

New Jersey Supreme Court.

MERCER CIRCUIT.

HENRY D. JOHNSON,

et al.

THE INHABITANTS OF THE
TOWNSHIP OF PRINCETON.

In case.

On rule to show cause.

G. D. W. Vroom, attorney of plaintiff.

Thomas G. Layle, attorney of defendants.

Defl
plff

State of the Case.

This cause coming on to be tried at the May Term, 1868, of the Mercer Circuit Court, before the Hon. Mercer Beasley, Chief Justice of the Supreme Court, holding said Circuit Court, upon the issue joined in the pleadings, *pro ut* the same, and the parties then and there stating in open court that they consented and agreed to waive a trial by jury, and that the issue joined in the cause aforesaid, should be tried by the Justice holding the said Circuit, pursuant to the statute, the following testimony was offered and given by the plaintiff's witnesses.

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PROCEEDINGS OF TOWN MEETING OF PRINCETON TOWNSHIP, HELD
JULY 16, 1864.

PRINCETON, July 16th, 1864.

Pursuant to a call from the clerk, a special town meeting was held at the house of Henry Berrien, (Nassau Hotel,) for

the purpose of raising money for volunteers. The meeting was called to order, and Henry D. Johnson was chosen Moderator. The object of the meeting being stated, the following resolutions were presented, and unanimously adopted:

WHEREAS, it is evident that at an early day, the President of the United States will issue a call for a sufficient number of men to replace those whose term of service is about to expire, as well as the losses of the recent campaign, and as Princeton township will be called upon to furnish its quota
10 under this expected levy, it is wise to adopt such measures as will tend to secure the required number of men, without resorting to a draft therefor;

Resolved, That the town committee of the township of Princeton be authorized to borrow a sufficient sum of money to pay a bounty of five hundred and fifty dollars to every person who will volunteer for three years, or will procure a substitute for that length of time; and also a proportionate part of said sum of five hundred and fifty dollars to any man drafted under the expected call, or to any substitute procured
20 by him, for the time for which said drafted man or his substitute shall actually be mustered into the service of the United States, until the entire quota of the township shall be filled: *provided*, that no portion of said bounty shall be paid to any volunteer or drafted man or substitute, until he shall have been legally mustered into the service of the United States and properly placed to credit of Princeton township.

Resolved, That without intending to restrict the town committee as to the exact manner of making the loan, or the time of payment, it is hereby recommended, that the time, if
30 possible, be extended through a term of years, so as to make the burthen of taxation fall as lightly as possible upon the people.

Resolved, That the township committee be authorized to appoint some suitable person to procure volunteers for said township.

Resolved, That the town committee be instructed to make application to the next legislature for a law to legalize the action of this town meeting.

HENRY D. JOHNSON, *Chairman.*

40 LEWIS ANDREWS,
Township Clerk.

PROCEEDINGS OF TOWN MEETING OF AUGUST 27, 1864.

PRINCETON, August 27th, 1864.

Pursuant to call from the clerk, a special town meeting was held at the house of John W. Leard. The meeting came to order by the clerk reading the notice, and electing Josiah W. Wright, Moderator.

The following resolutions was offered :

Resolved, That the town committee proceed immediately to fill the quota for this township, by paying such amount for volunteers as they shall find necessary for the purpose, 10 and that we hereby pledge ourselves to support the committee in carrying out this resolution.

Resolved, That this meeting adjourn.

JOSIAH W. WRIGHT.

LEWIS ANDREWS,

Township Clerk.

PROCEEDINGS OF TOWN COMMITTEE OF JULY 20, AND DECEMBER 5, AND 16, 1864.

PRINCETON, July 20th, 1864.

According to notice, the committee came to order. Present, 20 Henry Van Dike, Augustus S. Case, John Leigh jun., and A. L. Rowland, Leroy Anderson ; Henry H. Van Dike, chairman.

Resolved, That a committee of two be appointed to confer with Mr. Cutler, to see the lowest price he will furnish volunteers.

Resolved, That Henry D. Johnson and John W. Fielder be appointed to confer with Mr. Cutler.

The committee report that the gentleman would furnish the substitutes for the sum of five hundred and fifty. 30

Resolved, That this report be accepted by the committee, and the committee of Henry D. Johnson and John W. Fielder be continued, to make the arrangement to furnish the substitutes for the above amount.

Resolved, That a committee of two be appointed to canvass the township, and see how many persons are willing to fur-

nish substitutes, and take the township obligations for five hundred and fifty dollars, payable next May, with interest from date.

Resolved, That this chairman of the committee be authorized to sign bonds for the bounty loan.

Resolved, That this committee adjourn to meet at the call of the clerk, to meet at John S. Leard's.

(Signed)

LEWIS ANDREWS,
Township Clerk.

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At a special meeting of committee, held at A. L. Rowland's store, Wednesday, August 24th—present, A. L. Rowland, Augustus S. Case, Henry H. Van Dike.

Resolved, That the recruiting committee of Princeton township be empowered to fill the quota with one or three year's men, at their discretion as to the amounts of bounty for one year's men.

PRINCETON, DECEMBER, 5th, 1864.

The township committee came to order. Present, Henry H. Van Dike, Leroy Anderson, Augustus S. Case, and John Leigh jun.; Henry H. Van Dike, chairman.

Resolved, That Henry D. Johnson and John W. Fielder, be appointed to attend to the renewal of the notes at Trenton and Princeton Banks. Carried.

PRINCETON, DECEMBER 16th, 1864.

According to notice, the town committee came to order. Present, Henry H. Van Dike, A. L. Rowland, Augustus S. Case, Leroy Anderson, John S. Leigh, jun.; Henry H. Van Dike, chairman.

30 *Resolved*, That the chairman of town committee issue bonds, bearing date August 29th, 1864, to the amount of \$4368, to Henry D. Johnson, being the amount lost and refunded by Henry D. Johnson.

Evidence.

Henry H. Van Dike, sworn.—I was chairman of the township committee of the township of Princeton in 1864. Five certain promissory notes, given by the inhabitants of the township of Princeton to Henry D. Johnson, and two to A. W. Martin, being shown witness, he says—the signature to the notes is mine, and they were issued in pursuance of the resolutions of town meeting and town committee, just read; I often signed notes, and left them with Andrew L. Rowland, treasurer of the bounty fund, to be filled up; Mr. Rowland was a member of the town committee; I was also a member 10 of the said committee. The notes issued in pursuance of these resolutions to others, were all in this form; a large number of these notes were issued, for the purpose of procuring volunteers and raising money.

Cross-examined.

When we issued these notes, we made a minute of them in a book; it was down on the margin of the note book. Book shown witness, says, it is the note book; I find a minute of them; No. 72 for 1000; No. 73 for 1000; No. 74 for \$1000; No. 75 for \$1000; No. 76 for \$368; all dated August 29, 20 1864. Also, No. 68, dated December 12, 1864, to A. W. Martin for \$100. The note on the margin is not in my handwriting; none of those issued to Mr. Johnson are filled up in my handwriting; I think Mr. Martin's are in my handwriting; Mr. Johnson's, I think, are in Mr. Rowland's handwriting, I think I delivered to the parties two or three notes when I signed them—I mean Mr. Martin's; I did not deliver any of Johnson's; I delivered others, one to Mr. Slayback, don't remember any others; my usual way was to sign them and deliver them to the treasurer; I signed Mr. Johnson's 30 upon the same consideration that I did others; I didn't sign the notes to Mr. Johnson under any inducement; I signed my name in blank to most all of the notes issued, and left them with Mr. Rowland; I was not in town all the time;

when I signed the first one, I don't know, as I knew it was for Mr. Johnson, for I generally signed in blank and left the book with Mr. Rowland. Don't know whether I signed all Johnson's notes on same day; can't tell on what day I signed them; it is most probable I signed them on December 12, 1864; don't remember whether I signed them in August or not. When I signed them, I supposed I was obeying the resolution of the township; I signed them as I did other notes; I don't think I signed before the committee directed
 10 me to. I don't know whether I signed these notes before or after the meeting on the 27th, of August.

