

Jefferson County Circuit Court
Case Files - Civil
June 1827

Folder 4 of 4

Box 1 Folder 35

Ravenscroft, 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

State of Missouri

County of Cape Girardeau

Be it remembered that in pursuance of a notice to me shown and proven I have caused, to come before me the Subwriter a justice of the peace in and for the County of Cape Girardeau in the State of Missouri at the House of Alexander Buckner in the Township of Cape Girardeau in the County of Cape Girardeau and State aforesaid, on the fifteenth day of this instant in the year One thousand eight hundred and twenty eight between the hours of eight o'clock of the forenoon and six o'clock of the afternoon of that day certain witnesses and have then their Depositions to wit, ^{Darboon} Darboon, Isaac Devore, Sally Devore, James Smith, Sally Smith, John B. Schuler, John Hendrix, Elizabeth Meligan, William Myrd, Robert Gibson, Thomas Baker, James Williams To be read in evidence in a certain cause in chancery between James Maverscroft is Complainant and Eli Shelby is defendant depending in the Circuit Court for the County of Jefferson in the State aforesaid On the part of the Defendant The said witnesses being of lawful age and duly cautioned, & sworn Deposition and said Darboon Harboron being ~~perpetrated~~ sworn saith That on the 31st day of January last he saw, a copy

of the annexed Notice on ² James Ravenscroft the com-
plainant by putting the same into his hands
the deponent saith that he lives upwards of
sixty miles from Hornalaminum Further
he saith not

Darwin B. Harbeson

Sworn to and subscribed before
me a justice of the peace

within and for the County

of once and this 15th day of February 1828

on the day and at the place between the hours first aforesaid
~~and~~ George Mohannon J.

John B. Wheeler being first sworn saith
That in the year one thousand eight hundred and eight
about the twentieth day of November of that year
he landed at New Madrid and being acquainted
with the family of Piers Shelby in the Monong-
ahela County he made some inquiry after
the family in this country and was informed
that Piers Shelby had been dead about eight
months he further saith that he continued in the
County of New Madrid about seven years that
during said time he did not see Piers Shelby
questioned by the agent of the complainant.

Was you personally acquainted with Piers Shelby and
had you any personal knowledge of his death

Answer I was not acquainted with him neither
had I any personal knowledge of his death
Further this deponent saith not

Sworn to and subscribed before me John B. Wheeler
a justice of the peace

with in and for the County of ³affore this th 15 day of February
1828 at the place and between the hours first thaforded
George Mohammon J. S.

John Hendry being first sworn saith
question by the Defendant

Are you well acquainted with the circumstances
of James Ravenscroft the complainant.

Answer yes I am. I hold an execution at this
time against him for about the sum of one
thousand Dollars. I make no calculation
of that he has property sufficient
to make money enough to satisfy
the said Executions.

I do not believe that I shall be able
to make at the Extent more than
one hundred dollars.

This is my knowledge of his
property in this County. Question by the court
are you Sheriff of this County?
Answer I am

Sworn to and subscribed John Hendry
before me a Justice of the
peace within and for the County
of thaffore, this 15 day of February
1828 at the place and between the hours first thaforded
George Mohammon J. S.

Sally Smith being first sworn saith —
question by the defendant were you acquainted
with Mrs Shelby — Answer I was please to
state in what year he died he died in the
year one thousand eight hundred and seven
in the month of June or July was you at
his death Answer I was not I was at his bu-
rial what makes me recall the time was
in consequence of one of my children which
was a sucking baby at the time of his death
which child was born in the year one thousand
eight hundred and six in ^{the month of} October of that year
question by the plaintiff Do you know in what year your
next youngest child was born Answer I do not
know without I was to take time to count it.
up question by the same Do you recall
what time any of your other children
were born Answer I recall when my
youngest was born but I do not recall
without counting up when any but the
two were born question by the same
what reason have you to believe the first
child your name was born at the time you
speak of, Answer I believe it because its
name was set down, I recollect further
this defendant saith not Sally ^{her mother} Smith

Sworn to and subscribed, before me a justice of the peace
in and for the County of one this ^{fifteenth} day of
February 1828 at the place and ^{between the hours first aforesaid}
George Mohannon J. S.

James Smith being first sworn saith

I was well acquainted with Mrs Shelby I was at his
death he died in the year one thousand
eight hundred and seven and to the best of
my knowledge in the month of July of that year
which circumstance I recollect from the birth
of one of my children which child was born
I think the 24th day of October one thousand
eight hundred & six which was sucking its mother
at the time of the death of said Shelby - Question
by the Plaintiff how long did the child you
speak of suck its Mother Answer I cannot
answer in the positive but think in the gene-
ral they suck, a bout one year, ^{Question} by the same
when was your next youngest child born
Answer in August one thousand eight hun-
dred and eight Question by the same how do you
know the child you speak of was sucking at the
time of said Shelby's death Answer I think it
probable I assure, it is my arms which is the only
reason I think of at this time Further this depo-
nant saith not

Sworn to and subscribed, before a justice of James Smith
the Peace ^{in and for the County of one}
this 14th of Feb. 1828, at the place & between the hours first aforesaid
George Mohannon J. S.

James Williams being first sworn saith
that about the first of March in the year one thousand
eight hundred and seven my father moved to new
madrid County and settled near the town of
newmadrid within two or two and a half
miles of the place where he afterwards was
informed a certain Bruce Shelby (brother
to Eli Shelby) died that he was not person-
ally acquainted with Bruce Shelby but about
the middle of the next summer the General
report of the Neighborhood was ~~deposed~~
that Bruce Shelby was dead that short-
ly after his hearing the report he saw
Eli Shelby and spoke to him of the cir-
cumstances which appeared to affect him very
much - he further saith that agreeable to the
best impressions on his mind that Doctor
Walters died the next winter after the death
of said Shelby - Question by the Plaintiff -
do you know in what year your Carver left
Newmadrid Answer my impressions are
that he left that Country between the spring
eight hundred and seven and the spring
eight hundred and eight - Question by
the same How far did Isaac Devore live
from Newmadrid at that time Answer he lived
near Mr. Lewis and he thinks within four or
five miles of Newmadrid

