Dear Patron:

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~~443~~

No. 8839

435

CLAIM

OF

Jacob Nagle

OF

Chrostee lee
N. C.

SUMMARY REPORT.

Amount Allowed $

REFERRED TO COMMITTEE ON
War Claims

SUBMITTED TO CONGRESS

December 4 1876.

BY THE

COMMISSIONERS OF CLAIMS,

UNDER

ACT MARCH 3D, 1871.

Pary 7811

3

FILED
JUN 10 1890

No. 8839

The Claim of Jacob Noyle, of Cherokee Co, in the State of Mo.

No. of Item.	NATURE OF CLAIM.	Amount Claimed. Dollars.	Cts.	Amount Allowed. Dollars.	Cts.	Amount Disallowed. Dollars.	Cts.	REMARKS.
	One horse saddle bridle & blanket	107	00			107	00	

The claimant is an old man and swears to loyal disposition; and two witnesses one of whom lived 12 miles from him testify to loyal conversation and reputation in an indefinite way — But he had a son in the Confederate Army, and there are no legal acts or unequivocal indications in support of claimants loyalty developed in the evidence. We are not satisfied with the sufficiency thereof in support of loyalty — The horse taken was poor & worthless of but little worth and not fit for army service and were used to mount a prisoner temporarily — What became of the horse dont appear —

We reject the claim

A O Allen
D B Howell
O. Ferris

Comm of Claims

READ THE WHOLE INSTRUMENT BEFORE EXECUTION.

POWER OF ATTORNEY

Know all Men by these Presents, That I, Martha Noggle administratrix of Jacob Noggle have made, constituted and appointed, and by these presents do make, constitute, and appoint CHARLES & WILLIAM B. KING, of Washington, D. C., or either of them, or the executor or administrator of the survivor, my true and lawful attorneys, with full power of substitution, for me and in my name, place, and stead, to prosecute to a final settlement before any and all tribunals now existing or hereafter to be created, and under present or future laws, and to collect the whole or any part of my claim for stores & supplies

hereby revoking all power given to any other attorney or attorneys, ~~because~~
Here state reason for changing attorneys.

giving and granting to my said attorneys, full power and authority to do and perform every act and thing whatsoever requisite and necessary to be done in and about the premises, including the verification of petitions and other papers, as fully to all intents and purposes as I might or could do if personally present at the doing thereof, hereby ratifying and confirming all that my said attorneys or their substitute, may or shall lawfully do or cause to be done by virtue hereof, hereby authorizing them to receive and receipt for any check, draft, warrant, certificate or other medium of payment of whatever nature that may issue in settlement of said claim, or of any part thereof, hereby directing all officers of the United States Government to deliver to my said attorneys the check, draft, warrant, certificate or other medium of payment which may be issued in settlement of said claim or of any part thereof and a lien upon said check, draft, warrant, certificate or other medium of payment both before and after the issue thereof is hereby created and recognized in favor of my said attorneys for their fee, and any reasonable and necessary disbursements made by them in the prosecution of this claim, until payment thereof; and in consideration of services rendered and to be rendered and of expenses incurred and to be incurred by my said attorneys in the prosecution of this claim, this power of attorney is hereby made irrevocable in all its provisions, and I hereby bind my heirs, executors, administrators and representatives to all the provisions of this instrument and to the due execution thereof appointing my said attorneys as their attorneys in this behalf. The post-office address of the claimant for all correspondence relative to this claim and for the delivery of the check, draft, warrant, certificate, or other evidence of payment in settlement of this claim is, Care of the attorneys aforesaid, Washington, D. C.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this June 20 day of ..., eighteen hundred and eighty ~~eight~~ nine.

ATTEST:
(Two persons who can write must sign their names on these lines below in every case.)

John Kelser
J. W. Cooper

Martha Noggle her x mark [Seal.]

STATE OF North Carolina
COUNTY OF Cherokee } ss:

BE IT KNOWN, that on the 20 day of June, 188, before me personally came Martha Noggle administratrix of Jacob Noggle, of the County and State aforesaid, to me known to be the person who executed the foregoing power of attorney, and acknowledged the same to be his act and deed, and also made oath that he is owner of the claim referred to in said power of attorney, and that the reason for changing attorneys is correctly stated therein. I also certify that the contents of the above instrument were read and explained to the grantor before signing and acknowledging the same.

Name of Grantor.

R. L. Cooper
Official Signature.

[SEAL.]

Notary Public
Official Title.

This instrument must be acknowledged before an officer having authority to take acknowledgments of deeds. If before an officer having no seal, his official character must be certified by a clerk of court according to the form on the opposite side.

STATE OF .....
COUNTY OF ..... } ss:

I, ..., clerk of the .....court in and for the County and State above named do hereby certify that....., Esq., before whom the foregoing power of attorney was acknowledged, and who has thereunto set his name, was at the time of so doing a ..... in and for the County and State above named, duly commissioned and sworn; that all his official acts, as such, are entitled to full faith credit, and that his signature thereto is genuine.

IN TESTIMONY WHEREOF, I have hereunto signed my name and affixed my official seal, this ..... pay....., 188 .

[SEAL.] Clerk of the.....Court.

POWER OF ATTORNEY

FROM

Jacob Moggle

TO

CHARLES & WILLIAM B. KING.

FILED BY

CHARLES & WILLIAM B. KING,

Attorneys for Claimant,

No. 906, F Street, Box 573.

WASHINGTON, D.

IN THE COURT OF CLAIMS.
December Term, 1895.

Martha Noggle, adm'x of Jacob Noggle, deceased	)	
vs.	)	No. 7811 Cong.
THE UNITED STATES.	)	

Motion to Substitute Attorneys.

NOW COMES the claimant by Charles & William B. King, her attorneys, and asks the Court that they may be substituted as attorneys for Gilbert Moyers, Esq., the latter having disclaimed any right to appear in the case, as appears in the letter of said Moyers hereto annexed, the said Charles & William B. King having filed a power of attorney from the claimant.

Chas. M. King
Attorneys for Claimant.

May 27th. 1896.

LAW OFFICE
OF
GILBERT MOYERS,
Rooms 33 to 36,
Washington Loan and Trust Building,
Corner Ninth and F Streets.

Washington, D. C., April 29, 189

Chas. & Wm.B.King,
Lawyers,
Washington,D.C.

Gentlemen:-

I do not find that I have a case in the name of Martha Noggle,Adm'x.,of Jacob Noggle,No.7811 Cong.,on any of my dockets.

I have,however,a claim in the name of Mary Ann Nagle, widow of Thos.K.Jones,No.7664 Cong., and it is altogether probable that the appearance to which you refer,was intended to be filed in this case,as it was undoubtedly a mistake in filing it in 7811.

Yours truly,

Gilbert Moyers

IN THE COURT OF CLAIMS.
No. 7811 Cong.

Martha Noggle, adm'x of
Jacob Noggle, deceased

vs.

THE UNITED STATES,

Motion to Substitute Attorneys

Charles & William B. King.
Attorneys for Claimant.

LOYALTY OF CLAIMANTS.

Treasury Department,

6421A.
17-EK.

OFFICE OF THE SECRETARY,

Washington, D. C., November 19th, 1891.

To the Honorable

The Chief Justice and Judges of the Court of Claims:

In the matter of a certain case pending in your tribunal of May 22, 1891, I have the honor to transmit certificated copies of papers or records in the Miscellaneous Division of this Office touching the question of the loyalty of Jacob Noggle for use in the case of his administratrix against the United States, No. 7811 Congressional.

In answer, you are informed that it does not appear that any papers are on file in the Miscellaneous Division touching the question of the loyalty of the said Noggle.

Respectfully yours,

Acting

CONGRESSIONAL CASE.

No. 754

Jacob Hoggle

vs

The United States

Reply of Claimant

Filed

1 for.

CLAIM OF Jacob Hoggle

FOR PROPERTY TAKEN BY THE UNITED STATES ARMY DURING THE LATE WAR.

PETITION.

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

Your petitioner, Martha Hoggle Administratrix of Jacob Hoggle decd respectfully represents:
[Name of petitioner.]

I. That ~~she~~ he is a citizen of the United States and a resident of the State of North Carolina and that during the late war resided in the State of North Carolina

II. That he did not give any aid or comfort to the late rebellion, but throughout that war was loyal to the Government of the United States.

III. That in the year 1864, the United States Army took from him for army use stores and supplies, consisting of quartermaster stores and other articles worth the sum of $ 107 00 or thereabout, the particular items thereof being specifically set forth in claim No. 8839, heretofore filed in the office of the Commissioners of Claims

IV. That said claim was duly presented to the officers before mentioned, being the only tribunal authorized by law to consider it; but said claim did not have before the said tribunal a trial according to judicial proceedure; but was tried summarily, and upon such summary trial was not allowed, for the reason, as stated, that the claim ~~and~~ was not shown to be loyal

V. That your petitioner protests against the said decision, and maintains that the justice of this claim and the loyalty of the ~~claimant~~ can be proved to the satisfaction of any court of justice, proceeding according to the regular forms of judicial procedure; and in support of this assertion your petitioner refers to the testimony heretofore taken to support said claim, filed as aforesaid, which he is unable to produce because in the possession of the government.

WHEREFORE, your petitioner prays that this claim be referred to the Court of Claims under the provisions of the act of Congress of March 3, 1883, for a finding of the facts, and that thereafter justice be done in accordance with said findings.

Martha Hoggle her ✗ mark Admx of Jacob Hoggle decd.
Signature of Petitioner.

STATE OF North Carolina
COUNTY OF Cherokee } ss:

On this 20th day of June, 1889, personally appeared before me, the aforesaid petitioner, who made oath that the facts stated in said petition are true.

R. L. Cooper
Signature of Officer.

Notary Public
Official title.

[SEAL.]

344

Army. 7811

PETITION OF

Martha Noggle admrx of Jacob Noggle decd

Praying that his claim for property taken by the Army during the late war be referred to the Court of Claims

JAN 17 1890

REFERRED TO COMMITTEE ON

The Clerk of the House of Representatives will refer this petition, together with all the papers on the files of the House relative to this claim, to the Committee on War Claims.

J. G. Swart M. C.

[Signature of Representative.]

FILED.
JUN 10 1890

Committee on War Claims,

HOUSE OF REPRESENTATIVES,

Washington, D. C., June 5, 1890.

Sir:

I have the honor to transmit herewith the claim of Jacob Noyle *which I am directed by the Committee on War Claims to transmit to the Court of Claims for an investigation and determination of facts under the provisions of an Act entitled "An Act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.*

I am, sir, very respectfully,

N. M. Fogg

Clerk to the Committee.

HON. WM. A. RICHARDSON,
Chief Justice United States Court of Claims.

No. Cong. 7811

In the Court of Claims.

Jacob Moyle

vs.

THE UNITED STATES.

Order of Committee on War Claims, of June 5, 1890, House of Representatives, referring case for finding of facts under the Bowman Act.

In the Court of Claims

December Term 1889.

Martha Boggle adm'x estate of Jacob Boggle, dec'd vs. The United States.	No. 7811 Congressional.

Motion for leave to file petition.

The claimant moves for leave to file petition herewith presented, the time for filing the same under the rules having expired.

Charles Wm. B. King,
attorneys for Claimant.

Court of Claims

No 7811 Congressional

Martha Boggle
admx estate of
Jacob Boggle deceased

vs.

The United States

Motion for leave to
file petition.

Allowed.
Original.
W. A. Cr
Ch. J.

Chas. & Wm. B. King.
Attorneys for Claimant.

IN THE COURT OF CLAIMS.

DECEMBER TERM, 1889.

Martha Noggle,
administratrix of the estate of
Jacob Noggle, deceased

v.

THE UNITED STATES.

No. 7811, Congressional.

PETITION.

TO THE HONORABLE THE COURT OF CLAIMS:

The claimant, Martha Noggle

respectfully represents:

I. That she is the administratrix of Jacon Noggle, deceased, appointed on the 20th day of June, 1889, by the Clerk of Superior Court Court, in and for the County of Cherokee and State of North Carolina, her warrant of authority being herewith brought into court: that said decedent was, during the late war, a resident of the State of North Carolina, and did not give any aid or comfort to the said rebellion but was throughout that war loyal to the Government of the United States.

II. That the following property belonging to Jacob Noggle was taken from him by the United States Army and used by the said Army, the date, place and command being particularly stated below:

In Cherokkee County, in the State of North Carolina, on or about the 19th day of February, 1864, by the forces of the United States, namely; Smith and Robinson's Battallion, to wit:

1.	1 bay horse, about 9 years old	$100.00
2.	1 saddle	3.00
3.	1 brädle	2.00
4.	1 bed quilt	2.00
	Total	$107.00

III. That a claim for said property was presented to the Commissioners of Claims

the items of said claim being as

afore stated

Said claim was not allowed by said tribunal, the ground for said action being that it was not considerd that

the loyalty of decedent or the merits of the claim had been satisfactorily established

IV. That the said claim has been presented to the Fifty-First Congress and was by the House of Representatives of the said Fifty-First Congress, referred to the Committee on War Claims of said House, by which Committee it was on the day of , 188 , referred to this Court for a finding of the facts in accordance with section one of an Act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government."

V. That no other action than as aforesaid has been had on this claim in Congress or by any of the Departments; that the claimant is the sole owner of this claim and the only person interested therein; and no asignment or transfer of this claim, or of any part thereof or interest therein, has been made; that the claimant is justly entitled to the amount herein claimed from the United States, after allowing all just credits and offsets; that the claimant is a citizen of the United States. And the claimant believes the facts as stated in this petition to be true.

And the claimant prays a finding of the facts in accordance with the aforesaid act.

Charles Mac Rhiney

Attorneys for Claimant.

State of North Carolina, } ss.
County of Cherokee,

Martha Noggle being duly sworn, deposes and says: I am adm'x estate of Jacob Noggle, dec'd and the claimant in this case. I have read the above petition, and the matters therein stated are true, to the best of my knowledge and belief.

Witness
A J Rose
J C Kidd

her
Martha x Noggle Admx. ×
mark

Subscribed and sworn to before me this 15th day of August, 1890.

[SEAL.]

J. T. Griffin Justice of the Peace for Cherokee County N. C.

This is to be sworn to before any officer authorizd to administer oaths. No certificate of official character is necessary.

CONGRESSIONAL.

No. 7811

IN THE COURT OF CLAIMS.

