

THE MONTROSE DEMOCRAT.

A. J. GERRITSON, Proprietor.

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DEBRIS OF THE WAR.

A Bill in Equity was filed in the Court of Common Pleas of this county, some time since, at the instance of several citizens of Liberty township, to restrain the Supervisor and Collector of said township from collecting certain amounts of tax. The Bill was dismissed by the Court, and the case is carried up to the Supreme Court, to be argued next month. As other suits of like nature are pending, and much interest is manifested in the matter, we print below the material part of the evidence upon which the Bill was found. Whether it was legal to fill quotas by "transfer of credits" was always denied by one member of the enrollment board; yet it was done—in theory; but whether such "credits" ever entered the ranks in the form of soldiers does not appear. That may be a proper question to refer to the "credits" themselves—when found—and might be truly answered by those who accepted handsome presents for figuring down quotas so as to leave "credits" for sale.

THE EVIDENCE.

As taken by E. M. Turner, Examiner, commencing, Oct. 23d, 1865, and filed March 28, 1866.

H. W. HOWARD, sworn. I am not Supervisor of Liberty now. I went out last Spring. Jared Marsh and Jacob Chalker were elected last Spring, and are now acting Supervisors. David O. Turrell is also one of the Supervisors. I was drafted into the military service of the United States, while I was in office, in July or in June A. D. 1864. I reported at Scranton Aug. 17.

I was discharged on the ground the quota was filled before I was examined. We borrowed money under the call of July 18th, A. D. 1864. I don't know how much money we borrowed. We gave individual notes for the money. I sent J. W. Bailey, and Charles Stanford to borrow money, and they got it, and I saw the money. I did not pay out any of their money, and do not know who it was paid to. I borrowed \$2000. I did not borrow nor receive any more money as Supervisor. I and Sneedaker authorized Russell B. Sherman to disburse the money, and J. B. Chalker verbally. I have no paper showing what became of the money, and never had, but have seen the paper, but did not take them into my custody.

Cross Ex.—[I as Supervisor authorized the payment of three hundred dollars for volunteers and the borrowing of money for the same. After the money was borrowed, township bonds were issued for its payment. We issued I think bonds for forty eight hundred dollars, besides the two thousand dollars, spoken of by me, other citizens loaned money to the township. I agreed with Chalker and Sherman as a committee to disburse the money.] I saw some of the citizens' loan paid over, I can't say how much nor to whom paid.

