

Jefferson County Circuit Court
Case Files - Civil
September 1876

Box 36 Folder 21

Fleming, Andrew F.

vs.

Borgwald, William

Slander

Defendant called plaintiff "an
old steamboat thief"; \$15,000 damages;
depositions from New York

Andrew J. Fleming, Plaintiff
versus
William Borgwald, Defendant.

In the Circuit Court of Jefferson
County, State of Missouri
September Term, 1876.

The plaintiff, Andrew J. Fleming states
that on or about the twenty-fifth day of
December A. D. 1875, in the County of
Jefferson and State of Missouri, the
defendant William Borgwald did
speak the following false and slanderous
words of and concerning the plaintiff, to wit:
"That old thief that lives in the Big
"White house down the river owes me
"a bill, and he is trying to swindle
"me out of it, but he is not smart enough.
"His name is Captain Fleming; he is
"an old Steamboat thief", meaning by
the "he, Fleming" the plaintiff.

By which slander plaintiff says he
is damaged in the sum of Fifteen
Thousand Dollars for which he asks
judgment.

Andrew J. Fleming
Plaintiff By his
Attorneys

Saml Byrns, Edw Branch Cowan

Fleming
vs
Bergwald
Rehion

Filed Aug 21st 1876
C. Ho. Marine
Clerk

he State of Missouri, } ss.
COUNTY OF JEFFERSON.

State of Missouri,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON—GREETING:

We command you, that you summon *William Borgnall*

if he be found in your County, that he be and appear before the Honorable Judge of our Circuit Court, on the first day of the next term thereof, to be begun and held at the town of Hillsboro, within and for the County of Jefferson, on the *Second* Monday after the fourth Monday of *September* next, then and there to answer unto

Andrew J. Fleming

upon *his* original petition, a copy whereof is hereunto annexed and accompanies this writ, and have you then there this writ.

Witness, C. THO. HORINE, Clerk of our said Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *21st* day of *August*, A. D., 1876.

C. Tho. Horine, Clerk Circuit Court.

I Executed the within writ at the county
of Jefferson State of Missouri by Deputing
the within named Defendant William
Borgwald a true copy of the writ and
Petition as furnished me by the Clerk
of said Court on the 26. Day of
August. 1876

J B. Mop. Sheriff

31

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

4533

Sept.

TERM, 1876

Andrew J. Fleming

vs

William Borgwald

original

adjudged
Sept 11/76 100

State of Missouri County of
Jefferson. In the Circuit
Court. Sep. Term 1876

Andrew Fleming

vs
William Buegrald

Now comes the defendant
and denies to the petition of the
plaintiff in this case because

1st The petition does ^{not} state facts
sufficient to constitute a
cause of action

2^d The petition does not aver
to whom said alleged slanderous
words were spoken, or that
they were spoken to any
one

J. P. P. Kins
Supt atty.

A. G. F. Lanning

Wm. P. Loring

Denises to
Petition

Filed Sept. 14 1876
C. H. H. H. H.
Clerk

A. J. Fleming	} In the Circuit
Plaintiff	
vs	
William Borgnall	
Defendant	} of Jefferson

Now comes the defendant and by leave of the Court first he says he has filed this his answer to the petition of the plaintiff and denies that at the time alleged or at any other time he spoke the alleged false and slanderous words of and concerning the said plaintiff.

J. P. Skir
Supt. Atty.

Jefferson Leitch
Carrick

A. J. Fleming
107

William Bonynolds

Dr. to answer

The Clarksville file
Pittkin
for Sept

Filed Nov 20 1876,
W. H. H. H. H.
Clark

NOTICE TO TAKE DEPOSITIONS.

[Wagner's Statutes, page 523, Sec. 9; page 524, Secs. 10-13.]

Andrew J. Fleming

AGAINST

William Borgmala

Defendant

In the

Court of

County of

STATE OF MISSOURI.

TO THE ABOVE NAMED

*William Borgmala or his Attorney
of Record Philip Pipkin*

YOU ARE HEREBY NOTIFIED, That depositions of witnesses to be read in evidence

in the above entitled cause, on the part of the

the

*Office of J. L. Papin & Company, Number
317 Olive Street, 2nd floor, in the
City of St. Louis*in the County of *St. Louis* and State of *Missouri*on the *Twenty third* day of *December* 187*6*, between the hours

of eight o'clock in the forenoon and six o'clock in the afternoon of that day; and that the

taking of said depositions, if not completed on that day, will be continued from day to day,

at the same place, and between the same hours, until completed.

Service of the above notice is hereby acknowledged, and
issue of dedimus, and all exceptions as to time, waived.

187

*Samuel Byrns
Edw Branch Cowan
attorneys for
Andrew J. Fleming
Pltff*

State of Missouri }
County of Jefferson } ss. William A. Youngman
of lawful age, upon his oath, says and affidavit
makes, that he served the within notice to take
Depositions on Philip Ripkin, Attorney at law,
on the nineteenth day of December A. D. 1876
in Kimmswick in Jefferson County, Missouri
by delivering to said Ripkin a true copy of
the said notice.

Sworn to and
Subscribed before
me this 19th day
of December 1876
I was qualified
Nov 28th 1874
and my term ex-
pires Nov 28th
1878.

Robert S. Hunt
Notary Public

William A. Youngman

Depositions of witnesses produced,
Sworn and Examined on the 23^d
day of December in the year of Our
Lord 1876, between the hours of Eight
O'clock in the forenoon and six o'clock
in the afternoon of that day, at the
office of J. L. Papin & Co at No. 311 Olive
Street, in the City and County of
St. Louis and State of Missouri, before
me, Theodore Papin a Notary Public
within and for the County and State
aforesaid, in a certain Cause now
depending in the Circuit Court of the
County of Jefferson, in the State of
Missouri between Andrew J. Fleming
plaintiff and William Borgwald
defendant, on the part of the plaintiff

Benjamin F. Sidd of lawful age, being
produced, Sworn and Examined on the
part of the plaintiff deposes and saith:

My name is Benjamin F. Sidd
am now in my 24th year, I reside in
St. Louis Mo, I am not in any business
at present, I have been a clerk in the
Real Estate ^{office} of B. M. Million & Co,
at No 206 North 8th Street St. Louis
Mo, I left there two weeks ago to-day,
I lived at Windsor Harbor Jefferson
County Mo, in December 1875.

I lived there with my brother, from the 7th of June 1875 to ~~December 1875~~ about the first of January 1876. I am acquainted with the parties to this suit Messrs Fleming and Borgwald, Mr Fleming lives near Sulphur Springs in Jefferson County Missouri, Mr Borgwald lives near Windsor Harbor in Jefferson County Missouri.

Question - State whether you heard any conversation between your brother Henry A. Tidd and Mr W^m Borgwald about Christmas in December 1875 in which anything was said about Andrew J. Fleming

Answer - I did.

Question - Please state what that conversation was and where it was.

Answer - Sometime about Christmas in Dec 1875, Mr Borgwald came over to the house where we were living at that time, in Windsor Harbor to collect a bill which my brother owed him, a few days before my brother's house had burned down and he had been sick a great deal, and it was impossible for him to

pay Borgwald at that time -
Mr Borgwald said that it
would not make any difference
but that he had a great many
collections standing out and
that he needed the money. He said
~~that~~ that to my brother in my
presence, that, "that old thief
~~that~~ lived in the White House
down the river, owes ~~me~~ a bill
that he ~~was~~ ^{is} trying to beat ~~him~~ ^{me}
out of." He said "I guess you know
~~him~~ Mr Sidd, his name is Captain
Fleming, he is an old Steam boat
thief"

Question - Please state what else was
said by Mr Borgwald in that
conversation, regarding Capt Fleming
if he said anything

Answer - I don't remember anything else
he said about Fleming, except that
he repeated his words -

Question - Where did you hear Mr.
Borgwald speak these words

Answer - It was at a house in Windsor
Harbor which my brother rented
after ~~his business~~ ^{he} burned down the house in
which he lived burned down

Question - State what time you heard Mr Borgwald and your brother have this conversation

Answer - It was in the evening sometime between Six and Nine O'clock. I think this conversation took place on Sunday evening just after Christmas. Although I am not certain whether it was on the Sunday just before ^{the Sunday just} or after Christmas

Question - Did Mr Borgwald & your brother Henry Tidd have any further conversation, that you remember at that time -

Answer - They did have some further conversation but I did not hear Mr Borgwald say anything further about Capt. Fleming that I remember

Cross Examination by

Defendants Attorney -

Question - That conversation, ^{occurred} in the house of your brother

Answer - It ~~was~~ took place in the house in which he was living at the time.

Question - Who was present besides your brother and yourself & Mr Borgwald

Answer - No one.

Question How long ~~after~~, ~~before~~ this
After your brother's ^{house} burned down
that this conversation took place

Answer - The house burned down on the
16th day of December 1875, and it
was sometime between that date
and the first of January following.

