

Jefferson County Circuit Court
Case Files - Civil
June 1827

Folder 3 of 4

Box

1 Folder 34

Rauenscroft, James

vs.
Shelby, Eli

Title

640-acre New Madrid Certificate
No. 206 purchased by plaintiff from
defendant for \$1,200 in 1817; originated
in Cape Girardeau County 1823; Supreme
Court 1825, remanded; change of venue
to Jefferson County 1827; extensive
depositions

Depositions of witnesses produced sworn and examined on the 13th ^{at 14th} days of July in the Year of Our Lord Eighteen hundred and twenty six between the hours of Six of the clock in the forenoon and Six of the clock in the afternoon of ~~that~~ ^{said} days at the house of John Butler in the Town of New Madrid and County of New Madrid in the State of Missouri before me C. G. Mount 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 Cape Girardeau in the State of Missouri between James Ravenscroft Plaintiff and Ely Shelby defendant on the part of the Defendant.

Stephen Dumays of lawful age being produced sworn and examined on the part of the Defendant deposeseth and saith. That he was acquainted with Rees Shelby and had been acquainted with him for a good many years previous to his death and to the best of his recollection the said Rees Shelby died about this time of the year, but of the year he does not know but says that it was previous to the death of Doctor Richard Jones Waters, he the said Waters having died some time about Christmas after.

Question by the Plaintiffs Attorney Have you any Record or papers from which you can tell the time of Shelby's or Waters death?

Answer I have not I can only speak from memory.

Question by the same. Can you recollect distinctly circumstances which took place at that distance of time?

Answer I cannot, I only remember verry well that Shelby died before Waters and that I was living at the time in the Prairie near where Pierre Hapron now lives.

Question by the same Is your memory good?

Answer Not verry good generally but when any thing remarkable takes place I can remember it better.

Question by same Do you know the year in which Doctor Waters died?

Answer I do not.

Question by the same Was you at the burial of either of them?

Answer I was not.

Question by the same Was it from hearsay ^{only} that you knew of the ^{time of the} death of Shelby & Waters.

Answer It was. I was living in the Country here and could not help knowing it.

Question by the same Do you know any thing of the time of the death of Shelby or Waters except from the report in the Country

Answer No.

And further this deponent saith not

Question by Defendant Why were you not at the burial of Reese Shelby?

Answer My mother about the same time had her arm broke and I was attending upon her.

Question by Plaintiff Are you

And further this deponent saith not

Stephen Dumay ^{his} mark

John Butler of lawful age being produced sworn and examined on the part of the Defendant deposed and saith That he was acquainted with Reese Shelby from his first coming into this country and also with Doctor Richard Jones Waters with whom he had a great deal of business. and that Reese Shelby died some time in the summer previous to the death of Doctor Waters but cannot state with certainty the year in which either died.

Question by the Defendant Have you any recollection of the time of the year when Doctor Waters died.

Answer I have. I am entirely certain that it was in the winter and some little time before ~~the~~ Christmas, perhaps in the month of December.

Question by the Plaintiffs Attorney Have you any Record or papers by which you can determine the time of the death of Shelby or Waters.

Answer I do not know of any papers by which I can tell the death of Shelby, but of Waters I have.

Question by same Does your knowledge of the time of the death of Reese Shelby depend on memory entirely

Answer It does.

Question by the same What is the situation of your memory.

Answer At present it is not very good

Question by the same. Is not your memory by age and infirmity greatly impaired.

Answer. I cannot recollect as well as formerly, but I am cautious not to say any thing about which I have any doubt.

Question by the same. Was you at the ~~death~~ burial of Reese Shelby?

Answer. I was not.

Question by the same. does your ^{of the time} knowledge of the death of Reese Shelby depend on common Report only?

Answer. I had my information from W. Smith who nursed Shelby in his last sickness and who helped to bury him as well as from common report.

Question by Defendant. Do you know where Ely Shelby was at the time of the death of Reese Shelby?

Answer. I believe he was down the River.

Question by the same. What is the character of James Smith for truth and veracity.

Answer. He was generally well spoken of John Butten

And further this deponent saith not.

Robert McCoy of lawful age being produced sworn and examined deposed and saith. That he was well acquainted with Doctor Richard Jones Waters and lived a neighbor to him for many years previous to his death and says to the best of his recollection the said Waters died in the latter part of the year Eighteen hundred and seven or the beginning of the year Eighteen hundred and eight. and further this deponent saith not.

Robert McCoy

Friday the fourteenth day of July 1826

Richard J Waters of lawful age being produced sworn and examined, deposed and saith. That he was acquainted with George Caulk for a number of years and says that he could write his name but deponent thinks he done it mechanically and is of the opinion that Caulk could neither read nor write any thing else but his name. and further this deponent saith not.

Rich^d J Waters

John B Walker of lawful age being produced sworn and examined deposed and saith. That he was acquainted with Joseph Westbrook all the time that he lived in this country, that he this deponent bought from said Westbrook his land and when the deed was executed he complained of his inability to read or write, deponent thinks he could make out to write his name indifferently. Deponent says on another occasion Westbrook upbraided his father for not having given him an education and said that in consequence of it he had been induced to sign a libel, not knowing or being able to read it the contents were read to him differently from what it was written. Deponent further says that Westbrook was a Subaltern Militia officer under his command and as such was never able to call the Roll of the company for the reason that he could not read writing.

Question by the Plaintiffs attorney. Do you know of your own knowledge that Westbrook was no scholar or is it mere matter of opinion

Answer I can only ^{say} as I have before said that Westbrook has repeatedly told me he could not read ^{writing} nor write and from what I have seen myself it is my opinion that he was no scholar

And further this deponent saith not.

Sworn and subscribed to before me, on the days, at the place and within the hours first aforesaid

Chas Monte J. P.

John B Walker

I C. G. Mounts a Justice of the Peace within and for the County of New Madrid in the State of Missouri do hereby certify that Stephen Durnag, John Butler, Robert McCoy Richard J. Waters and John B. Walker 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 days between the hours, and at the place in that behalf first aforesaid

C. G. Mounts Justice of the Peace

Justices fee Bill

For writing depositions	1232 words	at 10 ^{cts}	\$1.23.
Administering Oaths	—	at 6 ^{cts}	- 31 ^{cts}
Issuing subpoenas	—	—	- 18 ^{cts}
Certifying depositions	—	—	25
			<u>\$1.98-</u>

C. G. Mounts J. P.

James Bairdcroft
Esq
Esq Shelly — }
of
of

St. Louis August 11. 1826
My dear Sir
Wm. Douglass

Document Quality Target

Some of the following
scanned documents fall
below Imaging Standards.
These documents will be
scanned as received.

That in the month of February ^{April} March ⁱⁿ the year Eight hundred and Eight
Janas Carrall of the County of New Madrid
left that place, and descended the River
with his family for Natchez, and that
Rice Shelly did not die the preceding
summer for he the said Korte had
afforded him medical aid during
the summer of Eight hundred and
seven, at the time of gathering cotton
and that he the said Shelly, lived that
summer & fall at the farm of John
E. Korte in the County of New Madrid
he the said Korte further said that
during the summer & fall of Eight
hundred and seven he lived in
the country about three miles north
East of the town of New Madrid, and
in the spring of Eight hundred &
Eight he moved to the town of New
Madrid, and rented a house of
John B. Oliver and occupied it
for some two or three months, and
during his residence in said house
Edward F. Bond and family, and Doctor
Smith his brother-in-law, arrived, &
staid with said Korte until said
Bond had procured place for him

to live, and that he the said Katt
is well convinced, it was the first
time that Doctor Smith had ever
been at New Madrid, as he appeared
to be an entire stranger.

Question by J. P. How far do you
Reside from the town of ~~New Madrid~~
~~New~~ Jackson County of Cape Girardeau
County?

Answer Two hundred miles or
more, and further this deponent
says that

J. P. Katt

Sworn and Subscribed to before me
on the day at the hour & place aforesaid
before aforesaid

James H. Collins

David Tratter of lawful age being
produced Sworn and Examined
deposed and said that he was
well acquainted with Isaac Shelby
and saw him at the town of New
Madrid at the time the board of
Commissioners sat for the adjustment
of land claims.

Question by J. P. How far do you
Reside from the town of Jackson

County? Answer Two hundred miles or
more.

David Tratter

Sworn & Subscribed to before me on
the day at the place aforesaid

James H. Collins

Richard Westbrook of Cambridge
being produced sworn and examined
deponeth & saithth That well acquainted
with Isaac Shelby, he died in the month
of June or July in the year Eighteen hun-
dred & Eight, I was in the house where
said Shelby died, it was at the house
of Mr Brants near the town of New-
Madrid, I was there when the last
breath went out of him said Shelby
before the death of said Shelby he
was at my house I think in the morn-
ing of the 1st of June, I Recollect this from the
circumstances of him Shelby showing
me ~~some~~ ^{his} ~~last~~ ^{last}
this was the same summer said Shelby
died.

Question by J. P. Do you Recollect
when Richard Watters died
Answer Richard Watters was bur-
ied on the 13th day of December A.D.
1807 I was at the burying, this
I know from the birth of my daugh-
ter Margaret she being born
on the thirtieth day of December
Eighteen hundred and seven
Question by same, what distance do
you reside from the town of La Platte
in the County of Cape Girardeau
Answer upwards of two hundred
miles

Richard Westbrook

sworn and Subscribed to on the day
and at the place & where the same were
said

James Halliday

Didia Northbrooks of lawful age
being produced sworn and examined
upon oath and said, James Mill aq
acquainted with ~~the~~ ^{the} said Shelly, he died
in the month of June or July in the
year eighteen hundred and eight
he was at my house a short time
before he died. I was also at the house
where said Shelly was ~~buried~~ ^{buried} and
his death bed. I was also well acq
acquainted with Richard ~~Watters~~ ^{Watters} (Walt
ters he died in the month of December
eighteen hundred and seven, and was
buried; on the thirtieth day of the
said month of December, this I know
from the circumstances of my daugh
ter Margaret being born on that
day. I am well satisfied that said
Shelly was at my house the summer
before ~~Watters~~ ^{Watters} died after the death
of Watters. I was also well acquainted
with Joseph DeGray, and was at his
wedding ^{the spring of} the year eighteen hundred
and eight. This was before Benjamin
Allen was married to his late wife
Justine by J. P. P. I have for a long
time resided from the town of Jackson in
the County of Cape Girardeau
Missouri, I suppose about two hundred
and fifty or upwards.