Re-examined.

Note No. 72 shown witness, he says—it is filled up by Rowland; says the same of No's 73, 74, 75, 76; No's 68 and 69, given Martin, I filled up myself; I don't know of the committee or treasurer ante-dating notes. Note book shown witness, says—we call this the Bond Book of the township for the bounty fund, this was the record for the township for the bounty fund.

20 The notes given by the inhabitants of the township of Princeton to Henry D. Johnson and to A. W. Martin, and endorsed by Martin to Johnson, offered in evidence by plaintiff. [Objected to on part of the defendants, and objection sustained by the court.]

Andrew L. Rowland, sworn.—I was a member of the township committee of Princeton township in 1864; was treasurer of the bounty fund. The Book of Bonds issued, being shown witness, he says—it is a book I had printed, to have a record of the indebtedness of Princeton township on the bounty
 30 fund. Notes issued to Henry D. Johnson, shown to witness, he says—I filled up the date and amount myself; they were checks taken out of this book; I can find the margin for each one; I filled them up, when I had satisfactory evidence of the township of Princeton being indebted to any one on the bounty fund; I had satisfactory evidence of the township of Princeton being indebted to Mr. Johnson on the bounty fund, and filled them up and gave them to him.

No's 68 and 69; given to Martin, shown witness, he says—they are filled up, I think, by Van Dike; they are endorsed by Mr. Martin, I know his signature; they were on the indebtedness of the bounty fund; a large amount of the whole indebtedness was ante-dated; the notes to Johnson were issued after the meeting in August 27th; all we have were so issued. The evidence given us for issuing notes, often was the placing volunteers to the credit of Princeton township; I had the evidence in this case, of Johnson and Fielder's filling the quota of the township, and of money borrowed by 10 Johnson out of the Trenton Bank placed by him to the credit of Princeton township.

Cross-examined.

We did not pay any particular sum for volunteers; we paid from \$550 to \$800, and sometimes \$1000, for a man; all we know was that the quota of the township was filled; it all went in a general fund; I couldn't mention any particular man who received it; we did not place in Mr. Johnson's hands a sufficient amount of money to pay all volunteers they procured; he and Mr. Fielder kept an account together; 20 I couldn't say that we placed in the committee's hands what would be sufficient to get volunteers; we did not only take the certificate of Mr. Johnson and Mr. Fielder, on which to give these notes; when these notes were given there was no money, there was not money enough in the hands of the committee to pay the bounties for volunteers; it was reported by the committee, Johnson and Fielder, that there was an amount of money lost; I don't remember what amount; it was over \$4000.00. In settling with Mr. Johnson we charged him with \$4368.00 lost money. This money 30 was chargeable to Princeton township; it had been placed in his hands to procure substitutes or volunteers; this deficiency was just about made up by these notes; they were exactly the amount; they were made to return to Mr. Johnson the amount of money he borrowed of the Trenton Bank, to use for Princeton township, in procuring volunteers; it was done by him to keep up getting volunteers; when this money was lost, we hadn't money to go on getting volunteers; I was authorized to go on and borrow money and issue these

bonds; Mr. Johnson said he would borrow and use for Princeton township the amount, or loan the amount that had been lost; I told him, if he would do so, he should have the bonds of Princeton township for it. The bonds were not issued in August but in December, on satisfactory evidence that he had got the money and used it. In the settlement, the money is charged to Mr. Johnson, in the account current that that committee kept, in the spring of 1865; the report was rendered by the township committee. In the
 10 settlement with him, there was a charge made against him of money lost. We kept an account of all our expenses, and charged him with \$4368.00; this was the amount lost; it was that amount that the bonds were issued for, and these are the bonds, except those two of Martin's. We did this, authorized by the inhabitants of Princeton; we acted as their agents. The debt against Mr. Johnson has never been liquidated; it stands against him yet.

Re-examined.

A promissory note for \$4400.00, payable to the order of
 20 Andrew L. Rowland, shown witness, he says—the signature to this note is that of Henry D. Johnson; it is dated August 29, 1864, and the signature on the back is mine. A promissory note for \$4400.00, same amount, and payable to the order of Andrew L. Rowland, shown witness, he says—this note is signed by Henry D. Johnson, and dated December 30, 1864; the signature on the back is mine. The first note was given to procure volunteers and substitutes; Mr. Johnson agreed to lend the money and use it for the purpose; the
 30 second note is a renewal of the first note; the notes were subsequently taken up and paid by Henry D. Johnson.

Check of Henry D. Johnson, for \$4309.59, shown witness, says—it is payable to Henry D. Johnson and J. W. Fielder; it is signed by H. D. Johnson. The note first shown me is, I am satisfied, the original note given by Johnson, and the second note is also the original note given by him, as is also the check. I have seen the bank book of Fielder and Johnson, but could not identify it. Mr. Fielder was appointed with Mr. Johnson to do this business for the town committee, and they kept an account in the Trenton Bank. We had in

reality but one settlement with them. In our statement the purpose is to show the people of the township what has been done with the money; it is a settlement of the town committee with the people of the township, and not a settlement with any individual or with Mr. Johnson.

Re-cross-examined.

The entry in the bond book, "lost and returned," opposite the notes given to Mr. Johnson, did not mean money replaced for that lost, but only to indicate the amount lost; it was our only account kept. I think I made the change on 10 the margin, from "returned" to "reloaned;" don't know when I did it—perhaps the same day; don't know that it was made out in the spring; I wrote money "lost;" I meant money drawn out of Princeton township, belonging to the bounty fund; we had our first evidence of the loss from Krauskopf; I met him at the depot; he said Mr. Johnson had lost an amount of money—I heard Mr. Fielder say so; Mr. Leavit Howe also, and then I heard Mr. Johnson say so.

Re-examined.

The money was in the joint possession of Fielder and 20 Johnson; we, as a committee, settled with them jointly; their general fund on volunteering was a joint account.

Re-cross-examined.

We charged the money to Johnson, because it was reported he lost it; Johnson knew that in making the final settlement, that we charged the money to him, to the people of Princeton township; I don't think he aided in making the report—he was there; I think he did not advise, and did not know of the making the report. He and Fielder were allowed the expenses they incurred themselves; it was a very 30 small amount any how.

Plaintiff offers in evidence the two promissory notes drawn by Henry D. Johnson to the order of John W. Fielder, and dated August 29, 1864, and December 30, 1864; and the check drawn by H. D. Johnson, to order of Fielder and Johnson, for \$4309.59.

Plaintiff offers five promissory notes, given by the inhabitants of the township of Princeton to Henry D. Johnson, and signed "Henry H. Van Dike, chairman of township committee;" four for \$1000.00 each, and one for \$368.00, and also two notes for \$100.00 each, given by the inhabitants of the township of Princeton to A. W. Martin, and signed by Henry H. Van Dike, chairman, &c., and endorsed by A. W. Martin. [Objected to by defendants, and objections overruled by the court.]