I further this deponent saith not
sworn to before me a justice of the peace within and for the County of James Williams
affords, this 13th day February 1828
at the place and between the hours first aforesaid
George Bohannon J. S.,

Depositions of witnesses produced sworn and examined
on the sixteenth day of February eighteen hundred
and twenty eight between the hours of eight o'clock
in the forenoon and six o'clock in the afternoon of
that day at the house of Alexander Buckner in the
Township of Cape Girardeau in the County of Cape
Girardeau in the State of Missouri before me
George Bohannon 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 aforesaid wherein James
Ravenscraft is Plaintiff and Eli Shelby defendant
continued from yesterday the 15th Feb 1828

Sally Devore of lawful age being produced sworn
and examined on the part of the defendant
deposeth and saith she was very well acquainted
with Reese Shelby that he died at New Madrid
in the year eighteen hundred and seven she
was at the house of ^{Mrs Sally Brant} ~~some~~ ~~Reese~~ Shelby when he
was sick and ~~was~~ set up with him all night
and was at his burial she believes the said
Reese Shelby died in the month of July eighteen
hundred and seven but cannot ~~not~~ recollect
the time of the month the said Reese Shelby
died at the house of ~~Mrs~~ Sally Brant where
this deponent saw him sick & set up

with him.

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2 by Plt. What are the circumstances which induce you to believe Reese Shelly died in the year eighteen hundred and seven

A. I know it from the place where I lived. We moved from ~~that place in the fall~~ the place on which we then lived in the fall of 1807 or spring of 1808. and raised four crops before the shaking of the earth came on in the winter of ~~eighteen~~ hundred and eleven ^{in December} and further I know it from the circumstance of my own Mother dying the same year eighteen hundred and seven.

2 by Plt. Where did you live every year after Reese Shelly died until the earthquake in eighteen hundred and eleven.

Answer. I lived three years on Mr Farris's place and one year on ~~our~~ the place we bought which made the four crops

2. by Plt. Will you state your reasons for believing your mother died in eighteen hundred and seven.

Answer. I know she ~~did~~ die that year I have no record of it further than that I have kept in my ~~head~~ ^{memory}.

2nd by Plt. Did your mother or Reese Shelly die first.
An — My Mother.

2nd by Plt. Where did you live when your mother died

Answer. In New Madrid County

Question by Plt. How far did you live from the Town of New Madrid

Answer — As near as I can guess about five miles in the direction of the swamp.

Question by Plt. Did your Mother die before you rented Farris's farm

Answer. Yes.

Question by Plt. Do you recollect when Doctor Waters died

An. I believe he died after Reese Shelly died but I cannot state the time ^{exactly} he died sometime in the winter

Question by Plt's agent. How long after Reese Shelly's death was it before Doctor Waters died

Answer. Shelly died in the summer and Waters sometime in the winter

Question by Plt. Do you recollect whether Mr. Carroll left Madrid after the death of Reese Shelly or before

Answer. I think he left Madrid afterwards.

Question by same. Do you recollect ~~at~~ the time Mr. Carroll left New Madrid

Answer. I am not sure but think it was in the spring

Question by same. Do you recollect when a boy by the name of Vanenburgh was bound to Mr. Lewis

Answer. I do not

Question by same. Do you recollect if it was the spring Mr. Carroll left there

Answer. I do not

Question by same. Was Vanenburgh bound to Mr. Lewis before or after the death of Reese Shelly

An. I do not know

Question by same. Do you know when Nancy Lewis was born

Answer. I cannot say certain when she was born

Question by same. Was she born before or after the death of Reese Shelly

Answer. I thought she was born before ^{in the spring} but am not certain

Question by same. Was she born the spring Mr. Carrole left New Madrid

Answer. No. she must have been born the spring before if she was born before Reese Shelly died.

Question by same. Why do you think your mother & Reese Shelly died the same year

Answer. The reason I know one of my Brothers came to live with us after my mother died and was with us when Reese Shelby died and went to his burial

Question by same } State what circumstances induces you to believe your Brother lived with you that year

Answer } ~~I know that~~ ~~you can give no other reasons than~~ ~~that~~
 He never lived with us before & lived with us that summer

Question by same } Have you any record to shew he lived with you that year

Ans. No I know it well without a record.

Question by same } Is your recollection good as to circumstances that passed at the time of the death of Reese Shelby

Ans. I used to think it was very good when I was young and I do not think it is much impaired by age though I cannot remember as well as I used to. my recollection of the circumstances that occurred about the time that Reese Shelby died is I think very good.

Sworn to and subscribed to before me ^{his mark} Sally J. Devore
 on the 16th day of February 1878 at
 the place & within the hours aforesaid

George Mohamony, P.D.

Elizabeth Mulligan of lawful age being produced sworn and examined on the part of the defendants deposed and saith

That she knows where Shelby died in the year one thousand eight hundred & seven in the month of June or July she ~~was~~ knew Reese Shelby very well when she saw him was not intimately acquainted with ~~him~~ she lived in the neighborhood of New Madrid in the years eighteen hundred & seven and eighteen hundred eight and moved from there in February

eighteen hundred and nine.

Question by Self { What reasons have you to believe Reese Shelby died in the year eighteen hundred and seven

Answer. Obadiah Woodson came to our house and said Reese Shelby was dead I had heard previously Reese Shelby was sick at Mrs Brant. and what calls it to my recollection was Doct. Waters died in the winter after Reese Shelby died and Obadiah Woodson died a few days after Doct. Waters

Question by Same { What year did Doct. Waters die

Answer. In December eighteen hundred and seven

Question by same { What induces you believe Doct. Waters died in eighteen hundred and seven

Answer. I know it from the circumstances of my marriage which took place in April eight hundred and eight and Doct. Waters was then dead

Question by same { How long after Doct. Waters death before you were married

Answer. Doct. Waters died December eight teen hundred & seven and I was married in April eighteen hundred and eight

Question by same { How do you know you were married in eighteen hundred and eight

Answer. I have the certificate of it at home

Question by same { Do you know when Nancy Lewis was born & if she was born before or after the death of Reese Shelby

Answer. I cannot tell when she was born and I do not know whether she was born before or after the death of Reese Shelby.

