

Jefferson County Circuit Court
Case Files - Civil
January 1877

Box 36 Folder 77

Huskey, Alexander
Huskey, Elias
Huskey, Peter
Huskey, DeLafayette, et al

vs.
Huskey, F. Charles.
Huskey, James
Huskey, John
Wideman, William J., et al

Set aside will

Will of John Huskey, Sr.; other
plaintiffs. Mary, Clarissa, Ida Huskey,
Edward + Rachel Ryan, Mark + Nancy
Wideman, James + Lizzie Lanham; other
defendants Missouri Wideman, John T.
Lanham; bill of exceptions

Alexander Houskey
Elias Houskey
Peter Houskey
Desopayette Houskey
Mary Houskey
Edward Ryan &
Rachel his wife
Mort Wideman &
Nancy his wife
James Lanham &
Lizzie Lanham
their own proper persons
and Clouisa Houskey &
Ida Houskey, Infants
by their next friend
Alexander Houskey Plaintiff,

Against

F. Charles Houskey and
James Houskey Deceitful
and F. Charles Houskey
James Houskey
John Houskey
Wm J. Wideman &
Missouri his wife &
John T. Lanham, Defendants

In the Jefferson Circuit Court
January Term 1877.

The Plaintiff states that John Kuster
deceased this life about the day
of June 1876 leaving surviving him
the following children and grand
children viz: Alexander Kuster,
Elias Kuster, Peter Kuster, Delaford
ette Kuster, Mary Kuster, F. Charles
Kuster, James Kuster, John Kuster,
Rachel, intermarried with Edward
Ryan, Nancy, intermarried with
Mark Wideman and Missouri
intermarried with Wm J. Wideman
who were his children, and Clara
and Ida Kuster & John & James
and Fizzie Lanham who were
his grand children and there were
his only legal heirs and representatives.
Not shortly after his decease, F.
Charles Kuster and James Kuster
presented to the Judge of Probate
of Jefferson County Missouri
a pretended will purporting to be the last
will and testament of John Kuster
do and the said Judge of Probate
after taking the testimony of two
witnesses admitted said pretended
will to probate on the 5th day of July
1876 and granted letters testamentary

to said J. Choyle and Jones
who are now proceeding to admin-
ister the estate of said deceased.
a copy of which pretended will
with the probate thereof is herewith
filed and marked Exhibit A.

But Plaintiffs aver that the
said pretended will is not the
will of said J. Deceoud and
that he in fact died intestate
and they say first that the making
of said pretended will was procured
by the undue influence of Jones
Hurkey and J. Choyle, Hurkey
and the wife of said J. Choyle
with whom they combined to con-
trol the acts of said deceased
which undue influence was
improperly exercised by said
parties over him said John
Hurkey when he was about
eighty years old and very feeble
and weak in both body and
mind and they say secondly
that at the time of and before the
making of said pretended ^{will} the
said deceased was of unsound
mind and not capable of making
a valid testament and they say

truly that said James & F. Clarke
were the agents of deceased in the
transaction of his business and
they thus acquired an undue
influence as co-heirs and
took advantage of this relation
to influence and did ~~improperly~~
improperly and unduly influ-
ence said deceased to make
said pretended will giving them
the greater portion of his estate.
Plaintiff therefore can ask
the validity of said pretended
will as probated by the said Judge
and ask that an issue be made
whether the writing produced
to and probated by said Judge
be in fact the last will and
testament of John Hutton, dec'd.

John L. Thomas & Bro
Atty for Plaintiff

Alexander Kuster
et al

Pr

J. Charles Kuster
et al

Petition to set aside
will

Filed Nov. 2nd 1896

L. H. K. Kuster

clerk

I John Huskey of the County of Jefferson and State of Missouri being of sound ~~mind~~ and disposing mind do make and publish this my last will and Testament as follows

First

I request that my funeral expenses and the expense of administering on my estate, and all my just debts, be paid by my two sons James M. and F. Charles Huskey out of their bequests to be hereinafter set out.

Second

I give and bequeath to my son F. Charles Huskey my home place on which I now live and the ^{timber} ~~timber~~ land herein described viz: East half of the South East quarter and ~~the~~ South East quarter of the North East quarter of Section Twenty also the East half of the North East quarter of Section Twenty nine also one hundred acres of land to be taken off of the West end of the South half of Section No Twenty one, also the North West quarter of North West quarter of Section Twenty eight all in Township forty one Range four East situate in Jefferson County Mo.

containing in all three hundred and ~~twenty~~^{forty} acres, And I further bequeath to my said son F. Charles Husky all the personal property of which I may die seized, that is to say, all the mules, horses, cattle, hogs, sheep, Threshing Machine, reaper, drill, hay rake, Molasses mill, Cider mill, and set blacksmith tools and plows, hoes &c, in fact all the implements of husbandry and belonging to the farm at my death, also one half of all the money, bonds, notes or other credits belonging to me at my death, after deducting his proportion of my funeral expense and debts as above and hereinafter provided for.

Third I give and bequeath to my son James M. Husky Three hundred and forty acres of land situate in Jeff. Co. Mo. to be taken off of the South end of United States Survey number one thousand nine hundred and sixty seven, on which he now lives also one half of all the money, bonds, notes or other credits belonging to me at my death after deducting his

proportion of my funeral expense
debs &c as above and hereinafter provided

Fourth

I give and bequeath to my son
John Husky three hundred acres of
land situate in Jefferson County
Mo. to be taken off of the North end
of United States survey number one
thousand nine hundred and sixty
seven, on which he now lives

Fifth

I give and bequeath to my daughter
Missouri Wideman wife of Jackson
Wideman two hundred and twenty
acres of land more or less situate
in Jefferson County Mo. viz: The West
half of section twenty five in
Township forty one North of Range
three East.

Sixth

I give and bequeath to my daughter
Nancy Wideman wife of Mark
Wideman forty acres of land situate
in Jefferson County Mo. viz: North
East quarter of the North East quarter
of section thirty six in Township
forty one Range Three East.

Seventh

I give and bequeath to my son
Elias Husky forty acres of land
situate in Jefferson County Mo. viz:
The North East quarter of the North
West quarter of section twenty eight

Eighth

in Township forty one North Range
four East on which he now lives,
I give and bequeath to my son Peter
Husky eighty acres of land situate
in Jefferson County Mo, viz: The North
West quarter of the North East quarter and
South East quarter of the North West
quarter of section twenty eight in
Township forty one North Range four
East

Ninth

I give and bequeath to my two sons
Alexander and DeSafeyette Husky and
my two daughters, Mary Husky and
Rachel Ryan wife of Edward Ryan
Ten dollars each to be paid out
of the bequests of James M. & H. Charles
Husky, before set out.

Tenth

I give and bequeath to my grand-
children, John Lanham, James
Lanham and Elizabeth Lanham
and Cleracy Husky and Ida Husky
children of my deceased children
Elizabeth Lanham wife of Albert
Lanham and Jefferson Husky, five
dollars each to be paid by my
sons James M. & H. Charles Husky
out of their bequests as before specified
and set out.

I appoint my sons James M. Husky and F. Charles Husky executors of this my last will and Testament and I authorize them in the settlement of my estate and of any debts due me to compromise such debts as they may think advantageous, and I further request that they take charge of my estate as executors without bond or obligation as such executors as usually required

In witness whereof, I have hereto subscribed my name this 2nd day of June A.D., 1876

John Husky
The foregoing instrument was at the date thereof signed and declared by said John Husky to be his last will and Testament, in the presence of us, who, at his request and in the presence of each other have subscribed our names as witnesses thereto

Sam Byrns
Henry Stelbrink

State of Missouri }
County of Jefferson }

Be it remembered that on the 5th day of July 1876 before me the undersigned Judge of Probate within & for the County of Jefferson & State aforesaid came Sam Byrns & Henry Stelbrink subscribing witnesses to the annexed instrument of writing which purports to be the last will and Testament of John Huskey and being by me first duly sworn and their oath depose and say that they were present and saw the said Testator John Huskey sign the said instrument of writing and they further depose and say that the said Testator at the time of signing the same did in the presence and hearing of said deponents declare said instrument of writing to be his act; and published and declared the same to be his last will and Testament. that at the time of signing and publishing his said will the said Testator was of sound mind, more than twenty one years of age

and that said deponents signed
their names to the said instrument
of writing as witnesses thereto at
the request of said Testator
and in ~~the~~ his presence

Sam Byrns

Henry Stelbrink

Sworn to and subscribed before
me July 5th 1876 in witness

whereof I ~~have~~ hereto sign my
name & affix the seal of the
Probate Court ~~at office~~ of said
County at office in said County
said date

Geo F

Josef Williams,
Judge of Probate

State of Missouri }
County of Jefferson }

Be it remembered
that on the 5th day of July 1876 the an-
nexed instrument of writing which
purports to be the last will of
John Huskey was presented to me
the undersigned Judge of Probate
within for the County of Jefferson
aforesaid at my office therein
for proof and I having heard the
testimony of Sam Byrns and
Henry Stelbrink the subscribing

witnesses thereto I do consider and
adjudge the same to be sufficient
and that the same is by
said Testimony duly proved
to be the last will and Testament
of said John Huskey

In witness whereof I hereto
sign my name and
affix the seal of the
Probate Court of said
County July 5th 1876
J. F. Williams
Judge of Probate

Seal

Shubert H.

Filed Nov. 2nd 1876
C. H. & Marine
Clerk

To the Clerk of the Circuit Court of
Jefferson County Missouri.

Clarissa and Eda Huskey are
minors under the age of twenty one
years and are interested in the
Estate of John Huskey Sr. Deceased.
They reside with us and we desire
you to appoint a next friend for
them so that they may join with
other heirs of said Deceased to
bring a suit to set aside an
alleged will of said Deceased.

This 24th day of October 1876.