Question - State about the number of days
after the house burned down, when
this conversation took place

Answer - I don't know that I can state
the number of days, it was either
on the Sunday before or on the Sunday
after Christmas

Question How long had Mr Borgwald
been in your brother's house before
this conversation took place in
reference to Fleming -

Answer - About a half an hour

Question How long did he remain after
the conversation was over

Answer - I cannot say but I suppose he
remained about a half an hour
longer

Question Was it before or after dark that
he was at your brother's house

Answer - It was after dark

Question - Where was Mrs Tidd your brother's wife at that time present.

Answer - She was at Indianapolis Ind.

Question - What business did you and your brother follow at that time

Answer - The Insurance business.

Question - Was Mr Borgwald ever in your brother's house before that time

Answer - He had been up to the house that burned, before several times, but do not know whether he went into it, to my personal knowledge I can't say that he was there several times but do know that he was there once.

Question - Were you acquainted with Captain Fleming before you heard this conversation -

Answer - Yes Sir -

Question - How long had you known him before

Answer - I had known him since September 1873 -

Question - You knew Capt Fleming then, before he moved to that place,

Answer - Yes Sir.

Question - Were you and your brother intimately acquainted with Mr Borgwald

Answer - I was not, although I had seen

him several times

Question - I believe you stated that you and your brother, were engaged at that time in the Insurance business in the City of St Louis

Answer - Yes Sir.

Question - Were you in the habit, both of you, of going to the City in the morning and returning in the Evening

Answer - I came to the City and returned pretty regularly, but my brother did not regularly -

Question - How long had you known Mr Borgwald before the time of this conversation

Answer - About a month or six weeks or somewhere about there

Re-direct Examination

Question - Mr Fidd I forgot to ask you whether you are of any relation or kin to Mr Fleming or Mr Borgwald the parties to this Suit -

Answer - I am not.

Question - Are you interested in the result of this Suit in any manner, if so state it

Answer - No Sir B. F. Fidd

Subscribed and Sworn to
before me, on the day, at the
place, and within the hours
first aforesaid,

Theodore Papin
Notary Public

I, Theodore Papin, a Notary Public
within and for the County of St Louis
and State of Missouri, do certify that
in pursuance of the Annexed notice,
came before me, at the office of J. L. Papin & Co
No. 311 Olive Street, in the City of St Louis
in the County and State last aforesaid,
Benjamin F. Fidd, who by me was sworn
to testify the whole truth of his knowledge
touching the matter in controversy, afore-
said; that he was Examined, and his
Examination, reduced to writing, and
Subscribed by him in my presence, on
the day, between the hours, and at the place
in that behalf first aforesaid; and his
deposition is now herewith returned
Given at St Louis, in the
County of St Louis and State
of Missouri this 23^d day of
December 1876.

Theodore Papin
Notary Public
Qualified March 27, 1875 & term
Expires March 27, 1879 -

Andrew J. Fleming
Plaintiff
vs

Wm Borgwald

Defendant

Depositions on behalf
of Plaintiff

Notary's fee

\$5.00

Paid by Plaintiff

Filed Jan'y 6 1877.

Chas. H. Stone

Clk

1 Andrew J. Fleming
2 Plaintiff
3 or
4 William Borgwald
5 Defendant
6 } In the Circuit
7 Court of
8 Jefferson County
9 State of Missouri
10 January Term 1877

8 Now at this day comes Andrew J.
9 Fleming, the plaintiff in the above
10 entitled cause, and being sworn
11 upon his oath states, and hereby
12 makes affidavit, that Henry A. Tidd
13 is a material and important witness
14 for plaintiff in the said cause, as
15 this affiant verily believes; That said
16 Henry A. Tidd is now, as affiant is
17 informed and believes, an Insurance
18 agent, pursuing the avocation of
19 Insurance, and residing in the City
20 of New York & State of New York;
21 That no other person or witness is
22 in attendance of this Honorable court
23 or known to this plaintiff and
24 affiant, whose testimony could have
25 been procured in time for this Term
26 of the Court (Jefferson Circuit Court
27 January Term 1877), except Benjamin
28 F. Tidd, upon which this plaintiff
29 and affiant can rely to prove the
30 particular facts that the said Henry
31 A. Tidd is expected by affiant, to
32 prove and testify to; That affiant

1 believes that he can not safely go to
2 trial in this said cause without the
3 testimony of the said Henry A. Tidd;
4 That said Henry A. Tidd is not absent
5 by the consent, connivance or pro-
6 curance of this affiant; That this
7 affiant had given instructions to
8 his Attorney in this cause to get
9 the Deposition of said Tidd, more
10 than two months ago, which affiant
11 is informed by his said Attorney ^{E. B. Cowan} was
12 not done because he could not find
13 out or learn the whereabouts of said
14 Henry A. Tidd and where his deposition
15 could be taken in time for this court;
16 That the testimony of said Henry A.
17 Tidd, is expected by affiant, to prove
18 the slanderous words upon which
19 affiant's said suit and cause is based;
20 & That the testimony of Benjamin F.
21 Tidd, ^{the said other} witness to prove the same facts
22 has already been taken in a Deposition
23 in this cause; & That no continuance
24 of this cause has ever been heretofore
25 asked by the plaintiff herein; and
26 That if a continuance of this cause
27 to the next regular term ^{of the court} is granted
28 that plaintiff (this affiant) will believe
29 that he will be able to obtain the
30 testimony of said Henry A. Tidd in
31 this cause, to use on the trial
32 of the same; and that therefore

1 This affiant prays that a continu-
2 -ance of the said cause to the next
3 regular term of this court, may
4 be granted.

5 [Signed] A. J. Clemens

6
7 Subscribed and sworn to before me
8 this ^{Eighth} day of January A.D. 1877

9
10 [Signed] William Britton

11 Justice of the Peace
12 Within and for the
13 County of Jefferson
14 State of Missouri
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André J. Fleming

vs
William Borgarsen

Affidavit for
Continuance by
Plaintiff

Filed January 9th 1877
C. H. House Clerk

State of Missouri
County of St. Louis } ss

Andrew J. Fleming
Plaintiff

vs
William Borgwald
Defendant

In the Circuit
Court of
Jefferson County
State of Missouri
January Term 1877.

Edw Branch Cowan of lawful age,
hereby upon his oath says and affidavit
makes, That he is and has been one
of the attorneys of Andrew J. Fleming
plaintiff, in the above entitled cause;
That as such Attorney, he was requested
and instructed by said Fleming in the
month of October 1876, to obtain as
soon as possible, the deposition
of Henry A. Tidd in the said cause
to be used and read as evidence on
the part of said plaintiff in said cause
on the trial of the same; That at
that time affiant had information
from reliable persons, that said Tidd
was somewhere in the State of New
York; That affiant made many efforts
by ~~engaging~~ writing letters to said Tidd
addressed to him at New York City,
[where this affiant was informed said
Tidd was doing business and making
his abode] to learn from him when
and where his Deposition could be
taken; That affiant received only one
letter in reply from said Tidd, and that
about the first week in December 1876;

1 That affiant obtained a commission as
2 soon as possible ^{thereafter} from the clerk of the
3 Circuit Court of Jefferson County,

4 Missouri, to take the Deposition of
5 said Tidd in the said cause, and
6 sent the same to said Tidd's address
7 in New York City, State of New York
8 at Number 54 Olney Street, and also
9 requested said Tidd to immediately
10 inform affiant, when and where his [Tidd's]
11 deposition could be taken so that
12 this affiant could have the defend-
13 ant Borgwald, notified of the same;
14 but affiant states that his said request
15 although sent by mail to said Tidd, on
16 about the 12th of December 1876, has not
17 been answered by him; and that affiant
18 has not been able to learn when and
19 where his (Tidd's) deposition could be
20 taken in this cause, ^{or get such deposition} and thus without
21 the consent, connivance or procurement
22 of this affiant; and That to the best
23 of affiant's knowledge and belief, the
24 said Henry A. Tidd is now somewhere
25 in the State of New York; and That
26 affiant believes that the testimony of
27 said Tidd is material to sustain
28 the cause of action of the ^{plaintiff in} above
29 entitled cause upon the trial of
30 the same. O

31 [Signed] Odu Branch Cowan
32 " "

Sworn To and Subscribed by
Edw Branch Cowan, before ^{me} the
Eighth day of January A.D. 1877

I was qualified as Notary Public
of St Louis County, State of Missouri
on 24 January 1876

and my Term office as such Notary
Public expires December 21 AD 1881.

JMR Cullen

Notary Public for
St Louis County
Mo.

A. L. Fleming

Wm Borgwald

Affidavit of
E. B. Cowan

Filed January 9th 1877
Thos James Clark

STATE OF MISSOURI,
COUNTY OF JEFFERSON.

To

Benj. A. Dick

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 10th day of January, 1877, 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 Andrew J. Manning is Plaintiff, and William B. or Wald is Defendant, on the part of Defendant; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 6th day of January, A. D., 1877.

C. Thos Horine CLERK.

July 77

Fleming

no

Rogerswald

Al

Benz F Fild

with B M Miller

8th West Point & Olive
50 cts. per

W

A K
L

January 10/77

Within named witnesses can not be
found in my country
Alfons Jany 9/77

in 25

book 52
due 4th 249

Charles Thompson
by 1894 Thompson
1894

NOTICE TO TAKE DEPOSITIONS.