Question { Do you ^{know} whether she was born before Mr. Carroll left Madrid

Answer I do not

Question { Do you ^{know} if she was not born in the spring of same Mr. Carroll left Madrid

Ans - I know she was born in the spring but cannot tell what spring.

Question { What year did Mr. Carroll leave New Madrid

Answer. In eighteen hundred and eight in the spring of that year

Question { Did Mr. Carroll leave there the spring the young Vanenburgs were bound to Mr. Lewis

Answer. I do not know any thing about their being bound I remember seeing them at Mr. Lewis in eighteen hundred eight.

Question { Was Nancy Lewis born the spring you saw them there

Answer I cannot recollect

Question { Do you recollect the birth of Nancy Lewis

Answer. I do, but the time I do not

Question { What are the circumstances that cause you to recollect her birth

Answer I was in the house at the time

Question { Where did you live when Reese Shelby died

Ans. I lived close by Mr. Lewis's with my father on my father's plantation

Question { Where did you live from that time till the earthquake

Answer. When I married in eighteen hundred & eight my husband attended a crop with my father in eighteen hundred & nine we moved ~~there~~ about the little prairie and attended a crop on a new

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place we moved from there ten miles below the
little Prairie and attended two crops one in new
place one in eighteen hundred and ten and
one in eighteen hundred eleven which year the
earthquakes came on

Question 4 { Where did you live when the earthquakes
same came on

Answer: I was still living on the new place about
ten miles below the little prairie

Question 4 { Do you ^{know} if your certificate of marriage is
same correctly dated

Answer: Yes sir it was done the day I was married

Question 4 { Did you examine the certificate yourself
same

Answer: I could not read myself my husband
knewed he got it done

Question 4 { Did your husband read the certificate to
same you & name the date

Answer: Yes sir he did

Question 4 { When did he read the certificate to you
same

Answer: The day after we were married

Question 4 { How Do you recollect the date of the certificate
same from hearing it read then or have you heard
it read since

Answer: I recollect the time I was married and have
heard the certificate read since

Question 4 { If the certificate of your marriage had not
same have been read to you since your marriage
would you have recollected the date of the
marriage

Answer: Yes sir I would so.

Question 4 { Is your recollection good
same

Answer: Yes sir tolerable I cannot remember her as well

as I used to

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her mother

Elizabeth & Melvin

Sworn to and subscribed before me
George Bohannon Justice of the peace
on the 16th day of February 1828
on the day at the place and
within the hours aforesaid

George Bohannon J. P.

Isaac Devon of lawful age being produced sworn and
examined on the part of the defendants deposes and
saith that he ~~is~~ was well acquainted with Reese Shelby
several years before his death and that he died in
the year eighteen hundred seven; he thinks in the fore
part of July of that year he was not at his burying
in eighteen hundred & seven ~~in June~~ ^{Reese Shelby} he came
to ~~my~~ ^{his} house unwell and staid two or three days
and from ~~my~~ ^{his} house to Mr. Lewis's and from there
to Mrs. Brants where he died.

Question by { State your reasons for believing Reese
Plt's agent } Shelby died in eighteen hundred & seven

Answer The year after he died ~~from~~ we moved to
Mr. Harris's place where we raised two or three
crops ~~there~~ we moved from there to a place
I bought of my own where I raised one or two
crops I have never been certain in my mind
whether I raised two crops on Harris's place
and two on my own or whether I raised three
on Harris's place and one on my own as
I worked some on my own place before I
moved there

Question { How do you know you made more than one crop
same } on either place

Answer It is a matter of which I am quite confident

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Question { What reasons have you to believe that you ^{made} four
of same } crops on Farris's place and on your own
before the earthquake

Answer. I know it from the circumstance of Russ
Shelly's dying in 1807 when I moved to Farris place
from the place I then lived on

Question { Where did you live when Russ Shelly died
of same }

Answer. Near Mr. Lewis's on Mr. Lewis's place in
New Madrid County

Question { Do you know when Nancy Lewis ^{was} born
of same }

Answer. I think she ^{was} born in the spring of eighteen
hundred and seven about the time my Mother
in law died

Question. In you recollect if she was born the spring Mr.
of same } Carroll left New Madrid

Answer. I ~~think~~ confident Carol did not leave Ma-
drid till in the spring of 1808 and Nancy
Lewis as I have stated was born I think in
the spring of eighteen hundred & seven

Question { How long after your Mother Law's death did
same } Mr. Carroll stay in Madrid

Answer. My Mother Law died I think in March and
Mr. Carroll staid till the ensuing spring when
he moved down the river

Question { What reason have you to believe your Mother Law
of same } died in eighteen hundred & seven

Answer. From the circumstance of my wife's brother
coming to live with us that the latter part
of the summer of that year

Question { What cause have you believe your wife's brother
of same } came to live with you that year

Answer { From the circumstance of our moving to
Farris's place and making our crops previous

to the earthquake

2. ~~Do you~~

Question by { Do you recollect who died first Doct. Waters
same } or Reese Shelly.

Answer Yes Reese Shelly died first. he died in the
forepart of July I think & Doct. Waters the
following winter

Question by { Do you recollect when the young Vanenburgs
same } were bound to Joseph Lewis

Answer { No sir I do not

Question by { When do you recollect of first seeing the
same } young Vanenburgs at Mr. Lewis's

Answer I can not say when I first saw them

Question by { Have you any recollection or knowledge of
same } the young Vanenburgs first leaving Carol
to go to Mr. Lewis

Answer. I believe they went from Carrols to Lewis
but I cannot tell the time. I think I saw
them at Carrols in 1807 and at Lewis's
in 1808

Question by { Do you know if they went to Mr. Lewis's the
same } Spring Carol moved from Madrid

Answer. I think they did

Question by { Did they go to Mr. Lewis's the spring Nancy
same } Lewis was born

Answer. No I think not till the fall or spring
afterwards

Question by { Are you acquainted with Sally Devore the
Dep't } deponent, who given testimony in this case

Answer Yes sir

Question by { State where she lives. A. In Cape Girardeau County
same }

2 How far from Merculaneum the seat of justice for Jefferson County

A. About eighty or ninety miles

Question { State where Elizabeth Milligan a witness
7 Sept { whose deposition has been taken in this
case lives & how far from Merculaneum
the County seat of Jefferson County.

