

Jefferson County Circuit Court
Case Files - Civil
February 1826

Box 1 Folder 28

Hopkins, Joseph A.

vs.

Huston, Samuel

Huston, Rosalie, exec.

Gobeau, John Baptiste

Assumpsit

Change of venue from New Madrid
County; debt \$1,626; depositions;
involved sale of 4 slaves to Gobeau
by Robert McRay

Joseph A Hopkins } New Madrid
vs }
Samuel Huston and Rosalie } Circuit Court
his wife } Term 1823

Joseph A Hopkins by his attorney
complains of Samuel Huston and Rosalie his
wife when said Rosalie is executrix of the
last will and Testament of John Baptiste
Gobean deceased in a plea of insolvency on the case
for that whereas the said John Baptiste Gobean
in his life time to wit on the eighth day of
February in the year of our Lord eight hundred
and nineteen at New Madrid in the
county of said was indebted to the said
A Hopkins in the sum of ~~the sum of~~

and twenty six Dollars lawful money of
the United States for so much money before
the said John Baptiste Gobean before that
time had and received of him the said
Joseph A Hopkins in consideration whereof
in the said John Baptiste Gobean then and
there undertook and promised to pay the
said sum of money to the said Joseph A
Hopkins whenever he should be thereunto
afterwards requested

And whereas all heretofore
to wit on the day and year of our said
to wit at New Madrid of our said the
said John Baptiste accounted with the
said Joseph A of and concerning

divers other sums of money from
the said John Baptiste Gobeau to the
said Joseph A. Hopkins due and owing
and then in arrears and unpaid and
upon such accounting the said John
Baptiste was then and there found to
be in arrears and indebted to the said
Joseph A. in the further sum of sixteen
hundred and twenty six Dollars of
like lawful money and being so found
in arrears and indebted to the said John
Baptiste in consideration thereof after
words to wit on the day and year afore-
said undertook and faithfully prom-
ised to pay the said sum of money to
the said Joseph A. whenever he the said
Baptiste should be thereunto after
requested. Yet the said John Bapt-
iste in his life time and the said Rosalie
Excentrix as aforesaid after the death of
the said John Baptiste and whilst she
was sole and unmarried and the said
Samuel Hurston and Rosalie his wife
Excentrix as aforesaid since their inter-
marriage not regarding the said second
promises and undertakings of the said John
Baptiste but contriving he did not nor
nor hath any or either of them as yet paid

any or either of the said several sums
of money or any part thereof But to
pay the same or any part thereof to the
said Joseph A Hopkins the said John
Baptiste Gobeau in his life time and
the said Rosalie Executrix as ~~oforeaid~~
after the death of the said John Baptiste
and whilst she was sole and unmarried
respectively refused and the said James
Huston and Rosalie his wife Executrix
as oforeaid have ever since their
marriage hitherto wholly re-
and still refused

Damage of the said Joseph A
Hopkins two thousand dollars and
therefore he says

Evans & Wright
Attos for plff

In this case clk will please
issue summons
E & W

Fourth Judicial Circuit County of New Madrid ss

The State of Missouri to the Sheriff of said County Greeting We
command you to summon Rosalie Huston Executrix of John
B^t Gobran deceased and Samuel Huston to appear before our
Judge at the Term of the Circuit Court to be holden at New
Madrid within and for the County of New Madrid on
the first Monday in June next to answer Joseph A. Hop-
kins in an action of Trespass on the case damage two
thousand dollars and have you there then this writ

Witness Christy Houts Clerk of our said
Court at office this eighth day of February
in the year of our Lord Eighteen hundred and
twenty three
Christy Houts clk

210 A
Feb. Term 1823
New Madrid Circuit

June Term 1823

Joseph A. Hopkins

versus

Rosalie Huston Executrix of

John B^t Gobran and Case

Samuel Huston

Filed 8th February 1823

Ch. Houts clk

48

Filed 24th January 1826

J. W. Lewis clk

received the within on Rosalie Huston & Samuel Huston at New
Madrid 8th February 1823

Let Oliver go
for L^t Applesby

Use the money fine for the Plaintiff
the four hundred and twenty nine dollars

Joseph A Hopkins and the said Joseph A. Hopkins as to
Samuel^m Huston & wife the said plea of the said Samuel Huston
& Rosalie his wife first above pleaded saith

that for any thing in the said plea ought not to be barred & pre-
cluded from having & maintaining his said action against them:
because he saith, that the said Rosalie while she was the widow
of the said John B^e Gobeau & before her intermarriage
with the said Samuel and at the time of the impetration
of the writ in this case was & from thence hitherto hath
been, & still is Executor of the last will and Testament of
the said John Baptiste Gobeau deceased, and hath adminis-
tered divers goods & chattles, which were of the said John Baptiste
Gobeau dec^d. at the time of his death, as Executor of the last will &
Testament of the said John Baptiste Gobeau, to wit, at the County of
New Madrid aforesaid, and this he the said Joseph A. prays may
be enquired of by the Country &c.

~~Joseph A. Hopkins~~ Evans for P^{ff}
I Ranney
and the said Joseph A. as to the plea of the said Samuel & Rosalie
by them secondly above pleaded & whereof they have put them-
selves upon the Country, doth the like &c Evans for P^{ff}

and the said Joseph A. says that for any thing ^{thirdly} above pleaded
by the said Samuel & Rosalie he ought not to be barred & preclu-
ded from having & maintaining his said action thereof against
them: because he saith, that the said John Baptiste Gobeau
in his life time, did within five years next before the commence-
ment of this suit undertake and promise in manner & form as he the
said Joseph A. hath above thereof Complaines against them, to wit, at
the County of New Madrid aforesaid, & this he the said Joseph A. prays
may be enquired of by the Country &c. ~~and the defendants~~ Evans for P^{ff}
~~doth the like & prays for doth~~

129. 18 of March
at
Hudson, N.Y.
S. A. M. 1893

129. 18 of March
at
Hudson, N.Y.
S. A. M. 1893

129. 18 of March
at
Hudson, N.Y.
S. A. M. 1893

Joseph A. Hopkins } In the Circuit Court for the County of New
Samuel Huston and } Made in State of Missouri
Rosalie his wife } of June A.D. 1823
Lawit

and now Samuel Huston and Rosalie
the his wife in Court defend the wrong and injury ~~done~~ and
says that the said plaintiff ought not to have and maintain his said
action thereof against these defendants because they say that
the said Rosalie is not nor never was the executrix of the last
will and testament of the said John Baptiste Gobeau mentioned
in said plaintiff's declaration and this the said defendants are ready
to verify wherefore defendants pray judgement if said plaintiff
ought further to have and maintain his said action thereof
against these defendants

J. Ranney for deffs

and for further plea in this behalf according to the form of
the statute in such case made and provided the said defend-
ants say that the said John Baptiste Gobeau never promised
in manner and form as the plaintiff in his declaration hath
alleged and of this put themselves upon the Country -
J. Ranney for deffs -

and for further plea in this behalf according to the form
of the statute in such case made and provided the said defend-
ants Samuel Huston and Rosalie say that the said plaintiff ought
not to have and maintain ^{their said action} ~~the said action~~ against ~~them~~ ^{the said John Baptiste Gobeau}
because they say that the said John Baptiste Gobeau
deceased never made the promises supposed by said plaintiff
in his said declaration as aforesaid at any time within five years
next before the commencement of the plaintiff's action as aforesaid
and this the said defendants are ready to verify wherefore defendants
pray judgement if said plaintiff ought to have and maintain his
said action thereof against them - J. Ranney for deffs

Adopting {
new {
construction {
Pleas

Filed June 5th 1893.

Richard M. Mather J. H. M.

Joseph A. Hopkins ^{vs} } In the Circuit Court for New Madrid County
vs } in State of Missouri term of October A.D. 1824 -
Rosalle Huston } (Court)

Be it remembered that on the trial of this cause

~~The plaintiff having proved that one John B. Gohear for her husband of said deceased stated that he was indebted to said plaintiff that~~
The defendant having proved the execution of a marriage contract between the said defendant and John B. Gohear her former husband mentioned in plaintiff's declaration offered the same in evidence which said marriage contract is as follows. To wit: ————— here Copy said Contract

said Contract being offered to so far to show the right of said defendant to retain ^{certain} property of her deceased husband John Gohear proceeded against by said plaintiff as executing in her own wrong -

The defendant likewise offered in evidence the following Copy of a record with the indorsement thereon of the Clerk of this Court. ^{her Copy said copy of record} The plaintiff's counsel objected to the reading of the same severally as incompetent testimony. The Court sustained said objection and refused said marriage contract and Copy of record and indorsement. To which decision of the Court the defendant objects and prays this bill of exceptions to be signed sealed and made a part of the record in said case -

R. H. Thomas (Seal)

Obituary

act

Obituary

Bill of Receipts

Oct 6th October 1824

W. H. Obituary

Joseph A Hopkins

vs

Rosalie ~~Gordon~~ Huston

Be it remembered that on the trial of

This cause the plaintiff having proved that certain Negroes ^{husband} of John Gordon deceased were sold by said Rosalie and her said ^{husband} Huston during her inter marriage with said Huston. The defendant moved the Court to instruct the jury that any sale of said Negroes made ~~in the life~~ by said Huston and wife during her inter marriage with said Huston would not make said Rosalie liable ~~individually~~ ^{as executor} in her own wrong - but the Court instructed the jury that it was immaterial whether said Negroes were sold ~~in the life~~ ^{during the inter marriage of said defendant and Huston} or while said defendant was sole and unmarried to which opinion of the Court defendant assents and prays this his will of exceptions to be signed sealed and made a part of the record in said cause

