in relation thereto.

Answer. I have no personal knowledge of any such violations.

Fourth interrogatory. Do you know of any combination or combinations of speculators, at any public sale of lands, united for the purpose of driving other purchasers out of the market, and thereby taking into their own hands the control of the sales for their own benefit, and purchased the lands at the minimum price of the Government?

Answer. I know of no such combination. And further I know not.

HENRY STANBERY.

Sworn and subscribed to before me, this 5th day of May, 1834.

ANTHONY WILKINS,

Justice of the Peace.

May 6, 1834.

Charles Stanbery, who, having been duly sworn as aforesaid, the following interrogatories were severally proposed to the witness (by John Burwell.)

First interrogatory. Do you know of any instance wherein any register or receiver of public moneys at any of the land offices of the United States have been guilty of fraud or partiality in the sales of the public lands, by adopting rules and regulations in their respective offices inconsistent with the laws of the United States? If so, please to state what you do know in relation thereto.

Answer. Some time in August or September, 1831, I was requested by my father, Jonas Stanbery, to accompany a man (whose name I do not now recollect) to the land office, to assist him in making an entry of land. I went with him immediately. The land was described to the register, Thomas Flood, and I inquired of him if it was vacant? after examining the plat or map which laid on the table, he replied that it was not open for entry. I repeated my inquiry of him, and asked him again if the land was entered: he replied that it was marked on the map "*retained*;" and I think (although I am not positive) that he placed his finger on a part of the map where the word "*retained*" was written, and called my attention to it; and he again informed me that the land was not open for entry, and that he could not

grant the application. I returned immediately with the man to my father's house, and, after having related to my father what had taken place at the Register's office—that Mr. Flood had refused to grant to the man an application, as the tract he wanted was marked "*retained*" on the plat. My father then requested my elder brother, Henry, (who was then present,) to accompany the man to the Register's office, and to make another attempt to obtain the land, as he (my father) had no knowledge of any rule at the land office whereby land could be "*retained*." My brother Henry immediately left the house in company with the man.

Second interrogatory. Was you present, and an attentive observer last evening (5th instant) when your brother, Henry Stanbery, testified as set forth in the foregoing deposition signed by him? and is the *man* and the *case* alluded to by your brother Henry the same as here referred to by you?

Answer. Yes; I have no recollection of any other case of the kind.

Third interrogatory. Do you know any thing in relation to the practice said to be adopted at the said Register's office, wherein affidavits are made out which purport to be the affidavit of a person not present at the time of making and using the same, in cases where the law or regulations of the office requires an affidavit of the person making the entry to be sworn? If so, please to state the *process*, and what you may know of such transactions, if any.

Answer. I have been present at that office when a tract of land was entered in the following manner, (by hypothesis:) A applies to enter a tract in the name of (and for) B, who is not present: the application is made out in the name of B, and A is sworn by the register, (as I understand is necessary in cases of entering forty-acre tracts.) Whether A or B's name is placed to the affidavit, I am not able to state.

Fourth interrogatory. Have you any knowledge of mutual interests that have existed between any of the officers *charged* or entrusted with the sales of public lands at any of the land offices of the United States, and persons employed in speculating in scrip or otherwise, *at* or *in* those offices? Have they granted facilities to certain individuals by informing such speculator or speculators, either by calling to or making such signs as to notify such person or persons when applicants came to their office to purchase lands, thereby manifesting an interest in behalf of any such speculator or speculators? If so, state what you may know in relation thereto. Who were such parties; the description of means used by the office to bring the speculator and the purchaser together, if such is within your knowledge?

Answer. I have seen at the Register's office at Zanesville a sign placed at or near the door, which I was told *was* to notify Mr. Charles Stetson that an applicant was present to make an entry. I have heard the register, (Thomas Flood, when an applicant came into that office to purchase land,) request the clerk (in the office) to put out the sign. The clerk took from the shelf a small sign, and placed the same at or near the door, upon the outside of the office. I believe that Mr. Stetson is engaged in passing off scrip for Solomon Sturges.

Fifth interrogatory. Is Mr. Stetson's residence so situate as to enable him to discover the sign from thence, so placed at the Register's office? And was he in the habit of attending, immediately after the sign was so given, *at* the Register's office? Please to state what you know in relation thereto.

Answer. His residence is so situate, and he was in the habit of so attending.

Sixth interrogatory. What are the fees demanded by the register, (Thomas Flood,) in cases of entry of forty-acre lots, when entered with scrip, and who pays those fees? If within your knowledge, please to state.

Answer. I have entered land in the name of another person with scrip. In those cases, I have paid seventy-five cents to the register, twenty-five cents of which he demanded as his fee for administering what is called a forty-acre oath; and the balance, fifty cents, for the scrip oath. The scrip affidavit was made out, in my cases, at the Register's office, and taken from thence by the applicants, who were sworn before a justice of the peace without any additional fee.

And further I know not.

CHARLES STANBERY.

Sworn and subscribed to before me, this 6th day of May, 1834.

ANTHONY WILKINS, [SEAL.]

Justice of the Peace.

THE STATE OF OHIO, *Muskingum county, ss.*

I, John Wilson, jr., clerk of the court of common pleas in and for said county of Muskingum, do hereby certify that anthony Wilkins and William H. Moore, esqs., before whom the foregoing affidavits appear to have been severally sworn to, were, on the days of the dates of the several affidavits, acting justices of the peace in and for said county of Muskingum, duly commissioned and qualified agreeably to the constitution and laws of said State of Ohio, to whose official acts as such full faith and credit ought to be given.

In testimony whereof, I have hereunto set my hand, and affixed the seal of said court of common pleas, at Zanesville, this twelfth day of May, A. D. 1834.

[L. s.]

JNO. WILSON, jr., *Clerk,*
By Jno. Cassel, Deputy Clerk.

DISTRICT OF THE STATE OF OHIO, ss.

I, John Burwell, of Muskingum county, and State aforesaid, do hereby certify that, after the witnesses had first been duly qualified, the within and foregoing interrogatories were by me severally reduced to writing, and proposed, severally, to the witness, each in succession as they stand in the catalogue of the within and foregoing depositions. Also, that the answers reduced to writing in succession after each interrogatory, as herein before recorded, are the same as made thereto by the witness or witnesses, respectively; and that each and every of the said answers were severally read to the witness making the same, after being recorded as they now stand, and were severally acknowledged to be correctly entered. All of which is respectfully submitted.

Given under my hand and seal, at Zanesville, this 12th day of May, 1833.

JNO. BURWELL, *Commissioner.* [SEAL.]

THE STATE OF OHIO, *Knox county*, ss.

Deposition of Peter Wolf, of Butler township, in said county, (of lawful age,) having been first duly affirmed according to law, that he should true, full, and perfect answers make touching the public service. The following interrogatories were severally put to the witness (by John Burwell:)

First interrogatory. Do you know whether the registers of the land offices and the receivers of public moneys at any of the land offices of the United States, or either of them, have, in violation of law and their official duties, demanded or accepted a bonus or premium from any purchaser or purchasers of the public lands at public or private sale; for the benefit of such office or officers, as a condition on which such purchaser or purchasers should be allowed to enter or purchase any tract or tracts of land offered for sale by the United States?

Answer. I do not.

Second interrogatory. Do you know whether any register or receiver, as aforesaid, has been guilty of fraud or partiality in the sales of the public lands, by adopting rules and regulations in their respective offices inconsistent with the laws of the United States?

Answer. I do not.

Third interrogatory. Do you know of any clerk, agent, or dependant, or clerks, agents, or dependants of those offices, who have demeaned themselves so as aforesaid—*permitted* by the principal incumbent or otherwise?

Answer. I do not.

Fourth interrogatory. Are you acquainted at the Register's office, and with the register, Thomas Flood, at Zanesville?

Answer. I cannot say I am much acquainted with him: I never saw him but twice or three times in my life.

Fifth interrogatory. Have you ever applied to him for the purchase of lands belonging at the time to the United States?

Answer. I did not.

Sixth interrogatory. Have you applied to any person or persons at that office, who was either clerk, agent, or dependent at the said office, for the purchase of land as aforesaid? and if so, who did you apply to?

Answer. I applied to none, knowing that they were officers. I applied to George Flood to bid for me for a piece of land that was to be set up there for sale.

