

DeForsen County Circuit Court
Case Files - Criminal
May 1872

State

vs

Miner, Horatio N.

Killing an Ox

Killed ox belonging to William
H. Taylor; depositions

Box 30 Folder 1

State of Tennessee
County of Jefferson in the State of Tennessee To
The Court of the County of Jefferson in Jefferson
County Greeling you are commanded
to summon George Minor Cora Linton
Edward Selmer, George W Taylor &
Theodor Taylor to appear forthwith
before the undersigned Justice in a
certain case wherein the State of Tennessee
is plaintiff and Cora Linton & Minor is
defendant, on the part of the plaintiff
Given under my hand this 25 day of
November 1871 Admstrng. O'Nea Jp

Executed the within by these acknowledgments
those attendance on the 25th 1871
for Vernon, Can't

Subpoena
State of Missouri
vs
H. N. Minor

At the Request and Order of the Plaintiff
I authorize John Vernon to execute within
the within Subpoena given under my
Hand the 25 day of Nov 1871. A. O'Hara

THE STATE OF MISSOURI

To Charles Caplen former J. Caplen & Edward Saherdy
George Fayler Greeting:

You are hereby commanded to be and appear personally before me,
Samuel Eaker, one of the Justices of the Peace within and
for Joachim Township, in the County of Jefferson, on the
28th day of Nov., 1871, at the hour of 10 of
the clock in the forenoon of that day, at my office, in the township and
county aforesaid, to testify on the trial of a cause wherein the State
is plaintiff, and Horatio A. Miner is defend-
ant, in behalf of plaintiff and hereof fail not at your
peril. Witness my signature this 25th day of Nov., 1871.

Samuel Eaker

Justice of the Peace.

at the Request of the plaintiff I authorize
John Wiman to execute & return this writ
this the 25th day of Nov 1871

Samuel Eakin J. P.

Also Cited the within by reading
in the herein and presence of the within
witnesses J. W. Wiman Constable
for the 25th day of Nov 1871.

Sworn to & Subscribed this
the 25th day of Nov 1871
Samuel Eakin J. P.

Subpoena
State against
Horatio H. Miner
Charles Capler
James F. Capler
Edward Sahendy
George Fayler

THE STATE OF MISSOURI

To put on Vinyard & Nancy Kaeley Mary White's Greeting:
Wm. Joyner with this on said to Herbert & Chandler Bradley

You are hereby commanded to be and appear personally before me,

Samuel Eaker, one of the Justices of the Peace within and

for *Boachin* Township, in the County of Jefferson, on the

28 day of *Nov*, 187*1*, at the hour of 10 of

the clock in the forenoon of that day, at my office, in the township and

county aforesaid, to testify on the trial of a cause wherein *Wm. Joyner* is

Plaintiff is plaintiff, and *Harold & Miner* is defend-

ant, in behalf of *Defendant* and hereof fail not at your

peril. Witness my signature this *25th* day of *Nov*, 187*1*.

Samuel Eaker

Justice of the Peace.

at the risk & request of the plaintiff & authorize
John Vernon to execute & return this writ
this the 25th day of Nov 1871 Samuel Eaker

Executed the within by reading of
in the hearing, & all presence of
of the within names for Vernon Constable
No return the 28/8/71

Sworn to & subscribed
this 28th day of Nov 1871
Samuel Eaker J. P.

The Subpoena
State against
Horatio Vinner
Peter Vinyard
Nancy Ravel
Mary Whiten
Wm H. Faylen

THE STATE OF MISSOURI

To *George Whinn & Corid Whinn* Greeting:

You are hereby commanded to be and appear personally before me,
Samuel Eakin, one of the Justices of the Peace within and
for *Franklin* Township, in the County of Jefferson, on the
25th day of *Nov*, 1871, at the hour of 10 of
the clock in the forenoon of that day, at my office, in the township and
county aforesaid, to testify on the trial of a cause wherein *the State*
is plaintiff, and *Horatio N. Whinn* is defend-
ant, in behalf of *plaintiff* and hereof fail not at your
peril. Witness my signature this *27th* day of *Nov* 1871.

Samuel Eakin

Justice of the Peace.

Executed the within by reading
in the hearing and presence of
George Menden for Vernon Constable
on the 28th 1871

Sworn to & subscribed that
the 28th day of Nov 1871
Samuel Eakin J. P.

at the north & request of the plaintiff & author John
Vernon to execute & return this writ this the 29th
day of Nov 1871
Samuel Eakin J. P.

State of Missouri

County of Jefferson

State of Missouri against Thos. Merriar for
Shooting and wounding a week or the property
of Wm. H. Taylor Master of the boat he cannot
get an impartial trial before a Magistrate

Justice of the peace within and for Jefferson
County Therefore this case is transferred to
the office of Samuel Eakin a Justice of the peace
within and for the County of Jefferson.

Justice of the Peace \$4 00.

Given under my hand this 27th Nov 1871
St. Louis, Mo. J. H. H.