10 Plaintiff rests.

The following testimony was given by the defendant's witnesses.

Andrew L. Rowland—The notes mentioned were given by me under the authority of the township; I delivered them to Henry D. Johnson, by virtue of a resolution of town committee, passed at a meeting held December 16, 1864. Resolution read and proceedings of town committee of December 16, 1864, offered in evidence.

20 Cross-examined.

The reason the resolution was passed was this—I stated I had borrowed that amount of money from Mr. Johnson, and it had been placed to the credit of Princeton township; the understanding between me and Mr. Johnson, when the note was discounted at the bank, was, that I promised to give Mr. Johnson the bonds; I told the committee, and they approved it, and passed this resolution doing so.

Defendants rest.

The court here ordered the plea of the defendants to be
30 amended, in order that the case might be tried upon its merits. The defendants then amended their plea, and pleaded payment and notice of set-off.

Thereupon the plaintiff proceeded with the examination of additional witnesses, and the following testimony was offered and given by the plaintiff's witnesses:

Henry D. Johnson, sworn.—In the month of August, 1864, the people of Princeton were alarmed in regard to the draft; a special town meeting was called on the 26th day of July,

in order to devise means to fill the quota; resolutions referred to were passed; the town committee understood they were empowered to appoint persons to procure substitutes. The first cause of the appointment of Mr. Fielder and myself, was the presence of a person in Princeton, who said he would fill the quota. Some persons in Princeton said they would prefer to put in substitutes themselves; this man only desired to put in volunteers; other parties wanted to serve us; we telegraphed to this man, and he did not answer us; we entered into negotiations with persons in Trenton; the township placed an amount in the hands of Fielder and myself, also a note for \$10,000, payable to the order of chairman of the township committee, and signed by Richard S. Field, Alexander Hamilton, Hendrickson, and others, and also some checks. The note was handed to Mr. Fielder; Fielder endorsed the note, and it was placed to our credit. Fielder and myself signed a note for \$5000; it was left at the Princeton bank, payable to the order of the chairman of committee. Bank book of Trenton Banking Company with J. W. Fielder and H. D. Johnson, shown witness, he says— 20

It appears the \$10,000 was not discounted the first day we came down; we deposited the first day, checks and notes on Trenton banks for \$4,350.00; we had some notes of Princeton bank, and checks on said bank, which were refused by the Trenton bank on deposit; their excuse was, they hadn't sufficient greenbacks to pay our checks. The men to whom this money was to be paid, refused to take anything but greenbacks. A man from Frankfort, Pa., said he had placed five men in the marine corps to our credit; he met us the same day in Trenton; I think he claimed \$2700.00; it turned 30

out afterwards he had done it through the agent who wanted to fill our quota; I prevailed upon him to take in payment these Princeton checks and notes, representing that the said bank made their exchange through the Mechanics bank, in Philadelphia, and if he took them there, he could get what he wanted for them. In the course of two or three days after this, I was attacked with the bowel complaint, and remained home from Thursday till Monday; on Monday I went up to see Mr. Fielder; he wanted me to go to Trenton with him; he told me to get the proceeds of the \$5000.00 40

note, as he wanted to use it; I consented to do it; my son went with me to the bank; I told the cashier that Mr. Fielder wanted the proceeds of that note, and as we had difficulty with their notes, wanted greenbacks. I also borrowed of Henry B. Duryee \$1000.00, to use for the township, for which I gave my personal note. They agreed to give me the proceeds of the notes; the money was done up in \$1000 packages; I think there was \$5300, making five packages of \$1000, and one of about \$300. To make up the

10 proceeds of my note, he gave me six \$100.00 bills of the Princeton bank, which I put in my pocket-book; the remainder of my check was included in this package of greenbacks. Without counting it over, I put it in the side pocket of my coat; my recollection is, I got Mr. Rittenhouse to take me to the depot; came to Trenton, and met Fielder between the corner of Warren and State Street House; said he was glad to see me and wanted some money; he wanted to know if I had got money; he wanted to pay Mr. Howe and Mr. Bruere; I think he said he had borrowed \$50 of

20 one, and \$50 of another, and \$25 of another, which amounts he paid to them, when I handed it to him. I had \$100 of our first moneys in my pocket-book; I took this \$125 out of my pocket-book; we went to the provost marshal's office; we met a gentleman who had furnished a volunteer; we were to give him \$500.00 for the volunteer, and \$50.00 to pay him for procuring him; I handed Fielder the money from the package. After a while I met Mr. Marcus Krauskopf; he had an opportunity of putting in a substitute, and he wanted to borrow \$800.00; I said if he would take \$600.

30 00 in Princeton bills and the balance in greenbacks, I would do it; he said he would; I gave him \$600.00 from my pocket-book, and went out behind the provost marshal's office and got out \$200 from my package; I drew up a little due-bill in lead pencil, he signed it, and I put it in the bundle with the greenbacks; I don't think we spent any more money that day. At the hour of four o'clock we started for home; I had the bundle in my pocket; next day we came down to Trenton again; being weak, I brought a cane with me to support myself; I had the money in a package, also

40 \$167.00 of my own money, and Krauskopf's receipt or due-

bill, in the package. I could not deposit it in the bank, as the bank would only take greenbacks. Before we left Princeton, we had a little excitement about a black man. West Windsor wanted to get him; went to Trenton to provost marshal's office; we found the black man there, with the West Windsor committee, among them Elisha Jewell; Mr. Jewell and Mr. Fielder had quite a hubbub about him; don't think we got any one that day. Excepting dinner time, we spent most of our time at the provost marshal's office. Dined at Toms' hotel; after dinner, we 10 went to the provost marshal's office; then Mr. Fielder said to me he didn't know exactly how he stood; he desired to compare accounts; we did this in the saloon adjoining the State Street House. We didn't get it to his satisfaction there, and we went to Toms' hotel, and sat down to a round table, in the back room, between the bar and dining room; I had nothing to figure on; I knew I had a slip of paper in the bundle; this I took out and figured on it; Fielder then wanted me to write to a man named Harker, in Philadelphia; we had not writing materials there; I went into the barroom; Mr. 20 Toms was behind the bar; I asked him for some paper; he stepped around to the desk and handed it to me; I dated the letter, and undertook to write the man's name; not remembering it, I turned to ask Fielder the name; he was still in the next room; I remembered I had a telegraph from the man under the bundle of money; I was afraid to lay the money down, but then concluded to lay it on the end of the bar; I then took the papers out and laid them down too, and must have shoved the money back a little; I got the envelope and telegraph and stepped around to the 30 desk, so as not to forget whether there was a "p" or a "k" in the man's name, at the same time shoving all the papers in my pocket together, and must have forgotten after all the bundle of money. The desk was on the end of the bar counter. Mr. Fielder and others commenced conversation about going to Washington to see Mr. Rafferty; he took out his memorandum book to write on his knee; started to write the name, then he rose up and placed the book on the end of the counter, and, I think, he must have shoved the bundle back a little, if then there; he wrote 40 there; Sheriff Hammell stood right in front of where the

money was on the bar; Josiah Wright stood right beyond the bundle, up against the bar, at the right of the sheriff; Leavitt Howe was next to Wright; while I had the money in my pocket, I was accustomed to feel, to see if it was there; I had been standing with my arm upon the desk, while Fielder was writing; I had become cooled off, and did not miss the money when I put my arm down.