Note Court stated they considered it immaterial for the reason that it was proved that said defendant before said inter marriage with said Huston claimed said Negroes as her individual property -

Rt. Thomas (Seal)

James McLeary
Charles White
John G. Ross
John Ray
Wm. B. Nicholas
William Bartlett
Robert Dickmon
Thomas Neely
Isaac Kimball
James Whit
David Briggs
J. Ogden

564

Observations
also

Sept 1824

Dec 6. October 1824

Edy. Stouls. etc

Joshua S. Hopkins

Assn. Hunter

On Circuit Court for New York
and County of State of
New York at New York Oct 1824

and now said defendant moves the Court to

set aside a new trial with this case and also to
the Court and reasons showing that

1 The verdict is against law

2 The verdict is against evidence

3 The verdict is with a view to evade

4 The verdict damages are excessive

by the evidence against defendant

5 The Court misdirected the jury

6 The Court erred in refusing the new trial

and City of New York both going in evidence

of Plaintiff

South American Society, 117 South American B

Apex News
Houston

Reasons for a
new trial
Filed 9 October
1824
Chas. Smith et al

Henry B. Smith

John W. Allen

James Evans

James E. Evans

John W. Allen

Plas at the Circuit Court for the County of New Madrid held at the
Town of New Madrid at the Term of June of said Court in the year of
our Lord one thousand eight hundred and twenty three and on the fifth
day of the month. Before the Honorable Richard S Thomas Judge.

Be it remembered that heretofore on the eighth day of February in the
year aforesaid Joseph A Hopkins filed with the clerk of said Court his
Declaration against Samuel Huston and Rosalie Huston and on which
declaration a writ issued the same day and the Sheriff returned the same
with his return thereon endorsed And now at this day

Joseph A Hopkins Plaintiff
versus
Rosalie Huston Executrix of John B^t Gobran deceased
and Samuel Huston Defendants
Action on the Case

This day the defendants by their Attorney came and filed their plea and
the plaintiff by his attorney traversed the defendants pleas and issues
being joined thereon this cause is continued to the next term of this Court.
And at the Term of October of said Court in the year aforesaid before
the same Judge

Joseph A Hopkins Plaintiff
versus
Rosalie Huston Ex^{tr} of J. B. Gobran deceased
and Samuel Huston Defendants
Action on the case

This day the parties by their attorneys came and by consent this cause
is continued to the next term of this court at the plaintiffs costs.

And at the Term of October of said Court in the year of our Lord one
thousand eight hundred and twenty four before the same Judge

Joseph A Hopkins Plaintiff
versus
Samuel Huston Executor and Rosalie Huston
Executrix of John B Gobran deceased Defendants
Action on the case

This day the parties by their attorneys came and the death of Samuel Huston
one of the Defendants was suggested also came a jury to wit James Mc
Cary Charles White John F Roff John Ray Wiley B Nicholas William
Dartlett Robert Rickmon Thomas Nealy Isaac Kimball James Wheat
David Biggs and Isaac Coffey twelve good and lawful men who
being elected tried and sworn well and truly to try the issues joined and
the Defendant by her attorney offered in evidence the marriage contract

of the defendant with John B Gobean also a copy of a record which was ob-
-jected to and the objection sustained by the Court to which opinion the defendant
excepts and renders his bill of exceptions which is signed sealed and made
a part of the record, Also a second Bill of exceptions which was signed
sealed and made a part of the record. And the Jurors of said Jury
upon their oaths do say we the Jury find that the said John B Gobean in
his life time did assume in manner and form as alledged within five years
next before the commencement of this suit and we assess the Plaintiffs dam-
-ages to one thousand six hundred and twenty nine dollars and we find
that the said Rosalie Huston is and was at the time of the commencement
of this suit executrix in her own wrong of the said John B Gobean
and she has administered the goods and chattels rights and credits of the
said John B Gobean Whereupon it is considered by the Court that the
Plaintiff recover of the defendant his damages in manner & form aforesaid
assessed together with his costs.

And on Thursday the seventh day of the month at the term aforesaid
before the same Judge

Joseph A Hopkins Plaintiff }
Action on the case
versus
Rosalie Huston Defendant }

The defendant by her attorney came and filed reasons for a new trial
And on Saturday the ninth day of the month at the same term before the
Judge aforesaid

Joseph A Hopkins Plaintiff }
On motion for a new trial
versus
Rosalie Huston Executrix of John
B Gobean deceased Defendant }

This cause is continued to the next term of this Court.

And now at the Term of June of said Court in the year of Our Lord One
thousand eight hundred and twenty five and on Wednesday the eighth day
of the month

Before the Honorable John D Cook Judge

Joseph A Hopkins Plaintiff }
Action on the case on
versus
Rosalie Huston Executrix of
John B Gobean deceased Defendant }

The Honorable John D Cook Judge having been of counsel for the Plaintiff in
this cause it is ordered that the same be removed to the Circuit Court of the
County of Jefferson in the third Judicial Circuit and that the Clerk certify
the record and the original papers in said cause to said Court.

The Clerk of the Circuit Court for the County of New Madrid in the State of Missouri do certify the foregoing to be a true copy of the Record of said cause and that the inclosed are the Original papers appertaining to said cause which were on file in my Office.

Given under my hand and the Seal of said Court
this eighth day of August in the year of our Lord
One thousand eight hundred and twenty five.

C. G. Storts clk

Clerks fees. — in this cause	\$ 14.95
For this transcript —	2.62 1/2
	<u>17.57 1/2</u>

Sheriffs fees (New Madrid)	\$ 5.25	} 6.25
do Scott County —	1.00	
		<u>\$ 23.82 1/2</u>

Clerk
For transcribing this Record to Jefferson County 300 miles circular
at 5 cents per mile — is \$ 15 C. G. Storts clk

Joseph A Hopkins
73
Marble Newton Exbury

Filed July 7th January 1876
S W Lewis, Clerk

County of Jefferson, Set.

THE STATE OF MISSOURI,

TO THE SHERIFF OF *Wen. Chancie*

COUNTY—GREETING:

You are hereby commanded to SUMMON

Robert W. Coy and Abigail Smith

that setting aside all manner of excuse and delay they be and appear in proper person before the Judge of our Circuit Court, on the *Third* day of *March next* at the town of Her- culaneum, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said court, wherein *Joseph A. Jackson is* plaintiff, and *Abigail Denton Executrix of John McFarland & Jane Denton is* defendant, on the part of the *defendant* and have you then there this writ.

WITNESS,

John Bent
~~SAMUEL W. LEWIS~~

Clerk of our said Circuit Court,

this

23rd

day of *November*

in the year of

our Lord, one thousand eight hundred and twenty *Six*

John Bent

Clerk, C. C.

Joseph A. Hopkins
vs. J. J. Thompson
Rosalia Weston Ex-type

Robert McCay
Asabel Smith

Served the within
went on the within
Named Robert McCay
Cay By Reading
the same to him
December 27th 1826

R. C. Johnson
Sheriff of
N. H. C.

Served the within Joseph A. Hopkins on the within
Named Asabel Smith by Reading the
within to him on the 27th day of
December A.D. 1826

R. C. Johnson Sheriff
N. H. C.

Aug 11th 1826

Depositions of Witnesses, produced, sworn and examined, on the Eighth day of February, in the year of our Lord Eighteen hundred and Twenty Seven, between the hours of Eight of the Clock in the forenoon, and Five of the Clock in the afternoon of that day, at the Clerk's office in the town of New Madrid, and County of New Madrid, in the State of Missouri, before me Alth N. Charodrie, a Justice of the peace within and for the County aforesaid, in a certain Cause now depending in the Circuit Court of the County of Jefferson in the State of Missouri between Joseph A. Hopkins Plaintiff and Rosalie Huston Executrix of John B. Gobeau Decedent, on the part of the Plaintiff

Robert J. Gilmore, of lawful age, being produced, sworn and examined on the part of the Plaintiff Deposeth and saith, that sometimes in the year 1820 m^r Gobeau told him that he was about to have a settlement with m^r Hopkins to whom he owed near about sixteen hundred Dollars, and that he intended to pay him some before he left the country. This Depo^{nt} further states that when this conversation took place, it was the last time that m^r Gobeau was in this country as he supposes to be.

question by Defendant: Who was present besides yourself at the time this conversation took place?

Answer: no body that I recollect

question by same, how came this subject of conversation to be introduced, and who first introduced it?

Answer: I do not recollect who first introduced it. he was frequently conversing on the subject of his affairs.

question by same, Was not the subject of conversation concerning the disposition of property which Gobeau had received by his marriage contracts with m^{rs} Huston?

Answer: it was relating to some property at Natchez a House and lot as well as I recollect which had been sold to Hopkins by Gobeau and White as I believe the title to which had failed

question by same, Did you not tell m^{rs} Huston ^{about the time} at the beginning of this trial in the Circuit Court of New Madrid County that you knew nothing of the statements ^{of Gobeau} of Hopkins ~~except~~ except concerning a Negro Girl which Gobeau was about to give to m^{rs} Hopkins?