Seventh interrogatory. Where were you at the time you applied to Mr. Flood, and at what time did you so apply as aforesaid?

Answer. The time I cannot tell you, because it was before the sale; it was in the register's office, as near as I can recollect.

Eighth interrogatory. Did Mr. Flood agree with you at the time you state, to purchase the land for you?

Answer. I did not ask him to do that—nothing but to bid for me.

Ninth interrogatory. What sale was it that you refer to, and what land was it that you employed Mr. Flood to bid for as aforesaid, if you did so employ him, and when was the sale to take place?

Answer. I don't know what sale it was called; I did not employ him; I did not give him anything. I *reckon* a man is not employed unless he gets something.

Tenth interrogatory. How came you to apply to George Flood to bid in your behalf for any land that was about to be sold?

Answer. I went to the land office, and there found out when the sales were to be, and then got him to bid: afterwards sent my son down with the money against the day of sale.

Eleventh interrogatory. What was your son's name with whom you so intrusted your business, and did he perform that service according to your directions?

Answer. His name is Jacob Wolf. I cannot say that he did, because I could not give him any directions more than to take the money and pay for the land.

Twelfth interrogatory. When you engaged George Flood to bid the land off for you, did you promise to send to him the money to pay the price that he should bid for the land, and did you prescribe any *limits* as to the amount he should bid on the land?

Answer. No, I did not; I was going to take it at the highest bid if my money would reach; and I think that there was money enough to take it at the highest bid.

Thirteenth interrogatory. What land do you here refer to? Please to describe the particular tract and the number of acres.

Answer. I cannot go further than this paper will describe. It is as follows: "For and in consideration of the sum of two hundred and fifty-two dollars to me in hand paid, I do hereby agree to purchase the southwest quarter of section number fifteen, township number six, range number eleven, military, and to make, or cause to be made, a good and sufficient deed, in fee simple, for said quarter to Peter Wolf, of Knox county, Ohio, on demand, so soon as the patent shall be received by me from the General Government.

"July 18, 1831.

CHAS. C. GILBERT.

Fourteenth interrogatory. Did George Flood neglect or refuse to bid off this land for you according to agreement, and your just expectation?

Answer. That is more than I can tell you. The people that were there can tell whether he bid it off or not.

Fifteenth interrogatory. How came this agreement in writing to exist between you and Mr. Gilbert, and how did you come by this instrument?

Answer. By my son; that's all I can know about it.

Sixteenth interrogatory. Have you not, at any time before or since the 18th day of July, 1831, had conversation with Mr. Gilbert on the subject of the purchase or sale, or purchase and sale of this land?

Answer. No, never in my life: only the last time I was down to Zanesville I asked him whether the land was lost; I understood it was lost, but that was nothing concerning the sale.

[Interrogatories seventeen and eighteen were accidentally left out in setting down numbers.]

Nineteenth interrogatory. What answer did Mr. Gilbert make to your inquiry concerning the loss of the land?

Answer. He said that it was not so; that he knew nothing of it.

Twentieth interrogatory. Have you here stated all the conversation that ever took place between yourself and Mr. Gilbert on the subject of the land here referred to?

Answer. I think I was down once before, and asked him something about it. I was down after a patent or something.

Twenty-first interrogatory. How long has it been since you had the last conversation with Mr. Gilbert here referred to?

Answer. Some time along the first of April.

Twenty-second interrogatory. Do you mean the present month?

Answer. Yes.

Twenty-third interrogatory. Did you not go to Zanesville at that time on purpose to see Mr. Gilbert on the subject of that land, and concerning the validity of the title to it?

Answer. I went exactly to see him for that purpose, and asked him the question as I told you before.

Twenty-fourth interrogatory. Did Mr. Gilbert say no more to you on that subject than that "it was not so; that he knew nothing of it?"

Answer. That's the amount of the discourse.

Twenty-fifth interrogatory. Please to state what the *whole* discourse was in the precise words as delivered by him to you, if you can so state them; and whether there was not something said concerning the money he had received from you?

Answer. *Well*, there was not any thing said about the money as I recollect. I told him that I had understood that it had been lost by a decision in the United States' Supreme Court: he said it could not be so.

Twenty-sixth interrogatory. Have you ever inquired of George Flood since the sale concerning the purchase or sale, or purchase and sale of this land? If any conversation has been had between yourself and Thomas Flood, the then register and George Flood, or any clerk, agent, or dependant, at or belonging to that office, or either of those individuals, on the subject relating to that land as to sale, purchase, or title thereto, please to state what that conversation was.

Answer. When I was down the last time I saw George Flood, and I asked him about it, and he said that he could remember nothing about it, only that he had bid it off for Wolf.

Twenty-seventh interrogatory. Did not George Flood know you when you questioned him on the subject, and did he complain that Wolf had not taken the land at his bid?

Answer. There was not a word more than what I told you: he did not seem to care about giving me any answer, and did not say a word more.

Twenty-eighth interrogatory. Have you not had conversation with Thomas Flood, who was register at the time the sales were made, on the subject of the sale, purchase, or title of the land referred to?

Answer. I asked him before the sale what time the sale would come on, and I do not recollect what he did say.

Twenty-ninth interrogatory. Did not Thomas Flood advise you to get George to bid the land off for you?

Answer. I can't say as he did.

Thirtieth interrogatory. How came you to know or apply to George Flood to bid on the land?

Answer. Because he was there, and my son was better acquainted with him than I was.

Thirty-first interrogatory. Was your son Jacob with you at the time here last referred to?

Answer. No; but he had been there three times to see about a piece of land that he entered.

Thirty-second interrogatory. Did your son advise you to employ George Flood to bid off the land?

Answer. No.

Thirty-third interrogatory. What account did your son render of his mission at the time, and on his return from attending the sale referred to?

Answer. Gave me that paper, and told me he had bought the land from Gilbert.

Thirty-fourth interrogatory. Did you make no inquiries of your son, at the time, concerning the purchase and sale—whether Flood had bid for you on the land, or how he came to make the purchase from Gilbert for you?

Answer. Well, he said that Flood bid the land to, I think, three hundred and fifty dollars, and Gilbert took him to one side, and, I reckon, sold him the land. I forget just the same words, because he bought the land from him.

Thirty-fifth interrogatory. Do you not know that there was an understanding amongst hands, to wit, Thomas Flood, the then register, his son George Flood, Charles C. Gilbert, yourself, and your son Jacob, or some of those persons, to procure that land to you, and prevent the same from falling into any other hands at the time of the public sales?

Answer. I don't. I never said a word to Gilbert on the subject; but, from what I have understood, there must have been between my son Jacob and Gilbert on the day of the sale.

Thirty-sixth interrogatory. Can you inform me any further on this subject?

Answer. I cannot. When he came back he showed me what he had got, and that proved that he had bought the land from Gilbert.

Thirty-seventh interrogatory. Prior to your going to Zanesville, about the first of April instant, did you not receive a letter, or other information, requesting you to attend at that place; and was it not for the purpose of procuring from you a statement in relation to the bidding for that land; and did you not at that or some time previous give a statement in writing on that subject by deposition, or otherwise? If so, state the facts in relation to the subject.

Answer. No; I went down for the purpose, as I have stated. I never gave any writing on the subject.

Thirty-eighth interrogatory. Have you stated all you know in relation to this and all other mal-conduct by the land officers, their clerks, agents, or dependants?

Answer. All I know; for I know nothing of any other, except Flood, register.

PETER WOLF.

Sworn to, and subscribed before me, at my office, in Clay township, this 18th day of April, A. D. 1834.

WM. McCREARY, J. P. [L. s.]

THE STATE OF OHIO, Knox county, ss.

Deposition of Christian Horn, of Butler township, in the county aforesaid, of lawful age, having been first duly sworn according to law, that he should true, full, and perfect answers make touching the public service. The following interrogatories were severally put to the witness (by John Burwell:)

First interrogatory. Do you know any thing in relation to the official conduct of any of the registers of the land offices in this State, or the

receivers of public moneys, in violation of the laws or interests of the United States?

Answer. I do not.

Second interrogatory. What is the general character, in the circle of your acquaintance, as to the official conduct at the register's office in Zanesville?

Answer. I have heard some talk about this land of Wolf's: that is all that I can say.