Answer. She lives ~~near~~ ~~in~~ ~~the~~ ~~County~~ upwards of sixty miles from the seat of justice in ~~Jefferson~~ ~~County~~

Question { Do you know where James Smith Sally
Sept { Smith and John B Wheeler whose depositions
are taken in the case of James Ravenscroft
or Eli Shelly live and how far from the
County seat of Jefferson County Missouri

Answer. They live in the County of Cape Girardeau and more than sixty miles from the County seat of Jefferson County

Question Can you state where Jacob Myers senr Joseph Laplante Abraham Hunter and Hannah Statcup reside

Answer. They reside in Madison & Scott County & more than sixty miles from Merculaneum the County seat of Jefferson County in the State of Missouri

Question How far do you live from ~~Jefferson County~~ the County seat of Jefferson County Missouri

Answer. Eighty or ninety miles

Question. Did you ever know more than one Reese

Shelly a resident of New Madrid county
Answer. No sir

Question 4 { Is your recollection good
Oft

Answer { yes as good as peoples of my age

Sworn and subscribed to before me
on the 16th day of Feb 1828 at the place and within the hours first
aforesaid

Joseph Devore

George Mohammon J. S.

Robert Gibboney of lawful age being produced
sworn and examined on the part of the defendants
deposeth and saith

Question by Defendant

Are you acquainted with the circumstances of
James Ravenscroft the Plaintiff

Answer I cannot say that I am at this time

Question { How long since you were acquainted
by same { with his circumstances in a pecuniary
point of view

Answer About three months

Ques by same { What were his circumstances then

Answer. But indifferent as to property that come
within my knowledge.

Question 4 { If you have any knowledge of the probable
same { property he owned it state it

Answer. He had in possession a mule a grey mare &
ten or twelve hogs may be more four or
five head of sheep. and perhaps three cows
& a heifer or two cows & a heifer & perhaps
one or two young ones

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Question { Do you live near to James Ravenscroft
by same }

Answer { Within about six hundred yards
from my house to his.

Robert Giboney

Sworn to and subscribed before me
on the 16th day of February 1828
at the place and within the
hours first aforesaid.

George Mottram J. P.

William G Byrd of lawful age being produced
sworn and examined on the part of the defendant
deposeth and saith.

Question by Deft.

Are you acquainted with the circumstances of
James Ravenscroft as to property

Answer Yes sir as to this County

Question. Do you know of any property he owns
by same

Ans — I know of his having a lot in Cape Girardeau
& one in Jackson & some little personal prop-
erty but not enough to make I think
more than one hundred dollars.

Question { Do you know if there are any judgements
by same } or executions against him

Answer I am not confident of the amount but am
certain there are executions against him
for at least one thousand dollars.

Question { Do you act as Deputy Sheriff of Cape
by same } Girardeau County

Answer Yes Sir

2^d by same Where does Robert Giboney reside and

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how far from the county seat of Jefferson County in the State of Missouri

Answer Yes sir I know where resides he resides in the lower edge of Cape Girardeau County and about eighty miles from the County seat of Jefferson County Missouri

Question { Does John Hendricks sheriff of Cape Girardeau County reside more than sixty miles from the County seat of Jefferson County Missouri

Answer Yes sir

Q by same What is the distance from your place of residence to the County seat of Jefferson County in the State of Missouri

Answer About seventy five miles

Q by same Do you know of a mule some cattle and sheep & grey mare which were in possession of James Ravenscroft being sold

Answer Yes

Q State the time when it was sold

The mule was sold last

Answer It has all been sold within less than three months past

Wm. G. Byrne

Sworn to and subscribed to before me this 16th day of February 1828 at the place and within the hours first aforesaid

George Mohammond, J. P.

I George Bohannon a justice of the peace within and
for the County of Cape Girardeau in the State of Missouri
do hereby certify that Darvin Harbison John B
Wheeler John Hendricks Sally Smith James
Smith James Williams Sally Devore Elizabeth
Milligan Isaac Devore Robert Gibboney and William
G Byrd the deponents were by me severally
sworn to testify the ~~truth~~ 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 to wit on the 15th &
16th days of February 1828

George Bohannon, J.

William Cracraft of lawful age being introduced
and sworn deposeth and saith -

That, he saw ~~the~~ Mr. Eli Shelby and Mr.
Allin fight at Mr. John C. Harrison's house
~~seven~~ seven or eight years ago. That after the
fight Mr. Allin left the yard and was followed
by Mr. Lewis across the fence, to the distance of about
twenty or thirty yards that ~~he~~ also pulled off his
coat. He further states that at the trial of Mr.
Eli Shelby on an indictment for an assault
and battery committed at that time on the body
of Mr. Allin by said Shelby, ^{according to his belief} that Mr. Joseph
Lewis swore that he did not cross the fence in
pursuit of ~~the~~ William Allin.

Sworn to and subscribed
before John Horrell a Justice of
the Peace for the County of Cape
Gerard and Township of Byrd
this 23rd day of February 1828

John Horrell Peace

Sarah Williams of Lawful age being
introduced and sworn depose and saith

That the day which is usually called cold Friday
was ~~was~~ in 1807 and according to her belief in the
month of January or of February of that year - also that
Lancaster left Newmadrid in 1808, she further states
that Doctor Franklin Smith practised Medicine in the
county of Newmadrid in the year 1808.