Answer: I knew nothing about that statement and never had any conversation with m^{rs} Huston about this case and further this Depo^{nt} says not

Robert J. Gilmore

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

Alfred Deharodierg Justice of the Peace

Robert Mc. Caze of lawful age, being produced, Sworn and Examined
in the part of the plaintiff deposes and saith, that he never heard m.
Gobean acknowledge to owe any thing to m. Hopkins.
Question by Plaintiff. State what you know relative to Gobean acknow-
ledging to owe Hopkins.

Answer. I never heard m. Gobean say that he owed m. Hopkins
any thing.

Question by Same. if you know miss. Huston having made use of
the property of Gobean since his death, State what it was.

Answer. I never saw a list of the property of m. Gobean so I do not
know if miss. Huston made use of any part of it. in transacting some
business relative to the share of Miss. Gobean as one of the heirs of
Miss. Michel and her son. I sold m. Gobean four Negroes two
Negro Women one Girl and one Negro man. I delivered them in
Natchez to m. and Missus Gobean through my agent. the Negroes
afterwards were brought back here by missus Gobean; then miss.
Gobean married to m. Huston and since the four Negroes were sold
by one or the other of them or both together I do not know I never
saw the Bills of Sales. for the balance of the amount which we
had agreed to be the claim of his wife in the aforesaid Estate I did
give m. Gobean my note for about fifteen or sixteen hundred Dollars
at which time m. Gobean said that he would give to miss. Hopkins
a Negro Girl saying that he was indebted to her at least in the value
of her, and this agreement or condition was endorsed on the note.
as to the balance of Gobean's property in Natchez I do not know any
thing about it.

Question by plaintiff. don't you know of any person having paid to
miss. Huston any part of the Debt due to m. Gobean?

Answer. I do not recollect of any person except myself having paid
some part of that note.

Question by Defendant. Was m. Gobean living at the time that miss.
Gobean brought the Negroes here from Natchez

Answer. yes Sir I believe he was.

Question by Same. Did miss. Huston made any use or disposition
of this ~~disposal~~ Negroes after the death of m. Gobean and previous to
her marriage with m. Huston?

Answer. the Negroes were not disposed of until after the death of
m. Gobean and after her marriage with m. Huston.

question by Defendant. Were not the ^{whole} of those negroes disposed of during the life time of m^r Hurton, and after his marriage with Miss Gobeau?

Answer: yes sir, they were disposed of in the life time of m^r Hurton and after his marriage with Miss Gobeau.

question by Defendant. at what time were the payments you speak of made, and to whom, in discharge of the note you did subscribe to m^r Gobeau?

Answer: I believe that I made the first payment to Miss Gobeau ~~in the life time~~ after the death of m^r Gobeau may be I paid also some during his life I do not recollect positively, I paid also some after his marriage with Hurton. I recollect now that I paid some during Gobeau's ^{life time}.

question by Same. how were the payments made?

Answer. in Good money

question by Same. State what you heard m^r Gobeau say relative to his dealings with m^r Hopkins?

Answer. I do not recollect to have heard him say any thing — relative to his dealings with m^r Hopkins.

question by Same. if you ever heard m^r Hopkins State what Gobeau owed him for, State it?

Answer. I heard always and several times m^r Hopkins say that m^r Gobeau owed him on account of a house and coffee and some other things and also about the courses they kept.

question by Defendant. are you acquainted with the circumstances of m^r Gobeau about the time that m^r Hopkins left Natchez.

Answer. No. I know nothing about his circumstances in Natchez, it was generally understood here that he was an industrious man and knew how to make money,

question by Defendant. has not m^r Gilmore for several years past been in the habit of intoxication?

Answer: he takes his grog like any body else whenever he is dry and further this Deponent says not.

Robert M. Cays

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

Alfred Detaroderie Justice of the peace

I, Alfred Detaroderie a Justice of the peace within and for the County of New Madrid, in the State of Missouri, do hereby certify, that Robert J. Gilmore and Robert M. Cays

The Deponents, Were by me severally sworn to testify the whole truth of their knowledge, touching the matter of Controversy aforesaid; that they were examined, and their examination reduced to writing, and by them, respectively, subscribed in my presence, on the day, between the hours, and at the place in that behalf first aforesaid.

Alfred Debaroderie Justice of the peace.

Justice Free	Issuing Subp. ^o for Witnesses	\$ "	18 ³ / ₄
	Writing 1187 words at 10 ^c .	1.	18 ³ / ₄
	administering 2 oaths -	"	12 ¹ / ₂
	Certificate	"	25.
		\$ 1.	75 ^c
Cont. fee	Summoning 2 W. Testes		50.
		\$ 2.	25

Approved
and
Signed
in
open
Court
this
10th
day
of
April
1887
at
St. Louis
Mo.

Joseph A. Hopkins
vs
Nephtie Houston & Co of
John Bate Gobou & Saml
Houston her husband

In pursuance of a notice pro-
duced to me a Justice of the
peace for the purpose of taking
depositions to be made in evidence
on the trial of this suit now pendi-
ng in the Jefferson Circuit Court in the 3rd Judicial cir-
cuit State of Missouri, I have caused to come before
me at the house of William Myers in the Town of Ben-
ton Scott County State aforesaid on Wednesday the 14th
day of February (instant), between the hours of eight
o'clock in the forenoon & five o'clock in the afternoon
of the said day Thomas Fletcher a witness on the part
of the plaintiff of lawful age after being duly sworn
deposed & said that in the year Eighteen hund-
-red and twenty as I was on my way to the big
pirara I stopt at Mr Joseph A. Hopkins's
house where I saw John Bate Gobou the
father in law of the above named plaintiff and
I saw them settle their accounts and heard
the said Gobou say that he was indebted
to the said Hopkins the sum of sixteen hundred
and twenty nine dollars &

question by Mr Smith for Defendant,

What did the items of the accounts you speak of consist of,
Answer, in houses and lots in State,

question by Mr Smith for Defendant.

Did you understand it to be houses and lots Mr Gobou
purchased from Mr Hopkins

Answer I did I was particularly called on as a witness

to the settlement
question by Mr Smith for Defendant
How many houses and lots did you understand Mr Co-
-bon bought from Mr Hopkins

Answer It strikes my memory ~~as~~ will as I can
recollect it was two it being spoken of in
the plural number by Mr Gobou in french to me
question by Smith for Defendant

Was you intimately acquainted with Mr Gobou
and his family and Mr Hopkins and his family
while living in Statchez

Answer I was acquainted with Mr Gobou and fam-
-ily in Statchez, but not with Mr Hopkins
in Statchez but acquainted with Mr Hopkins
~~since he moved here~~

question by Mr Smith
How many houses and lots did Mr Gobou
own in Statchez

Answer I know nothing about it

question by Mr Smith
Did you understand that a Mr White was
part owner of the ^{houses and} lots said to be purchased
by Gobou from Hopkins

Answer I heard no such conversation in their
settlement but I understood Mr Hopkins got
in difficulties and was obliged to sell them
Mr Gobou told me Mr Hopkins got in
difficulties and was obliged to sell him these
lots to raise money to extricate himself

question by Mr Smith for Defendants

What time in the year did this conversation take place

Answer It was in March or April 1820

Question by Smith for Defendant:

Did all this conversation happen at the same time & place

Answer Yes at the same time as regards the latter

= must

question by Smith for Defen

W. B. May

Sworn and subscribed to before me on the day
at the place and within the hours first aforesaid
John Waters Justice of the
peace

I John Waters a Justice of the peace within and
for the County of Scott in the State of Missouri
do hereby Certify that Thomas Fletcher the deponent
was by me sworn to testify the whole truth of
his knowledge touching the matter in controversy
= by aforesaid, That he was examined and his
examination reduced to writing and by him sub-
scribed in my presence on the day, between
the hours and at the place in that behalf first
aforesaid

John Waters Justice of
the peace

Filed March 1st 1827
In Court

West of 3rd Judicial Circuit
Lawyer
Jefferson County

M^o

County of Jefferson, Set.

THE STATE OF MISSOURI,

TO THE SHERIFF OF New Madrid

COUNTY—GREETING:

You are hereby commanded to SUMMON

Robert McCoy
Abraham Smith
Antonio Lafont

that setting aside all manner of excuse and delay they be and appear in proper person before the Judge of our Circuit Court, on the ~~Monday~~ ^{Monday} after the 4th ~~of~~ ^{of} ~~the~~ ^{the} month of June ^{next} at the town of Her- culaneum, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said court, wherein Joseph Smith et al ^{vs} Robert McCoy et al are plaintiff, and Robert McCoy et al are defendant, on the part of the defendants and have you then there this writ.

WITNESSES, ~~SAMUEL W. HARRIS~~, Clerk of our said Circuit Court,

this second day of March in the year of our Lord, one thousand eight hundred and seventy
John Hunt Clerk, C. C.

Township of Lenox March the 15th 1827
 Executed this writ on Antone Lafont by reading
 the same within his hearing

W B Nicholas
 Spt- Shff N.M.C.

Rich Bond
 June Term 1827

for J. McPherson

for
 Robert's estate

sub for

Wm. McPherson

Shadrach Smith &

Ant. Lafont

for debt

2.13
 881
 4.01

Township of New Madrid March 16th 1827
 Officer the within Subpoena on the said
 within Robert McPherson and those Smith
 D. E. Robinson Sheriff N.M.

