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The Canal boat case

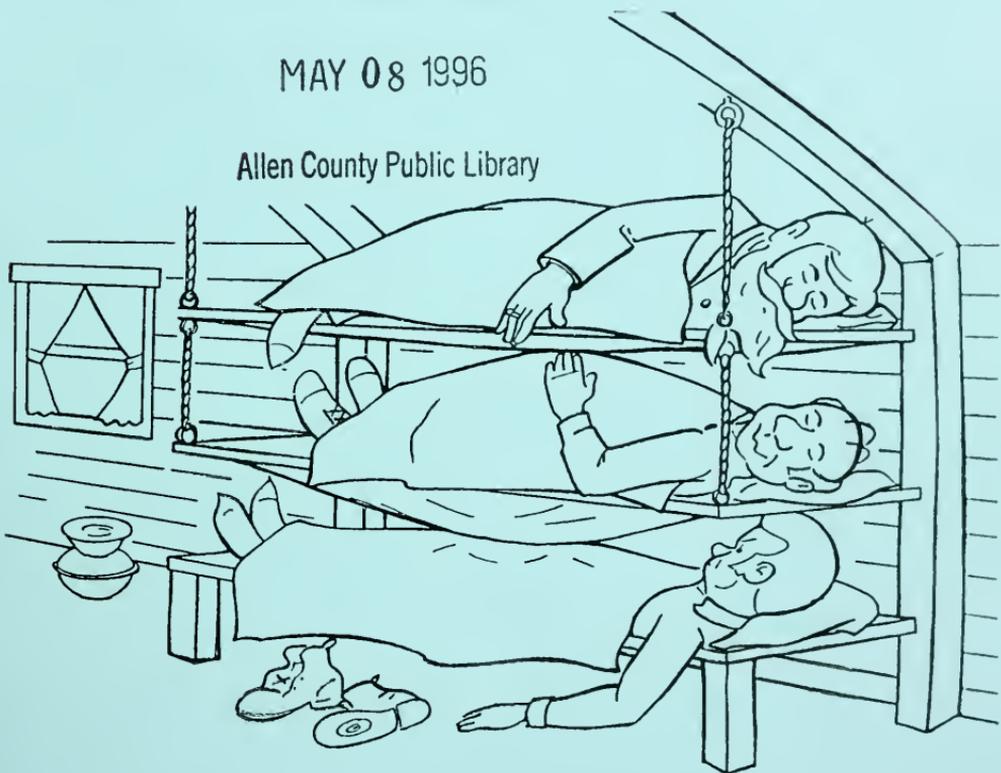
THE CANAL BOAT CASE

WHO DONE IT?

GENEALOGY DEPT.

MAY 08 1996

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WHO DONE IT?

During the past year C.S.I has had correspondence with Louise Cole and has received from her the depositions taken by Alphonso Cole from the crew of a canal boat in the disappearance of a passengers carpet bag just below Silver Creek near Lagro, IN. Since the C.S.I. spring tour just covered the area, I thought this would be the appropriate time to include this mystery for you to solve. The depositions included initials of persons and places which I have replaced with the names I thought they represented to make for ease of reading. When you have made your decision please send it to CSI PO Box 40087 Ft Wayne, IN 46804 . Please include how you reached your decision. I will publish some of the replies.

Carolyn I. Schmidt - Editor

Mrs. Cole of Nashville, IN and formerly of Peru writes that her late husband, Albert H. Cole, was a 4th generation lawyer in Peru (her daughter a 5th) and that his family had resided there since 1834. (W&E Canal reached Peru in 1837) When cleaning out the Cole Building attic she found papers, memoirs, letters, diaries, etc of Alphonso A. Cole which she donated to the Miami County Museum in Peru.

Alphonso A. Cole (1818-1862) was at age 17 a canal engineer in Delphi, IN. He was also a farmer, a lawyer, and a state legislator (1849-1851). Alphonso also kept a notebook of canal water levels. He was probably an apprentice working under a regular canal engineer. In his diary he describes his trips to New York City by canal and steam boat. He awaited a steamer in N.Y.C. to go to the California gold fields to visit his brother James Omer Cole who was the great grandfather of Cole Porter.