Sworn to and Subscribed ^{her} Sarah D Williams
before John Horrell a Justice of the peace Mark
for the Township of Bryon and County
of Cape Girardeau this 23rd day of February
in the year 1828. John Horrell Justice

Robert English of Lawful age being introduced and sworn
depose and saith,

That, several years ago, at John
C. Herbin's house in the county of Cape Girardeau
he saw Joseph Lewis follow William Allen ^{to the yard} and believes got over it
to this there had been a fight between ~~Robert~~ Eli
Shelby and William Allen. Robert English
Sworn to and Subscribed before me John Horrell a Justice of the peace
for the Township of Bryon in the County of Cape Girardeau this 23rd day of February 1828. John Horrell Justice

Depositions of witnesses, produced, sworn and examined on the 23rd day of February, in the year of our Lord one thousand eight hundred & twenty eight, between the hours of six O'clock in the forenoon and six O'clock of the afternoon of that day at the Clerk's Office for the County of Cape Girardeau, in the town of Jackson and County of Cape Girardeau, in the State of Missouri; before me John Horrell a Justice of the peace for the County of Cape Girardeau, in the State of Missouri, in a certain cause now depending in the circuit court of Jefferson county, sitting as a court of chancery, in the state of Missouri, between James Ravenscroft Plaintiff and Eli Shelby defendant on the part of the Plaintiff -

Joseph Vananburgh of lawful age, being ^{introduced} and sworn deposes and saith, that he recollects seeing Reese Shelby after he was bound to Mr. Joseph Lewis and he also recollects covering ~~with~~ corn with him the first Spring after he was bound to Mr. Lewis in Mr. Lewis's field, ~~and~~ And that ~~the~~ he was not bound to Joseph Lewis until after he had left James Corrolls which was late in the winter or early in the Spring or well as he recollects in February or March, and but a few days previous to Mr. Corrolls departure from Newmaden. He further states, that ~~Mr. D. was~~ on the first trial (it being at the April term of the circuit court for the county of Cape Girardeau in 1826)

Mr. Devore stated

that it was his opinion that

Joseph Vanamburgh and his brother Jos L. Vanamburgh
were bound to Mr. Lewis the last year which he Isaac
Devore lived at Joseph Lewis's. ~~and that~~ and

Mr. Vanamburgh, further states that George C. Hart
~~further~~ lived on James Ferris' farm. the first
Season after he was bound to Joseph Lewis.

Further states that he ~~was~~ lived with Jonas Carroll
a little more than a year immediately previous to his
removal to Lewis's. He also states that Eli Shelby,
in a conversation with the deponent, ~~stated~~ concerning his
business to the Monongahela Country. he thinks in 1820.

stated that he was going there to purchase of his half
brothers their claims, to the Land, which he had previously
by transferred to James Ravenscroft, and when he
returned on being asked with what success he had met,

Shelby replied that he had been unable to
purchase from but one. to whom he gave
his note for two hundred dollars, and also stated
that he had made this purchase for James Lamm.

He also states that Mr. Devore stated on a
former trial between the same parties that Dr.
Richard Jones, Father died previous to Reese
Shelby, he also states that his Father was buried
on the day which was called cold Friday.

Joseph Vanamburgh
Sworn to and Subscribed before John Howell a
Justice of the Peace for Wyandot County in the County of Cuyahoga
Guardian this 23rd day of February 1828. John Howell

Moses Burns of lawful age being introduced
and sworn Deposeth and saith
That he was at the trial between James
Rover, a craft and Eli Shelby at the April
term of the circuit court for the county of
Cape Girardeau in the year 1826 and that
he heard James Smith ^{State in Conversation} ~~that~~ Doctor
Richard Jones Waters died previous to Reese
Shelby and also heard Isaac Smith ^{State in Conversation} ~~that~~ that
he did not ~~know~~ know what year Reese Shelby
died but that it was in the ~~year~~ month of
July He also states that at the above trial
he heard Isaac Devore ~~or his oath~~ that
that he made a craft at Joseph Lewiss in
the year 1807. That the Van orburghs went
to live with Lewis that spring and that
Reese Shelby died that Summer that he was
not at the burying but that his wife was
He further states that Dr Franklin Smith
came to ~~this~~ New Madrid in the year
1808 and in the spring of that year —

Sworn to and subscribed before me
John Howell a Justice of the Peace for the County
of Cape Girardeau and Townships of 14 years this
23^d day of February 1828 John Howell Justice

W. J. B. Jr

Don L. Vananburgh of lawful age being introduced
and sworn deposes and saith - That he recollects
seeing Reese Shelby after he, Vananburgh, left Mr.
Corroll's and went to live at the house of Mr. Joseph
Lewis - he recollects Mr. Reese Shelby's covering corn
after he went to Mr. Lewis, in company with his brother
Joseph Vananburgh at the house of Mr. Lewis,
and he recollects it particularly from the circumstance
of Mr. Lewis mentioning that Joseph Vananburgh
was not able to cover corn so fast as Reese Shelby
he also stated that Mr. Isaac ^{at a former time} ~~stated in evidence~~ that he lived
~~outside~~ - Mr. Joseph Lewis ^{placed} the young Vananburghs ^{came}
to live with Mr. Joseph Lewis

Subscribed and Subscribed before
John Horrell a Justice of the Peace
for the Township of Byra in the
County of Cape Girardeau this 23rd day
of February 1828. John Horrell Peace

Morgan Byrne of Lawfull Age being introduced and
Solemnly sworn deposes and saith; That he once asked
Eli Shelby in a conversation with him how he got on
with James Tanner, having conversed him in some difficulty
with ~~James~~ Tanner. He answered by saying that Tanner
had agreed to acquit him by his going in to Pennsylvania
or Virginia and getting the writ of his half brother
or sister on the part of his Father, he also stated that Doctor
Franklin James Smith started from Baltimore
to come to this Country in company with this de-
ponent in the Month of February 1808 and that he
saw the said Doctor Smith in New Madrid some
time in the Summer of that Year, but that he
did not come to this Country with him —

Question by Plaintiff. What did you hear E. G. Shelby
~~say~~ say respecting the Lands sold to Charles Lucas
and James Ravenscroft,

Answer. He stated that the Claim of Lucas was
just and he would pay it but that Ravenscroft's
was unjust and he would never pay it. The one
he sold to Lucas was the head right of Anne Shelby
that to Ravenscroft was purchased by Anne Shelby
from Henry Masters as he understood,

Question by Plaintiff, what did Jane Smith state in
Court at the last trial when the Jury was sworn.

Answer. I heard Smith state on the Stand that
29 Years ago before Anne Shelby

I swore to and Subscribed before
John Howell a Justice of the
Peace for the County of Cape
Guardeau this 23rd day of
February 1828. John Howell Peace

Mrs Ellen Neale, of Lawford age about 50 years
deposed and said, That she ^{went to} ~~lived in~~ new Madrid
in July 1807 and that the Spring following Anne
Shelby worked at her Father's, and that
Jonas Carroll left there in the winter or Spring
of 1808, and that ^{the son} Doctor James Franklin Smith
~~was~~ in new Madrid in the early part of the
year 1808.