David^t Spaulding

Emeline^t Spaulding

attest

Alexander Huskey

At the request and in accordance with the petition
aforesaid I the undersigned clerk of the
Circuit Court within and for the
County of Jefferson in the State of
Missouri, do appoint Alexander Huskey
next friend for Clarissa and Eda Huskey
minors, October 31st 1876.

C. H. Horine. Clerk

Hanskey

et al.

7

F. Charles Huskey
et al

Filed Nov. 2. 1876.
S. H. H. H. H.
Shut

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

The State of Missouri,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON---GREETING:

We command you, that you summon *J. Charles Huskey and*
James Huskey, Executors and J. Charles Huskey
James Huskey, John Huskey, Wm. J. Wideman
and Missouri his wife and John S. Latham

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 January next, then and there to
answer unto

Alexander Huskey and others.

upon *their* 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 af-
fixed, at office in Hillsboro, this *21st* day
of *December*, A. D., 1876.

C. Th. Horine, Clerk Circuit Court.

Alex Huskey, Et al {
vs
J. Chas. Huskey Et al. }

Now at this day
comes Plaintiffs in above
cause ~~not~~ by their attorneys
and moves the court to
rule the defendants in
this cause to security for
cost. Because all of
said defendants are
insolvent, and not
amenable to execution

J. J. Williams, Byrnes & McMillan
Attys for Plaintiffs

130.00
130.00
4.90

333

Alex Hurdley, Nov

¹³
Chas; Hurdley Esq

Motion for
Security for Costs

Filed Jan'y 11th 1877

C. G. Harrison

Clerk

Alexander Huskey et al
Plaintiffs

^{vs}
F. Charles Huskey et al
Defendants

In the Jefferson Circuit Court.
In Vacation.

Now at this day come John
Huskey, William J. Mideman
and ~~William~~ J. Mideman his
wife three of said Defendants and
doth promise to the petition of
the Plaintiffs that the allegations
of said petition are true.

John Huskey
William J. Mideman
Minerva J. Mideman

Alexander Huestey
etal

vs
Charles Huestey
etal

Assurance of John
Huestey, Mr. J. Madison
George

Filed April 2ⁿ 1874
C. M. Stone
Clerk

Alexander Huskey, Elias Huskey,
Peter Huskey, Delafayette Huskey,
Mary Huskey, Edward Ryan & Rachael
his wife, Mark Wideman & Nancy his wife,
James Sanham, & Lizzie Sanham in
their proper persons & Elarrussa Huskey
& Ida Huskey infants by next friend
Alexander Huskey - Plaintiffs
against

J. Charles Huskey & James Huskey,
Executors and J. Charles Huskey,
James Huskey, John Huskey,
Wm J. Wideman & Missouri his wife &
John J. Sanham - Defendants

} In The Circuit Court
} of Jefferson County Missouri

~~James Huskey & J. Charles Huskey in their proper persons~~
Now at this day come
and as executors of the estate of John Huskey Sr.
and for answer to the Petition of the
Plaintiffs say it is true as Plaintiffs
in their Petition allege that John Huskey
Sr. departed this life about the time stated
in the Petition of Plaintiffs and it is also
true that he left surviving him
the children and grandchildren as
in the Petition stated but defendants
deny that Plaintiffs are heirs and
legal representatives of said John
Huskey, Sr. deceased in such

sense as to be entitled to inherit any property that said John Huskey died seized of because of the fact that he in due form of Law made, and published his Last Will which has since his death been duly admitted to Probate and which is in Law and in fact in full force and by which he fully and effectually devised, bequeathed, and disposed of all his property and did not therefore leave any property or Estate to descend by operation of Law but to the contrary thereof he disposed of his said property and Estate by his said Will as therein designated and set forth - Defendants deny the allegation in the Petition of Plaintiffs contained to the effect that shortly after the death of John Huskey Sr the ancestor of Plaintiffs and Defendants J. Charles Huskey and James Huskey presented to the Judge of Probate of Jefferson County Missouri a pretended will purporting to be the Last Will and Testament of John Huskey Sr and that said Judge of Probate after taking the testimony of two witnesses

admitted said pretended will to
Probate on the 5th day of July 1876
but Defendants state the Truth
to be that said F. Charles Huskey
and James Huskey as the Executors
named in the will and in discharge
of their duty as such on or about the
5th day of July 1876 presented to the
Judge of Probate of Jefferson County
Missouri to the end that he might
take the proof thereof and admit it to
Probate the true and genuine Last
Will and Testament of John Huskey Sr
but Defendants deny that the same
was a pretended will purporting
to be the Last Will and Testament
of John Huskey Sr but assert the
Truth to be that it was in truth
and in fact the true and genuine
Last Will and Testament of said
John Huskey Sr Defendants admit
that said will which was the true
and genuine will of said John Huskey
Sr was ~~aduly~~ admitted to Probate
by said Judge of Probate after he
had taken the Testimony of the two
Subscribing witnesses thereto but
Defendants deny that any Pretended
Will was admitted to Probate by

by said Judge but on the contrary
aver that the will which was by
said Judge of Probate admitted to
Probate as above stated ~~was the~~
which is the same referred to by
Plaintiffs in their Petition was and
is the Genuine Last Will and
Testament of John Huskey Sr, it
is true said Judge of Probate after
taking the proof thereof and admitting
it to Probate ^{and filing it also} and recording it in the
Records of ~~said Court~~ the Probate
office of said County issued Letters
Testamentary to F. Charles and James
Huskey who are now administering
said Estate in accordance with the
provisions of said Will as of right &
by the terms of said Will and their
appointment as such Executors they
ought to do, Defendants aver that
Exhibit "A" attached to the Petition is
no copy of any pretended will of
John Huskey Sr as he never made
any pretended will though it may
be a copy of the true will of said
John Huskey Sr ~~however the same~~
~~is not an official copy and as to~~
~~whether or not it is a copy may be~~
~~seen by comparing it with the~~

as defendants believe it is although
the same is not an official copy,
defendants deny the allegation in the
Petition of Plaintiffs that said will
of John Huskey ^{is} proved before
and admitted to Probate by the Judge
of Probate of Jefferson County, Missouri
was a pretended will but again
assert that it was ~~said John Huskey~~
~~Jr's True Will~~ ~~the~~ the true
Will of said John Huskey Sr
and therefore defendants deny the
allegation in the ^{or is not} Petition of Plaintiffs
that the same was ^{or is not} his will
and defendants deny that said
John Huskey Sr died intestate —
defendants deny that the making
of said will, which Plaintiffs call
a pretended will but which in truth
was a true and genuine will, was
procured by the undue influence
of James Huskey and J. Charles
Huskey and the wife of said J. Charles
and deny that said James Huskey,
and J. Charles Huskey or either of
them at any time combined with the
wife of J. Charles Huskey to control
the acts of said John Huskey Sr

And Defendants deny that said James ^{and} ~~or~~
J. Charles Huskey ^{and} ~~or~~ the wife of said
J. Charles Huskey or either of them
ever at any time exercised any
undue influence over said John
Huskey Sr. Defendants deny the
allegation contained in the Petition
of Plaintiffs that undue influence
was improperly exercised by said
parties (meaning J. Charles and James
Huskey & the wife of J. Charles Huskey)
over said John Huskey Sr. when he
was about eighty years old and very
feeble and weak in both body
and mind ^{or at any other time whatever} and Defendants deny that
said John Huskey Sr. was as old
as eighty years when he died and
Defendants further deny that
he was either weak or feeble in
either body or mind when he
executed and published his said
will ~~or that he had~~ and deny that
he said John Huskey Sr. had at
any time previous to the execution
and publication of his said will
been either weak or feeble in
either body or mind but to the
contrary thereof Defendants assert

that said John Huskey Sr although
a man well advanced in years
when his said will was made and
published by him was ~~a man~~
~~of strong physical and mental~~
~~powers~~ and had always been
a man who had enjoyed remarkably
good health and possessed a
strong and vigorous mind as to
the allegation in the Petition of
Plaintiffs that at the time of and
before the making of said will (which
Plaintiffs persist in calling a Pretended
will but which defendants assert to be
a genuine will) the said deceased
was of unsound mind and not
capable of making a valid Testament
The defendants utterly deny such
allegation and assert the truth to be
that said John Huskey was at the
time of making said will and always
therefore had been of sound mind
and fully capable of making a
valid Testament, as regards the
allegation in Plaintiffs Petition that
James & Charles Huskey were
the agents of deceased in the Transac-
tion of his business and that they thus

acquired an undue influence as
such agents and took advantage
of this relation to influence and
that they did improperly and
unduly influence said deceased
to make said pretended will (as
it is termed in said allegation of the
Petition) giving them the greater
portion of his Estate the defendants
utterly deny that ~~they or either~~
said James and J. Charles Huskey
or either of them were ~~were~~ at
anytime agents of said John Huskey
Sr in the transaction of his buis-
-ness and deny that they or either of
them ever acquired any undue
influence over him as such agents
and defendants deny that said
James & J. Charles or either of them
ever at any time took advantage
of any relation as agents of said
John Huskey Sr. to influence or
that they did by reason of their
being his agents or that either of
them did by reason of such relation
or otherwise improperly or unduly
influence said John Huskey Sr.
in any sense whatever in respect
to the making of his said will

Defendants deny that said James & Charles
Huskey or either of them ever at any time used
any undue or improper influence with
or over said John Huskey Sr. to induce him
to make any distinction between them & his
other children or grandchildren or ~~descendants~~
descendants in the disposition of his
property by his will or otherwise and finally
these defendants say that the will of said
John Huskey Sr. as proved before the judge of
Probate and filed in the Probate office of
Jefferson County Missouri and admitted to
Probate as before mentioned which proof
and Probate was thereafter confirmed by the
Probate Court of said County is the true and
genuine last Will and Testament of said
John Huskey Sr. made by him upon due
deliberation and in accordance with his
desire and intention and while he was
in all respects capable of making a valid
will and that it ought therefore
to stand and having answered fully
defendants pray judgment that they be disch-
arged with their costs

J. Williams with
Byrns & McMullin Attorneys for
Defendants James & Charles Huskey
Answering for themselves in their own

Proper persons and as
Executors of the Estate of
John Huskey, Senior

Alexander Huskey
as Ch. ad.
James & Charles
Huskey, Ch. ad.