Third interrogatory. Do you know any thing in relation of any combination of persons concerning the sale of the land to Wolf, from Peter Wolf, or his son Jacob Wolf?

Answer. I do not.

Fourth interrogatory. Have you not had a conversation with them, or either of them, in relation to that subject? And if so, state what the conversation was, and in what relation you stand to the family of Peter Wolfe.

Answer. There has been conversation between Peter Wolf and myself on the subject, but I do not recollect what that conversation was. I stand in the relation of brother-in-law to Peter Wolf.

CHRISTIAN HORN.

Sworn to, and subscribed before me, this 18th day of April, A. D. 1834, at my office.

WM. McCREARY, J. P. [L. s.]

THE STATE OF OHIO, *Knox county, ss.*

Deposition of Abraham Day, of _____ township, in said county, of lawful age, having first been duly sworn according to law, that he should true, full, and perfect answers make, the following interrogatories were severally put to the said witness, (by John Burwell:)

First interrogatory. Do you know whether the registers of the land offices and the receivers of public moneys at any of the land offices of the United States, or either of them, have, in violation of law and their official duties, demanded or accepted a bonus or premium from any purchaser or purchasers of the public lands at public or private sale, for the benefit of such officer or officers, as a condition on which such purchaser or purchasers should be allowed to enter or purchase any tract or tracts of land offered for sale by the United States?

Answer. Some time in the spring of eighteen hundred and thirty-one, (in March, 1831, if my memory serves me right,) I applied to Thomas Flood, register of the land office, at his office in Zanesville, for the purchase of the west half of the northwest quarter of section twenty-one, in township five, in range eleven, of the unappropriated lands in the military district. Mr. Flood asked me if I was going to pay money or scrip for the land: and I replied scrip. Flood then stated to me that I must be qualified that there was no person living on the land. I was accordingly qualified. The said Flood then demanded from me fifty cents, which I paid to him. I then asked said Flood why he demanded from me fifty cents? He said the law allowed him fifty cents for taking the deposition, and keeping a record of the same, because I entered with scrip; and stated that, was I paying the money, I should not have the fifty cents to pay. I then had an idea that he had no right to such a fee.

Second interrogatory. Was you qualified before said Flood, acting at the time as a justice of the peace?

Answer. Yes.

Third interrogatory. Have you any further knowledge of transactions at any of those offices not authorized by law?

Answer. I don't know that I have.

ABRAHAM DAY.

Sworn to, and subscribed before me, at my office in Clay township, this 17th day of April, A. D. 1834.

WM. McCREARY, J. P. [L. s.]

THE STATE OF OHIO, *Knox county*, ss.

Deposition of Adam Mosholder, of Jackson township, in said county, of lawful age, having been first duly sworn, according to law, that he should true, full, and perfect answers make touching the public service. The following interrogatories were severally put to the witness, (by John Burwell:)

First interrogatory. Do you know whether the registers of the land offices and the receivers of public moneys at any of the land offices of the United States, or either of them, have, in violation of law and their official duties, demanded or accepted a bonus or premium from any purchaser or purchasers of the public lands at public or private sale, for the benefit of such officer or officers, as a consideration on which such purchaser or purchasers should be allowed to enter or purchase any tract or tracts of land offered for sale by the United States?

Answer. At the Register's office in Zanesville, at the public sales, on the 18th day of July, 1831, when I had stayed there a few minutes, Thomas Flood, the register, went to Jacob Wolf, and called him out to one side at different times; after which the said Flood gave the said Wolf a piece of paper, which Wolf took, and started towards the Receiver's office; and, after Wolf had got a little way off, Flood hallowed to him to stop. Flood went to Wolf and talked to him a little while; and Wolf went on, and went in at the gate, and, as I supposed, to the Receiver's office.

Second interrogatory. What was the conversation between Flood and Jacob Wolf, and what did the paper contain? and why did Wolf go to the Receiver's office, or that way? If within your knowledge, state the same.

Answer. What the conversation was, or what the paper contained, or why Wolf went towards the Receiver's office, I cannot tell. Thomas Dillon came to me about this time; and, knowing that Dillon intended to purchase the southwest quarter of section numbered fifteen, of township numbered six, in range eleven, of the unappropriated lands in the military district, I also knew that the said Wolf intended to get, if he could, the same land. I told Dillon that, from the way things were going on, they would jockey him out of the land.

Third interrogatory. What induced you to tell Dillon that *they* would jockey him out of the land; and by the word *they*, who did you mean?

Answer. From the way old Flood and Wolf acted, calling one another out and talking, it appeared plain enough to me that there was some jockeying going on.

Fourth interrogatory. Was all this before or after the sale?

Answer. This was all before the sale.

Fifth interrogatory. Was you present at the sales; and was that particular tract, here referred to, sold on that same day; and, if so, who became the purchaser? If within your knowledge, state the same.

Answer. I *was* present. I went on purpose to buy a piece of land; and did buy a piece for myself; and when that particular tract, hereinbefore referred to, was set up, Dillon bid for that tract, and some other person bid that was in the Register's office; and, as I could not see who *it* was, cannot tell who bid against Dillon, but understood, at the time, that it was young Flood who bid off the land, and that he had bid it off for Wolf.

Sixth interrogatory. From whom did you learn that young Mr. Flood had bid off the land for Wolf?

Answer. I think I heard old Mr. Flood say "my son bid off the land for Wolf;" and Jacob Wolf told me, himself, that young Flood did bid off the said land for him.

Seventh interrogatory. When did Jacob Wolf tell you that young Mr. Flood bid off the said land for him?

Answer. On that same day as we was on the road coming home. And I also heard the said Jacob Wolf *say* at Jacob Lane's, on our way home, and at *Dresden*, and also at Adam Allewine's, that he had got the land, and, as I now think, said he had to pay four dollars and some little better per acre. I do not recollect the exact amount per acre, but it was some better than four dollars.

Eighth interrogatory. Was you present, during those sales, at the Register's office on the day referred to?

Answers. Yes, from the beginning to the end, until old Flood said the sales were all over.

Ninth interrogatory. When you say "old Flood," do you mean the register himself?

Answer. Yes; and when I say young Flood, I mean his son.

Tenth interrogatory. What was old Mr. Flood engaged in during the continuance of those sales?

Answer. At the commencement of the sales, he gave every one that wanted to purchase a paper containing a description of the lands that were to be sold; and, as the sales were cried, he called over the numbers and described the land; and when it got up to one dollar and a quarter an acre, if no body bid, after it was cried two or three times, he would say, knock it off, knock it off."

Eleventh interrogatory. What did young Mr. Flood appear to be engaged at during the time you attended those sales at the Register's office?

Answer. Before the sales commenced, he was part of the time writing in the office, when there was any thing to do. At the time the sales were going on, I could not tell: he was in the office and I was out of doors, and could not see what he was doing.

Twelfth interrogatory. What was the christian name of this young Mr. Flood that you mention as being employed clerking or writing in the Register's office?

Answer. That is more than I can tell you: I do not know that I ever heard it.

Thirteenth interrogatory. Was there more than one young Mr. Flood occupied as aforesaid on that day?

Answer. Not that I know of.

Fourteenth interrogatory. Have you any further knowledge of transactions at *that* or any other of the land offices in this State concerning the sales of public lands, where you have reason to believe the laws have been violated?

Answer. I have not, only from what I have heard other people say.

Fifteenth interrogatory. What has been the general character of the official proceedings at the Register's office at Zanesville for three or four years past?

Answer. There is a good deal of talk through the country that they did not do as they ought to do. I have heard a good deal of complaint in Knox, and from the people of Tuscarawas counties.

Sixteenth interrogatory. What is the nature of those complaints?

Answer. That people go there to enter land and they keep it back, and afterwards it would be found out that it had not been entered, but kept back for somebody else.

Seventeenth interrogatory. Is there an instance within your own knowledge of any lands having been so kept out of market?

Answer. No.

his
ADAM X MOSHOLDER.
mark.

Sworn to, and subscribed before me, this 18th day of April, A. D. 1834, at my office, in Clay township.

WILLIAM McCREARY, J. P. [SEAL.]

THE STATE OF OHIO, *Knox county*, ss.

Deposition of David Gorsuch, of Butler township, in said county, of lawful age, having been first duly sworn, according to law, to make true, full, and perfect answers to all and singular the interrogatories which may be put to him.