Martha Doggle
admr. estate of
Jacob Doggle, decd
vs.

THE UNITED STATES.

PETITION.

CHARLES & WILLIAM B. KING,
Attorneys for Claimant,
No. 906, F Street, Box 593,
WASHINGTON, D. C.

BC

In any further correspondence on this subject quote the above initials.

Department of Justice,

Washington, Mch 27, 1897

In the Court of Claims.

Estate of Jacob Noggle

vs.

The United States.

No. 7811, Congressional.

The Secretary of War.

Sir:

In the above-entitled cause the loyalty of Jacob Noggle is in question. He resided during the war in Cherokee, Co NC, and seeks to recover from the United States the sum of $107.00 for property alleged to have been taken at in said county about the 19th day of February, 1864.

I have the honor to request you to transmit a detailed statement of all accounts, letters, affidavits, records, and of all other papers in the Confederate Archives touching the question of the loyalty or disloyalty of said Jacob Noggle to the United States Government.

Your attention is especially called to

Very respectfully,

Assistant Attorney General.

RECORD AND PENSION OFFICE,
War Department,
March 31,1897.

Respectfully returned to

Hon. J. E. Dodge,

Assistant Attorney General,

Department of Justice.

No information has been found in the Confederate archives of this office touching the question of the loyalty or disloyalty of the within mentioned Jacob Noggle.

By authority of the
Secretary of War:

F. C. Ainsworth

Colonel,U.S.Army,
Chief of Office.

Washington, D.C.
March 29, 1897.

Jacob Noggle
vs
The United States
No. 7811, Cong.

Department of Justice
By J. E. Dodge, Asst. Atty. Genl.

Requests certified copies of all records in Confederate Archives touching the loyalty or disloyalty of this man to the U.S. Government

NJ

No. 7811

Noggle

The United States.

FILED
APR 20 1897
COURT OF CLAIMS.

KAK

No. .....

.....

vs.

THE UNITED STATES.

GENERAL TRAVERSE.

.....

Assistant Attorney General.

Martha Noggle,
Admx. of
Jacob Noggle

vs.

THE UNITED STATES.

IN THE COURT OF CLAIMS OF THE UNITED STATES.

December Term, A. D. 1890

No. 7811, Cong.

And now comes the ATTORNEY GENERAL, on behalf of the United States, and answering the petition of the claimant herein, denies each and every allegation therein contained; and asks judgment that the petition be dismissed

And as to so much of the said petition as avers that the said claimant has at all times borne true faith and allegiance to the Government of the United States, and has not in any way voluntarily aided, abetted, or given encouragement to rebellion against the said Government, the ATTORNEY GENERAL, in pursuance of the statute in such case provided, denies the said allegations, and asks judgment accordingly.

John B. Cotton,
Assistant Attorney General.

No. 7811, Long.

Martha Stoggle
admx. of
Jacob Stoggle

vs.

THE UNITED STATES.

GENERAL TRAVERSE.

John B. Cotton,
Assistant Attorney General.

FILED

Martha Noggle
Admx. of
Jacob Noggle

vs.

THE UNITED STATES.

IN THE COURT OF CLAIMS OF THE UNITED STATES.

December Term, A. D. 1890

No. 7811, Cong.

And now comes the ATTORNEY GENERAL, on behalf of the United States, and answering the petition of the claimant herein, denies each and every allegation therein contained; and asks judgment that the petition be dismissed.

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John B. Cotton,
Assistant Attorney General.

IN THE COURT OF CLAIMS.
No.7811 Congressional.

Martha Noggle, adm'x of the
Estate of Jacob Noggle, dec'd.

vs.

THE UNITED STATES.

Claimant's Brief on Loyalty.

IN THE COURT OF CLAIMS.

DECEMBER TERM, 1895'

Martha Noggle, adm'x of the estate of Jacob Noggle, deceased *v.* THE UNITED STATES.	No. 7811 Congressional.

BRIEF FOR CLAIMANT ON LOYALTY.

This claim was referred to this Court by the Committee on War Claims of the House of Representatives under date of June 5, 1890. It is a claim for supplies taken by the Army in Cherokee County, North Carolina. Jacob Noggle, deceased was the owner at the time of the taking. The Commission of Claims to whom the claim was presented, rendered an adverse decision on loyalty and merits.

BRIEF OF EVIDENCE.

The evidence on loyalty upon the former hearing was as follows:

The following testimony was taken by a Special Commissioner and reported to the Commission of Claims.

JACOB NOGGLE (Jan. 31, 1876) 91 years; resident of Cherokee County and have been for thirty odd years; farmer; I am the claimant; born in Lincoln County, North Carolina; I resided in Cherokee County at the commencement of the war and remained at the same place from the commencement to the close of the war; engaged in farming at the same place;

my sympathies were with the union side from the beginning to the close of the war, never changing my feelings; I never said or did anything againstthe union cause; I was at all times ready and willing to do all in my power to aid the union cause; I fed the union soldiers in passing through the country; I cannot recollect the names of any of those fed by me or.the exact time, sometime in 1863 and 1864; had no near relatives in the union army that I know of except one cousin by the name of Howard; I was too old and I did no active service; did not contribute money, property or service to the union cause, nothing more than what they could eat when at my house; I took the side of the union, opposed secession from the commencement of the war to its close;every opportunity Ihad I voted for the union candidate; I adhered to the union after the State of North Carolina had seceded; I always rejoiced at the success of the union armies and deplored their losses; received nothing more as favors or privileges from the union army on account of my loyalty except they treated me kindly; have never taken the so called iron-clad oath since the war; names the leading union men of.his vicinity during the war; the rebels threatenedto shoot me on acount of my union sentiments so I understood; I was arrested at one time by the rebel home-guards only for a short time ,when they released me being an old man; nothing more was taken by the con-

my sentiments were with the union side from the beginnig

federates than eating my provisions; from questions 21 to 36 incl. witness answers in the negative; I had a son, John Noggle, aged 27 years when he entered the service (rebel) now lives in Welks County, Georgia; was living a few weeks since; I used all the influence to prevent him from aiding the rebels; witness negates questions 37 and 38; I took the amnesty oath after the close of the war; this was required by the authorities of all the citizens of the State; witness negastes question 40,41,42; to question 43, no, except the horse; I only voted at one time during the war to my recollection and then I cast my vote as I understood for a union candidate; to ques. 45 to 51 incl. witness answers in the negative;

JONATHAN MC DONALD (Jan. 21, 1876) 60 years; resident of Cherokee County, N. C.; have been for 41 years; farming; I am not the claimant neither am I related to him and have no interest in the prosecution of the claim; I was born in Georgia; during the war I resided in Cherokee County, seven miles from Murphy, engaged in farming where I resided until the close of the war and until the present time except a portion of the time I was in the service of the United States; I testify in favor of the claimant; almost ever since my first recollection our acquaintance has been intimate for twenty years; I lived near the claimant during the war, some one and a half mile; he was one of my nearest neighbors; I met him frequent-

ly during the war, the number of times I cannot state;it was every few days up to the time I left home; and went to Tenn; I would frequently meet with the claimant and converse with him freely; I never had a great deal of conversation with him that I now recollect, it was a general conversation;he always expressed himself in favor of the union and opposed to secession; our conversations were some times at my house, at his house and frequently we would meet in the neighborhood;sometimes alone, at other times in presence of others; the only thing I remember he did was to get his son-in-law out of the confederate army; across to Tenn, which I did at the request of claimant and started with him, he left me on the mountain, I do not know of anything he said or did against the union cause; I never heard but little he said or did; he was an ignorant old Dutchman; his general reputation was that he was a loyal citizen ; I heard his neighbors speak of him; names the neighbors whom he heard speak of him; names known union men who would testify to the loyalty of claimant; I was a union man and the claimant knew it; I'was in the federal army and the claimant was familiar with that fact; do not recollect that there were any threats; the only act that I remember at this time was his procuring the escape from the confederate army of some of his family and his general converaation when speaking of the war its causes and results ; he expressed him

self at all times when not embarrassed as a union man.

W. T. GREEN(Jan. 21, 1876) 76 years; resident of Cherokee County, N. C.: have resided there for about 24 years; farmer am no relation to claimant, no interest; born in Rushford County, N. C.: resided in Cherokee County within two and a half miles before the war where I remained during the war engaged in farming ,and still live in the same place; I testify in favor of the claimant;I got acquainted with him soon after I came to to the county;our acquaintance has been pretty intimate from the first until the present; I lived about 12 miles from the claimant; I met with him pretty frequently during the war; more frequently at Murphy,but sometimes at my house and I was occasionally at the house of the claimant ; do not recollect of any particular conversation we had at the commencement of the war but I regarded him as a truly loyal man; some time in 1864 I was at Col. H. H. Davidson on Valley River on Sunday before the election in August; he and I went to the spring together where we had a private consultation and talked pretty freely together,he knowing me to be a strong union man, that the United States was as good as he wanted and he wantedit perpetuatedI do not recollect of anything more than this; the claimant has been in the habit of drinking some during his life and he in some of his drinking sprees he would make speeches in behalf of the union and in opposi-

tion to secession and the confederacy; do not know of anything said or done gainst the union aause by the claimant:do not recollect anything more hut the common report that hewas a union man;he was considered loyalto the government of the United States; names prominent union men of the neighborhood and those who would testify to the loyalty of the claimant; I was a union man and the claimant knew me to be such; do not know of threats made against claimant on account of his union sentiments; I think he said and did many thing which would prevent himsproving his loyalty to the confederacy;

From Archive Office.

Reports August 19,1891 and July 30, 1892,No information found relative to Jacob Noggle.

Miscl. Div. T. D.

Reports Nov. 19, 1891, No information.

Evidence under Rules.

Deposition filed April 16, 1896:

MARTHA NOGGLE:- 81 years; resident of Grape Creek,Cherokee County, North Carolina; I was the wife of JacobNoggle who died in 1889 and am the administratrix of his estate; Jacob Noggle was loyal to the United States government all his life and never did anything to aid the rebellion; his father was a soldier in the Revoluntiary War.

JOHN W. NOGGLE:-51 years; resident of Cherokee County,

North Carolina; carpenter; Jacob Noggle was my father and Martha Noggle was my mother; my father was always a union man and loyal to the government of the United States; when the State of North Carolina voted on the question of secession, claimant voted against ~~him~~ secession and claimed to be and was loyal to the union and the government up to the time of his death.

ANDREW G. HUMSUCKER:-71 years; resident of Cherokee County near Murphy, North Carolina; no interest no relation; I I knew claimant from the year1861 to 1865 and knew him well; he claimed to be loyal to the United States government during all this time and talked for the union:-

Summary of Evidence.

Claimant was a resident of North Carolina during the war in Cherokee County and was engaged in farming(p. 1).

The testimony as to his feelings and expressions during the war is as follows:-

Claimant says his sympathies were with the union from the beginning to the end of the war(p. 2); he never changed his opinion but took the side of the union and opposed secession from the commencement to the close of the war(p. 2).

Mc Donald has been intimate with him except a short time during the time when he was in the service of the United States; he lived near claimant during the war and was one of

his nearest neighbors(p. 3); he met him frequently during the war; every few days; he frequently conversed with him freely: it was general conversations; he always expressed himself in favor of the union and opposed to secession; we met at different places ; witness was a union man and the claimant knew it claimant knew witness was in the federal army; knew that he was a union man from his conversations when speaking of the war its causes andresults(p. 4). He expressed himself at all times when not embarrassed as a union man(p. 5).

Green says he resided in Cherokee County during the war; he was pretty intimate from the first; he met himfrequently during the war at Murphy at witness house; and at claimants house; he does not recollect particular conversations,but regarded him as a truly loyal man; sometime in 1864 they met at Col. Davidosn's on Sunday before election in August and they had a private conversation and talked freely; he said that the United States was as good as he wanted and he wanted it perpetuated; claimant was in the habit of drinking, when he would make speeches in behalf of the union and opposition to secession and the confederacy;.

Mrs. Noggle says that claimant was loyal to the United States government all his life; his father was a soldier in the revolutionary war(p. 6).

John H. Noggle ,son of claimant ,says his father was a

union man and loyal to the United States; when the State of North Carolina voted on the question of secession claimant voted against secession and claimed to be a union man, and was loyal up to the time of his death.

Humsucker says that he knew claimant well from 1861 to 1866 and he claimed to be loyal to the United States government during this time and talked for the union(p. 7).

The testimony as to his reputation is as follows:-

Claimant says the United States army treated him kindly; the rebels threatened to shoot him on account of his union sentiments(p. 3).

Mc Donald says claimant's general reputation was that he was a loyal citizen; he heard his neighbors speak of him, and names the persons who spoke in that way(p. 4).

Green says it was the common report that claimant was a union man; he was considered loyal to the government of the United States; he said and did many things that would have prevented him establishing his loyalty to the confederate government.(p.6).

The testimony as to the action of the claimant as it regards giving aid or comfort to the rebellion or the union is as follows:-

Claimant says he never did anything against the union cause; he was at all times ready and willing to do all in his power to aid the union cause; he fed the union soldiers in

passing through the country; he had one cousin in the union a army; claimant was toooold and did no active service and all he contributed to the union army was whatthey could eat when they passed; every opportunity he had he voted for the union cause; he adhered to the union after the State seceded; he always rejoiced at the success of the union army and deplored their losses; he was arrested by the rebel homeguard and in a short time released on account of his age(p. 2),

His son John was 37 years old when he entered the confederate army; he used all his influence to prevent him from aiding the rebels; he voted once during the war and then voted for the union canditate(p. 3).

Mc Donald says that the only thing he remembers that claimant did during the war was to get his son-in-law out of the confederate army; witness at the request of claimant started with him and he left him in the mountains; the only thing he recollects was the escape of some of his family from the confederate army and his general conversations against the war(p. 4).

Green says that on some of claimant's drinking sprees he would make speeches in favor of the union(p.5); he thinks he said and did many things that would prevent him from establishing his loyalty to the confederacy.

Mrs. Noggle says claimant never did anything to.aid the

rebellion; his father was a revoluntionary soldier.

John W. Noggle says his father voted forthe union on the question of secession.

We submit that the claimant in this case be found loyal.

A. J. Willard

Of counsel. Attorneys for Claimant.

June 23, 1896.

IN THE COURT OF CLAIMS.
No. 7811 Cong.

CONGRESSIONAL CASE.
No. 7811

Martha Noggle, adm'x

vs.

THE UNITED STATES.