[Wagner's Statutes, page 523, Sec. 9; page 524, Secs. 10-13.]

Andrew J. Fleming

In the

Circuit

AGAINST

Plaintiff,

Court of

*The**William Borgmala*

County of

Jefferson

STATE OF MISSOURI.

Defendant.

TO THE ABOVE NAMED *William Borgmala*, or his Attorney
of Record Philip Phipps
 YOU ARE HEREBY NOTIFIED, That depositions of witnesses to be read in evidence

in the above entitled cause, on the part of the *Plaintiff* will be taken at

the *Office of W. Lyon Esq at Number*
168 on Broadway Street in the
City of New York

in the County of *New York* and State of *New York*

on the *Thirtieth* day of *March* A.D. 187*7*, between the hours

of eight o'clock in the forenoon and six o'clock in the afternoon of that day; and that the

taking of said depositions, if not completed on that day, will be continued from day to day,

at the same place, and between the same hours, until completed.

Service of the above notice is hereby acknowledged, and
 issue of dedimus, and all exceptions as to time, waived.

187

Andrew J. Fleming
Plaintiff By his attorneys
Dyans & McMullin
& E. B. Cowan

State of Missouri }
County of Jefferson } ss

George W. Groves
of lawful age upon his oath says and hereby makes
affidavit that he served the within notice to take
Depositions, upon William Borgwald ^{the defendant} by delivering
to said Borgwald a true copy of said notice in
the County of Jefferson in the State of Missouri
on this first day of March A.D. 1877

Signed }

Sworn to & Subscribed by
George W. Groves before me
this first day of March 1877

Geo. W. Groves

I was qualified as Notary
Public on 28th November 1874

& my term expires
on 28th day of November 1878

Robert N. Hunt
Notary Public for
Jefferson County Mo

COMMISSION TO TAKE DEPOSITIONS.

[Wag. Stat., pg. 902, Sec. 2-3; pg. 523, Sec. 5.]

STATE OF MISSOURI

County of *Jefferson*

ss.

or other Judicial Officer of the State of

To any Judge, Notary Public, Justice of the Peace,

New York

, or to any Judge

Justice, Notary or Judicial Officer

GREETING:

Know Ye, That we, in confidence of your prudence and fidelity, do by these presents, authorize you to cause to come before you, to be examined as witnesses in a cause pending in our *Circuit* Court,

in the County of *Jefferson*, in the State of Missouri, wherein

of *Andrew J. Fleming* is Plaintiff, and

of *William Borgwald* Defendant.

all and every such person, and at such time and place as shall be named to you for that purpose by the said

Andrew J. Fleming Plaintiff his
Attorney or Agent. And we command you to examine all and every such person upon his oath or solemn affirmation first made or taken before you, to testify the whole truth touching his knowledge of anything relating to the said matter in controversy between the said parties; and that you do take such, his examination and reduce the same into writing. When you shall have so taken his examination, you are to cause the witness to sign the same; and to that and each examination, at the foot thereof, you are to append your Certificate, setting forth the facts that the examination was subscribed and sworn to, or affirmed, by the witness, and the day, as well as between what hours of the day, on which it was done, as also the place of residence of the witness, if known to you. Should any paper or exhibit be produced or proven, or referred to by the witness, you are to describe the same in his examination, or cause it to be so marked by him as to establish its identity, and attach the same to his examination. The examination thus taken, you will certify under your hand and seal of office, or cause to be accompanied by a certificate of your official character, attested by the seal of the State; or, should it be more convenient, such authentication and proof of your official character may be made by the certificate and seal of the Clerk of any Court of Record of any County of the State, District or Territory in which you reside; stating, also, in addition to the facts of his being Clerk, and that the Court is one of Record, that, at the time when the depositions were taken, you were an acting Judge (or other such officer to whom this Commission is addressed), and duly commissioned as such. And you will return the same and all exhibits produced to you, annexed hereto, carefully closed up and under your seal, directed to the Clerk of the *Circuit* Court *Stillsboro*

in and for *Jefferson County* and State of Missouri, with the names of the said parties litigant endorsed thereon, with all convenient speed.

WITNESS,

Andrew J. Fleming Clerk of said
Circuit Court,

thereof hereto affixed. Done at office in *Stillsboro*
this *Twelfth* day of *December* A. D. 187*6*.

Andrew J. Fleming
Clerk of *Circuit* Court.

State of New York
City & County of New York, 99

Deposition of
Witness, produced, sworn and
examined on the thirtieth day
of March [A.D. 1877] in the year of
our Lord 1877 between two o'clock
and four o'clock in the afternoon
of that day at No 70 Astor House
in the city County and State of New
York before me George R. Jacques a
Commissioner of Deeds for the State of
Missouri, in a certain cause now
pending in the Circuit Court in the
County of Jefferson and State of
Missouri, between Andrew J.
Fleming plaintiff, and William
Borgwald of Jefferson County defen-
dant, on the part of the Plaintiff
Henry A. Tidd of lawful age, being
produced sworn and examined on
the part of the plaintiff deposes and
saith; I am now a resident of the
city, County and State of New York,
I know Andrew J. Fleming the
Plaintiff and William Borgwald
Defendant in this suit, I had a
conversation with the defendant
about some work he had done

for the Plaintiff; this conversation took place in the yard, in front of my house in Windsor Harbor Jefferson County Missouri, about one mile North of the Plaintiff's residence; the Sunday before or following Christmas 1875. He came to collect a bill from me, he said that he had a plenty of money due him but could not collect it; he said that old thief living down the river was trying to beat him out of a bill for work done for him, I asked him who he meant, and he said Capt. Fleming; I told him there must be some misunderstanding about it; that I had known Capt. Fleming for years and knew him to be a strictly honest man, to which he replied he is an old liar and a thief and I can prove it; no one was present when this conversation took place besides us. I thought I would disabuse his mind against Capt. Fleming and asked him into the house where my brother Benjamin T. Tidd was, we three sat around the stove; the Defendant was very bitter against Capt. Fleming, and I could

not change his feelings much. I told him he was mistaken in the man, I knew he must be, and he said I mean "That old thief that lives in the big white house down the river, he owes me a bill and he is trying to swindle me out of it but he is not sharp enough," his name is Capt. Fleming, he is an old Steamboat thief, He repeated it, and said much more against the plaintiff, soon after, this conversation took place between the hours of five and eight o'clock in the evening of the day named.

Henry A. Lidd

Subscribed and sworn
to on this 30th day of
March A.D. 1877
before me

Geo R Jaques
Comptroller of deeds for
State of Missouri in
New York City —
70 Astor House



I George R. Jaques Commissioner of
Deeds for the State of Missouri, within and
for the County and State of New York do
certify, that in pursuance of the annex-
ed commission and notice came
before me at my office 70 Astor House
in the city of New York and County and
State aforesaid Henry A. Tidd who was
by me duly sworn to testify the whole
truth of his knowledge touching the
matter in controversy aforesaid,
that he was examined, and his
examination reduced to writing and
subscribed by him, in my presence
on the day, between the hours, and at
the place in that behalf first afore-
said, and his deposition is now
herein returned.

Given at 70 Astor House in
the city of New York, in the County of
New York and State of New York
this thirtieth day of March 1877

Geo R Jaques
Commr of deeds
for State of Missouri
in New York
70 Astor House



State of Illinois
Deffen County
Circuit Court

Andrew J. Fleming

vs.

William Borquard

Deffendant

Published and Filed
May 14th 1877.

Le Roy Horne clerk

Geo. J. Rogers

Attorney for Def.

70 West Monroe

State of Missouri
Jefferson County
Circuit Court,

Andrew J. Fleming

— act —

William Borgwald

Deposition for Plaintiff

Filed April 11 1877

Chas. Horne

Clerk

with Charles
Horne

C.D.D. 3
1/10⁰⁰

sdg

X 2/2

Thomas Horne Esq

Attorney at Law

Jefferson County
Mo

Mr. R. J. Rogers
Carmichael
for the
of the
of the

A. J. Fleming Plaintiff } In the
against } Circuit Ct.
William Burgwald Deft. } Jefferson Co. Mo.
May Term 1877

Now at this day comes
the Defendant and moves the
Court to suppress the depositions
filed by the Plaintiff in the
above cause for the following
reasons viz:

- 1st Because said Depositions were
not taken according to law
- 2^d Because there was no notice
served on the defendant.
- 3^d Because the Notice attached
to said Depositions, gives
notice that Depositions would
be taken at ~~the~~ the Office of
W Lyon Esqr at number 168 an
Broadway Street in the City of
New York & Co & State of N. Y.
and the Certificate of the officer
taking said Deposition shows that
the Depositions were taken at
No 70 Astor House in the City & Co
State of New York a place different

142
from that stated in the Notice
Because the officer before whom
said depositions were taken is
not authorized to take depositions

A. J. Flannery
vs
Wm Burgwood

Motion to
suppress dep.
filed by dep.

filed May 14 1877
C. Thi. Noid
Clerk

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To *Benjamin F. Fick*

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 *15th* day of *May*, 1877, 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 *J. J. Manning* is Plaintiff, and *Mr. Borgwald* is Defendant, on the part of *the said Plaintiff*; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this *12th* day of *May*, A. D., 1877.