Didia Northbrooks

sworn and subscribed to on
the day between the hours and at
the place of aforesaid

James L. Collins

Barbary Twentyman of lawful
age being produced sworn and
examined deponeth and saith
that she was well acquainted with
Rice Shelby, he died the summer
after Richard S. Waters died
Barbary Twentyman
on oath

sworn and subscribed to before me
on the day between the hours and at
the place aforesaid

Jam. H. Collins D.

Sarah Harris of lawful age being
produced sworn and examined
deponeth and saith, I was well
acquainted with Rice Shelby who
resided in the County of New Madrid
he died in month of June or July
in the year Eighteen hundred and
Eight, he was at your house about
three weeks before he died, I was
well convinced that, it was in
him on July 4th 1808. for and I
was at burying. I was also well
acquainted with Richard S. Waters
in December Eighteen hundred &
Eighteen, the Rice Shelby above mentioned
was the brother of Eli Shelby

Questioned by plaintiff, how far
do you reside from the town of
Buchanan in the Cape Girardeau County
State of Missouri

Answer about two hundred
miles as aforesaid

Sarah Harris
on oath

sworn and subscribed to on the day at
the place between the hours above mentioned
J. H. Collins D.

Hannah Westbrooks of Lawfull age
being produced a sworn and examined
deponent & sayeth, I was acquainted with
Rice Shelby in the County of New Madrid
he died in the month of July Eighteen
hundred Eight. I was at his burying
I am ~~informed~~ ^{convinced} that said
Rice Shelby died in July 1808. from
the circumstances of the birth of my
second daughter, and the marriage of
my brother in law Eli Marley
I was also well acquainted with Rich-
ard, S. Watters, he was buried on the
thirtieth day of December Eighteen hun-
-dred and seven, the Rice Shelby above
mentioned was the brother of Eli Shelby
questioned, by plpp, how far do you
Reside from the town of Jackson in
the County of Cape Girardeau in the
State of Missouri
Answer About two hundred
miles or more

Hannah Westbrooks
sworn & subscribed to before me on
the day at the place aforesaid the
hours above mentioned.

James H. Allen Jc

Thomas Livingston of Lawfull age
being produced a sworn and examined
deponent & sayeth, I was well acquainted
with Rice Shelby he lived in the County
of New Madrid in this State, he died
in the summer of Eighteen hundred
Eight. I recollect this well as I was at
his burying, I was also acquainted with
Richard, S. Watters who also lived in

The County of New Madrid, he died
in the month of December on the 13th of
18th day in the year Eighteen hundred and
Eighteen. He was buried on the 13th of
the same month and I was at his bury-
ing. I recall also that Joseph Demay
was married in the Spring to his last
wife. I was also acquainted with Peter
Demay wife, and his own mother
his mother had her arm broke in
the year Eighteen hundred and Eight
and Peter's wife had a Rising on her
breast in the same year. I was
also well acquainted with Isaac Devore
he lived on Joseph Lewis' plantation
in the Summer of 1808, and the year follow-
ing he lived on James Harris' place in
Sioux parish. The River Shelly is the bra-
ther of Eli Shelly and half brother of
James Harris.

Question by ppp. How far do you
Reside from the town of Jackson
in the County of Cape Girardeau in
this State

Answer Upwards of two hundred
Miles

Question same was given before
the board Commissioners at New
Madrid & did Isaac Myers of
Georgia his paria prove any land
Claims;

Answer he was before the Commis-
sioners and proved a land Claim for
one I also saw him on several
days before the Commissioners and
he proved several other Claims
beside the one for me.

Thomas & Henry
Swann and Subscribed to before me
on the day at the place between the
bears of Harris and James & Collins &c

Joseph Westbrooks of lawfull age
being produced and sworn and exam-
ined deponeth & saith, I well acq-
uainted with the River Shelby he lived
in the County of New Madrid, I am
well convinced and perfectly recal-
lect that he died in the year Eighteen
hundred Eight, in the month of
July after the fourth day of said month
I was at his burying, I was also acqu-
ainted with Richard S. Matters who
also lived in the County of New Mad-
rid he died on the twentieth of
December Eighteen hundred and a
few and was buried on the
thirtieth of the same month this
same position of, I was also well
acquainted with Joseph Demay, whom
he was married to his first wife
it was in the Spring of the year
previous to the Marriage of Benjamin
Leyers, and Elizabeth Madaty Leyers
the River Shelby above mentioned
was the brother of Eli Shelby, and
half brother of James Farris-
question by P. P. was you before the
band of Commissioners, that sat in
the town of New Madrid for the adju-
stment of land claims:

Answer I was, I had a land claim
granted by La Ceb. Mayor of Big Prairie
before said Commissioners
question by P. P. how far do you
reside from ^{the town of} New Madrid in the County of
Cape Girardeau.

Answer about two hundred
miles or upwards Joseph Westbrooks

sworn & subscribed to before me on
the day at the place before the said
James H. Collins

William Frazer of Liverpool age being
produced sworn and examined
before me deponent and juror, being
well acquainted with Rice Shelly he
lived in the County of New Madrid
I think I saw him at the time the Com-
missioners sat in the town of New Madrid
I was also well acquainted with Rich-
ard Watters, I am satisfied that
Watters died before Shelly, I was
before the board of Commissioners in the
town of New Madrid, when he said
Myers proved my land claim he
also proved one other that I re-
call of, this I recollect positively, the
brother of Shelly above mentioned was
the brother of Eli Shelly and half
brother of James Harris.

Q. How far do you reside
from the town of Jackson in the
County of Cape Girardeau?

A. About a distance of two hundred
miles.

Sworn & Subscribed to before me
on the day at the place between the
pages above mentioned

Wm. Charles Foster
James Gallie D.

I John Self of Liverpool age being
produced sworn and examined
deponent and juror, I was acquaint-
ed with Rice Shelly, I saw him
after the death of Richard Watters
who died in the month of December
A.D. 1804 this I am positive of
the Rice Shelly above mentioned was
the brother of Eli Shelly and half brother
of James Harris I live about two
hundred and forty miles from Jackson
Cape Girardeau County. John Self

Sworn and Subscribed to before me on
the day at the place between the pages of and

J. Gallie D.

John Marley of lawfull age being produced,
Sworn and examined separately and sayeth
I know Rice Shelly of New Madrid County
in the year Eighteen hundred and seven
and until his death, which was in the
month of July Eighteen hundred and eight
I sat up with Rice Shelly the night prece-
eding his death, I was also at his burying
he died at the house of Mrs Brant in
the County of New Madrid,
Question by J. P. did you know Richard
J. Waller Answer I did, he died in
the month of December Eighteen hundred
and seven he was buried on the thir-
teenth day of December of aforesaid, the
Person I recollect to whom Rice Shelly
died is that in the year 1807 Rice Shelly
Cropped with ~~John Hart~~ and myself with
Dr G. B. Hart. and the following year which
was 1808 I Cropped with John Hart, and
in the month of July of this year (1808) I
knew Rice Shelly died, this I also know
from the date of my Marriage, I was
also acquainted with Joseph Demay, I
was present when he was married
which I think was in the latter part
of the Winter or fore part of the Spring
of Eighteen hundred and eight, the marriage
of Demay above mentioned was to Miss
Margaret Carpenter, same time of this
Benjamin Myers was married to
Miss Elizabeth Madestly Burt, I also know
James Corral, he left the district of New
Madrid in the ^{month of} ~~spring~~ of Eighteen hun-
dred and eight, the Rice Shelly above named
was said to be the brother of Eli Shelly

and half brother of James Harris, I live
about two hundred miles or upwards
from the town of Jackson in Cape
Guaracani County.

En Morley
Swain and subscribed to separate
an the say at the place between the houses
aforesaid. James L. Collins

James Harris of lawful age being
produced Swain and examined dep
with and sworn, Swain well acquainted
with him Shelly, he was half brother
of him he lived in the county of
New Madrid, he died in the month
of June or July Eighteen hundred
and eight at the house of Mrs. Brand
Swain present and saw him die,
and also saw him buried, I also
knew Isaac Severe, he in the summer
of Eighteen hundred and eight made
a crop in the plantation of Joseph Lewis
in the county of New Madrid, and the
two ensuing years he said Severe lived
~~at the house of the my plantation~~ on the year follow
ing he made an improvement on
land adjoining me and then the Earth
quake came on, in the Spring of
Eighteen hundred eight Joseph Varner
burgh and David Varnerburgh was
brought to Joseph Lewis, I was the guardian
of the said Varnerburgh which makes
my recollection more distinct and
was the person who carried said boy
to Lewis. Lewis also acquainted with
Richard Lewis Walters, he died in
the month of December Eighteen hundred
Seventeen, this I recollect from the corner
stone of my first wife, dying a few
days before Walters. I also knew Doctor
Smith of the same county, he was the
physician who attended on Peter Shelly.

in his last Illness, this was the only son
Smith that I ever knew in the County
of New Madrid, I was the person who
administered on the Estate of Rice Shelly.
I think the letters of administration were
granted to me in the latter part of the
month of July or first part of August
in the year 1808. I also ^{know} James Carrall, he
left the district of New Madrid in the month
February March or April in the year Eighteen
hundred and eight, this I recollect from
the circumstances of my making up ^{his} ~~his~~
keeping and living in the house of ^{with} ~~of~~
Lewis

Question by plff. Are you directly or indi-
rectly interested the Estate of the ^{Estate of the} ~~Estate of the~~
petitioners James Ravenscroft & Eli Shelly?
Answer. I am not, because I only
made a quit claim and for the prop-
erty in controversy.