Claimant's Brief on Loyalty.

Charles & William B. King.
Attorneys for Claimant,
A. J. Willard, counsel.

No. 1811 Cong.

IN THE COURT OF CLAIMS.

DECEMBER TERM, 1889 1890

Jacob Nagle,

vs.

THE UNITED STATES.

APPEARANCE.

FILED BY

GILBERT MOYERS,

Att'y for Claimant.

FILED

IN THE COURT OF CLAIMS.

DECEMBER TERM, 1889-1890

Jacob Staple

vs.

THE UNITED STATES.

No. 7811 Congressional.

APPEARANCE.

Notice is hereby given of my appearance as Attorney for the Claimant in the above-entitled cause.

GILBERT MOYERS, *Attorney.*

CONGRESSIONAL CASE.

No. 7811 No. 7811

CONGRESSIONAL.

IN THE COURT OF CLAIMS.

Martha Noggle
administratrix of the estate of
Jacob Noggle, deceased

v.

THE UNITED STATES.

Allowed
W. A. R.
Ch. J.

MOTION FOR CALL ON THE WAR DEPARTMENT.

CHARLES & WILLIAM B. KING,
Attorneys for Claimant,
No. 918, F Street, Box 593,
WASHINGTON, D. C.

IN THE COURT OF CLAIMS.

DECEMBER TERM, 1890.

Martha Noggle,
administratrix of the estate of
Jacob Noggle, deceased

v.

THE UNITED STATES.

Congressional, No. 7811

MOTION FOR CALL ON THE WAR DEPARTMENT.

The claimant moves for a call upon the above-named Department for any information contained in the Confederate Archives as to the loyalty during the late war of the claimant above-named Jacob Noggle, who resided at that time in Cherokee County, North Carolina

Charles H. Mc B. King.

Attorneys for Claimant.

W. H. B.

IN THE UNITED STATES COURT OF CLAIMS.

--o--oOo--o--

Martha Noggle, Admr'x.,	)	
Jacob Noggle, Dec.,	)	
-vs-	)	No. 7811 Cong.
The United States.	)	

--o--oOo--o--

Defendant's Brief on Merits.

--o--oOo--o--

This is a claim for property belonging to Jacob Noggle, and alleged to have been taken from his farm in Cherokee Co., N. C., in February of 1864, by United States troops under one Captain Smith. The claimant asks pay for the following property at the following prices:-

(1)	One bay horse about 9 years old	$100.
(2)	One saddle	3.
(3)	One bridle	2.
(4)	One bed quilt	2.
	Total	$107.

Claimant's brief presents a fair synopsis of the testimony in the case. The claimant, who is now deceased, his wife and nearly all of their witnesses are very illiterate and unable to attach even their names to the testimony. In this testimony there is considerable conflict. Jacob Noggle,

the claimant, now deceased, says the property was taken in February of 1864 (Cl. Br. p. 2); Martha Noggle (claimant's wife) and John H. Noggle (claimant's son) say the property was taken in 1863 (Cl. Br. p. 14).

The original claimant says the horse was taken by a portion of General Wolford's command under Captain Smith (Cl. Br. p. 14); John H. Noggle, the son, says it was taken by soldiers under Colonel Long (Cl. Br. p. 14); witness Humsucker says (Cl. Br. p. 14), he thinks it was Colonel Long's company who took the horse.

As to the number of soldiers present at the time of the taking the testimony varies considerably. The claimant says 17 or 18 soldiers (Cl. Deposition p. 4); James Burgess says 25 or 30 (Deposition p. 12); John Noggle says 40 men and horses (Deposition p. 17); Catharine Williams says 75 or 80.

On the value of the horse the testimony runs from $75. to $125. Jacob Noggle in his first testimony places it at $100., in his later testimony at $120. John Burgess says $75., which is probably a fair valuation, as the animal does not seem to have been considered first class by any of the witnesses. John Noggle says it weighed 900 pounds, which would be a small horse for farm purposes, and it was not a young horse, it being nine years old, so it would seem that $75. would be a fair estimate as to its value.

There is some testimony with regard to the saddle and and bridle, placing their values at a higher figure than asked for in the claimant's bill, but in any event this Court will hardly find them of greater value than the amounts originally

the claimant, now deceased, says the property was taken in February of 1864 (Cl. Br. p. 2); Martha Noggle (claimant's wife) and John H. Noggle (claimant's son) say the property was taken in 1863 (Cl. Br. p. 14).

The original claimant says the horse was taken by a portion of General Wolford's command under Captain Smith (Cl. Br. p. 14); John H. Noggle, the son, says it was taken by soldiers under Colonel Long (Cl. Br. p. 14); witness Humsucker says (Cl. Br. p. 14), he thinks it was Colonel Long's company who took the horse.

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There is some testimony with regard to the saddle and and bridle, placing their values at a higher figure than asked for in the claimant's bill, but in any event this Court will hardly find them of greater value than the amounts originally

prayed for.

If the Court concludes from the testimony that the property was taken and appropriated by the United States troops and that said taking was authorized, and that said property has not been paid for, then it would seem that a proper finding under the testimony would be as follows:-

Horse	$75.
Saddle	3.
Bridle	2.
Total	$80.

Respectfully submitted,

J. W. Collins
Assistant Attorney

7811 Cong

Moggle

Deft's Brief on Merits

F. W. Collins
asst atty

'IN THE COURT OF CLAIMS.
No. 7811 Congressional.

Martha Noggle, administratrix of
Jacob Noggle, deceased,

vs.

THE UNITED STETAES.

Claimant's Brief on Merits.

IN THE COURT OF CLAIMS.
Term 1897 and 1898.

Martha Noggle, adm'x of Jacob Noggle, dec'd	)	
vs.	)	No. 7811 Congressional.
THE UNITED STATES.	)	

The deceased claimant presented to the Commission of Claims the following account for property taken from him in North Carolina by the army for its use during the late war:

In Cherokee County, North Carolina, on or about the 19th day of Feburary, 1864 by the forces of the United States, namely; Smith and Robinson's battallion, to wit:

(1)	one bay horse about 9 years old	$100.00
(2)	one saddle	$3.00
(3)	one bridle	$2.00
(4)	one bed quilt	$2.00
		$107.00

The following testimony was taken by a special Commissioner and reported to the Commission:

JACOB NOGGLE (January 21, 1876) 74 years old; resident of Cherokee County, North Carolina and have been for thirty yrs: occupation farmer; I am the claimant; born in Lincoln County, North Carolina; I resided in Cherokee County at the comencement of the war and remained at the same place until the close
(1) of the war engaged in farming; one horse charged for in the

(1) claim was my own property; I swapped for the horse; I owned him four or five years; ; the horse was taken from my farm house situated on the road leading to Murphy, North Carolina: to Madisonville, Tennessee, 8 1/2 miles northwest of Murphy; the farm consis-ted of 187 acres, about fifty acres cleared; the remainder was woodland; have not filed a petition in bank-

(1) ruptcy; I was present when the horse was taken; I actually saw the horse taken; the hors was taken during the day not secretly; I complained to Captain Smith for taking my horse; that it would force me to make my corn with my hoe; he said that he was compelled to take the horse to get his prisoners out of the couhtry, but if he could do so, he would get a horse at some other place and then return my horse home, but if he failed to return the horse, then I would be paid for it no vouchers or receipts were received or asked for; I did not know at that time that they would be of any service to me; no payment has ever been made for any part of this claim; the property charged for was taken by soldiers on the march or raid into North Carolina; the horse was a bay, common size, good

(1) saddle or harness horse, in fine condition, worth $100; the sad-

(2) dle and blanket was worth $7.50; it was a citizen saddle; cost me when new $20; I think it was about the 19th of February, 1864; I understood that it was a portion of Gen. Wolford's command under the command of Captain Smith; the troops came to

)1) my house and went to the stable and got the horse and it was rode off by some of the command; I suppose there were 17 or 18 soldiers at my house; Captain Smith said there was a great many in the country; I suppose they were at my house something near one hour; Capt. Smith was present; I enquired of the men who was the officer and they pointed him to me and said his name was Smith; I supposed that he was authorized to take the ~~property~~ horse, being an officer of the union army.

JONATHAN MC DONALD(Oct. 26,1875) 60 years; resident of Cherokee County, North Carolina; have been for 41 years; engaged in farming; I was born in Georgia; I resided in Cherokee County seven miles from Murphy and engaged in farming before the war where I resided until the close of the war and until the present time, except a portion of the time I was in the service of the United States; I testify in favor of the claimant; almost ever since my first recollection my acquaintance with claimant has been intimate;lived near him during the war, some 1 1/2 mile ;he was one of my nearest neighbor; I met him frequently during the war up to the time I left home and went to Tennessee.

James M. BURGESS(Oct. 1st,1875) 33 years; resident of Cherokee County,North Carolina and have been for 25 years; farmer; son-in-law of claimant;no interest; was bon in South Carolina; resided in Cherokee County within 1 1/2 mile or 2 of claimant; was engaged in farming and continued there until

sometime in the fall of 1861, when I volunteered in the confederate army, where I remained until sometime in the year 1864, when I was captured by the federal forces and taken to Camp Chase, where I remained until the close of the war; at the time I was captured I was at home on a furlough; Jacob Noggle, the claimant was the owner of the property charged for in this claim which he traded for; I was present when the horse and saddle were taken and I saw them taken; none taken during the night; sometime during the afternoon; no complaint was made to my knowledge; do not think any vouchers were asked for or given; no payment for any part of this property was ever made or returned to claimant that I ever heard of; the property was taken by troops on a raid from Tennessee into North Caro-
(1) lina; the horse was a bay, common size, good saddle and harness horse, in tolerable condition, worth at that time I think $75
(2) and the saddle was pretty fair citizen saddle worth $7 or $8 the blanket I did not see; this was sometime in the Spring of 1864, I think in February; I understood it was a portion of Gen Woolford's command; Captain Smith was in command of the company that was at claimant's house, took charge of prisoners; they had captured me just before they got to claimant's house and I was a prisoner at that time; they caught the
(1(2)(3) horse, bridle and saddled him and mounted a man by the name of Britton Moore, a prisoner, on him who rode him off with the

command; I think there were some twenty five or thirty at claimant's house; when they all got together at night at S--- on the Hiawassee, some six or seven miles east of Murphy, there were two or three hundred ; they were something near one hour at claimant's house; they took the horse back into Tennessee to the command at Louden, Tennessee, where I was shipped by rail to Camp Chase, and saw nothing more of the property; I understood that a Captain Smith was present ; this I knew from his uniform and the soldiers called him Captain ; I do notrecollect his saying anything in regard to this property, but I heard him tell his men to take horses wherever they found them and they needed them; I know nothing of his authority for taking the property.

CARHARENE WILLIAMS(Sept. 29,1875) 42 years; resident of Cherokee County, N. C. and have been for some thirty years; farming and house-keeping; I am the daughter of the claimant; I was born in Mason County, North Carolina; I was present and saw the horse, saddle and blanket taken during the day, none secretly; my mother complained to the officers for taking the horse, and begged them to leave them; he said he was compelled to have him for a prisoner to ride; to my knowledge no vouchers were asked for or received; no payment was ever received for this property ,or any of the property returned that I ever heard of; it was taken by troops on a raid from Tennessee

(1)(2)

into North Carolina; the horse was a dark bay in fine order
(1) a first rate saddle and harness horse, common sized horse,
worth I think $100; the saddle was a citizen saddle, it and
(2) the blanket were worth $7 or $8; I think it was in the Spring
of 1864; Woolfords command; Capt Smith was present or some man
of that name; this property was taken from the claimant's
house on the waters of Grass Creek on the old turnpike road
leading to Murphy North Carolina from Madisonville, Tennessee,
8 or 9 miles from Murphy; soldiers came to the house of my
father, saw the horse in the field and ordered my brother to
bring him up, which he did, and they saddled the horse and
mounted a prisoner on him and started him off; I think there
were 75 or 80 men present, all mounted; were there perhaps an
hour; they left in the direction of Murphy North Carolina; I
understood from what the men said that their headquarters
were at Louden, Tennessee; Captain Smith was present; I know
this from what was said and the soldiers called him captain
Smith; they had on the uniform of U. S. soldiers; Captain
Smith ordered the property to be taken, said he wanted it for
the use of his prisoners.

JOHN NOGGLE (Sept. 29, 1875) 28 years; resident of Cherokee
County, North Carolina ever since my birth; farming; I am the
(1) son of claimant; I was present and saw the horse taken, also
(2) saddle and blanket, all taken during the day, none secretly;

mother complained to the officer for taking the horse; he sai that he was compelled to have him,but if he could get another horse he would send him back, if not, the government would pay for him; to my knowledge no vouchers were asked for or given; no payment had ever been made for this property or any part of it returned to claimant that I ever heard of; it was taken by troops on a raid from Tennessee to North Carolina;
(1) the horse was a dark bay with black mane and tail, good saddle and harness horse, in good order, worth at the time $100 in
(2) good money; the saddle was a citizen saddle and with the blanket was worth $6 or $7; some time in the Spring of R864, this property was taken as I understood by a portion of Gen. Woolford's command commanded by Capt. Smith; the command stopped in the lane at my father's ; the horse was in the field ;they ordered me to bring him up; I refused to do so at first but finally had to do it; they saddled the horse and took him off in the direction of Murphy; I think there were forty men and horses; this was on the waters of Grape Creek on the old road leading from Murphy to Madisonville, Tenn;they were at father's something near an hour; I dont know to what point they took the horse; I understood there was a captain Smith in the command; know nothing of the authority of the officer for taking the horse, or to what use they put him further than I have already stated;they demanded him and took him off;

This claim was rejected by the Commission upon the following grounds:

"This claimant was an old man and swears to loyal sympa-
"thies; two witnesses, one of whom lived 12 miles from him
"testify to loyal conversation and reputation in an indefi-
"nite way X X X The horse taken was evidently of but
"little worth and not fit for army service and was used to
"mount a prisoner temporarily; what became of the horse dont
"appear. We reject the claim".

Evidence under Rules.