Children of
Deceased
James Huskey
Charles & Huskey
in person and as
Executors &c

Filed April 6 to 1877
Wm. Marino Clerk

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To John A. Morse John Williams (Jff) John Lankham
Mifflin Muskey and Catharine Muskey

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 19th 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 Alex Muskey et al are
is Plaintiff, and J. Charles Muskey et al are
is Defendant, on the part of Defendants; 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 14th day
of May, A. D., 1877.

C. Tho Horine
CLERK.

May 77

Muskey

to

Muskey

L.

John H. Morse

John Williams Shff.

John Lanham

Mipanni Muskey

Catharine Muskey

John Williams
Shon to be 72.50

Filed May 14th 1877

C. Thos. House

Clk.

I deposed the within before me on the 8th day of May 1877
by Reading the same to John H. Morse John Williams
John Lanham Mipanni Muskey and Catharine Muskey
John Williams Sheriff
by John C. Cook Deputy

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To George M^cIntyre Sr. Esq. by Benjamin Helbrink
and Sam Rogers

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 19th 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 Alex Muskey et al are
is Plaintiffs, and J Charles Muskey et al are
is Defendants, on the part of Alex et al; 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 4th day
of May, A. D., 1877.

C. Tho' Horine
CLERK.

presented the within (copy) in Jefferson County Mo on the 10th day May 1877 by leaving a copy at the residence place of at above of D. G. Stegman

John Williams Sheriff
by J. L. Meason Deputy
Gentle the Within in Express or leaving Mo on the 8th of the
Days of May 1877 in Geo. McFry Lane Byrne
and Henry Stelbrink by Reading the same
to each of them

John Williams Sheriff

May 77

Muskey

&

Muskey

to

Geo McFry Sr.

D. G. Stegman

Henry Stelbrink

Saml Byrne

John Williams
Sheriff

Filed May 14th 1877

C. W. Meason
Clerk

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To *Wm Smith Thomas Ogles James Lanham, James Muskey*
(Son of Wm) Edw Muskey, Edward Smith & James Couch,

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 *19th* 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 *Wm Muskey et al* are *Plaintiffs*, and *F. Chat Muskey et al* are *Defendants*; 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 *7th* day of *May*, A. D., 1877.

C. Tho Horine CLERK.

represented the within (5 pages) in Jefferson County Nov. on the 10th day of May
1877 by reading same in the presence of James Lanham
and James Couch
John Williams Sheriff
by J. L. We are, Deputy

I served the within Jefferson County, Mo. on the 9th day of May 1877
by reading the same to W. Smith, Thomas Agle, James Huskey
D. L. Huskey and Edward Smith

John Williams Sheriff
by John R. Cook At Deputy

May 77

Huskey

Huskey

P

Wm Smith

Thomas Agle

James Lanham

James Huskey (son of John)

D. L. Huskey

Edward Smith

James Couch

John Williams
Sherriff fee

\$350

Filed May 14th 1877

J. C. Tho. Harris

Clerk

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To *Al Muskey, Martin Muskey, also by Stegman*
Engene Amos, John Williams, John Muskey & Kate Muskey,

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 *19th* 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 *the State of Missouri, Al Muskey et al are* is Plaintiffs, and *J. Leha & Muskey et al are* is Defendants, on the part of *Plffs.*; 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 *7th* day of *May*, A. D., 1877.

C. Tho' Horine
CLERK.

I executed the within (Spa) in Jefferson County Mo on the 10th day of May 1877
by hearing testimony at the usual place of abode of D. S. Stegmann
John Williams Sheriff
by J. L. Meane Deputy

I served the within Jefferson County Mo on 9th day of May 1877
by Reading the same to A. J. Huskey Martin Huskey Kate Huskey

Eugene Amor John Williams John Huskey

John Williams Sheriff

By John R. Cook Deputy

May 77

Huskey

no

Huskey

Q

A. J. Huskey &
Martin Huskey &

D. S. Stegmann 10

Eugene Amor

John Williams

John Huskey &

Kate Huskey

John Williams
Shenff fee \$350

Filed May 14th 1877

C. P. Hovine
Clerk

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To Thompson Brown Levi M. Bullock, James A. Wilson
and Joshua Herrington Jr.

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 19th 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 Alex Muskey et al are
is Plaintiff, and J. Schultes Muskey et al are
is Defendant, on the part of Defendants; 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 21st day
of May, A. D., 1877.

Wm. H. Horine
CLERK.

May 77

Huskey

to

Huskey

28

Thompson drawn sent May 5

Levi McCulloch

James A Wilson

Joshua Herrington

John W. Williams
Sheriff per \$200

Received the within of the sum of money due on the
11th day of May 1877 by receiving the same
to Thompson drawn from James A Wilson
Levi McCulloch and Joshua Herrington

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To *Ezekiel Wilkitt James & Nelson Elijah Burgess*
and J. H. Haller

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 *19th* 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 *Mrs. Mueskey et al* are *is* Plaintiffs, and *J. Charles Mueskey et al* are *is* Defendants, on the part of *Defendants et al*; 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 *14th* day of *May*, A. D., 1877.

C. Tho' Horine CLERK.

May 77

Kuster

to

Kuster

to

Ezekiel Milhite
James J. Wilson
Elijah Burge
A. Stables

John William
Shenffer \$2.00

I served the within in the Weston County the
on the 11th day of May 1877 by hearing the
Jesse to Ezekiel Milhite James J. Wilson
Elijah Burge and A. Stables

John W. Wilson's Sheriff

Alex Husky & Co
vs
J. Chas Husky & Co. } Motion for costs;

Now at this day comes
the defendants in the
above entitled cause and
moves the court to order the
plaintiffs to give security
for cost.

Because the plaintiffs are
insolvent, and by no
means responsible for
the costs in this cause.

For J. J. Williams,
By B. & McMullin
attys for Defs,

Alex. Husky, & 1st

J. Chas. Husky & 1st

Motion for
costs,

Filed May 14th 1877

Le Tho' Naine

clerk

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To

Lilla Huebner (Jackson)

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 first~~ ^{for the} 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 M. Abraham is Plaintiff, and James M. Brown is Defendant, on the part of Plff.; 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 15 day of May, A. D., 1877.

C. Tho' Horine
CLERK.

Huskey
13

Huskey

P

Dilla Huskey

John Williams
Sheriff fee 50

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To

Wm McKay

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* day of *May*, 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 *Alex Muskey et al* is Plaintiff, and *Chas Muskey et al* is Defendant, on the part of *sleph*; 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 *21* day of *May*, A. D., 187*7*.

C Tho' Horine CLERK.

Muskey

20

Muskey

21

Wm McKay

John Williams
C. Sheriff per 50

9 sent to this in Jefferson County and on the 21st day
of May 1877 by receiving the same to Wm McKay

John Williams Sheriff

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To

Esq. Wm. White & Levi McCulloch

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 19th 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 Alex. Shuckey et al is Plaintiff, and J. Chas. Shuckey et al is Defendant, on the part of he et al; 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 16 day of May, A. D., 1877.

C. Tho' Horine
CLERK.

Secured the within paper in court room this
2nd day of May 1877 by reading aloud in the presence and
hearing of John William Sheriff
by J. L. Meane Deputy



W C Dean

Kuskey

Kuskey

Sheriff for 2nd ^{of} per \$11.00

Filed May 25 1877,

Chas. Horne
Clerk

Alexander Huskey et al
Plaintiffs

vs

J. Charles Huskey et al
Defendants

In the Jefferson Circuit Court
May Term 1877

Now come said Plaintiffs
and for replication to the new matter
set up in Defendants answer
~~and~~ state that they deny the allegations
thereof.

John H. Howard & Bro
Atty for Plaintiffs.

Alexander Buckley
et al

7

J. Charles Buckley
et al. Dyets

Replication

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To

John H. Horine

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~~ *forchooth*, 187, 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

Alex Muskey et al

are Plaintiff, and *Chas Muskey et al* *are*

~~is~~ Defendant & on the part of *sleepks*; 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 *21* day

of *May*, A. D., 1877.

C. Tho. Horine CLERK.

Huskey

to

Huskey

L

Ina St. Morse

John William
Shuffler

30, 51, 87, 111, 132, 144, 148, 150

50

The Court instructs the jury
that the ~~verdict~~ submitted
to them in this case, and
which they are to find is
whether the writing produced
be the will of the ~~testator~~ John
Huskey or not.

Given

Kuskey Etal
by
Kuskey Etal

Ine framed

Filed May 22 1877
Chas. H. Hume
Clerk

The Court instructs the jury, that undue influence to avoid a will must be operative on the mind of the testator at the time of making his will and unless the jury shall believe from the evidence that James Husky ~~and~~ H. Charles Husky or H. Charles' wife, had an undue influence over said John Husky, prior to the execution by him of the ~~paper~~ paper writing propounded as his will, and exercised ~~it~~ to influence him in the disposition of his property, and unless further, such undue influence continued to the time of the execution of said instrument, and operated upon him so as to influence him in the disposition of his property, the jury should find said paper writing to be the last will of said John Husky unless they shall believe from the evidence that he was at the time of executing it so unsound in mind as to be incapable of making a valid will.