The following were put to the witness, (by John Burwell:)

First interrogatory. Have you any knowledge of the official conduct at any of the land offices in this State, by the officers thereof, contrary to law and the public interest?

Answer. I have not: I am not acquainted with any of them.

Second interrogatory. Have you any knowledge relating to the subject of the sale or purchase of a certain tract of land which was bid off by George H. Flood for Peter Wolf, and for which said land Peter Wolf holds an instrument of writing from Charles C. Gilbert, being the southwest quarter of section fifteen, of township six, in range eleven?

Answer. I have not, particularly. I have had some conversation with Jacob and with Peter Wolf on the subject, but what it was I cannot mind it now to any certainty.

Third interrogatory. Did not Jacob and Peter Wolf, or either of them, state to you what a bargain they had got in the land, and how well the business had been managed to get it?

Answer. I do not recollect now that they did: they might, but I do not recollect it if they did.

Fourth interrogatory. How near do you live to Peter Wolf?

Answer. About three-quarters of a mile.

Fifth interrogatory. In whan relation do you stand to Peter Wolf?

Answer. Not any more that his son married my daughter.

Sixth interrogatory. What is the general character of the official conduct at the Register's office in Zanesville, by the register, his clerks, and dependants?

Answer. I have not heard a great deal about it. I have heard some say it was not very good, particularly in this case of Wolf; but I know nothing about it.

his
DAVID ✕ GORSUCH.
mark.

Sworn to, and subscribed before me, at my office, in Clay township, this 18th day of April, A. D. 1834.

WM. McCREARY, J. P. [SEAL.]

THE STATE OF OHIO, *Knox county*, ss.

Deposition of Thomas Dillon, of Harrison township, in said county, of lawful age, having been first duly sworn, according to law, to make true, full, and perfect answers to all and singular the interrogatories which may be put to him. The following were put to the witness, (by John Burwell:)

First interrogatory. Have you any knowledge of combinations of speculators at any public sale of lands of the United States for the purpose of driving other purchasers out of the market, and deterring poor men from bidding for the lands on which they resided, or other lands which they might desire to purchase for actual settlement or cultivation, and thereby taking into their own hands the control of the sales for their own benefit, and purchasing the lands at the minimum price of the Government?

Answer. I have reason to believe that, at the public sales at the register's office in Zanesville, on the 18th day of July, 1831, there was a combination between Wolf, Gilbert, and Flood, to procure the southwest quarter of section fifteen, in township six, range eleven, at the minimum price of the Government, when myself and several other persons offered more than twice that sum for the same land.

Second interrogatory. What are your reasons by which you come to this conclusion?

Answer. The first reason is that Adam Mosholder, shortly after I got to the sale, asked me if I had come there to purchase some of the forfeited lands; and also asked me what lot I wanted? I informed him the Tommos lot, being the lot herein described. He informed me that Jacob Wolf had come to buy the same lot, and said, at the same time, that there was something going on wrong about that lot between Flood, Gilbert, and Wolf, who had been, as he stated, running from one office to the other two or three times, which caused me to try to find out whether his suspicions were well grounded. I then met Wolf in the street near the Register's office, when I spoke to him on the subject of his having come there with intention of bidding on the lot referred to. He then answered that he had. I asked him whether he knew of any person there who intended to bid for the lot except himself and myself. He answered that Floods said there was money

deposited in their hands by some person from Mount Vernon to purchase the same lot. George H. Flood then came out from the Register's office, and called Wolf from the conversation with me, and had some private conversation with Wolf. After Flood returned into the office, I went again to Wolf, and asked him what Flood wanted of him. His answer was that he wanted to know if any one had come to bid on the lot. Suspecting from what Mosholder had told me, and from what I myself had seen, that some collusion or intrigue was going on, I commenced with Wolf to find it out if possible. I proposed to Wolf that, if he would act the man, I would not bid against him; or, if he would say nothing, I would bid off the land, and then I would buy his half, or sell to him mine. He then asked me what I would be willing to take for my half. I answered, "just what you would be willing to take for yours." From his countenance and manner at the *time*, and in which he treated the subject, I was fully satisfied that he was in some way bound by former engagement; *what* satisfied me on this point *was*, that on showing him the numbers, and informing him at what time in the progress of sales that lot would be offered, I found that he had paid no attention to that part of the subject, and the which he appeared to care nothing about. The sales at this time were about to be commenced, and young Flood came out and called him from me again, and had some further conversation with him, a part of which I overheard. I heard Flood tell Wolf to go to one side, and not to say a word. Wolf went into the office; the sales progressed; and I saw no more of him at that time. (There was two men about the office, one Gilbert and young Mr. Flood, at the time of the sale. I did not know which was Gilbert or which Flood, but since have described the two men to those of my neighbors and others, and knowing that it was the slimmest one—quite a slim pale looking young man who bid against me for the land, I am now fully satisfied, from my information, that the person was George H. Flood.) When the land was set up at sale, the lot referred to was set up and bid off in two separate parcels. I bid it up to three dollars and fifty cents per acre. George bid one cent on the acre more, and the land was struck off to him. At the time the land was struck off, some person in the office asked "who got the land?" George answered, Peter Wolf.

Third interrogatory. Had you the money then with you to pay for the land at the price that you bid, and had the land been struck off to you at your last bid would you have paid that sum for the land?

Answer. Yes, I would.

Fourth interrogatory. What is the general character of the official conduct of those concerned at the Register's office at Zanesville?

Answer. I know nothing of myself, except the transaction here referred to; but I have heard several persons say that they were in the habit at that office of taking five dollars and keeping land back from entry.

Fifth interrogatory. Have you any thing further to state in relation to any further mal-conduct by any of the officers at that or any other office?

Answer. No, I have not: I know of none.

THOMAS DILLON.

Sworn to, and subscribed before me, at my office in Clay township, this 18th day of April, A. D. 1834.

WM. McCREARY, J. P. [SEAL.]

THE STATE OF OHIO, *Knox county*, ss.:

Deposition of Insley D. Johnston, of Clay township, in said county, (of lawful age,) merchant in the town of Martinsburgh: having been first duly sworn, according to law, that he should true, full, and perfect answers make touching the public service, the following interrogatories were severally put to the witness (by John Burwell:)

First interrogatory. Do you know any thing in relation to mal-conduct in office by any of the registers of the land offices, or receivers of public moneys, or either of them, at any of the land offices of the United States? If so, state what you know on the subject.

Answer. Not personally acquainted with any.

Second interrogatory. What is the character generally in the circle of your acquaintance, as to the official conduct of Thomas Flood, register of the land office at Zanesville, the agents, clerks, and dependants at that office?

Answer. I have, from reports, heard a great deal of complaint of improper conduct.

Third interrogatory. Are you acquainted with Adam Mosholder and Thomas Dillon, whose depositions have been taken at this time?

Answer. Yes, very well.

Fourth interrogatory. What is the character of those persons for truth and veracity?

Answer. I should say that, when under oath, they are entitled to full confidence.

I. D. JOHNSTON.

Sworn to, and subscribed before me, at my office in Clay township, this 18th day of April, A. D. 1834.

WM. McCREARY, *J. P.* [SEAL.]

THE STATE OF OHIO, *Knox county*, ss.:

I, Alexander Elliott, clerk of the court of common pleas for said county of Knox, do hereby certify that Wm. McCreary is a justice of the peace within and for said county, duly commissioned and sworn according to the constitution and laws of said State; and I further certify that the foregoing signatures, purporting to be his, are genuine.

In testimony whereof, I have hereunto set my hand, and the seal of said county, this 19th day of April, A. D. 1834.

[SEAL.]

ALEX. ELLIOTT, *Clerk.*

DISTRICT OF OHIO, ss.:

I, John Burwell, of Muskingum county, do hereby certify that, after the witnesses had first been duly qualified, the within and foregoing interrogatories were by me severally reduced to writing, and proposed severally to the witness each in succession as they stand in the catalogue of the within and foregoing depositions. That the answers reduced to writing in succession, after each interrogatory as herein recorded, are the same as made there-to by the witness or witnesses respectively; and that each and every of the said answers were severally read to the witness making them, after being recorded as they now stand, and were severally acknowledged to be correctly entered.