C. Tho' Horine CLERK.

State of Missouri,
County of Jefferson.

Edw Branch Cowan of lawful age
being sworn upon his oath says that he served
this Subpoena upon Benjamin F. Fide in the City of St. Louis
in the State of Missouri, by reading the same to him on the
eleventh day of May A.D. 1877.

Edw Branch Cowan

sworn to and subscribed
before me this 12th day of May
A.D. 1877

Robert N. Dwyer
Justice of the Peace

Filed May 14th 1877
O. The House
Clerk

A. J. Fleming
vs
Wm Borgwaldt.

May 77

I hereby acknowledge service of this subpoena
in the City of St. Louis, State of Missouri this 11th day
May A.D. 1877.

Benjamin F. Fide

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To

Abraham K. Bowman, Israel Waters

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 *11th* day of *September*, 187*7*, 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 *Andrew J. Fleming* is Plaintiff, and *Mr. Fitzgerald* is Defendant, on the part of *Defendant*; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said Court, with the seal thereof hereof affixed, at office, this *22nd* day of *August*, A. D., 187*7*.

C. Tho. Horine

CLERK.

S. T. 1877

Fleming

Bergwald

D

Albert Cook

D Bowman

Israel Waters

John Williams

Sheriff fee \$150

I certify the within in the above named county and the
6th day of August 1877 in Albert Cook
D Bowman and Israel Waters by reading the
same to each of them

John Williams Sheriff

A. J. Fleming vs In the circuit
court
Wm Burgorald vs Sep Term - 1877

Now comes the defendant &
moves the court to suppress
the deposition of Henry R. Fida
filed in this cause for the
following reasons

1. The certificate of the notary
does not state when he was
qualified nor when his term
of office expires.
2. The certificate of the Notary states
that the deposition was taken on the
day set forth in the annexed notice
whereas in fact the deposition
was taken on the 12th day of
July 1877.
3. Because the certificate on its
face shows that the deposition
was not taken at the place fixed
by ~~said~~ ^{the} notice.

P. Perkins

Deft's atty.

A. J. Fleming
17

Wm Longwood

Prothon to supply
depositions

Filed Sept. 10th 1877
C. H. Waine
Clerk

NOTICE TO TAKE DEPOSITIONS.

[Wagner's Statutes, page 523, Sec. 9; page 524, Secs. 10-13.]

Andrew J. Fleming

Plaintiff,

AGAINST

William Borgmald

Defendant.

In the Circuit

Court of Jefferson

County of _____

STATE OF MISSOURI.

TO THE ABOVE NAMED William Borgmald or his attorney
of Record Philip Pipkin

YOU ARE HEREBY NOTIFIED, That depositions of witnesses to be read in evidence

in the above entitled cause, on the part of the Plaintiff will be taken at

the Office of George R. Jaques, Notary Public

and Commissioner of Deeds at Number

252 Broadway Street in the City of New York

in the County of New York and State of New York

on the Eleventh day of July A.D. 1877, between the hours

of eight o'clock in the forenoon and six o'clock in the afternoon of that day; and that the

taking of said depositions, if not completed on that day, will be continued from day to day,

at the same place, and between the same hours, until completed.

Service of the above notice is hereby acknowledged, and
issue of dedimus, and all exceptions as to time, waived.

187

Byans & Mc Mullin
Edw Branch Cowan
attorneys for Plaintiff
Andrew J. Fleming

State of Missouri }
County of Jefferson } ss James W. Conder of lawful age
being sworn, upon his oath says and
makes affidavit, that he served the within
notice to take depositions upon William Borgwald by deliv-
-ering to said Borgwald a true duplicate copy of said notice
in the County of Jefferson, and State of Missouri on the
Ninth day of June A.D. 1877.

Sworn to and subscribed
before me this 11th day of
June A.D. 1877. I was qualified
as Notary Public Nov 28th 1874
and my term expires Nov 28th 1878

J. W. Conder

Robert A. Hunt
Notary Public
Jefferson Co. Mo

A. J. Fleming
vs
William Borgwald
Notice to take Depositions
in New York July 11th 1877

COMMISSION TO TAKE DEPOSITIONS.

[Wag. Stat., pg. 902, Sec. 2-3; pg. 523, Sec. 5.]

STATE OF MISSOURI

County of *Jefferson*

} ss.

To any Judge, Notary Public, Justice of the Peace,

or other Judicial Officer of the State of *New York*, or to any *Commissioner*
of deeds for Mipain in the State of New York GREETING:**Know Ye,** That we, in confidence of your prudence and fidelity, do by these presents,
authorize you to cause to come before you, to be examined as witnesses in a cause pending in our
Circuit Court,in the County of *Jefferson*, in the State of Missouri, whereinof *Jefferson County State of Mipain* is Plaintiff, and
*William Bergwald*of *Jefferson County State of Mipain* is Defendantall and every such person, and at such time and place as shall be named to you for that purpose by the
said *Andrew J. Fleming his Plaintiff his*

Attorney or Agent. And we command you to examine all and every such person upon his oath or solemn affirmation first made or taken before you, to testify the whole truth touching his knowledge of anything relating to the said matter in controversy between the said parties; and that you do take such, his examination and reduce the same into writing. When you shall have so taken his examination, you are to cause the witness to sign the same; and to that and each examination, at the foot thereof, you are to append your Certificate, setting forth the facts that the examination was subscribed and sworn to, or affirmed, by the witness, and the day, as well as between what hours of the day, on which it was done, as also the place of residence of the witness, if known to you. Should any paper or exhibit be produced or proven, or referred to by the witness, you are to describe the same in his examination, or cause it to be so marked by him as to establish its identity, and attach the same to his examination. The examination thus taken, you will certify under your hand and seal of office, or cause to be accompanied by a certificate of your official character, attested by the seal of the State; or, should it be more convenient, such authentication and proof of your official character may be made by the certificate and seal of the Clerk of any Court of Record of any County of the State, District or Territory in which you reside; stating, also, in addition to the facts of his being Clerk, and that the Court is one of Record, that, at the time when the depositions were taken, you were an acting Judge (or other such officer to whom this Commission is addressed), and duly commissioned as such. And you will return the same and all exhibits produced to you, annexed hereto, carefully closed up and under your seal, directed to the Clerk of the *Circuit* Court *Hillsboro* in and for *Jefferson County* and State of Missouri, with the names of the said parties litigant endorsed thereon, with all convenient speed.

WITNESS,

C. Tho' Norine
Circuit

Court,

Clerk of said

with the seal

thereof hereto affixed.

Done at office in *Hillsboro Mo*this *Sixth*day of *June*

A. D. 1877

Clerk of *Circuit*

Court.

~~A. J. Fleming~~

Andrew J. Fleming

vs
William Bogwald

Ex Off

Com. to take & dep

Filed Sept 10 1877

Chas. H. Hume

Clerk

In the Circuit Court of the
County of Jefferson, State of Missouri

Andrew J Fleming }
vs }
William Barquwald }

To Henry A Tidd

You are hereby
commanded laying all excuses
aside to appear before me
Geo R Jacques Notary Public on
the 11 day of July 1877 between
the hours of eight o'clock in the
forenoon and six o'clock in the
afternoon of that day at my
Office No 252 Broadway New
York City - to testify on behalf of
plaintiff in the above entitled
action,

And hereby fail not,
Witness my hand this
30th day June 1877

Geo R Jacques
Notary Public

State New York
city & County of New York } ss
Washington J. Jaques
of lawful age being sworn, upon
his oath says and makes affidavit
that he served the within notice
or order upon Henry A. Tidd, by
delivering to said Henry A. Tidd
a true duplicate copy of said
notice to appear before George
R. Jaques Notary Public at the time
and place therein stated.

Served on the 5th day of July 1877
Subscribed and sworn

to on this 5th day of
July 1877 before me

Geo R Jaques
Notary Public
W. Co.