Given

The Court instructs the jury that if John Huskey was at the time of Executing the paper writing propounded as his will of sufficiently sound mind to make a valid will and was not induced to make the disposition of his property specified in said instrument by undue influence of James Huskey or J. Charles or his wife then the question as to whether or not he properly disposed of his property is not a question for the jury's consideration and ~~if the~~ unless the jury believe from the evidence, ^{either} that he was incapable of soundness of mind when he executed said instrument to make a valid will or that he was induced to execute it by ~~reason~~ means of an undue influence exercised over him by said parties or some of them ~~then~~ the verdict should be that said paper writing is his last will

Given

The court instructs the jury that Testamentary capacity or the possession of sufficient mind to enable a man to make a will is like the capacity to attend to his own affairs if his bodily health permitted his attendance to them. No man who is competent mentally to transact his ordinary business can be pronounced incapable of making a will and unless the jury believe from the evidence that John Huskey at the time of making his will was of unsound mind and incapable of managing his affairs they must find that the paper produced is his will unless the jury shall believe from the evidence that said John Huskey was induced to execute said instrument by reason of an undue influence exercised over him by J. Charles Huskey or his wife or James Huskey.

q. in

The Court instructs the jury that if
they find from the evidence in
this case that John Housley Sr. was
about 76 years of age at the time of
~~his death~~ the ^{the} execution of the paper
purporting to be his will and was
incapable in body & mind and
that ~~some one~~ ^{he} was induced to execute
the same by the undue influence
of Charles Housley, Jr. and John
Housley or either of them, then the
same is not his will & the verdict
should be for Plaintiffs.

Given

The jury ought to find that the instrument probated as the last will and Testament of John Huskey, and in evidence in this case, was not the last will and Testament of said John Huskey, unless they find from the evidence that at the time the same was executed by him, he was possessed of a sound and disposing mind and memory. ~~Sound signifies whole, unbroken, unimpaired, unshattered by disease or otherwise.~~ Disposing mind and memory is a mind and memory capable of recollecting all the testator's property, and its amount, condition and situation, and of estimating it, and dividing it, out; and of comprehending the scope and bearing of the provisions of his will; and also of discussing and feeling the relations, connections and obligations of family and blood; and of recollecting all the persons who come reasonably within the range of his

bounty; and also all he had previously done for any and each of them; and also the number, condition and circumstances of those who are the proper objects of his bounty & who weighing their deserts with respect to conduct, capacity & need, remembering all and forgetting none.

The court instructs the jury that
 if they believe from the evidence
 in this cause that John Huskey
 Sr. the alleged testator had been for
 years living ~~there~~ in the family of
 his son Charles; that the latter had
 been for a few years ^{prior} to and continu-
 ously up to the time of said John's
 death acting as the agent & confiden-
 tial adviser ^{in his father's} in the transaction of the
 latter's business & affairs and that
 at the time the alleged will in this
 case was made the said John was
 at the house & in the family of said
 Charles & that said Charles ^{had the management} ~~had the management~~
^{of his father's personal property & business} ~~was~~ ^{his} business, and at that time said
 John was sick, old & feeble & was weak
 & impaired in mind and that
 said Charles got by said alleged will
 a considerably large portion of
 his father's estate then any of
 the other children or grand
 children then the presumption of
 law is that said Charles had
 acquired an undue influence
 over his father's mind and that
 said will was procured by this undue
 influence of said Charles over
 his father and that presumption

Given
 under my hand and seal of office
 this 10th day of June 1884
 at St. Louis, Mo.
 J. H. [Signature]

Fact 3

Can only be repelled by satisfactory
proof that no undue influence was
used to procure the same.

#4 No 467

Referred

The Court instructs the Jury that unless they believe from the Evidence that J. Charles Huskey was the agent of his father John Huskey in the transaction of his business to such an extent that he thereby acquired an undue influence over him and that such influence operated upon him in the disposition of his property by the paper writing propounded as his will then the Jury should ~~find that said~~ ~~paper writing~~ not find that said paper writing is not the will of said John Huskey in consequence of any relation of principal and agent between said parties

Huskey

20

Huskey

Filed May 23-1877

C. T. H. H. H.

clear

We the jury find that the writing pro-
-duced and in controversy in this
cause is the last will and testa-
-ment of John Shuckey deceased

E. F. Dornell

Foram

Alex Huskey Et als, Plaintiffs }
against

J Charles Huskey Et als Defts }

In the Circuit Court of Jefferson
County Missouri May Term
1877

Now at this day comes the Plaintiffs in the above cause and moves the Court to set aside the verdict of the jury in the above cause and grant them a new trial for the following reasons to wit:

1st Because the Court erroneously permitted the defendants to open and close the case to the prejudice of the Plaintiffs

2^d Because the Court permitted the ~~Plaintiffs~~ defendants to offer improper evidence against the objections of the Plaintiffs

3^d Because the Court excluded proper evidence offered by the Plaintiffs

4th Because the Court gave improper instructions asked for by defendants over the objections of Plaintiffs

5th Because the verdict of the
Jury was against the instructions
and the evidence in the cause
6th ^{Begane} The verdict was for the
defendants when it should
have been for Plaintiffs

John L. Thomas ^{or} No
for Plaintiffs

Alex. Huxley
Et al
against
F. Chap. Huxley
Et al

Motion for
new trial

Filed May 24 1877
J. H. Haines
Clerk

Alexander Huskey, Elias Huskey, Peter Huskey
& Lafayette Huskey, Mary Huskey Edward
Ryan & Rachel Ryan his wife, Mark Wideman
and Nancy his wife, James Lanham,
& Lizzie Lanham in their own proper
persons and Clarissa Huskey & Ida
Huskey Infants by their next friend
Alexander Huskey Plaintiffs

against

H. Charles Huskey and James Huskey ex-
ecutors and H. Charles Huskey, James
Huskey, John Huskey, William J. Wideman
and Missouri his wife and John L.
Lanham Defendants

In the Circuit Court of Jefferson
County Missouri May Term
A.D. 1877

Be it remembered that on the trial
of this cause the following proceedings
were had.

After the jury was sworn the Plaintiffs
framed the following issues (Clerk will
here copy same) and asked the Court
to give the same, which the Court
refused to give, and to which ruling
of the Court the Plaintiffs at the
time excepted, And the defendants
framed the following issues (Clerk
will here copy issues and framed by

defendants) and the Court
refused to give the same ~~to~~
~~which ruling the Court the~~
~~defendants at the time excepted~~
And then the Court on its own
motion framed the following
issue (Clerk will here copy same)
and ~~give~~ gave it and to the
giving of which the Plaintiffs at the
time excepted,

The Plaintiffs then claimed the
right under the Pleadings in this
cause to open and close the case
which ~~was~~ the Court overruled to
which ruling of the Court the
Plaintiffs at the time excepted.
The defendants to sustain the issue
upon their part offered evidence
as follows. They read in evidence
the will made by John Huskey ~~in the~~
~~copy same~~ and the affidavits of
the attesting witnesses ^{thereto}; the Certificate
of the probate of the same &
the record of the Probate Court
showing that said probate was
acted upon ^{the Probate Court at the next} in term by
term of said Court after the proof of the will was taken by
(Clerk will copy ^{the} ~~the~~ will, ^{the} ~~the~~ affidavits, Certificate
and record.)

The Plaintiffs to sustain the issues upon their part, offered the evidence as follows. Alexander Huskey sworn states that he is one of the Plaintiffs. That John Huskey Sr was his father and ~~he~~ John Huskey Sr had the following children James Huskey was the oldest Betsey Lankam who is dead and left James. John S. & Lizzie as her heirs she died before the father died, Mary Huskey is next oldest & single. John Huskey next. Rachel Ryan wife of Ed Ryan is next. Dr Lafayette Huskey, is next Elias Huskey next. Nancy wife of Mark Wideman next. Peter Huskey next. Missouri wife of Jack Wideman next. and Jeff Huskey next who is dead left as his heirs Clarissa & Ida Huskey. F. Charles Huskey next and myself next. I am the youngest. I think I have named all the heirs of father, father died 29th June 1876. he was seventy six years old when he died, he lived on Belows Creek, James Huskey is married been married about twenty years he lives on Big River on fathers land he has been living there ever since I can remember he has a farm spread on the land

it is good bottom land about 35 or
40 acres cleared, about half bottom
land he has log house & kitchen,
John has been married long time &
living by him on same track of land
he had about 25 acres in cultivation
Mary has no property, & she has two
children, Ditley was living on a
track of 140 acres of fathers about 20 acres
in cultivation Rachel Ryan & husband live
on Dry Creek Ryan has 80 acres of land
of his ~~own~~ own. He has several children,
Fancy Wideman & husband lived on
40 acres of father land. H. J. Wideman
& Missouri his wife are living on Big Hair
on Widemans land, Peter Huskey
is married & lives on 80 acres of fathers
land. Elias Huskey is married and lives
on forty acres of fathers, both places
rep. land. F. Charles Huskey lives on
the home place of 340 acres. about
80 in cultivation bottom land, Chas
was married and the old man lived
with him, I was living on part of
the 340 acre track. I am married. Chas
is married also he married before
did. we both lived with father or on
the home place about one year

2
Jack. Wideman's wife was then living where
I now live. Jack left this place and father
told me to move there as he intended
to give Chas + me the house place
and intended that part of it for
me. This was in 1873 in August. I
then moved to where I am now. he told
me to go there + build me a house
he would let me have some money
to help build the house he only let
me have five dollars. I built a
frame house ^{12 by 15 feet} + a kitchen. father
told me I was to have 120 acres
up the creek and Chas the balance
and that Charles was worth the most
he could pay me the difference.
Mother died the 12th of Aug 1874 she
took sick in the spring and was sick all
the summer, father treated her worse
in last years of her life than formerly.
father told me before mother died to go + get
Peter + Elias to go and dig mother's
grave on the 8th of Aug. and before
she died and she died on 12th
about the 6th of July father told me
that he had told Jim to get plank a
make a coffin for mother. father
told me that Jim and Charles got the
coffin. it come the day Mother died

father had two spells of sickness, ~~but~~ one
in 1873. on the 9th of Aug. 1874 father
told me to go & get Mother's money & I
did so & we took it up stairs and
counted it. & he got his money and
counted it he ~~was~~ had \$1000.⁰⁰ Mother
had \$- father had poor health in 1873
complained & walked feebly and his
voice was weak, in the last year
or two of his life he did not attend to
his farm himself, in the last two
years Chas. went with him to attend
to his business, he always lived in
an old Log house until about 1871 he
built a frame house one & a half
stories high. Jim always had great
influence with him & I have known
him to influence him against John,
after Mother died I noticed a change
in father, he would repeat, tell a
thing & then in a little time would
tell it over again.

being examined by defendants.