Given under my hand and seal at Zanesville, this 21st day of April, 1834.

JOHN BURWELL, *Comm'er.* [SEAL.]

THE STATE OF OHIO, *Muskingum county*, ss.:

I, John Wilson, jr., clerk of the court of common pleas in and for said county, do hereby certify that Anthony Wilkins, esq., before whom the foregoing deposition appears to have been taken, was on the day of the date thereof, and now is an acting justice of the peace in and for the county of Muskingum aforesaid, duly commissioned and qualified according to the constitution and laws of this State, to whose official acts as such full faith and credit are due.

In testimony whereof, I have hereunto set my hand, and affixed the seal of the court of common pleas of said county, at Zanesville, this 21st day of April, A. D., 1834.

[SEAL.]

For JNO. WILLSON, jr. *Clerk.*

CHAS. W. O'NEAL, *Dept. Clerk.*

DISTRICT OF OHIO, ss.:

I, John Burwell, of Muskingum county, do hereby certify that, after the witness had first been duly qualified, the within and foregoing interrogatories were severally by me proposed: and that the answers replied thereto are correctly recorded as stated in the foregoing deposition.

Given under my hand and seal at Zanesville, April 21st, 1834.

JNO. BURWELL, *Comm'er.* [SEAL.]

THE STATE OF OHIO, *Muskingum county*, ss.:

Deposition of William M. Wallace, of Zanesville, in said county, (of lawful age,) having been first duly sworn, according to law, to make true, full, and perfect answers to all and singular the interrogatories that may be put to him touching the public service. (Interrogatories put by John Burwell, Commissioner:)

First interrogatory. Do you know any thing in relation to the conduct of the Register's of the land offices, and Receiver's of public moneys, in the disposal of the public lands at the land offices of the United States, or either of them?

Answer. I attended the sale of public lands at the Register's office in Zanesville, on the 18th day of July, 1831. I was invited by Thomas Flood, the then register of said office, to attend those sales.

Second interrogatory. Was you present, and an observer during the progress of the public sales that took place on that day at that office? If so, please to state such facts as came under your observation.

Answer. Two half quarters of land were sold on that day which attracted my attention *owing* to the price at which they sold, and the competition.

Third interrogatory. Who were the competitors, what particular tracts were they, and at what price did they sell? If you can so state, please to relate what you know in relation to the subject.

Answer. The competitors were a stranger, (to all appearance a farmer, whose name I do not know,) Charles C. Gilbert, and George H. Flood, the only bidders for said tracts. The land (as informed by said Gilbert on inquiry,) was situated in the neighborhood of Kenyon College, (in Knox county, Ohio.) The lands were bid off by the said George H. Flood at three dollars and fifty cents per acre.

Fourth interrogatory. To what price was the lands you refer to *bid* by the said Charles C. Gilbert?

Answer. Two dollars and fifty cents per acre; after which price, he ceased to bid. The competition then commenced between the said George H. Flood and the aforesaid stranger.

Fifth interrogatory. Do you know whether George H. Flood bid off the land in question for himself, or whether he was employed by another person to bid off the land? If so, state your information on the subject.

Answer. Previous to the sale, I was informed by Thomas Flood, (the register,) that George H. Flood and Charles C. Gilbert were both employed as agents for the purchase of the same tract of land, and that neither would *state* the limits to the other.

Sixth interrogatory. Did the said George H. Flood and the said Charles G. Gilbert state to you before or after the sale they were, or that either of them were, or had been employed as agents for the purchase of the land in question?

Answer. Gilbert did not so inform me. The said George H. Flood stated to me, some time after the sale, that he acted as an agent for some person whose name I do not now recollect, and that the purchase money was placed in his hands; that he returned him the money after the sale for the purpose of making his entry.

Seventh interrogatory. Was this statement by George H. Flood to you made before or after there began to be some public expression of fraud having been committed in relation to the sale of the land in question?

Answer. It was after the official conduct of Thomas Flood, the register, became the subject of public discussion.

Eighth interrogatory. Have you a distinct recollection of the time when Thomas Flood, the then register, invited you to attend the sales alluded to, and what his observations were when he so invited you to attend said sales? If so, please to state them.

Answer. I think it was in the morning of the day on which the sale took place. He observed that I would see some fun there; that his son George and Gilbert were to be bidders as agents for the same tract of land.

Ninth interrogatory. Did the said George H. Flood and the said Charles C. Gilbert appear to be competitors against each other, or were they (to all appearance,) only competitors (conjointly) against the stranger spoken of?

Answer. In the sale of each tract alluded to, the bidding commenced between the said Charles C. Gilbert and the stranger alluded to, and progressed between those two individuals until the land advanced in price to two dollars and fifty cents per acre: the competition then commenced between George H. Flood and the said stranger. Flood did not bid against Gilbert, neither did Gilbert bid against the said Flood, in competition for the land in question on that day. Flood was acting as clerk in the said Register's office, and when Gilbert ceased to bid against the stranger, the said George H. Flood then came to the door of the Register's office, and commenced bidding, and bid off the land in question as before stated.

Tenth interrogatory. Did the said Gilbert and Flood bid in competition to each other for any tract or tracts of land set up at sale on that day, (18th July, 1831?) Did they, or either of them, bid at *all* on any lands except this quarter section, and which was set up and sold in half quarters?

Answer. I think not. Gilbert may have bid on some other tracts, but George H. Flood did not.

Eleventh interrogatory. Do you know whether any register or receiver as aforesaid has been guilty of fraud or partiality in the sales of the public lands belonging to the United States, by adopting rules and regulations in their respective offices (other than those hereinbefore stated,) inconsistent with the laws of the United States?

Answer. I have none. I have been no wise connected with them in the sale of scrip or the purchase of land.

Twelfth interrogatory. What is the general character of the official proceedings at the Register's office in Zanesville, by the late register, Thomas Flood, his clerks, agents, and dependants, judging from report of those whom you have good reason to believe know something in relation to certain practices said to be carried on there?

Answer. Judging from the evidence of those who have complained of misconduct in that office, it is bad indeed, knowing nothing of the transactions so complained of (except what is hereinbefore stated,) within my own knowledge.

Thirteenth interrogatory. Have those complaints been made by the people in the immediate vicinity of that office, or by persons who have attended from distant parts of the Zanesville land district for the purpose of purchasing land?

Answer. From those who came from a distance.

Fourteenth interrogatory. Are you one of the securities for Thomas Flood in relation to the performance of his official duties as register?

Answer. I am.

Fifteenth interrogatory. Have you any knowledge of any receivers, or their agents, clerks, or dependants, who have been engaged in speculating upon the funds paid into their hands for the public lands—selling those funds for a premium, and substituting and depositing funds less valuable in the bank or banks designated by law for that purpose?

Answer. I have not.

Sixteenth interrogatory. Have you been occupied as a merchant in Zanesville for several years?

Answer. I have been engaged in that business since eighteen hundred and twenty-three in this place.

WM. M. WALLACE.

Sworn to, and subscribed before me, April 21st, 1834, at Zanesville.

ANTHONY WILKINS, J. P. [SEAL.]

June 14th, 1834.

I herewith send you a summary of the depositions taken before Mr. Burrows, of Zanesville, Ohio, which I prepared for you.

I have the honor to be,

With great respect,

Your obedient servant,

B. P. SMITH.

HON. G. POINDEXTER.

David Burt, on the 19th day of September, 1833, applied to Thomas Flood to purchase the southeast quarter of the northwest quarter of section No. 16, of township No. 1, in range No. 3, military; when Flood inform-

ed him that it was entered, at the same time asking him if he wanted to enter it? Burt said, not then, but in a few days. Flood walked off, and Burt went to the office again, and inquired of a man in the office who told him that it was not entered; and that, on the third of October following, Burt went to the office, (Flood, was not in,) and entered the land. Flood made his appearance before the business was completed, and inquired what they were doing? On being informed, he requested to see the money, or inquired what kind of money Burt had? On being informed, Flood said it was not land office money, but that he would change it—he gave him scrip. Burt states that this is the same tract which Marshall had purchased from Flood, and which his (Burt's) brother applied to Flood for, and was told by him that it was entered by Marshall.