After this Gordon and Wright stepped out to the front door; they were members of the board of freeholders; Ham-
10 mell went along, I believe, to hear what the indebtedness of the county was; I remained at the desk writing; Fielder remained writing at the bar his memorandum about Rafferty; I read the letter to him; he suggested a postscript, which I added; I then asked Toms for an envelope; he was waiting on customers below; I stepped around to front of the bar, and asked Toms for the envelope, with the letter in my hand; he left the persons he was waiting on, and came up to the desk and commenced looking for one; he turned over some papers, and gave me one; while the
20 desk was open, I threw in the balance of the paper I had been using. I lost the sight of my left eye entirely in 1844. At this time some person was sitting in the back of the barroom; Howe went back, and sat down to read a newspaper; Toms handed the envelope to me, I folded the letter on the book of entries, and stepped up to desk and directed it; when through, Fielder said it was time to start; he went into next room and came back with a linen over coat; on passing the corner of the bar, having my blind eye next to it, I picked up my cane, the white handle of which I saw in
30 some way; don't know whether with my right hand or left; think it must have been with my left, for if with my right hand, my range of vision would have caught the bundle, if there; I stopped at the door to talk with Wright about the debt of the county; the person who was sitting in front of bar against front window and reading paper, then passed out; I went on and joined Fielder and Howe; I stopped and put the letter in the post office, and joined Fielder and Howe in front of Mr. Dutcher's old office; we stopped at Major Cunningham's and took a drink of claret; went on to the
40 depot, and upon getting out a twenty-five cent stamp from

my right hand vest pocket, I put my cane under my left arm, and missed the money; I said to Fielder, "by the God's I have lost my money," I left it on the end of the bar at Toms, I think; he said, I think you left it in the room, on the table; I said no, I only took a slip out of the bundle there, I think I left it on the end of the bar; he said, shall I go back with you; I felt benumbed at his saying this, and turned right round to go back. When at Cunningham's, I heard a wagon coming over the bridge, and on turning round saw Fielder in it, going round by Cunningham's; went on 10 down, met Tulane; when I got to Toms' met Fielder; he said he had looked for the money in the back room, and did not find it; Toms was standing on the porch; we all went back into the bar room; I think Hammell and Wright went back with us; we were talking about the money; Toms suggested the money must have been picked out of my pocket; we went into the back room and a clerk in a bank said something about thinking he saw a bundle on the table; there was some talk about searching persons; Hammell, Wright and Gordon offered to be searched; Toms offered 20 to search the house; Fielder and I talked about what was to be done; he suggested a reward be offered for the recovery of the money; we did it, putting it in all three of the Trenton papers; we took the 8 o'clock train home. On way home we talked about search warrant to search Toms' house; I thought the person who sat reading a paper might have taken it; on arriving at Princeton, we consulted with Wright and Hamilton and others, until twelve o'clock, when, concluding nothing could be done that night, went home; went to Trenton next morning early—drove down—spoke to 30 Toms about who were in the barroom; he didn't know the one man sitting at the window; the other was Furman South, of Sandtown. With the train from Princeton came a number of Princeton men. Alexander Gulick suggested a search warrant for Toms' house; consulted with others about it, among them were Officer Dean, who didn't advise it. The money was wrapped up in an outside sheet of a counterfeit detector. Toms' said there had been a great many persons there that day; he showed me the cash book; Toms was twisting a piece of paper in his hands, he dropped it, and I 40

took it up and twisted it, and on examination found it to be a piece of a counterfeit detector ; I showed it to Mr. Stryker ; he said it would amount to nothing, every one had a counterfeit detector.

Along in August, about the 27th, our funds got low, and we found it necessary, in order to fill the quota, to have more money, and I proposed to Mr. Rowland to raise the money, and he said, if I would, he would give me evidences of indebtedness, such as these ; I told him if he would, I would
10 furnish the money.

The loss occurred, I think, on the 9th of August ; there was \$4535.00 in the bundle ; \$4368.00 belonging to the township, and \$167.00 belonging to me, and also the receipt of Mr. Krauskopf for \$600.00 ; I had no other receipt from him ; I bought the Martin notes before maturity ; I allowed the full value of the notes, principal and interest. The township committee never made any demand for lost money, or for restitution ; talking about it with Mr. Rowland, I told him I felt honorably bound to make some sort of restitution for
20 it, and borrow the money and lend it to them, and he offered to give me bonds for the amount I might advance ; he offered to give them to me at the time ; I told him I would prefer he would consult the committee about it ; no meeting of committee held until December ; this meeting somewhat compulsory, to meet the payment of notes in the bank. Mr. Fielder and myself did not settle our final account until April, 1865 ; at the time of settlement, they did not demand the restitution of the money from me, but in the report they put it down as money lost ; there was also other money said
30 to be lost ; Mr. Fielder claimed he had lost \$47.00, which he didn't think he ought to lose ; this sum was not, I think, charged to me in the settlement made with me ; Mr. Fielder and myself, under resolution of July 16, 1864, were appointed without any understanding or agreement as to any compensation, and we received none, save our mere incidental expenses. At the time the money was borrowed out of the bank, it was done on account of the scarcity of money.

Cross-examined.

40 I had determined not to make any charge for services,

prior to loss of the money; I decided that in the first place, when appointed; nothing was said about it, but I so understood it; the matter was talked about between Mr. Fielder and myself; don't know whether the first conversation was before or after the loss.

When I scraped up the papers, I think I left the money package on the counter where I had lain it down; I only infer I left it there: I don't think, from that time till I got to the depot, anybody took it out of my pocket; I suppose such a thing might have been done; don't think it was; I 10 remember distinctly laying down the bundle on the counter; it was wrapped up; the ends of the bundle might have been open at one end, for I stated I took a slip of paper from it; the covering was the outside sheet of a counterfeit detector; when I went back in the afternoon, I got Mr. Toms to go back of the bar to make search for it; I don't think I went back of the bar; he was outside the house when we came up; I laid my cane right on the end of the bar; I left the cane there until I had written the letter; if I had not seen the white handle, I think I should have forgotten the cane, 20 too; I only opened the bundle once, that was to get out the one slip for Fielder; after holding up my arm some time, my body became cool; I felt nothing on dropping my arm; the bundle I carried was greenbacks, whole length and width out; don't think I put my cane under my arm at Cunningham's; I paid for the drinks, we sat down to drink. Gulick's impression was strong that we should get a search warrant; he said he would give me \$1000.00 for the chance of getting the money; I didn't call at the Princeton bank to see about the counterfeit detector; I thought the piece I found might 30 possibly be a clue; I saw Mr. Toms pick it up off the counter; I put it in my pocket-book; I offered a reward the same night; no person other than I have mentioned in the bar-room; I forget whether I saw the mayor about it that night or the next morning; it was about a half hour from the time I laid the papers down on the counter until we started to go home. In connection with the giving these bonds, I said I would either hold the balance in my hands or take the bonds; the balance was \$1971.00; but I told the committee I thought they needed the balance; I didn't tell them I would allow 40

- my note to go to protest. There was no other compulsion about their meeting in December, than that they had to meet the \$10,000 and \$5000 notes. I did not tell them I would not pay over the money I had in my hands, unless they gave me bonds; Mr. Rowland wanted me to retain the balance in my hands; I told him I thought they wanted the money in payment of the \$10,000 and \$5000 notes. It was at that meeting they resolved to give me bonds; all the committee were present; none voted against giving them to me; Mr. Leigh and Mr. Anderson were both present; no one voted against it; I know three voted for it. I never applied to them to make up the loss; I never applied, nor did any of my friends, to town meeting; there was an understanding between the committee and Dr. Atwater, who was to make a statement to the town meeting, but before the report could be read, I understand Mr. Hageman moved to adjourn. I applied to the treasurer, in pursuance of a notice in the paper, for the exchange of old to new bonds; I first applied to the chairman and then to Mr. Wright; he said, personally he would have been glad to do it, but he said a resolution had been passed not to either pay me or exchange the bonds for others. I did not help prepare the report of the committee in reference to Fielder's loss; it was prepared by the town committee; my impression is that I was not at the town meeting in August 27, 1864, yet I might have been there.