I am going on 27 years old, I was
not at ~~home~~ ^{father's} when father died, I saw
him at the grave yard when he was
buried, I did not go to see him in
his last sickness, I moved to where

I now live in the last of Aug. 1873
I was married in 1870, I lived with
father awhile, the reason I moved away
my wife wanted to raise chickens, &c.
I built a frame house & cleared three
acres of ground father told me when
I had it nearly cleared not to clear
it as it would not do me any good.
mother had the dropsy, father
drove the reaper in 1875 to cut the
wheat about 18 or 19 acres ~~cut~~ in
wheat that year, he shocked some
of the wheat also, in Oct 1875 I had
a difficulty ~~the~~ with Charles it took
place at father's, I struck him in the
head with a club because he was
following me around abusing me
it knocked him down, he got up
and called to his wife to get the
gun so he could shoot me, ~~the~~
When the money was counted by father
we found that mother had \$110.50 &
father had \$1000. = James & Ed Ryan
fell out & I heard father say he would
not give Ed anything, I heard father
say that Dilly had took some of his
money - I talked sometimes like
letting James have the place where
he James lived & sometimes he talked

like letting some of the rest have
the place. HE said he would
not give Ryan anything, he was
opposed to him marrying my sister,
and Ryan took her off and married
her against the old mans wish.

The old man was feeble in the
last two years of his life, he
did not walk like a young man.

He sometimes told things and
then repeated them I cannot tell
anything he ever repeated or
where I heard him repeat it. - The

old man was sick some time
during his last illness, I lived in half mile
of him and knew he was sick, very sick but
did not go to see him he laid a couple of days at
his house I did not see him there, I know he was and all that time.

Father had me arrested for hitting
Charles with the stick, father swore
out the warrant, father took Charles
part, after that father would not
have anything to do with me, they did
not prosecute me after before the
Grand jury, I waived an examination
& gave bond & they did not indict
me. The reason I did not go to see
father in his last sickness was because
Charles & his wife was mad at me & I
did not want to go on the place.

The last time I heard father speak about
Dilley he said that he intended to give
him the place he lived on.

William Smith Sworn says I am 67 years
old, I was born and raised in Jefferson
County Mo. and a farmer have known
uncle Jack Huston all my life
I lived in one mile & a half of him
for 23 years, awhile after his wife
took sick I noticed that he was
changed (I the mean the sick ones of
which she died, she took sick in
the spring & died in august, old Mr

His mind did not appear good
he would tell a thing, and then in a little
while he would repeat it over again,
I noticed this first when the old
lady got sick & it grew on him
he had a very sore hand about that
~~he had a~~ law suit with his brother Dick and they settled it by arbitration
there, ^{he} told me that he went to Bogie
to get fifteen dollars that Charles told
~~that was coming to him after the arbitration and from it~~
him about, he told this over again
& I told him ~~that~~ he had told me that once
& he said oh: I forgot. His hobit grew on
him more & more up to his death, he
told me he intended to give Alex &
Charles the place he lived on
The home place is worth three
thousand dollars,

Crop Examined

I don't pretend that I am a judge
of the human mind, I saw the
old man very often he would send
for me to come & see him, he told
me that the Cars had run together at
Buck Bridge & killed a lot of cattle
and then in a little while he told
the same thing again he told me this
at his house after his wife's death
after the old lady died he could not
do ~~work~~ right. I heard him say he did ^{not}

intend to give Dilley as much as the rest
he said if he did Dilley would go and
spend it on Cards & not buy Office.
The old man said that Alexander
come down one day & got into a fuss
with Charles & hit Charles with a
Club. I told him to let Chas have
the lower end of the place and
Alex, the upper end he said as
that Alex was so ill he would not
do it, he said that Alex. jawed
him and gave him trouble. I hired
a neighbor to him 23 yrs. he would
repeat ~~some~~ the last years of his
life, usually about somebody dying
or something of that kind. I cannot
tell who in particular, I only re-
member the 13 dollars Charles
told him about bring in ~~fragments~~ ^{fragments} ~~land~~
from the arbitration and the cows
winning together at Buck's Bridge and
killing a load of Texas Cattle. I don't
remember where he repeated anything
else on what it was. -- I may have
join his home place, I talk Alex
that if the will was broken and the
place was sold somebody would buy
it. I did not tell him I would buy it, I only had
an idea that somebody would. I sometimes buy
land, but I did not ^{call him} ~~say~~ I would buy the home place.

I am 30 years old, have known Jack Huskey since I was born. Thomas Agle sworn says. I saw ^{with him after his death} ~~my parents had a falling out with him and I never had anything to do~~ Huskey Dr. frequently. I noticed a change in him after his wife's death, he would tell a thing over & then in a short time repeat it again. he would while he was talking turn his eyes up strangely I noticed it.

Crop Examined

I saw him one time after his wife died here in Hillsboro it was the only time I saw him after his wife died he looked to me like he was not in his right mind, I thought his mind was not right, it was this time in Hillsboro when he looked up strangely ~~I avoided him, he would say a thing & then repeat it, he look up toward~~ Heaven, I only saw him look up once, I came to the conclusion from that, that he was not in his right mind.

He would sometimes repeat things, three or four words in telling anything, though he talked just as he did before I can't tell anything he ever repeated & only saw him once after his wife died he looked up once then at the sun & might have done so to see the time of day that is all I know about it,

4

Peter Huskey sworn says I am thirty eight years old. I am a son of John Huskey. I lived half mile from father I have been married sixteen years. I was with father during his last sickness he was sick two or three months, he said he thought he had fever, he was very weak, he would tremble while he was sitting down, I was with him a great deal while he was in bed he was in bed two or three weeks before he died. he lingered along. he died in June 1876. I was there while mother was sick one day he came in & mother looked at him & he to her "don't turn up your old white eyes at me I ^{almost} hate you." He was talking about having his Coffin made before he died. he said he wanted his Coffin made & put under his bed. I noticed a change in him about the time mother died, he appeared more ill & cross than before he would get angry quicker than he used to. I had a conversation with father in 1875, he was talking about Charles & Alex. he said that "they said that Alex took down ~~for~~ his (father's) pocket book & took out enough to buy him a coat" I told Alex what

father had told me, & Alex told me
 to ask father who had told him
 this, I asked father and father
 said Amanda told him (Chas wife)
 The home place is worth about \$3000.00
 the place I live on is " " 700.00
 the place Elias lives on " " 400.00
 the " James " " " 1300.00
 " " John " " " 1500.00
 " " Dilley " " " 500.00

Jeff died left two children they
 have no property, the ~~deat~~ eldest is
 about twelve years. Lan ham's
 children have no property except
 the girl she has some, Mark
 Wideman owns a piece of land
 Cross Ex

Father went to Hillsboro Chas went
 with him, Charles went with him
 in the latter part of his life, I
 never knew father to do anything
 foolish, Ed Ryan run off with
 my sister when he married her, father
 was mad but got over it, Chas
 and Alex went with father till they
 fell out & then Chas. went with him
 My mother had dropsy and had to be lifted
 up and down my father was worn out ~~and~~
 attending to her, - Father never made mistakes,
 I never heard him speak anything

James Lanham Swann says I am
~~Grandson of John Huston Sr.~~
I heard Charles say about the last
of Aug. 1876 that "This is the way
Daddy said it would be fussing &
^{fighting} over what he had & that he & Jim
would be able to law the others to
death & they would not be able to law"
& he then said "By God if I had
have known it would have been
this way some would have been
cut shorter than they are", About
the 1st of May 1876 James & I were
ploughing over at James' and
he said "he intended to go down
and make the old man fix up his
business and if he did not fix it
up and if he did not fix it the way
he wanted him to he need not fix
it at all", ~~A short time after the~~
the James went down to Grandfather
the day after he died, and the day
after he was buried James told me
how the old man had disposed of
his property, he told me just as I
found it to be after the Will was
opened, James come home from his
father's & said that Charles' wife told
the old man that Alex had hit his

James Huskey sworn says, I am a son
 of John Huskey Jr. I had a conversation
 with James Huskey on April 6th 1877
 I was cutting Cedar posts just
 south of James Huskey's place & he
 came to where I was he said "If ~~the~~
they knewed there was going to be
 so much cutting up some of them
 would not have got as much as
 they did" we was talking about
 Grandfathers will at the time
 crop ex

James said if "dnodi" or "Hydnodi"
 or "idnodi" there was going to be so much
 cutting up &c." I do not know
 what he meant by the expression
 that ~~is~~ he did not say what he
 meant or who he meant. —

Mark Hildeman sworn says I married
one of John Huskey sr. children I had a
conversation with James Huskey
he said "he said he intended to
go down to the old mans & have
him fix his business up and if he
did not fix it to suit him he need
not fix it at all" & he would go
some where else & get him a place
bless ex

I run off with ~~my wife~~ ^{his girl} & we were
married - I heard the old man
say long before he died that intended
the river farm for James & John - the
same farm he gave them by the will.