RUSSELL B. SHERMAN.—I went to Scranton in reference to this draft. I was sent to Scranton by a meeting held by the citizens and Supervisors of Liberty township, I was appointed to go to Scranton by a meeting held at Mr. Jones' Hotel. Don't know who appointed me. I went to Scranton, September 27, 1864. I took thirty six hundred and sixty seven dollars. Two thousand dollars of the money was handed to me by David Bailey 2d. Sixteen hundred sixty seven was paid to me at a meeting held at the Baptist meeting house in Liberty, and was made up by individual subscriptions. The Supervisors was not present when the two thousand dollars was paid to me, Jonathan Ross paid to me in Scranton, thirteen hundred and eighty three dollars. I supposed it to be subscription money. I paid five volunteers twenty eight hundred and forty five dollars. The names of the men were: Amos H. Rice, John M. Allison, Tewksbury, Brown & Smith. I was present when Tewksbury, Brown and Smith were sworn in. Amos K. Rice and John M. Allison, were hundred day men, and were not sworn in while I was there. I paid the money to the men individually. I paid Rice \$550. I paid fifty five to the broker by the name of Larkins for Rice. Larkins required fifty five dollars for his interest in Rice. He would not take any less. I took a receipt from Rice, but took none from Larkins. I paid Allison \$575, and took his receipt, and left it to Mr. Jessup's office. Chalker paid Carpenter \$550, out of money that Chalker had himself. I paid (for Tewksbury and Smith, \$355.00 each. I did not take receipt for the amount paid Tewksbury and Smith. I paid twenty two hundred dollars to partner of John Sutphin by the name of Fisher for credits. Fisher said he was bounty agent for one of the wards of Scranton. Fisher said he had seven credits. The agreement was that he would transfer the seven credits if they were transferable which he could not tell till the chief clerk got home. I was to pay him if he transferred them thirty eight hundred. I paid him twenty two hundred. I saw Chalker pay Fisher sixteen hundred dollars. Chalker took Fisher's receipt for thirty eight hundred dollars, witness explains as follows. The Saturday night before we came home. (This was the first week we went down) we deposited an amount with Fisher. I can't say what amount; we had his receipt for it. It was deposited for safe keeping. The following Tuesday we deposited with Fisher the balance of the money [Mr. Chalker took the receipt of Saturday. I do not know where it is.] We went back to Scranton on Monday, and drew from Fisher an amount of money. I can't tell how much, but not all. The following day [Tuesday Oct. 4th 1864.] we paid Fisher twenty seven hundred dollars. I saw it counted out to Fisher on Tuesday morning. We took his receipt for it, and Chalker took it, and I have not seen it since. Same day Chalker and I went up to the enrollment office, the clerk's name was Truman. The clerk said the credits were transferable and could be transferred to us, we found we were deficient six or seven men, I am not certain which the Fisher credits filled our quota, as I understood. He then went to Fisher and paid the twenty seven hundred dollars. Fisher stated that he had been up before us, and seen Case; Chalker went back to the clerk's office with the receipt. I paid out all the money, I received except ten dollars for expenses. I took Major Mc Neely's receipt for Rice and Allison. Those six volunteers never belonged to Liberty.

Cross Ex.—I represented two funds, a citizens fund and a township fund. The seven Fisher credits, which Chalker and myself purchased, were volunteers from the north ward of Scranton in excess of its quota. These six credits were credited to Liberty township.

Re-Ex.—I understood from Fisher, the six men were in excess of the Scranton quota, I can't say that I had any other information, except that from Fisher. Our quota at first was twenty two men, and afterwards I understood it to be sixteen.

JARED MARSH. I was elected supervisor last Spring, and have acted as such ever since. Stanford is the collector of the Bounty tax, levied in 1864. I understood from Stanford, some six weeks ago that about three fourths of the people had paid their taxes. There has been no part of the money paid to me personally. I don't know who he paid it to. I think he told me he paid some to Kenyon. There is an acting Treasurer of Liberty township, Isaac Comstock was acting treasurer last year, and I think he is this year.

Cross Ex.—During last winter, Sanford made no force collections to my knowledge.

CALVIN STANFORD. I am the acting Town Clerk for Liberty township, have been since March 13, 1865. I have in my possession the records of said township, and papers, and have this day examined them to see if there were any Bonds among them. I do not find any Bond given by Charles Stanford. I did not discover any bonds given by Sneedaker or Howard.

Cross Ex.—I made search among the town papers to find bond of Stanfords as Treasurer and Collector, but found none. I did not look for other bonds. Webster Turrell was town clerk before I was, [son of David O. Turrell.] I did not receive the book and papers until a week after. I became town clerk. I got them at Mr. Jones'. They were left there for me. Mr. Jones told me that the books and papers belonging to the town were there for me. I do not know who left the books at Jones' for me. They have not been in my possession all the time. They were out of my possession about a week. They were taken and held as evidence by William M. Bailey, Justice of the Peace. David O. Turrell, brought the books and papers back to me. The evidence was taken in a suit of Turrell's, I took a memorandum of the papers by letters before. I let them go. They were all returned. There might have been papers taken away which I had no memorandum of. Was in a hurry. There might have been and might not. I signed a bond with Charles Stanford given as collector by Stanford. I think I signed it about October, 1864, but am not positive.]

I was not present when the bond was delivered, don't know as it ever was delivered.