State of Missouri }
County of Jefferson }

Be it remembered that on the 27 day of
November 1871 personally came before
me ~~Samuel Eaken~~ ^{Samuel Eaken} Justice of the
peace with in and for the county of
Jefferson a fore said H. N. Miner
of said county and Charles F. Lee
of the same county and acknowledge them
selves to the state of Missouri that is
to say the said H. N. Miner
in the sum of one hundred dollars
and the said Charles F. Lee in the
like sum of one hundred dollars to
be held of this respected good and
chaste lands and tenements upon
condition that if the a fore said
H. N. Miner shall personally appear
before Samuel Eaken a Justice of peace
with in and for the county a fore said then
and there to answer a charge against the
said H. N. Miner for shooting and
wounding a man of the property of
William H. Taylor and shall not thence
depart with out leave then this recognizance
to be void otherwise to remain in force
taken and certified the day and year a fore

~~Said~~ Twenty Eighth day of Nov 1871

H. N. Miner

C. F. Lee

State of Missouri }
County of Jefferson }

The State of Missouri, to any Court or clerk of the
County of Jefferson, greeting where as we all know
No Taylor, Jefferson County, ~~that on the 23rd~~ No date

This day give information upon oath to me,
Sheriff of A Horn, a Justice of the Peace within
and for said County of Jefferson that on the 23rd
day of November 1877 at the County aforesaid That
Horatio A. Kenner did shoot with shot and bullets with
with intent to kill said one belonging to said W. H.
Taylor, but in the Commons, These are therefore to
Command you to apprehend the Horatio A. Kenner forth
with and bring him before me to answer the same
and further to deal with according to Law of Missouri
and this 25 day of November 1877, A. H. Horn Jf

Specified and returned according
to the order of the Governor

Warrant
State of Missouri
H. C. Minor

at the Request of the Sheriff of the
County of Boone Missouri to execute and return
the within return of execution and return
the day of the 1st 1877
A. C. C. C. C.

State of Missouri
County of Jefferson

State of Missouri against Horatio A Minor

is to be remembered that I saw H Taylor who states
upon his oath that on the 23rd day of November
1871 that Horatio A Minor at the County of
Jefferson Maliciously did shoot with the
said white work axe of William H Taylor in the
woods, with intent to kill by Balances to kill
said axe. He therefore makes complaint to the
Grand Jurors Justice for a warrant to arrest
the said Horatio A Minor that he be arrested
and dealt with as the laws charge.

Signed and Sworn to this

25 day of November 1871

Wm H Taylor
A Warrant for

State of Missouri

vs
Heck Minn

Statement of

W H Taylor

Filed 25 Nov 1871

A O Hara Jr

State of Missouri)

vs

Horatio A. Miner

The defendant in the above
entitled cause, upon oath says, that he
veryly believes and upon his oath says, that
he cannot have or receive an impartial
trial before Armstrong Otterra Justice of the
Peace in and for Platte Township in the
County of Jefferson State of Missouri, before
he this deponent has been cited to appear
now therefore he prays that his case may
be moved to another Justice most convenient
in the said ~~Platte Township~~ Jefferson county

Sworn to and subscribed this twenty
seventh day of Nov. 1871. before me Justice of
Peace, Horatio A. Miner

Subscribed and sworn to

Before me this 27 day of
November 1871 A. C. Haraff

State of Michigan }
County of Jefferson }

The State of Michigan to the courtable
of Justice in the County of Jefferson
Greeting we command you to attend the
Jury of George Shinn & call others Mary
Whitney you are commanded to have
them before me Samuel Eaker on
the 29th of Nov 1871 at ten of the clock
of the forenoon of that day then you
you must have the Jury wait at the time
and place above stated Give in under
my hand this the 25th day of Nov 1871
Samuel Eaker

J. D.

Executed the within by having
the witness present Jas Vernon Const

Ans. I looked and did not see any tracks
or Blood in ^{Mr Miner's} field. The snow
was about one ^{inch} deep. I saw the tracks
and blood going out in the woods from
the road. Q. State where Mr Miner stood

Ans. About 20 yards from the road where
the Boy showed ^{him} the Ox ^{and the Boy} ^{said he tried to stop} ~~him~~ ~~him~~ from shooting. Q. Did the Ox come
home after he was shot. Ans. - Yes about

half an hour after I heard the report
of the gun. Q. State how the Ox was shot
with shot or bullet & nature of the wound.

Ans. - I should think about 20 shot in
one space on the Brisket & part of the
joint of the Shoulder. Q. did you examine
what kind of shot they were. - Ans. - They were

what is termed Turkey shot & penetrated very
deeply. Q. does the shot disable the Ox.

Ans. I think from what knowledge I have
that the injury does keep him from being
of service as a work Ox. Q. does he go lame

Ans. - He goes Lame. Q. where you speak of
Mr Miner do you mean Horatio ^{Miner} ~~Miner~~

Ans. - I do. Q. State if this Ox belongs
to you & what was his value before shot.

Ans. - ~~He does not~~ ~~and was valued to~~ ~~xxx~~
^{He belongs to me, says} ~~xxxx~~. I think the Ox was worth forty five
dollars. Q. what County and State did
this take place in. - Ans. - Jefferson County

State of Mo. Q. answer the Q. whether you
and Mr Miner were on friendly terms or not.
Ans. - we were not. Q. Had you & Mr Miner
any difficulty previous to this time.

Ans. - we had. ^{how long before this} ~~xxxx~~ ~~xxxx~~ ~~xxxx~~ ~~xxxx~~ ~~xxxx~~
Q. Have you had any difficulty. Ans. Yes Sir.
Q. Last summer one year ago. Q. Has Mr
Miner been at enmity with you ever since

State of Missouri

Horatio H. Miner

For Shooting an Ox of W^m H. Taylor

W. H. Taylor Sworn, Says the Ox was turned out at Half past 12 O'clock on the 23rd day of November 1871. I turned Six head of Cattle ~~from~~ that I owned, from my place to get water at half past 3 O'clock I heard the report of a gun, in the direction of Mr Miners Residence I stepped to the door. I listened, presently I heard the bellow of the ox. I went back in my house for a few minutes put on my shoes went out again I saw the ox with the rest outside I then took my two sons with me followed up the track, got Mr Miners son George I asked him what he shot my ox for he said he did not, but his father shot him, I said what reason had he to shoot him, he could do no harm in your place, he said he was not in his place but out on the road. I says Come with me and show me ^{the place} he showed me the place, told me I would find the blood there, and I so found it. I looked particularly to see if there was any tracks in the snow inside of Mr Miners place, and I saw none. I took my sons on with me to Mr Labarys requested him to come with me. I showed him the marks of the blood and he traced the track off in the bushes & then went home. The blood was found about fifty yards from Mr Miners house in the road. Q did you look around to see any tracks or blood was in Mr Miners field

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That time. Answer Yes.