Deposition of witness, produced
~~and sworn~~ and examined on the
Eleventh day of July A.D. 1877 between
the hours Eight o'clock in the forenoon
and six o'clock in the afternoon of
that day at 252 Broadway in the city
and county of New York and State of
New York before me George R. Jaques
a Notary Public, in a certain cause
now depending in the Circuit Court of
Jefferson County State of Missouri, be-
tween Andrew J. Henning Plaintiff,
and William Borgwald Defendant, on
the part of the Plaintiff, Henry A. Tidd
of lawful age, being produced
sworn and examined on the part
of the Plaintiff deponent and saith,
I know A. J. Henning the Plaintiff and
William Borgwald the Defendant;

Not being able to complete the taking
of said deposition, by reason, that the
said witness had business that required
his attention. I adjourned the further taking
of the same till tomorrow July 12. Then to
be continued at the same place and

between the same houses mentioned in the annexed notice



E. R. Lagues
Notary Public
New York Co.

Pursuant to adjournment as above stated on the 12th day of July 1877 between the hours of Eleven in the forenoon and two in the afternoon. I continued the taking of said depositions, as follows Henry a Tidd in continuation of his depositions commenced yesterday, on his oath, further says; I had a conversation with said Defendant Borgwald about work he, said defendant, had done for the Plaintiff; this conversation took place in the yard in front of my house, one mile north of the Plaintiffs residence, in Winsor Harbor, Jefferson County Mo. On the Sunday before Christmas 1875. The defendant came to collect a bill from me; he said he had plenty of money due him, but could not collect it; he further said, that old thief living down the river, was trying to cheat

him out of a bill, for work done for him. I asked him who he meant, he said Capt. Flemming the Plaintiff. I told the defendant, that there must be some misunderstanding about it; that I had known Capt. Flemming the Plaintiff for years and knew him to an honest man; to which, he the defendant, replied, he is an old liar and a thief and I can prove it; no person was present during this conversation except the defendant and myself. I thought I would disabuse his mind as against the plaintiff, I then invited him into the house, where my brother B F Fidd was; we three sat around the stove. The defendant was very bitter against the plaintiff, I tried to reason with him, but all I could say, I could not change his feelings any. I repeated again and again, that he must be mistaken in the man, I knew he must be, as I had never heard any person speak disrespectful of Capt. Flemming; and he repeated again and said, I mean the old thief that lives in the big white house down the river, he owes me a bill and is trying to swindle me out of it, but

he is not sharp enough, I know all about him, his name is Capt Andrew J Fleming; he is an old Steamboat thief; he the said defendant, repeated the same language over again and much more against the plaintiff, denouncing him in the strongest terms, as a liar and a thief with other vile epithets, this conversation took place between the hours of 5 and 8 in the evening on the aforesaid day named.

Henry A. Tidd

Subscribed and sworn to before me on the day, at the place and within the hours aforesaid

Geo R. Jacques
Notary Public
NY Co



I Geo R. Jacques a Notary Public in the City and County of New York do certify that in pursuance of the annexed Commission and Notice came before me at 252 Broadway in the City County and State of New York Henry A Tidd, ^{who was by me sworn} to testify the whole truth

of his knowledge touching the
matter in controversy aforesaid;
that he was examined, and his ex-
amination reduced to writing, and
subscribed by him, in my presence,
on the day, between the hours, and at
the place in that behalf first aforesaid, and his deposition is now
herewith returned. And I further
certify that said Henry A Tidd is
a resident of New York city.

Given at 252 Broadway in the
city, County and State of New York
this 12 day of July A D 1877

Les R Jaques
Notary Public
New York Co
252 Broadway



SUBPOENA FOR WITNESS.--J. P.

The State of Missouri, To

Wm. C. C. C.

YOU ARE HEREBY COMMANDED to be and appear personally before me,

in and for the Township of *Little Rock*, in the County of

Jefferson State aforesaid, on the *19* day of *October*

A. D. 187*7*, at the hour of *Eight* o'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

Andrew J. Fleming Plaintiff,

and *William Portyward* Defendant,

on behalf of the *Plaintiff*. And hereof fail not at your peril.

And the person or officer serving this Writ is commanded to have the same at the

time and place aforesaid, certifying thereon his return.

WITNESS my signature, this *19th* day of *Oct*, 187*7*.

William Porter

Justice of the Peace.

I hereby certify that I served the within Writ in the County of

Missouri, on

the _____ day of

187 , by

*I hereby Writ in service of
the within Subpoena this 19th Oct 1877.*

Fee, \$ _____

W. Loates

SUBPENA FOR WITNESS.

Plff....

VS.

Def't....

BEFORE

J. P.

WITNESSES:

State of New York, }
City and County of New York, } ss.

I, **HENRY A. GUMBLETON**, Clerk of the City and County of New York, and also Clerk of the Supreme Court for the said City and County, being a court of record, DO HEREBY CERTIFY,
'That

Geo. Rias Jaques
before whom the annexed deposition
taking the same, a Notary Public of New York, dwelling in said City and County,
duly appointed and sworn and authorized to administer oaths to be used in any
Court in said State, and for general purposes; and that his signature
is genuine, as I verily believe.

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of
the said Court and County, the

14 day of
August 187

Henry A. Gumbleton
Clerk.

Andrew J. Fleming } In the Circuit Court
 against Plaintiff } for the County of
 William Borgwald } Jefferson, in the State
 Defendant } of Missouri

To William Borgwald the above named
 defendant. You are hereby notified that the
 depositions of witnesses, to be read in evidence in the
 above case, on the part of plaintiff, will be
 taken at the "office of William Fritter, Justice
 of the Peace, in Sulphur Springs, in the County
 of Jefferson, State of Missouri, on the 19th
 day of October A.D. 1877, between the hours of
 eight o'clock in the forenoon and six o'clock
 in the afternoon, and that the taking of the said
 depositions, if not completed on that day, will
 be continued from day to day, at the same
 place, and between the same hours, until
 completed.

A. J. Fleming Petf
 Bylaw, Byms & Mcmullen
 his attys.

I executed the above and foregoing
 notice by delivering to William
 Borgwald a true copy at the
 County of Jefferson and State of
 Missouri on October 15th 1877.

Done into be for me on the Jacob Hoeger
 19 day of October 1877. William Fritter J.P.

Executed the Notis of wick the wick
 the within is a true coppey of in the
 orighnel Notis in Jefferson County Missouri by deloring
 it to the within ^{namt} William Borgwaldt on
 the 15. day of October A.D. 1877
 in Jefferson County Missouri
 Jacob Haeger

Orocin to be for me
 this the 15. day of October
 18.77

William Fitter
 Justice of the Peace

Constable fees \$1.00
 paid by Plaintiff

Shoren to be for me this
 day of October 1877
 William Fitter J.P. Constable
 fees \$1.00

Executed the within in Jefferson County Mo.
 on the 15. day of October. A.D. 1877. by deloring
 a copy herewith the within namt William
 Borgwaldt in Jefferson County Mo.
 Jacob Haeger

182
 281
 476
 13
 204
 204
 16

Andrew J. Fleming
against Plff.
William Boywood,
Def.

Depositions of witness,
produced and examined, on
the 19th day of October 1877 be-
tween the hours of eight o'clock
in the forenoon and six o'clock
in the afternoon of that day
at the office of the Trial
Justice of the Peace, in Sul-
phur Springs in the County
of Jefferson, State of Mo.
Before Me William Fritter
a Justice of the Peace in a
certain cause, now pending
in the Circuit Court of the
County of Jefferson, in the
State of Missouri, between
Andrew J. Fleming Plaintiff
and William Boywood,
defendant on the part
of the Plaintiff

William Coats born of
lawful age being produced

Sworn ^{and} examined on the
part of the Plaintiff, deposes that
and deposes that, My name is William Coats
I am a Carpenter by trade 25 years old
at present in Ottumwa Iowa
I have been residing in Ottumwa
for the past 2 months, I know
Capt Hemming & William Borgwald
between the 26th & last day of September
at Hemmick Jefferson County Mo
I was making a drawing for Capt Hemming
the plaintiff, William Borgwald the
defendant, I step up, he said he knew
who that drawing was for that I must
mind, and have a written contract
with him, if I did not I would never
get paid, for he was a damned thief
he knew it was for Capt Hemming,
he said he had done work for him
and never got paid for it, he said
Capt Hemming had stole horses &
mules, on some river down south
he mentioned the river but ^{not} I remember
now the name, and now he has come
up north to rob the working men out
his pay, he said the Capt was suing him
for damages, but said he would
do

not make anything out of him
as he had his property seized, so that
he could make nothing out of him.
This conversation occurred between the
2nd and last of September 1877

Subscribed and sworn to before me
on the day, at the place and within
the hours first aforesaid

William Fritter
Justice of the peace

W. Coate

I William Fritter, a Justice
of the Peace within and for the
County of Jefferson in the State
of Missouri, do certify that in
pursuance of the within and an-
nexed notice came before me
at the office of William Fritter
Justice of the Peace in Sulphur
Springs in the County of Jefferson
and State last aforesaid
William Coate who was by me
sworn to testify the whole truth
of his knowledge touching the matter
in controversy aforesaid, that he
was examined and his examination
reduced to writing, and sub-
scribed by him in my presence

on the day, between the hours, and
at the place in that behalf aforesaid
and his said deposition is now
herewith returned.

Given under at Sulphur Springs
in the County of Jefferson and
State of Missouri this 19th day
of October 1877.

William Fryther
Justice of the Peace

Andrew J. Fleming
vs
Wm. Fitzgerald

Deposition on
behalf of Plaintiff
of your Court

Just fees \$20.15
Witnesses \$20.50
~~for service of notice~~ 1.00
3 05-

Rec'd payment
by Plaintiff
Wm. Fitzgerald, P.

Andrew J. Fleming WV
vs
William Borgwardt

Deposition of
Jm. Coats on behalf
of the plainiff

By agreement of attor-
neys of respective parties
opened & published
this 12th day of November
A.D. 1877.

C. H. H. H. H.
Clerk
Per J. D. Green Dep.

Received by mail and
filed Oct. 20th 1877.
C. H. H. H.
Clerk

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To Benjamin F. Tidd

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 *Nth* day of *September*, 1877, 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 *A. J. Horine* is Plaintiff, and *Mr. Berquardt* is Defendant, on the part of *Plaintiff*; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this *5th* day of *September*, A. D., 1877.