Joseph A. Hopkings
versus
Rosalie Huston

Action on the case depending in the
Circuit Court at New Orleans
within and for the County of Jefferson
and State of Mississippi

Now Rosalie Huston the defendant in this case
take notice that whereas attend at the house of
Charles Leavary in the town of New Orleans and County
of Orleans Parish and State of Mississippi on ~~the~~
Monday the 12th day of May 1827 between the hours of ten of the
clock in the forenoon and seven of the clock in the
afternoon of that day then and there to take the
depositions of Richard to be read at the trial
of the above cause on the part of the Plaintiff
when and where you may attend if you think
proper.

8th May 1827

J. A. Hopkings

County of New Madrid 8th May 1827 Then Signed
the within Petee by delivering into the hands of the Clerk
within Wmms) Notarial Function a true Copy of the
within - - -
D. E. Johnson Sheriff N. M. E

Ergebnis 18. Sept. 1898

7
Kardell Clinton into
Priscia Gordon Esq of
New Bedford

Is the within named defendant, to the
notice, that on Thursday the 8th day of Dec-
- 21st 1864, we at the Clerk's office in the Town
of New Bedford County of Massachusetts
State of Massachusetts between the County of Bristol

in the forenoon & fine in the afternoon of said day, and about the hour
of William Henry, Son of Austin County of West & State of Ohio,
on Wednesday the 14th day of February next between the hour of 8 o'clock
in the forenoon & five in the afternoon of said day & each of the days &
shall take place there, to be read in evidence in the trial of the above
cause now depending in the Circuit Court of the County of Jefferson & for
the use & benefit of the State of Virginia & one copy of said one copy
of the report of the State of Virginia & one copy of said one copy
of the report of the State of Virginia & one copy of said one copy

Notice
 Mmmmm
 Hopkins
 versus
 Goubaux & Co

County & Township of Willard's of the County
 3rd 1887 I have this day on the said within
 Henry Bogilla Shuster the Bogilla Goubaux & Co
 of John Bogilla. Goubaux Decided by and Exact and
 have copied & delivered to her.
 W. C. Johnson Sheriff Willard

Depositions of witnesses produced. Sworn
and examined on the eleventh day of
June in the year of our Lord, eight
hundred and twenty seven, between the
hours of ^{ten} ~~three~~ o'clock in the forenoon
and seven o'clock in the afternoon of
that day at the Court house in the Town
of Benton County of South Carolina
before me Daniel Payne a justice of the
peace within and for the County aforesaid
in a certain cause now depending
in the Circuit Court for the
County of Jefferson in the Third Judicial
Circuit between Joseph A
Hopkins plaintiff and Rosalia Barton
Gardner of John B. Gobeau decedent
dependant.

Thomas H. Hatcher of New York being
produced sworn and examined
on the part of the plaintiff deponent
and sayeth,

That some time in the ^{year} of eight
hundred and twenty and I believe in the month
of March I was called on by John B. Gobeau
at the house of Joseph A. Hopkins in the

County of Snowmass to be a witness in
their settlement and after they had talked
over their concerns John B. Goveaux ac-
cnowledged he owed to Joseph A. Hopkins
the sum of sixteen hundred and twenty nine
dollars

Western ^{by} the Defendant
 shall ~~and~~ ~~the~~ the Defendant
 will pay it was for horses on ~~lots in~~
 between ^{the same} for ~~knocked~~ ~~of~~ ~~John~~ ~~prayed~~ ~~off~~ ~~up~~ ~~for~~
 at ~~that~~ place and this conversation take place

it was also the Baphio being in Raktung
period

What was by whom this communication took place
Answer

Yane Mute Myself per J. Bone R. 1844

gettan by the same

are your counterparts that made it as the press

consequence I think it was

given by the same

But there are things said about my sons
and from Hapkins to Gabe etc the times
of settlement.

was not told that I needed a

yes ten by the same

Whale was 4 ft high in

in the advanced state of decay!

Question By the same

Does the case money create in Acting Governor as Justice
before the, states etc the time of settlement
of the settlement you speak of

A new or name that I saw

Question By the same

is Joseph A Hopkins or man del Gallegos to see
Business Business

Answer

It appears to me that he cease his business as
well as buy men he has been sheriff of both
country for several years

Off. J. T. H. M.

~~Subscribed~~

sworn to and subscribed this before me on the
time and place ~~before said~~ on the day
once within the term before said

Daniel Payne J.P.
I Daniel Payne a Justice of the Peace for the
County of ^{Seath} and State of Missouri do

certify that Thomas Fletcher the Deponent

was by me sworn to testify the whole truth
of knowledge testifying the matter in controversy

A page that he was examined and his signature
recused to writing and by him subscribed in
my presence on the day and at the
place and between the hours a fore since

Daniel Payne J.P.

Clerk of the Circuit
Court Jefferson
County

Joseph T. Hopkins

Deposition

Walter Houston Jr

Filed June 28th 1867

Chas Smith Clerk

Hopkins

Houston Ex^{or} of

Wm. Gobeau

In the circuit court of
Jefferson county. June term 1827.

The depts of her attor: comes & excepts to the following depositions taken & filed by the pettff. in this cause & in the following particulars.

* To the deposition of Robert M. Coy taken on the 12. May 1827. in this;

1 To the question & answer of said M. Coy ^{therein} whether he heard the depts. admit that Gobeau owed any thing to Hopkins & to what amount -

2 To that part of his testimony stated upon the information of Mr. Fay.

To the deposition of Robert M. Coy taken on the 8th. Feb^y 1827. in this

1 To the question & answer of said M. Coy ^{therein} whether he can hear Hopkins state what Gobeau owed him for -

B. Allen attor:
for depts.

Hopkins

Wm

Houston Exr

Accepted to Deposition

Filed June 26th 1867
Edw. J. Smith Clerk

Joseph A. Hopkins

3rd ap^t in the circuit Court of
Rosalie Houston Ex^t of Jefferson county. Same term.
John B. Gobean dec^t. AD: 1827.

Orvin Hay being duly sworn saith that he is the
son in law of the def^t in the above cause & has acted
& continues to act as agent for her in the same, that
he since the last term of this court he went to Natchez
to take depositions on behalf of the def^t under the
authority of the ~~deed~~ ^{deed} ~~in~~ ^{issued} by this court at its
last term, that some persons whom he wished to ex-
amine as witnesses on behalf of the def^t resident
at Natchez, were absent from their homes & did
not return in time to take their depositions under
the deed in notice, ~~that the distance from this~~
~~place to Natchez is about seven hundred fifty~~
~~miles~~, by whom he expected to ^{supposed} believe he could prove
that the dec^t. John B. Gobean the testator and ~~deed~~ ^{deed}
of the def^t did not purchase house or lands, let
a lot of the said pl^{ff}: that the dec^t. was not indebted
to the pl^{ff}: in any sum, that he ~~has~~ heard of
~~the maintenance of the original marriage contract~~
between said dec^t. & the def^t. ^{was} about four weeks
ago, that ~~the maintenance of it~~ ^{where} ~~was~~ ^{was} not known to
the def^t previous, since which time it has not
been practicable to procure the same, it being
at Natchez, where it was sent some years ago
for judicial purposes, that this affiant when
at Natchez, ^{state of Mississippi} made all possible inquiry ^{of all proper persons & in all} for said
probable ~~place~~ ^{not} contract & he could not hear of the same, that it has
come to the knowledge of this affiant & the def^t by a
letter dec^t. about four weeks ago, that the affiant

Hopkins }
Horton } September

Albion June 29th 1827
Ely Smith Clerk

Jefferson County sct

The State of Mississippi

To any Judge or Justice of the Peace
of the State of Mississippi

We do hereby authorize and
empower you to cause to come before you all such
persons and persons as shall be named to you by
Rosaline Hurston Executrix of John B Gabeau and
Samuel Hurston their agent or attorney and hear her
or them examine on their corporate oaths touching their
Knowledge of a certain matter in controversy now
pending in our circuit Court for Jefferson County in
the State of Mississippi wherein Joseph A Hopkins
is plaintiff and the said Rosaline as Executrix and
the said Samuel are defendants and the same reduced
to writing we require to be forwarded with all
convenient speed that the same may be read on
the trial of the above cause.

Witness John Bent Clerk of our
said Court at office this second
day of March AD 1827

J. Bent Clerk

Joseph A. Hopkins Plaintiff
versus

Nasalee Huston Executrix of the last will
and testament of John B. G. Gabian-
Wheeler Defendant

Petition of trespass on the case
defining in the circuit
court of the third judicial
circuit of the State of Mississippi
at Natchez Mississippi for the
county of Jefferson

Mr. Joseph A. Hopkins the Plaintiff in this
case takes notice that I shall attend by
myself or attorney at the court house in
the town of Natchez in the county of
Adams and State of Mississippi on the
sixteenth seventeenth eighteenth & nineteenth
days of April next (1827) between the hours
of nine of the clock in the forenoon and
four of the clock in the afternoon of
each of said days to take the depositions
of witnesses to be read as evidence on
the trial of said cause on the part of
the said defendant at which times
and place you can attend if you please
Also take notice that I shall attend
by myself or attorney at the office
of the judge of the parish court within
and for the parish of Concordia in
the State of Louisiana on the twenty-
third twentyfourth twentyfifth and
twenty-sixth days of the same month
of April (1827) between the hours
of nine of the clock in the forenoon
and four of the clock in the afternoon
of each of said days to take the

depositions of witnesses to be read as
evidence on the trial of the same
cases above mentioned on the part
of the aforesaid defendants at which
times and places you can attend if
you please

Yours &c Rosalie Huston.