I live about one quarter of a mile from
Mr Miners, ^{in a} ~~the~~ Northwest direction.

Q. What influenced you to go to the door when you heard the
report of the gun.
~~Supposed Mr. Miners had been a shot of a deer.~~

Ans. Supposed some body had shot a deer.

Q. How far from Mr Miners house did you meet
George Miners.

Ans. About an eighth of a mile.

Q. How long was you in conversation with
George Miners there.

A. About three minutes.

Q. Did George tell you what his business was
out there.

Ans. No Sir. ~~He did not~~ <sup>Q. did he tell you where he was going to get it
afterwards he told me to get a deer.</sup>

Q. In what direction did he go when you separated.

Ans. He went up to his Father's house.

Q. How long after that was it when you met him
again.

Ans. Not until at Squire O'Hara's.

Q. ~~How long after George left you &~~

Q. Where did you meet him.

A. About 1/8 of a mile.

Q. ~~How far from where did he go when you left him~~
~~him~~

A. Went to his Father's House.

Q. How long after you ^{parted} ~~met~~ with George did you
meet ~~Mr~~ Labardee.

Ans. About ten minutes after I left George Miners.

Q. What did you tell Mr Labardee your business
was with him.

A. I wanted him to go with me and see
where the O^x was shot.

Q. Did he go. A. He did.

Q. did you and Mr Labardee go in Mr Wimer's enclosure.

A. No.

Q. Was the snow falling at the time

A. it was

Q. How long was this ^{after hearing the report of the Gun.} ~~time~~ that you and Mr Labardee approached the place

A. I suppose ^{inside of a hour} about one hour.

Q. What was the extent of the examinations did you & Mr Labardee make.

A. ^{we} Walked along the fence to see if there was any tracks inside the fence.

Q. Were you & him there more than once that day.

A. No Sir.

Q. Did Mr Labardee go with you to your house when you left there

A. Yes Sir.

Q. How long after going to your house were you and him in company.

A. About five or ten minutes

Q. Mr Taylor ~~staying~~ ^{Mr Taylor} the you know during the last twelve months was unfriendly towards you.

A. I supposed he would neither speak nor look since he tempted my life

Q. Where & when have you met Mr Wimer

A. Once at Mr Labardee's house, I was within

Q. fifteen feet of him he had a sword cane in his hand. I did not speak to him

Q. Did he make any ^{threats to you or any other} ~~signs as though he meant~~

A. He looked ferocious

Q. Did either of you make any halt as he passed by you.

A. No Sir.

- Q. where did you meet ^{See} ~~that~~ Mr Miner
A. to the best of my knowledge I saw him
the day he shot my ox in his own place.
Q. Did he shoot your ox.
A. His son George told me he shot my ox.
Q. Before or after the last time George told you
he shot your ox did you see Minor
A. after
Q. What has your feelings been towards Mr Miner
for the last twelve months
A. That he had injured me.
Q. In what way did he injure you.
Q. are your feelings friendly or unfriendly
A. Unfriendly
Q. By Plaintiff did George Miner leave you
until after he went to the place and
showed you where the ox was shot.
A. Yes. W^m H Taylor

Sworn to and subscribed
before me this 29th day of
November 1871
Samuel Eakin
Justice of the peace

George didn't you say that I didn't shot
him but my Father did me
When Mr Taylor asked you who
had shot the ox.

I said my Father did
I was present when my Father shot the ox
He was about four Rods off

He had not got in when father shot
I did not tell Mr Taylor that the ox was in
the road when Father shot

~~I did not~~ I did not tell John Vernon that the
Ox was standing in the Road when my father
shot that he nearly fell off against the
stump but I told him in the field near
the stump - I did not go up with Mr
Taylor and show him where the ox was
shot. Mr Taylor & his son George were
both together when he came up.

Taylor & his son went on to where the ox & they
were in the road & I didn't go any further
with them

I had got the shovel

~~A~~ I did not tell James Copeland the next day
after the ox was shot that he was standing
in the road when he was shot and did
not offer to show him where he was
standing, for I did not see Copeland
that day.

When Mr Taylor asked me what I
shot this ox for I said I didn't shot
I said Pa shot him because he was in the
field I didn't tell him then that the
ox was in the road when he shot him
I did not say to Mr Taylor to try
to get Pa not to shoot him

George Minor of lawful age being duly sworn states as follows:

Q I am sure of W. B. M. Minors
Last ~~Wednesday~~ ^{Thursday} November 23rd 1871.

Did you see an ox of Mr Taylors shot that day
Yes Sir.

Do you know W. H. Taylors ox,
^{I saw him} Yes that day in the field
who drove him out of the field
I drove him out twice that day
did you see anybody drive him out
my Father drove him out once
When your Father drove him out was
that after you had drove him out twice

Yes Sir.
^{when} Your Father drove him out had he his gun
yes Sir

How did your Father shoot at him
Shot at him in the field
when he shot at him did he hit you saw
that some shot went into his breast
Yes Sir

Did you meet with Mr Taylor soon after
Yes Sir

After the Ox was shot where was you going
To the Colored Womens

Did you meet with Mr Taylor when going
after the Ox.