C. Tho' Horine
CLERK.

State of Missouri vs. Edw Branch Cowan of
County of Jefferson lawful age being duly sworn
upon his oath states and affirms makes, that
he served the within subpoena on Benjamin Franklin
Fidd by reading the same to said Fidd in the City
of St Louis in the State of Missouri on the 7th
day of September A. D. 1877

Edw Branch Cowan

sworn to and subscribed
before me this 8th day of Sep.
ember A. D. 1877. I was
qualified Nov 28th 1874 & my
term expires Nov 28th 1878

Robert W. Hunt
Notary Public

Fleming
vs
Bergwald

Filed Jan 14 1878
C. Thos. Horine
Clerk

I hereby acknowledge service of the within
subpoena in the City of St Louis & State of
Missouri, this 7th day of September 1877

Benjamin Franklin Fidd

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To *Albert G. K. R. Dorman*
and Israel Waters

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 10th day of January, 1878, 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 A. J. Fleming is Plaintiff, and Mr. Borgmahl is Defendant, on the part of Wright; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said Court, with the seal thereof hereunto affixed, at office, this 2nd day of January, A. D., 1878.
C. Tho' Horine CLERK.

\$ presented the within writ in Jefferson Co Mo on the 10th
day of January 1878 by recdoling the same to Albert Turk
P Bowman and Israel Waters

John Williams Sheriff
by John Cook Deputy

July 2 1878

Fleming
x
Bergwald

Al

Albert Turk x
P Bowman x
Israel Waters x
John Williams
Sheriff fee \$1.50

Filed Jan'y. 14th 1878
C. H. H. H. H.
Clerk

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To *Gust Kauschenbach*

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 *15th* day of *January*, 1878, 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 *A. J. Fleming* is Plaintiff, and *Wm. Bergwald* is Defendant, on the part of *Def.*; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this *2nd* day of *January*, A. D., 1878.
C. Tho' Horine CLERK.

1878
I executed the within writ in Jefferson Co Mo on January the 10th
by reading the same to Gust Rauschenbach

John Williams Sheriff
by John Mark Debuty

Fleming

vs

Borgwald

P

Gust Rauschenbach x

John Williams
Sheriff per 50

Filed Jan'y 14th 1878
at Mo. No. 10
clerk

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To William Cannon & J. W. Gray

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 15 day of January, 1878, 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 R. J. Fleming is Plaintiff, and William Langford is Defendant, on the part of Defendant; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 12th day of January, A. D., 1878.

C. Tho' Horine CLERK.

I record the within subscription on the within
named Gunpowder M. Day on the
14th day of January 1878 at Jefferson Co. Mo.
by reading the same in their presence and
hearing
the record.

J. M. W. D. K. L.

Known to & subscribed this 16th day of January 1878
The Marine Clerk
By J. A. Green Sept 4

Fleming
vs
Bergmald

Filed Jan'y 16th 1878
to the Marine
Clerk

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To Benjamin Frank Fidd

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 15th day of January, 1878, 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 A. J. Fleming is Plaintiff, and Wm. B. Bynowald is Defendant, on the part of *peff.*; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 25th day of Dec., A. D., 1877.

C. Tho' Horine
CLERK.

State of Missouri,
County of Jefferson
vs.
Ezra Branch Leamon, being of lawful
age and sound mind, says and affirms
on the 7th day of January A.D. 1878, by sending the same
to said child in the city of St. Louis, State of Missouri
to said child.

Suon to and authorized
before me this 15th day of
January A.D. 1878

Robert C. McLean
Notary Public for
St. Louis Mo.

Ezra Branch Leamon

Subpoena

A. J. Fleming
vs
Wm Borgwald

Served on B. F. Sida.

Filed Jan'y 16 1878.
C. H. Hume
Clerk

Commission to take Depositions

State of Missouri }
County of Jefferson } To any Judge,
Justice of the Peace or other Judicial Officer
of the State of New York, or to any Judge,
Justice, Notary or Judicial Officer, Greeting
Know Ye That We, in confidence of your
prudence and fidelity, do by these presents,
authorize you to cause to come before you to
be examined as witnesses in a cause, pend-
ing in our Circuit Court in the County of
Jefferson in the State of Missouri, wherein
Andrew J. Fleming is of Plaintiff and
William Borgwald of Jefferson County
State of Missouri is Defendant, all and
every such person, and at such time, and
place, as shall be named to you for that
purpose by the said Andrew J. Fleming
Plaintiff his Attorney or Agent. And we
command you to examine all and every such
person upon his oath or solemn affirm-
ation first made or taken before you, to
testify the whole truth touching his knowl-
edge of any thing relating to the said mat-
ter in controversy between the said par-
ties; and that you do take such his ex-

amination and reduce the same to writing. When you shall have so taken his examination, you are to cause the witness to sign the same, and to that and each examination, at the foot thereof you are to append your Certificate, setting forth the facts that the examination was subscribed and sworn to, or affirmed, by the witness, and the day, as well as between what hours of the day, on which it was done, as also the place of residence of the witness, if known to you. Should any paper or exhibit be produced or proven, or referred to by the witness you are to describe the same in his examination, or cause it to be so marked by him as to establish its identity, and attach the same to his examination. The examination thus taken you will certify under your hand and seal of office, or cause to be accompanied by a certificate of your official character, attested by the seal of the State; or, should it be more convenient, such authentication and proof of your official character may be made by the certificate and seal of the Clerk of any Court of Record of any County of the State, District or Territory in which you reside; stating also, in addition to the facts of his being Clerk, and the Court is

one of Record, that at the time when the depositions were taken you were an acting Judge (or other such officer to whom this Commission is addressed), and duly commissioned as such. And you will return the same and all exhibits produced to you, annexed hereto, carefully closed up and ~~under~~ your seal directed to the Clerk of the Circuit Court Hillsboro in and for Jefferson County and State of Missouri with the names of the said parties litigant endorsed thereon, with all convenient speed.

Witness C. H. Horing, Clerk of said Circuit Court with the seal thereof hereto affixed. Done at office in Hillsboro this Thirtieth day of November A.D. 1877.

C. H. Horing

Clerk Circuit Court

By J. A. Green Deputy

NOTICE TO TAKE DEPOSITIONS.

A Fleming

Plaintiff

AGAINST

William Borgwald

Defendant

TO THE ABOVE NAMED defendant and *Philip Pipkin his attorney of record*

In the

Circuit

...Court for

the County of

Jefferson

State of Missouri.

Philip Pipkin his attorney

You are hereby notified, that depositions of witnesses to be read in evidence in the above entitled cause, on the part of the *plaintiff* office of *George B. Jaques*, No 252 *Broadway*

in the *City of New York* County of *New York*

, and State of *Missouri*, on the *16th*

day of *de-*

A. D. 1877,

between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of that day; and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place, and between the same hours, till completed.

Service of the above notice is hereby acknowledged, and
thereof by officer named
November 13 1877

A. J. Fleming Plaintiff
T. P. Pipkin atty *for Deft*
By Emma, Bynum me
Mullins his attorney

Deposition of Witness, produced,
sworn and examined on the sixth day
of December A D 1877 between the
Hours of Eight o'clock in the fore-
noon and six o'clock in the after-
noon of that day at the Office of
George R Jacques No 252 Broadway
in the City of New York and in
the State of New York; before me
George R Jacques a Notary Public,
within and for said City and County
of New York, in a certain cause
now depending in the Circuit Court
for the County of Jefferson and
State of Missouri, between A. J
Fleming Plaintiff and William Borg-
wald Defendant; on the part of the
Plaintiff, Henry A Tidd of lawful
age, being produced sworn and
examined on the part of the Plaintiff
deposeth and saith; My name is
Henry A Tidd, age 38 years I reside
in the City and County of New York;
I know Captain A. J. Fleming, also the
defendant William Borgwald; I had a
conversation with defendant William
Borgwald at my house, in Jefferson
County Missouri, on the Sunday

before Christmas 1875, the defendant came to my house, on business with me, to collect a bill I owed him; while in the yard, he said he had plenty of money due him, but could not collect it; He further said that he had done work for plaintiff, and that (the damned old thief) was trying to cheat him out of his pay; that the damned old thief living down the river was trying to cheat him out of bill for work he had done for him. I asked him who he meant; and he said he meant "Capt. Fleming" the plaintiff. I told Borgwald that there must be some misunderstanding about it, that I had known Captain Fleming the plaintiff for years and knew him to be an honest man; to which he the defendant replied "He is an old liar and a thief, and I can prove it" No one was present but defendant and myself, and I thought I would try to dis-abuse his mind as against the plaintiff; I therefore invited him into the house where my brother B F Tidd was, and we three sat around the stove talking; I tried to reason

with the defendant, and, ^{repeated} again and again that he must be mistaken in the man, that I had known Captain Fleming a long time, and I had never heard any person speak disrespectful of Capt Fleming, but all I could say, could not change his Boys feelings any, and the defendant repeated again "I mean the old thief that lives in the big white house down the river, owes me a bill and is trying to swindle me out of my just dues, but he is not sharp enough; I know all about him, his name is Capt. Andrew J. Fleming; he is an old steamboat thief" The defendant repeated the same language over again, and much more against the plaintiff, denouncing Capt Fleming, in the strongest terms as a liar, and a thief, with other vile epithets. This conversation took place between the hours of five o'clock and eight o'clock in the evening on the aforesaid day named.