March 28th 1827

Now the milk is very thin & sweet
the cattle notice for having a
thin and other color of the milk notice
at the morning house of the cattle notice
though a gathering in the house of his
with a whole bunch of more than 100
year of age in the ~~house~~ of country of
New Mexico and state of Missouri.

O. E. Johnson & Son, New Mexico
= Great Country.

March the ninth 1827 Thus I secured
the authors notes by tracing a
true and attested copy of the authors notes
at the dwelling house of the authors name
Joseph A. Watkins in the hands of his
wife a white person of more than fifteen
years of age in the ~~township~~ of county of
New Madrid and State of Missouri -

R. C. Johnson Sheriff New Mo
= and County.

March 12 1827

Wm. B. Fugate Weston

depositions of testimony to be made as
before on the part of the same
cases above mentioned on the part
of the persons above mentioned as above
times and places upon can attend of
your place

State of Mississippi
Adams County  J. Woodson, Clerk of the County
Court of said County certify that St. Tooley, whose name is
subscribed to the foregoing certificate was on the 16th & 19th days of
April 1827 an acting Justice of the Peace in and for said
County and as such full faith and credit are and ought
to be given to all his official acts.

Given under my hand and official Seal
at the City of Natchez this 19th day of
April 1827. J. Woodson Clerk
For J. H. H. J. H. H.

Now all men By the then present that
Joseph Hopkins of the Mississippi territory &
County of Adams do hereby attagage. To
confirm unto John Bth gobean of said territory
& County the one half a certain house &
lot held by me in the City of Natchez
under lease from Stephen minor for the term
of five years for and in consideration of
four hundred & dollars as security for me
to said Minor which is now due and
in said minor the fee simple of said house
and lot are vested as above mentioned and
as said John Bth gobean stands bound
for the above mentioned sum of four hundred
and fifty dollars. Due from me to said minor
also for the sum of three hundred dollars
back lent me by the said John Bth gobean
be it known thereof that I Joseph Hopkins
do musgages the above mentioned house & lot
agreeable to within named lease unto John Bth
gobean in witness my hand and seal
this tenth day of march one thousand &
eighteen hundred and sixteen

Teste
Peypm Boyre J. Hopkins Seal
C.

Joseph A. Hopkins

vs

Jefferson Circuit Court. Missouri

Rosaline Huston Executrix

John B. Gobeau

Depositions of sundry witnesses taken on the part of the defendant, pursuant to the annexed commission before Henry Tolley a justice of the peace in and for Adams County State of Mississippi, at the Court-House of said County on this seventeenth day of April one thousand eight hundred and twenty seven, to be read as evidence on the trial of the above cause.

John Rabb being duly sworn upon the Holy Bible deposes that he is acquainted with the parties in the above cause -

That some time between the years eighteen hundred and twelve and fifteen this deponent obtained in the Superior Court of Adams County two several judgments against Joseph A. Hopkins the above plaintiff amounting to between six and seven hundred dollars principle and costs, and which said judgments could not be satisfied for want of estate belonging to said Hopkins whenon to levy the same; and that said Hopkins about that time was imprisoned ^{as he was informed} for debt, and was afterwards discharged by law as an insolvent debtor, and this deponent had the costs of his two several judgments to pay. Deponent further says that during the residence of said Hopkins in and about the City of Statcher, he never understood either from Hopkins or any other person that he Hopkins ever owned or possessed, or had any right whatever to any house or lot or lots within said City of Statcher -

Deponent further says that he never was informed by any person or persons whomsoever that the late John B. Gobeau was indebted to Hopkins for had said Gobeau have been so indebted to Hopkins this deponent would have been glad to avail himself of the opportunity of attaching the same in Gobeau's hands to satisfy the judgments before mentioned -

Sworn to & subscribed before me
this sixteenth of April 1827

J. W. RABZ

H. TOLLEY J.P.

Richard Ferrell being duly sworn upon the Holy Bible deposes that he is acquainted with the parties in the above cause.

That the name "Payton Boyce" signed as a subscribing witness to the annexed mortgage from Joseph A. Hopkins to John B. Gobeau, deponent is not sufficiently acquainted with to ascertain whether the same be the hand writing of Payton Boyce or not, and that he does not know whether said Payton Boyce be alive or not, or where he is - Deponent believes the signature of J. A. Hopkins signed to said mortgage as the maker thereof, to be the hand-writing of Joseph A. Hopkins, as he has frequently seen

said Hepkins note, and believes the same to be his handwriting.

Sworn to and subscribed before me this
19th day of April 1827.

Read Thorne

J. H. Daley J.P.

Costs Justice Tolley 1.56 1/4

Constable Gillispy 2.25

Clerks certificate 50

4.31 1/4

Paid by deponent Rosaline Harton agent
G. H. Grant.

Tested and signed before me

J. H. Daley

Filed from 24th 1827
Chancery Smith Clerk

4.31 1/4
1.56 1/4
2.25
50
4.31 1/4

State of Missouri
County of Scott I set.

The State of Missouri
To the Constable of Moreland Township
in said County Greeting.

Whereas Daniel Payne a Justice of the
Peace within and for the County of Scott aforesaid
— said have been required to take the examination
of Witnesses in a certain Cause now depending
in Circuit Court of the County of Jefferson in the
State of Missouri between Joseph A. Hopkins
Plaintiff and Mrs. Rosalia Huston the Defendant

There are therefore to command you
to summon Thomas Fletcher that he be and
appear before me at the Court house in the
County of Scott on the eleventh day of June
Inst. at the hour of ten o'clock ^{in the forenoon} of the said day
there and there to be examined and to testify the
— truth according to the best of his knowledge for
and on behalf of the said Plaintiff hereof they are
not to fail and fail not at your peril

Given under my hand and seal
This 11th day June 1827

J. P. Seal

a Justice of the Peace

Filed June 4th 1864
Chy Smith Clerk

Joseph A Hopkins

W
Lorali Huston ex. &c } Action on the case depending
in the Circuit Court at New Orleans
- Louisiana, within & for the County
of Jefferson, State of Louisiana -

Joseph A Hopkins, the Plaintiff in this case, take
notice, that I shall attend at my own dwelling house
in the town of New Orleans in the County of Orleans
Monday, on the 19th & 20th days of October next
between the hours of seven of the clock in the forenoon
and seven of the clock in the afternoon of each of
said days, to take the depositions of witnesses to be
made in evidence on the trial of said cause, when
and where you can attend -

Lorali Huston

Oct 14th 1827

Amos Maslin County October 15th 1821
then served this notice by handing
into the hands of the within
named Joseph St. Stephens a true copy

W. B. Nichols
deputy sheriff, Co

Depositions of witnesses produced, sworn and examined on the nineteenth day of October 1827 between the hours of seven of the clock in the forenoon and seven of the clock in the afternoon of that day before me Thomas C. Powell a justice of the peace within & for the County of New Madrid and State of Missouri in a certain action now depending in the Circuit Court of the County of Jefferson and State aforesaid, wherein Joseph A. Hopkins is plaintiff and Rosalie Huston Executrix of John B. Gobeau dec'd is defendant, on the part of the said defendant—

Robert McCoy of lawful age appeared and first being duly sworn deposeth and saith

Question by Defendant

Robert McCoy are you in any way related to John B. Gobeau

Answer I am related by marriage being Brother in Law

Question by the Defendant What time was Mr Gobeau Last in this Country

Answer in the summer of seventeen hundred and nineteen or twenty

Question by the Defendant Did he or did he not reside with you while he stayed in this Country

Answer I do not know for I was from home all the time he stayed except a few days after my return

Question by the Defendant Did you ever hear him say he owed Joseph A. Hopkins any thing

Answer No I did not hear him say him say any thing about it for we were not on very good terms

Question by the Defendant

Was that Instrument of writing concerning some

Negroes and dated the fifteenth of January A D 1821 Marked No A
the date of which appears by the duplicate of John Arbours
notice of the made and executed by you

Answer it is my signature to the Instrument

Question by the Defendant Do you recollect what time
Mrs Houston then Mrs Gobear came to New Madrid the
last time Answer I do not recollect

Question by the Defendant Did she bring any negroes with
her or whether any sent to her after her death

Answer I do not recollect of her bringing any with her
after reflection I believe ~~there~~ was some negro women
came with her and some negroes came after her

Question by the Defendant Do you recollect the names
of those Negroes Answer Jerry Patsey Rose and
Mariah her Daughters

Question by the Defendant are those the same negroes
you delivered to Gobear and wife as mentioned in the
Instrument No A Answer they are

Question by the Defendant State how John B Gobear came
by those Negroes Answer they came to John B Gobear by an
inheritance of his wife on the death of Napoleon Mitchell her
Nephew Question by the Defendant State the consideration
of the obligation you gave John B Gobear and ^{on which you} afterwards
paid Mrs Houston some money

Answer the negroes and that obligation was the amount
of his ^{wife's} friendship in the estate of Napoleon Mitchell

