

The Kansas *Daily Tribune*, April 4, 1867
John Speer, Editor

The Maddox Trial

On account of the great interest taken in this trial, we give a very full abstract of the evidence.

The jury returned a verdict of "Not guilty as charged in the indictment," at about 7 o'clock p.m. on Tuesday, April 2nd, and within an hour the accused, with his wife and four or five friends, left Ottawa on the road towards Lawrence. When about five miles north of Ottawa, Maddox bids "good night" to his wife, who came on by way of Lawrence, and, with some friends, rode on horseback directly out towards Missouri, which he probably reached before day, and before he halted.

That the jury was a fair one, none doubted; that the trial was impartial all conceded. He was acquitted solely because there was reasonable doubt as to his having been in the Lawrence massacre, while it was admitted that he belonged to Quantrill's band, and was pursuing, to use the language of his attorney, Judge Thacher, "the life of a vagabond and a refugee," his home destroyed and he subsisting on friends and living "in the brush."

According to Editor John Speer in the April 5th *Kansas Daily Tribune*, the following is from the notes of the Douglas County Attorney, Hon. E.L. Akin. Some corrections are recorded in that later paper.

THE MADDOX TRIAL Full Report of the Evidence. The Accused Acquitted.

On Wednesday, the 27th of March, this celebrated cause was called in the District Court of Franklin county, when the defendant made application for a continuance on account of the absence of John Hackett, a material witness living in Missouri, which application the Court refused; when the same application was renewed on account of the absence of Samuel A. Riggs, a material witness, when on the State admitting that witness would swear to what was alleged, a trial was ordered, and on next morning a jury was empanelled as follows: Harold Howard, Wm. Wilkins, R.S. Hamilton, G.S. Holt, E.H. Dimmick, A.B. Taylor, Edward Cobb, Geo. Parks, Thomas R. Wilkerson, Daniel Grant, Wm. McLaughlin and Horace Kelsey. The case having been opened to the jury by Eugene L. Akin, Esq., for the State, and a response thereto by Judge Thacher; the evidence submitted was substantially as follows:

James W. Evans, sworn—John Zane Evans was my son. Was murdered at Lawrence raid. Was shot with a short rifle, the ball entering the left side of his head, and coming out on the other side; ball went in behind left ear. I was about fifty feet from him when he was shot; he was lying on his right side, do not know the man who shot him, he was on horseback; not a word passed between him and my son. It occurred on the 21st of August, 1863, at Lawrence, Douglas county, Kansas. There were about 300 men in Lawrence at that time, shooting the citizens and burning the houses; saw them shoot a half-dozen men; these men were not residents; first saw them about sunrise; they were on horseback; they were all

armed that I saw; three-quarters of them had small arms, and about one hundred had short rifles; before my son was shot, he showed signs of vitality, and afterwards none; he was 24 years and 5 months old, and his health was good; there was a bullet hole in the left hip, which came out behind, and a wound through the head, from which blood and brains exuded. When I examined the body, after death, it was a hole large enough to stick my finger in; the weather was clear, bright, still and warm; it was on Friday, and the funeral took place on Saturday. At sunrise heard a tremendous yelling and shooting; got up and looked out of the window and saw eight rough, dirty men on horseback; they shot Mr. Hay and passed on; more followed, and the town seemed alive with them: they were shooting every man they saw, black and white; they went to the stables and after taking out the horses, the stables were in flames; seemed to be trouble at the Eldridge House, northwest of where I lived 400 feet, and the most of them seemed to be to the Eldridge House as fast as they could gallop; a few moments afterwards a hideous yell arose from that locality as though they had mastered; they next scattered through town again; saw them shoot a lame colored man who made baskets, and who lived near Judge Thacher's house; saw four or five after a white man, shooting him; he was running for his life; they shot him down, and then shot him several times after he was down; saw them shoot another colored man named Thornton; they ran him out of his house and chased him twice around his house and went to a fence 15 feet off, and shot him four or five times, and he fell down among some weeds, he is now alive; they were riding all about town and Hart & Reynold's livery stable, and Walter Willis's stable, Livingston's stable, the Eastern House and a large number of other houses were all in flames. These buildings were near my house. Saw them shooting and burning, and riding my own and other people's horses. This continued for one and a quarter hours; I remained in my house; they did not enter my house for an hour and a half. One man jumped off his horse and tried to fire the front end of my house; it was a frame house; the fire was put against my house. It did not burn the house, and soon after another man came tried to set the house on fire. Two of them entered my house, and came up to me with a Colt's navy revolver, and punched me, and said, "Damn your old soul, hand over your money; quick, quick" (a half-dozen times; the pistol was cocked at the time. I said, "Hold on, you can have all I have." He said, "G—d—n your old soul, hand it over, or I will blow you through." After further describing the acts of the raiders, the witness said that he was taken prisoner and carried to the neighborhood of Fry's stable, where he saw his son lying on his back; he found two of the raiders sitting on horseback, who agreed to save his life, if possible, and while standing there three of the raiders rode by, when one of them rode aside; drew up his gun and shot his (witness') son in the manner before stated; when he was shot he was lying with head to east and feet to west; it was at about 7 o'clock a.m.; the man who shot him was within five foot when he did it—My wife came to our son just as he was dying; the man who was protecting me sent her off, as she would make matters worse for me. Just then one of the band rode up from the west, and said to the man who was protecting me, "George is wounded; send someone to help me fetch him around." Some assistance was ordered. Just then I saw about one hundred come riding from New Hampshire street, with plunder in bundles, they were riding two and two, slowly; the business portion of town was north and west of where I was. This procession came from the north. As it passed me, I turned with my face to the west to see them, as they passed close by me. Just about that time, the man whom I supposed was called George was approaching, from the west to where I stood. When I first saw him he was about one hundred and fifty feet off. He came slowly, and passed within six feet of me, and went on east about one hundred feet further, to where