William Salmons, on the 30th day of August, 1831, applied to Thomas Flood, the register, &c., for the purpose of getting secured to him, for a short time, the west half of the southwest quarter of section 23, of township No. 1, range No. 3. Mr. Flood called in Charles C. Gilbert from an adjoining room in the same office or building, and stated that Mr. Gilbert was authorized to do such things; that he had a right to secure lands by virtue of some scrip. Gilbert proposed that for thirty dollars, *in addition* to the price of the land, he could secure to me the tract in question. Salmons objected to giving that much bonus, having previously stated to Flood and Gilbert that he expected that day, or the next, a person from his neighborhood to enter the same tract. He then left the office, and was absent for an hour; and on his return Gilbert told him he would take twenty dollars *for so short a time*. Salmons told them that he would go home, and that if he obtained his money, as he expected to do, in two weeks, he would visit them again, and that if the land was not then entered he would then pay the price of the land in money, and give his note to Gilbert for twenty dollars as a premium. Before he got the money he understood the land was entered, and therefore did not go to the office. Salmons believes that there are speculations for the benefit of more persons than Gilbert at the land office.

John Robins, on the 31st day of August, 1831, applied at the office of the register of the land office at Zanesville, Ohio, to enter, for his own use, the west half of the northeast quarter of section No. 2, of township No. 9, of range 10, of Congress lands: at the same time and place applied for, and at the request of H. McCoy, who sent the money to purchase the next half of the southwest quarter of section 23, of township 1, of range 3, (military,) for, and in the name of his son-in-law, Thomas Scott. When he applied, Thomas Flood was not in the office, but George H. Flood, who was present in the office, observed that he was authorized to attend to this as well as his father. Robins examined the map, and pointed out the two tracts, and inquired if they were vacant. Young Flood and Wyllys Silliman, jr. were present, and, looking on at the same time, and they told me they were vacant. Robins requested and obtained certificates, one in his own name, the other in the name of Scott, which he delivered to the receiver, and took his receipt for the purchase money; and returned to the register's, after an absence of from between a half and an hour, and delivered to Young Flood a duplicate receipt from the receiver, in both cases, to be recorded. Charles C. Gilbert objected to both those entries being made,

saying that he had selected *those two tracts* in behalf of James Sprague, to satisfy a military land warrant, and exhibited, as proof of his having done so, a mark on the map on both tracts the letters S's, which he called "marks of selection." The map was not so marked when Robins first examined it, and both young Flood and Silliman agreed with him that the map was not so marked. Silliman asked Gilbert when he marked them? Gilbert replied, "I marked them last night when you went to supper."

Robins observed to Flood and Silliman that the land was only valuable to him, as it joined another tract of his, or he would not give fifty dollars for it. Gilbert then said, as he, Robins, was an old gentleman for whom he had much respect, he might have the tract he wanted for himself; but that the other he had promised to keep two weeks for William Salmons, for which he was to receive twenty dollars; and that if Salmons did not appear in two weeks Scott might have the land. Robins feels satisfied, from what he saw that speculations are made from purchasers by those of the office, and those who are constantly therein and about it.

James Karr, in May or June, 1832, applied to Thomas Flood to save for him the east half of the southwest quarter of section No. 17, of township No. 1, of range No. 3, (military,) for twelve months; which the said Flood did, in consideration of Karr's paying him ten dollars as a bonus. Flood marked it on the map as entered at the time of the contract, and which was paid for twelve months subsequently, and requested Karr to say nothing about it.

The foregoing witnesses are certified to be men of character for truth and veracity.

Deposition of Abraham Day, of Knox county, Ohio.

Some time in the spring 1831, Abraham Day went to the land office at Zanesville for the purchase of the west half of the northwest quarter of section twenty-one, in township five, in range eleven, &c. Flood, the register, inquired of him if he paid in *scrip* or *money*. He replied, scrip. After qualifying him that no one lived on said tract, Flood demanded of him fifty cents, which he said the law allowed him for taking the deposition and keeping record of the same, because he had entered with scrip instead of money—Flood at the time acting as justice of the peace.

Deposition of Adam Mosholder, of Jackson township, Knox county, Ohio.

At the Register's office at Zanesville, at a public sale of lands, Adam Mosholder, being present, saw Flood, register, repeatedly call to one side Jacob Wolf, and hold private conversation with him. He saw Flood give Wolf a paper, with which he started towards the Receiver's office; Flood hallooed him to stop again, when, after further conversation between them, Wolf went on, and passed through the gate towards the Receiver's office. Mosholder then met with Dillon, whom he knew was to bid for the same tract with

Wolfe. He told Dillon that, judging from appearances, he would be jockeyed out of his purchase. These circumstances occurred before the sales commenced. When this particular tract, herein referred to, was set up, some one in the Receiver's office bid against Dillon. Mosholder heard Flood, register, say that it was his son who bid off the land for Wolf. On the same day he heard Wolf say the same thing, and that he had given a little more than four dollars per acre. Previous to the commencement of the sales, young Flood appeared to be engaged writing in the office. The character of the land office at Zanesville was bad, particularly in Knox and Tuscarawas counties. People would go there and enter land, and afterwards find that it had been kept back for some one else.

Deposition of David Gorsuch, of Butler township, Knox county, Ohio.

David Gorsuch lives within three quarters of a mile of Peter Wolf. The son of Peter Wolfe married his daughter. He knows nothing of the transaction of Wolf's purchase, except from report, which was unfavorable. The character of the office, generally, was not good.

Deposition of Peter Wolf, of Butler township, Knox county, State of Ohio.

Peter Wolf testifies that he is but slightly acquainted with Thomas Flood, register at Zanesville, and never did apply to him, or any clerk, agent, or dependant, knowing them to be such, to bid for him at any public sale of lands. He, Peter Wolf, did apply to George Flood to bid for a particular tract of land at a coming sale. The request was made in the Register's office. He was not to give him any thing for bidding. He did not make this request of George Flood at the instigation of any one. He selected him to bid because he was well acquainted with his son. Wolf's son was down *three times* previous to the sale *to attend to some land that he had entered*. On the day of sale Peter Wolf sent his son, Jacob Wolf, down with the money, with directions to take the land at the highest bid the money would reach. After the sale, the son brought home the following paper:

"For and in consideration of the sum of \$252, to me in hand paid, I do hereby agree to purchase the southwest quarter of section number fifteen, township number six, range number eleven, military; and to make, or cause to be made, a good and sufficient deed, in fee simple, for said quarter, to Peter Wolf, of Knox county, Ohio, on demand, so soon as the patent shall be received by me from the General Government.

CHARLES C. GILBERT."

"July 18, 1831."

On returning from the sale Jacob Wolf told his father that Flood bid the land to \$350, and then Gilbert took him aside, and, he *supposes*, closed the sale with him. Peter Wolf *supposes* that there was an understanding on the day of sale between Gilbert and his son Jacob to prevent the land from going to any one else. Peter Wolf went down to Zanesville to see Gilbert about a report that he had heard, that the Supreme Court had set aside the

sale of said land. Gilbert told him it was not true. At the same time he saw George Flood, and asked him about the circumstances of the sale; and he said he only remembered having bid the land off for Wolf.

Deposition of Christian Horn, of Butler township, Knox county, Ohio.

Christian Horn says that he has heard some unfavorable talk in Zanesville about Wolf's tract. Christian stands in the relationship of brother-in-law to Peter Wolf.

Deposition of James G. Hilton, of Zanesville, Muskingum county, Ohio.

James G. Hilton states that he lived in Zanesville in 1831-2, and that George Flood at that time wrote as clerk in his father's, Thomas Flood's office. In 1832, J. G. Hilton, being an acting justice of the peace in Zanesville, was requested by Thomas Flood, the register, during his (Flood's) absence, for the purpose of swearing persons who were applicants for forty acre lots, to attend in the Register's office. Hilton remained there ten days during the absence of the register. Charles Stetson was at all times in the habit of remaining in the Register's office, and would sometimes receive the money from purchasers, telling them that he (Stetson,) would bring them their certificate from the receiver, stating, at the same time, that the receiver was not in, and that he (Stetson,) did business for him during his absence. Hilton does not believe that Mr. Van Horne, the receiver, allowed Stetson to do business for him, as the certificates returned by Stetson were uniformly in the hand-writing of the receiver himself. Mr. Stetson was, by profession, an attorney at law, and the motive for attending to this business was to pass off scrip. Stetson occupies Gilbert's office, which is under the same roof with the Register's office. In passing by the office Hilton has frequently seen Stetson have scrip in the office.