I heard him say this years before
he died. cant say how long. The old man
got mad when I run off with his girl.
Dillery Huskey sworn says I am a
son of John Huskey sr. I am 44 years
old I have been married 20 years.
I was at fathers when mother was
sick I waited on mother she
was suffering a great deal & I would
raise her up & lay her down to
ease her. father said one day "
"Don't raise her up let her hollow"
& I told him I would raise her up

just as after as she wanted me to,
James & Ed Ryan fell out & Jim
said he intended to go down & have
the old man make Ryan leave
the place. Ryan was living on part
of father's land at that time, and
a short time after this the old man
Ryan leave the place
Crop examined

John Hurley soon says I was at father's
in his last sickness he had a spell
in 1872 & one ~~in~~ ^{he told me that in stomping through ice} in 1873 ~~he said he had~~
to water the mules ~~he~~
got his feet wet it gave him the
Rheumatism, he came to my house ^{in 1875} to
get some seed corn it was dinner time
& he would not eat but went on home
I was at father's during mother's last
sickness she was treated very
The old man said he could not get a girl and they would have to get along the best
they could, he said ~~he~~ ^{they} ~~could not~~ ^{could not} ~~find~~ ^{find} ~~what~~ ^{what} ~~not~~ ^{not} ~~bliss~~ ^{bliss} ~~her~~ ^{her}
badly After father took the Rheumatism

he was never strong afterwards, he would work & it would make him nervous, a mule threw him and hurt him, thereafter the children got into a difficulty father would always take sides. always took James' side, I was at Hillsboro once ^{in 1875} saw the old man take his money out & Charles counted it & paid his Taxes, James told me the day after father died how the land was fixed, & that he had given the property to Charles. A few days before he died he said there was not enough lumber to make his coffin & he wanted it made.

Grass Examined

Father seemed childish - I have lived on the Big River farm since 1853, father told James and I when we were boys that he had a place for us, and that he intended the Big River land for us, the same land he has willed us, I lived about seven miles from him - it was about corn planting time in 1875. When he came for the seed corn he came horseback and carried the corn on his horse, at over while mother was sick that the mule threw him, he said he would not have cared if it had killed him, that he did not know what he wanted to live for. He was a strong man up to 1873 he could give any of the boys all they wanted to work, he was capable of attending to his business, always up to his death He helped harvest in 1875 I never knew him to do a foolish act.

E, Amor sworn says. I sold John Huskey
 Jr. a car load of lumber ^{two year ago} Charles
 Huskey ordered it. Charles came with
 the old man when he paid for the
 lumber. Charles ~~was all the talking~~
 counted the money & paid me for
 the lumber

Cross Examined

The old man produced the money
 and gave it to Charles and he counted
 it to me ~~and gave~~ I received the
 money myself and gave a receipt for it I wrote
 the receipt myself (he is here shown such) this is
 not my hand writing. This is for a car load of lumber
 I only sold him one car load of lumber,
 and this was much for that. Charles did not pre-
 tend to order the old man or control him in the business
 transaction or in any other way that I saw

Alexander Huskey recalled says that
 father sat at the same table with
 Charles & his wife. I heard Amanda
 tell father that she was at Mark
 Widemans & he had no meat & his
 wife said they had no meat and
 Mark Wideman said if your
 old daddy had not stole all his
 meat he would have had plenty

It was admitted by defendants at the
 request of Plaintiffs that James
 F. Charles Huskey are executors of

of the Estate of John Huskey Sr.
And that there is no debts owing
by the Estate,
here Plaintiff closed.

Defendants then in rebuttal offered
the following evidence

~~Samuel Byrnes being sworn says~~

Plaintiff admitted ~~that~~ the execution
of the will, that John Huskey signed ^{it} in the
presence of the attesting witnesses, and declared it
to be his last will and testament ^{that} and at his request
and in his presence and in the presence of each
other ^{subscribing witnesses} they subscribed their names thereto as
witnesses as appears by the will.

Sam Byrnes, being sworn says:

I know John Huskey Sr. I was his legal advisor
I don't think he was easily influenced
he did not show it in any of his con-
versations with me, he talked with
me several times about how he
intended to dispose of his property
whether by deed or will. This was
three or four years ago soon after
the difficulty between F. Charles Huskey
and Alex. Huskey, the will was
written 2^d of June 1876, There was no
one in the room but the old man &

myself, he had requested me to come down & write his will & bring Henry Stelbrink along to witnesseth it. he gave me the description of some of his land, ^{from memory} he described how the land lay, he gave reasons for making his will as he did, he told me after the difficulty between Charles and Alex, that he wanted to cut some of his children ^{short} as they was cutting up so ~~about it~~. he said that Alex. had knocked Charles down & he intended to cut him off. he told me his daughters had married contrary to his wishes and he intended to cut them this ^{some time} was, before I wrote the will, the day I wrote it I don't think he gave any reasons for it. we had talked it over before. he wanted to make a deed but I advised ^{in a conversation before the difficulty between Alex & Charles} a Will, he told me ~~that~~ that he intended to give the home place to Alex and Charles. the day I wrote the will he told me to write & give the home place all to F. Charles Buskey and also the personal property as it the directed the will all the way through & after it was done I read it over to him and he signed it

I saw no undue influence I don't
think any of his children was present
at any time
When he talked to me about his
will, he come to see me at my
office he come home back

before Examined

He talked to me about his will
before the difficulty with Alex
and Charles. & after the difficulty
his idea changed about the
home place, he did not say
why he did not give Jeff's children
anything, He said that Mary ~~had~~
~~had~~ acted badly ~~and~~ I talked to
about the disposition of his property
over a space embracing three or
four years. I did not become intimately
acquainted with until about 1872.

George McGary sworn says I am 74 years
old last December have known
John Huskey Sr. since 1823. have not
been about his house much. I saw
there three times during his last
sick ness last time about 8 or 10 days
before he died, he was a sober
& industrious ^{of strong will} man, ~~at~~ ~~an~~ ~~old~~ man
occupied a room & eat with Charles
He said that Alex had mistreated him.

Lesso Examined

The old Mr Huskey told me that Alex had hit Charles and he had discarded him, he said he could not forgive Alex for hitting Charles. This was on his death bed, he was very feeble, short of breath, he told me that that Alex had mistreated his mother but that he did not find it out until after she died or he would him, he did not say who told him.

Henry Stelbrink sworn says I have known John Huskey for 26 or 27 years I have had business transactions with him, he had some stock in the Keaton Bridge ^{Company} I got his money for him this was about two years before he died, he came in and got a statement of the ~~School~~ ^{School} in his district before the Election in 1876 he was an officer in the District and said he wanted to use it at the meeting, he came to me and notified me as Treasurer of the County not to pay an order issued

for some Maps &c. he said the man had misrepresented them to him & deceived him about them. About three years ago he told me that he wanted me to witness his will, I went with Byrns & when we got there he was in bed, Peter & Mary came in, the old man said he wanted to see Mr. Byrns alone & we all went out ^{to the field} & Mr. Byrns called me in to see the old man sign the will, he then went & got his pocket book & paid Mr. Byrns for writing his will, he asked me what I charged & I told him nothing, I asked him if he would loan me his sulley rake & he said he would if I would take good care of it. he said one of his neighbors wanted to borrow it & he would not loan it to him

lesop Examined

I think ^{he said} Charles would see to letting me have the rake

Levi McEllock sworn says I am
38 years old. I borrowed \$50.⁰⁰ from
John Huskey about 1874, I saw him
about it & paid him fifty dollars
in the fall of 1875, I went to the house
with the old man & he got the note
& I paid him the money, I saw him
in 1876 & talked to him about the
debt & he said if I would pay the
interest he would wait with me
he carried the money himself.
I saw him in April 1876, about the money he was dropping
down, he transacted all the business with me himself.

James A. Wilson sworn says I paid
John Huskey or a note in 1874 before
the old lady died paid the money
to the old man in person.

E. J. White ^{sworn says} I paid the old man \$100.⁰⁰
^{in the fall of 1875}
in Hillsboro, I think Charles was
in the room. The old man gave me
a receipt for the money. He came to my house
twice after money, ^{in 1873 & 1874} I paid him money both times, he
was alone each time.

Elijah Burgess sworn says I borrow \$200.⁰⁰
from John Huskey or in 1875, he was in
the field where I work and he went to the house
with me, and counted me the money and
furnished me pen, ink & paper and I drew the
note myself and gave it to him individually.

Mr McKay sworn says I am 60 years old
I had dealing with John Huskey he
bought lumber from me at different
times 1869. 1870. 1871 & probably 1872
he was at my mill quite a number
of times, he came himself on horse
back & paid me the money for
the lumber himself he might have
sent for some of the bills.

Cross Examined

Alex & Charles done the hauling,
The old man said the old lady
was laughing ~~about~~ at him about
building a frame house, but he
said he was building it for his
Children

John H. Morse, being sworn says:
I knew Jack Huskey had known
a great number of years, he
came to me a couple of years ago
or perhaps more, and wanted me
to buy him a car load of lumber;
he came at the time we were working
at Capt Davis' he came alone, and
on horse back, he stopped with us
some time, I told him I was too
busy to buy the lumber for him;
but told how he could order
it himself; and if he did not
want to do that, I told him to
go to E. Amos and have him order
for him. I sold him a county
warrant in 1875, here in the Court
house, he said he wanted it to pay
his taxes, he required me to make
the interest up on it. He paid
me the money himself and I
assigned the warrant to him,
he was alone that day, at least
there was no one present when
we had the transaction.

About 18 months ago I bought
a lot of oats from him for my

times, I made the purchase
of him and afterwards paid
him the money for the oats
individually.