Question by the Defendant Do you recollect the year
that Mr Gobear died Answer I believe in twenty
one or twenty two

Question by the Defendant what time was his widow

married to Samuel Houston after wards

Answer Some time in the forepart of September A.D 1822

Question by the Defendant were the negroes about alluded sold after her marriage to Samuel Houston if so by whom were they sold Answer They were sold after her marriage with Samuel Houston three by her and Samuel Houston and two by Samuel Houston alone

Question by the Defendant Did you see the bills of sale Answer I did not see the bills of sale

Question by the Defendant was Mrs Houston Ever the Executor or Administratrix of John B Gobeau

Answer not to my knowledge

Question by the Defendant What time did Joseph A Hopkins move from Natchez to ~~this place~~ New Madrid Answer Some time in the year fifteen

Question by the Defendant Has he ever returned since Answer not as I recollect

Question by the Defendant did John B Gobeau come to New Madrid more than once after Hopkins came Answer I believe no more than once

Question by the Defendant did you witness the receipt of Joseph A Hopkins and Eugene Hopkins given to John B Gobeau and Roseli Gobeau for the sum of nine hundred dollars dated the nineteenth day of July eighteen hundred and nineteen Marked B

Answer yes

Question by the plaintiff do you know the purport of that receipt ^{to B} and what it was given for

Answer The purport of that receipt was to acquit a Mortgage which Mrs Hopkins had on the property of Mrs Gerash now called Mrs Gobeau which she had previous to her marriage with John B Gobeau with a promise from Gobeau to pay a certain sum to Mrs Hopkins that come by her father

Question by the plaintiff did great Mrs Gobeau tell you that Gobeau owed me from five to seven

Hundred Dollars after his death

Answer I think it was ~~before~~ the death of Gobeau that Mrs Gobeau told me that on a fair settlement Gobeau owed Hopkins six hundred Dollars or more to her knowledge

Question by the plaintiff

Do you know how the four negroes above mentioned were taken out of the possession of Gobeau at Natchez and brought to the knowledge

Answer I never understood

the negroes were taken by Gobeau ^{or his Agent} ~~leave~~ that were run off without his knowledge as a man said who was sent up here to get them back and waylaid the house at night to get them and further this Dependent says no

sworn to and subscribed before

Robert A. Lay

me this 19th day of October 1827 at the place and within the limits of the said State of Mississippi

Matthias Bogliolo of Lausane a/g. appeared and being duly sworn Deposed and says

Question by the Defendant were you acquainted with John B Gobeau and Joseph A Hopkins when they lived in the Town of Natchez in the State of Mississippi

Answer I knew Mr Gobeau and said frequently Mr Hopkins

Question by the Defendant State all the circumstances of your knowledge concerning Gobeau and Hopkins

Answer about fifteen years ago I landed in Natchez and as he was acquainted with the family of Mr Gobeau of Mr Hopkins and he had some letters from them from Madison McCay he called to see them at the house of Mr Gobeau there he met Gobeau ^{and his} ~~and his~~ ~~and his~~ there was also a gentleman whom he understood since was the Sheriff who appeared to be engaged in close conversation with Gobeau on his enquiring where was Madison Hopkins Gobeau told him as you are a friend of the family I will

Tell you the cause of her absence Mr Hopkins has
been put in Jail she has gone to see him
and I am trying here to be his bail to take him
out he shall further that before he left Naches Mr
Gobean begged him to stop on his return - from
Nauvoo to take up with him in his Barge Mr
Hopkins and his wife who wanted to come to New
Madrid on this return - he stopped at Naches Mr
Hopkins and his wife started in a skiff and they ag-
reed to meet at White River. on this arrival at White
River heard that Mr Hopkins had gone up the Ar-
risonaw as he knew he intended to go there - to take
two of his Negroes which had been sent before him
from Naches this Defendant having some plunder
in his Barge belonging to Mr Hopkins waited for
him until next day at which time he concluded
to start with him that was over taken the next
morning by Mr Hopkins and his wife coming in
a skiff they took passage in his Barge with
three Negroes and they arrived in Nauvoo to
gather

Question by the Defendant

Now came Hopkins to leave Naches in that
manner Answer I do not know

Question by the Defendant

Has Mr Hopkins ever returned to Naches since
that you know of Answer I think not as far as
I know Question by the Defendant

What time did Mr Gobean come here last
Answer about seven or eight years ago

Question by the Defendant Was Mr Gobean frequ-
ently at your house during his stay in Nauvoo

Answer very frequently

Question by the Defendant if you have frequently heard him speak of his business with Mr Hopkins say

Answer in this conversation with Mr Gobeen he made
known from him that the Gobeen in his settlement with
McLay had left in his hands the value of a Negro
girl which McLay promised to give to Mrs Hopkins
saying that the Gobeen having been at the house of
Hopkins and seeing that his wife had no account
he intended to make her a present of one this depon-
ant further attests that he inquired from Gobeen
if he owed any thing to Hopkins and that Gobeen
answered that he did not owe him one cent

A. Question by the Defendant

Answer who mentioned before that on your return from
New Orleans ~~Mr~~ and on your arrival at White River
Mr Hopkins had gone up Arkansas after two of his Negroes
now came those two Negroes there and by whom were
they sent Answer Mr Gobeen told me he had sent them
in the Barge of Mr Bouge up the Arkansas for the pur-
pose of saving them from Mr Hopkins creditors

Question by the Defendant Did you or did you not
hear Mr Gobeen say that Mr Hopkins was considerably
in debted to him

Answer I did hear him say

Question by the Defendant

When Mr Gobeen left here did he not take away consider-
able property with him if so of what did it consist

Answer I saw him carry away four Negroes and a
Note on Robert McLay for sixteen or seventeen hundred
dollars

Question by the Defendant

Did he ~~not~~ have those Negroes in his possession
some time before he left here and if so how long

Answer I think he had them in his possession
about twenty five days before he left here

Question by the Defendant

Did Mr Gobean then reside in Statches and was it his intention to then return home

Answer it was Question by the Defendant
Did Mr Hopkins Live here at that time

Answer I think he lived in the big Prairie at that time Question by the Defendant

Did Mr Hopkins make any attempts to stop Mr Gobean at that time Answer I did not understand

he did Question was Mr Hopkins frequently in town while Mr Gobean stayed Answer I do not recollect to have seen him Question by the Defendant

I wish you to state the character of Robert I Gilmore Answer I know nothing of Mr Gilmores character he rented a house of Mr and did not treat me very well Question by the Defendant

What is Mr Gilmores character for truth and veracity Answer I do not know

Question by the Plaintiff are not you and Mr Gilmore at Law Answer we are

And further this Defendant says the not taken up as a letter of my interpretation Sworn to and subscribed before me ~~and~~ ^{at} ~~the~~ ^{the} Matter Bayfiels the line and at the place above aforesaid on the 20th October 1827 Thos E Powell, S, P

James Brown of lawful age being produced and sworn Deposition and Oath Question by the Defendant

Mr Brown what time did Mr Gobean come here from Statches the last time

Answer he landed here in June A D 1820

Mr Gobean was here when I came Mr Gobean came down to my Boat perhaps a day or two after I arrived here I asked him if he resided here and he told me he still resided in Statches I asked him how long he had been here he said about two or three weeks told me his business was to settle with McLog for

the part of the estate of Michel which was coming to his wife
after I went to Mrs. ^{the} Olive's. Now my wife Gobeau frequently
called on me being acquainted at Natchez he came over
one day appeared to be considerably excited I asked him
what was the matter he stated that Mr. McCoy and him
Mr. McCoy probably had frequently pronounced his settle-
ments would come to no agreement and that he
was determined to go to Jackson and see he left
Madrid ^{and} as I afterwards understood from himself and
went ^{as far as} Joseph Hopkins when he returned I do not
know how many days but some short time he
stated that him and Mr. McCoy had come to an un-
derstanding concerning the settlement that Mr. McCoy
was to give him four thousand dollars his wife's
interest in the estate Mrs. Olive asked him if he
did not intend to give Hopkins a Negro Girl
as she thought she ought to do it as the estate came
by her Mother he replied that he would or have en-
ough in the hands of Mr. McCoy to purchase one
observed that he intended to leave it so that Mr.
Hopkins could not dispose of it nor his executor
that he had done enough for Mr. Hopkins already
that he had paid some security debts and enabled
Mr. Hopkins to get off from Natchez to this country
Question by the Defendant

What time did Mr. Gobeau leave here for Natchez?

Answer Some time in July or August of the
same year

Question by the Defendant

Did he carry with him the property which he got
from Mr. McCoy without any interruption from Mr.
Hopkins? Answer He took away several negroes
I think four he left here in the afternoon in day

Let it I never heard of the claim of Mr Hopkins until after
I heard of the death
of Mr Gobean

Question by the Plaintiff

Do you know of any debts coming against me
from Statches since I have been here

Answer I do not and further this Dependent
says the not

Sworn to and subscribed before James Brown
me at the place and within the
time first aforesaid on the 26th day
of October 1827 Thos. C. Powell J. S.