Thomas Marshall, of Jackson township, Guernsey county, Ohio, made application to Thomas Flood, register of the land office at Zanesville, Ohio, to purchase "the southeast quarter of the northwest quarter of section 16, township No. 1, range No. 3, military lands," on a credit of twelve months. Flood sold him the said tract of land on the 28th day of March, 1833, at 12 months' credit, by Marshall's paying him ten dollars in hand, and giving his note for the balance, with the condition that, if Marshall did not, in twelve months, pay his note, he was to forfeit the ten dollars. Flood gave to Marshall a paper which he called "*scrip*," telling him, at the same time, that the scrip would hold the land: at the same time charging him to keep the transaction a secret.

Marshall went on the land, erected a cabin and tobacco house, cleared and fenced in some of the land. Within seven months from the date of the transaction with Flood, Flood sold the said tract of land again to a Mr. Burt, and Marshall was turned off. He called on Flood, who gave him up his note, paid him his ten dollars, and said "*I feel a damned sorry for you.*" Marshall could neither read nor write.

Samuel Dennis, on the 9th day of March, 1833, purchased from Thomas Flood the "east half of the northwest quarter of section No. 16, of

ship No. 1, of range No. 3, (military,) on a credit of twelve months, by paying him nineteen dollars in hand, and gave his note for the balance; the \$19 to be forfeited if the note was not punctually paid. Flood gave him what he called "scrip," which he told Dennis would enable him to hold his land for "twelve months." Flood told Dennis that his name was on the map, and that "all the devils in hell could not take it from him." Dennis paid the note within twelve months, and kept his land.

Daniel Burt made application to Flood to enter the tract of land that Marshall had purchased from Flood. Flood, after examining the "book," informed Burt that the land was entered, and by Thomas Marshall. Burt's brother, subsequently, purchased the said tract from Flood.

Hugh McCoy, on the 30th of August, 1831, sent, by John Robins, one hundred dollars for the purpose of purchasing the west half of the southwest quarter of section No. 23, of township No. 1, of range No. 3, (military,) for his son-in-law, Thomas Scott. Mr. Robins, on his return from the land office, gave to Mr. McCoy the register's receipt for the money, saying that Charles C. Gilbert claimed the land, and was keeping it for Wm. Sammons for two weeks. On the 13th of September following, Mr. McCoy himself went to the office, where he found the said Gilbert and Flood: he told them that he had come to see about the land for Thomas Scott. Gilbert replied, "you can't have the land; I have located that land for James Sprague, and have promised to keep it two weeks for Wm. Sammons." Mr. McCoy stated that the time had expired, and that they had promised, if Sammons failed to pay, that he could have the land by paying \$20. McCoy stated that Scott was a poor man, and that he thought that the land was not worth more than the Government price. Flood observed Scott is your son-in-law, and your daughter would like to be close to you, and you had better give the \$20. McCoy replied he would not give it, but that, after a good deal of altercation, McCoy paid \$10, or rather gave his note to Gilbert for that amount, payable eight months after date. McCoy has no doubt, from what occurred then and subsequently, that the said Flood and Gilbert were engaged in speculating upon the purchasers of public land.

Phineas Tomlinson made application to Flood, the register, to know whether the west half of the northeast quarter of section No. 22, of township 3, in range 6, (military) was entered. After examination of his books, Flood told him, no. He then inquired for Gilbert, and applied to him to know what he would take to enter the aforesaid tract of land, and wait for one year. He said he would take \$20, and would take his notes, one for \$25 payable at 3 months, and the other for \$95 payable in 12 months. Tomlinson gave his notes as above, and *Gilbert went to the plat-book* and entered it. The notes were paid at maturity. The whole transaction took place in the Register's office, and in presence of the register.

Frederick Yerean, in the latter end of September, 1831, called on Thomas Flood, and inquired if the west half of the southeast quarter of section No. 7, in township No. 2, of range 6, (military district,) was entered. He answered, no. He then inquired of the said Flood what he would take to secure that tract for him for the space of 18 months. Flood pointed to C. C. Gil-

bert, who was in the office at the time, and said "*bargain with him.*" Gilbert agreed to do it for \$30, and Yerean gave to Gilbert two notes of hand, drawn by his brother, Jacob Yerean, in his favor, as security for his performance of the contract. Flood then marked the tract on the map as Yerean's, and, before the expiration of the 18 months, Yerean called and paid Gilbert \$90, and took up his brother's notes deposited as collateral security, and gave his own note for the residue of the purchase money, \$40, and on the 30th of May, 1833, he paid \$30 on the last mentioned note. Yerean ascertained that, after he made his first payment of \$90, the land was entered by Gilbert, and not before, and that it stood open and liable to entry by other or any person: he appealed to Gilbert to give him up his note for the balance, \$10, as he had not entered the land until Gilbert had received Yerean's money to do it with. Gilbert gave him up the note. In the course of the conversation about the saving the land for 18 months, Yerean told them (Flood and Gilbert) that he would rather pay it sooner if he could: he had a place which he wanted to sell, and if he did so, it would enable him to pay sooner. Flood said, *we* would rather have part of the money, and therefore try and sell your place; but, if you cannot, come back, and *we* will fix it for you. Yerean understood Flood, in his using the plural number, as meaning Gilbert and himself.

Henry Wheeler testifies to the same facts contained in the foregoing deposition; also, as to the good character of Yerean, also, to that of Phineas Tomlinson.

Evan Ogan says he heard there was some dispute about Cummins's land, and, being in Zanesville, he called at the office of Thomas Flood, and inquired whether Cummins had purchased his land according to law? Flood said yes, and had paid every cent of the purchase money down for it; and that Cummins had a good title, and that it could not be taken from him. Ogan then told Flood that Bay claimed the land by pre-emption right. Charles C. Gilbert said that Bay had not settled on the land in time to obtain that right. Flood said no; "*poh,*" he has no right, nor never can get any right.

John Reed understood, from report, in the spring of 1833, John Cummins had entered the west half of the southwest quarter of section 21, of township No. 9, in range No. 10, on which William C. Bay then lived; and that, in making the said entry, he had sworn that there was no person then residing on the land, and that Bay intended to have Cummins prosecuted for perjury. Feeling some interest in Cummins, from his knowledge of his good character, when he went to Zanesville he inquired of Flood as to the truth of the report. Flood stated, in reply to his inquiry, that Cummins had entered the land according to law, and had paid his money for it; and that Cummins had told him the truth concerning the residence of Bay; and that Cummins *was not sworn at the time of making the entry, as was reported.* Flood said that Bay was liable to a prosecution for remaining on the land. Reed inquired of Flood how Cummins was to get possession of his land? Flood said, if, upon notice, Bay refused to quit it, Cummins must pull the house down.

Lee Ogan, in April or May, 1832, called at the Register's office, and had a conversation with Thomas Flood relative to the land occupied by Bay,

and entered by Cummins. Flood told him that Bay had no right to the land, and he could not get one; and that the land belonged to Cummins; and that Cummins was not sworn any thing about the land.

Charles P. Moore, in the spring of 1831, saw in the hands of W. C. Bay a paper which he said was a copy of Cummins's affidavit, made at the time he entered his land. At the request of Cummins, Moore went with him to Zanesville, and called at the Receiver's office, and inquired of B. Van Horne if such an affidavit was on file in his office? He produced the paper, of which I had seen a copy in Bay's hands. Cummins immediately denied *ever* having been sworn to any such thing. We went to the Register's office, and inquired for the register: young Flood replied that his father was east of the mountains. Cummins told young Flood of the report circulated by Bay to his disadvantage. Young Flood said, "you were not sworn, or never were sworn in this office." Cummins applied to young Flood for a certificate to that effect, which Flood said he would give; and did give him a paper which we, then, both thought to be a certificate. Some days after we returned from Zanesville, Cummins asked me to read the paper given him by young Flood. I done so, and found that the paper was not what he promised to give, but had grossly deceived poor Cummins, who is an ignorant man; can neither read nor write, but is of most excellent character for honesty, truth, and veracity.