H. W. HOWARD, recalled by complainants. About the time Webster Turrell settled up last Spring, he left the papers and town books with me. I being the oldest Supervisor, I think I carried them to Jones' myself.

Cross Ex.—We settled about March, 1865, not to settle three times; that was the last day.

P. G. CARLING.—I reside in Scranton; I was clerk in the Provost Marshal's office in Scranton for the 12th Dist. of Pa.; I went into the office as clerk in July 1864, and remained till March 1, 1865. I was requested by Samuel W. Truesdell, about the 21st day of March, 1865, to search the office and papers for a receipt covering the sum of \$2,400, alleged to have been paid for the transferring of eight volunteers from Scranton to Liberty township. I made diligent search where I thought it would be, and where such papers were kept; I could not find any paper of the kind. I think Truesdell requested me to make search again for said paper, and I think I did, but am not positive. I have no recollection of ever seeing any such receipt upon the books of the office. The paper marked "C" hereto attached was shown to witness, and witness testified as follows to the same: That the whole of said paper is in his handwriting except the signature of the Provost Marshal. The statement on said paper is taken from the books of the Provost Marshal's office, or records. I made a careful examination when I made up that paper; I made the paper up under the direction of Col. Poole, the acting provost marshal; said paper contains a full and true statement of the facts of the record, as near as I could get at it from what I had to go by. I had all the records in the office as far as I know. D. C. Poole was then acting provost marshal of the District. The signature to the paper spoken of is in his genuine handwriting. I do not remember ever seeing an entry of any transfer of men from Scranton to Liberty township.

Cross Ex.—T. L. Case was the chief clerk at the time I went there. I think he left in February. I made the search spoken of about March 21st, 1865. The paper is not an exact copy of the record; it was compiled from the records of the provost marshal's office; the language of the certificate is my own. This certificate contains the conclusions I arrived at on examination of the records. I examined the books to see if there was a receipt spoken of before. It is not the custom to record such receipts, but to file them. Alex. Ruthven succeeded Case as clerk in the office. I don't know whether Lt. Col. Poole compared the paper with the record or not. I don't recollect of his comparing it with the record in my presence.

Re-Ex.—The statement contained in said paper is a correct statement taken from the records, but taken from different books and papers. The manner in which the paper is got up is in my own, but the items were all taken from the books and records. I wish to be understood that the paper sets forth the facts as I found them in the provost marshal's office upon the records.

A. RUTHVEN.—I reside in Scranton; I was clerk in the provost marshal's office in Scranton from Oct. 1863 until Oct. 1st, 1865. I was acting as chief clerk from Feb. 1st to Oct. 1st, 1865. T. L. Case left the office in January 1865; he has been residing since that time in New York city, and still resides there. The records of the provost marshal's office have been removed from Scranton to Easton, Pa.; were removed about ten days ago.