Re-examined.

It was a new committee that passed the resolution refusing payment of my bonds; their refusal was by resolution in May, 1865.

- 30 *George T. Olmstead*, sworn.—I am and was in August, 1864, cashier of the Princeton bank; remember Mr. Johnson calling in August, 1864, to get a note discounted at the Princeton bank; I discounted the note for him; don't recollect whether he had a check of Henry B. Duryee's; the teller may have paid it, while I was paying the note; I paid him the note in greenbacks, less the discount.

Josiah F. Johnson, sworn.—Am a son of H. D. Johnson's;

went with him, on 9th of August, to Princeton bank; he went to get some money; saw the clerk wrap it up; it was quite a large amount of money; he put it in his side pocket; it was wrapped in an outside leaf of a bank detector.

Cross-examined.

I saw him put it in his pocket; it was from two to three inches thick; he had other papers in his pocket; saw him take them out; I know some papers were put on top of the money; he might have had other papers there; don't know how large a bundle they would make.

10

Ezekiel Gordon, sworn.—I was a chosen freeholder of Mercer county; was in Trenton on the 9th of August, 1864; it was the day Johnson was reported to have lost some money; saw Mr. Johnson in the afternoon; I did not see him have a bundle; I was in the barroom with Johnson, Fielder, and Wright; didn't see his bundle; saw his cane on the counter; then saw a bundle on the counter with the cane; the cane, I think, lay across it; Mr. Wright, Hammell, and Howe were in the room; Wright and Hammell stood a little piece from the bar; heard of the loss in something like half an hour; when Fielder and Johnson came back, they were inquiring around for the money; don't recollect anything being done, but common alarm that money was lost; Mr. Toms was tending behind the bar.

20

Cross-examined.

Was in the barroom; was there from the time Johnson left till he returned; think Johnson was in when I came in; couldn't tell exact shape of the bundle; don't know that it was money; Wright and Hammell were there all the time, and there when he went; can't say whether he took his cane; I was in the bar until he came back; I was sitting part of the time, and part up, talking about recruiting; don't know Toms' position while Johnson was gone, or where he was when he came back; South was there all the time; didn't see any person reading a newspaper; couldn't tell all who were in the barroom while Johnson was gone; heard nothing

30

said about a package of money after Johnson had gone until he came back.

Josiah W. Wright, sworn.—Lived in Princeton in 1864; was frequently in Trenton; was there, in Toms' barroom, the day the money was lost; Johnson came in with Howe and Fielder; I didn't know he had a large amount of money with him; I saw Johnson writing at the counter; Mr. Fielder was the nearest to him; I stood near, with Mr. Hammell and Howe; was on stoop when Johnson went away; went
10 in afterwards; heard of the loss when Johnson and Fielder came back; we were in the sitting-room at a table; may have been at the bar while they were absent; we may have taken a drink—don't remember. They came back in about half an hour. May have taken a drink, and think it was fifteen minutes before I took a drink.

Cross-examined.

Don't know what became of money alleged to be lost that day; Toms was behind the bar, waiting on his customers; his bar-tender was absent; Toms may have been out on
20 stoop when Johnson was gone; don't know anything about it; when Johnson returned, Hammell and I were in the sitting-room; can't recall any one being in the barroom when Hammell and I passed into the reading-room; a man reading a newspaper sat about eight to ten feet from rear end of counter; don't know who he was—man or boy; don't know whether he was there when Johnson came back.

John W. Fielder, sworn.—I was appointed with Mr. Johnson to fill the quota of Princeton; I recollect asking Mr. Johnson to bring down the proceeds of a note, which I
30 thought we would want; asked him on Monday; I suppose he brought it down; never saw the money; I asked him for money; think he gave it to me out of his pocket-book; it was from \$50 to \$125; I paid it to the brokers. Was with him in Trenton the day he lost the money; we were in the provost marshal's office—he down stairs and I up stairs; I asked him for money, and he gave it to me, handing it up the stairs; it was about \$500.00. We always paid cash,

generally in greenbacks, unless the men knew us. The office closed at four o'clock; we then went to Toms' hotel; there we went through the barroom to a small room to a circular table, and adjusted accounts; I then suggested to him to write to Harper, or Harker, in reference to going to Kensington; he went in the barroom for writing; next saw him when he was writing; I saw no bundle or cane on the bar; I went right up to him when he was writing, and suggested to him to make a postscript, which he added; we didn't go straight to the depot; think he went to the door and talked 10 some ten minutes to the freeholders; I then walked up and down the barroom; I then suggested to Howe, who was sitting at the table, that it was near five o'clock, and we passed Johnson at the door; he went into the hotel at once, came right out, followed and caught up to us, as we were going into the depot together, I saw Johnson put his cane under his arm, and he exclaimed: "Fielder, by the gods, I have lost my money." Says I, what money; says he, the \$6000.00; says I, what \$6000.00; says he, \$5000.00, the proceeds of the note, and \$1000 of my own; says I, where did you 20 leave it; says he, on the counter at Toms'; I said, you had better make tracks back, can I assist you; he said, I don't know that you can, and immediately started back. I bought my ticket, went out on the platform, and told Howe, who said he was going home. I said I would go back, and not leave Johnson alone; I got in a carriage, passed Johnson on way; on arriving at Toms' hotel, I found Toms sitting out on the balcony in front; in the front of the parlor; no one was in the barroom but an old gentleman, who was sitting up against the wall in the back of the room and facing the 30 street; I went into the little back room, thinking Johnson had reference to the money being left there; I then came out, and said to Mr. Toms, Mr. Johnson has lost a valuable bundle here, have you seen it; he seemed somewhat agitated, and said he had not; Howe, Gordon, Hammell, and Wright were in the barroom with us. Think the money was lost on Tuesday.

Cross-examined.

When I referred to getting the money on the \$5000 note,

I meant getting it discounted; Mr. Johnson and I got it discounted; think we both went to the bank—am not positive about it; when he passed up money to me at the provost marshal's office, did not see him take it from his person; I asked him on Saturday to bring the money down that day; I don't remember any one else being in the barroom but the old gentleman; I went in before Toms; went home with Johnson that night; Hammell suggested that the parties be searched, as all were there when the money was said to be
 10 there; Johnson did not insist upon it; Johnson and I started to put a piece in the paper about it; when we were going down, he stated a circumstance about a person there, when I said, if I knew as much about it, I would have him searched; I told him he ought not to leave Trenton that night, and leave no stone unturned to get the money; but he was unwell, and tired and excited; after we got home, I insisted to Johnson, Hamilton, and Wright to go to Trenton that night; Johnson said to me that night, if I have to lose the money it will be a sweetener on me; he made no propo-
 20 sition about replacing it, or about a new note, that evening. A day or two afterwards, he asked me to endorse a note for him, at the Trenton bank, to replace the money that had been lost; he did not call upon me to do it; I went to New York the day he wanted it done, and, I believe, he got it done by somebody else; I don't think he ever said to me he was careless; I rather gathered from his remarks that evening that he intended to replace the money; I gave no opinion, and never have. I had not lost any money; my cash account only was deficient; I think after we had gone back
 30 to Toms' that day, the freeholders came in, one at a time.