Question same. Did you appear before
the Commissioners of land Claims at New
Madrid?

Answer. I was, I saw ^{James B. Paris} ~~Myself~~ ^{of}
present land Claims before the Board
of Commissioners at the time I was there
Question by same, how far do you live
from the town Jackson in the County
of Cape Girardeau?

Answer. About two hundred miles
or upwards James Paris

remain & subscribe to before me on
the day at the place and between the hours
of said

James D. Collins

George Cook of Liverpool age being produced
Sworn and Examined as aforesaid & says that
~~James~~ Will acquainted with him Shelly
he died in the year Eighteen hundred
and eight in the latter part of the
Spring or first part of the Summer
he died at the house of Mrs Beant
in New Madrid County, I was also
acquainted with Richard & Watters
he died in the latter part of the fall
or first part of Winter Eighteen hundred
and eight, and I live about two
hundred and thirty miles or upwards
his

George & Carl
Sworn and subscribed to before me
on the day and at the place and before
me the hands of aforesaid
James & Collins

Elwston Caldwell of Liverpool age being
produced Sworn, and Examined
as aforesaid and says that James Will acq-
uainted with him Shelly, of New
Madrid County, he died in the year
Eighteen hundred and eight in
the month of June or July, 1808
also Richard James Watters, he died
in the month of December AD 1808
I was at his burying I live about
two hundred and thirty miles from the
River of Jackson in the County of
Cape Girardeau

Elwston Caldwell
Sworn and subscribed to before
me on the day at the place and before
me the hands of aforesaid

James & Collins

James Harris has this day total to me
one Equal & unequal half of two
hact of pound of six hundred & forty
score each. valued above attached & having
one originally claimed by Henry Master
and the other by. Recd Shelby. Now if
it is understood by the parties that
if I do not hold one acre of
said lands. the said Harris is by no
means accountable to me nor for
any costs of suits. Given under
my hand in Council. this 4th
day of Novr 1820. J. James Clerk
Notary Public



marked No (1)

Robert Wallace of Cooper County
being of lawful age, produced & sworn
Question by Plff. ~~Do~~

Do you know any thing
of the deed fastened to this deposition &
marked Number (1) upon the back? Answer,
I do - James Lanner whose name is there to
subscribed, made, ~~and~~ sealed and subscribed
the same in my presence - and acknowledged
it to be his act and deed. And I sub-
scribed my name, Robert Wallace, as thereto
subscribed, as a Witness to the deed - And
that the said Lanner delivered the same
in my presence to the said James Farris
therein mentioned.

Robert Wallace

July 25th 1820

sworn and subscribed to before
me on the day at the place and between
the parties of said deed.

James H. Callison

State of Missouri
County of Cooper

I James H. Callison Justice
of the peace within and for the County
of Cooper of said State of Missouri
do hereby Certify that George B. Hart
Dorothy Richard Waterbrook Lidian Westbrook
Barbary County man Sarah Farris Hannah
Westbrook Thomas County man Joseph
Westbrook William Frazier

John W. Wadsworth

800
120/95

Adellia

20

John D. D.

My Dear Son

R. M. Daugherty

To Parents & Friends
The Complaint in my suit in Chancery makes
it
clear that the nature of a firm body of English
is such

[illegible]

May a writ of habeas corpus be granted to the said Smith
 Lewis to procure the said Helen turn out a copy of the same
 Memoirs and Substantive
 On Court Aug. 15. 1826
 Wm. Langford Esq
 J. H. Brown Esq

James Ravenscroft Esq.

vs
Eli Shelly Esq.

affidavit of Jffs

sub. duce tecum

5

981

Filed Aug. 13. 1826

Wm Sanford Esq.

James Ravenscroft & In the Circuit Court for the County
of Cape Girardeau in State of Missouri
v. Eli Shelby
Term of August 1826

and now the said defendant in Court
appears and moves the Court to suppress the depositions
of the witnesses following taken by said plaintiff for
the exceptions following to the depositions of George C. Host

David Trotter Richard Westbrook, Lydia Westbrook
Harbory Twenty near Sarah Tarran ^{Hannah} Westbrook Thomas
Twenty near Joseph Westbrook William Fraser John Self
Eli Marley James Farris George Carl Alberton Caldwell
well Robert Warran the witnesses purporting to be called
by our James L. Collins I O under his seal on the 25th day
of July A.D. 1826 and herein appears the exceptions following

1 The depositions do not appear to have been taken on the
25th day of July 1826 between the hours of six of the clock in
the forenoon and six of the clock in the afternoon of said day
at the Court house in the town of Bronville County of Cooper
in the State of Missouri

2 The depositions are not taken in accordance with the
notice neither as to time nor place

3 No notice has been served on the defendant of the taking
said depositions

4 The depositions do not appear to have been taken before
any officer authorized to take the same

45 It does not appear that the person calling himself James
L. Collins who pretends to have acted as a Justice of the
Peace before whom said depositions are supposed to be taken

was a Justice of the Peace acting within his jurisdiction
5 The said James L. Collins certifies himself to be a Justice
of the Peace within and for Cooper County when at the
same time there is no such office as a Justice of the
Peace for a County and James L. Collins therefore does not
appear to have been an officer qualified to take said depositions
7/19

To the depositions of Enock Evans

1. The want of notice & the same not being
given in due time & only served
- 2 no certificate of the officer who took the

deposition - nor does it appear to have been taken before any officer

3. Not pursuant to notice.

To the deposition of James Harris

1. The want of notice & the same not being given in due time or duly served.

2. No certificate of the officer who took the deposition, nor does it appear to have been taken before any officer

3. Not pursuant to notice

To the depositions of William Ramsay.

1. The want of notice & the same not being given in due time or duly served.

2. No certificate of the officer who took the deposition, nor does it appear to have been taken before any officer.

3. Not pursuant to notice

all which exceptions are made by
the depts. Ramsey. Buckner Scott
Fallen &c.

Ramsay depositions
not
shelley depts

Exceptions to
depositions

Filed Aug. 18. 1826.

By Sanford & Co
" "

State of Missouri
County of Cass
vs
G. L. Shelby

Circuit Court, Lower the Judicial
Circuit
on Issues of fact submitted
of the Supreme Court to
be tried in the Cape Girardeau
Circuit Court

The plaintiff by his attorneys comes & files exceptions
to the reading of the depositions taken in this case
before John R. Mansfield who styles himself a Justice of the
peace at Batesville Arkansas Territory on the 17th
of August 1826

1 Because no bedimus issued pursuant to Law
7 to authorize the taking said depositions as aforesaid

2 Because ~~said~~ ^{the} bedimus, ^{which did issue} was not issued or
7 & authorized by the Clerk of this Court but by one
Clairborne J. Thomas—

3 Because said depositions are not taken in this
Cause—

4 Because they were taken without any notice having
been given of the time & place of taking to the
plaintiff & if any such notice has been given
said depositions are not taken pursuant to
notice

5 Because the person before whom said depositions
were taken does not appear to have ^{had} any authority
to take them

6 Because said depositions are not duly authenticated

Said plaintiff also files exceptions to the reading
of the depositions purporting to have been taken
before Christopher G. Hunt a Justice of the peace

At the house of John Butler in the town of New
Madrid on the 13th & 14 days of July 1826

1 Because no notice has ever been given to the
plaintiff of the time & place of taking said depositions
or if there has said depositions were not taken
pursuant to notice

2 The depositions taken before Lindsey &
Lusk with a notice of the same on the 8th
9th & 10th days of June 1826 the plaintiff
excepts

1 because they were taken without notice giving
the plaintiff of the time & place of taking
them & they are not properly authenticated by the Justice

And I do hereby certify

for Plaintiff

Exposition to all the

depositions taken

before John Butler

do 2d March 1826

L. S. Blackman

James M. Craft

against

Shelley

Case of variance bond bond

filed August 22nd 1826

J. A. Campbell

W. H. H.

Stood at the Court of Common Pleas helden at New Blacke within and for
the District of New Blacke in the County of Downe at the Term of
Michaelmas Term in the year of our Lord one thousand eight hundred and
eight before the Honorable

Michael Annuance
Clerke, Master and 3 Judges
George Stanton

Be it remembered that herefore on the 24th day of February in the year
of our Lord 1808 Edward Roberts was appointed in the Clerk's office of the said
Court a Declaration which is in the words and figures following to wit.

- Declaration
- " Edward Roberts vs Jonas Carl. New Blacke Common Pleas to the
 - " March Term anno domini 1808 Edward Roberts Complaine of Jonas
 - " Carl when he for the said Carl returned the said Jonas Carl a certain
 - " William Stewart and the said Edward Roberts on the 16th day of Decem-
 - " ber in the year 1805 met at the Town of New Blacke within the County
 - " of Downe of said Court and accounted together and settled all dues and demands
 - " and the said William Stewart and Jonas Carl was indebted to him the said
 - " Edward Roberts in the sum of three hundred and eighty dollars, and to being
 - " indebted to him the said Edward Roberts from then the following Writing obligatory

- " in the words following to wit,
- " I promise to pay or cause to be paid unto Edward Robertson or order three hundred and eighty dollars to be paid in Merchants' Bank of New York or to the order of the said bank at 30 N. East advance on the balance due to the said bank on or before the 15th day of April next for value received, Witness my hand and seal this 16th day of October 1805. ^{James W. Wilson} ~~James W. Wilson~~
- " attest James W. Wilson, Henry Landy.
- " Bill of articles to be delivered by James Land. Sugar Coffee Rum &c Wine, attest James W. Wilson signed James Land. - by which it appears that the said James Land became bound and undertook and promised to pay to the said Edward the several sum of three hundred & eighty dollars in Sugar Coffee Rum and Wine, agreeable to the true intent and meaning of the said writing obligatory and his assumption and undertaking as on three stated and hereunto to the Court shewn. Nevertheless the said James Land altho' often thereto required on the said fifteenth day of April next following the date of the said writing obligatory and at divers other days and times was required to pay the same both before and still doth refuse to the damages of him the said Edward Robertson this sum of four

Receipt

"Hundred and fifty dollars and therefore the sum the S^r. Edward F. R. Robertson^{his}
upon which deduction is the following receipts to wit,
mark

"Joshua Humphreys Clerk will please show summons an action on the

"case, Damages 450 Dollars in the name of Edward Robertson against Jonas

"Leet returnable to the March term next. February 24th 1808.