Deposition filed April 10, 1896:

MARTHA NOGGLE: 81 years; reside on Grape Creek in Cherokee County, N. C.: I was the wife of Jacob Noggle, who died in 1889 and am the administratrix of his estate; my husband owned a horse during the late war and he was taken from him by the federal soldiers; dont remember exactly what year, but think it was in 1863; the federal soldiers came to our house
(1)(2)(3) and took away the horse, a saddle and bridle, and did not pay anything for the property; Jacob Noggle never received any pay for the horse during his lifetime, and I have never received any pay for him from the government; I think the horse take
(1) by the soldiers was worth $125, the saddle and bridle were
(2) worth about $10 at the time they were taken by the soldiers;

JOHN H. NOGGLE; 51 years; resident of Cherokee County:

carpenter by occupation; Jacob Noggle was my father and Martha Noggle, the claimant is my mother; my father owned a horse during the late war from 1861 to 1865; the horse was a bay
(1) horse, weighing 900 pounds, eight years old, worth $120 to $125 at the close of the war; this horse was taken from Jacob Noggle by the federal soldiers under Col. Long in the year 1863, and carried off by them.

ANDREW G. HUMSUCKER: 75 years; resident of Cherokee County, North Carolina; I knew claimant from 1861 to 1865;
(1) he owned a bay horse during the late war, and I knew the horse well; the horse was medium size, about 15 or 15 1/2 hands high about 8 years old, a good sound serviceable horse worth $100; horses were very low in price at that time; the horse was taken from Jacob Noggle by federal soldiers, but I dont now remember who; I think it was Col. Long's company that took him.

SUMMARY OF EVIDENCE.

Jacob Noggle, the deceased claimant, says that he was a resident of Cherokee County, North Carolina; was born in Lincoln County, North Carolina and lived in Cherokee County engaged in farming during the entire war(p. 1).

Property.

Deceased claimant says the horse charged was his property; he swapped for the horse; he owned him four or five years;

the farm consisted of 187 acres, about fifty acres cleared, the remainder in woodland(p. 2).

James M. Burgess says the claimant was the owner of the property charged for in this claim, which he traded for(p.4).

Martha Noggle says she is the wife of claimant ,who died in 1889, and am the administratrix of his estate; my husband owned during the war a horse which was taken by the federal troops(p. 8).

John H. Noggle, son of claimant, says his father owned a horse during the late war, which was taken from him by the federal troops(p. 9).

A. G. Humsucker says he knows claimant owned a bay horse which was taken from him by federal soldiers(p. 9).

Appropriation.

Deceased claimant says the horse was taken from his farm house situated on the road leading to Murphy, North Carolina; he was present when the horse was taken and saw it taken; the horse was taken during the day,not secretly; complaint was made to Capt. Smith for taking the horse, who said he was compelled to have the horse to get his prisoners out of the country, but if he could do so, he would get a horse at some other place and return my horse, but if he failed to return the horse; I would get pay for him; no vouchers or receipts were asked

for or given; did not know at that time that they would be of service to me; no payment has been made for any part of this claim; the property charged for was taken by soldiers on the march or raid into North Carolina, I think it was about the 19th of February, 1864; I understood that it was a portion of Gen. Wolford's command under command of Captain Smith; the troops came to my house and went to the stable and got the horse and it was rode off by some one in the command; suppose there were seventeen or eighteen soldiers at my house; Capt. Smith says there were a great many in the country; I suppose they were at my house something near one hour; Capt. Smith was present; the men pointed him out to me as the officer and I suppose he was authorized to take the horse, being an officer of the union army(pp. 2 & 3).

James M. Burgess says he was in the confederate army, and was captured by the federal forces when at home on a furlough; I was present when the horse and saddle were taken and saw them taken, none taken at night, sometime during the afternoon: no complaint was made to my knowledge; do not think any vouchers were asked for; no payment was received, nor property returned to claimant that I ever heard of; the property was taken by troops on a raid from Tennessee sometime in the Spring of 1864, I think in February; under stood it was a por-

tion of Gen. Wolford's command, Captain Smith in command of the company at claimant's house that took charge of the prisoners; I was a prisoner at that time; they caught the horse, bridled and saddled him and mounted a man named Britton Moore, a prisoner, on him, who rode him off with the command(pp. 4 & 5). I think there were some 25 or 30 at claimant's house; when they all got together at night there were two or three hundred; they were about an hour at claimant's house; they took the horse to the command at Louden, Tennessee, where I was shipped by rail to Camp Chase, and saw nothing more of the property; I understood Capt. Smith was present; the soldiers called him captain and I knew by his uniform; heard him tell his men to take horses wherever they could find them and needed them(p.5)

Carharene Williams says that she is the daughter of claimant; was present and saw the horse, saddle and blanket taken during the day, none secretly; mother complained to the officers for taking the horse, but he said he was compelled to have him for a prisoner to ride; to my knowledge no vouchers received or asked for; no payment ever received for this property, nor was any of the property returned; it was taken by troops on a raid from Tennessee(p. 5) into North Carolina in the Spring of 1864 by Gen. Wolford's command, Capt Smith was present; this property was taken from the claimant's

house 8 or 9 miles from Murphy; soldiers came to the house, saw the horse in the field, ordered my brother to bring him up, and they saddled the horse and mounted a prisoner on him and started him off; think there were 75 or 80 men present, all mounted; were there perhaps an hour; they left in the direction of Murphy; the soldiers called the officer Captain Smith; they had on U. S. uniforms; Capt. Smith ordered the taking of the property, said he wanted it for the use of a prisoner(p. 6).

John Noggle says he was present and saw the horse, saddle and blanket taken during the day, none secretly(p.6); mother complained to the officer, who said he was compelled to have him, but he would send him back if he could get another, but if not, the government would pay for him; no vouchers were asked for or given; no payment has ever been made for this property or any part of the property returned; it was taken by troops on a raid from Tennessee into North Carolina sometime in the Spring of 1864; it was taken as I understood by a portion of Gen. Wolford's command under Capt. Smith; the command stopped in the lane at my father's; they ordered the horse to be brou brought up from the field; I refused to do so but finally had to do it; they saddled the horse and took him off in the direction of Murphy; think there were 40 men and horses; they

were at father's house about an hour; understood there was a Captain Smith in thecommand; do not know to what use they put the horse further than I have stated; they demanded him and took him off(p. 7).

Martha Noggle, the wife of deceased claimant, says her husband owned a horse which was taken by the federal soldiers, she thinks in 1863; the federal soldiers came to our house and took away the horse, saddle and bridle; did not pay anything for the property; he never received any payment for the property during his lifetime(p. 8).

John H. Noggle, son of deceased claimant, says his father owned a horse during the war which was taken from him by federal soldiers under Col. Long in 1863, and carried off by them(p. 9).

A. G. Humsucker says claimant owned a bay horse during the late war which was taken by federal soldiers; he thinks it was Col.Long's company that took him.(p. 9).

(1). Claim is made for the taking of a bay horse, about 9 years old worth $100(p. 1). Claimant says the horse was a bay, common size, good saddle or harness horse, in fine condition, worth $100(p. 2).

Burgess says the horse was a bay,common size,good saddle and harness horse,in tolerable condition worth at that time

he thinks $75(p. 4).

C. Williams says the horse was a dark bay in fine order, a first rate saddle and harness horse, common size and worth $100(p. 6).

John Noggle says the horse was a dark bay with black mane and tail, good saddle and harness horse in good order and worth at the time $100 in good money(p. 7).

Mrs. Noggle says she thinks the horse taken by the soldiers was worth $125(p. 8).

John H. Noggle says the horse was a bay, weighing 900 pounds, eight years old. worth $120 to $125 at the close of the war(p. 9).

A. G. Humsucker says he knew the horse well; it was a medium size horse, about 15 or 15 1/2 hands high, about 8 years old, a good sound serviceable horse worth $100(p. 9).

The lowest estimate of the value of the horse is $75 and the highest $125. The greatest number of witnesses place it at $100, and we submit that sum is the result of the testimony

(2) Claim is made for a saddle taken worth $3(p. 1). Claimant says the saddle and blanket were worth $7.50; it was a citizen and cost him when new $20(p. 2).

J. M. Burgess says the saddle was a pretty fair citizen saddle worth $7 or $8(p.4).

C. Williams says the saddle was a citizen saddle; it and

and the blanket were worth $7 or $8(p. 6).

John Noggle says the saddle was a citizen saddle and with the blanket was worth $6 or $7(p. 7) .

Mrs. Noggle says the saddle and bridle were worth $10 at the time they were taken by the soldiers(p. 8).

The claim does not state that a blanket was taken with the saddle, but as a blanket is in universal use as a necessity of the saddle, we submit that it is properly understood as covered under the general term saddle.

The lowest amount stated as the value of the saddle including the blanket is $6, and the highest $8. Claimant's estimate at $7.50 appears to be a fair deduction from the

(3)(4) testimony.

A bridle and bed quilt are claimed to have been taken.

Burgess says that a bridle was taken(p. 4).

Mrs. Noggle says a bridle was taken; the bridle and saddle were worth $10(p. 8).

Taking the saddle at the value stated in the testimony of claimant at $7.50 and the bridle at $2 as claimed, and the result would be $9.50 instead of $10.

That there must have been a bridle taken is evident from the use made of the horse by the troops,and the fact that the witnesses lost sight of it is accounted for by its small value

Two dollars is the lowest sum that can be allowed for the bridle.

Nothing is said about a quilt, and being without proof need not be considered.

It is worthy of notice that the decision of the Commission of Claims which denied to the claimant the value of property undoubtedly taken and used by the army, was on the ground that the horse taken was not intended for permanent service. The idea of permanence of use by the army being a condition of receiving compensation for property actually taken and used by the army must have originated in the mind of the Commission, for no such condition is expressed or implied by the Statute. The promise to return the horse under certain possible conditions, which according to the necessities of the case, were impossible of being realized, offers no ground for such action taken by the Commission. The fact that the work of the Commission was undone by the authority conferred on this Court renders comment on the decision of that body unnecessary.

A. J. Mullaney W. W. Thomas

Of Counsel. Attorney for Claimant.

THE COURT OF CLAIMS
No. 7811 Congressional.

CONGRESSIONAL CASE.
No. 7811

Martha Noggle, administratrix of
Jacob Noggle, deceased.

vs.

THE UNITED STATES.

Claimant's Brief on Merits.

William B. KING.
Attorney for Claimant.
A. J. Willard, Counsel.

United States Court of Claims
At Washington, D.C.

Martha Noggle, Administratrix
of Jacob Noggle, deceased, } Claim #7811.
vs.
The United States

Depositions of
Martha Noggle, John H. Noggle and Andrew J. Hunsucker, witnesses for ~~claimant~~, taken before R. L. Cooper, Notary Public, at his office in Murphy, Cherokee County North Carolina on the 16th day of Sept. 1895, in the presence of J. W. Cooper of Counsel for ~~claimant~~ and Martha Noggle Claimant.

Martha Noggle, admx. of Jacob Noggle dec'd. being by me first duly sworn to tell the truth, the whole truth and nothing but the truth relative to above mentioned case, says:

Ques 1. What is your name, age, & place of residence?

Ans. 1. My name is Martha Noggle; am Eighty one years old, and I live on Grape Creek in Cherokee County, North Carolina: I was the wife of Jacob Noggle, who died in 1889, and am the Ad-

ministratrix of his Estate

Ques. 2. State if your husband, Jacob Noggle, lost any ~~any~~ property during the late war between the States, and if so what, and when did he lose it?

Ans. 2. My husband owned a horse during the late war, and he was taken from him by the Federal soldiers - I dont remember Exactly what year was, but think it was in 1863. The Federal soldiers came to our house and took away the horse, a saddle and bridle, and did not pay any thing for the property. Jacob Noggle never receiving any ~~pay~~ for the horse during his life time, and I have never received any pay for him from the Government.

Ques. 3 What was the horse taken by the Federal soldiers worth?

Ans. 3. I think the horse taken by the soldiers was worth One Hundred and Sixty five dollars the saddle and bridle were worth about ten dollars, at the time they were taken by the federal soldiers.

Ques 4. State whether or not Jacob Noggle, your late husband was loyal to the United States Government?

Ans. 4, Jacob Noggle was loyal to the United States Government all his life, and never did anything to aid the Rebellion. His father was a soldier in the Revolutionary War. I know nothing further of this matter.

her
Martha Noggle X mark
Admx of Jacob Noggle dec'd.

Subscribed and sworn to before me this 16th day of Sept 1895.

R. L. Cooper, Notary Public.

John H. Noggle, the next witness for Claimant, by ~~Mr~~ first duly sworn, in answer to interrogatories says as follows:

Ques. 1. What is your age, occupation and place of residence?

Ans 1. My age is fifty one years, and I reside in Cherokee County, North Carolina, near Murphy. My occupation is that of a carpenter.

Ques 2. What relation are you to the claimant in this case, and to Jacob Noggle, deceased?

Ans. 2. Jacob Noggle was my father, and Martha Noggle, the claimant in this action, is my mother.

Ques. 3. State if your father lost any property during the late war? If so, what, and how did he lose it?

Ans 3. My father, Jacob Noggle owned a horse during the late war from 1861 to 1865. The horse was a bay horse, owned weight about 900 pounds, was eight years old, and was worth from One Hundred and Twenty to One Hundred and Twenty five dollars at the close of the war. This horse was taken from Jacob Noggle by the Federal

soldiers under Col. Long in the year, 1863 and carried off by them.

Ques 4. Was Jacob Noggle loyal or disloyal to the Union during the late war?

ans. 4. Jacob Noggle, my father, was always a Union man and loyal to the United States. When the State of North Carolina voted on the question of secession, Jacob Noggle voted for the Union against secession, and claimed to be and was loyal to the Union and the Government up to the time of his death.

Ques 5. State anything further you may know concerning this claim.

ans. 5. I know of nothing further about this claim or case.

James Noggle

Subscribed and sworn to before me this 16th day of Sept. 1895.

R. L. Cooper
Notary Public

Andrew G. Hunsucker, the next witness for Claimant, being by me first duly sworn, in answer to interrogatories, says as follows:

Ques 1. What is your age, occupation, and place of residence?

ans 1. I am seventy one years old, and live in Cherokee County, near Murphy, North Carolina.

Ques 2. What interest, if any, have you in this claim?

ans. 2. I have no interest in this claim, and am not concerned in its prosecution.

Ques 3. State if you knew Jacob Noggle, and when did you know him?

ans. 3. I knew Jacob Noggle from the year 1861 to 1865, and knew him well.

Ques 4. State if you know, whether or not, Jacob Noggle was loyal to the Government during the late war of the Rebellion?

ans. 4. Jacob Noggle claimed to be loyal to the United States Government during all this time, and fought for the union.