Harry A. Tidd

Subscribed and sworn to before me on the day, at the place, and within the hours first aforesaid

Geo R. Jagers
Notary Public Wyo Co.



I George R Jacques a Notary
Public within and for the City &
County of New York, State of New York,
do certify that in pursuance of the an-
nexed Commission and notice, came
before me at the Office of George
R Jacques No 252 Broadway in the
City of New York and in the State of
New York, Henry A Sidd who was by
me sworn to testify the whole truth
of his knowledge touching the matter
in controversy aforesaid: That he was
examined, and his examination re-
duced to writing and subscribed by
him in my presence, on the day
and between the hours, and at the
place, in that behalf stated and de-
scribed in the annexed notice and
his deposition is now herewith re-
turned and I further certify that said
Henry A Sidd is a resident of the City
and State of New York

Given at my Office at No 252
Broadway in the City & State of New York
Geo R Jacques
Notary Public
WY Co



Fees paid by Remittants \$10-
44
Geo R Jacques
Dec 6. 1871

State of New York,)
City and County of New York) ss.

I, **HENRY A. CUMBLETON**, Clerk of the City and County of New York, and also Clerk of the Supreme Court for the said City and County, being a Court of record, DO HEREBY CERTIFY,

That

Geo. R. Jacques

before whom the annexed deposition taken, was, at the time of taking the same, a Notary Public of New York, dwelling in said City and County, duly appointed and sworn and authorized to administer oaths to be used in any Court in said State, and for general purposes; and that his signature thereto

do genuine, as I verily believe.

In Testimony Whereof, I have hereunto set my hand, and affixed the Seal of the said Court and County, the

day of

Dec 1871 Henry A. Cumbleton

Clerk.

Circuit Court
Jefferson Co. Mo.

A J Fleming Plaintiff
vs
Wm Boyman & Sons.

Deponent for

Plaintiff

Taken by Geo R. Rogers

Notary Public

WY 20

Fees — \$10 = Paid by Plaintiff.
WY. Dec 6, 1877 G.R. Rogers

C J Houma
Clerk Circuit Court
Hillsborough
Jefferson Co Mo.

Filed January 14th 1878
O. P. H. H. H.
Clerk

A. J. Fleming
vs
Wm. Ringwald

Now comes the
defendant and moves the Court
to suppress Plaintiff's deposition
filed herein on the 14 January
1878, because the time given in
the notice attached is too short.
Not in conformity to the statute
in such case made and provided.

Deft. J. J.
Deft.

Fleming

"

Bergwald

Motion to suppress
depositions filed

Jan'y 14 1878

Filed Jan'y 15 1878,

@ Tho. Morris

Clerk

A. J. Fleming

vs
Wm Burgwald

}
}
}

William Burgwald
defendant in the above entitled
Cause makes oath and says that
he cannot safely go to trial in the
above entitled Cause at this term on
account of the absence of material
witnesses, whose testimony is material
per defendant and without whose
testimony he cannot safely proceed
to trial at this term, that no
other witness is in attendance or
known to this affiant by whom
he can prove the facts which he
expects to prove by said absent witnesses
that said witnesses are not absent
by the consent, connivance or
procurement of this affiant
that affiant has caused said names
~~witnesses~~ to be taken from the office
of the Clerk of the Circuit
Court of this County for said
witnesses, who were duly sworn
on the day of Jan'y 1878. & which
are duly returned, executed, & that
he believes & does believe that if a

Continuance is granted he will
be able to procure the attendance
and testimony of said witnesses at
next term of this court, that
his application is not made
for vexation or delay but
that substantial justice may be done
& that applicant has a good
& meritorious defense.

Given to and Subscribed William Boggywald
before me Jan'y 16th 1878.
Chas. Horne Clerk of Ct.

Fleming

Burgmuller

Noted by J. D. Smith
for Continuance

Filed Jan'y 16th 1878

Chas. Horne Clerk

By J. A. Green
Deputy

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To James Leallen Williams Canning and

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 *14th* day of *May*, 187*8*, 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 *Ad Fleming* is Plaintiff, and *William Borgwald* is Defendant, on the part of *Adt*; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said

Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *14th* day of

May, A. D., 187*8*.

C. Th' Horine

Clerk Circuit Court.

Planning

to

Bergmull

7

FILED

JUN

1878

L. H. Nourse
CLERK.

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To Eust. Rauschenbach & D. A. Auld

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 14th day of May, 1878, 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 A. J. Fleming is Plaintiff, and Wm. G. Grimald is Defendant, on the part of Def.; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said

Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this 30 day of

April, A. D., 1878.

C. Tho. Horine, Clerk Circuit Court.

May 78

Fleming
Bergmald

P

Gus Rauschenbach

Sheriff
May 14 1878

Edith Norine
CLERK

He received the within (from) at the County of Jefferson
and State of Missouri on the 8th day of May 1878 by
(Reading) James in the presence and hearing of
John Rauschenbach

John Williams
by John Rauschenbach

Given

The Court instructs the Jury that if they believe from the evidence that the defendant did not speak the words changed ^{to wit} "that old thief that lives in the Big White house down the river owes me a bill and he is trying to swindle me out of it, but he is not smart enough. His name is Captain Fleming, he is an old Steam boat thief." They will find a verdict for the defendant.

CV 1

The Court instructs the Jury that the evidence of Gustav Rasmussen back, to the effect that the defendant was the "biggest rascal in the County" are not actionable in themselves and the jury are instructed to disregard that part of said evidence. Given

No 1

Winn

A. J. Fleming

vs
Jm Borgwald

The Court instructs the

Jury that if they believe from the evidence in this case, that the defendant, in Jefferson

County Missouri, on or about the 25th day

of December 1875, ~~or~~ spoke of and concerning the plaintiff, the false and slanderous words

as alleged in the plaintiffs petition, in the hearing and presence of one or more persons,

then they must find the issues for the plaintiff

Fleming
Bergwald

If the Jury find from the evidence that the defendant spoke the ~~false~~ and slanderous words of and concerning the plaintiff, as charged in the petition, then the law implies damages and the plaintiff need not prove actual damages to recover in this cause

Given

The Court instructs the jury that in finding the issue for plaintiff, they are at liberty to assess his damages at any sum not exceeding fifteen thousand dollars.

Given

Q 2

If the jury shall believe from
the evidence in the case that
any witness has wilfully sworn
falsely in any material matter
in the case, then they are
at liberty to reject his whole
testimony. Given

FILED

MAY
18
1871

L. H. Moore
CLERK.

Fleming
Birgum

The Court instructs the Jury that they need not find from the evidence, that the defendant spoke exactly and precisely the same words charged in the petition, and all of them, in order to find for the plaintiff.

But if the Jury find from the evidence that the defendant spoke of and concerning the plaintiff "That old thief re" and "His name is Captain Fleming he is an old steamboat thief" or either of the sets of words set out in the petition: or a slander in words substantially the same as one or either of the sets of words set out in the petition, then they should find the issues for the plaintiff.

Reproof

The court instructs the jury that
unless they find from the evidence
that the defendant at the time
laid in the pitfall spoke the words
as charged in the complaint they
will find a verdict for the
defendant.

FILED

MAY
16
1878

L. H. Norris
CLERK.

Before the jury can give a verdict
for aggravated damages they must
believe from the evidence that the
defendant spoke the words as
charged in the complaint, and that
they were spoken in malice, and
for the purpose of injuring the
reputation of the plaintiff.

Refused

Flaming
" "

Original

In pen depth

FILED

MAY

16

1878

L. H. H. H. H.
CHIEF

Kimmswick Mo
April 22nd 1879

C. Thos Horine Esq.

Dear Sir: Some time last July, I sent to you ten dollars to pay the costs in the case of Fleming vs Borgwald, which were taxed against plaintiff Fleming. The costs against Fleming in that case [the suit for slander] amounted to \$9⁷⁷/₁₀₀, as per your bill sent to Fleming, dated July 1st 1878.

I am ~~sure~~ sure that you sent me a receipt by mail at the time, but I can not find it now. So I will now ask you to send me a ^{new} receipt for it, as Capt Fleming wants it, and in fact demands it from me.

Yours Very Truly

Edw Branch Cowan

P. S. There were 2 Depositions in that case taken by Fleming, which were never used and for which he paid, as set forth in your bill of costs of July 1st 1878, and therefore were not taxed as an item of costs in your bill in making up the Total of \$9⁷⁷/₁₀₀. You can ante-date the ~~to~~ receipt, which you send me, or let it state that

the money was paid some time
last summer.