T. J. FISHER.—I reside in Scranton, Pa. I sold Mr. Chalker some men in Oct. 1864. Chalker professed to be acting as a committee for some township of Susquehanna county; I supposed for Liberty. I think I sold him six men for \$550 each, and one for \$500, amounting in all to \$3,800. I could not state the names of them; could not give any of them. I can't tell where the men were when I sold them to Chalker. I did not deliver any of the men to Chalker; I ordered them to be transferred. I ordered Case to transfer 7 men, I suppose from the north ward of Scranton; I do not know whether any such transfer was made; can't tell whether the money was paid to the men transferred; don't suppose it was. The money we received from Chalker was used in getting other volunteers. I did not give Chalker a list of men transferred. I think the men transferred to Chalker were enlisted in August 1864, by myself as committee, and others, from the north ward of Scranton. I never had a list of the men enlisted. Can't say whether there was a list or not; think there was. We sold credits to other parties besides Mr. Chalker; can't tell how many or to whom sold. We kept no list of those sold to other parties. We paid out the money we got from Chalker for other volunteers for the north ward of Scranton, at the next draft. I can't tell the amount of men bought. There was no regular committee appointed for the north ward. Malvern Miller and myself took it up. I can't tell how many men we enlisted previous to Oct. 1864. I do not know of any records that would show how many men we enlisted. Don't recollect whether we enlisted any men that went into the navy or not. There was money paid to the members of the board of enrollment. We paid T. L. Case considerable money for getting our quota reduced. We paid him a gold watch and \$400 or \$500. We made him a present of the watch and money. He said we might pay him what we had a mind to. I think it was when he was acting as chief clerk. I think it was in Oct. 1864, but am not positive. I think the watch was given to him sometime late in the fall or during the winter. The watch was worth from \$350 to \$400. I don't recollect of any other money being paid to other members of the board of enrollment. We drew no money from any member of the board. I paid the money to T. L. Case. I took no receipt; made him a present of it. I presented the watch to T. L. Case; I purchased the watch for him. The money that purchased it came from the hands of the committee; the money was collected from the citizens of the ward. I collected some, and others collected some. It was done in July and August 1864. We collected \$30,000 or \$40,000 on voluntary subscription. We never settled with the north ward or made any statement how the matter stood. I do not know what the quota was under the July call, 1864. I never made out a statement of the number of men enlisted for the purpose of presenting it to the north ward. The men that I enlisted were all examined here. I never got a statement from the records showing the names of those who had been examined. I took no receipt from those men that I paid that went into the service. I did not take down the names of those I paid when enlisted. We paid them at the provost marshal's office. I kept no record of the amount that I paid them. I can't say whether I made the arrangement with Case before or after. I sold the men to Chalker. We sold some men down the road. I don't know to what townships, nor how many, and have no record to show. We sold in the same way to those townships that we sold to Chalker, by transfer of credits. The paper marked "D" was shown to witness. He deposited to the same as follows, to wit: That the signature is his, and genuine. He did not give a receipt to Chalker for the money received from him, or to any other person as I remember. Chalker left some money with me, for which I gave him a receipt. He afterwards came back and got the money, and delivered up the receipt to me. I think I destroyed the receipt. I paid no part of the money received from Chalker back to him.

Cross Ex.—I reside in the north ward of Scranton, and the other two men spoken of as committee also did. The citizens of that ward raised a fund to fill their quota by voluntary subscription. I and the other men spoken of as committee acted for the north ward in enlisting men to fill that quota. We drew upon that fund to pay the volunteers so enlisted. At the time we sold the men to Mr. Chalker we were told by T. L. Case that we had enlisted men in excess of our quota. We probably had more than seven men in excess; I think 10 or 11. Before making this arrangement with Mr. Chalker I think I went to the board and ascertained that the men could be transferred. I then agreed to transfer for Mr. Chalker these 7 men or credits. Mr. Chalker paid me \$550 each for six men, and \$500 for the seventh man, making \$3,800. I then informed the board of the arrangement I had made with Chalker, and directed them to make the transfer accordingly.

I think I and Chalker went up together to the Provost Marshal's Office. I did not see the transfer made. The clerk said it should be made. We paid some of them in the presence of the Marshal and some of them in the back room. Mr. Case said he would go and thought he could get our quota reduced. We told him if he would and succeeded, we would make him a nice present. I talked over the offer made by Case with the committee and think with some of the citizens. Case went to Washington, Harrisburg, and I think to Philadelphia on this business was gone I think about ten days. He succeeded in getting the quota reduced about thirty men, I think it was the quota under the July call. We enlisted these men under the supposition that the quota was larger than it was or afterwards proved to be. At the time, the Government was receiving men for the navy and army both. Some of these men may have gone into the navy. These presents made to Case of the money and watch were made out of the voluntary funds of the citizens. It was known by the committee that these presents were given to Case and was a public affair, and Case made a speech. Some one came into my store and I gave him the paper or receipt marked "D" and hereto attached. I was busy at the time and the transaction with Chalker was out of my mind and I did not recollect clearly about it. I have thought of the matter since. I think I have it right now.