Edward F. R. Robertson

mark

and in pursuance of which the Clerk of said Court on the 24th day of
February in the year of our Lord 1808 issued a writ which writ is in the
word and figure following to wit,

Sheweth - "Louisiana Territory District of New-Orleans ss. The undersigned do hereby

"do hereby of said District, Shewing. The Court and you that you summons

"Jonas Leet of said Territory to appear before the Judge of our

"Court of Common Pleas to be holden in the Court House in the Town of

"New-Orleans in and for said District on the fourth Monday of March

"next then and there to answer Edward Robertson in a plea of trespass

"on the case to the damages of him the said Edward four hundred and

"fifty Dollars and have you then show this writ. Witness Michael

"Shawmery Esq. ⁱⁿ said Judge of said Court this 24th day February 1808 -

" and of our Independence the 28th signed Josh. Humphreys Sec^y

" This is an action on the case and no bail required signed ^{by} ~~Edw. F. R.~~ Robertson

Which said writ was delivered to the Sheriff who returned the same with his return

thereon returned as follows to wit, " I have caused this process on the 28th before

" Jones Esq. by reading the same to him agreeable to law, forth with to return

" And now at the term of March aforesaid of the Court aforesaid on Friday

" the 5th day of the term and the first day of April before the Judges

" aforesaid

" Edward Robertson } Parties were called the Plaintiff (as above had Judgment.

" James Earl } been called by the Defendant) came by his attorney

" A. W. Esq. who appeared did not appear and on this fourth day of

" from the Plaintiff agreeable to the Statute signed Judgment that the

" Plaintiff do recover of the Defendant the sum of five hundred and

" eighteen dollars and ten cents and also cost of suit &c.

Attest the Clerk of the Circuit Court of the County of New
Hampshire in the State of New Hampshire that the foregoing four
pages contain a true and perfect transcript of the Record of the said
Court as fully as the same remains of record in my office.

Given under my hand and the Seal of said
Court at Office this 11th day of August
in the year of our Lord one thousand eight
hundred and twenty two

William Clark

Robertson Transcript
versus
Carl Record from
New Madrid
9,000 words

Filed Sep. 14th 1826

By Sanford De Clerk

James Ravenscroft } case in Chancery In the
vs } Circuit Court for the County
Eli Shelby } of Cape Girardeau in the
} State of Missouri on issues
of fact to be tried at law -

To the ^{above} named James Ravenscroft
Complainant Sir - Take notice that the depositions of witnesses to be read at the trial of the
above cause on the part of the defendant will be
taken at the house of John Butterin Town of New Madrid
in the County of New Madrid and State of Missouri
on the thirteenth and fourteenth days of July next
between the hours of six of the Clock in the forenoon and
six of the Clock of the afternoon of each said days commencing
on the first of said days and continuing
from day to day ^{between said hours} until said depositions are wholly
taken before some competent authority where
and where you may attend and cross examine
the said witnesses if you think proper

June 28th AD 1826 Eli Shelby by
J Ranney his Atty -

I delivered a true copy of the within now
to James Ravenscroft on the third day of
July 1826 Subscribed by me this
day of 1826 Guy Alexander Miller

Sworn to be for me a justice of the peace in
& for the township of Cape George in the county of
Cape George & State of Mysore this
third day of July 1826 William Matthews ^{Edw}

Noted

Attest Sept. 18. 1826

Wm Matthews
for
James Ravenscroft

James Ravenscroft

Eli Shelby ^{vs} Action of on ^{fact} in chancery
pending in the Circuit Court of Cape Gerar-
dian County Missouri

To Mr. James Ravenscroft

Sir Take notice that I shall attend at the
house of Lindsey J. Dlashmuth in the Township of
Lascieur County of New Madrid and State of
Missouri on the seventh eighth & ninth ^{days} of
June next between the hours of eight of the
clock in the forenoon and six of the clock
of the afternoon of those days then and there
to take the depositions of witnesses to be read
at the trial of the above ^{case} on the part
of the Defendant when and where you may
attend if you think proper. Jackson Weape
Gerardian County Missouri May 29th 1826

Buckner & Rawney Attys
for Plaintiff

County of Cape Gerardian County SS.

Alexander Miller being duly sworn according to
law deposes and saith that on the Twenty ninth
day of May last Past he served a copy of the above
notice on James Ravenscroft above named
by delivering him a true copy of the same
& further the said Alexander Miller saith not
sworn to, and subscribed before Alexander Miller
me a Justice of the Peace
within and for the County aforesaid
this 29th day of June A.D. 1826
George Henderson Justice of the Peace
In, 25 cents

Notice for Byas.

Office April 18. 1826

Chas. Key Esq

Attest J. D.

Notice of the
and for the
1826

Record of the proceedings of the circuit court, exercising chancery jurisdiction, held at the court house in the town of Jackson, county of Jasper, Indiana and State of Wisconsin, of the term of August, in the year of our Lord one thousand eight hundred and twenty four, three.

Before the Honorable Richard S. Thomas, Judge of the circuit court of the Wisconsin circuit of said State.

Be it remembered that hereofore, to-wit: On the twenty-ninth day of July. A.D. 1823 and held with the clerk of said court, a certain Original Bill in Chancery, afterwards, (to-wit:)

at the term of said court in said year & On Wednesday the ninth day of said term the following proceedings were had between the parties aforesaid.

Date of
filing -

appearance
Term -

James Harwoodcroft

On

Verd
" Eli Shelly

} Original Bill

The defendant by his solicitor comes
and files his answer herein.

Answers
Filed

Afterwards to wit,

At the Court aforesaid, on the 21st day of
said Term, and on the 3^d of September 1823 the
following proceedings were had between the
parties aforesaid.

James Harwoodcroft
Complainant

Verd

" Eli Shelly Defendant

} On Original Bill

Cause

" The parties by their counsel
" solicitors came and by their counsel this cause
" is set for trial at, and continued to next Term,

At the term of December in the year last
of said, the following proceedings were had
between the parties aforesaid,

On Tuesday December 30th 1823

"James Randcroft
Complainant

against
"Eli Hethley Defendant

"Original Bill"

Dec^r 31 1823
Costs as
D^yts costs.

"ators came, and on motion of the defendant,

"On affidavit filed this cause is continued to the
"next term at his costs."

afterwards, at the term of April 1824. On Friday the
11th day of said term the following proceedings were
had between the parties aforesaid

"James Randcroft Complainant

against

"Eli Hethley Defendant

"Original Bill

"The complainant by his solicitors came, and on

4
"his motion an attachment returned ind-
"tancer, directed to the Sheriff of Scott County, is
"awarded against Jozay Stinger, who having
"been duly summoned as a witness on the part
"of the complainant, and solemnly called
"had failed to attend.

afterwards on the 13th day of the term last aforesaid
on the 26th of said month of aforesaid, the following

Proceedings were had between the parties aforesaid &
James Henderson Complainant

against
"Ed Shelly Defendants

} Original Bill
"The parties by

"their solicitors came, and this cause was taken up
"for final hearing, on the 26th, answers and exhibits
"and proofs and allegations of the parties, the
"complainant then presents a list of exceptions,
"which being signed and sealed by the judge
"here, the same is filed and becomes a part of
"the record.

5
"the record, The defendant moved to reject the testimony of Samuel Starvid, so far as it goes to establish the death of Reede Shelly, which motion and overruled by the court. The complainant moved on affidavits that an abuse of fact as to the time when Reede Shelly died, he made up, but because the said facts were not reduced to writing, therefore it is considered by the court that said motion be overruled, &c. The complainant then presents a Note of Exception, which being signed and sealed by the judge here, the same is filed and become a part of the record. The court not being sufficiently advised of and concerning the same, will thereupon advise."

Afterwards To wit: at the Term of April 1824. On Tuesday the 27th day of said month and 14th day of the Term the following proceedings were had between the parties aforesaid:

Samuel Starvid vs Complainant

against
"Original Bill"
Eli Shelly Defendant } The parties by

"by their attorneys came, and the complainant moved
 for a rehearing of this case, on affidavits filed,
 which motion was overruled by the court, the
 complainant then prayed a writ of Excepiens, which
 being signed and sealed by the Judge here, the same
 was filed and became a part of the record; and
 the Court kept this case under advisement until
 next term: And this case is continued to next
 Term.

According to Writ, at the Term of Michaelmas

Term of
 Michaelmas,

in the year last aforesaid, on Thursday
 the 16th day of the Term of Michaelmas 1824
 the following proceedings were had between
 the parties aforesaid:

"James Ramsbottom

Versus

"Edw. Shelly.