Ques. 5. State if you know, whether or not Jacob Noggle lost any property during the late war? If so, what it was, how he lost it, and what was it worth?

Ans. 5. Jacob Noggle owned a bay horse during the late war, and I knew the horse well. The horse was a medium size horse about 15 or 15½ hands high, about 8 years old, and a good, sound, serviceable horse. The horse was worth about one Hundred dollars. Horses were very low in price at that time. This horse was taken from Jacob Noggle by Federal soldiers, but I don't now remember who. I think it was Col. Long's Company that took him.

Ques 6. State anything further you know concerning this matter?

Ans. 6. I know nothing further.

Andrew G. Hunsucker

Subscribed and sworn to before me this 16th day of September, 1895.

R. L. Cooper

Notary Public.

North Carolina }
Cherokee County } ss.

I, R. L. Cooper, Notary Public, do hereby certify that the depositions hereto attached were taken down by me and reduced to writing in the presence of, and from the oral statements of Martha Noggle, John H. Noggle and Andrew G. Hunsucker, the witnesses, in answer to the interrogatories hereto attached, and by me propounded to them respectively, at the time and place designated in the caption above, and after they had been reduced to writing by me and then and there by me read over to the witnesses and by them subscribed in my presence. The witnesses being then by me first duly sworn to testify the truth, the whole truth and nothing but the truth, touching the matters at issue in said cause.

I do further certify that I am not of counsel for any of the parties, or in any manner interested therein

R. L. Cooper N. P.
and Special Commissioner

CONGRESSIONAL CASE.
No. 7811

CONGRESSIONAL CASE.
No. 7811

Martha Moyle Admx
vs
The U.S.

Deposition for
Clmt

In any further correspondence on this subject quote the above initials.

Department of Justice,

Washington, July 19th, 1892.

In the Court of Claims.

Estate of Jacob Hoggle vs. The United States.

No. 7811, Congressional.

The Secretary of War.

Sir:

In the above-entitled cause the loyalty of Jacob Hoggle is in question. He resided during the War in Lehuston Co. Va., and seeks to recover from the United States the sum of $107.00 for property alleged to have been taken at Lehuston Co. about the 19th day of February, 1864.

I have the honor to request you to transmit certified copies of all accounts, letters, affidavits, records, and of all other papers in the Confederate archives touching the question of the loyalty or disloyalty of said Jacob Hoggle to the United States Government.

Your attention is especially called to

Very respectfully,

John B. Cotton.
Assistant Attorney General.

7-53

7,

No. 7811 Cong. ✓

Noggle

vs.

The United States.

War Dept

Report on Legislation

Jacob Noggle
Chowkee Co. N.C.

No 7811.

War Department,
Adjutant General's Office,

July 30 1892

Respectfully returned to the Government of claims, by direction of the Secretary of War.

No information found relative to

Jacob Noggle

J. C. Gilmore
Ass't Adjutant General.

COURT OF CLAIMS.

Martha Noggle, adm'x of Jacob Noggle, dec.

vs.

THE UNITED STATES.

Cong. No. 7811

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the Rebellion, the Court, on a preliminary inquiry, finds that

Jacob Noggle,

the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

CONGRESSIONAL No. 7811

Martha Noggle, adm'x of
Jacob Noggle, dec.

vs.

THE UNITED STATES.

LOYALTY FOUND.

Filed....., 189

J. B. D. 38

TREASURY DEPARTMENT

OFFICE OF AUDITOR FOR THE WAR DEPARTMENT

.....54385.....

In answering this letter address "Auditor for the War Department," and refer to above number.

Washington, Feb. 7, 1900.

The Honorable,

The Secretary of the Treasury.

Sir:

Referring to your endorsement on the request of the Attorney-General for information in the claim of Martha Noggle, administratrix of Jacob Noggle's estate vs. U. S., #7811 Cong., pending in the Court of Claims, I have the honor to inform you that an examination of the money accounts and property returns of such officers of the Quartermasters Department, known to this office as having been on duty in Cherokee Co., N. C., and vicinity, during the year 1864, fails to disclose any evidence relative to the property alleged to have been taken from the said Jacob Noggle, for the use of the U. S. Army, during the month of Feb., 1864.

The records of this office furnish no information in this case. The letter of the Attorney-General and claimant's petition are herewith returned.

Respectfully,

F. H. Morris.

Auditor.

A. E. A.

21028

Treasury Department
Office of
Auditor for the War Department
Washington, D. C.,
Feb. 7, 1900.

F. H. Morris
Auditor

States that the records of this office furnish no information relative to property, alleged to have been taken from Jacob Noggle, of Cherokee Co., N. C., in the claim of Mary Noggle, administratrix of Jacob Noggle's estate, #7811 Cong., pending in the Court of Claims.

TREASURY DEPARTMENT

OFFICE OF THE SECRETARY,

MISCELLANEOUS DIVISION.

21028A
51-EK

Washington, D. C., March 20, 1900.

The Honorable

The Attorney-General,

Sir:

I have the honor to acknowledge the receipt of your request of December 22, 1899, to be furnished with all facts, circumstances and evidence in the possession or knowledge of this Department, touching the claim of Martha Noggle, Administratrix of estate of Jacob Noggle, deceased, vs. The United States, No. 7811 Congressional, for $107.00, on account of stores and supplies as set forth in her petition therein.

In answer, there is herewith transmitted the report from the Auditor for the War Department, to whom your request had been referred for examination and report.

Further, you are informed that an examination has been made of the papers in the Miscellaneous Division of this Office, for evidence touching the question of the loyalty of the said Jacob Noggle, and none was found.

The petition is herewith found.

Respectfully,

Secretary.

COURT OF CLAIMS.

7811 Cong

Noggle

vs

Report of Treasury Dep't

Kings

Mar 26 1900

COURT OF CLAIMS.

Martha Noggle

vs.

THE UNITED STATES.

No. 7811

The parties in the above-entitled case agree to its submission on the issue of loyalty

Edw. C. Wm. B. King
Attorney for Claimant.

Benbartlet
Ass't Attorney ~~General.~~

Date of previous submission .....

NOTE.—Parties desiring to submit cases without oral argument will fill out the above form, stating the issue presented for consideration, and if previously submitted upon the same issue, give the date of such submission.

COURT OF CLAIMS.

No. 7811

Comp.

Martha Maggle

vs.

THE UNITED STATES.

SUBMITTED ON

Loyalty

Chas. Wm. B. Kelly

Claimant's Attorney.

IN THE COURT OF CLAIMS.

DECEMBER TERM, 1890.

Martha Noggle, administratrix of the estate of Jacob Noggle, deceased *v.* THE UNITED STATES.	Congressional, No. 7811

MOTION FOR CALL ON THE WAR DEPARTMENT.

The claimant moves for a call upon the above-named Department for any information contained in the Confederate Archives as to the loyalty during the late war of the claimant above-named Jacob Noggle, who resided at that time in Cherokee County, North Carolina

Charles H. Van B. King.

Attorneys for Claimant.

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,

Augt. 19, 1891.

Respectfully returned to the Court of Claims, by authority of the Secretary of War.

No information found relative to

Jacob Noggle

F. C. Gilmore
Ass't Adjutant General.

No. 7811

CONGRESSIONAL.

CONGRESSIONAL CASE.

No. 7811

IN THE COURT OF CLAIMS.

Martha Noggle
administratrix of the estate of
Jo Noggle, deceased
v. Cherokee Co

THE UNITED STATES. N.C.

MOTION FOR CALL ON THE WAR DEPARTMENT.

CHARLES & WILLIAM KING,
Attorneys for Claimant,
No. 918, F Street, Box 593,
WASHINGTON, D. C.

G.M.R.

IN THE COURT OF CLAIMS.

Martha Noggle, Admx. Estate of Jacob Noggle, deceased,	)	
vs.	)	No. 7,811 Cong.
The United States.	)	

Defendant's ~~Claimant~~'s brief on Loyalty.

Claimant's statement of the evidence is correct.

The testimony of two witnesses beside Jacob Noggle himself in favor of the loyalty of decedent was before the Commissioners of War Claims. These witnesses testify in general terms that Jacob Noggle constantly avowed Unionist sentiments during the war, and was always reputed loyal. The only incident told by any of the witnesses, however, that was in any way friendly to the United States was a certain effort he made in aid of the escape of his son-in-law from the Confederate service, (Claimant's brief P.4) — for which act of course there was a natural motive quite distinct from loyalty. Jacob Noggle himself says nothing about this son-in-law, but testifies that his son, aged 27 years at the time of entering the service, was in the Confederate army. He asserts that he used "all the influence" to prevent this son from going into the army, but he does not undertake to tell when, where or in what way this influence was applied. (Claimant's brief p.3).

Jacob Noggle testifies: "The rebels threatened to

shoot me on account of my Union sentiments, so I understood." (Claimant's brief p.2). None of the other witnesses testify that he was in any way molested or threatened by the supporters of secession. He also testifies that he was once arrested by the Confederate Home Guards, but was released on account of his advanced age. He does not say on what charge he was arrested. It may be presumed that if he was really arrested by the Confederate Home Guard it was merely for the purpose of conscription — for whichn purpose, when his age and physical condition were made known, it became evident that he was not fit.

The finding of the Commissioners of Claims was unfavorable to the loyalty of Jacob Noggle. The only testimony taken while the claim has been before this court is that of claimant herself(decedent's wife), a son of decedent and one other person, Andrew Hunsucker. The testimony of Martha Noggle and John Noggle on the point of loyalty consists of an answer to the single broad question whether Jacob Noggle was loyal during the war of the rebellion, and the answer in each case states a bare conclusion of the witness that he was loyal. The entire testimony of Andrew Hunsucker on this point is as follows: "Jacob Noggle claimed to be loyal to the United States government during all this time, and talked for the Union." The sufficiency of this new testimony to give this court jurisdiction of this claim is questionable. Is this not a mere color of compliance with the requirements of the Bowman act as construed by this court? Is not the real purpose of these new depositions to have this court review the finding

of the Commissioners of Claims on the evidence which was before them?

Respectfully submitted,

Assistant Attorney.

7811 Cong

Moggle

Deft's Brief on Loyalty

Ben Carter
Ass't Atty

Cong 7811

51st CONGRESS, 1st SESSION. } **H. R. 5260.**

A BILL

For the relief of Martha Noggle, administratrix of the estate of Jacob Noggle, deceased.

By Mr. EWART.

JANUARY 17, 1890.—Referred to the Committee on War Claims and ordered to be printed.

2

51st CONGRESS, 1st SESSION.

H. R. 5260.

IN THE HOUSE OF REPRESENTATIVES.

JANUARY 17, 1890.

Referred to the Committee on War Claims and ordered to be printed.

Mr. EWART introduced the following bill:

A BILL

For the relief of Martha Noggle, administratrix of the estate of Jacob Noggle, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, directed to pay to Martha Noggle the sum of one hundred and seven dollars for property taken from him by the United States Army during the late war.

No. 7811

CONGRESSIONAL.

IN THE COURT OF CLAIMS.

Martha Noggle
administratrix of the estate of
Jacob Noggle, deceased

v.

THE UNITED STATES.

MOTION FOR CALL ON THE TREASURY DEPARTMENT.

CHARLES & WILLIAM B. KING,
Attorneys for Claimant,
No. 918, F Street, Box 593,
WASHINGTON, D. C.

IN THE COURT OF CLAIMS.

DECEMBER TERM, 189 0 .

Martha Hoggle, administratrix of the estate of Jacob Hoggle, deceased *v.* THE UNITED STATES.	Congressional, No. 7011

MOTION FOR CALL ON THE TREASURY DEPARTMENT.

The claimant moves for a call upon the above-named Department for any information contained in the Miscellaneous Division, as to the loyalty during the late war of the claimant above-named Jacob Hoggle, who resided at that time in Cherokee County, North Carolina

Charles H. Wm. B. King.

Attorneys for Claimant.

COURT OF CLAIMS.

(Congressional Case No. 7811.)

---oOo---

Martha Noggle, admx., est. of Jacob Noggle, deceased, vs. The United States.

STATEMENT OF CASE.

The claim in the above-entitled case for supplies, or stores, alleged to have been taken by or furnished to the military forces of the United States, for their use during the late war for the suppression of the rebellion, was transmitted to the Court by the Committee on War Claims of the House of Representatives on the 5th day of June, 1890.

On a preliminary inquiry the Court, on the 14th day of June, 1897, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 4th day of January, 1899.

Chas. & Wm. B. King Esq., appeared for claimant, and the Attorney General, by F. W. Collins Esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in her petition makes the following allegations:

pointed on the 20th day of June, 1889, by the Clerk of Superior Court, in and for the County of Cherokee, and State of North Carolina, her warrant of authority being herewith brought into court: that said decedent was, during the war, a resident of the State of North Carolina, and did not give any aid or comfort to the said rebellion but was through out that war loyal to the Government of the United States.

That the following property belonging to Jacob Noggle was taken from him by the United States Army and used by the said Army, the date, place and command being particularly stated below:

In Cherokee County, in the State of North Carolina, on or about the 19th day of February, 1864, by the forces of the United States, namely; Smith and Robinson's Battallion; to wit:

1.	1 bay horse, about 9 years old	$100.00
2.	1 saddle	3.00
3.	1 bridle	2.00
4.	1 bed quilt	2.00
	Total	$107.00

The court, upon the evidence, and after considering the briefs and arguments of counsel on both sides, make the following

FINDINGS OF FACT:

There were taken from the claimant's decedent, in Cherokee County, State of North Carolina, during the war of the rebellion, by the military forces of the United States, for the use of the army, stores and supplies of those above described, which at the time and place of taking were reasonably worth the sum of one hundred and five dollars ($105.00).

It does not appear that any payment has been made for any part thereof.

7811 Cong

Certified to Congress R

Mch 26. 1900

COURT OF CLAIMS.

CONGRESSIONAL CASE

No. 7811.

Martha Noggle, admx., est.

of Jacob Noggle, deceased,

vs.

THE UNITED STATES.

FINDINGS OF FACT.

$105.00

IN THE COURT OF CLAIMS.
December Term, 1899.

---oOo---

Martha Noggle, adm'x estate of Jacob Noggle, deceased	)	
vs.	)	No. 7811 Cong.
THE UNITED STATES.	)	

--:--

MOTION TO TRANSMIT FINDINGS OF FACT.