CANAL BOAT CASE ALPHONSO COLE, LAWYER

DEPOSITION OF "C" (Cheesebro or Conner?) I found a carpet sack 2 years ago this present month in Huntington County. I was some 60-70 yards above Cheesebro Lock 3 mile level. Lying in Canal near berm side the water was out of the canal. Bottom was wet and a little muddy. Said to Samuel Boone there was a carpet sack. We were on towpath side - sack near the berm side. Boone went across and got sack. It was very muddy. I could hardly see what color it was - some kind of cloth. After he brought it over I said let us examine it. It was froze shut. We opened it - a hole out in sack - pants put in sack - 3 stones put in pants. A small paper box had in it what I supposed to be a watch but was a miniature of his. In searching sack I discovered a small buckskin bag & found it to contain gold dust & coin - in evening following found it to contain \$70. coin and would in my opinion weigh 1 1/2 this more or less - found 5 or 6 shirts - cotton - perhaps one or two flannel 1 pair of pants perhaps cashmere - dark color. Some sea shells in sack and some specimens of quartz rock - 1/2 or 3/4 lbs. (sack here shown) - gold dust in bottom than 10 no more than 15 lbs - were round as it were worn - stone under pants - noticed no division in sack - a kind of flint stone Such stone as about Huntington & a mile this side - a deep hole just above the place a ravine comes in where 4 or 5 feet of water when out and at nine when out of full - reside half a mile from this place. Miniature filled with water and not clear. I did not recognize it. I think this (showing it) is same. Went immediately to Mr. Hurley near Lagro & found Peff & he came there that evening. found sack in morning not later than nine o'clock - think 9th day of March '51 - laid on bottom of canal on slope of berm bank - steep - it could be climbed - don't know that a man could go straight up - 8 miles from Lagro - Lock at upper end of 6 mile level. Suppose some place Bates speaks of. Knows no other Lock of that name. It is between 60 and 80 rods above. Canal usual width - 45 feet perhaps. Boats do not usually stop as high up to make lock ready - they stop usually at a bend some 40 rods or more. It could have been thrown from deck of Boat to where it was found. Couldn't say what as to value of pants - perhaps 6 or seven dollars when new - shirts \$1 to \$1.50 or \$2. One flannel shirt worth \$1.50 or \$2 when new

- looked to be damaged. Didn't tear them. No great deal of mud on them - were wet but mud had not got into sack much. Effect of laying in water would damage them. Sack worth \$1.75. Water had been off some weeks at least. I had seen sack before but thought it was a stone. I discovered it by the trunk tacks on the end of it - don't recollect whether the shells were limed or damaged - was a rayon letter box and a red silk sash some 2 yards long - don't know the value of it. Razor a common razor worth from \$.75 to \$1.25 _____ box not to exceed a quarter - a strap worth 35-50 cents - a pair of boots fine boots worth \$4. or \$5. longer in legs than usual. A land warrant, a letter purporting to be from his wife to him in California. Watch fob in pants appeared to be torn open at bottom, a steel hook remained to button in pants - things appeared to have lain sometime in water. The effect was to injure boots and sash also. Don't remember whether sash stained or not. Carpet sack worth nothing now. Had not carpet sack with me when I went and found Keiser.

XX (*CROSS-EXAM?*)

Sack found 60-70 yards above lock in Canal near berm bank - no bridge - lock is only place to cross. there is a ravine - would have been difficult going from lock on berm side to where I found sack - some stone there not money - these stone do not naturally exist at that point - there may be some - they are sometimes taken to fill cribs on lock - hands get off on towpath side - would have been difficult to have throw from top of towpath to other side. Would have been some 50 feet. It is very abrupt from where sack was found. I do not say it would be impossible. Contents & carpet bag restored to Peff - were claimed by him - worth 1/4 value when found probably.

RE EX. Did not include locket in damages - only articles - usually ran in center of Canal some 20 feet of where sack found. In meeting a boat would run near shore. A sack weighing 20 or 30 might have been tossed that distance.

SAMUEL BOONE sworn. Was with Cheesebro when sack found 9 o'clock a.m. March 9 '51 between 60-80 yds above Cheesebro Lock on heelpath (berm) side at bottom of slope - width at bottom of canal I suppose 35 or 40 feet. Mr. C. first discovered sack says "there is the Calafornia gold & I

looked & saw bottom of sack & he said I had better boots than he had & should go and get it while he held horses. A little water on the mud sack - cut both ways - first the rock put in & then the pants - they bulged out - I don't recollect the 2 compartments - Tried to pull it apart & Cheesebro told me to take my knife & I did so & ripped - 3 stone packed in bottom 2 size of double fist and one smaller - flinty character - never saw any such in this neighborhood have lived a year 1 1/4 from where sack found Such stones found all through Huntington and about a mile this side of lock - 6 miles from Huntington. First took out pants & then rock - first thing we took out was a small box (paper) & found what we thought was a watch & a leather (?) box & in that a small sack - took out 2 little hickory sticks Went with C (Cheesebro) to K (Keiser) after taking out found the Watch to be a miniature - a pr boots 1 pr pants - fine calf pants worth \$5. or more - a pr or two of socks & a land warrant - dk blue cashmere pants - value between \$5. and \$6. red silk sash might be 2-2 1/2 yds long- but didn't see it opened. Don't know value or what injury - think it was disfigured. 1 pr socks - not sure 3 maybe woolen shirts - quartz crystals & sea shells & specimens of L ___ up in paper - different shapes of gold. Hard bargain to do up boots & pants for them - Razor considerably rusted - shells coated over more or less with lime - fob torn two-thirds off - steel hook still remaining on button.