Re-Examined.—I think I did not have any other conversation with any other member of the board but T. L. Case. I can't tell whether there were any other members of the board present when T. L. Case agreed to make the transfer. No other member of the board told me the quota was reduced but Case. I can't tell how many men were enlisted, some sixty, seventy, or eighty. I think the quota before it was reduced was eighty or ninety. I can't tell exactly what it was reduced to, I think it was fifty or sixty. I can't tell how many credits I sold. The money paid to Case and watch was paid out of the funds in our hands the general fund. That money I received from Chalker was deposited some of it in my name and some in the name of Grant our Treasurer. I gave Grant a check for the money to get volunteers before the next call. Mr. Chalker called to see me before this examination commenced, and we talked the matter over this morning. I had thought the matter over before this morning. I think I paid Case about nine hundred dollars including watch. The transfer was made verbally with T. L. Case. I recollect Esq. Truesdell called on me in April last, I then told him the number of men I let Chalker have. I might have told him two or three but can't now tell. I don't know whether Miller or Malvern paid Case any money or not.

"(D)" "I think we sold to Chalker for Liberty township either three or four men "an not positive which. T. J. FISHER, May 15th, 1865.

Endorsed.—This is the paper "D" referred to by T. J. Fisher in his examination before me in Scranton, Oct. 27th, 1865. E. M. TURNER, Ex.

(Form 3.)

Certificate of discharge on account of the required number having been obtained.

This is to certify that Wm. M. Bailey of Liberty, Susquehanna County, State of Pennsylvania, having been drafted on the 28th September, and having reported at the required place of rendezvous, is hereby discharged from service under that draft, on account of the required number of able bodied men having been obtained from the names preceding his on the list of drafted men.

N. N. BRADFORD, Provost Marshal and Pres't of Board of Enroll't.
MYRON B. HELME, Member of Board of Enrollment.
H. P. MOODY, Surgeon of Board of Enrollment.
Dated at Scranton this 28th day of October, 1864.

Endorsed.—"B" This is the paper "B" referred to by Wm. M. Bailey in his examination before me October 23d, 1865. E. M. TURNER, Examiner.

The records of this office show the following condition of Liberty township under call of July 18, 1864, for 500,000 men, viz:

Quota, 22.—Volunteers: Moses L. Brown, Alick L. Smith, Wesley M. Carpenter, Zerah W. Tewksbury—4.—Substitutes for enlisted men: Samuel Hill, Abram Weed, James Cromwell—3.

Certificate of Major McNelly.

Amos H. Rice, J. M. Allison—2. Excess on former calls—5. Naval credits at large—3. Credits at large—6.—23. Surplus Dec. 31, 1864—1.
D. C. POOLE, Lt. Col. 18th Reg. V. R. Corps.
A. P. M., 12th Dist. Penn'a.

Endorsed "C".—This is the paper marked C, and referred to by P. C. Carling in his examination before me Oct. 27, 1865, at Scranton, Pa. E. M. TURNER, Examiner.