NOW COMES the claimant by William B. King, his attorney, and moves the Honorable Court that the findings of fact heretofore filed in the above entitled cause may be certified to the Clerk of the House of Representatives, as provided by law.

Amount claimed $107.00

Amount allowed $105.00

Wm B King
Attorney for Claimant.

I assent

L. C. Pierce
Assistant Attorney General.
Filire

J.A.M.

In the Court of Claims.

No. 7811 CONG.

Martha Noggle, adm'x of estate of Jacob Noggle, deceased

vs.

THE UNITED STATES.

Motion to Transmit Findings of Fact.

ALLOWED. C.C.N.

GEORGE A. & WILLIAM B. KING,
Attorneys for Claimant.

IN THE COURT OF CLAIMS.
No. 7811 Congressional.

Martha Noggle, adm'r of
Jacob Noggle, deceased.

vs.

THE UNITED STATES.

Claimant's Reply on Merits.

IN THE COURT OF CLAIMS.
Term 1897 and 1898.

---:0:---

Martha Noggle, adm'x of Jacob Noggle, deceased.	)	
vs.	)	No. 7811 Congressional.
THE UNITED STATES.	)	

CLAIMANT'S REPLY ON MERITS.

The defendant's brief makes no very strong contest, the smallness of the case hardly admitting of it, our claim being for the taking of a horse, saddle, bridle and a quilt, for which $107 is all that is claimed. The brief after suggesting a few trifling matters thinks that the claim should be reduced to $80.00 .

No question is raised as to the horse and other articles having been taken, only the circumstance that claimant and his witnesses were illiterate and were not exact as to dates, or as to commanding officers and the number of soldiers present. The idea of testing the degree of reliance on the testimony of illiterate people by their accuracy as to dates and their success in recalling after many years observations that they had no motive for making, is significant of weak defensive material. The difference as to dates is between 1863 and

1864. Then follows differences as to the officer that took the horse and a general, a colonel and a captain are named as commanding the troops, but all agree that troops took the horse and that is all that is necessary. The witnesses, it appears, differ considerably as to the number of soldiers present, but all agree that they were soldiers.

The brief gives a very improvised statement of the testimony as to the value of the property taken and we would refer the Court to our Summary at page 14 for an accurate statement of the testimony as to value. The lowest value stated by the testimony is $75 and the highest $125, and what we claim is $100, the average of the figures given,

The effort of the brief to have the lowest estimate prevail is simply an attempt to substitute conjecture for proof. Here is a case where a poor man was deprived of his means of procuring a livelihood and the government is higgling to make his loss as severe as possible, and all the help we ask is that our testimony may be fairly considered.

Of Counsel.

Attorney for Claimant.

IN THE COURT OF CLAIMS.
No. 7811 Congressional.

CONGRESSIONAL CASE
No. 7811

Martha Noggle, adm'x of
Jacob Noggle, deceased

vs.

THE UNITED STATES.

Claimant's Reply on Merits

W I L L I A M [illegible] N G .
Attorney for Claimant .
A. J. Willard, Counsel.

Petition of Jacob Stogle to the Hon. Commissioners of Claims under the act of Congress of March 3, 1871.

To the Commissioners of Claims under the act of March 3, 1871:

The claimant herein respectfully shows and avers, upon his own knowledge, that he now resides at Hiwassee River, in the County of Cherokee and State of North Carolina; that, at the time the claim hereinafter set forth accrued, he resided at Hiwassee River, in the County of Cherokee and State of North Carolina, and that he was the original owner of said claim, and that he is now the owner thereof, and became such upon the following considerations, to wit:*

That heretofore, on or about the 19th day of February A. D. 1864, a portion of the United States Army, known as the Smith's Robinson Battalion, as he was informed and believes, † passed near the residence and farm of said Stogle, situated ~~in the town of~~ on Hiwassee River and county of Cherokee, in the State aforesaid, and did then and there take, appropriate, and use of the goods, chattels, and property of the said Jacob Stogle, then and there being the following described property, of the value carried out opposite to each item, to wit:

(1) One Bay Horse about 9 years	$ 100	00
(2) One Saddle	5	00
(3) One Bridle	2	00
(4) One Bed Quilt	2	00
	$ 109	00

* If claimant is not the original owner of the claim, let it be stated here how he became interested in it, giving the names and residence of each party so interested.

† "Passed," "camped," or "were stationed."

And that, as ------ is informed and believes, said property was taken by* ----------, who was then a ----------, in the military service of the United States, and that † ------ voucher, receipt, or other writing, was given for the same; and that the troops who used the same belonged to the following military organizations, to wit:‡

And the claimant avers, upon his own knowledge, that all said property was taken and appropriated by the said troops of the United States Army, at the time and place aforesaid; and that said property was then and there of the value carried out as to each item of the same herein, and that no compensation has ever been made therefor.

That this claim has not been presented before § ----------

And the claimant avers, of his own knowledge, that he is a citizen of the United States, and has been since A. D. 1813; and that he has always remained a loyal adherent to the cause and Government of the United States during the war, and at all times before, at the time of and since the taking or furnishing of the property for which he now makes claim.

WHEREFORE the claimant asks that there shall be allowed and paid him by the United States the sum of One hundred & Seven $\frac{xx}{100}$ dollars.

And he hereby makes, constitutes and appoints, and by these presents does make, constitute, and appoint SANBORN & KING, of Washington, D. C., ------ true and lawful attorneys, for him and in his name, place, and stead, to prosecute this claim before the Commission herein named, or any other department or tribunal necessary to secure his rights in the premises, hereby giving and granting to his said Attorneys full power and authority to do and perform every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as he might or could do if personally present at the doing thereof, with full power of substitution and revocation, hereby ratifying and confirming all that his said Attorneys, or their substitute, may or shall lawfully do or cause to be done, by virtue hereof; and in consideration of services rendered and of expenses incurred by his said Attorneys in the prosecution of this claim, this power of attorney is hereby made irrevocable

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this October 12th day of October, eighteen hundred and seventy one

WITNESSES:

K. A. Kin
K. Elias

his
Jacob Noggle (SEAL)
mark

STATE OF North Carolina
COUNTY OF Cherokee } ss:

BE IT KNOWN, That on the twelfth day of October A. D. 1871, before me, personally came Jacob Noggle of the County of Cherokee & State of North Carolina to me known to be the person who executed the foregoing power of attorney, and acknowledged

* Name and rank of officer, and name of his command, if known.
‡ Name of organization, if known.
§ If the claim has heretofore been presented to any Department of the Government here state what, and the action had thereon.
† "No" or "a."
‖ Claimant's signature.

the same to be his act and deed. I also certify that the contents of the above instrument were read and explained to the grantor before signing the same.

* D. H. Hennessee,
Justice of the Peace

Post Office Address of claimant, Murphy N. C.

Post Office Address of attorneys, Sanborn & King, Washington D. C.

STATE OF North Carolina
COUNTY OF Cherokee } ss: See note.†

Jacob Noggle ~~and~~

being duly sworn, [~~each for~~ ,] deposes and says, that he is [~~one of~~] the petitioner named in the foregoing petition, and who signed the same; that the matters therein stated are true of deponent's own knowledge, except as to those matters which are stated on information and belief, and, as to those matters, he believes them to be true.

And deponent further says that he did not voluntarily serve in the Confederate Army or Navy, either as an officer, soldier, or in any other capacity, at any time during the late rebellion; that he never voluntarily furnished any stores, supplies, or other material aid, to said Confederate Army or Navy, or to the Confederate Government, or to any officer, department, or adherent of the same, in support thereof; and that he never voluntarily accepted or exercised the functions of any office whatsoever under or yielded voluntary support to the said Confederate Government.

Jacob his Noggle mark

SWORN and subscribed before me, this 12 day of October, A. D. 1871

‡ J. V. C. King (SEAL)

Name and residence of witnesses to prove claim:

Alfred Guy — Murphy N. C.
W. D. Farmer — " "

Name and residence of witnesses to prove loyalty:

Andrew Moore — Murphy N. C.
Catherine Williams — " "

* Officer's signature.
†This oath should be administered by a Clerk of a Court of Record, who shall attach his seal, or if administered by a Notary Public, a certificate of his official character, by a clerk of court, with seal and signature of Notary attached, must be filed with the Commissioners. ‡ Claimant's signature.

The facts required must be stated at the appropriate place in this blank, with time and place, clearly, concisely, fully as to all material circumstances, and not argumentatively, and with as much PARTICULARITY AND EXACTNESS as the claimant's knowledge or means of information will enable him to do, *the kind, quantity, quality, and value of the stores or supplies taken or furnished*, for which payment is claimed, with the name or names of the person or persons taking the property, and whether they were officers or soldiers of the United States, and to what company or regiment they belonged, and, if officers, their rank, and where they were then stationed, and the name of the officer in command of the United States forces in the district in which the property was taken, to what place or station the property was removed, and for the use of what persons, company, regiment, or military organization in the service of the United States it was taken.

Statements omitted in their proper place in the blanks for want of space may be made here.

The facts required must be stated at the appropriate place in this blank, with time and place, clearly, concisely, fully as to all material circumstances, and not argumentatively, and with as much PARTICULARITY AND EXACTNESS as the claimant's knowledge or means of information will enable him to do, *the kind, quantity, quality, and value of the stores or supplies taken or furnished*, for which payment is claimed, with the name or names of the person or persons taking the property, and whether they were officers or soldiers of the United States, and to what company or regiment they belonged, and, if officers, their rank, and where they were then stationed, and the name of the officer in command of the United States forces in the district in which the property was taken, to what place or station the property was removed, and for the use of what persons, company, regiment, or military organization in the service of the United States it was taken.

Statements omitted in their proper place in the blanks for want of space may be made here.

Cong 1811

8839 Oct 23/71

No. .....

PETITION

OF

Jacob Noggle

OF

Murphy Chunkin Co No. 6.

FOR

Property Claim

$ 10/-

SANBORN & KING,

ATTORNEYS,

475 Pennsylvania Avenue,

P. O. Lock Box 151. WASHINGTON, D. C.

Directions: This certificate, with accompanying printed questions, goes in front of the depositions. A single sheet, marked "Last Page," accompanies this double sheet, and goes at the end of the depositions, having on its outside a printed form of endorsement to be filled up by the special commissioner.

ACT MARCH 3, 1871.

BEFORE THE COMMISSIONERS OF CLAIMS,

WASHINGTON, D. C.

Claim of Jacob Naugle

of the County of Cherokee and State of North Carolina

numbered 3839

It is hereby certified that on the 29 day of September, 1875, at Mr Off in the County of Cherokee and State of North Carolina came personally before me, for the purpose of a hearing in the above-entitled cause, the following persons, namely:

Jacob Naugle, Claimant.

J. M. Cooper & N. J. Howell, Counsel.

Jonathan McDaniel, W. J. Green, James M. Burgess, Carlton Williams, John Naugle } Witnesses.

Each and every deponent, previous to his or her examination, was properly and duly sworn or affirmed to tell the truth, the whole truth, and nothing but the truth concerning the matters under examination; the claimant's witnesses were examined separately and apart from each other; the testimony of each deponent was written out by me in presence of such deponent, who signed the same in my presence after having the deposition read aloud to such deponent, and the signature of such deponent was by me attested at the time it was affixed to the deposition.

Witness my hand and seal this 21st day of January 1876.

James H. Davidson

Special Commissioner.

STANDING INTERROGATORIES.

The following questions will be put to every person who gives testimony:

1. What is your name, your age, your residence and how long has it been such, and your occupation?
2. If you are not the claimant, in what manner, if any, are you related to the claimant or interested in the success of the claim?

The following questions will be put to every claimant, except claimants who were slaves at the beginning of the war:

[NOTE—If the original claimant be dead, these questions are to be answered by each of the heirs or legatees who was not less than sixteen years of age when the war closed.]

3. Where were you born? If not born in the United States, when and where were you naturalized? Produce your naturalization papers if you can.
4. Where were you residing and what was your business for six months before the outbreak of the rebellion, and where did you reside and what was your business from the beginning to the end of the war? And if you changed your residence or business, state how many times, and why such changes were made.
5. On which side were your sympathies during the war, and were they on the same side from beginning to end?
6. Did you ever do anything or say anything against the Union cause; and if so, what did you do or say, and why?
7. Were you at all times during the war willing and ready to do whatever you could in aid of the Union cause?
8. Did you ever do anything for the Union cause, or its advocates or defenders? If so, state what you did, giving times, places, names of persons aided, and particulars. *Were the persons aided your relations?*
9. Had you any near relatives in the Union army or navy? If so, in what company and regiment, or on what vessel, when and where did each one enter service, and when and how did he leave service? If he was a son, produce his discharge paper, in order that its contents may be noted in this deposition, or state why it cannot be produced.
10. Were you in the service or employment of the United States Government at any time during the war? If so, in what service, when, where, for how long, under what officers, and when and how did you leave such service or employment?
11. Did you ever voluntarily contribute money, property, or services to the Union cause; and if so, when, where, to whom, and what did you contribute?
12. Which side did you take while the insurgent States were seceding from the Union in 1860 and 1861, and what did you do to show on which side you stood?
13. Did you adhere to the Union cause after the States had passed into rebellion, or did you go with your State?
14. What were your feelings concerning the battle of Bull Run or Manassas, the capture of New Orleans, the fall of Vicksburg, and the final surrender of the Confederate forces?
15. What favors, privileges, or protections were ever granted you in recognition of your loyalty during the war, and when and by whom granted?
16. Have you ever taken the so-called "iron-clad oath" since the war, and when and on what occasions?
17. Who were the leading and best known Unionists of your vicinity during the war? Are any of them called to testify to your loyalty; and if not, why not?
18. Were you ever threatened with damage or injury to your person, family, or property on account of your Union sentiments, or were you actually molested or injured on account of your Union sentiments? If so, when, where, by whom, and in what particular way were you injured or threatened with injury?
19. Were you ever arrested by any Confederate officer, soldier, sailor, or other person professing to act for the Confederate government, or for any State in rebellion? If so, when, where, by whom, for what cause; how long were you kept under arrest; how did you obtain your release; did you take any oath or give any bond to effect your release; and if so, what was the nature of the oath or the bond?
20. Was any of your property taken by Confederate officers or soldiers, or any rebel authority? If so, what property, when, where, by whom, were you ever paid therefor, and did you ever present an account therefor to the Confederate government, or any rebel officer?
21. Was any of your property ever confiscated by rebel authority, on the ground that you were an enemy to the rebel cause? If so, give all the particulars, and state if the property was subsequently released or compensation made therefor.
22. Did you ever do anything for the Confederate cause, or render any aid or comfort to the rebellion? If so, give the times, places, persons, and other particulars connected with each transaction.
23. What force, compulsion, or influence, was used to make you do anything against the Union cause? If any, give all the particulars demanded in the last question.
24. Were you in any service, business, or employment, for the Confederacy, or for any rebel authority? If so, give the same particulars as before required.
25. Were you in the civil, military, or naval service of the Confederacy, or any rebel State, in any capacity whatsoever? If so, state fully in respect to each occasion and service.
26. Did you ever take any oath to the so-called Confederate States while in any rebel service or employment?
27. Did you ever have charge of any stores, or other property, for the Confederacy; or did you ever sell or furnish any supplies to the so-called Confederate States, or any State in rebellion; or did you have any share or interest in contracts or manufactures in aid of the rebellion?
28. Were you engaged in blockade running, or running through the lines, or interested in the risks or profits of such ventures?
29. Were you in any way interested in any vessel navigating the waters of the Confederacy, or entering or leaving any Confederate port? If so, what vessel, when and where employed, in what business, and had any rebel authority any direct or indirect interest in vessel or cargo?
30. Did you ever subscribe to any loan of the so-called Confederate States, or of any rebel State; or own Confederate bonds or securities, or the bonds or securities of any rebel State issued between 1861 and 1865? Did you sell, or agree to sell, cotton or produce to the Confederate Government, or to any rebel State, or to any rebel officer or agent, and if so, did you receive or agree to receive Confederate or State bonds or securities in payment; and if so, to what amount, and for what kind and amount of property?
31. Did you contribute to the raising, equipment or support of troops, or the building of gunboats in aid of the rebellion; or to military hospitals or invalids, or to relief funds or subscriptions for the families of persons serving against the United States?