XX

Stones in lower part of sack - pants in immediately over them crammed in - don't know how they were packed - pretty near probably as a traveler would pack it - some 60 or 80 rods from lock. Lock nearest place to cross - no bridge on berm side rough thickety place - steep places ravines - a difficult trip to lock a sudden abruptness on berm side at bend - articles all returned

JESSE BARDOUGH -"Was driver on the EMPIRE the night Keiser returned home. My team hitched on at Huntington, Bates was Bowsman & Curly stern man. None got off from Huntington to Lagro - tow line broke at the 6 mile level. At Cheesebro's lock I went to boat & hollered 2 or 3 times for bucket & then I saw Bates coming up the heelpath (berm) side buttoning up his pants - don't remember whether lock was against us or not. Didn't see

Bates get off before we got to lock. When locks against us it sometimes takes 20 minutes or more - when in our favor sometimes takes longer than other. - between 2 and 3 at night - had been raining forepart of night - very dark night. Still cloudy & foggy in places. Got to Lagro daylight. Did not see Keiser until we got to the 10 mile level 1 1/2 mile from Lagro. Don't recall going aboard to eat. Some bushes on heelpath side where I saw Bates - some logs there - bluff a hundred or two yards from Lagro - culvert between. Some venuning (varnishing?) blocks there at lock. Don't know where Bates was from time checked up till I saw him - was 15 or 20 minutes from time I checked up till I called for bucket - rubbish on berm side. Saw Conner on towpath side while I was watering horses.

XX

Think there was no moon at all after I came out. I am not mistaken in that. Bowman place on towpath side - Boat was in when I saw Bates - no one else on B side that I saw - a few bushes or some trees below bank. Don't know of anyone getting off - A person could jump off and driver not see him. Don't recollect whether lock against us or not -note of being at back or boat - went up on boat to get bucket. I was reaching for bucket when Bates came up from bank - about as far off as across house. No other hand but Bates on berm side. Saw no other hands up but Sunsmen & Boone on one side and one on other. Lock near empty when I came up. No lock tender there. Boat went through in about the regular time.

RE EX

Was a privy on boat. Some hands generally do it at locks when they want to do jobs. Was going up for bucket when I saw boat had stopped at that time a little longer than 15 minutes. Can't say whether Lock against us or not. I had not been long boating that season.

A HAND - Was on boat when carpet sack lost. Keiser & I came on board at Ft. Wayne together - had carpet sack - about an hour after dark - K was complaining - returned I think about 9 o'clock. I suppose above Huntington. Not a great many passengers on board - should think 15 or 20 - when we came to Ft. Wayne went in to B (brokers?) office and when we went onto boat together - we leaned our carpet

sacks against trunks on bow of boat. No hands took charge of them - think hands did not move them - Keiser went right down below - couldn't say whether Keiser laid down sooner. Don't know whether he went out don't think either of us went out - dark evening but not raining & cold - disagreeable - no moon I think I could not see. Don't know what day of month - in latter part of Oct 5th just above lock where first complained of losing it. He went on deck. Passengers all in their berths yet - soon came down Appeared to be a good deal excited - said his carpet sack was lost. Made use of rough language. Capt. said he didn't wish to hear it. Roused up & went as far as Lagro & there got men to make a search. No sack found. Keiser stopped there - Brother went to W (Wabash?) Thought search a temporary one I thought. Keiser's wife at Lagro. Was returning from Calafornia. - considerably excited. Seemed as any man under such circumstances - swore some & Capt. rebuked. Said carpet bag & contents were gone & Samuel Doyle proprietor of Packet boat line to which EMPIRE belonged admitted.

Practice to carry baggage on deck -- Value of silk sash - worth from 60-100 per yard - judging from other silks. Have traveled on this line of packets.

XX

Went on board in Co. with Keiser & both Deposited carpet bags on deck - have frequently talked to Capt. - Sacks carpet sacks on deck below & they generally object to taking them below on Packets - Have known them to object on this line & have carried mine up. Don't recollect whether on this boat - have seen them below without objection Uniformly put mine below on account of objections. Carpet laid upon boat & no remarks made whatever - am a merchant - dark night & rather cool - no recollection of seeing the moon that night - not on deck at night after we first went on deck. About daybreak first notified of the loss. 2 miles from Lagro. Don't know whether Keiser paid his fare. Passengers were called to pay fare. Carpet sack appeared to be pretty well filled. Don't know if passengers paid for anything but fare.

SAMUEL KEISER - Was with my brother John Keiser when he came on canal boat at Ft. Wayne. I brought my money in this carpet sack as far as N Y but had no money in it since quite

late in the evening. Mr. Haas was along - Brother was complaining of chills & fever - Complained first at Toledo. Mr. Fountain was Capt. of EMPIRE. Brother put carpet sack on deck of boat a little past middle of boat toward stern. Don't know that they prohibited baggage from being taken below. Loss first discovered above 1st lock above Lagro. Don't recollect that I saw my brother after he went below that evening. Was present & paid my fare at same time he did. I should suppose sack should weigh as much as 25-30 lbs. Was up & down on deck several times during the evening. Sack was then on top of box on bow of boat. I see them placing this sack forward with other baggage. It was the bowsman did it. Disremember the kind of weather but think it was a cloudy evening. Boat was pretty well crowded. Couldn't tell number of passengers. As near as I can recollect it was near 9 o'clock when berths made up. Don't know whether brother was lying on lockers or not - I was on deck most of time & didn't notice it. My brother first discovered loss of sack first. I did not go up on deck with him - he went up first. We were returning from the mines in Calafornia - there is where we first started from. We left home in Apr 49. Brother's family lived in Lagro at the time we were coming home.

XX

I came with Brother all the way from Calafornia. We came on P.B. Bride to Ft. Wayne. Dale was Capt. Doyle was on board. Brother deposited his luggage on back part of boat. Haas was present also. I was present & saw him. I saw the baggage moved & placed on forward part of bow. but not after that.