"Original Bill"

The parties by their Solicitors came,

Dated

and the Court having inspected the bill, answers and exhibits and heard the

presence of the Justice, and being now sufficiently advised of and concerning
the same — ^{He} he attests that on the thirty first day of August, eighteen
and seventeen, the Complainant purchased a Certificate, for the new location
of six hundred and forty acres of land, which he had intended to the legal Represen-
tative of Isaac Shelby and Charles that said Shelby represented at the time;
he said said Certificate to him that he was the sole heir at law of the said
Isaac Shelby and that the Complainant, confiding in the representation of
said Certificate, for the sum of Twelve hundred Dollars, which he paid
to the defendant and took a transfer of said Certificate from said Shelby
by Book without warranty — It also charges that it was understood between
them and represented by Shelby, that there was no negro in said title, except
a claim which Eugene Easton set up to said Certificate and that said Com-
plainant was willing and agreed to ignore said Easton claim —
He also attests that the said title was not at the time of Deciding said
Deed, the sole and only heir at law of said Isaac Shelby, but that there were persons
others, who were heirs at law of the said Isaac Shelby and as such entitled
to equal portions, with him, of the Estate of said Isaac, that is one
brother and one sister of half blood on the maternal side and attests that
Complainant purchased the interest of some of said half brothers and
sisters — and is liable to lose the portions of said Certificate —

which the others are entitled to and pray that said Bill, being compelled to
 refund to him, as much of the Twelve hundred Dollars, paid for said Certificate
 as will be equal to the proportion of the said five thousand of Jesse Shelby -
 the answer admits the sale of the Certificate and that the five thousand named
 in the bill are half brothers and sisters of Jesse Shelby, as stated, but denies
 that they are or were the heirs at law of the said Jesse, jointly with himself
 and also denies that the claim of Easton, was the only claim, which the
 complainant was to make, but alleges that the complainant was to
 make the claim of the said five half brothers and sisters - This is proven
 by the deposition of William Lawrence, who was present at the contract
 but not present when the Bond was executed, that the claim of Easton was
 the only one mentioned at the time and that the complainant was willing
 and agreed to pay the Price of Twelve hundred Dollars for said Certificate
 - and make Easton's claim - It is also proven by the testimony of
 another witness, that the defendant said after he sold the Certificate -
 that the Complainant had given him Twelve hundred Dollars for said
 Certificate and make Easton's claim, in this particular the answer
 is fully contradicted; It was proven on the part of
 the defendant, that Jesse Shelby died in July 1846
 ten hundred and seven and sixteen that at that
 time the estate descended to the five blood brothers

Decree

Continued

Deer
Continued,

in Exclusion of the brother and sister of the half blood; but it is the Opinion of the court, that the act of the Colonial Legislature, which took effect on the first of September Eighteen hundred and seven, did not alter the rule of descent as it existed in this country previous to that time. It is the Opinion of this court, that the five persons named in the complainant's bill, were heirs at law of the said Shelly jointly with the defendants, and as such, entitled to their respective proportions of the lands certificate, sold by said defendants to the complainant; and it is being proven that the complainant paid to the defendant three hundred dollars, for said certificate, Whereupon it is ordered, adjudged and decreed by the court, that the defendant refund to the complainant One thousand Dollars, it being the amount of the Value of five sixths parts of said certificate: And it is further adjudged ordered and decreed, that the complainant recover of the defendant, the said sum of One thousand dollars

"and also his costs and charges by him about his suit in this behalf expended; and that he have Execution thereof; And thereupon the defendant prayed and appeal of this writ to the next supreme court of the state of Missouri to be held for the fourth Judicial District &c."

Plene
Continued

James Hancock Complainant

vs

Ed. Shelby Defendant

"An Original Bill"

The parties by their solicitors came, and the defendant having entered into bond with security agreeable to law, and having heretofore prayed an appeal of this writ, to the next supreme court of the state of Missouri to be held for the fourth judicial district, said appeal as prayed for is allowed, therefore let no further proceedings be had therein, in this court.

Upwards to wit, at the Court of Auditors, N.H., 1830, before the Honorable John D. Cook Judge

of said circuit, the following proceedings were had
between the parties aforesaid,

"James Ramsdell Complainant

vs

"Eli Shelly Defendant

In Chancery

The parties

"by their attorneys came, and it appeared that the
"cause was certified to the Supreme Court of the
"State of Missouri, held for the fourth judicial district
"thereof, at their November Term 1820, the said
"Supreme Court remanded it to this with a copy
"of their written Opinion as follows

"On this cause there was a decree for the complainant
"but we cannot see for whom judgment ought to be
"given in this case, The court gave a decree on
"the ground, that it made no difference when
"Eli Shelly died, we think it might be wrong
"material whether he died before 1809 or not: This
"Court leaves that matter undetermined: The
"cause must be remanded to the Circuit Court

"with directions for that court to Enquire
 "a jury to ascertain the time when these Shetty
 "died, and also to Enquire how much Reward-
 "money was to the said, who claimed the Reward
 "and that the same be again certified to this
 "court for its further determination. Heathwell White

"Rufus Cotton

"George Compton Esq.

"Of course of which Opinion of the said Judge
 "court, this court do Order that a jury be empanelled
 "and sworn to ascertain the time when these Shetty
 "died, and also to Enquire how much Reward-
 "money was to the said who claimed the Reward, and
 "that issue be made up to try the facts aforesaid.

On the second day of the term last aforesaid
 before the judge aforesaid, the following proceeding
 was had between the parties aforesaid.

James Ramsdell Complainant }
 vs }
 The Shetty Defendants }
 Solicitors came, and issue was made up to try the facts.

Afterwards to-wit, on the 9th day of the Term last
aforesaid, before the Judge aforesaid, the following proceedings
were had between the parties aforesaid.

"James Ravenscroft Complainant

against

" Eli Shulby Defendant

In Chancery

"The parties by their attorneys came, and on motion
of the defendant, on affidavit filed, and that cause
was continued to next Term at his costs: On motion
of James Edward Esq^r counsel for the Plaintiff, leave
was granted him to withdraw certain affidavits
of record here sent from the County of New Mexico
afterwards, at the Term of December A.D. 1825, before
the Judge aforesaid, the following proceedings were had
between the parties aforesaid.

"James Ravenscroft Complainant

versus

" Eli Shulby Defendant

In Chancery
Shancery

"The parties by their solicitors came, and on

"motion of the complainant in affidavit filed, this
 "cause is continued until next term, at his calls &c.

Afterwards to wit, at the Term of
 April, A.D. 1826, before the Judge last
 aforesaid, the following proceedings
 were had between the parties aforesaid.

"James Hancock Complainant

against

"James Hancock Defendant

Original Bill

"The Plaintiff appe-

"ared, and it appearing that William Nottingham,

"Edward N. Matthews, Margaret Stringer, Eliza

"and Vandenberg, and Joseph Vandenberg witnesses

"on the part of the complainant, have been duly

"subpoenaed to attend here this day, and the

"said Witnesses being solemnly called, came

"not. It is therefore ordered by the court, that

"attachments do issue against said Witnesses

"returnable instant. And it is considered

"by the court that the complainant do pay the
"costs and charged in and about this cause upon
"that day. and this cause is continued until
"Friday next;

Friday 8th day of April 1826.

"David Ravenscroft complainant

Verdus

"Eli Shelly Defendant

Q. L. Rice

At appearing

"to the satisfaction of this court that W. Vandenburg
"and Elan Vandenburg intitled on the part of the
"complainant, against whom an attachment issued
"on the second day of this term, that they were within
"hearing of the court. The sheriff is permitted
"to release them from immediate custody, and said
"retainers are to await the further pleasure of
"this court.

Monday the 7th day of April term 1826

"Samuel Rainsworth Complainant"

Verdict

Original Bill

"Eli Shetty Defendant"

William Nottingham

"a witness on the part of the complainant, against whom
"an attachment issued on the part of the complainant
"against whom an attachment issued on the second day
"of the term, appeared and after stating the reasons
"why he did not appear as commanded under oath,
"is discharged from the custody of the Sheriff.

Eightth day April Term 1836.

April 18th 1836

"Samuel Rainsworth Complainant"

"Eli Shetty Defendant"

The complainant

"by G. H. Bird his counsel come, and on his motion
"leave is granted him to withdraw his notice to
"this defendant, for taking deposition at Newville

17
"Dorset County. Worcester,"

"James Barendse's Complainant"

And

"El Shelly Defendant"

} The Plaintiff by his

"counsel appeared, and the sheriff and the sheriff of

"the county of Cape Girardeau producing the body of

"Edward N. Mathers, a witness on the part of the

"complainant, against whom an attachment was issued

"and directed to the sheriff of the county of New Madrid

"and the said sheriff of New Madrid having delivered

"said Mathers to said sheriff of Cape Girardeau: the

"said Mathers is with the counsel of the complainant

"discharged from the custody of the said sheriff

"of Cape Girardeau."

Afterwards, at the Court aforesaid, on Wednesday

the ninth day of said term, and 19th of said month

the following proceedings were had between the parties

aforesaid.

"James Hazard and Complaint"

Attorn^t

Edw. Shelby Defendant

Original File
H. Schenck

"The parties by their solicitors came, and the defendant

withdrew his Complaint to the plaintiff's deposition"

"Hector Jones filed; whenupon came a jury, to wit,

"Charles G. Ellis 1 Samuel Patterson 7

"Nicholas Whitman 2, "William Withback 8

"William G. Hayes 3, "John G. Thompson 9

"William G. Graham 4, "Elijah Harris 10

"John Patterson 5, "Joseph Watson 11 and

"John D. Rife 6 "Jonathan H. Ellis 12) Imple

"good and lawful men who being duly ~~sworn~~ ^{sworn} returned

"true and sworn to try the issue of fact

"having joined, between the parties aforesaid,

"and the court and jury not having heard

"all the evidence, the jury of the jurors aforesaid

"are discharged until nine o'clock tomorrow

19th morning, at which time they are required to
"meet this court here, and proceed to the trial
"of this cause.

April 20th 1836. 10th day of the Term.

"James Tarsenroft complainant

vs

"Eli Shetty Defendant

} And Original Fee
in & recovery

"The parties by their solicitors came and the jurors

"empanelled and sworn to try the issue of

"fact herein joined between the parties aforesaid

"being called all came, and the court and

"jury not having had the hearing of all the

"evidence, the jury are adjourned to adjudge,

"and are required to meet this court here

"to morrow morning at nine o'clock, then

"to proceed in the trial of this cause.

April 21st 1836. 11th day of the Term

"James Tarsenroft complainant
vs
"Eli Shetty Defendant

} Original Fee &
Stareng -

"The parties by their solicitors came, and the
 "juror Eustis tried and sworn to try the issue
 "of fact between the parties herein, being called
 "all came into court, and the court and jury
 "not having had the hearing of all the evidence
 "in this case, the jury are permitted to retire
 "and are required to meet this court here to
 "morrow morning at Nine O'Clock, then to proceed
 "in the trial of this case."

April 22^d 1896. 12th day of the Term.

Samuel B. Wendroft Complainant

vs. ^{Wend} Shelby Wendroft } Original Petition
 Defendant } in Chancery.