I swore to and Subscribed
before me John Howell a Justice
of the Peace for the County of Cape
Guardeau this 23rd day of February
in year 1828 Ellen C. Neale
John Howell Peace

James Ravenscroft
Eli^M Shelby - 3. Suit in Chancery -

Deposition of Witnesses produced, sworn and examined on
Wednesday the sixth day of February in the year of our Lord
Eighteen hundred and twenty eight between the hours of Ten O'clock
of the forenoon and six of the Clock in the afternoon of said day
at the Clerks Office for the County of New Madrid in the Town
of New Madrid before me Robert Dawson a Justice of
the peace within and for the County aforesaid in a cer-
tain cause now depending in the Third Judicial Circuit
in the County of Jefferson in the State of Missouri, between
James Ravenscroft Plaintiff and Eli Shelby Defendant, on
the part of the Plaintiff.

Charles A. Lavallee of lawful age being produced sworn
and examined on the part of the Plaintiff Deponeth and saith
Question by plff. Do you know Joseph Lasant - and what
is his Character for truth & veracity - I am acquainted
with him - his Character is not good -

2. by same Do you know Joseph Hunt, and what is his
General Character. Answer I know him, I am not able
to say ^{anything} against him of my own knowledge, he is variously
spoken of, by some well - by others ill I believe a majority
speak ill of him.

Chas A. Lavallee

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

R. Dawson J. Peace.

read this

Peter Alexander Laforgue of Lawful Age being produced sworn and examined on the part of the plaintiff deposed and saith, I know Joseph Laplant his general Character is bad, I would not believe him upon his Oath,

P. A. Laforgue

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

R. D. Dawson J. p.

John B Walker of Lawful Age being produced sworn and examined on the part of the plaintiff deposed and saith. I know Joseph Laplant his general Character is bad, I would not believe him upon his Oath and further this deponent saith not.

John B Walker

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

R. D. Dawson J. p.

Richard H Waters of Lawful Age being produced sworn and examined on the part of the plaintiff deposed and saith

Test. by plaintiff - Do you know the Character of Joseph Laplant for truth and veracity? I know Joseph Laplant, but do not know of my own knowledge any thing of his Character for veracity from common report his reputation is bad, and further this deponent saith not

Rich H Waters

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

R. D. Dawson J. p.

William Stetherton of Lawsville ag being produced sworn and Examined
on the part of the Plaintiff deponent and saith

Test. by plff. Do you know when Jonas Carl left the County of New Mad-
rid Ans: I think it was in Feb'y or March Eighteen hundred
and Eight

his
William L. Stetherton
mark

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

R. D. Dawson J. Peace

Joseph A. Hopkins of Lawsville ag being produced sworn and examined
on the part of the Plaintiff deponent and saith, That Jonas Carl resided
in Baton Rouge in 1808. I believe he left New Madrid in Eighteen
hundred and Eight, and further this deponent saith not

J. A. Hopkins

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

R. D. Dawson J. Peace

Raymond Stapleford of Lawsville ag being produced sworn and exam-
ined on the part of the Plaintiff deponent and saith

Question by plaintiff - Are you acquainted with Penche Dumay -

Ans: I am. Q. by same Do you know his Character for truth
and veracity. Ans: I do not

I have heard some of his
Neighbours speak hard of him, but whether it is true or not
I do not know, and further this deponent saith not

Raymond Stapleford

Sworn and subscribed to before me on the day - at the place and within
the hours first aforesaid

R. D. Dawson J. P.

State of Missouri

County of New Madrid

ss.

I Robert D Dawson a Justice of the

peace within and for the County & State aforesaid do hereby Certify
that Chs A Saville, Peter A Laforg, John B Walker, Richard H Bates
William A Betherton, Joseph A Hopkins, and Raymond Stapleford
the deponents were by me severally sworn to testify the truth of their
knowledge touching the Matter in Controversy aforesaid; that they
were examined, and their examination reduced to writing and by
them respectively signed in my presence, on the day, between the
hours and at the place in that behalf first herein mentioned

Robert D Dawson Justice of
the peace

Attest
Subscribed by me 8th 1842
John Smith Clerk

Attest
My Deposition

The State of Missouri
County of Cape Girardeau

I John Horrell a Justice of the Peace for
the County of Cape Girardeau and Township
of Byre in the State of Missouri Certify
That the ^{and enclosed} within Depositions herewith sent of
Joseph Barnamburgh, William Crockett, Sarah
Williams, Robert English, Moses Byrnes, Don
L Barnamburgh, Morgan Byrnes, Ellen C. Neale
were taken ^{Sworn to} and subscribed before me at the
door of the Clerk's office of the County of Cape
Girardeau ^{on the out side of said door} between the Hours of six o'clock in
the forenoon and six o'clock in the afternoon
of ~~the~~ Saturday the 23rd day of February in
the Year 1828, (The door being locked), Given
under my hand this 23rd day of February in
the Year 1828, John Horrell Peace

Manuscript
of Deposition
Melby

Filed Feb 28th 1888
Chas Smith Clerk

Deposition of Witnesses, produced, Sworn and Examined, on the nineteenth day of January, in the year of our Lord Eighteen hundred and twenty eight, between the hours of eight o'clock in the forenoon and six o'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 Al^y. Debarodrie, 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 State aforesaid on the Chancery side whereof between James Ravenscroft Complain^t and Eli Shelby Defendants, on the part of the Defendants.

Joseph Laplante, of lawful age, being produced, Sworn and Examined on the part of the Defendants deposes and saith:
question by Defendants: were you acquainted with Elias Shelby?

Answer: I know Elias Shelby your Brother, he was one of my nearest Neighbours, and he died in the latter part of the month of June or in the beginning of July Eighteen hundred and seven, I cannot remember the precise day of his death.

and further this Dependant saith not.
Sworn and subscribed to before
me, on the day, at the place, and
within the hours first aforesaid

Joseph ^{his} Laplante
mark

Al^y. Debarodrie J. P.