Yes.
When Mr Taylor Came up did Mr Taylor
ask you what he had shot your ox
for.
Yes Sir Because he was in the field

I did not say to Mr Taylor that I tried
to keep Pa from shooting ^{the} Ox

Q by Defendant.

When the ox was shot how far was
he from the field

He was in the field

Q. was there any Cattle in the field with the ^{ox}

A Yes Sir, four others beside him

Q. State whose Cattle they were

A. Mr Taylors.

Q. Did you ever hear your Father
threaten Mr Taylor anyway.

A No Sir

Q. Georg. N. Minor By
H. N. Miner

Attest
W. L. Armstrong

Sworn to and subscribed
before me this 29th day of December
1871 Samuel Eakin
Justice of the peace

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Cora E. Minor of Lawfull Age being duly
Sworn States as follows:

Q I am a daughter of H. V. Minors
I was at home on ^{Thursday} the 23rd day of November
when Mr Taylors Ox was shot
I know Mr Taylors Ox

The Ox I did not see anyone shoot an of that
day. I saw Mr Taylors Ox that day
on my fathers premises
when I saw him he was in the
Yard. About two or three P. Clock
in the afternoon. I saw George
my Brother drive him out ~~three~~
three ^{times} that day. I did not see
any body else drive him out that
day ~~last~~ I saw my father have his
gun in his hands that day in
the Yard before the door. I did
not hear the Gun fire that day.
I was up stairs in the house when
he had the gun in his hands.
I saw him go away from the house
with the gun in his hands. it was
about three o'clock in the after-
noon. It was soon after George
drove the Cattle out of the Yard.
I did ~~not~~ not go out of the house
during the time my Brother George
was driving the Cattle out.
My Pa said when he went out of
the door that he was going to scare
the Ox so he, the Ox would not
Come back any more.

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I think I am sure I did not say
to Mr Sabardie, next day after the
ox was shot that my father had
driven him out of the field three
times before he shot, and I don't
recollect I said to Mr Sabardie any
thing about it.

Cora E. Mine

Sworn to and
subscribed before
this the 29th day of November
1871 Samuel Eakin
Justice of the peace

Edward Sabury of Sauful age being
 duly sworn States as follows:
 on last Thursday November ^{the 23rd} 1871, Mr Taylor
 Come to me Directly after ~~the~~ ox
 was shot. I went where he said the
 ox was shot. I have no other right
 but to believe that there he was shot.
 It was standing in the Public Road
 about 8 or 9 feet from the fence
 as near as I recollect. I saw
 the Blood at that spot as above
 stated. I saw the tracks of the ox
 and the Blood of the ox where
 he started home from the ^{stump} ~~field~~
~~where~~ where he staggered up against
 then went on towards home.
 I and Mr Taylor that day looked
 on the inside of the fence and
 could not see any tracks or blood.
 There was snow on the ground about
 two or three inches, ^{at the time} and was snowing
 then fast. I could plainly see the
 Blood - ^{at the} on the snow & the tracks.
 I was there within three quarters of an
 hour after I heard the gun report.
 This was about twelve or one o'clock.
 I then went on with Mr Taylor &
 seen this ox. I considered the ox
 was badly shot. He was shot in
 the Brisket. If he had of been
 shot four inches higher it would
 have killed him.

Mary ~~H.~~ Whitener of ~~Kauf~~ age being duly sworn states as follows.
 I live about ~~one~~ quarter of a mile from Doctor Miners - I was at home on ~~last~~ Thursday November 23rd. I live about midway between Mr Taylor and Mr Miners.

The shot were very thick. I don't think the OY would be able to work this winter. The next day Mr Miners come over & wanted me to look at his fence. & I went over with him. He showed me where the Steer had jumped over the fence that day. He asked me if he aint got a lawful fence and I said ~~he had not~~ I didn't think he had. He showed me where some apple trees Mr Miners said to Cora his daughter how many times have you children drove them cattle out of the field. Her answer was ~~George & her~~ ^{she said} ~~you know~~ ^{that} you know Father we drove the cattle out three times before you shot the OY. The Doctor said they come in at the Barn way, and went out another way. He put the Bars up & they got in again. I showed Mr Miners the Blood ~~where~~ ^{just} outside of the fence ~~close to the road~~ and Mr Miners said I ain't ~~not~~ looking for blood now, at all now.

Q. by def.

~~We walked along the fence for about thirty yards and could not see no tracks or blood inside of the fence, and that part of the fence there is no fence~~

Thirty yards till we come to where the ox was shot, and there was where the blood was. The fence is ~~totally~~^{notably} good in some places but other places it is no account, and anything could get over it that wants to,

Attest

W. L. Armstrong Edward C. ^{Att'y} Sabury
mark

Sworn to and subscribed
this the 29th day of November
1871 Samuel E. Allen

Justice of the peace

Witness for the Defense

Chas. R. Bradfield of Laufel age being
duly sworn states as follows. ^{Mr Taylor said}
~~The fence leading north is good. & the O. fence~~
~~not seri~~ ^{question} is not seriously injured and
the reputation of the O. is bad
I was at Mr Taylor's on last Sunday
and after talking ^{awhile} about ^{about this} his
father ^{was} shot. I asked him if he was
much injured and he said. I
don't think he was seriously injured
and I think he will get over it.
(C R Bradfield Con

Sworn to and subscribed
before me this the 29th day of
November 1871
Samuel Eaker
Justice of the peace

George Taylor of Lawful age being duly Sworn states as follows.-

Q. Were you present on Thursday Last ^{23rd} November 1871 ^{to see} When your father went to Doctor Miners, about his ox being shot.