William Long of Lawful age being produced and sworn
Deposeth and says the

Question by the Defendant

Mr Long were you acquainted with Mr Gobean and
Mr Hopkins when they resided in Statches

Answer I was

Question by the Defendant if you know any thing
about any dealings between them or Mr Gobean pay-
ing any Money for Mr Hopkins State

Answer I do not know any thing within my self
concerning their dealing or his paying any Money

Question by the Defendant

What were the situation of the two men at that
time. Answer as to their worth I know nothing about
it they were supposed to be wealthy

Question by the Defendant

did ^{or did} not Mr Hopkins tell you he was broke before
he left Statches Answer

The last time I saw him before he left there
was in Batonrouge he stated that he was nearly
broke up or had lost a great deal

Question by the Defendant

Do you recollect the time he made that statement to
your Answer. I think it was in the fall of Eighteen hundred
and thirteen - as well as I now recollect

Question by the Defendant
How long after that period ^{was it} when Mr Hopkins
Moved to Newbedwell

Answer I was in Natchez the winter of Eighteen hundred
and fourteen and he was gone or I did not see him
I was told he was gone

Question by the Defendant
Has he ever returned to Natchez since

Answer not with my knowledge

Question by the Defendant
How many times was Mr Gobear in this country after
the removal of Mr Hopkins from Natchez

Answer I cannot tell as I was not in this country

Question by the Plaintiff
Mr Long Since you have lived in this country have
you known of any person sending after me for debts
or harassing me from there

Answer I have not
and further this Dependent says the not
sworn to and subscribed before me
at the place and within the time
first aforesaid on the 20th day of
October A.D. 1827 That C. Powell J.P.

Asheal Smith of Lawful age being produced and sworn separately
and says the

Question by the Defendant
if you ever heard Joseph A Hopkins say any ^{thing} about
the suit which he brought against Rosaline Houston
or as trustee of John B. Gobear & Co after the commence
ment of the suit state what you heard

Answer In a conversation which I had with Joseph
A Hopkins at his ^{house} on the subject of the suit which was
dependent between Mrs Houston and him I asked him
what was the nature of his demand against Gobear

he told me it was for the one half of a house and which was built by Gobeau and William White that he bought white's part of the house and after wards sold it to Gobeau the house was situated was situated at Ketchikan under the hill as he stated I asked him why he had not collected the money of Gobeau in his lifetime he told me the house was built on rented grounds which white and Gobeau ~~had~~ built that Gobeau and white were to have the profits of the house and lot for seven years for building the house then the house and lot was to go back to the landlord that by his contract with Gobeau he was not to pay him for his part of the house until the expiration of the term of the lease which did not happen until after Gobeau's death

Question by the Defendant at what time did this conversation happen?

Answer I do not recollect exactly but believe it to have been between one and two years ago

Question by the Defendant

Are you acquainted with the hand writing of Joseph A Hopkins Answer I am

Question by the Defendant

From your knowledge of his hand writing do you believe the instrument dated Washington ~~27~~ ^{and marked} February 1887 purporting to be signed J A Hopkins to be the hand writing of Joseph A Hopkins

Answer I believe it is

Question by the Defendant

~~What~~ are you acquainted with Robert G Gilmore

Answer, I am

Question by the Defendant

What is his general reputation for truth and veracity Answer I know but little about his general reputation for truth and veracity I have heard much said against him and but

Little for him my own private opinion is that he is
neither an honest man nor a man of truth
~~and further this deponent~~
says the not
sworn to and subscribed before me at ^{Isabel Smith}
the place and within the time first
aforesaid on the 20th October 1827
Thos C Powell 84th

John B Martin of Lawful age being produced
and sworn deposeth and saith
Question by the deponent

Are you acquainted with the hand writing
of Joseph A Hopkins Answer I have some
acquaintance with his hand writing
Question by the deponent

~~Answer~~ Do you believe the instrument of writing
dated Washington 17 February 1814 purporting to
be signed J A Hopkins and Marked C is the hand
writing of Joseph A Hopkins

Answer I believe it is it looks ~~very~~ ^{like} every other signature of his ^{that} I ever saw

Question by the deponent

Are you acquainted with Robert S Gilmer
Answer I am

Question by the deponent

What is his General Character for truth
and veracity

Answer I know not a great deal about him
but from General report I should not suppose
it to be very good

Question by the deponent

What is your opinion of him

Answer my opinion of him is not a good one
my private opinion of him is that he is not an
honest man I put no faith in his words and veracity
Question by the deponent

are you acquainted with Thos Fletcher

Answer I have some acquaintance with him
Question by the defendant
What is his General Character for truth and veracity

Answer I have heard a good deal said against
him and not much for him

Question by the defendant

From your knowledge of his General Character
would you believe him on oath

Answer If every thing is true ^{that} I have heard of
him I could not believe him and further this
deponent says the not

Sworn to and subscribed before me within
the time and at the place first aforesaid
on the 20th October 1827 Thos C Powell J.P.

J. B. Hester

Alphonse Delacroix of lawful age being produced and
sworn deposes and says the not

Question by the defendant

~~What~~ are you acquainted with Thos Fletcher
~~and if so state what you know of him~~ ^{Corroborator}

Answer I have been acquainted about nine
years though I never had any intimate acquaint-
ance with him I generally understood him
to be considered a man subject to intempera-
tion and I believe I never saw him my self
druly sober and further this deponent says
the not

Alphonse Delacroix

I Thos C Powell a Justice of the peace within and for the county of Newmad-
rid in the state of Missouri do hereby certify that Robert McLay Mallett
Bayliss James Brown William Long Archel Bonitta John B. Martin and
Alphonse Delacroix the deponents were by me severally sworn to testify the
whole truth of their knowledge touching the matter in controversy aforesaid
that they were examined and their examination reduced to writing and
by them respectively subscribed in my presence on the day between
the hours and at the place in that behalf first aforesaid
Justices fees \$9.00
Court fees 1.00
Thos C Powell Justice
of the peace

Deposition

Filed October 25th 1867
Ely Smith Clerk

Receives of John^W Peltan and Rosalie Peltan, the sum of
Nine hundred Dollars, being the settlement that was agreed
to be given by the said J. W. Peltan and Rosalie Peltan, to
Eugene Peltan, now Eugene Hopkins at his marriage
in witness whereof we have hereunto subscribed our names
and affixed our seals this 19 day of July 1879

Test

Robert W. Peltan

J. W. Peltan

E. W. Peltan

Eugene Hopkins

Robert W. Peltan

B

W. A. Hopkins &
Eugene Hopkins
to J. Prescott
J. B. Johnson &
J. B. Johnson

\$ 900.00
J. B. Johnson

Washington 19 Feb 1814

This is to certify that we have done our
best to have any blame to the study of the Book
we under the steel and by the God we are
disposed of it to me

Wm. H. King

6

Joseph A. Hopkins

Cass Circuit Court Jefferson County
October Term 1887.

Rosella Houston & Co of

John B. Goubeaux and

The Off comes & here in Court files
his exception to the ^{reading of the} deposition of Robert

de Gay, Matteo Bogliolo, James Brown, William Long, Archel Smith
John B. Martin & Alphonse Baracloche taken on the part of the depts
to be read in evidence on the trial of the above Cause -

- 1st - Because the depositions were not taken agreeable to the
notice here filed.
- 2nd - Because the Certificate of the Justices before whom the
depositions appear to have been taken is variant & differs from
the heading of the depositions.
- 3rd - That, from the certificate of the officer certifying a service of
the notice there does not appear to be the necessary time
given contemplated by law.
- 4th - That some of the depositions appear to be taken on the 20th
day of October 1887, without any continuance for that purpose
being made by said Justices & for other irregularities & defects
of the testimony in the depositions contained the said depositions
are defective & ought to be rejected.

James Evans Atty
for Off

J. A. Hopkinson

Q. ¹³ Clinton Grease

expectations rather reading
of depositions etc

Filed Oct 16th 1877

Chas. Smith - Clk

To all whom it may concern I do hereby
certify that Rosalie Gobeau formerly Lafont derived
and became entitled to an undivided interest in the Estate
of Elizabeth Michell her sister after the death of her
infant son Napoleon Michell, not by Will or Testament
the said Elizabeth Michell making no Will, but as one of
The Heirs at Law of the said Elizabeth, which said undi-
vided interest the said Rosalie Gobeau and John B^l Gobeau
her husband by their Deed, dated the 27th July 1820 conveyed
and transferred to me for the sum of four Thousand Dollars
as will appear by reference to the said Deed of Record in the
City of Natchez in Record book of Pages 217 18 & 19 - and in
part payment of which four Thousand Dollars I paid sold
and caused to be delivered to the said John B^l Gobeau & Wife
four Negro Slaves viz Jerry & Patsy his wife, Rose and
Maria her Daughters, at the time of the Receipt of the Deed
to me which said Negroes by virtue of the marriage contract
existing between the said John B^l Gobeau and Rosalie his wife
is and ought to be the sole property of the said Rosalie
Gobeau

Robert A. Gay

Sworn to and subscribed before me this
undersigned a Justice of the peace in and for
the Township of New Madrid, County of New Mad-
rid in the State of Missouri duly commis-
sioned and qualified according to Law

Given under my hand and seal this fif-
teenth day of January A.D. 1821 -

John O. Scott Justice of the Peace

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Ely Smith 26

July 26 1887
Oct 26 1887

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Joseph A. Hopkins

Rosalie Houston Ex^r
of J. B. Gobean dec^d.