RE EX

There was a canvas placed over the baggage on front part of boat. I saw both bowsmen on board boat next morning. I don't know which one put baggage forward. There were three men & I couldn't distinguish which one it was. I should judge it was the same person moved the luggage forward that was acting as bowsman when we got to Lagro. It was about sunset when we went on board.

MR HUBBELL - Was at Lagro in the warehouse the morning after this sack was lost. I think all the hands were up. Curly was steering & Bates was bowing.

MYRON TINKLER - Purpose to prove this witness that Hiram Bates is a bad character for honesty. (obj. to & overruled) Plaintiff here closes his case.

DEFENDANTS TESTIMONY

1st - ROBERT BOWMAN - Know Hiram Bates. He is in Mexico now. Left this state last fall expected to be back this spring.

2nd- Deposition of HIRAM BATES read. - Capt Wm Dale has been boating for Doyle for some years but has no interest. Chief was running boat in fall of '49 from Toledo to Ft. Wayne. the Bude(Budapest?) Keiser came on board my boat at Toledo & came to Ft. Wayne. Doyle was also on board & came to Ft. Wayne. There was a conversation on board the boat in presence of Peff. After we got out of Toledo above locks I went into cabin to collect fare. K was sitting to my right near Mr. Doyle. Mr. Doyle was a rear of boat on same side as Keiser during my collecting fare. They were in conversation I think about Calafornia. After I got through collecting fare I raised up & started to go to my safe. Mr. Doyle called me & spoke to me - pulled out a pack of money from his inside pocket of coat & requested me to put it into my safe - he also pulled his wallet out of his pocket & told me to put it into safe. Mr. Doyle then made a general remark to all passengers saying he had all his boats proceeds with safes - this was in presence of Keiser & if any of them had any money or other valuables to give them in my charge for safekeeping - Mr. Doyle then went on & he don't con(?) self responsible for any money or valuables without they were given to the Capt.. The parties were very close together during this conversation. Mr. Keiser setting on locker & Mr. Doyle on stool near him not to exceed three feet apart as persons would usually sit in. - It was spoken in ordinary speech. I never knew one of Doyle's boats to run without a safe. Have no personal knowledge of safe of "EMPIRE". It was part of the same line as boat I run. Boats connected at Ft. Wayne. Most passengers of my boat & went on to other - under same proprietor. I landed at dock & "EMPIRE" drawed along side of me. When Doyle spoke about safe one or two passengers handed me money to put in safe. They handed me their pockets books. I did not examine them & put them in safe.

25th of Oct. - 6 o'clock I reached Ft. Wayne - I think I started down before "EMPIRE" left. The greater part of my passengers were men. I had a pretty fair load. I don't recollect any of the passengers but Keiser & brother & Haas. Saw Keiser afterwards at Lagro and Received him - heard of loss 2nd day afterwards. It was about 3 o'clock when passengers paid fare. I think there was about 30 of them. Doyle set in front of boat. Keiser was kind of laying on locker on right hand side. Doyle also. My back towards stern of boat. Doyle was in conversation with Keiser when I was collecting fare. Keiser paid for his brother - was after fare was paid that conversation took place Don't know what conversation took place about Calafornia. Doyle traveled frequently on boat - he commonly deposited his money in safe. Doyle was also in habit of traveling from Ft. Wayne to Lagro. Sometimes traveled 2 or 3 times during the season. Doyle appoints Capt. & Capt. appoints hands. Steersman and bowsman both occupy same rank. When boat is under way steersman's place is at the stick. Bowman generally attends to baggage when boat is under way. Don't know how long Bates had been employed. I always reported to agent the names & number of crew & the amount paid. Didn't see whether Keiser saw Doyle when he spoke to him - I had raised up but had gone out of my tracks when Doyle made this general remark. Mr. Keiser might have been talking to someone by his side on the locker. Couldn't say how many passengers remained in cabin at time. It was pleasant. Comfortable enough to sit on deck. Don't recollect that I ever saw safe on "EMPIRE". It was before I got to safe that passengers gave their pocketbooks. My safe 2 feet square I could lift it but it was a heavy lift. Don't know that I should know "B" (Bates or Bowman?) The next spring I heard that "B" had bought a boat.

RE EX

Safes large enough to hold 3,000 in gold - always found them large enough to hold all that passengers wanted to put in it.. Think the remark Doyle made was noted by passengers. Saw Keiser looked over table & pretty raised up at a man who had replied to Doyle when Doyle remarked that he didn't consider himself responsible for any money or valuables not given in charge of the Capt. - except an

ordinary amount of baggage that a man would have in traveling.

XX

Same remark that I first testified to this gent who replied I think got off at Maumee I couldn't have been more than a minute or two after Doyle spoke that this man replied. He was on the opposite locker. He said Doyle was responsible for anything put on his boat. Keiser raised up was what caused me to look at him. don't know but what it was a casual glance. This Line was a passenger line - sometimes took small packages trunks & express items but always these were place in charge of the Capt. Passengers of course took usual baggage.