Charles Hussey soon says I am one of the Defendants. I know James Lanham I never said what he said I said. I said "I expected if the old man had ~~have~~ known how some of the boys was cutting up he would have cut them shorter than he did". I have not been doing any of the particular business for the old man, I went with him a few times, when I would be with him he would hand me the money to count, he did ~~not~~ know figures very well, the old man told me he wanted me to come up to Hillsboro with him as he was going to pay Amor for some lumber, he said Amor was to get him good lumber and if it was not good he would not take it. The old man loaned his money himself at all times & he kept his notes himself. Alex and I tended the place & gave the old man help, this was some years back. After mother died he sat at my table had a room to himself & eat with me, I never used any influence with him about making his will. I heard

him say how he did not intend to give some of his children, very much, heard him say he intended to cut Mary off said this frequently, it runs in my mind that I heard him say he did not intend for Ed Ryan to have much, I heard him say that he let Dilley have money to pay his Taxes and that Dilley did not come about him afterwards + that he would not make anything by it. I heard him say he did not want his money, spent at the card table, I heard father say he would not give Alex but ten dollars, fathers health was bad in the latter part of his life he worked some, I never knew of father mistreating mother while she was sick,

Cross Examined

I am about 29 years old, don't know when I was married, I was married before I was 21 years old, my oldest child is ten or eleven years old

father did not object to my marrying Alex. was at home then he is two years younger than I am, I worked for father one year after I was married he said I must work my time out, after one year I got part of the crop. father said James worked for him longer than any of the boys. Alex. worked for father at that time & I worked for myself I used fathers teams on the farm Alex. worked for father 3 or 4 years after I was married, after mother died father lived with me. when father died I had a Mare, & a Mule also sheep. hogs and cattle, and some money loaned out, he had his wheat hauled off in his last sickness I brought him the money Stelbrink cashed the check I put my name on the back of it, after Alex. left father said I must take care of the team that he was not able to work & for me to take the farm & run it. he furnished his own provisions when he was living with me. when I went to mill he would send some of his wheat & he would put in meat every year

Alex & my wife fell out when
Mother died, I never knew of Alex
mistreating Mother. Alex mistreated
my wife & I thought he done wrong
I did not like Alex. after this
I told him he had mistreated her
& he denied it, when he struck me
with a club father asked me what
I wanted done with Alex, my told
father that Alex, had mistreated
her, I wanted to take Alex up for
it but father said no, but that
if Alex ever done anything again
for me to put him through, I
told the Grand Jury that I did
not want to prosecute Alex any
further, father built two new
houses on the place. Alex helped
haul some of the lumber, I
know of father making preparations
to bury Mother before she died
father sent me to get lumber & take
it to James. to make it & I took it
there, I stabbed brother Jeff. with
a knife.

Ques Did your father whip you
for stabbing Jeff? (obj' to by off.
because it is irrelevant) obj' sustained

and plaintiff excepts)

Father told me he intended to divide the home place between Alex and me. None of my brothers and sister can read & write all worked for father until they were 21 or about 21. father notified all his children what was living on his land to pay the taxes, but me, father had to pay fifty dollars once to get me out of trouble with Diller Huskys boys, I heard father say he did not intend to give Alex but ten dollars. never heard him say what he intended to do with the balance of the home place. I was marking one of fathers pigs when Alex hit ^{me}, it injured my health

I always worked the farm on the shares with father and always paid him his part of the rent or crop

James Huskey Brown says, I know
James Lanham I told Lanham
that I had told father if he intended
the land for us to fix it up,
I never told Lanham that I could
make the old man make John leave,
I told him how the will was,
I never told him I intended to
go down & have the old man fix
his business up. I told John's boy
John that if the old man had have
known about some of them cutting up
they might not have got what they
did. I stayed with father until I was
22 years old & then I moved onto the
place where I am now, he always
said he intended to give ^{me} the place
where I live, I never tried to influence
him he would not be influenced
he got old & weakly, he would
not suffer himself to be controlled
about 3 years ~~ago~~ ago I told him
if he was going to give me the land
I wanted him to do it, he said
he intended to do it, I was with
him in his last sickness, Peter
and John took it right about setting

setting up with him, Ed Ryan's
 wife & Mary did not come to see
 father or go to his funeral, I did
 not attend to any business for him,
 father told me in his last sickness
 that Alex had struck his mother, and
 had hit Charles, father said he
 put some money on word robe &
 some one took it & he believed
 Dilley or his wife one took it. Ed
 Ryan was living on the tract of
 land where I am living, & I told
 father that Ed had taken \$20⁰⁰ from
 me & he said any body that would
 treat me that way he would not
 him stay on the place & he made
 Ed leave, he had mother's Coffin
 made before she died I made it
 father treated her well as far as
 I know I am 56 or 57 years old
 father paid my taxes one year
 after he notified us to pay them
 I was sick at the time - I was not
 at father's from March until his
 last sickness - in June, I did
 not see the will or know what
 was in it only from hearsay until
 his death. The old man told me 33
 years ago that he intended to give me

The land he has willed me
he told John and I this when
we were boys at ~~the~~ home
Father said before mother died that it was
so hot, it was in August, that we could
not keep her after she died & that he wanted
a nice walnut coffin for her & that as we
did not have the lumber for me to go to Rich woods
& get it & make the coffin & keep it at my house till
it was needed - mother had dropsy & was much
swelled - Jos J. Wilson, being sworn
says, in 1875 I bought seed oats
from Jack Huatkey, and my son
and I executed our note to
him for it. I contracted with
him personally and delivered
the note to him at his house
in Spring 1875.

This was all the evidence offered

Whereupon the Plaintiffs prayed the Court to ~~give the following instructions~~ instruct the jury as follows (Clerk will here copy same)

Which instructions the Court gave to the jury, to the giving of which instructions in behalf of Plaintiffs the Defendants by their counsel then & there excepted at the time

The defendants upon ^{their} ~~his~~ part prayed the court to instruct the jury as follows (Clerk will copy defendants instructions) 1

Which instructions the court gave to the jury to the giving of which instructions in behalf of defendants the Plaintiffs by their Counsel then & there excepted at the time

Under the instructions of the

Court the jury found the issues for the defendants ~~framed by the court~~ the verdict being as follows (Here copy verdict)

And on the 25th day of May A.D. 1877 (within four days after verdict) the Plaintiffs filed ~~his~~ ^{their} motion for a new Trial as follows (Clerk will here copy same)

Which said motion the Court on the 25th day of May overruled to which ruling of the Court the Plaintiffs then & there by ~~their~~ excepted at the time And on the 25th day of May A.D. 1877 on agreement of the parties ~~a bill of exceptions~~ the Court made an order permitting Plaintiffs to file their Bill of exceptions thirty days after the adjournment of Court, (Clerk will here copy said order) The Plaintiffs therefore pray the Court to allow and sign this bill of exceptions and that the same may be signed and sealed and made part of

the record which is done this
22nd day of June 1877

Louis F. Dimming (Seal)
Judge of the 2^d Circuit Court

Alexander Hickey
vs

Charles Hickey
+ others

Bill of exceptions

Bill correct

Thomas & Co
Byrus & Williams

Filed June 23 1877

Chas. Norine

Clerk

Alex Huskey et al Plff

vs

A. Chas. Huskey et al Deft

} In the Circuit
Court of Jefferson
Co Mo.

To A. Chas. Huskey Admr of the Estate
of John Huskey Deid Garnishee.

Did you or did you not at the time
of the service of Garnishment in this cause
have in your possession any money or prop-
erty belonging to James Sanham, Lizzie San-
ham, Clarissa Huskey, Ida Huskey, Rachel
Ryan, Mary Huskey, Alex. Huskey, Silla
Huskey, and if so how much, and
of what nature or description.

C. R. Nunn, Clerk,
John Williams Sheriff

Also Shuster
etal

^{no}
Chas Shuster
etal

Interrogatories to
Chas Shuster
Dep. of Cha
Est for Shuster & Co

Filed Jan'y 15 1878
C. W. Waine
Clerk

Alex Huskey Etal,

J. Chas Huskey Etal,

With J. Chas. Huskey ^{vs} Administrator
of est of John Huskey dec'd

Now comes J. Chas Huskey
and states that he is one of
the executors of the last
will of John Huskey dec'd
and in answer to the
interrogatories filed in this
Cause states that he in
the capacity of executor of
the will of John Huskey
dec'd has in his hands
undistributed and ready
for distribution viz for
and belonging under the
will James Sanham \$ 500
Lizzie Sanham \$ 500 Clarissa
Huskey \$ 500 Ida Huskey \$ 500
& Rachael Ryan \$ 100 Mary Huskey \$ 100
Alex Huskey \$ 100 Dilla Huskey \$ 100

And further answers
saying says, that in the Probate
Court of Jeff County Mo, Alex
Huskey, obtained judgment

against said estate of
John Huskey dec'd for
the sum of \$256.25 - from
which appeal was taken
to the Circuit Court, where
the matter now stands
on appeal -

Having fully answered
~~asked~~ asks to be discharged
with his costs,

Richard S. Huskey
Inmto & Subscribed before
me Jan'y 15 1877,

Chas. Horne Clerk Cir. Ct.

Alfred Hussey

v

J. Charles Hussey
Executor.
et al

And to interroga-
tories, "

Filed Jan'y 20th 1878
to the Honors
Clerk

Huskey & Huskey.

Alex. Huskey knows the following facts. He says. I am 27 years old. Jim Huskey is about 53 years old. He is the oldest child. Jim got a mare & a filly & a yearling of steers (this can be proved by John & Dilly). He got 4 sheep & a lot of hogs. John got nothing. Sept 35. The old man paid Jim's tax, but not John's. Jim has been living on the old man's land for 27 years. A farm of 16 or 17 acres opened when Jim went there. Jim went to Tex. & was gone a year or more & while he was the old man Ed Ryan & John Leone to clear land & they cleared some but when he came back Jim got it all back again. He lived on this land all time free of rent & taxes. Jim had great deal of influence. He would give John Leone clear ^{at} Jim's instance stop. John said father told him to go on on the island to clear land for himself & Jim got him to revoke the order. Ed Ryan was on the land & Jack Wideman was with Jim one day in the pit & Jim remarked that he ~~had~~ ^{would have} a pretty good farm if he had that damned Irish man away & said "as soon as he gets those grub out I intend to get him away" in the course of two years Ryan was made to leave.

Jim & the old man fell out in 1873. & Jim would not go to see his father - but the latter went to see him. They made it up & Jim was reconciled again.