The note in the Princeton bank, for \$5000, was paid by the town committee; I think it was renewed once; we raised that money by the general authority by which we were to recruit for the township of Princeton; we, at their request, raised the money; neither Mr. Johnson or myself were on the town committee.

Leavitt Howe, sworn.—I was in Trenton the day Johnson was reported to have lost the money; was at Toms'; dined with and spent most of the day with him and came back to

the hotel with him. Saw Johnson and Fielder in the little room; he started out to write a letter, and Fielder and I followed him into the barroom; I talked with Mr. Wright; I saw a bundle lying on the bar while Mr. Johnson was writing; it was between Mr. Johnson and Mr. Wright; it was on the bar, and some six or eight inches back from the edge of the counter; I just saw it, and never should have remembered it, if it hadn't been lost; it looked like a package of gloves, one end open, and looked like layers of bills; after I got through with Wright I went on to read the newspaper, 10 and saw nothing else that I remember; Fielder and Johnson called me when they were ready, and I went out with them; I stopped at Cunningham's with them; didn't hear Johnson say he had lost his money; I went on to Princeton after Fielder told me he had lost it; I came to Trenton with other gentlemen, next day, to aid him; he was in consultation with Mr. Dean; Mr. Dean wanted to keep it quiet and work it up himself; I had but little conversation with Dean.

Cross-examined.

Don't know what became of the money; don't know any 20 other persons who were in the barroom; don't recollect seeing any cane on the counter; by layers of bills in the package, I meant it was money; didn't know whose it was; it was between Johnson and Wright and Fielder; I don't recollect where Johnson joined us, but think he started with us from the barroom.

Josiah W. Wright, recalled.—When Johnson came back to the hotel, he was very much excited. When he came in the room, Mr. Fielder made some remark about our being searched, and Hammell and others offered themselves to be 30 searched. Johnson and others came to my house in Princeton late that night; I told them there was no use of going back that night; while in the barroom, a careful search was made, back of the bar and in the desk; I am satisfied the search was made; I told the police that night, and relied on their working it up. In doing this volunteering business, we had to carry large amounts of money; the banks would not accommodate us; they said it gave too much work to the clerks; we had to carry large amounts to camp to pay men.

Cross examined.

I told Marshal Starin and police that night. I told Johnson and others that I had done so, that night, I mentioned it when I was called up, am well satisfied I told them. Suppose it was the reason they did not go back. Don't know which of the police I told, think it was Marshal Starin, won't be positive.

Henry D. Johnson, recalled.—Wright told me that night about his speaking to the police; I came down early in the 10 morning and did all I could; I saw the police myself.

Franklin S. Mills, sworn.—I was mayor of the city of Trenton in 1864; Mr. Johnson called on me the next morning after the loss; the police officers were nearly all there; we locked the door and took notes of the matter, and did all we could to ferret it out; tried to find out who the man was with a newspaper, and in fact did all we could.

John Hammell, sworn.—I recollect the day Johnson lost the money. I was in the barroom. Saw him and Fielder in the adjoining room at the round table, they were writing 20 or figuring; I next saw Johnson at the desk; saw Fielder in the barroom, up against the bar; saw Wright, Gordon, and South; South sat at round table in the barroom; Johnson appeared to be writing at the desk; saw him and Fielder go out; I saw no bundle on the bar; when they came back I think we were in the room adjoining the barroom; Wright and me were talking when they went out and came back; when they came back Johnson was excited; Toms beckoned to me to come in the barroom, and told me they had lost 30 \$5000, or thereabouts; after he came back, Toms was in behind the bar; recollect conversation about the searching; I said, I proposed the men who had not been out since they were gone, be searched, and the others offered to be searched; Gordon, South, Wright, and Toms there.

Cross-examined.

When they came in Fielder said, you left the money in the side room; Johnson said no, I left it on the bar; I thought

it reflected a little on those who were in there, was the reason I proposed a search; there might and might not have been persons in to take it; don't recollect of persons coming in; I was in the back room all the time, save for a minute to go to the door to hear a report of Wright; have named all who were in the barroom that I recollect; think South was the only one who remained in the barroom; think Wright and me were in the side room when they returned; don't know what became of the money, never saw it, don't know that he had any.

10

Re-examined.

I went out to hear the report of Wright—several heard it—it was read at the front door; don't know, after reading the report, that any one but Wright and me went into the barroom—they may have done so—don't remember.

A. *Furman South*, sworn.—Reside in West Windsor; remember to have heard that Johnson had lost money in Trenton; remember being in Trenton at the time, and at Toms' hotel; I went there at 3 o'clock, and was there after that; I was not acquainted with Henry D. Johnson at that time, but suppose I saw him—saw Mr. Fielder; there was quite a number at the house; I knew Hammell, Wright, and Gordon—think William Phillips was in the house, and Toms; I was sitting in the north part of the barroom on a chair; don't know what they were doing; saw nothing of a bundle or anything on the counter; think I saw them walk out of the hotel—I remained there some three quarters of an hour; William Phillips sat beside me, I think—his name is Archibald W. Phillips, and is a printer; I don't know how long he stayed there—he was there when I came in; don't re- 30
member any other parties in the room, sitting or standing; there were very few in the room after Johnson and Fielder left; I remember their coming back—was there; I then heard of the loss—it was talked of in the barroom, and I got up out of my seat and went into the other room, where they were—Johnson, Fielder, Hammell, Toms, and three or four others there; Johnson appeared to be excited; think Sheriff Hammell proposed search, and I said it would be a

pretty good thing; while they were absent, I sat all the time by the window.

Cross-examined.

I wasn't reading a newspaper—saw no one reading a newspaper; I was in the little washroom, right back of the barroom; I occupied the seat all the time he was absent; don't recollect any one else being in there; don't know when Phillips left, whether before or after Johnson; think Toms may have passed through there; when they returned, it was
 10 a general talk of loss in the barroom; Johnson was in the little room—some were talking in one room and some in another; when the talk was going on, I got up and went out in the barroom; they made no inquiries of me; I did not volunteer to tell them anything; all I said was to second the motion for a search; saw no search of the bar; I came in the room after the biggest part of the conversation was over; don't think there was any offer to search the house; saw nothing more of Phillips—saw Johnson by the desk—Fielder was by him; don't remember noticing a cane or bundle;
 20 don't know what became of the money.

Re-examined.

I didn't come in the barroom until the bigger part of the conversation was over; no search made then; the party was separated when I came in—they were walking backwards and forwards; Mr. Toms was in the bar part of the time—I think he tended bar that day.

George L. Dean, sworn—The time Johnson lost the money he spoke to me about it—our conversation was as to what was best to be done; he spoke of a search warrant
 30 —told him it was a very important matter, and didn't think it ought to be done; I told him we were surrounded by thieves and bounty brokers, and without sufficient evidence it would be dangerous to search any particular house; he spoke of a bank detector piece—I told him I thought it of no avail; he urged me to diligence, and said I should be well paid; I looked around but there was no clue.

Cross-examined.

I didn't do much of anything—talked it around among the officers; the hotels were pretty full and many strangers here; he told me the money was wrapped up in a detector, and of the peculiarity of the detector, and spoke of the piece being found; it was a strong circumstance if a piece could be found—we tried to work it up, we talked of it afterwards—we talked over and suggested everything—can't remember any particular conversation afterwards about the piece of detector and his making a particular inquiry about it; think 10
I saw the piece myself, not certain—know I was anxious to see everything—we really accomplished nothing; I searched around in the hotel yard, privy, and wherever my thoughts would lead me.