M. B. HELME.—I was commissioner of the board of enrollment of the twelfth Congressional district, from May, 1863, to May, 1865. I had access to the books and records of the board during that time. It is my impression there was a draft for the call made July eighteenth, 1864, for Liberty township, Susquehanna county. I do not know what their quota was, under that call. I remember there was one call made on said township for twenty three men. I became acquainted with Col. Poole, after he came to Scranton. I am acquainted with his handwriting. I think the signature to the paper marked "C" and hereto attached is his. I was present when the statement was made out. It was made by P. C. Carling a clerk in the office. I cannot tell how the quota under the last call for Liberty was filled. I know the fact that Liberty put in some substitutes, and some volunteers at some time. I have looked over the books that have the account of Liberty township. I remember looking them over with Esq. Truesdell in the spring of 1865. I think we did not have the statement marked "C". The statement was made the same day we looked over the books. At the request of Esq. Truesdell, we looked over the books for the purpose of having the statement made. Col. Poole was acting Provost Marshal at the time he made the certificate marked "C". Naval credits at large, meant, credits that belong to the 12th Congressional district. These credits at large were sent to the board of the assistant Provost Marshal of the State, for the eastern district. There is no difference between naval credits at large, and credits at large only as to the word "Naval". I do not recollect of but one credit at large coming to the office. I think there were none. I do not recollect of Liberty having any of these credits, but presume they did. I think some of the men drafted under the call of July 18th, 1864, were discharged on the account of the quota being filled [of Liberty township]. I do not remember whether any of the men were held under the call of July 18th, 1864 or not. The certificate marked "B" and hereto attached was issued under the call of July 18th, 1864. I know of Roger Kenyon putting in a substitute. But do not remember whether it was under that draft or not. I know the facts from the records; that men were put in; I can't say whether it was under that call or not. I do not recollect of seeing the names of credits of these on the books. The names of volunteers and substitutes who enlisted in Scranton at the Provost Marshal's office, were entered in a muster book. I did not assist in making up the credits at large. I do not know who distributed the credits at large. I know of no transfer made by the board of men to Liberty at the instance of Chalker of Liberty, or Fisher of Scranton to the credit of Liberty but heard of it afterwards. I heard of it from Mr. Bradford, Provost Marshal. Bradford said the committee from Liberty bought credits from the committee of the north ward of Scranton, to apply on their quota. I do not remember that he said how many. I think he told me soon after it was done, or soon after it was alleged, to have been done. I think Bradford never told me the number. I never had anything to do with any such arrangement, and always held that it could not be done by the board of enrollment. There is no record in the office that would show any transfer of credits from Scranton to Liberty. I suppose the credits at large were veteran credits. But do not know where they came from. I understood from Bradford that the north ward of Scranton had more credits than she wanted to fill her quota, and that she had sold a number of credits to Liberty. I never saw any money paid over by Chalker, or any body, for Liberty township to Fisher. I never saw any receipt in the office for any such money. I was always with the board when in session, when I was not away on business. I do not remember whether I was absent from September twenty eighth, the day on which the draft was made till the draft was disposed of or not.

Cross Ex. We had instructions from the Provost Marshal to receive volunteers and substitutes to apply on quotas from townships that were disposed to put them in, up to the time they were required to report. T. L. Case was chief clerk of the board at the time. The officers of the board were the Provost Marshal, Commissioner and Surgeon. I remember mistakes in the quota of Liberty, or in setting down the quota at 23. The true quota was twenty two. I do not know how long after the mistake was made before it was discovered and corrected. Esquire Truesdell said when he came down there he thought we were a set of rascals, and had divided the money, between us, but was satisfied it was not so. Truesdell said he had seen Fisher, he had sold credits to some one up that way, and they had paid him the money. Bradford told me in this conversation that he had made the transfer of credits between Chalker and Fisher. I have no recollection of distribution of credits being made to Liberty township. The Provost Marshal took the liberty to make transfers of credit at large to the different townships. T. L. Case had the principal charge of the books and records of the office, and the manner of keeping them. I think he left in February, 1865. The credits at large as distributed by the Provost Marshal, to the different districts formed the record, and were reported to the Provost General.

Esquire Truesdell told me when he was speaking of Fisher, that Fisher told him that he had sold three or four credits to some one up that way. All that I know about Liberty township filling her quota under the call of July 18, 1864 is what the record showed at time I examined them. I cannot say whether T. L. Case made any entries on the record without directions from the board or not. He had authority by the directions of the Provost Marshal who was chief officer of the board. After T. L. Case left the office he went by reputation to West Virginia. Lt. Col. Poole, came into the office in the fore part of February, 1866, it was soon after Case left. The books remained in the office till it was closed.