32. Did you ever give information to any person in aid of military or naval operations against the United States?

33. Were you at any time a member of any society or organization for equipping volunteers or conscripts, or for aiding the rebellion in any other manner?

34. Did you ever take an oath of allegiance to the so-called Confederate States? If so, state how often, when, where, for what purpose, and the nature of the oath or affirmation.

35. Did you ever receive a pass from rebel authority? If so, state when, where, for what purpose, on what conditions, and how the pass was used.

36. Had you any near relatives in the Confederate army, or in any military or naval service hostile to the United States? If so, give names, ages on entering service, present residence, if living, what influence you exerted, if any, against their entering the service, and in what way you contributed to their outfit and support.

37. Have you been under the disabilities imposed by the fourteenth amendment to the Constitution? Have your disabilities been removed by Congress?

38. Have you been specially pardoned by the President for participation in the rebellion?

39. Did you take any amnesty oath during the war, or after its close? If so, when, where, and why did you take it?

40. Were you ever a prisoner to the United States authorities, or on parole, or under bonds to do nothing against the Union cause? If so, state all the particulars.

41. Were you ever arrested by the authorities of the United States during the war? If so, when, where, by whom, on what grounds, and when and how did you obtain your release?

42. Were any fines or assessments levied upon you by the authorities of the United States because of your supposed sympathy for the rebellion? If so, state all the facts.

43. Was any of your property taken into possession or sold by the United States under the laws relating to confiscation, or to captured and abandoned property?

The following questions will be put to all male claimants or beneficiaries who were not less than sixteen years of age when the war closed:

44. After the Presidential election of 1860, if of age, did you vote for any candidates, or on any questions, during the war, and how did you vote? Did you vote for or against candidates favoring secession? Did you vote for or against the ratification of the ordinance of secession, or for or against separation in your State?

45. Did you belong to any vigilance committee, or committee of safety, homeguard, or any other form of organization or combination designed to suppress Union sentiment in your vicinity?

46. Were you in the Confederate army, State militia, or any military or naval organization hostile to the United States? If so, state when, where, in what organizations, how and why you entered, how long you remained each time, and when and how you left. If you claim that you were conscripted, when and where was it, how did you receive notice, and from whom, and what was the precise manner in which the conscription was enforced against you? If you were never in the rebel army or other hostile organization, explain how you escaped service. If you furnished a substitute, when and why did you furnish one, and what is his name, and his present address, if living?

47. Were you in any way connected with or employed in the Confederate quartermaster, commissary, ordnance, engineer, or medical department, or any other department, or employed on any railroad transporting troops or supplies for the Confederacy, or otherwise engaged in transportation of men and supplies for the Confederacy? If so, state how employed, when, where, for how long, under whose direction, and why such employment was not giving "aid and comfort" to the rebellion.

48. Did you at any time have charge of trains, teams, wagons, vessels, boats, or military supplies or property of any kind for the Confederate government? If so, give all the facts as in previous questions.

49. Were you employed in saltpetre works, in tanning or milling for the Confederate government, or making clothing, boots, shoes, saddles, harness, arms, ammunition, accoutrements, or any other kind of munitions of war for the Confederacy? If so, give all the particulars of time, place and nature of service or supplies.

50. Were you ever engaged in holding in custody, directly or indirectly, any persons taken by the rebel government as prisoners of war, or any persons imprisoned or confined by the Confederate government, or the authorities of any rebel State, for political causes? If so, when, where, under what circumstances, in what capacity were you engaged, and what was the name and rank of your principal?

51. Were you ever in the Union army or navy, or in any service connected therewith? If so, when, where, in what capacity, under whose command or authority, for what period of time, and when and how did you leave service? Produce your discharge papers, so that their contents may be noted herein.

The following questions will be put to every person testifying to the loyalty of claimants or beneficiaries:

52. In whose favor are you here to testify?

53. How long have you known that person altogether, and what part of that time have you intimately known him?

54. Did you live near him during the war, and how far away?

55. Did you meet him often, and about how often, during the war?

56. Did you converse with the claimant about the war, its causes, its progress, and its results? If so, try to remember the more important occasions on which you so conversed, beginning with the first occasion, and state, with respect to each, when it was, where it was, who were present, what caused the conversation, and what the claimant said in substance, if you cannot remember his words.

57. Do you know of anything done by the claimant that showed him to be loyal to the Union cause during the war? If you do, state what he did, when, where, and what was the particular cause or occasion of his doing it? Give the same information about each thing he did that showed him to be loyal.

58. Do you know of anything said or done by the claimant that was against the Union cause? If so, please state, with respect to each thing said or done, what it was, when it was, where it was, and what particular compulsion or influence caused him to say or do it.

59. If you have heard of anything said or done by the claimant, either for the Union cause or against it, state from whom you heard it, when you heard it, and what you heard.

60. What was the public reputation of the claimant for loyalty or disloyalty to the United States during the war? If you profess to know his public reputation, explain fully how you know it, whom you heard speak of it, and give the names of other persons who were neighbors during the war that could testify to his public reputation.

61. Who were the known and prominent Union people of the neighborhood during the war, and do you know that such persons could testify to the claimant's loyalty?

62. Were you, yourself, an adherent of the Union cause during the war? If so, did the claimant know you to be such, and how did he know it?

63. Do you know of any threats, molestations, or injury inflicted upon the claimant, or his family, or his property, on account of his adherence to the Union cause? If so, give all the particulars.

64. Do you know of any act done or language used by the claimant that would have prevented him from establishing his loyalty to the Confederacy? If so, what act or what language?

65. Can you state any other facts within your own knowledge in proof of the claimant's loyalty during the war? If so, state all the facts and give all the particulars.

The following questions concerning the ownership of property charged in claims will be put to all claimants, or the representatives of deceased claimants:

66. Who was the owner of the property charged in this claim when it was taken, and how did such person become owner?

67. If any of the property was taken from a farm or plantation, where was such farm or plantation situated, what was its size, how much was cultivated, how much was woodland, and how much was waste land?

68. Has the person who owned the property when taken since filed a petition in bankruptcy, or been declared a bankrupt?

The following questions will be put to female claimants:

69. Are you married or single? If married, when were you married? Was your husband loyal to the cause and Government of the United States throughout the war? Where does he now reside, and why is he not joined with you in the petition? How many children have you? Give their names and ages. Were any of them in the Confederate service during the war? If you claim that the property named in your petition is your sole and separate property, state how you came to own it separately from your husband; how your title was derived; when your ownership of it began. Did it ever belong to your husband? If the property for which you ask pay is wood, timber, rails, or the products of a farm, how did you get title to the farm? If by deed, can you file copies of the deeds? If single, have you been married? If a widow, when did your husband die? Was he in the Confederate army? Was he in the civil service of the Confederacy? Was he loyal to the United States Government throughout the war? Did he leave any children? How many? Are any now living? Give their names and ages. Are they not interested in this claim? If they are not joined in this petition, why not? State fully how your title to the property specified in the petition was obtained. Did you ever belong to any sewing society organized to make clothing for Confederate soldiers or their families, or did you assist in making any such clothing, or making flags or other military equipments, or preparing or furnishing delicacies or supplies for Confederate hospitals or soldiers?

The following questions will be put to colored claimants:

70. Were you a slave or free at the beginning of the war? If ever a slave, when did you become free? What business did you follow after obtaining your freedom? Did you own this property before or after you became free? When did you get it? How did you become owner, and from whom did you obtain it? Where did you get the means to pay for it? What was the name and residence of your master, and is he still living? Is he a witness for you, and if not, why not? Are you in his employ now, or do you live on his land or on land bought from him? Are you in his debt? What other person besides yourself has any interest in this claim?

The following questions will be put to all colored witnesses in behalf of white claimants:

71. Were you formerly the slave of the claimant? Are you now in his service or employment? Do you live on his land? Are you in his debt? Are you in any way to share in this claim if allowed?

The following questions will be put to claimants and witnesses who testify to the taking of property, omitting in the case of each claimant or witness any questions that are clearly unnecessary:

72. Were you present when any of the property charged in this claim was taken? Did you actually see any taken? If so, specify what you saw taken.

73. Was any of the property taken in the night time, or was any taken secretly, so that you did not know of it at the time?

74. Was any complaint made to any officer of the taking of any of the property? If so, give the name, rank and regiment of the officer, and state who made the complaint to him, what he said and did in consequence, and what was the result of the complaint.

75. Were any vouchers or receipts asked for or given? If given, where are the vouchers or receipts? If lost, state fully how lost. If asked and not given, by whom were they asked, who was asked to give them, and why were they refused or not given? State very fully in regard to the failure to ask or obtain receipts.

76. Has any payment ever been made for any property charged in this claim? Has any payment been made for any property taken at the same times as the property charged in this claim? Has any payment been made for any property taken from the same claimant during the war, and if so, when, by whom, for what property and to what amount? Has this property, or any part of it, been included in any claim heretofore presented to Congress, or any court, department or officer of the United States, or to any board of survey, military commission, State commission or officer, or any other authority? If so, when and to what tribunal or officers was the claim presented; was it larger or smaller in amount than this claim, and how is the difference explained, and what was the decision, if any, of the tribunal to which it was presented?

77. Was the property charged in this claim taken by troops encamped in the vicinity, or were they on the march, or were they on a raid or expedition, or had there been any recent battle or skirmish?

78. You will please listen attentively while the list of items, but not the quantities, is read to you, and as each kind of property is called off, say whether you saw any such property taken.

79. Begin now with the first item of property you have just said you saw taken, and give the following information about it. 1st. Describe its exact condition, as, for instance, if corn, whether green or ripe, standing or harvested, in shuck, or husked, or shelled; if lumber, whether new or old, in buildings or piled; if grain, whether growing or cut, &c., &c. 2d. State where it was. 3d. What was the quantity; explain fully how you know the quantity, and if estimated, describe your method of making the estimate. 4th. Describe the quality to your best judgment. 5th. State as nearly as you can the market value of such property at the time in United States money. 6th. Say when the property was taken. 7th. Give the name of the detachment, regiment, brigade, division, corps, or army, taking the property, and the names of any officers belonging to the command. 8th. Describe the precise manner in which the property was taken into possession by the troops, and the manner in which it was removed. 9th. State as closely as you can how many men, animals, wagons, or other means of transport, were engaged in the removal, how long they were occupied, and to what place they removed the property. 10th. State if any officers were present; how you knew them to be officers; what they said or did in relation to the property, and give the names of any, if you can. 11th. Give any reasons that you may have for believing that the taking of the property was authorized by the proper officers or that it was for the necessary use of the army.

80. Now take the next item of property you saw taken and give the same information, and so proceed to the end of the list of items.

Deposition of Scott Navigo Claimant

Question 1 Scott Navigo 74 years old Cherokee County N.C. has been for thirty odd years Orphan Farmer

" 2 I am the Claimant

" 3 Born in Lincoln County N.C.

4 I resided in Cherokee County at the Commencement of the war and remained at the same place from the commencement to the close of the war, engaged farming at the same place

5 My sympathies were with the union cause from the beginning to the close of the war never changing in fidelity

6 I never gave or did any thing of aid against the Union Cause

7 I was at all times ready and willing to do all in my power to aid the Union Cause

8 I did see the Union Soldiers in passing through the County, I cannot recollect the names of any that I fed or the exact time same time in the years 1863 & 1864

9 Not to my knowledge recall any Citizen of the name of Hancock

10 I was told I did no other service

11 No stating may have what they received when at my house

12 The cause of the Union opposed secession from the commencement to the close

ever afterwards I have I voted for the
Union candidates.

13th I embarrassed the Union after the State of
N.C. had seceded.

14. I always rejoiced at the success of the Union
Armies and deplored their loss.

15 Nothing more than I have already stated.

16. No.

17. Jonathan McDonald, Henry Naugles
William Hawes & Lee Hunt.

18. The Rebel Authorities shot me on account
of my Union sentiments, as I understand.

19. I was arrested at one time by the Rebel
Home Guards and put for a short time when
they released me being an old man.

20 No nothing more than what I have mentioned.

21 No

22 No

23 I have nothing.

24 No

25 No

26 No as to No 27, 28, 29 30, 31, 32, 33, 34, 35 –

36. I have a son William Naugle 27 years of
age who has entered the service more than
six Weeks, Country, Georgia was living a
few Weeks since I have all the influence
to prevent him from the acting of the
Rebels.

37. No. 38 No.

39 I took the Amnesty oath after the close of the war this was required by the Authorities of all the Citizens of the State

40 No. 41 No. 42 No. 43 No. except the Hons

44 I only voted at one time during the year by accidentally and then I cast my vote as I understood for a Union candidate.