Franklin S. Mills, recalled.—A book being shown witness, he says—it is the file of the "True American" newspaper—recollect the advertisement. Witness reads advertisement. The date of it is August 11, 1864—it is the day it went in; money lost on the 10th of August and advertisement put in on the 11th. 20

Charles Allen, sworn.—I was filling the quota of Monmouth county; in the course of that business, it was our custom to carry large sums of money; I carried about with me large amounts; I tried by depositing it in bank, but found I always wanted money, and while going to the bank I lost men; the man with the ready money got the man; the men insisted on having greenbacks.

Kinsey Rowan, sworn.—Was engaged in filling the quota of Hamilton township; found it necessary to carry large sums of money—had to have it on hand and right on the spot 30
—they insisted on having greenbacks.

Runyon Toms, sworn.—I was keeper of the National Hotel, in Trenton, in 1864; remember the circumstance of Johnson's losing money; the first intimation I had was from Mr. Fielder—he was accustomed to stop there; Johnson came in after Fielder, who had come in a wagon; I was sitting in front; Fielder ran in the house and I followed; he told me

Mr. Johnson had lost some money, and had left it laying on the table, in the side room; soon Johnson came in and said he left it on the counter; Johnson came in the afternoon, with others, to my desk to write a letter, he got paper and envelope; I was busy waiting on people; couldn't say I had many customers, generally had a tolerable good run—had that day—remember it was full at dinner time; used to keep a paper in drawer to indicate the business—when money taken out, charged, and entered at night in cash book; I was
10 annoyed at the loss—I mentioned it first to Hammell, he was mad about it, and asked me if I thought he had it—I said, no; Gordon was there; Hammell made a proposition about a search—Johnson made the remark, there was no particular use, if any one had it they would give it to him—there was no one there who would take it; I went with Fielder to look on the table, and looked behind the bar and under the counter for Mr. Johnson; unless the book of names or register was shoved away, I don't think it could have got behind the counter; I can't say I got behind the
20 counter certain—I looked, at his request; there was great excitement—they were all satisfied the bundle was not on the counter or back of it—they were satisfied by search; don't recollect of showing Johnson any memoranda; couldn't say how many drinks sold that afternoon; while they were writing, couldn't say how occupied I was; while they were away, I was out on the stoop, and there could have been one in the barroom; can't say how many were in when they went away—I can't say when I went out on the porch; if I
30 the stoop; couldn't say how many were in the barroom while Johnson was writing; know South, Gordon, and Hammell were there—people might have come in—town people—off and on; I left the barroom when they left; I think all others went out.

Cross-examined.

I have no recollection of seeing Johnson put anything on the counter; I saw no papers on the counter that I could positively swear to—may have seen them; don't recall seeing his cane on counter—may have, don't remember; I think
40 the conversation I recollect with Mr. Johnson that day was

public. Think he came to see me next day; should think he came into the barroom; can't say of any one's being present; I am certain he was back next morning; can't say what we talked of; if we had any talk it was about the bundle; I don't remember particularly any talk about it. I think next day Mr. Johnson said, there was a man sat behind him, and was very anxious to know who that man was; he tried to find out who it was; it was same night or next day; he said the man rubbed hard against him as he went out the door; Mr. Johnson didn't mean he was writing when he said the 10 man rubbed against him, but it was while he was standing at the door; I don't know who the man was. Have had conversations with him about the loss since; remember one in front of provost marshal's office; I was told by Stephen B. Smith that Johnson and Fielder had said hard things about me, and I started out and met him; told him Smith said they had thrown out some insinuations against me, he said it wasn't so; I conversed with him privately; I went home; I have no recollection of talking about a piece of paper; when I went in the next room, I found a piece of 20 paper with figures on, and Johnson said they were his figures; don't know what day it was; don't know who was present; don't know in what room it was; all I know is there was a piece of paper found in the side room; don't know who found it, or in whose hands it was; think I saw it on the table; can't say when I saw it, or whether Johnson was there; I wouldn't have noticed it unless Johnson had recognized it; don't know who first called attention to it; I don't know who recognized it—Johnson, Fielder, or who; I think I am certain Johnson or some one recognized the 30 figures; don't know when paper was found, same day or next day; think it was same afternoon, but don't remember; paper was found on table, either Johnson's or Fielder's figures on it. Had no other private conversation with him save one on public street. Don't think any search was made at all, except that Johnson asked me to look if it hadn't got shoved over behind the counter, and also the sending for police officers. Think officers were sent for—any way it was made known to them. Couldn't tell how long after they went out I sat on stoop. Don't know whether any one was in the 40

room; no recollection of leaving any one in it; some one might have been in. I couldn't say if I went up stairs; I don't recollect of going anywhere; I might, or I might not. I was subpoenaed this morning, either by plaintiff or defendants; havn't the ticket. Remember nothing about a bank detector; might or might not have been twisting a piece. When Hammell said search, I said search, of course; no doubt about that. Don't know what became of any bundle or bundles that day.

- 10 *Henry D. Johnson*, recalled.—A paper being shown witness, he says—it is a paper of the disposition of money kept by me. On the 9th of August, I got proceeds of Fielder and Johnson's note from Princeton bank; amount after discount and stamp, \$4893.34; I gave Fielder on the 9th, in the street, \$25 for L. Howe, \$25 for other Howe, \$25 for Bruere, and \$50 to pay Mr. Reed for a volunteer, and \$500 to pay the volunteer. On the 10th of August the loss occurred at Toms'; sum was \$4368.00 of funds of township, not including my own. I have no memorandum of any other money used on
20 the 10th of August. The account is not settled up square; it is a mere memorandum; it contains no settlement.

Cross-examined.

- The telegraph dispatch was in the bottom of my pocket, and loose with other papers under the bundle; the dispatch was in an envelope, and before getting it in again, I scooped up the loose papers and stepped up to the desk to write; the coat I had on was a frock coat. My impression is that Toms and I had other conversations, and at his house; can't tell where; I think at his house and in the barroom. I know I
30 had two or three with him about the man, and within a week—I mean about the man who sat behind me. There was a paper found on the round table, the same afternoon; it was the paper I took out of the bundle; the bank detector paper was the next day, and in the barroom, the next morning early; I left home about sunrise; I drove to Toms', and met him; asked him if he had heard or seen anything of the bundle; he said not, and stepped in and looked around for it again; it was then I saw this paper; I asked him about

persons coming in, and he said he thought he knew of two men coming in to get a drink while we were away; that one man was without a coat, but he couldn't recollect every one who came in; he had done a large amount of business, and would show me his receipts. The bar-tender came in and the paper of receipts was shown, and was about \$90.00; he then came round in front of bar, and stood talking about where I laid the money down; he picked a piece of paper up and rolled it; I also rolled it and found it to be a piece of a counterfeit detector; I didn't go to the bank, because 10 my son told me it was wrapped in an outside sheet of a counterfeit detector, and Mr. Stryker told me every body had them and it would avail nothing; never have been there to see if the remaining sheets of the detector were there; have not had the paper here during the trial; no reason for not bringing it; no date to it, and I supposed it to be torn from the edge; think I mentioned to Toms the money was wrapped in a detector; couldn't be positive I went behind the bar, might have done so. When a search was proposed, I think I said I didn't suspect one more than another; I felt 20 delicately about it, and was satisfied if they made it themselves; from the search made, I was satisfied the bundle was not in the room.