A. Yes Sir. I went with my Father W^m Taylor to Mr Miners

Q. When you got nearly there who did you meet there

A. I met George Miners

Q. What did your father say to George Miners

A. What did you shoot my ox for

Q. When your father said to George Miners what did George say

A. I did not shoot him my father shot him.

Q. Did George say where the ox was when his father shot him? ^{the ox} was he in the field, or in the road,

A. He ^{said the} was in the road.

attest
W. L. Armstrong

~~George Taylor~~
George Taylor
mark

Sworn to and Subscribed
before me this the 29th day
of November 1871
Samuel Eakin
Justice of the Peace

- 16
- Q. How far from the Locust Tree.
- A. About Twenty Steps ^{North of the} of the Style
Cropping the fence ^{leading to the forest} More or Less.
- Q. Can you see that Stump from where
You stood.
- A. Yes I Could.
- Q. Have you ever been on that Ground
looking for anything, particularly ^{Stump} near that.
- A. I have Not been there since the ~~Ox~~ was
Killed George Minor told me that the
Ox was Shot.
- Q. Have you ever seen that Ox inside of my
Yard.
- A. Yes I have &
- Q. How many Times
- A. Twice
- Q. When was the last Time
- A. ~~I saw~~ Inside of three weeks.
- Q. Did I Call your attention to it
- A. No Sir Not at that Time
- Q. Was it the same day that Mr Injard
was drawing wood for me, ^{at that time} for I saw him
- A. Yes Sir. The Ox was out side in the Woods.
- Q. How long was it did you see & have
Conversation with Mr Taylor on Friday
Morning after the snow fell.
- A. Yes Sir.
- Q. I went down with Mr Taylor ~~to~~ ^{near} the road to
Mr Miners fence. To the Stump to where
George Minor said the Ox was shot.
- Q. Then what followed.
- A. We followed the Blood in the snow down
towards Mr Taylors house.

his house, that is 5 feet high; & staked
& ridged,?

Ans - There is a little of it, I believe -

Ques - ~~How~~ about $\frac{1}{3}$ of it,

Ans - What is the height of the other $\frac{2}{3}$ of
the fence & condition?

Ans - About 4 feet high - some look
at the corners, some not; it was
from this yard that I saw ~~the~~ the ox
jump - this lot I think contains about
10 acres. The condition of Mr Minors
other fields fences, ~~are~~ ^{is} better than the
one ~~the~~ in front of the house; I never
knew Mr Taylor's ox to get in his other fields.
~~the~~ the ox once got into my field; my
fence was not a very good one.

Attest - Sworn to and subscribed ^{by} Peter ^{Mark} Dorend
before me this the 29th day of November 1871
P. N. Aborn Samuel Eaker

Witness for Plaintiff recalled
Mr Copeland States

A. The front part of it is the best part of it. For
~~going around~~ I would state that about four
fifths of ~~the~~ around the whole ten acre field
is no fence at all. I don't think it would
not average over two feet and one half high
James F. Coplin

Sworn to and subscribed
before me this the 29th day
of November 1871
Samuel Eaker
Justice of the peace

Ans; The Deft refuses to answer,
H. S. Miner

~~affidavit of defendant~~
Statement of Defendant
Samuel Eaker J. P.

State of Missouri }
County of Jefferson }

The examination of Horatio S. Miner of
Jefferson County taken before me Samuel Eaker
one of the justices of the peace within and for
the County of Jefferson aforesaid on the 30th day
of November 1871 the said H. S. Miner being
charged before me with shooting and wounding
an ox belonging to Wm. H. Taylor in the said
H. S. Miner upon his examination now
taken before me says as above stated and ^{as} to
the question as set above ~~he~~ refuses to answer
and further he saith not

Given under my hand the day and date
above written
Samuel Eaker
Justice of the peace

Notatio N. Minor's Statement

Mr W^m H. Taylor and myself join farms and live about one Hundred Yards apart. He has a very brachy pair of Cattle, which has annoyed me very much and done me a good deal of damage to my Fruit Trees in particular. My business is in St Louis about half of the time. When I would come home, almost universally there would be Complaints entered to me about Mr Taylor's Cattle. I was showed the damage which consisted in breaking down and tearing off the fruit and spoiling Fruit Trees in my Orchard. I told my wife not to injure the Cattle, but to inform Mr Taylor by giving him notice to take care of his Cattle. The next time I come home my wife informed me that she had sent word by Nancy a Black Girl, to Mr Taylor to take care of his Cattle. Mr Taylor got very angry and threatened to shoot the whole Minor Family. He told another Black woman that is living on the place that he would put a Bull through that old Minor on sight. I threatened to shoot the Black women Nancy Mary & Jane. So that they are afraid of him and are so now from bodily injury. The oxen has kept annoying me that one particularly, putting

27
into my yard and orchard. Troubling
and injuring my fruit trees. So much
and so often and so persistently
that forbearances, ^{with him} Ceases. To be a
Virtue. I have drove him out of the
lot as many as twenty times with-
in the last four weeks. One day
I asked Mr Copeland what he would
do with such an ox. He said he
would notify Mr Taylor to take
care of him, and if he didn't he
would fix him. I thereupon asked
Mr Vineyard if he would go and
notify Mr Taylor. He went away
and came back and said he
had notified Mrs Taylor as Mr
Taylor was not there while he was
gone. I went and drove out the
ox. Very soon after Mr Vineyard came
back. Georgie Taylor came up in the
road. I asked him if he was
looking for that ox. He said yes
I told Georgie that he would find
him just below the fence in the
bushes. as I had just drove him
out. He went to get him and the
next I saw of him was Georgie
and the ox in the lot. Whaling him
he jumped the fence where it is
more than five feet high never
touched it. Peter Vineyard and I
stood in the Barnyard lane jumping
the fence where it is as much as
five feet high and Peter says after

3

he had jumped the fence. By George
he jumps well. We care nothing for
a fence good or bad.