E. B. C.

P. S. Please drop me a
postal card when the opinion
of Sup Court in case of Brinley
vs Forsyth arrives from Jeff City.

We the Jury find the
sums in this case for
the plaintiff and assess his
damages at the sum of
Five Dollars

Alfred Stewart Forwards

A. J. Hemming } Stauder
 Wm. Borquard, } Bee Bill,
 C. Ho. Morine Clerk.

Sept. 2, 1876, 7 files ¹⁰ copy ²⁵ exs ⁵⁰ (with copy ¹⁰) / 2.00
 ✓ Com. to take dep. ⁵⁰ Denumer ²⁰ .70
 Rule on denumer ²⁰ Leavetous ²⁰ Cont. ²⁵ 65 / 3.35

Jan'y 2, 1877, Dockets ¹⁵ files ²⁵ 1 Spa. ²⁵ Ent. aff. for cont. ²⁰ .85
 at cost/eff. ✓ cont. ²⁵ order ²⁰ 45 1.30

May Term 1877, Dockets ¹⁵ 1 Spa ²⁵ Com. to take dep ⁵⁰ (postage ¹⁰) .96
 ✓ order to pub. dep ³⁵ motion to suppress dep. ²⁰ .55
 at cost/eff. files ¹⁵ rule on motion to suppress ²⁰ .35
 Cont. ²⁵ 25 2.11

Sept. 2, 1877, Docket ¹⁵ files ¹⁵ 2 Spa ³⁰ .80
 ✓ order to pub dep ³⁵ motion to suppress ²⁰ .55
 Com. to take dep. ⁵⁰ (postage ¹⁰) .56
 at cost/eff. order ³⁵ cont. ²⁵ 60 2.51

Jan'y 2, 1878 Dockets ¹⁵ files ⁴⁵ Com. ⁵⁰ postage ¹⁰ / 1.16
 ✓ 5 Spas ^{1.25} order to pub. dep ³⁵ 1.60
 motion to suppress dep. ²⁰ rule ²⁰ .40
 costs of Dept. aff. ²⁵ motion for cont. ²⁰ rule ²⁰ order ³⁵ 1.00
 2 attachments ^{1.00} cont. ²⁵ 1.25 / 5.41

May 2, 1878, ✓ Lock. ¹⁵ files ⁴⁵ 2 Spas ⁵⁰ 1 Smeas Ent. jng ^{1.00} / 2.00
 bind ³⁵ judgt. ⁵⁰ Lock judgt ¹⁰ 1.05
 Sat. ²⁵

John Williams Sheriff.

Sept. 3 1877, 3 Spas. @ 50^c 1.50 calls 15 / 1.65
 Jan'y 2 1878 ✓ 4 Spas @ 50^c 2.00 calls 15 / 2.15
 May 3 1878 ✓ 3 Spas @ 50^c 1.50 calls 15 / 1.75
 Jan'y 10⁰ / — 1.00 / 2.75 / 6.35

Jan'y 5 1878 ✓ J. W. Pipkin serving 2 Spas. 1.00

~~Ret~~

Jan'y 5 1878 ✓ Ret Hunt Justice
 3 affds @ 15^c 45

Sept 9 1877, Ph. Brumman, 1 day 40 miles 4.20 4.20

Jan'y 7 1878, ✓ B. F. Didd, 2 days 86 miles St. Louis 9.38
 ✓ G. Rauschenback, 2 " 20 " 5.20 / 14.58

May 1 1878 ✓ James Connor, 2 days 20 miles 5.20
 ✓ G. Rauschenback, 2 " 20 " 5.20
 ✓ B. F. Didd 2 " 40 " St. Louis 8.90 / 19.30

John

Sept. 76 ✓ J. B. Moss Sheriff Serv. Sum. \$ 1.00

Theodore Papin Notary Pub.
✓ Paid Dep for Plff. \$ 5.00
Paid by Plff.

Emil Thomas Mf St. Louis.
✓ Non est on Spas 25⁰⁰
Paid by Plff. 50⁰⁰

May 9 1877. Geo R Jaques Not. Pub.
✓ Dep for Plff. 10.⁰⁰
Paid by Plff.

Sept. 2 1877. Geo R Jaques Not. Pub.
✓ Dep for Plff. 10.⁰⁰
Paid by Plff.

Jan. 2 1878 ✓ Geo R Jaques Notary Pub. 10.⁰⁰
Wm Pritter Justice fees on Dep. 3.05
Paid by Fleming \$ 13.05

A J Heming (Shawder,
W^{rs} Bergwald,

Fee Bill against Defendant,

Sept. 1876, Jan'y 1878, May 1878

Sept. 2 1876,	2 files ¹⁰ Copy ²⁵ ces ⁵⁰ writ & copy ¹¹⁰	\$ 2.00	
	Com to take dep ⁵⁰ Lennur ²⁰ postage ²⁵	.70	
	rule on Lennur, ²⁰ leave to ans ²⁰ cont. ²⁵	.65	
Jan'y 1878,	Lockets ¹⁵ files ⁴⁵ Com. dep ⁵⁰ postage ⁶⁰	1.16	
	3 Spas ¹²⁵ order to pub. dep. ³⁵	1.60	
	Motion to sup. dep ²⁰ rule ²⁰	.40	
	affd ²⁵ Motion for cont. ⁴⁰ rule ²⁰ order ³⁵	1.00	
	attachments ¹⁰⁰ Cont. ²⁵	1.25	
May 1878	Lock, ¹⁵ files ⁴⁵ 2 Spas ⁵⁰ 1 deas sent jury ¹⁰⁰	2.10	
	Verd. ³⁵ judgt. ⁵⁰ Lock judgt. ¹⁰ D.B. ¹⁰	1.05	
	Lab. ²⁰ Wasting costs, 500 words fig @ 20 ¹⁰⁰	1.25	
	Execution Sept 1878	1.00	\$ 14.16

Sept. 2 1876	P.B. Map Sheriff's serv. 1 Sum.	1.00	
--------------	---------------------------------	------	--

Jan'y 1878,	Geo R Jaques Notary Pub. Amt.		
	paid by Plff. for depositing	\$ 10.00	
	Wm Butler Justice, paid by		
	Plff for Dep.	3.05	13.05

Jan'y 1878	John Williams Sheriff		
	4 Spas @ 50 ²	2.00	
	calls ¹⁵	.15	\$ 2.15

May 2 1878	3 Spas. @ 50 ²	1.50	
	calls ²⁵	.25	1.75

May		1.00	
	Carried forward,		\$ 33.11

Amount Brought forward,

33.11

Jan 2 1878 J W Pipkin serving 2 Spas. @ 50¢ 1.00
Jan 2 1878 R A Hunt Justice 3 affds @ 15¢ 45

Jan 2 1878 B F Didd 2 days 20 miles St Louis 9.38

G Rauschenbach 2 " 20 " 5.20 } 10.40

May 5 1878 G Rauschenbach 2 " 20 " 5.20 } 10.40 } 19.78

May 2 1878 James Candor 2 " 20 5.20 5.20

B F Didd 2 " 40 St Louis 8.90

14.10

68.44

6.00

Jan 2 fee
Total

74.44

Andrew J Fleming

per

Wm Borgwaldt

Free Bill
against Klefundant

87 21. 44

A J Fleming & Shuler,
W^o Burgwilde

Dec Bill against Plaintiff.

January 3 1877, May 3 1877, Sept. 9 1877.
Ct. No. 1000.

Jan 3 1877. Dockets ¹⁵ files ⁷⁵ 1 Sp. ⁷⁵ ent. off. ⁸⁰ for cont. ²⁰ .85⁰⁰
cont. ⁷⁵ order, ²⁰ .45

May 3 1877. Dockets ¹⁵ 1 Sp. ⁷⁵ Com. to take dep ⁵⁰ postage ⁰⁶ .96
order pub. dep. ³⁵ motion to suppress dep ²⁰ .55
files ¹⁵ rule on motion to suppress ²⁰ cont. ⁷⁵ .60

Sept 9 1877. Dockets ¹⁵ files ¹⁵ 2 Sp. ⁵⁰ .80
Order to pub. dep. ³⁵ motion to suppress ²⁰ .55
Com. to take dep ⁵⁰ postage ⁰⁶ .56
order ³⁵ cont. ⁷⁵ .60
J.B. ¹⁰ Sat. ²⁰ 2 fee bills @ 50^c 1.00

Execution

1.00

Cash

7.92

3.50

7.92

4.92

Hoover Paper Mfg. Pub.

Fee for dep. for Plff.

5.00

Emile Thomas Sheriff St Louis

Notest on Sp. ²⁰ Paid by Plff.

20

May 3 1877. Geo R Jaques Mfg. Pub.

Fee for dep. for Plff.

10.00

Sept 9 1877.

" " " " "

10.00

20.00

Sept 9 1877. John Williams Shff.

3 Sp. @ 50^c 1.50 calls 15^c

1.65

Sept 9 1877

Ph Borman wit. 1 day 40 miles.

4.20

Recd. for Ph Borman.

Sam Byrnes.

11.02
73-
70.79

11.02

Heming

v
Borgmuller

See Bill against
Plaintiff.

15, 178
Linné's wald
Aug.

Mr. C. Thomas Linné
Caretaker
Dear Sir

Please pay to Miss Pyms and Mr. Gyllin-
proceeds for my attendance in the matter.
of Training vs. Georg wald. Oblige!

Yours Respectfully
Dr. Linné

No. 4533

Jeff Circuit Court.

Term, 18

A. J. Fleming
vs
Wm. Borgwald

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.