"The parties by their solicitors came, and the
 "juror Eustis tried and sworn to try the issue
 "of fact between the parties herein, being called all
 "came and the court and jury not having had

"Hearing of all the Evidence in this case. The
"jurors are permitted to retire, and are requi-
"red to meet this court at Nine O'Clock a.m.,
"on Monday Morning next, then to proceed in the
"trial of this cause.

Office 24th Sep. 18th day of the Term.

"Daniel Rowlands Complainant

"Edward
"vs
"Helly Defendant
} On Original Pet
} in Chancery

"The parties by their counsel came, and the jurors
"examined tried and sworn to tell and truly
"try the issue of fact between the parties herein,
"and the court and jury not having had the
"hearing of all the argument of counsel
"on both sides, the jury of the juror advised
"are permitted to retire, and are required
"to meet this court here again to-morrow
"morning at Nine O'Clock, then to proceed

in the trial of this cause

April 20th 1836. 14th day of the Term.

Saml Townsend's Complaint

vs
Eli Shelly Defendant } In Original
} Here in Shewing

"The parties by their counsel came, and the
"jurors undismitted tried and sworn to try
"the issue of fact between the parties herein
"being called all came, and after hearing the argu-
"ment of counsel on both sides, the said jury retire
"from the bar of this court to consider of their verdict
"afterwards the jury of the jurors aforesaid came
"into court, and say that they cannot agree upon
"a verdict, and it appearing that one of the said
"is indicted, whereupon by consent of parties,
"Ordered that this jury be discharged from further

"attendance in this cause; And this cause is continued until next term."

Afterwards held, At the Term of August of said court, held at Durham in the said county of Northumberland, before the judge last last of said the following proceedings were had between the parties aforesaid.

"James Harwood of Complainant

"vs
The Shilling Defendants

"Original Piece"

"Of appearance

"that James Harwood, a witness on the part of the complainant, had been duly subpoenaed to attend here this day, and the said James Harwood being solemnly called came not, Whereupon on motion of the complainant, Ordered that an attachment do issue against the said James Harwood, returnable on Friday next. On motion of the plaintiff's counsel

an affidavit, Ordered that a subpoena duces tecum
do issue for Joseph David to produce the indentured
of Don & Vandenburg and Joseph Vandenburg.

August the 18th 1836. 3rd day Friday.

James Stancroft complainant

vs
Ed Shelly Defendant } Original file
in Chancery

The complainant by his counsel comd and filed
exceptions to the defendants deposition herein.

Ed Shelly Defendant

vs
James Stancroft Compt. } Original file in Chancery.
The defendant by his counsel

comd and files exceptions
to the plaintiffs deposition herein.

Afterwards to wit, at an adjourned term of the said

circuit court, held at the courthouse in the town
of Jackson, in said county of Casso Indiana, before the
judge last aforesaid, the following proceedings were
had between the parties aforesaid. September 18th 1826.

"James Harwood Complainant

vs

" Eli Shelby Defendant

Original File

On Exceptions

Filed to the defendants deposition on the sixth
" day of this term. The parties by their counsel
" appeared, and after argument, it is considered
" and ordered by the court that said Exceptions be
" Overruled,

" Eli Shelby defendant

vs

" James Harwood Complainant

Original File

On Exceptions Filed to the

" Plaintiffs deposition. The parties by their

26.
"could appear, and after argument, the said
"and adjudged that the said Captions be overruled

September 19th 1826. 8th day of the Term.

"James Wandcroft Complainant

vs

"Eli Helly Defendant

Original Rule
in Chancery

"Joseph David against whom a subpoena duces
"tecum was issued on the second day of the term appeared
"and answered on oath that he had, not at the time the said
"subpoena was served upon him, nor hath he at any
"time whatever had in his possession any indentured of
"apprentice ship or any other paper relating to the
"binding of Ben & Wandenburg and Joseph Wandenburg
"to him. Whereupon it is concluded that the said
"Joseph David thereof be discharged.

"The parties by their solicitors came whereupon came

27
"afternoon came a jury told Ct. Michael O'Connor 1. John
"Wright 2, Charles J. Malone 3, Andrew Martin 4
"Thomas Heale 5, David Bar 6, John Small 7. David J. O'
"Garrett 8, Samuel Jones 9. Edward M. Hammett 10. Mr.
"James Walling 11 and Samuel Mack. Martinson 12. Twelve good
"and lawful men who being duly selected tried and heard
"the plea and truly try the stand of fact between the
"parties herein, and the court and jury heard all
"the evidence in this case, the juror affidavit, the
"content of the parties are permitted to dispassion-
"edly weigh & think to tomorrow morning, at which time
"they are required to meet this court here and proceed
"in the trial of this cause.

September 26th 1886 Ninth day of the Term

"James Crawford's complainant

"vs. Respondent
"John Henry Defendant

} Original file in City.

"The parties by their counsel appear, and the juror im-
"paneled tried and sworn to try the stand of fact
"between these parties, being called all came, and the
"court and jury not having heard all the evidence
"of both parties, the juror affidavit are permitted
"to

"to return, and are required to meet this court here again
 the morrow morning at Eight O'clock then to proceed
 in this trial."

September 21st 1836. 21st day of the Term.

"James Barndorffs Complainant

vs

"Eli Shelly Defendant

Original Bill in
 Chancery.

"The parties by their solicitors came, and the jurors con-
 -sented to be sworn and sworn to well and truly try the
 -issue of fact between the parties herein being called,
 -come, and the court and jury not having heard
 -all the evidence, the jurors advised, are by consent
 -of parties, permitted to adjourn, till Eight O'clock
 -the morrow morning, when they are required to meet
 -this court here and proceed with this trial.

September 22^d 1836. 11th day of the Term.

"James Barndorffs Complainant

vs

"Eli Shelly Defendant

Original Bill in
 Chancery. The parties

"by their solicitors came, and the juror impeached
"ed and sworn to tell and truly try the issue of fact
"between the parties herein, and the juror aforesaid
"not having heard all the argument of counsel, the juror
"aforesaid, is committed, by order of the court, to disperse
"and is required to meet that court here to morrow mor-
"ning and proceed with the trial of this cause.
September 23rd 1826. 12th day Saturday.

James Henderson & Complainant
vs
Edw Shelly Defendant } Original Fee
in Chancery.

"The Parties by their solicitors came, and the juror
"impeached, tried and sworn to tell and truly try
"the issue of fact between the parties herein, and the
"juror aforesaid, after hearing all the evidence and
"argument of counsel of both sides, the juror aforesaid
"on their oaths do say, "We of the very find that
"the said Edw Shelly did suborn to the first day
"of September 1807, to wit in the month of June or July in the
"year of our Lord One thousand eight hundred and Eight.
"We further find that the said James did not pay
"for the said five shares in ~~the~~ the mentioned the

"the sum of twelve hundred dollars, or any part thereof."

"Ordered that the clerk of this court do certify the proceedings had herein together with the costs to the supreme court at their next term, to be holden within the fourth judicial circuit."

September 20th 1826. Monday the 13th day of the term

"James Hancock Complainant"

vs

"Eli Shelly Defendant"

Original Notice & Return

"The defendant by his

"counsel came and moved the court for a new trial on reasons filed."

September 20th 1826. 18th day of the term

"James Hancock complainant"

vs

"Eli Shelly Defendant"

Original Notice

"On motion of the

"complainant on reasons herein filed, for a new trial. His counsel said motion be overruled"

The cause was certified to the Supreme court, and the said Supreme court remanded the same to this court with their written Opinion, which said Opinion is in the following words:

"Samuel Ravenscroft

vs
Eli Whelley) Appal in Chancery from the Exchequer
) Grandass Circuit Court.

"Ravenscroft the complainant filed his bill in Chancery against Eli Whelley, in which he stated that on the 31st October 1817 he purchased of Eli Whelley "a certificate for a new location of 640 acres of land, commonly a new made certificate numbered 2006 and granted to Henry Watson, or his legal representatives, that Whelley might execute to him their deed of bargain and sale without "warranty" of which no exhibit is made. That the consideration paid was 1200⁰⁰ £. That personally to the date of said certificate one

Primer
 appears
 heart
 could.

"Reel Shelly had acquired the legal title to the tract
 of land in said certificate mentioned, and in that
 bond and the legal representative of said Henry
 "Matters, and by virtue of said certificate would
 have had right to locate said Otto and of
 land. That previous to the date of said certificate
 "W.B. in the year 1808 the said Reel Shelly died in
 estate, whereby the right to make the said
 location descended to his heirs at law; that
 said Eli Shelly in order to induce him to
 purchase the certificate, represented to him
 that he Eli Shelly was the only heir at law
 of said Reel Shelly that he confided in these
 representations, and purchased without any doubt,
 that the legal title thereto was in said Eli.
 That he had since discovered that there were
 other heirs, to wit, five brothers & sisters of the half
 blood and also wife. He answers admitts the
 "sale of the certificate & the consideration ad
 stated

- "stated in the file, but denied all fraudulent
 "representation; and says that the complainant
 "made, as he believed, well acquainted with all the
 "persons who purchased a claim to the land in ques-
 "tion and intends his own title to it is good.
 "The plaintiff replied to the answer: the plaintiff went
 "to trial on the file answer and evidence. At the
 "August Term of the circuit court, for the year 1894
 "a decree was made for the complainant. The
 "court found it proved by evidence given on the
 "trial, that Reuben Whalley died in July 1887, but
 "decided that by the law of descent, that in fee,
 "land descended to the brother and sisters in
 "equal shares, whether they were all of the whole
 "blood or partly of the whole and partly of the half
 "blood. At the May Term of this court, for the year
 "1895, this cause then being in this court on appeal
 "was remanded to the circuit court, with directions
 "that a jury should be empanelled to ascertain
 "the time when Reuben Whalley died, & how much

"Tawndroff had said to the friend whom claimed
 "he had purchased, in making this order that
 "court is now of opinion, that it committed an
 "an error, of the opinion of third court, that the
 "same of Decree as it exhibited in July 1809 and
 "materially changed by our statute law that went
 "into force on 1st September 1809 and this court be-
 "lieving that it had no power to make such a
 "decree, on the facts found under its order of
 "May 1820, as the circuit court could make, are
 "of opinion that the decree of the circuit court be
 "reversed, and that this cause be remanded with the
 "few exceptions.