CAPT. FOUNTAIN - In summer & fall of 1850 was running Packet in after part of season. Was master of the "EMPIRE" - run principal part of time from Ft. Wayne to Terre Haute - Keiser came on board my boat a passenger in Oct. I think 24th of 5th not positive. Took passage for Lagro & paid payment for that port. Think he got brother at dusk or a little after. It was a passenger boat & carried mail. When articles other ordinary baggage placed on board of the boat it was my duty to take charge of it. No other had any authority to do so. I considered it my duty to receive passengers & then fare - No other person on board had authority to do so. Baggage on deck it was usual to cover it up & take care of it as such - on being informed that it contained valuables I would have taken it below & taken care of it. If it could have been got in my safe I would have put it in - Had safe on board large enough. It was my duty as Capt. to take care of valuables. Had no notice that this carpet sack was on board until next morning. Don't know that I saw him when he came on board. I am not positive that I said anything to passengers on this occasion in reference to valuables (question) My belief is that I did notify passengers & on that night as that was my usual custom but I can't recollect positively that night. Left Wabash in the evening & got to Lagro next morning. On learning that it was lost searched for it - we first looked for it on the locker & then went on deck but could find no carpet sack as Keiser said was his. We then came below - ladies not up - sent cabin boy in and searched. When we got to Lagro searched the boat & counseled with persons on boat & searched further & got through about the time we got to

Lagro. Mr. Hanna, Haas & Keiser's brother assisted in searching the boat, considerable many trunks & some mover's goods take off at Lagro. - Did not know that Keiser had any baggage on board until next morning. It is very often the case that carpet sacks are taken below & laid on locker. I don't know that I ever objected. He never requested it. Keiser got off at Lagro. His brother went to Wabash & got off there. Talked with Keiser frequently afterwards. On leaving Lagro he stopped - I requested him to on until further search was made - he wished to see his folks. I requested his brother to at least go on and make further search & he did so.

I asked him if sack contained anything valuable & he said it did - all he had I think. I remarked to him that it was very careless that he should leave it on deck - that I would have permitted any gent to take a carpet sack below containing valuables - he said he had traveled so far & got so near home he thought it was safe. That he could blame no one but himself for doing as he did. Nelson C (Conner?) and Herman Bates on boat that night - trick came on at one o'clock at night.

If lock against u from 5-20 minutes at Cheesebro lock. Could do it in 5 no exertion. Mr. Keiser asked bowsman & steersman if they knew anything of his carpet sack. I think Conner & other present. I asked all the boys if they knew anything at all about this sack & they all said they did not - Don't remember positive but have impression that he represented to me that there was about \$2300.00 in sack. Had conversation with Keriser about carpet sack being left on boat - there was a doubt about it - Keiser said he brought it on at Wabash. Bates & Bowman had not been on boat long. Bowman quit off but Bates & Conner stayed on until I laid up that boat 18th Nov. I think. Made several trips afterwards.

Have been boating some years but not on Packet as Capt. until Aug 5th Don't know whether Bates & Bowman had been on Packet before. Reported to agent at Lafayette & had names of crew on books & told him if they asked. Don't think Doyle ever traveled with me - was on my boat sometimes. Bates & Bowman did not go on my boat next season, I run the "INDIANA". I quit the Packet in the fall of '51 Have had my deposition over twice a part of. Bates is in Mexico - Keiser came on board I should think about 7 o'clock at Ft. Wayne. I think more than half of carpet sacks taken below.

When carpet bags taken in & laid on locker & at night laid on table & some under table if crowded. Cabin doors are not locked - I sleep near that door. It might be opened & I not know it. I do not know who watches bags when I'm asleep. We did not like to take anything but small packages. We frequently declined freight. Has seen baggage weighed at Toledo. 5 other baggage was spoken of. That was what I considered. I don't know that I ever refused to take fare night or day - as general think they always waken me. I recall receiving a passenger - taking his fare - selecting berth & if he brought baggage below, take care of it. No distinction between men who behave themselves. Never made any distinction with Pratt. Safe about square - about 20 inches 2 in or 2 1/2 thick. Could I think lift the empty safe. - was a handle to the door. Couldn't say it was unusual practice to give passengers notice about valuables.

Usually gave this notice at bed time when berths selected. If I gave notice on this night referred to by Mr. Haas, Mr. Keiser and other gent passengers would have heard it. There were 27 or 28 passengers. Bates was bowsman from ? o'clock till 7 in the morning. No regular practice on hour at which to go to bed - usually got up about daylight - Sometimes sleep during the day an hour or two Generally awoke when passengers came on board - sometimes not, All men were aroused shortly after loss was discovered. I don't know if any person getting off between Huntington & Lagro. Collected fare early in the evening. Don't know that I was on the deck more than 2 or 3 times. I considered the baggage in my charge. Deck hands were on boat to manage it & see that all was right. Passed Cheesebro lock on return trip in forenoon I think. Think passengers went to bed before I did that night - I slept in front of the door. A passenger getting up & going out would generally awake me. Don't recollect whether any went out that night. Keiser consented that I should telegraph to Ft. Wayne & Toledo & see if it had been left by mistake. Keiser was swearing D**M it he's lost his carpet sack. I told him not to swear. Conner steersman and Bates Bowsman from Huntington & Lagro. I think I was up at Huntington. I think no one got off there.