I Al^y. Debarodrie, a Justice of the peace within and for the County of New-madrid, in the State aforesaid, do hereby Certify that Joseph Laplante the Deponent, was by me Sworn to testify the whole truth of his knowledge touching the matter in controversy aforesaid; that he was Examined, and his Examination reduced to Writing and by him subscribed in my presence, on the day, between the hours, and at the place in that behalf first aforesaid.

Al^y. Debarodrie J. P.

James Stevenson
Agent
Eliz. Shelby
Clerk
Department.

5
Filed Feb 28th 1848
Chas. Smith Clk

The Clerk of the District Court
Jefferson County
Missouri
M. v.

Depositions of witnesses to be read in evidence
in a case now depending in the circuit court of
Jefferson county wherein James Ramsdell is Com-
plainant and Ely Shelby is defendant. Taken
before Ramsdell in the town of Benton
at the House of on the 14th day of February in the
year of our Lord 1828 between the hours

of ~~ten~~ o'clock in the forenoon & six o'clock
in the afternoon ^{at which time} Daniel Boone
a Justice in & for the county of Scott in the State of
Missouri - Bartholomew Ewing being of lawful
age present and sworn & sworn
Questioned by Plaintiff &

What do you recollectly Shelby going to Virginia
and what was his business on his return he
told me he had purchased one of his ^{brothers} half
his interest in a tract of land the said Eli
Shelby had sold to James Ramsdell for
and for which he gave his note for two
hundred Dollars and stated he would
pay him and continue further This Defendant
Says not
B. J. Evans

Manuscript
M^{rs} J. J. Dehner
Cherley

Spicey Feb 28th 1848
Chas. Smith Clerk

The above deposition of Bartholomew Evans was
taken sworn to & subscribed before me Daniel Payne
a Justice of the Peace of Scott County & Daniel Payne
Latter being of Lawfull age being produced
and sworn in the above case sayeth Question
By Plaintiff Do you know Mr. L. Shilbys going to
Virginia and what was his business
answer he told me he had purchased
~~a piece of land~~ his Brother's ~~interest~~
James Shilby ^{interest} in a tract of land and had
given him his obligation for two hundred
Dollars and that he wanted Law James
Rainsworth forever before he would pay
him one cent and further this Defendant
sayeth that

John Evans
I certify that the above was sworn to & subscribed in my pre-
sence the day & date aforesaid Daniel Payne J. P.
Enoch Evans of Lawfull age being produced and
sworn in the above case sayeth sometime in the year
of Eighteen hundred and seventeen I was called on by the
Plaintiff and defendant to draw a deed of conveyance from
the defendant to the plaintiff for one M. David Lenth
Cate for six hundred and forty acres of land Granted &
Confirmed to Henry Masters for which the plaintiff
gave the defendant twelve hundred dollars the
plaintiff agreed with the defendant ^{to risk} the ~~claim~~ of
Rufus Easton which appeared the said Easton had
set up some claim to a part of the Confirmation

all ready mentioned and the defendant then stated that
the title derived to him from a conveyance from the said
Henry Masters to Rees Shelby who was then dead and
that he the defendant was the legal heir of Rees
Shelby in question by the plaintiff do you recollect of
George Devour stating on his oath that he had saw
the two Vandenburg boys living with Joseph
Lewis before the death of Rees Shelby answer
he ^{said he} had saw them living with Lewis before the
said Rees Shelby - question by same do you recollect
of the said Devour stating that Eli Shelby was
gone to Orleans at the time of Rees Shelby death
answer Devour stated that Eli Shelby was
gone to Orleans at the time of Rees Shelby's
death question by same Where did George C
Hart live in Eighteen hundred and Eight
answer in November Eighteen hundred and Eight
was at the house of George C Hart in Lewis
Prairie and the told me it was the plantation
of James Harris - I was after a runaway horse
which I was told was raised by the said James
Harris which horse I found at the house of George
C Hart

Enoch Evans

The foregoing deposition was taken sworn to & subscri-
bed before me the day & date above said Witness
James Payne & P

Daniel Stringer of full age ^{being} produced and sworn
saith that the time that Frederick Bates Commissioner
of Land tithes set at New Madrid for the purpose of
testing in proof of land tithes I was there and think
I saw Rep. Shelby there which was in the latter of June
or first July 1818 Eighteen hundred and Eight
I was at the Circuit town when there was a long
duty in the a band cars and think I heard
Isaac Demore & wife and James Smith
and wife say ~~that~~ ~~that~~ that Doctor
Waters died before Ruf. Shelby and
further the Deponent sayeth not

The foregoing deposition taken Daniel Stringer
on the day & date above ~~in~~ ⁱⁿ
sworn to and subscribed in my presence
the day and date above Daniel & Payne. I P.
John Hylie of Landfill age ^{being} produced
and sworn saith that he recollect well when
Jonas Carrell left the county of New Madrid which
was in the year Eighteen hundred and eight in the
Spring of that year and that Joseph and Don-
L. Vandenburg lived with Carrell till he removed
from Madrid County and that they ^{Vandenburg} were bound to
Joseph Louis which ~~is~~ ^{is} positive was in the Spring
of eighteen hundred and eight, further I heard Jacob Myers
say on his oath that he (Jacob Myers) never proved any land
claims before Frederick Bates in the town of New Madrid not
even one which I knew was not the case for I was present
and the said Jacob Myers proved several claims and I recol-
lect one in particular which was William Grazers as said
Grazers land joined my own land in proving of which land
claims on the improvement thereon he stated to Mr. Bates

That there was considerable improvements which was
sufficient to procure a confirmation which I knew
not to be the case because I am convinced there was
not any improvement made on said claim. because
I was one of the chain carriers and had at sundry
times been all over the land and there was no improve-
ment on said land at that time. and I also recollect that
said William Grazer told me that he Grazer ~~told~~ ~~that~~
gave Jacob Myers half dozen chains to prove his ~~land~~
claim for him. further the deponent saith not

Sworn to and subscribed before me
a justice of the peace in and for the county of
Scott ~~State~~ State of Missouri A. D. 1828

The above deposition sworn to *John Wolfe*
subscribed the date above written
Darius Payne J. P.

Robert Trotter of lawfull age being produced
sworn and examined saith.