W. W. Clark
 Geo Thompson
 R. W. Clark
 Judged

afterwards, at the term of December 1826, before
 the judge last appointed, at session in said county of
 Cassa Guiana, the following proceedings
 were had between the parties aforesaid.

30, Thursday December 14th 1826. 4th day of the Term

James Townsend Complainant

Original Rule &
Chancery.

vs
Eli Shelly Defendant

"The defendant by his counsel moved and moved
the court, to rule the complainant to give de-
"cree for costs."

Thursday December 22^d 1826 " 11th day of the Term.

James Townsend Complainant

vs
Original Rule
Chancery

Eli Shelly Defendant

Ordered that the clerk of this court, do certify
"the proceedings had between the parties herein to the
"court of Sessions, there to be determined; as the judge
"of this court, made of Original Counsel for said
"complainant."

A statement of the costs which accrued, previous to the granting
 the appeal in the present case said.

0	+	Clark	Chadborn	of Thomas	\$ 20	16
0	+	Sherrill	William	Creath	05	10
0	+	"	W. H. McKim	(Scott & Co)	"	05
0	+	Witness	John C	Hardison	6	"
0	+	"	Edley	Evans	05	"
0	+	"	Spence	Evans	05	"
0	+	"	Samuel	Smith	4	30
					<u>\$ 46 00</u>	

Costs taxed against the complainant and
 process &c.

0	+	Clark	Evans	Evans	47	37
0	+	Sherrill	Creath		21	00

Carried forward \$ 68 37 1/2

	Amount	Proportion	Total
Robert Forward	\$68 97c	46 06c	
Dorment	3 "	"	
Duniff	1 50	"	
Wm. Tucker (Boy's)	5 00	"	
Wm. H. H. H. H. H.	" 50	"	
Samuel M. H. H. H.	2 "	"	
John C. H. H. H.	2 "	"	
Geo. Parker	5 50	"	
Daniel H. H. H.	44 00	"	
David H. H. H.	10 40	"	
Joseph H. H. H.	8 50	"	
James H. H. H.	3 00	"	
Henry H. H. H.	2 00	"	
Wm. H. H. H.	8 50	"	
David H. H. H.	13 30	"	
Joseph H. H. H.	26 80	"	
John H. H. H.	1 00	"	

Bar. Forward

\$205.32 + 46.06 =

Chas³⁸
Comp^d into Amount

\$205, 37^{rs} 46^{cts}

Am. H ^{rs} & Forward	John Evans	27 00
Wetmore	Morgan Payne	5 50
"	Andrew H. Hony	3 70
"	Wm. Smith	1 80
"	James Smith	1 80
"	Samuel Brewster	1 50
"	Joseph Dunway	1 00
"	Peter Dunway	10 00
"	Raney Dunway	10 00
"	Robert Hony	4 00
"	Wesley Payne	4 20
"	Saunders Marshall	13 "
"	Edward & Matthew	11 00
"	Wesley Miller	4 50
"	Emack Evans	38 00
Com ^d Forward		342 37 ^{rs} 46 ^{cts}

amt not forward	Cup to 20	whole amt
amt not forward	342 37 1/2	46 06 1/2
William Withington	12 50	
Geo. Withington	4 "	
Modesty E. Weyand	2 1/2 "	
William Carpenter	6 90	
John Wiley	12 60	
William Stilla	13 00	
Robert E. W. Atton	24 00	
Abraham Hunter	17 "	
Eugene Carpenter	17 40	
Robert Stotter	13 60	
Ethan Steele	5 00	
W. J. Little	3 30	
Jacob Weyand	6 00	
amt not forward	543 74	

Am. H. Co. Howard

Watts David against the defendant as a forerunner.

Complete
Watts
Amount 440

543 74

✓ Black R Daugherty

7 705

✓ Sheriff

Knott (1846 60)

0 00

✓ James

James Summers (1846)

3 3 1/2

✓ Sheriff

Robt. H. Brown (1846)

0 00

✓ Deputy

M. W. McKin (1846)

0 00

✓ Sheriff

Ed. La. Hapkins (1846)

1 13 1/2

✓ White

Don L. Wadsworth

3 20

+

Joseph Wadsworth

3 70

+

Isaac Brown

13 00

+

James Smith

8 90

0 +

Joseph R. May

36 00

James R. Adams

20 00

+

John Summers

17 40

✓ Sally Summers

17 40

0 +

✓ Mary Moore

10 00

and Can. for 2
143 80 543 74

	Dr	Cr	Balance
Am't Brought forward			\$143 85
Wm. H. H. H. H.	10 00		
"	5 00		
"	8 40		
"	16 00		
"	4 00		
"	18 00		
"	18 00		
"	6 00		
"	3 80		
"	10 60		
"	19 00		
"	34 50		
Wm. H. H. H. H.		289 10	
at December 31st 1892 (as per audit)			\$289 10
Wm. H. H. H. H.	8 69 1/4		
"	4 80		
"	4 00		
"	4 30		
"	3 00		
"	5 00	28 99 1/4	
Amount Brought forward			\$870.68 1/4

and sent forward

List of disbursements

taken by the Comptrolleur and paid for by him

1803- Upon James B. Collins

\$ 12 50

2 56 1/4

8 50 68 1/4

" Same " " "

Upon same " Same " "

6 00

" Robert F. Silmore " "

0 30

" C. H. Staats " "

" 00

" Same " " "

1 16 1/4

" Peter R. Harrell " "

0 00

" J. Curran & Co " "

1 12 1/2

25 40

List of disbursements

of Records for Comptrolleur (1803)

1 Record from S. S. Hout to S. S. Hout

1 70

1 do from same " "

1 68

1 do from same as copy of Private

2 10

1 do from same as copy of Private

2 30

1 do from same " "

1 68

1 do from same as copy of Private

1 60

1 do from Gray & Ingram as copy

2 02 1/2

48 1/4

and sent forward

\$ 409

16 3/4

Am. Soc. Forward		\$17	50	
W. Smith	+	1	30	
James Smith	+	1	00	
Henry Murray	+	9	00	
John Murray	+	9	00	
George Walker	+	4	00	
Sam. L. Thompson	+	6	00	
Enoch Evans	+	6	00	
Frank Summers	+	9	40	
Joseph Stuart	+	8	00	
James Moore	+	2	00	
Henry Moore	+	2	00	
Joseph Laplante	+	8	50	
John A. Vandenberg	+	2	20	
Joseph Vandenberg	+	2	20	
Bar. Forward		\$90	65	

Amount due forward		\$	90	65	
Costs of 2 ^d day April Term 1826.					
Black	Reeph Daugherty		2	13	1
Whitaker	George Whacker		1	00	
"	John Sumner		1	00	
"	John Leonard		1	00	1
"	Morgan Hyman		"	00	
"	Lucy Smith		"	00	
"	Samuel Smith		"	00	1
"	Deane Deane		0	00	
"	Samuel Hamner		0	00	
"	Frank Hamner		1	00	1
"	Robert Anthony		"	00	
"	Wesley Hyman		"	00	
"	John Leonard		1	00	
"	Joseph Vandenberg		"	00	

Carry forward

\$ 11 13 101/98

Am. Tract Forward	101	78	
Wm. Fox & Wadsworth	"	50	
" Morgan & Agnew	"	50	
" Enock & Enock	1	00	
" Wm. Livingston	1	00	
" Jacob M. Ashhall	1	00	
" Daniel & Thudor	1	00	
" Andrew & Henry	"	50	
Abidged absolutely against Comptains	1107	28	107 28

The following have been abridged
abstracts against defendant 1813

Methods	Enock & Enock	4	60	
"	Carl Wadsworth	3	20	
"	Joseph Wadsworth	3	70	
"	Isaac & Enock	2	50	
Book	A. & Enock	7	90	
Wm. R. & Enock	"	"	50	
Trinity Methodist Socy -		23	80	

Part of the foregoing costs have been
paid by the complainant, as follows;

of H. W. Cutler Sheriff New Madrid 6 th "	20	
W. C. Samuel Brandenburg P.	1 50	
" Sally Smith	1 80	
" James Smith	1 80	
" Mary Denny	9 00	
" Peter Denny	9 00	
" Daniel Stinger	20 00	
" Brock Bond	16 00	
" Wally Sumner	9 90	
" Joseph Munot	8 50	
" Isaac Moore	3 00	
" Mary Moore	2 00	
" Joseph LaPlante	8 00	
" Don L. Wandenburg	7 40	
" Joseph Wandenburg	7 90	
" John Sumner	1 00	
" John Bond	9 00	
Car? forward	121 80	

121 80

Saml Howard		\$121 80	
Wethers	Morgan Pryme	5 50	
"	Robert Gibson	4 00	
"	Wooded Pryme	4 20	
"	Mrs. Nottingham	12 50	
"	George Nottingham	4 00	
"	Geor. Marshall	13 00	
"	Edw. W. Matthews	11 "	
"	George Wauker	5 00	
"	Geo. B. McArthur	2 00	
"	Do. J. J. McKend	1 00	
"	And. M. Gibson	3 70	\$188, 20
Paid of the foregoing with hable Sam Paid			
by the depts out, as follows,			
Christ	P. O. Brown	" 00	
"	Don L. Vandenburg	3 20	
"	Do. Vandenburg	3 70	
"	Chas. Brown	7 00	
"	Samuel Smith	4 30	
"	Can. form and	\$18 70	

x
x
x
x

	Am. H. B. Forward	18	90
	Wetings Saml. Handcraft	4	60
X	" John Edmund	~~17~~ 14	40
"	" Sally Edmund	14	40
"	" Sally Brown	14	50
X	" John Wheeler	10	00
"	" John Hall	5	50
"	" Sally Smith	3	80
X	" George Morrison	4	00
"	" George Walker	16	00
"	" Peter Plunney	9	00
X	" Nancy Plunney	9	00
X	" Joseph Plunney	16	00
X	" Peter Plunney	18	00
X	" Nancy Plunney	18	00
X	Blake Rachel Coughlin	1	23
		154	93

One hundred and fifty four dollars and 93/100

December
Term 1826.