RE EX

No one but myself had access to safe. Dark in Ft. Wayne but in after part of night cleared off & frost next morning - Conner lived in Michigan. Bates resided in

Lafayette from that time until last fall. Bowman has lived in state ever since & is now at Lafayette

XX

I think it was dark & had been raining at Ft. Wayne & am not positive it was a moon shiny night in after part of night

ROBERT BOWMAN - I reside in Lafayette. I will be 32 years old next May. Was boating on Wabash & Erie Canal on "EMPIRE". Capt. Fountain in '50 as steersman. Was on boat when KEISER came on boat at Ft. Wayne. Steered out of Wabash. Bates trick did not come on until after 10 o'clock. No recollection of Peff when he came on board & did not know he had a carpet sack - didn't see it that I know of that night. Bates was not in bed when boat went out from Wabash. Was in bed when boat got to Cheesebro lock. Waked Bates up at aqueduct above Huntington. Went to bed after we passed Huntington. Passengers sometimes carried carpet sack below & sometimes carried them below deck. Generally carried them below if not too many passengers aboard especially if any valuables or anything fancy in them. Not sure it was at Lagro or a little above Lagro. they came down in our alley (galley?) to search. Hands said they knew nothing about it - don't know whether all said so but all present and none said to contrary.

At Ft. Wayne it was dark but after we got below it was a light night & cold. I don't recollect of seeing the moon but it was a light night. I did purchase a boat in the next spring - had no partner - it cost me \$75.00. I worked in pork house that winter. I did not change my habits. Bates did not purchase a boat that fall. I don't know of any of his changes in habits of living - worked in pork house with me. In spring he went to Terre Haute & worked in blacksmith shop. Left this country last fall to go to Mexico & has been gone ever since. I did not see any change in Bates deportment immediately after this. character from his usual habits. I didn't see that he smoked any better cigars - smoked a 5 cent if he could & if not took up with a Rappahannock. If passengers had any valuables they must always deposit them with the Capt. & he put in safe. Have no knowledge of any notice being given this night. I was out hold of stick. A safe on boat - pretty good size - 20 inches & more - and heavy. Don't

think a man could take it & run off very far with it. Boat was searched by Mr. Keiser, Capt & some other gents. M. Young was my bowsman that night. I paid for boat part money & part horse trade. Run it to Toledo then on to Ohio Canal with load hoop poles & then run her on to dock at Lockport to rebuild. I hand a partner rebuild her & took in a partner - Italian - Bates was never on my boat. He was in the Capt. F the next spring awhile. If any change in Bate's circumstances, I would know it as soon as anyone. He has no property & not much money. I let him have \$50. to get away with - a note on Pelick (Was his boat named Pelican and a loan taken on it?) Did not see him on the "INDIANA". I know that Bates said he was going on the INDIANA in the spring

XX

Have boating off & on for 14 years in N.Y. on Line Boat - Came here in 1843 - Had been on the "MISSOURI" when she first came out. I have been married a little over 4 years. I went onto "EMPIRE" about harvest. Capt Fountain was Capt of "EMPIRE" when I went on. I quit after 3 or 4 trips after this loss & went into pork house. Packing had not commenced. I was helping to build a furnace & I got a dollar a day & afterwards got \$2.50 not uncommon wage. I gave \$75. for boat. I expect they think they got a hundred. - but laid out \$23. on her. She did pretty well for one trip. I traded round and got a couple horses took hoop poles from Ft. Wayne - laid her up in June at Lockport. Bates was about in the country. I don't know where. I did not see him. I stayed with the boat until I rebuilt her. I then made a couple trips out from Americus and one from _____.

Wintered on board boat at Terre Haute & hauled wood to pay expenses. Bates was there for awhile & worked for his father wagon making. Think I fell asleep - night cap - sleep well. Don't know what took place at Cheesebro lock. - pretty good sight of passengers. Did not know Haas or Keiser at that time. As much the business steersman & bowsman to arrange baggage & more. Baggage generally arranged as put on. I should think on this night baggage extended from bow to middle of boat. Should think there was 25-30 passengers. Can't tell about the rule but have seen baggage taken away when full. Don't know that is the general rule but passengers frequently take their carpet sacks below. Have seen saddle bags below. Thinks Capt Fountain did the

business about right. I didn't arrange the baggage that night - except a BEL of vinegar. Sometimes did such things. I held stick when we left Ft. Wayne. Rained a little before we left Ft. Wayne but not on my trick didn't see any fog. Stars shone but don't recollect seeing moon.

Keiser & Hanna & Capt. Fountain on deck smoking cigars. Seen no change in Bates' affairs to this day. - he got \$18 a month & this would buy clothing & cigars. A young fellow in Mexico wrote to him and another fellow to come out. Volunteered & went to Mexico & served through the war & was acquainted with the country. Took partner in after I bought boat - he gave me \$75. I got my money back. My deposition was taken. didn't hear Capt Fountain say anything to passengers about safe, Passengers very often carry carpet bags & small articles below. I swore to Dep. (deposition?) I didn't think the moon rose at that time. I said I got \$3. per day. I got \$2.50 cash & what meat & lard I wanted & he counted it \$3. After I saw the Keisers in morning I remembered them the evening before. Bates did not go all season with Fountain but stopped & went into grocery store & was there awhile.