there was a carriage which was being harnessed up; there was a man walking by his side. As I faced to the west, the sun was at my back, and saw the man distinctly; that is the man, (pointing to the prisoner); next saw him after he was brought a prisoner to Lawrence, at the jail; was an undersheriff at the time; first saw him within three days after he was brought to Lawrence; had no idea who he was before going there; he had no arms on day of raid that I saw; he looked sick and feeble; when I first saw him at the jail I recognized him; identified him by a peculiar expression about the mouth; the second time that I saw him at the jail his former negroes were there, and I recognized him then; know he was the man I saw there; know him from his size and a peculiar expression about his mouth; have no sort of doubt about it; don't know that the raiders transported any of our wounded away on that day. (Here the witness described what he further saw of the raid.) My son was single, and stayed at Mr. Wright's the night previous.

Upon cross-examination, witness stated that he never intimated to any living man that this man was shot in the right side. There were other men at the carriage; they went to a fence and got a wounded man and put him into the carriage; did not see any other men, and did not see the carriage drive off. Had several conversations with Sheriff Ogden before the May term of Court, 1866; did not say to him that this man was wounded near the hip; anything that I said on that point was what Mrs. Mark said; think I never told Ogden that it was doubtful whether Maddox was the man I saw; never told Ogden that the only man I could identify was the man who killed my son, or the man who saved my life; may have had conversations with Riggs; never told Riggs what was stated in the affidavit for continuance; Maddox on day of raid was dressed in walnut-colored clothes and a dark coat and black hat; think there were no men with Maddox when I saw him on the horse.

On the re-direct examination witness said that when he conversed with Riggs he was prosecuting attorney; he ceased to act as such in March, 1865; Riggs was employed by Mitchell to prosecute the case; on Monday of last May term, I told Riggs that prisoner was the man.

Drs. J.I. Paramore and A.H. Dow testified as to the sufficiency of the wound to produce death.

June Clark, (colored) testified:--Maddox was in the bushes and riding around; other persons with him; sometimes many and sometimes few; they were armed; heard these men with Maddox talk about the raid; on Thursday before the raid, at 5 o'clock p.m. Maddox was at our house, and a gang of men with him; there were a good many, and they were armed, they said they were going to make a raid on Lawrence; Maddox was there; Maddox said he would not be back till after the raid; he told my old boss and his men together; more than a week afterwards Maddox was at our house with the same gang, talked about the Lawrence raid, and George gave my mistress a bundle wrapped in paper, which he said he got at the raid; saw Maddox once after that. Saw Quantrell once before the Lawrence raid; Maddox was with him. They said they killed a good many at the Lawrence raid, and that they burned Lawrence.

Mary Lewis (colored) testified that she saw Maddox frequently before the raid, with other men, going about the country, armed with revolvers; never heard any talk about the Lawrence raid before it came off; saw Maddox three or four days after the raid, a large number were with him; George had blue

spotted beads on, that he said he got at the raid; that he had some trinkets which he was going to carry to his child in the South; he said they burned Lawrence.

Laura Walker (colored) testified –Maddox was at our house a few days after the raid, with a gang; heard them say that they burned Lawrence, and threwed the people in their houses and the people ran; can't say if George said anything; he had a gold chain about his neck; never noticed it before . Maddox looked to be in good health; he had long hair which hung down his neck.

Elizabeth Lewis (colored) testified,--Frequently saw Maddox with the bushwhackers; saw him at our house two or three days after the Lawrence raid, with a heap of men, armed.

Peter Lewis (colored)—Maddox was at our house four or five days after the raid, with two or three other men.

(The last four witnesses lived at the same house at time of raid.)