Orrin Fay being duly sworn deposes that he is the son in law of the def^t in the above cause & has acted & continues to act as agent for her in the same - that since the last term of this court he has sent by several persons going to Natchez ~~for the papers here is often mentioned~~ in the state of Mississippi, which is distant about 750 miles from this place, for a copy of the proceedings had on the application of the above ^{named} plaintiff for the benefit of the insolvent law in the state of Mississippi, which in connection with the testimony on file in this cause will show that the claim of the pl^{off} is unjust & false, ~~& also for a copy of the will of John B. Gobean former husband of the def^t & has rec^d a letter from Woodson Wren Register of the Orphan court at Natchez aforesaid dated 15. Sep. 1827 which is in the possession of this affiant ready to be produced to this court, & is genuine; stating that the judge who must certify them or some of them is absent & for that reason could not be authenticated until his return which was expected in about fifteen days - that the said proceedings on the application for the benefit of the insolvent law; ~~the will of J. B. Gobean here~~ ~~fore mentioned~~ have not been rec^d. & the same is owing as this affiant believes to the continued absence of the judge from Natchez, or the want of time since his return, to enable them to reach~~

this place.

also; for a copy of the marriage contract between the deft & her former husband J. B. Gobean as whose executrix she is sued, which contract will shew that she was entitled to the one half of the whole property held by the said J. B. Gobean & his deft. or either of them at his death, & so from any act of his over the property of the decd. she is not liable as executrix in her own wrong & this affiant states that she is not a legally appointed executrix, & has recd. a letter from P. M. Lapice the agent & friend of this deft. at Natchez aforesaid, which this affiant believes to be genuine & in his possession ready to be produced to the court, from which it appears that the gentleman R. M. Gains, in whose possession the said marriage contract is, was at the date thereof which is 17. Sept. last absent from Natchez & had been for the space of six weeks & was expected to be three weeks longer, owing to which cause the said marriage contract was not then obtained for this term of court & as this affiant believes owing to the continued absence of the same person or the want of time since his return to Natchez to enable the same to reach this place, it has not yet been obtained for this term of court: that the failure to have the papers above mentioned at this term of court has not been owing to the connivance or consent of this deft. or of the affiant, that the deft. cannot safely go to trial without said papers

which are expected to be procured by the next
term of this court, that this application is
not made for vacation or delay but that
justice may be done -

Done to in open Court

Oct 26th 1867

Chy Smith Clk

Orvin Fay

Ann Bay
Assistant

Filed Oct 26th 1847
Chas Smith Clerk

Depositions of witnesses, produced, sworn and Examined, on the twelfth day of May, in the year of our Lord eighteen hundred and twenty seven between the hours of ten of the clock in the forenoon, and seven of the clock in the afternoon of that day, at the house of Charles Seaver, in the town of New Madrid, and County of New Madrid, in the State of Missouri, Before me Al^{tho} H. Lawrence a Justice of the peace within and for the County aforesaid, in a certain cause now depending in the Circuit Court of the County of Jefferson, in the State of Missouri between Joseph A. Hopkins Plaintiff and Rosalie Huston Defendants on the part of the plaintiff.

Robert M. Caze of lawful age, being produced, sworn and Examined on the part of the plaintiff deposes and saith:

question by Plaintiff. Did you know one John D. Gobean and Rosalie his wife

answer. I did

question by same. How long has Gobean been dead?

answer. Six or seven years.

question by same. do you know of M^{rs} Huston exercising any act of ownership or controul over the property or Effects of the said J. D. Gobean ^{since his death?} and if so in what particulars?

answer. When M^{rs} Huston came from Natchez she brought up with her four Negroes which I had sold to Gobean, which said four Negroes were disposed of after her marriage with M^{rs} Huston and I believe she joined in the conveyance of two of the said Negroes

question by same. State what you suppose those Negroes to be worth

answer. the two which were sold with her consent were worth about nine or ten hundred dollars: the other were worth as much if not more.

question by same. do you know of M^{rs} Huston collecting monies on notes or bonds belonging to her deceased husband and if so how much

answer. I think I paid her about two hundred and fifty dollars on a note which I had given to Gobean ^{in his life time}. part of which payment was made before her intermarriage with M^{rs} Huston and part after

question by Plaintiff. State if M^{rs} Huston had any of the property of Gobean in her possession during her widowhood and what disposition she made of it?

answer. M^{rs} Huston came here from Natchez with some property such as house furniture and the Negroes above mentioned which I suppose were the same furniture they had during her marriage with Gobean ~~and~~ which she exercised ~~ownership~~, part of which property was sold by her as administratrix after the death of her last husband Samuel Huston

question by same. if you know in whose possession is now the note you gave to J. D. Gobean State it?

answer. I believe it is in the possession of M^{rs} Huston.

question by same. did you ever hear M^{rs} Huston admit that Gobean owed any thing to Hopkins and if so to what amount?

answered: When m^{rs} Gobeaue came once here during the life of Gobeaue I heard her state that J. B. Gobeaue owed Hopkins between five and Six hundred Dollars, to her knowledge. that they had a number of tracts together, and that Gobeaue had not treated Hopkins well. Question by Same. What has been the conduct of m^{rs} Huston during her widowhood in regard to the note you gave to Gobeaue, and what has been her solicitation to you in regard to the payments of it? Answer. She has requested me to pay her the note or to give her another note in her own name.

Question by Defendant: how do you know that J. B. Gobeaue is dead, and how do you know the time of his death?

Answer: by her own report and her intermarrying with m^{rs} Huston as to the time of his death I cannot state positively but I think he died about six or eight years ago.

Question by Same. Was m^{rs} Gobeaue living at the time m^{rs} Huston brought here fromatching the property you speak of, the negroes and other property?

Answer: She brought here the negroes and some other property before the death of J. B. Gobeaue, and some other property after his death. the negroes were sent after by Gobeaue. they were secreted here and could not be got by the person sent for them by Gobeaue.

Question by Same. Did you see the Bill of Sale of the negroes made by Huston and his wife

Answer: no I did not.

Question by Same. how do you know that m^{rs} Huston joined in the conveyance of two of the negroes

Answer. to the best of my knowledge, m^{rs} Gray her daughter came to my house and told me of it.

Question by Same. do you know of m^{rs} Huston during her widowhood selling or disposing of any of the property belonging to Gobeaue?

Answer: I do not recollect.

Question by Plaintiff. how far do you live from Herculessum in the County of Jefferson in this State?

Answer: I suppose it to be one hundred and fifty miles. and further this deponent saith not.

Robert A. Gay

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

Alpth W. Debaroderie Justice of the peace

Robert J. Gilmore of lawful age, being produced, sworn and Examined on the part of the plaintiff deposes and saith.

Question by Plaintiff: State when you knew J. B. Gobeaue

Answer: to the best of my recollection I knew him in Eighteen —

hundred and twenty,
question by Same. did you ever hear him speak of his owing
Joseph A. Hopkins, and if so, state what he said on that subject?
Answer. I heard him say that there was about fifteen hundred
Dollars that M^r. Hopkins ought to have, on account of some lots
in Natchez, and he intended to have a Settlement with him
before he Gobleau left this Country.

question by Defendant. Did you understand that the debt you speak
of accrued from the Sale of a house and lot in Natchez?

Answer. I did.

question by Same. Was it a house and lot which Hopkins sold to
Gobleau?

Answer. it came in such a way that ^{Gobleau} Hopkins was answerable
for it to Hopkins, the property did belong at first to White
and Gobleau - he told me long stories about ground rents which
I cannot recollect

question by Same. do you recollect at what time J. D. Gobleau died?

Answer. I cannot tell exactly.

question by Plaintiff. at what distance do you live from Herculaneum
in the County of Jefferson in this State.

Answer. I never went to Herculaneum I suppose it to be the
same distance already stated by M^r. M^r. Cays

question by Defendant at what time did you come to this Country
Answer. in Eighteen hundred and Eighteen.

and further this Depoent saith not
Rob. J. Gilmer

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

Alp^o. Debaroderie Justice of the peace

I Alp^o. Debaroderie a Justice of the peace within and for the
County of New Madrid in the State of Missouri, do hereby certify
that Robert M^r. Cays and Rob^o. J. Gilmer the Depoents, were by me
severally Sworn to testify the whole truth of their knowledge, touching
the matter in Controversy aforesaid; that they were Examined, and their
Examination reduced to writing, and by them, respectively, Subscribed
in my presence, on the day, between the hours, and at the place
in that behalf first aforesaid

Alp^o. Debaroderie Justice of the peace

For Swearing & Duties \$ " 12 1/2

Writing 1171 words at 10^o " 17

Certification " 25

\$ 1. 54 1/2

Jefferson County, Virginia Court.
June Term 1827.

Joseph H. Hopkins
vs
Martha Houston
Executors.

Filed June 28th 1827
Jas Smith Clk

Get J. H. Allaway & Wetters fee bill
on this card from the Clerk at New Orleans

Memorandum
for Mayas Graves.

You will please call on the clerk of
Jefferson Circuit Court and get a fee Bill for
my fees as Shff and Gillespie, as Deputy, in the
Case of Hopkins Vs R. Houston

Also the fees of Charles Hatching Witness please
have it stated particularly the costs which each one
is to pay I am inclined to think that Mr. Houston
is bound for all the costs which accrued before
the new trial was granted if so have it so stated

July 11th 1829

L. S. H. H. H. H. H.

Memo. for
Maj. Graves