William C. Bay, when he heard that Cummins had entered the land on which he, Bay, resided, went to the Receiver's office, and was there shown an affidavit of said Cummins, taken before the register, Flood, acting as a justice of the peace; wherein Cummins swears that, after personal inspection of the land, there was no person residing on it. From the Receiver's office he went to the Register's office, and inquired of Thomas Flood about the entry and the affidavit. Flood said that Cummins had entered the land; it was his, and that *he was not sworn*. Bay had a good deal of conversation with Flood, who *cursed him*. Flood afterwards offered to let me enter the same tract of land if I would give him *my horse, saddle, and bridle*. Charles C. Gilbert went with me to look at my horse, saddle, and bridle; I advised with Levi Lewis, and did not give him the horse, &c.

John Cummins applied to Flood, the register, to enter a tract of land. Flood inquired if any person was residing on it? Cummins informed him that Bay resided on it. Flood asked for the money, which was handed to him. Flood then requested Cummins to put his mark to a piece of writing: he took no oath. The paper in the Receiver's office purports to be an affidavit taken before Flood, as a justice; and, also, that he paid for his land in scrip, when, in truth, he paid the money for it.

Witness's character certified to be good.

Deposition of Samuel McDoll Wilson, of Wheeling township, Guernsey county, State of Ohio.

Samuel McDoll Wilson testifies that he did make the request of Sarah Booth, as stated in her deposition. That he did not afterwards *save the land*, according to the request of the register, but made up the full sum, went to Zanesville, and entered the land in question.

Deposition of Thomas Dillon, of Harrison township, Knox county, Ohio.

Thomas Dillon testifies that he has reason to believe that, at the public sale at the Register's office in Zanesville, on the 18th of July, 1831, there was a combination between Wolf, Gilbert, and Flood, to procure the south-west quarter of section 15, township 6, range 11, at the minimum price of the Government, when myself and several other persons offered more than twice that sum for the land. His reasons are these: Adam Mosholder, being at said sale, asked Dillon what he intended to purchase? Dillon replied, the lot herein described. Mosholder then said that Wolf wanted the same tract; and, judging from appearances, there was something going on between Gilbert, Wolfe and Flood, as they had been running from one office to the other, with much private talk. This information induced Dillon to try to find out if it was so. He accordingly met Wolf near the Register's office, and spoke to him on the subject of his having come there to bid on that particular tract. Wolf replied that he had. Dillon asked him if he knew of any one else who wanted the same tract? Wolf said that there was money from Mount Vernon deposited for that purpose. George Flood then came from the Register's office, and called Wolf away, and held a private conversation with him. After Flood had gone again, Dillon proposed to Wolf that if he would act the man, he would not bid against him; or, if he would say nothing, Dillon would bid off the land, and either sell or buy the half with Wolf; saying that he would sell at the same price that Wolf would. From the countenance of Wolf at the time, and his manner of treating the subject, Dillon was convinced that he was bound by a former promise; and he was still more assured of the fact, on finding him ignorant of the numbers, and the particular time that, in the progress of the sales, this tract would be sold. Flood again called Wolf from Dillon, and, after some private talk, Dillon heard Flood tell Wolf to "*go on one side, and say nothing.*" Wolf went into the office. The sales progressed; and this tract, herein described, was sold in two parcels. Dillon bid it to \$3 50 per acre: George Flood bid one more cent, and it was struck off to him. Dillon heard some one in the office ask "who got the land?" George Flood replied, "Peter Wolf." Dillon further says, that he has heard that, at this land office in Zanesville, they were in the habit of taking five dollars, and keeping the land back from entry.

Deposition of Jesley D. Johnston, of Clay township, Knox county, Ohio.

Jesley D. Johnston says that, from report, he has heard many complaints of improper conduct in the land office at Zanesville. Said Johnston further testifies that he is well acquainted with Adam Mosholder and Thomas Dillon, and that, when under oath, they were fully entitled to credit.

Deposition of Sarah Booth, of Oxford township, Tuscarawas county, State of Ohio.

On the 18th of May, 1832, Sarah Booth went to the Register's office at Zanesville for the purpose of entering a tract of land, &c. Being at the of-

fice, Sarah Booth inquired of Flood, register, if Mr. Wilson, then living on the northeast quarter of the northeast quarter, section 4, &c., could hold said land by pre-emption, as his money was insufficient for purchase? Said Flood replied that he could not hold the land by pre-emption; "but tell Wilson to come down with what money he has, as there is a person here who is in the habit of saving land for people." Sarah Booth delivered the foregoing message to Wilson, and further knoweth not.

Deposition of James Cook Colson, of Adams township, Coshocton county, State of Ohio.

About the last of March, 1832, James Cook Colson went to the land office at Zanesville, where he found the register, two young men, one of whom appeared to be a clerk in said office, and C. Gilbert, who was employed writing at a table. Said Colson inquired of Gilbert if the east half of the southeast quarter of section No. 3, of township No. 6, in range 4, (military,) was entered? On examining the map, Gilbert replied that it was not entered. Colson then asked Gilbert what he would ask to secure the land for twelve months? Gilbert hesitated a few moments, and then inquired how much money he had? Colson showed him \$24 50, being all that he had. Gilbert then consulted Flood, the register, as to what he should do. Flood replied, "I think you had better risk it, and try for once what a poor man can do, and do not be too hard on him, as he is a brother Yankee of yours." Accordingly, Gilbert took \$23 of the money, and required, before the expiration of three months, Colson's note, with three securities, for the sum of \$114 50, being in full for the land at \$1 25 per acre. Upon failure of the same, he would forfeit *the twenty-three dollars and the land*. Before the expiration of the three months, Colson's note was sent to Gilbert, secured by Richard Taylor, Robert Corbet, and Henry Delong. Gilbert returned, (by the bearer, George Williams,) an instrument of writing, wherein he bound himself to secure the land for twelve months, provided Colson would pay within the stipulated time the sum of \$114 50, being in full for the land at \$1 25 per acre. On the 14th day of March, 1833, Colson went to Zanesville with the above mentioned sum of \$114 50. On inquiry at the office, Gilbert could not be found; but the clerk in the office observed, "we sometimes do business for Mr. Gilbert." The clerk then mentioned my business to the register, Flood. Upon hearing it, the register remarked, "in that case there must be a note with three securities. He, the register, got the note, and gave it to the clerk. The clerk returned Colson the note upon his paying the sum of \$114 50. Clerk, at the same time, gave Colson some papers which he directed him to take to the Receiver's office. Colson took the papers to the receiver, and got, in return, a receipt for the sum which he had paid the clerk in the Register's office.

James Cook Colson also testifies that he once saw a paper in the hands of George Williams relating to a case similar to the one above mentioned.

The characters of Sarah Booth, Samuel McDoll Wilson, and James Cook Colson, certified to be unexceptionable by James Lisk, justice of the peace.

Deposition of William M. Wallace, of Zanesville, in Muskingum county, Ohio.

William M. Wallace states that he was invited by Thomas Flood, the register, to attend the sales of public lands at Zanesville. On the 18th of July, 1831, he accordingly went; and during the progress of the sales he was particularly attracted by the competition for two and a half quarters of land which were contended for by a stranger, (to all appearance a farmer,) Charles C. Gilbert, and George Flood. The land, as informed by Gilbert, was in the neighborhood of Kenyon College. The land was bid off by George Flood at three dollars and fifty cents per acre. Previous to the sale, Flood, the register, told me that there would be some fun at the sale, as Gilbert and his son George were employed to bid for the same land, and neither would make known their limit of price. The bidding commenced between Gilbert and the stranger, and when it had reached two dollars and fifty cents, Gilbert ceased to bid, and George Flood commenced bidding, and bid it off at three dollars and fifty cents per acre. Gilbert and George H. Flood did not bid against each other at all. G. H. Flood on that day was acting as clerk in his father's office. After the conduct of Flood, the register, in this particular sale, became matter of public discussion, George told me that, previous to the sale, money had been deposited with him for the purchase, and that, after the sale, he returned it to the person for the purpose of making his entry.

Judging from the evidence of persons who complain of bad conduct in that office, it must be bad indeed. These complaints were made chiefly by persons from a distant part of the Zanesville land district. I, William M. Wallace, was one of the securities of Thomas Flood for the right performance of his official duties, and have lived in Zanesville, in the occupation of merchant, since 1823.