Filing Proceedings Supreme Court	6 1/4
Appearance 10. Motion for Security for cost	20
Motion for Change of Venue	20
Rule 20	20
Fee on this Record	1.00
Copying 6244 words	6.24
Cutty and Seal	20
	\$ 8 6 1/4

State of Missouri
County of Cape Girardeau
District Court, Clerk's Office

I, Ralph Daugherty Clerk of
the circuit court, within and for said county in said
State certify that the foregoing Fifth Page, contains a
true and perfect record of the proceedings
had in the said aforesaid, as fully as the same
remain of record in said circuit court.

In Witness whereof, I have hereunto
set my hand and affix my Seal of
Office at Jackson, this 20th of January
1827

R. Daugherty Clerk
by his deputy
Chas. Daugherty

For one dollar paid by Comptrolleur

James Ravenscroft
Eli Shelby } Bill in Chancery.

The petition of the above named def^s respect-
fully sheweth, that at the December term in the
year 1826 there was a change of venue or-
and in the above cause ~~from~~ the circuit court
of the county of Cape Girardeau to this court
on account of the judge of the 4th Judicial Cir-
cuit having been counsel on the part of the
complainant - that this ~~petitioner~~ ^{the} petitioner caused frequent
inquiries to be made at ~~the~~ Clerk's office of that cir-
cuit ^{court} to ascertain whether the papers & transcripts
of the record had in obedience to the order made
for a change of venue been transmitted to
the office of this court; that the papers & trans-
cripts were not received at this office till the
eighth day of June - last, that the fact of
the papers having been taken from the office was
not known to this petitioner until ^{after} the session
of the court at this place, when it was too
late to attend, ~~at this~~ he living in the county of
New-Madrid, nor was it known to the agent of
your petitioner till the time of its session, he liv-
ing when it was too late to attend, he living
in the county of Cape Girardeau, distant from
this place about 100 miles & your petitioner 70
miles further - In consequence whereof neither
this petitioner nor his agent attended at the
last term of this court & no preparation was

was made for trial at that term. That at the
last term in the absence of your petitioner the cause
was taken up for hearing, though objected to by one
of the counsel of your petitioner on the ground
that the papers had not been here a sufficient
length of time before the term of court, as he
is informed & believes - that the cause was then
heard & is now under advisement. Your petiti-
oner represents that a great number of wit-
nesses were examined on his behalf at the trial
of the issues in said cause at the circuit court
of Cape Girardeau, whose testimony is not on
file in the cause, that your petitioner had
he known that the cause would have been for
hearing at the last term could & would have
had an abundance of testimony, but being igno-
rant of the papers being ~~in~~ this court, his case
was wholly undefended, that your petitioner
believes if the case could be opened & leave
given to him to introduce testimony he would
be enabled to offer testimony which would
change the opinion which the court may have
formed of the case from the testimony now
on file - Your petitioner represents, that since
the trial of the issues in the circuit court of
Cape Girardeau & before the last term of this
court he ^{has} discovered many immaterial witnesses
who can testify on his behalf - And steps were taken
to ~~have their testimony~~ at the last term of this
court under a full belief that the case was

not for trial in one course of chancery prac-
tice at that term. Your petitioner further
represents, that before ^{after} the papers were trans-
mitted he was informed by Alexander Buck-
ner one of his counsel in the cause that the
same could not be taken up for hearing at
the first term of this court, unless the papers
had been here the space of sixty days before
the commencement of the term - that
at that time the fact of the removal of
the papers was known to the agent of your
petitioner, this court was in session & the
Clerk of the circuit Court of Cape Girar-
deau then informed said agent that the
papers had been forwarded a few days be-
fore - Wherefore your petitioner prays,
that the cause may be opened for
hearing at the next term of this court, to
enable your petitioner to make that defense
which he is from the merits of the case
entitled to -

Respectfully by his solicitor
B. Allen

State of Missouri
County of Jefferson,

Personally appeared in open court Joseph
Lewis, who being duly sworn, saith that he is the agent of the
above named petitioner there been such during the
progress of the above cause, in the same; that he knows
the facts stated in the above & foregoing petition to be
true.
From to in open Court
October 25th 1877
Chauncey Smith Clerk

Joseph Lewis

Shelby
and
Barnes } signed and

Some Remonstrance, Affirmation & Court
as
File the Day

This day came the Defendant by his
Petitioner & on the Petition & affidavits
of what the following is a copy made for a
rehearing in this cause (here insert the
Petition & affidavits) - This Motion was
approved by the complainant but ^{was} disclaimed by
the court to the decision of the court in
granting a rehearing the complainant
excepts & tenders this bill of exceptions which
is signed sealed & made part of the record
Wm. C. Carr (Seal)

Barncroft

as in
Belly -

Filed Oct 12th 1867
Chy Smith Elk

James Ravenscroft Complainant } In chancery in the
vs } circuit Court for the
Eli Shelby Defendant } County of Jefferson in the
Third Judicial Circuit of
the State of Missouri

M^r James Ravenscroft

you will please to take notice that
I shall attend at the house of Mark H Statcup in
the county of Scott in the township of Richland in
the state of Missouri on the sixteenth & seventeenth day of Jan
uary between the hours of Eight O'clock in
the forenoon & six O'clock in the afternoon of said
days to take the depositions of witnesses to be ^{read} taken
in evidence on the hearing of the cause now depend
ing in the Circuit Court for the County of Jefferson
on the Chancery Side thereof in this State Whereof
you are Complainant & I am the Defendant When
& Where you may attend if you please

Dec^r

January 9th 1828

Eli Shelby

County of Caspervandenau sit.

Thomas Baker being duly sworn according to law
deposeth and saith that on wednes the ninth day
of the present month about eleven o'clock of the forenoon
of that day that he recd^d a copy of the above rule
and notice on James Ravenscroft above nam^d by putting
a true copy of the within into his hands. And further
the said Thomas Baker saith not Thomas Baker
Subscribed

Sworn to and subscribed, before me a Justice of the peace
within and for the County aforesaid
The 12 day of Jan^r, 1828 George W. Hammond J. P.

James Ravenscroft Complainant } In Chancery in the
VS } Circuit Court for the
Eli Shelby Defendant } county Jefferson in the
Third Judicial Circuit
of the State of Missouri

M^r James Ravenscroft

You will please to take notice that
I shall attend at the Clerks office in the County of
New Madrid in the township of New Madrid in the
State of Missouri on the nineteenth & 21st days of January
between the hours of eight O'clock in the fore
noon & six O'clock in the afternoon of said days to take
the depositions of witnesses to be read in evidence
on the hearing of the Cause now depending in the
Circuit Court for the county of Jefferson on the
Chancery Side thereof ^{in this State} Whereas you are complainant
& I am defendant When & Where you may attend
if you please

Eli Shelby

January 9th 1828

County of Cape Girardeau sh.

Thomas Baker being duly sworn according to law deposeth
and saith that on Wednesday the ninth day of the first
month January about eleven o'clock of that day he received
a copy of the above rule and notice on James Ravens-
croft above named by putting a true copy of the within
into his hands And further the said Thomas
Baker saith not

Thomas Baker
Sworn to and Subscribed before me a Justice of the peace
within and for the County aforesaid this 12th day of
January 1828
George Shannon J. P.

James Rammeroff } Suit in Chancery remand from
against } Cape Girardeau 1st Judicial
Eli Shelly } Circuit to Jefferson Circuit
in the 3rd Judicial Circuit

To the above named Plaintiff You will
take notice that on Tuesday the 5th day
of February next & Wednesday the 6th day
of the same month at the Clerk's office
in the town of New Madrid County of
New Madrid & State of Missouri between
the hours of ten O'clock in the forenoon &
six in the afternoon of the same days and
I shall attend at the house of Robert Ram-
meroff in the town of Benton in the County of
Scott in said State on Monday the 11th
12th 13th of the ^{said} month of ~~February~~ 1828
and I will attend at the Clerk's office in the
town of Herculaneum in the County of Jefferson
in said State on ~~Thursday the 28th~~ ~~Friday the 29th~~ ~~of the~~
~~same month~~ ~~Wednesday~~ ~~of the~~
same month I shall there attend and take
depositions to be read in evidence the foregoing
suit when and where you may attend
and cross examine if you think proper
James Evans, atty. for
Benton Scott County }
Jan'y. 23rd 1828 } plff.
I shall also attend at the Clerk's office of the

County Court in the Town of Jackson in
the County of Cape Girardeau on Friday
the 22nd and Saturday the 23rd of
the same month of February 1828

Benton Janry. 23rd } James Evans
County of Scott } atty for plff

Served the within Notice on Eli Shelby by
giving him a copy of the within at his
Place of Residence in Cape Girardeau
Town Ship this 29th of January 1828

Shuff's fee 50 cents } Wm. G. Byrd Deputy Sheriff
of Cape Girardeau City

Witness
my hand & seal
this 29th day of Janry
1828

James Ravenscroft Esq. in Charge
versus
Eli. Shelly. 3 Jefferson County
3 Judicial Circuit

The above defendant will
take notice that on Friday the 22^d and
Saturday the 23^d days of February 1878 at
the Clerk's office for the County of
Jeffer. General term between the parties
of this action in the forenoon and
in the afternoon of each of
the said days I shall proceed to take
the Depositions of witnesses to be read
on the trial of the above cause when
and where upon may attend.
Yours
James Ravenscroft

16 of Feby 1878.

Executed this Notice
on Eli Shelly by Giving
him a true Copy of the
same This 15th of May 1828

John Hendricks
Shiff

~~Done and attested at the Court
of the said County of Worcester
this 15th of May 1828~~