45 No. 46 No. 47 No. 48 No. 49 No. 50 No. 51 No

56 The Hogs charged for in this Claim was my own property, I raised for the hogs. I owned them from or four years

67 The hogs was taken from my farm house situated on the road leading from Murphy N.C. to Madisonville Ten 8½ miles North West of Murphy. the Farm consists of 187 acres about fifty acres are cleared the remainder is woodlands.

68 No.

72 I was ~~[illegible]~~ at home when the hogs was taken and actually saw the hogs taken

73 The hogs was taken during the day time actually

74 I complained to Capt Bennett for taking my hogs this he answered from quartermaster my corn with my hogs he said that he was compelled to take the hogs to get his provision out of the Country

but if he could do so he would get a horse at some other place and return my horse home but if he failed to return him then I would be paid for him

75 Not been arrested for I defient know of that one of members of my party to have

76 No

77 By soldiers on the march or raid into N. C.

78,

79 The horse was a Bay Common size and value of harness Horse. in fine condition worth one hundred dollars the saddle & blanket was worth $75.00 I was a citizen farmer, Cost me when new

80 I think it was about the 19th July 1864. I understood that it was a portion of Gen Wolford Command under the command of Capt. Smith the troops came to my house and went to the stable and got the horse and was rode off by some of the command, I suppose there was 17 or 18 soldiers at my house Capt. Smith came there was a great many in the Country, I suppose they are as any house wandering near the time.

Capt Smith was present. I inquired of the man who was the Officer and introduced him to me and gave his name was Smith. I supposed that he was authorized to enlist the boys being an Officer of the Union Army.

Attest
Samuel H. Davidson

Jacob his Nancy mark

Deposition of Jonathan McDonald as to Loyalty of Claimant

Interr. 1st Jonathan McDonald 60 years Cherokee County N.C. and has been for 41 years occupation Farming

2 I am not the Claimant neither am I related to him and have no interest in the prosecution of the Claim,

3. I was Born in Georgia

4 I resided in Cherokee County seven miles from Murphy engaged Farming when I received until the close of the war and until the present time except a portion of the time I was in the service of the United States

5 2 In favour of the Claimant

5 3 All most ever since my first recollection our acquaintance has been intimate for Twenty

5 4 I lived near the Claimant during the war some One & half miles he was one of my nearest neighbors

5 5 I met him frequently during the war the number of times I cant state it was over few days up to the time I left home and went to Texas. I would frequently meet with the Claimant and Converse with him freely

5 6. I never had a great deal of Conversation with him that I now recollect it was a general conversation, he always expressed

himself in favour of the Union, and opposed to Cussion our Counsellor was sometimes at my house at his house and frequently we would meet in the Neighborhood. sometimes alone at other times in presence of others

57. The only thing I remember that he did was to get his son in law out of the Confederate Army a cross to Tenn which I did at the request of Claimant and started cont him and he left me on the Mountain

58. I dont know of any thing he said or done against the Union Cause

59 I never heard but little he said or did he was an ignorant old Dutchman

60. His general reputation was that he was a loyal citizen, I heard his neighbors speak of him Levi Moore Joseph Black Will Woods.

61. Levi Moore Joseph Black Will Woods & the Nancys.

62 I was the Claimant knew it I was in the Federal Army and the Claimant was familiar with this fact

63. I dont recolect that there was

64. The only act that I recolect at this time was his procuring the escape from the Confederate army of some of his

7 family and his general Conversation when speaking of the war & Secession troubles he expressed himself at all times when not interrupted as a Union man

65 I know nothing more than I have already stated,

Witness Jonathan McDonald

Samuel W. Sandow

Oct 26th 1875

8. Deposition of W. T. Green as to Loyalty of Claimant.

Question 1st William T Green living in Cherokee County, North Carolina. about Twenty four years. Farmer.

2d No relation to Claimant have no interest in the prosecution of the Claim

3. Born in Rutherford County N.C

4. In Cherokee County N.C within Two and ½ miles of Murphy where I remained during the war engaged farming & have lived in the same neighborhood.

5th 2. The family of the Claimant

5 3. I got acquainted with him soon after I came to the County our acquaintance has been pretty intimate from the first and under the present.

5 4 I lived about 12 Miles from the Claimant

5 5. I met with him pretty frequently during the war. More frequently at Murphy but sometimes at my house and I saw occasionally at the house of the Claimant

5 6 I don't recollect of any particular conference on that at the commencement of the war but I regarded him as truly loyal man. Sometime in the year 1864 I was at Col H H Dandson Valley River on Sunday before the election in August, he and I went

south to the Spring together rather we
have a private Conversation when
we talked freely & truly together he
knowing me to be a strong union me
when the Claimant expressed himself
a strong Union man that the United
States Government was as good as
he wanted and that he wanted
it perpetuated

57. I don't recollect of any thing more than
this the Claimant has been in the habit
of drinking some during his life and
he in some of his drinking sprees
would make speeches in behalf of
the Union and in opposition to Cleveson
and the Confederacy

58. not to my recollection

59. I don't recollect any thing more than
the common report that he was a
Union man

60. He was considered loyal to the Government
of the United States

61. Lee Moore, William Farmer John Farmer
Will Woods, Samuel Johnson I suppose
they could

62. I was the Claimant thought one to be
Loyal

63. Sol to my knowledge

10 64 I do not think he did any act or say anything that would have prevented him from joining his regiment to the Confederacy

65 I know of nothing more than what I have stated

Oct 2d 1878. W B Green

11 Deposition of James M Burgess as to Property

Question 1 James M Burgess about 38. Cheraw County N.C. has been for twenty five years farming

2 I am Guardian of Claimant have no interest in the prosecution of the Claim

3. Born in South Carolina

4 I resided in Cheraw County within 1½ or 2 miles of Claimant's mysaw in Farming and continued there until some time in the Fall of 1864 when I remained until some time in the year 1864. when I was captured by the Federal forces and taken to Camp Chase where I remained until the close of the war at the time I was captured I was at home on furlough

66 Just Before the Claimant was the owner of the property Charged for in the Claim which he traded for

72 I was present when the Hogs and Cows were taken I saw them taken

73 Some taken during the night some time in the afternoon;

74 not to my Knowledge

75 I do not think they were

76 were those I mentioned of

77 By troops on their raid from Tennessee into North Carolina

78

79 The hogs were a big, common sized goods

Saddle and Harness horse, in tolerable condition worth I think at that time I think Seventy five dollars the saddle was pretty fair Citizen saddle worth $7.00 dollars the blanket I cannot say the was some time in the Spring 1864 I think in July, I understood it was a portion of Gen Woolfords Command Capt Smith was in Command, of the Company that was at Claments house took Charge of Prisoners they had taken me just before they got to Claments house and I was a prisoner at that time they caught the horse bridle and saddle from me and mistook a man by the name of Brison Moore a prisoner on them was also taken off with the Company I think there were some Twenty five or thirty at Claments house when they all got together at night at Sundersons on the Kiowa Creek Sixty 7 Miles East of Murphy there was Twenty or three hundred they were driving near the house at Claments house, they took the Horses back into Texas to the Command at Loudon Tex: when I was shipped by Rail to Camp Chase and was paroled soon after the proceeding

13 I understood due a Capt Smith in
Jersey; this I never from his uniform
and the Soldiers called him Capt.
I don't recollect of his saying any thing
in relation to the Jersey, but I
heard him call his men to take
Bones, which in my figure this o
they needed them; I know nothing
of his character for truth or falsehood
Oct 1st 1878

Witness James his X mark Barryes
James H. Dawson

14 Deposition of Catharine Williams
as to taking the property from Claimant
Question 1 Catharine Williams about 42. Cherokee County
N.C. has been some short years. Married &
Keeps Keeping
2 I am the daughter of the Claimant
3 I was borned in Macon County N.C.
14 72 I was present and saw the Horse
Saddle & Blanket taken
73 Among the day some Recall
74 My Mother Complained to the Officers
for taking the hors. and begged them
to leave him he was lame he was Compelled
to have him for a Pressmen to ride
75 Not to my Knowledge
76 Not the I ever heard of
77 By troops on a raid I understood
from Tennessee into N.C.
78
79 The Horse was a dark Bay in
fine order a fine saddle &
Horses hors common dog hoss
worth at least one Hundred dollars
the saddle was a Citizen saddle and
blanket was worth perhaps Eight
dollars, I think it was in the Spring
of 1864 Wolford Commanded. Capt
Smith was present or some man of that
name.

The property was taken from the Claimant
House on the Waters of Grape Creek on
the Old Turnpike road leading from
Madisonville Tenn to Murphy N.C. 8 or
9 miles from Murphy
Soldiers came to the house of my Father
the Claimant saw the horses in the field
and ordered my Brother to bring
him up which he did and they
saddled the horses and mounted a
pressing on him and asked him
if I think there was seventy five or
Eighty men present all mounted
was their perhaps one hour they left
in the direction of Murphy N.C. I understood
from the men said that their Head
Quarters was at Loudon Tenn Capt Smith
was present I know this from what he
said and the soldiers called him Capt
Smith they had on the Uniform of
U.S. Soldiers Capt Smith ordered the
property to be taken saw he wanted
it for the use of his firearms.

Sept 29 th 1875

Witness
Daniel H. Sanders

his
Catharine X Williams
mark

16 Deposition of John Naugle as to taking the property from Claimant

Qstn 1st John Henry Naugle 28 years last August Cherokee County N.C. was born in my birth

2 I am the son of the Claimant

6 Jacob Naugle the Claimant his property for sale

72 Stone Fresent and was the horse taken also saddle & Blanket

73 was taken during the day. none recently

74 Master Complained to the Officer for taking the horse he was told he was compelled to have him but if he could get an other horse he would send him back if not the Government would pay for him

75 Not to my knowledge.

76 None due I am aware of

77 By troops on a raid from Tenn to N.C.

78

79 The Horse was dark Bay Black Mane & tail good saddle and Harness in good print order, worth at this time in good money one hundred dollars the saddle was Citizen saddle & and blanket worth six or seven dollars some time in the Spring of 1864 I understood it was a portion of Gen Wheeler's Command

I understood that they were Commanded by Capt Smith, the Command stopped in the lane at my Fathers the horses were in the field they ordered me to bring them up I refused to do so at first but finally had it to do they saddled up the horses and took them off in the direction of Murphy I think there were forty men & Horses there was on the waters of Grape Creek on the old Turnpike road leading from Murphy N.C to Madisonville Ten. they were at Fathers something near one hour I don't know to what point they took the horses I understood there was a Capt Smith in the Command I know nothing of the authority of the officer in taking the horses or to what use they put them further than I have already stated they demanded them and took them off - John Doyle

Sept 29th 1878

Attest

James H. Davidson

7

DIRECTIONS.

NOTE 1.—Insert number of the Claim.
2.—"Taken" or "furnished."
3.—Describe the military organization by name as fully and particularly as possible.
4.—State as well as can be done, the place to which the property was conveyed for the use of the army.
5.—State as fully and minutely as is possible, the particular persons or commands using the property, and to what particular use it was applied.
6.—The claimant's name should be signed here, either by himself or his attorney.

No. 8837 [1]

BEFORE THE COMMISSIONERS OF CLAIMS,

Under Act of Congress of March 3, 1871.

In the matter of the Claim of Jacob Hogan
of Murphey, *in the County of* Cherokee
and State of North Carolina

Comes now the claimant, before Samuel N. Davidson, *Esq., Special Commissioner for the State of* North Carolina, *and represents that he has heretofore filed with the above-named Commissioners a Petition for the allowance of a claim for property* [2] taken *for the use of the army of the United States, which claim, as stated below, does not exceed the sum of five thousand dollars.*

That the said claim, stated by items, and excluding therefrom all such items as refer to the DAMAGE, DESTRUCTION, *and* LOSS, *and not the* USE, *of property; to unauthorized or unnecessary* DEPREDATIONS *of troops and other persons upon the property, or to* RENT *or compensation for the occupation of buildings, grounds, or other real estate, is as follows:*

No. of Item	QUANTITIES AND ARTICLES.	VALUE. Dolls.	Cts.
Feb 19. 1864.	One Bay horse	100	
	One Saddle & Blanket	7	50
	Total,	107	50

That, as stated in the Petition referred to, the property in question was taken from or furnished by Jacob Noggle of Murphy, in the State of North Carolina, for the use of a portion of the army of the United States, known as (3) Wolfpens Command, and commanded by Capt. Smith and that the persons who took or received the property, or who authorized or directed it to be taken or furnished, were the following:

NAME.	RANK.	CO.	Regiment, Corps or Station.

That the property was removed to (4) _____ and used for or by (5) _____; all this on or about the 19th day of February, in the year 1864, as appears by the petition presented to the Commissioners.

That by the following named persons, the claimant expects to prove that, from the beginning of hostilities against the United States to the end thereof, his sympathies were constantly with the cause of the United States; that he never, of his own free will and accord, did anything, or offered, or sought, or attempted to do anything, by word or deed, to injure said cause or retard its success, and that he was at all times ready and willing, when called upon, or if called upon, to aid and assist the cause of the Union, or its supporters, so far as his means and power, and the circumstances of the case, permitted.

Jonathan McDaniel of Murphy N.C.
W.J. Green & others of " "
of
of
of

That, by the following-named persons, the claimant expects to prove the taking or furnishing of the property for the use of the army of the United States:

of
James M. Burgess of Murphy N.C.
Catherine Williams of "
John Noggle of " "
& others of
of

The claimant now prays that the testimony of the witnesses just designated be taken and recorded, at such place and at such time as the Special Commissioner may designate, at the reasonable cost of the said claimant; and that due notice of the time and place of the taking thereof be given to the Claimant, or to his counsel.

Submitted on this 29th *day of* Sept., 1875

6 Jacob Noggle
Claimant.

By D M Swaim
Attorney.

P. O. Address of Attorney:

Murphy N.C.

Conv 7817

No. _____

CLAIM

OF

_____

_____

_____

$ _____

APPLICATION

TO HAVE TESTIMONY TAKEN

BY SPECIAL COMMISSIONER

Samuel W. Davidson

Atty W. Gordon &
W. E. Horne
Murphy N C

Sanborn & King
Washington DC

Fee $1000 Paid
Samuel W. Davidson

Feb 27/76

5

FILED.
JUN 10 1890