XX

Have not heard my deposition read or read it myself since I came here.

ALAMAC introduced. Moon rose 25th Oct '50 - 8:45 p.m. Peff rebutting testimony.

ADA HANNS (HAAS)--Came on the same boat to Toledo with the Keisers from Ft. Wayne. Don't remember when & where we paid fare and don't know whether all paid at same time. That was the general custom. Didn't hear anything of Doyle making remark to passengers to put valuables in safe. If it had been in my presence think I would recollect it. Struck me when I heard Capt. give any notice to passengers to put valuables in safe. If it had been in my presence think I would recollect it. Struck me when I heard Capt. testify that I saw Doyle give Capt his pocketbook. I did not hear Capt. give any notice to passengers about valuables. I saw carpet sacks on deck of "EMPIRE" on that trip - don't know whether saw any below. Likely there was perhaps 20 passengers - I stated the night was dark at Ft. Wayne. Don't remember that I was on deck - didn't see any

moon - never traveled on "EMPIRE" before I think - Heard no conversation between Doyle & his passengers about his liability - for valuables. Part of the time I was below deck.

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Don't recollect that my attention has been directed to this conversation of BRIDE. I may have forgotten, Not positive I saw Doyle hand pocketbook to Capt. but it struck me I did see something of the kind when I heard him testify - Can't tell whether I went on deck soon after paying fare after leaving Toledo. Took our carpet sacks near bow of boat

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Can't say as to the time I paid fare - generally a crowd there and all pay same time

CHEESEBRO recalled - Never rode on "EMPIRE" - has seen her pass & has seen trunks on deck. No brush to yards from tumble - Is at head of tumble race a varnishing ? mill & a great quantity of slabs & blocks. Logs & flood trash plenty of towpath side. Some logs & plank on berm side thrown out of canal. Some 10 or 12 rods from river to lock - Bank is steep from towpath to river from lock. - holes dug for building bank. Brush comes up to slope from towpath bank - on berm side it is steep down - it has been dug up.

BOONE corroborates - Cheesebro has not traveled on "EMPIRE" that I know of. Saw boat pass & saw trunks on deck. - don't know that I can describe other baggage. particularly.

W. HUBBELL - I have boated for last 5 years. I think Bates was on board. Capt. Fountain's boat a couple of trips in '51. Have traveled on "EMPIRE" '50 & '51. Usual place for baggage on deck - think I have always seen all kinds of baggage on deck. Never saw trunks in cabin - thinks deck proper place for carpet sacks. I have seen the carpet sacks on deck but never had any on board "Empire". Have often took freight off from Packets - Took 4 horse loads off "EMPIRE" the morning after this loss. Was in warehouse. They never had any BILLS of Lading. Have known Bowman 9 years. Never saw Bates to know him until after this occurrence. Bowman's character bad. - for truth & veracity. Couldn't say whether I would believe him or not. Never saw Bates until then. Next spring saw him twice.

XX

I live in Lagro. Bowman lived in Lafayette - I don't know what his neighbors say of him at Lafayette. Was on Packet "MISSOURI" 6 years ago. Didn't see "EMPIRE" in '51. I traveled with Capt. Fountain in '51. It may have been the "INDIANA". Have known Bowman ever since I came here. --have heard Capt. Diggins speak of him -- have heard 1/2 day men. yrs 50 men? Bowman has been employed on Canal 8 or 9 trs. The way I happened to get into his character they were talking about this carpet sack. Have heard 20 men talk about Bowman in this town. Milo Felt is one - a couple of Tinklers - Sam Alexander - don't know whether these men have been subpoenaed or not --4 horse loads of plunder - consisted of barrels boxes & bundles of bedding. I saw a Dr. that lives in Manchester with it. It strikes me I paid the charges on it - Have seen carpet sacks on deck & below deck. Never saw \$3,000. on deck. Never examined to see what was in - It was this carpet sack excitement that set people to talking. His reputation was that of being quarrelsome - it was different. Have heard him accused of stealing before this transaction but I can't tell who told me. Geo Dickens told me he stole his watch. Geo Dickens told me this sometime during the summer. A good deal of difficulty between freight boats & packets - A common thing for to have a fuss (muse?) - couldn't say there was or wasn't a general feeling between freight boats & packets. Same summer that carpet sack was stolen that Dickens told me - don't know whether before or after. Warmish-like weather - He was a man disliked & had a great many enemies - a quarrelsome fellow

RE EX

No musses (fusses?) on board "EMPIRE" on account of storing carpet sacks below.

MILO FELT - Have been a boat man 17 years. Bates I don't know. I can't say how long I had been acquainted with Bowman. Reputation not very good - not acquainted with it for truth & veracity. Reputation of none of us very good. Have traveled short distance on "EMPIRE" - Have seen baggage on deck - every sort almost. Couldn't say whether carpet sacks above or below. Have heard him called a d**d rascal - have been called so myself pretty often.