Charles lived with the old man with his wife & family. Charles & I fell out about in Oct 1876 & after that the old man took Charles side & had nothing to do with Alex. My mother died Aug 2, 1874. ~~After my mother died.~~ I was married Jan 3, 1870. I moved to father's house after I married. Charles was then moving & living on the home farm also. I staid there in the house that season. He got along well. The old man always took Charles part in any dispute & my mother took mine. The next fall I built a house on the hillside near father's house & lived there till Aug 1873. In 1873 he told me to move on the land formerly occupied by Mademon. This land was included ⁱⁿ the home farm. He said he intended to divide his farm between me & Charles. Charles to take the house & lower part of the land & I to take the upper part. He told me to go on to the land & build & improve it for he intended for me to have it. I told him I would do so & I went to Richards & got plank & built there - built a little frame house 15 x 18 ft one story - built a kitchen joining it. Cleared 3 acres of land - sowed corn & spuds.

He said I was to get 120 acres of land & he was
to have 220 acres of the home farm & should
pay me cash to make me equal with Charles.
I have lived on this land ever since
& still live on this land. After my mother
died he told me the same things - told me a
week before Charles & I fell out in Oct 1870.
The old man came & got the woman to have me
arrested. The prosecution was not pressed.

Our wheat was altogether

On Aug 9 1874 the old man told me to go & get
the old woman's money. He would get his & we would
go up stairs & count it. My mother had money
of her own which she kept in her bureau. I
went & got the money. He got his & we went up
stairs & counted it. He was alone. She
had ~~90~~ 90⁰⁰ in paper \$20 in silver. He had a
pocket book. He put the paper money & notes with his
in his pocket book & left the silver in mother's
purse but took the purse. After Charles
& I fell out father told Pete that I got his
pocket book out once & took a roll
of his money but did not say how much.
He told Pete to tell me that he knew - had
found it out but need not say any thing
to any one else about it. Pete told me
& I replied to Pete to ask father who said I
took that money. He replied that the old man
said "she" took said I took it. Pete said he would

father if any one else said so but he said no.

Father told me on Aug 8 1874 from day before mother died that I should get the Peter Elias & dig mother's grave the said if you don't dig it today you will have to dig it tomorrow. Father ordered Charles John to go & get mother's burial clothes before she died. It was Monday or Tuesday & mother died on Wednesday. In July father ordered plank to make her coffin & Jim commenced it a month before she died. Mother died of the dropsy.

He bought a plow from Poland & said for it but told me to say that Charles & I bought it & if any thing happened I could get to keep it. This was before mother died.

Elias got 40 acres - He had lived on this land about 8 years. He improved it. He built log house & stable & opened & fenced 30 acres. The old man never told him he would give him this land. It is the NE $\frac{1}{4}$ NW $\frac{1}{4}$ S. 28 T. 41 R. 4, E. 40 acres. Worth \$150 when he went on it, worth now \$300.

Peter got 80 acres of land, NW $\frac{1}{4}$ NE $\frac{1}{4}$ & SE NW $\frac{1}{4}$ S. 28 T. 41 R. 4. Peter moved

On this land 15 or 16 years ago. He did not tell Pete he could have this land at the time. Pete improved the land putting dwelling house & other buildings about 50 acres of land. The old man told me after the old lady died that he intended to give him this land. He never gave Pete & Eliza any thing more, with ~~the \$1000~~ - with now \$400.

Dilla Huxley went to live on 140 acres on Big River 10 years ago Corby April. I had the Rheumatism. This land belonged to old man Coff. He owed Morse 140 dollars ~~on the land~~. Meredith Williams wanted to own this land & offered to pay Coff \$140 for 60 acres. I told Foster about it & he told me to see old man Coff & tell him I will pay the debt if he will let you have the land. Coff was my father in law I told him what my father said & he replied that M. Williams would pay him that for 60 acres. Then ~~the~~ Mrs. Coff & Coff agreed to let Foster have the land for \$40 because they supposed the land to be for me. The next day Coff & I went to Foster's & we all talked the matter over. Foster told Coff that he was buying the land for me & Coff said he could get \$140 for 60 acres of the land.

from Meris for but he said that his son-in-law & he could live on the place until death. Fortward was richly living on the land & he wanted the place for me. Fortward paid the money & took a deed to the land & himself. The old man paid taxes till four years ago. I paid them. The old man paid taxes on Elias & Peter. for a long time. They all paid taxes since 1873. Silla cleared some land.

Nancy Wideman got 40 acres of land NE NE 36-41-3- she has lived on it since for 21 years. Wideman her husband moved on this land before it was entered & improved it. This was before he was married. He married Nancy & the old man entered for him paying \$50 but took the entry in his name. He said M. could pay him back his \$50 if he got back.

Charles got 340 acres - worth about \$3000. 100 acres in cultivation principally bottom. This was worth as much as the 640 acres on Big River which Jim & John got. He told all the children or nearly all John, Silla & Alex. say that he intended the home farm for Charles & Alex. dividing equally. Stock worth \$1000. 1/2 money \$500. all given to Charles.

The old man gave Jim a rope to cow on
 two. He broke up of horse & the old man gave him
 another horse - two loads of rope & sheep. Made
 the other boys plow for Jim before they were married.
 Hauled his corn to Hillsboro. Jim went to
 Texas 1853 & the old man gave him a yoke
 of oxen & a wagon & when Jim came in 1854
 he furnished him provisions for a year &
 kept him of till he got able to help himself.
 He paid Dr. bill for Jim.

Eleas 40 acres	\$250
Peter 80 "	500
Charles 340 "	3400.
Jim & John 573 acres	3400.
Madison 40 acres	200
Della 140 "	700
	8450
Personal note	2200
	\$10650.

Walter Madison says that about
 the last of May 1876 he & Jim were
 walking through Jim's field &
 Jim said I am going down in
 a few days & make the old man
 fix up his business & if he did not
 fix it to suit him he need
 not fix it at all. I'll leave my place
 & go & buy a place of my own & I can

The night ~~the~~ before the old man died
Dilla was sitting on the side of his
bed & asked him what he wanted
he replied Oh Dilla my son
I want a good money tree I
want get. If I ever get work I
will fix trees, different kinds
what they are.

Jeff's children are Ida & Clara
The oldest is about 11 - Jeff. is dead.
The old man never gave ~~the~~ Jeff. or
these children any thing. These chil-
dren have nothing in the world.
The old man gave Louisa's wife
any thing. These children have
nothing & are poor.

Quaker

Quaker

Mexico.

James Husley son of
 John Husley I had a
 conversation last Friday
 the 6th of April on a tract
 of land just south of Jim Husley
 I was cutting Cedar Posts
 for H. H. Thomas - If I had
 have known there was going
 to be so much they'd knowed
 there was going to be so much cutting
 up there that have got would not have
 got as much as they did -
 we were talking about
 the will of Grandfather

Alexander Huskey et al. } Itemized fee bill,
 vs
 J. Charles Huskey et al. }

Pres. Jue & Geo. Storie Clerk Circuit Court

June 1. 1877

File 2⁰⁰ Cop. pet. 8⁰⁰ cert & seal 5⁰⁰ Sum & cert 1⁶⁰ \$3.10

order appt. next friend .35

motion for security 2⁰⁰ rule 2⁰⁰ leave trans 2⁰⁰ cont. 7⁵⁰ .85

May 1. 1877

lock 1⁵⁰ 7 shus for deft. 1⁷⁵ 3 shus for Plff. 7⁵⁰ 2.65

motion for security 2⁰⁰ rule 2⁰⁰ Sum & cert 1⁰⁰ 1.40

order framing issue 3⁵⁰ verdict. 3⁵⁰ Judgt. 5⁰⁰ 1.20

motion for new trial 2⁰⁰ rule 2⁰⁰ 22 files 1⁰⁰ 1.50

Leave to file Bill of Ex 3⁵⁰ order 2⁰⁰ .55

F.B. 1⁰⁰ ~~the~~ making costs 1⁰⁰ 1.10

Execution 1.00 \$13.70

John Williams Sheriff.

Serv 6 Sum @ 1.00. 6.00

" 18 shus for deft. @ 50^c 9.00

" 18 shus " Plff @ 50^c 9.00

30 calls @ 5^c 1.50

Sum & calling jury 2.00

\$27.50

Witness fees carried

Amount Carried forward

\$41.70

Jury fees.

W C Dean

James Blackwell

J H Waggener

Leonard Melts

E F Hamell

Elijah Maness

Salathiel Cole

Asa F Stephens

W S Hensley

Uriah McKee

Wm Holman

M P Beamer,

Amount brought foril / 41.20

Plaintiffs (Witnesses).

Wm Smith	3 days 8 miles	/ 3.64
Thos Agle	3 " 7 "	3.56
Willa Huskey	3 " 5 "	3.40
James Huskey Jr.	3 " 7 "	3.56
James Lanham	2 " 14 "	3.12
Edward Smith	3 " 14 "	4.12
G Stogman	4 " 24 "	5.92
E Amor	3 " —	0.00
		<u>30.32</u>

Defendants Witnesses

Jno D Lanham	3 days 14 miles	/ 4.12
Leri McCulloch	4 " 16 "	5.28
Jno St Morse	2 " 16 "	3.28
G H M Fry	4 " 28 "	6.74
Ezekiel White	2 " 20 "	3.60
Jas A Wilson	3 " 18 "	4.44
Wm McKay	3 " 16 "	4.28
Elijah Burgess	1 " 20 "	2.60
Mifflin Huskey	3 " 14 "	4.12
Castains Huskey	3 " 14 "	4.12
John Williams	4 "	4.00
Henry Stettrick	4 "	4.00
James J Wilson	4 " 20 "	4.16
		<u>54.24</u>

Jury fee

/ 125.76
6.00
131.76

Shuskey et al

vs

Shuskey et al

Free Bill