John H. Woodey (colored), *Lafayette Thorp* (colored) and *Henry Spivey* (colored)all testified that at early sweet potato digging time George Maddox, Dick Maddox, Bill McGuire and John Ross, came together to their master's house in Texas, and in the course of conversation George admitted that he was at the Lawrence raid; and he and Dick described the manner in which they burned it; made Jim Lane jump into a corn field and run; gave the people h—l, &c. One of them also testified that George exhibited a new pair of pants and drawers which he said he got at the Lawrence raid.

FOR THE DEFENCE

Sheriff Ogden testified that shortly after he brought Maddox to the Lawrence jail, Mr. and Mrs. Speer and Mr. Evans were there to see Maddox, and that Maddox was brought into the office and an interview had, and after Speer and wife had gone, Evans says to him, "Friend Ogden, I should be loathe to swear positively that this is the man that I saw there on that day; they were dirty and excited, and looked more like fiends than men." He said, "there is a kind of lingering doubt in my mind about this being the man." These were not the words he used, but the substance. He stated that there was something about him that looked familiar, or that made him think he had seen him before. He also said the man they brought was wounded here (pointing to the left side.) Am not certain whether Evans came with Speer and wife, or separately; brought Maddox out of the jail expressly that Speer and wife might see him; Mr. and Mrs. Speer asked Maddox questions; after I locked Maddox up, Speer and wife went away, and Evans said these things to me.

Ambrose Graham testified that Quantrell's band passed his house, seven and a half miles northeast of Pleasant Hill on its way to Lawrence, on Wednesday evening before the raid at sundown; that George Maddox was not with them, that members of the gang said he "did not belong to this outfit; that he was nearly petered out;" that on Thursday morning he met George two miles and a quarter east of his house, looking feeble, and riding an old plug of a horse."

Sheriff Ogden by consent called by the State testified that he knew the character of Mr. Evans, and that it was good.

Benj. Overton testified that Quantrell's band passed his house, three miles east of Pleasant Hill, on Wednesday evening before the raid, at about nine o'clock; and that on Thursday afternoon George Maddox came to his house alone and remained one hour or so, and was in feeble health and unarmed; also that on Friday morning, between 8 and 9 a.m. two miles north of his house, on the prairie, he saw George alone, riding eastward, and talked with him.

[At this stage of the progress in the case, a juror was taken ill and the trial was not resumed until Monday.]

Mrs. Nancy E. Maddox, (stepmother of prisoner) testified—On Thursday evening, at about 5 o'clock, she saw George on horseback at the Maddox farm, about 55 miles from Lawrence; that he had no arms and was in bad health; that at this time he was burned out and lived where he could.

Henry Neal, (colored) testified.—On the day of the raid he saw Maddox at 10 o'clock a.m. or thereabouts, near Lone Jack, riding slowly on a horse and looked ill.

Nicholas Hutchings testified—On Friday, the day of the raid, about 11 o'clock a.m. he saw Maddox riding near Lone Jack, unarmed and looking ill.

John Hackett testified—On Friday evening, at about two hours before sundown, he saw Maddox nine miles southeast of Independence, stopping at a neighbor's house, and that he looked ill.

Wm. Waterhouse, Jack Bridges and *Peter Linn* testified that the man in the ambulance which the raiders took out of town, was killed and that one of them was named George.

Peter Linn also testified to a conversation with Mr. Evans' in which Evans stated that he could not identify Maddox as the man who he saw at the raid.

John Speer called—On Sunday, just after Maddox's arrest, I went to see him—or, perhaps, I might more properly say, to satisfy Mrs. Speer, who desired to ask him some questions, in hopes of eliciting some trace of her lost son. The jailor refused to bring him out, because Sheriff Ogden was not present; saw Fanning there; Evans was not there; might have been there half an hour; sat in the office; did not see Evans there—have no recollection of his coming there; know Evans well; Ogden was not there; never went to the jail at any other time with my wife; Mrs. Speer was with me at this time: did not see Maddox then have never seen him since his arrest till to-day in court; Mrs. Speer went into the corridor of the jail to see him; I stayed out; have known Evans for at least five years; his character is irreproachable; have known Sheriff Ogden several years, and never heard his veracity questioned.

Mrs. John Speer testified that she went to the jail soon after Maddox was brought there, to see if she could learn anything of her son, who was killed at the raid; that neither Evans nor Ogden were there on that day, and that she was never there at any other time.

Here Maddox's affidavit was put in evidence, to the following purport: That Samuel A. Riggs would swear that he had frequently talked with Evans about the Maddox case; that he stated he could not

state positively that he saw Maddox at the raid; that he resembled a man he saw there badly wounded, who was got into an ambulance and taken off with the other wounded men, but that he could swear to nothing positive as to the prisoner's identity; that the last conversation he had with Evans was but a few days before the last May term of Court, and was to the same effect; that up to that term Evans always professed to Riggs that he could not identify the prisoner.