MYRON TINKLER - Have been boating over 5 yrs - not acquainted with Bates. Have with Bowman 3 or 4 years. His character for honesty rather bad for honesty. Have heard a good many men say his word not good for much. From general character I would try to impeach him if I was interested. - If he had an interest or feeling I would be inclined to question it. I have run line boats. Considerable feud & feeling between line & packet boats. Never heard Bowman was quarrelsome - One canal a kind of inquiry going on among Boats this way I have heard of him. Men of all characters can get employment on boats. Have heard Jerry Williams say he would steal. I was in employment of Mr. Felt. Boatmen talk freely on each other - not much about terms. Call each other thieves & rascals. Sometimes when I did not believe the men were such. Can't say that Bowman is intemperate - Have heard more said about Bowman than the rest of them - Not quite half that are pretty hard.- probably 1/3 - Never interested in inquiring after Bowman & never made any. Generally if Capt. knows a man to be thief he lets his friends know it, I reside in Peru. Williams was a Capt. in same line with me in summer of 1850 - when he told me. Bowman has been on his boat L.A. KELSAY & he ditched him. I saw Bowman on "Planet" one season.

RE EX

Thinks Bowman's reputation general among Capts. that all might know it. One can't go out at bow unless they go through Ladies' cabin - the place to go out is at stern.

SAM'L KEISER (allowed under discretion of court) John Keiser & I went to broker's office & had dust weighed & got coin for it - of his own money had \$3300. of his own in a buckskin bag - the rest of gold in bag belonged to Mr. Neely in Iowa. Were together in Toledo. As good many present when we paid fare. Mr. Doyle was present - setting near bale toward door. Didn't hear any conversation about valuables. It strikes my mind I saw Doyle give Capt. something to put in safe. Don't know whether papers or money - Didn't hear Capt. Fountain give any notice about valuables that evening - Berths made on "EMPIRE" about 9 o'clock - Was down when they selected berths & didn't hear any notice. We took our baggage below in BRIDE & cabin boy carried it up on deck. Keiser carried it up below & it was carried up a second time. I think if any such remark as Doyle's been made I would

have placed my money in capt's hands. I had about \$3000. Keiser had charge of carpet sack, I sometimes took care of it more than he did. Don't know that anyone ordered cabin boy to take carpet sack up - the last time he took his carpet bag below the cabin boy told him it was no place for baggage. Didn't hear Keiser say anything to Capt. or Capt. to him. I went down & paid my fare when bell rang with other passengers. Cabin boy carried both sacks up - mine was a valise.

SAM ALEXANDER - Some Acquainted with H. Bates - his character is rather bad. have heard people say he was not very honest

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Most I ever heard was from Capt. Dittenburr? Some others I don't remember. Don't know anything against his character for truth & veracity. Have heard similar remarks about other persons.

CAPT. FOUNTAIN - Bowman generally called for his wages as he earned them from \$1 to \$5. Don't recollect as to Bates.

PEFF here closes his rebutting evidence.

Defat. moves to strike out Peff's affidavit. Overruled.

JOHN L. IDDINGS - Have resided in Peru for ---years. Know Robert Bowman some. Knew him at Lockport. He was boating there for Beard & I keeping grocery. He is about as other boatmen.

CAPT. WM. DALE - Have been boating for 6 yrs. for Mr. Doyle - Believe I know Bowman's general character. So far as I know his reputation is good. It is about as good as other boatmen. So far as I know his reputation is good. I have never heard it questioned. No Capt. has ever notified me that his character was bad. I would believe him under oath. I heard testimony of Mr. Samuel Keiser. Have no change to make in my former testimony. relative to Doyle & Keiser's conversation on the "BRIDE". Am positive as to what occurred on the "BRIDE". Have known Bowman for 8 or 9 yrs. Was on my Packet "ILLINOIS" in '46 or '47.- don't know whether he was on any other boat of Doyle except "EMPIRE" - Never heard his truth called in question - nor in profanity. Their character a matter that does not much concern me.

There might have been things said against Bowman in my presence that I have forgotten. Never heard William Diggin say anything about him. Never heard anything either way about Bowman's truth & veracity. Don't recollect telling Keiser in Lagro that Bates & Bowman had got money or were suspected of getting it. Have no recollection of hearing since this occurrence that Bowman was suspected of taking this money.

CAPT. FOUNTAIN - Became acquainted with Bowman in 1850. His character in Lafayette was good - I think I had an opportunity of knowing his character. I would believe him under oath. He resides at Lafayette.

XX

Have known Bowman most of time for 5 years. To some extent I know his general character - Don't know that I know his general character along the line. (fully) Heard of Bowman occasionally after he left me. I did not telegraph to Mr. Keiser to keep a look out for Mr. Bowman - don't remember of telegraphing to Mr. Keiser. Keiser asked me many times about Mr. Bates & Bowman - requested me to keep them on & trip to make discoveries which I faithfully did. Several persons expressed some suspicions & asked me concerning affair. Their suspicions grew out of Bowman on boat at time.

JOHN VON VULLUBER(n). Have been boating now for 7 yrs. Am now running boat for Foote - Know Bowman since '44 and am acquainted with Bowman & his character is good as any boatman. They are called a pretty hard set. I could believe him under oath. Have not seen him in winter the last 2 winters. Never heard anything against his character. Never heard him called quarrelsome. Never heard any conversation about his truth & veracity

BOWMAN - Mr. Williams & I didn't agree - we didn't get enough to eat & I got off his boat. He never preferred any charge against me for stealing his watch.



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