Re-examined.

The man brushed against me at the door; he stood listening to the answer as to the debt of the county; I supposed he could have been the man who could have taken the money; he is the man Toms spoke of; he told me he thought he saw him drive past once in a wagon afterwards.

Re-cross-examined.

Toms and I had a conversation about what Smith said; I denied I had said to Smith that Toms had taken the money; I got Rescarrick M. Smith and John A. Weart to go and see Mr. Toms in a day or two, in reference to the loss; I told Mr. Toms some of my friends said he had it; he said, God 30 d——n the money, he had never seen it.

Re-examined.

Quest. Was it understood distinctly between you and Mr. Fielder, at the time of your appointment, that you should not charge for your services?

Ans. Mr. Fielder, in a day or two after our appointment, spoke to me about compensation; he stated he had no idea of charging for his services, and I certainly had none.

Services were rendered by me from July 16, 1864, up to time of renewal of \$10,000 note in Trenton Bank, and the
10 \$5000 in Princeton Bank, in December; not continuously, but they were continuous until September; it would be a hard matter to fix a price on the services, considering the risk of life or property; if I had had any idea of being responsible, I wouldn't have had it under any consideration; I can make no regular estimate; I wouldn't undertake it short of \$5000; in conversation with Fielder, he said he wouldn't do it for \$10,000.

The checks drawn by J. W. Fielder and Henry D. Johnson on Trenton Bank, and their bank-book, offered and
20 admitted in evidence.

Re-cross-examined.

Had not two sons liable to draft; think I had one son over eighteen and one under eighteen years. But neither were subject to the draft.

John W. Fielder, recalled.—Johnson and I had no conversation that would look to compensation; I said to Mr. Johnson one day I wouldn't be hired to do this work, and there wasn't money enough in Princeton to hire me to do it again.

By the Court. Never tendered compensation by the town-
30 ship; think Van Dike or Rowland asked once if we had any charge for services; we said we had not.

Andrew L. Rowland, recalled.—This lost money was not charged to Mr. Johnson in settling his account, by the town committee; it was charged in the committee's account to the inhabitants—to the town committee.

By the Court. In settling with Mr. Johnson, there was reported so much money lost; we never undertook to say as

to the responsibility; we merely reported it to Princeton township as so much money lost while in Mr. Johnson's hands.

Cross-examined.

The account rendered by them was a joint account by both Fielder and Johnson. Accounts produced and shown. Witness says—don't remember any other accounts; it is an account made by Leroy Anderson, one of the committee; it is an account of Henry D. Johnson and J. W. Fielder with Princeton township.

10

The plaintiff here rested his case.

The following testimony was offered and given by the defendant's witnesses.

1. The report of the town committee to the inhabitants of Princeton township, dated April 6, 1865, and signed by Henry H. Van Dike, offered in evidence.

2. Proceeding of town meeting of April 9, 1865. [Objected to on part of plaintiff, and not admitted by the court.]

Alexander Gulick, sworn.—I was not in Trenton the day the money was lost; I first heard of loss at Princeton depot 20 while coming down to Trenton; started for Toms' hotel, and met Johnson in street, near Trenton House; I followed him and told him I had heard of his loss and would try and assist him; our first move was to go to the chief of police and get them together in the mayor's office; Wright, Johnson, and myself went there; I introduced the matter, as Johnson was much cast down about the loss; Johnson then went on and told his story; I went out of the office with the mayor and Wright; I met Leavitt Howe, and he said he had seen the money laying on the counter. I afterwards 30 returned to mayor's office and found Johnson and Dean together in the rear of the city hall, and from what Dean said, I left them alone; I afterwards met Johnson and told him I would give him \$1000 for his chance of recovering the money; I mentioned other suspicions, and what he ought to do; he said it would never do; he said the man was a desperate man; I remained at Trenton until noon; I found Johnson and Fielder at Peter's; said I was going home—

and Johnson told me to go to the bank and get them to save the rest of the detector; I went back to Toms', and on the street in front of the hotel, I found half a leaf of a counterfeit detector; I put it in my pocket; I went to Princeton Bank and asked the officers if they had the detector that they had wrapped the money in; I had a sheet in my pocket and wanted to compare it; they said they would keep the detectors; I had it in my hand and returned it to them, and said Mr. Johnson would call for it; about ten
10 days afterwards I met Johnson at Rowland's store, in Princeton; I asked him if he had gone to the bank; he said not; I told him all the evidence I had, and said I was sorry he had not.

Cross-examined.

I gave Johnson the information I had; I said I was a taxpayer and it might touch my pocket; I left the mayor's office after making known the circumstances; I left Johnson and Dean, when in the alley, because I supposed they wanted to be private; I told Johnson I was sorry he hadn't gone to
20 the bank; he said he had information from some one which led him to pursue the course he had.

The defendants here rested their case.

The following additional testimony was then produced on the part of the plaintiff.

Henry D. Johnson, recalled.—I went out of Toms' hotel to look for a piece of a counterfeit detector, and looked around in the street and yard, and could find nothing; I was advised to keep secret, as being the best way to recover the money.

30 Cross-examined.

I told Gulick the money was wrapped in outside sheet of a counterfeit detector; I did not tell him the piece I had I thought was a piece of the cover around the notes; don't remember ever seeing the piece of Gulick's; don't remember the conversation with Gulick at Rowland's store; a heard this morning for the first time of Gulick's finding I piece of a detector.

The evidence here closed on both sides.

Whereupon the said Court having considered of said evidence, did determine that the said plaintiff was entitled to recover of the said defendants the sum of five thousand five hundred and ninety-three dollars and eighty-three cents. (*Pro ut the postea filed.*)

Appendix.

Report of town committee, dated April 6th, 1865, offered in evidence, *ante*, p. 33.

Dr.

Amount received from sale bonds,	\$37,753.00	10
Amount received of Trenton Bank, and due the Bank,	15,800.00	
Amount due Princeton Bank,	3,000.00	
Amount due C. S. Cook,	5,000.00	
Amount due R. S. Field,	10,000.00	
Donation of C. S. Olden,	550.00	
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	\$72,103.00	
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Amount paid H. D. Johnson and J. W. Fielder, on the call of July, for 24 Substitutes and 47 Volunteers,	\$39,961.00	20
Johnson and Fielder's incidentals,	152.37	
Amount of money lost, Johnson,	4,368.00	
Stamps and stationery, &c.,	31.05	
Discount in bank and stamps,	497.37	
Amount of money lost, Fielder,	47.00	
Amount paid Joseph H. Brewer, on call of December, 47 volunteers,	26,164.28	30
1 substitute,	550.00	
	<hr/>	
	\$26,714.28	
Commissions, expenses, advice of counsel in procuring passage of law legalizing indebtedness of Princeton township,	\$52.85	
Expense in procuring subscription to bonds, &c.,	16.00	
Cash on hand,	263.08	
	<hr/>	
	\$72,103.00	

In presenting this statement to the people of the township of Princeton, the town committee would recommend that the loss of money incurred by Messrs. Johnson and Fielder, amounting to \$4,415, be assumed by the township. Neither of these gentlemen have received any compensation for the service they rendered the township, except their actual cash expenditures; and in view of the labor they performed, and the valuable time employed, it seems right and proper that the people of the township should generously and promptly
10 relieve these gentlemen from this indebtedness.

By order of town committee

HENRY H. VAN DIKE, *Chairman.*

Princeton, April 6, 1865.