Last Thursday November 23rd 1877.
the children and myself were up
stairs in the house scraping up some
Sorghum seed when we heard some
Bells which appeared close to the
house so much so that we looked
out and saw Mr Taylors Oxen
Five or six in the Barn yard and
I asked Georgie if he had put the
bars up. He said No, said I run
and drive them out and put the
bars up. He did so, not to exceed
ten minutes after he came back we
heard the Bells the other side of the
house still closer, not over twenty five
yards from the house. I told Georgie to
again and drive them out. He
started on the full ~~run~~ run and
just as he got to where he could
hallow at the ox. Cora says stand
at the window and says she they are
trying to jump in the garden. Georgie
at that time hallowed at them, drove
them out again at the other side
of the lot away down in the lower
corner where the fence is good and
high. from three to five minutes after
he got back the oxen was in again on
the front side of the yard. They
hollowed that there comes the cattle
again. I run down the stairs

as. I run down, I slipped into the bedroom
caught my gun. and as I was going out
of the door, Cora says: Oh! Pa, don't shoot,
I said, "Never fear, I won't hurt him hands.
I will just scare him a little, to keep him
away". Georgie followed me; Cora ran
up stairs. I expect, I went down around
the nursery, and come up with the cattle,
that was all in the lot, and I drove them
out; I did not shoot the ox. nor shook
my gun at anything when the cattle were
within three rods of the fence; The fence
was all knocked down within 10 feet of
the ground, two rails broke, and the cattle
went past the place where they came in, twice
before they turned to go out. Georgie was on
one ~~side~~ & I on the other side of the gap, both
inside of the lot, until the cattle got into
the bushes; while we were there, putting
up the fence (in the storm) we heard the
bells up towards the stock field, I say
to Georgie, "Run up & see if the cattle
do not get in there, & keep them out",
and at the same time, "Run down
to Mary's, and get the shovel, as I
wanted to take up some Dahlias roots
that were caught in the storm". Georgie
told me, that he saw Mr Taylor; that he
told him, that Pa had shot his ox, & that
that was in the lot,

Qu. by Plff. - On that occasion, when you
took your gun and went out into the yard,
did you shoot Mr Taylor's ox or not?

Statement of
H. V. Minor
In the case
of
Taylor vs Minor

State of Missouri }
County of Jefferson } 55

Be it Remembered that on the 30th
day of November at the County aforesaid
George Minner of Jefferson County State
of Missouri came before me a Justice of
the peace within and for the County aforesaid
and in his proper person acknowledged himself
indebted to the State of Missouri in
the sum of fifty dollars to be paid of his
good and chattels lands and tenements
upon conditions that if ~~the~~ he shall personally
appear before the Circuit Court on the first day
of the next term thereof to be holden
for the County of Jefferson
on the 18th day of March 1872 then and there
to testify and give evidence in behalf
of the said State against a certain Horatio H.
Minner on a certain charge of shooting and
wounding an ox belonging to William
H. Foxler where with said Horatio H. Minner
is charged and shall not depart the said
Court without leave then this recognizance
to be void otherwise of full force

approved this 1st day
of December 1871

Samuel Eaker
Justice of the peace

George Minner
or

State of Missouri } S.S.
County of Jefferson }

Be it remembered that on the 30th day of November 1871. Horatio W. Minor, John H. Hiatt — and James M. England of Jefferson County personally came before me, Samuel Eaker a justice of the peace, within and for said County, and acknowledged themselves to owe to the State of Missouri; the Sum of Four Hundred Dollars. to be levied of their goods and chattels, Lands and tenements, if the said Horatio W. Minor, shall fail in the Condition underwritten.

The Condition of this ~~recognition~~ cognizance is such that if the above Bounden Horatio W. Minor shall personally appear at the Circuit Court on the third Monday of March ~~1872~~ ¹⁸⁷² then and there to answer an indictment ~~afforaid~~ ^{to be preferred} to the grand jury against the said Horatio W. Minor for wilfully, and maliciously, Maiming and wounding an O^r the property of William H. Taylor Contrary to Law. whereof he stands charged, and shall not depart the same without leave of the said Court, then this recognition to be void; Otherwise to remain in full force

Taken and Certified the day and year last
aforesaid
Samuel Eaker
Justice of the Peace.

Horatio W. Minor
John Hiatt
James M. England

State of Missouri
County of Jefferson } ss

Be it remembered that on the 30th
day of November 1871 at the county aforesaid
James H. Coplin & Edward Sabury and W. H.
Taylor of Jefferson county State of Missouri came
before me a Justice of the peace of within and
for the county aforesaid and in their own
person acknowledge themselves indebted to the State
of Missouri in the sum of fifty dollars to
be paid of their goods and chattels lands and tenements
upon conditions that if they shall personally appear
before the circuit court on the first day of the next
term thereof to be holden ^{for} the County of Jefferson
on the 16th day of March 1872 and then to testify and give evidence ⁱⁿ behalf
of the said State against a certain Honatio S.
Miner on a certain charge of shooting and
wounding an ox belonging to William H.
Taylor where with the said Honatio S. Miner
is charged and shall not depart the said court
without leave then this recognizance to be void
otherwise of full force

approved this 1st day of December 1871

Samuel Eakin

Justice of the peace

J. H. Coplin
Edward Sabury
mark

W. H. Taylor

State against Horatio N. Miner before Samuel
Eaker a Justice of the peace.

Cost as follows A. Charters per a. J. P. \$ 4 90
Samuel Eaker J. p. per as follows

for 10 Subpoenas	3 50
for one attachment	75
10 oaths	50
for writing evidence	6 00
Certificate to Statement	35
for 4 Recognizances	1 40
John Vernans per as Constable	
for serving warrant	75
for summoning 18 witnesses	4 50
3 attachment	1 50
for transferring prisoner & papers	1 00

Witness per James A. Caplan 4 days	2 00
Edward Laherty 4 ..	2 00
George Taylor 4 ..	2 00
George Miner 2 ..	1 00
Wm H Taylor 4 ..	2 00
Cora Miner 1 ..	.. 50
Nancy Russell (cal) 1 ..	50
Mary Whitney (cal) ..	
Charles Caplan 4 ..	2 00

I Samuel Eaker a Justice of the peace do
Certify that the above and foregoing is a true
list of all the papers in the above cause
Samuel Eaker
Justice of the peace

Stat against
Horatio & Miner.

Filed Jan'y 15th 1872,
W. B. Boyce cler.

State of Missouri vs H. P. Minor	
Stationer and Seawing Co. Taylor for arrest of	50
Seawing Warrant for arrest of Minor	35
Citizens Appointing John A. Cannon Sec. State	10
Passing Subpoena for H. P. & witnesses	1.75
Seawing Subpoena for H. P. & witnesses	1.40
Writing and approving appearance bond	50
Affidavit of Defendant to change place	25
Transcript to Eakin Justice of the peace	25
	<u>4.90</u>

A. W. Keara Jpr

County of Jefferson, ss.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, Greeting:

We command you to attach

George Minor

by his

body, and safely keep, so that you have his body before our Honorable

Circuit Court, on the Twenty Second day of

May A.D. 1872,

then and there to answer a contempt by him committed, in not attending said

Court as a Witness after being

duly Summoned to do so. Herein fail not, and have you then there this writ.

Witness

W. S. Boyce

ELIAS F. HONEY, Clerk of our said Circuit Court,

with the seal thereof hereunto affixed, this 16th

day of May A. D. 1872

W. S. Boyce

CLERK.

By Otho Horning Deput.

TO THE CIRCUIT COURT OF
JEFFERSON COUNTY.

May Term, 188*3*,

State

vs
J. H. Minor

attach

George H. Minor

Shen Aff fee attach \$1.00
Garretting Prisoner \$1.00

STATE OF MISSOURI,
COUNTY OF JEFFERSON.

To

John Warner

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the *22^d* day of *May* 1872, at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

The State is
Plaintiff, and *Moracie M. Miner is*

Def.

Defendant, on the part of
in no wise to fail.

; and herein you are

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof
hereto affixed, at office, this *16th* day of
May A. D., 1872.

W. S. Boyce Clerk.

V. D. C. H. Conine

State
vs
N. H. Minor

May 1872

John Williams
Sheriff Sec

50

I deposited the within subpoena in Jefferson County Mo on the 21st day of May 1872
and Wilson J. Janner by leaving him a ^{True} copy of the same at his usual
place of abode with a free white person so member of his family
over the age of fifteen years

John Williams Sheriff
By M. W. Spivey

Deputy

STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To

Wm M Taylor Chas Kaplan J Kaplan
George Taylor & Edward & Lavinia

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the *22nd* day of *May* 1872, at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

The State is

Plaintiff, and

Mercia W Miner is

Defendant, on the part of

State

; and herein you are in no wise to fail.

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this

16
May A. D. 1872.

day of

W S Boyce Clerk.

D. C. Ho. Horine Defer,

State
vs
H M Miner

May 1872

John Williams
Sheriff Fees

\$2.50

I received the within Subpoena in Jefferson county Mo on
the 21st day of May 1872 on ~~John H~~ H Taylor George Taylor &
Edgar E. Lamberth & J. J. Hopkin and Charles Coplin by reading
the same to each of them in their presence and hearing
John Williams Sheriff
by me William Dwyer

STATE OF MISSOURI,
COUNTY OF JEFFERSON.

To

Charles V. Bradfield

George A. Stringer *vs.* *Caro Minor*

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the 22nd day of May 1872, at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein The State of Missouri is Plaintiff, and Caro Minor is

Defendant

Defendant, on the part of
in no wise to fail.

; and herein you are

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof
hereby affixed, at office, this 16th day of May A. D., 1872.

W. S. Boyce Clerk.

Edw. McCombe Deput

State
H. W. Miner

May 1872

Spa.

John Williams
Sheriff Fee

1.50

executed the within subpoena in Jefferson county Mo on the
21st day of May 1872 on Charles Bradford George Stringer & born
him by reading the same to each of them in their presence
and hearing.

John Williams, Sheriff
By M. W. Morris Depty

STATE OF MISSOURI,
COUNTY OF JEFFERSON.

To _____

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the 4th of March, at Hillsboro, then and there to testify and the truth to say in a certain matter, of controversy, now pending in our said Court, wherein

John C. Miner is
Plaintiff, and _____

Defendant, on the part of _____; and herein you are in no wise to fail.

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this _____ day of _____

May A. D., 1872.

W. S. Boyce Clerk.

John C. Miner

May term 1872

State
vs

Minor

I execute the within subpoena on Charles Phipps
by reading the same to him in Jefferson Co. Mo on the 22 day
of May 1872

John Williams, Sheriff

By D. B. Mac
Deputy

Sherriff per

STATE OF MISSOURI,
COUNTY OF JEFFERSON.

To

John Vernon

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the *fourth*, at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *the State of Mo is*

Plaintiff, and *H M Minor* is

Defendant, on the part of *State*; and herein you are in no wise to fail.

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof
hereto affixed, at office, this *22nd* day of
May *A. D.*, 1872.

W S Boyce Clerk.

May term 1872

State
vs
Minor

Sheriff fee

50

No 1 Instructions for the State -

If the jury believe from the Evidence that the defendant H. N. Miner, did, at any time within one year next before the finding of this indictment, wilfully and maliciously maim or wound an ox, the property of Wm H. Taylor, in the County of Jefferson State of Wisconsin they will find the defendant guilty and asseps his punishment by imprisonment in the penitentiary not more than three years, or, in the County jail not less than six months, or, by a fine of not less than 250 Dollars, or by both a fine not less than one Hundred Dollars and imprisonment in the County jail not less than three months

Given

No 2nd The words wilfully and maliciously
as used in the above instruction mean as
follows -

"Wilfully" means intentionally - ~~with~~

"Maliciously" means a wrongful act done
intentionally without legal cause or
excuse.

Given Testimony

B-6 The Court instructs the
jury that if they believe from the
evidence that the ox in question ~~was~~
entered defendants' inclosures by
reason of the bad condition of defen-
dences, then the defendant had no
legal excuse for shooting the said ox
(if they so find that the said ox was
shot by defendant), and they will
find him guilty, and assess his
damages as set forth in instruction
No. 1 —

State 3
minor 3

1= The Court instructs the Jury that the mere act,
of shooting or maiming Cattle does not
constitute the offence charged in this
indictment unless the act of shooting or
maiming is wilfully and maliciously
done, therefore even though the Jury
should find from the evidence
that Defendant shot ~~the ox~~ and
wounded the ox mentioned in the
indictment yet unless the Jury
further find that the act was
wilful and malicious on the
part of Defendant the Jury should
acquit,

Given

2nd The Court instructs the Jury that men
though Defendant may have shot
and wounded the ox mentioned
in the indictment - Yet - unless the
act of shooting and wounding was
done either out of a spirit of
wanton cruelty or wicked revenge
the verdict of the Jury should be
for the Defendant

Spencer

3rd The Court instructs the jury that if Defendant shot the ox mentioned in the indictment, and if at the time said ox was in Defendants enclosure or an enclosure under his control, and if the ox was shot by Defendant without malice to prevent his trespassing upon property of Defendant or under his control then in that event although Defendant might in case of his not having a lawful fence around such enclosure have been liable to the owner of said ox in a civil action for damages occasioned by said act yet he would not be guilty of the offence charged in this indictment and if the jury so find their verdict should be for the Defendant.

Given

#4
H¹²
The Court instructs the jury that if Defendant shot the ox mentioned in the indictment and if said ox had been in the habit for some time previously to said shooting ~~being in~~ ~~the habit~~ of getting into Defendants field or enclosure or a field or enclosure under his control and if said ox being on Defendants said premises or premises under his control was shot by Defendant without malice either to deter said ox from getting into such enclosure or otherwise to prevent the same, then in that event Defendant is not guilty of the offence charged in this indictment whether he had a lawful fence around his said enclosure or not and if the jury find such facts to have existed their verdict should be for the Defendant.

Spencer

5=

Given

The Court instructs the Jury that,
it is their Province to determine
upon the weight and Credibility, of
the Evidence of the several witnesses
who have testified before them
and if in the opinion of the Jury
any witness has wilfully sworn
falsely touching any material
point in the cause they are
at-liberty to disregard the whole
Testimony of such witness

We the jury find the Defendant
guilty and accept his punishment as

We the jury find the Ayles-
dair ~~not~~ guilty —

Thomas B. Moore

Herman

~~Joseph J. Williams, Agent~~
~~of the East~~

Taylor Whips his wife -

Saw no blood - & Tracks

of the ox. Did not see the Doctor -

Found no blood or tracks inside of the premises.
Six feet from the fence - outside of fence
Lattered off. Worth \$75.

Minor not on good terms. No fence at
all. Fence 18 to 20 inches. Stand
a saddle of the fence - 8 to 9 acres in
in clover. Might have stalked & ridden.
It was snowing very hard -

Labor day



State of Missouri } 26th Judicial Circuit
County of Jefferson } In the Circuit Court
of Jefferson County Missouri
May Term 1872-

The Grand Jurors of the State of Missouri duly empanelled sworn and charged to inquire within and for the body of the County of Jefferson in the State of Missouri, upon their oath do present that Horatio W. Miner late of Jefferson County in the State aforesaid, on the 23^d day of November in the year of our Lord 1871, with force and arms at the County of Jefferson in the State of Missouri, a certain ~~ox~~ of the value of Sixty Dollars, of the personal property of one W^m H. Taylor, did then and there feloniously, wilfully, maliciously and unlawfully, maim and wound, by then and there, feloniously, wilfully, maliciously and unlawfully shooting and discharging a certain gun, in the hands of him the said Horatio W. Miner then and there had and held, which gun was then and there loaded with powder and leaden shot, at and against the said ox, whereby the said ox was severely maimed and wounded in the breast and shoulder of said ox: Contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State.

W. S. Relfe Direct. Attorney

No 6

3409

State of Michigan

Horatio N. Miner

Malicious Maiming Cattle

Witnesses

Wm H. Taylor

J. T. Bohlin

Edw & E Labung

George N. Miner

George Taylor

A true bill
J. L. Duxklee
Foreman

Prosecuting witness

Wm H. Taylor

Filed May 15 1872
JOS Boyce Cl

No. 3407

Circuit Court.

Term, 18

State
vs.
H M Minor

Judgment, - - \$

Date 18

Fee Book No. Page

Judg't Docket, Page

Plaintiff's Atty.

ATTORNEYS: Exercise care and return promptly.

C. F. Chamberlin & Co., Printers and Stationers, St. Louis.