That he believe James Carroll moved
from New Madrid County Barley in the spring of eighteen
hundred and eight as I was well acquainted with said
Carroll and also that he was well acquainted with Doctor
Smith and that he did practice as a physician in the year of
Eighteen hundred and eight in the ~~Spring~~ ^{June} he was also present
when the Commissioner sat for the adjustment of land claims
which was in June eighteen hundred and eight and at
which time I was present and further this deponent saith
not and further this deponent saith that he said
deponent saith that he was well acquainted with
Jacob Myers and that the said Jacob was not intitled
to good faith and credit or that his oath or word as
a gentleman was not considered good in the neighbourhood

Given under my hand and seal this 12th Feb. 1828
question by plaintiff is he intitled to credit on oath
answer he is not further this the deponent
saith not

The above deposition taken

on the day & date above written
at the place above written
Robert Trotter
Darius Payne J. P.

^{Allen}
William Allen of lawfull age being produced
examined and sworn saith that in a dispute
between Ely Shelly and himself and after they had
fought that this affiant credited said Shelly for an
assault and battery that Joseph Lanes the father
in law of said Ely Shelly on the trial of the
said Indictment swore in open court that he
never pulled of his coat and that he never
followed this affiant over a yard fence as this
affiant started home which this affiant
firmly declares on a solemn oath he did do in
consequence of which this affiant believes his not
intitled to full credit on his oath.
and further this deponent saith not

"The foregoing deposition of William Allen
taken on the day & date
above named

Abraham Hunter of lawfull age being produced
examined and sworn saith that he was acquainted
with Doct James Franklin Smith and that
the first of his acquaintance with the
said Doct Smith was in the Spring of
the year 1808 when the said Doct Smith
came to New Madrid and further this deponent
saith not

Abraham Hunter

"The above deposition taken &
sworn to the day & date
above.

The depositions of Bartholomew J. Evans, John Evans,
Enoch Evans, Daniel Stringer, John Willis, Robert
Froster, William Allen & Abraham Hunter, Wit-
nesses, produced, sworn & examined on the 14th day
of February in the year of our Lord eighteen hun-
dred and twenty eight between the hours of six of the
clock in the forenoon and six of the clock in the after-
noon of that day at the house of Robert Ravenscroft
in the town of Benton and County of Scott in the State
of Missouri, 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 of
the County of Jefferson in the State of Missouri be-
tween James Ravenscroft plaintiff and Eli Shelby
defendant on the part of the plaintiff, were read-
ced to writing, sworn to, & subscribed before me
the day & date above named.

Daniel Payne
Justice of the Peace
for the County of Scott

Deposition of Matthew produced as above and examined on the 29th day of February in the year eighteen hundred and twenty eight at the office of the Clerk of the Circuit Court for the County of Jefferson in the State of Mississippi before me Ebenezer Smith a Justice of the Peace within and for the County aforesaid, in a certain cause now pending in the Circuit Court of the County aforesaid between James Hannon vs. J. M. Smith and Eli Shelby defendant on the part of the Plaintiff.

James Murens craft
vs Deposition
Eli Shelby

Deposition of
Robert G Watson &
John Hall

Filed Feb'y 29th 1868
Chy Smith Clerk

Robert G. Watson of lawful age testifies and says that
 he is well acquainted with William Cox who formerly resided
 say 23 miles from Madrid
 in the County of New Madrid in the State of Missouri,
 and that at the time the board of Commissioners for the
 adjustment of Land titles in said State sat for the adjustment
 of said claims, ^{that I understood} that the said Cox was generally called
 upon as a witness to prove them. And that it was the
 general impression that the said Cox was a Man of a
 bad Character and that his oath was not to be
 relied on. And further this affiant saith ~~not~~,
 that Joseph Hapant a citizen of the County of New Madrid
 is in his opinion a Man of Not a fair character, and that
 his character among his neighbours is not good, and that
 he has been accused of taking property not his own. And
 is generally considered as a Man not entitled to credit,
 And further this affiant saith not,
 Sworn and subscribed to before
 me this 9th day of February 1828

Robert G. Watson

Chauncy Smith Justice of the Peace
 Circuit Court, Jefferson County,

30
 25
 25
 186

~~John Hall of lawful age testifies and says that he
 is well acquainted with William Cox formerly a citizen of
 the County of New Madrid State of Missouri. And that he
 is generally considered a Man of bad character among the people
 generally, and that his oath, in the opinion of this affiant
 is not entitled to credit.
 Sworn and subscribed to before me
 this 9th day of February 1828
 Chauncy Smith Justice of the Peace~~

John Hall

State of Missouri }
County of Jefferson }

I Chauncey Smith a Justice of the Peace within
and for said County do hereby certify that Robert G. Watson
and John Hall the within named deponents were by me severally
sworn to testify the whole truth of their knowledge touching
the matter in controversy within named, that they were examined
and their examination reduced to writing and by them
respectively subscribed in my presence on the day in this
behalf first aforesaid

Chauncey Smith Justice of the Peace

James Ravenscroft

Eli Shelly } Chancery depending in Jefferson Circuit Court

Wm. G. Byrd Deputy Sheriff of the County
Of Cape Girardeau, State of Missouri, makes
Oath That on the 10th Inst. he served a notice
On the defendant in which the Complainant notified
The defendant of his intention to take deposition
at the Clerk's office of The Circuit Court in
the Town of Sturtevant on Monday the 17th 18th
Inst — to be read on the trial of the above cause —
that after the service of said notice, it was delivered
to Mr. Donnelly Sheriff of the County of Cape
Girardeau, who is now absent.

Wm. G. Byrd

I have read and subscribed
before me C. S. Thomas
a Justice of the peace for
Byrd Township, County
Of Cape Girardeau
March 13th 1828

C. S. Thomas

James Ravenscroft }
Elie Shultz } exceptions to the deposition
taken by the plaintiff.

Charles H. Lavallee, because he does not state
the genuine character of Lafferte or Hume
but negatively only

R. H. Waley, for the same reasons as above

Raymond Stapleford, because he does not state
the genuine character of P. Henry,

B. J. Evans, because it is irrelevant and
has no reference to this case

Geo. Evans, the same exception

Enoch Evans, because it is irrelevant
to the matter in issue and does not
state the genuine character of I. Dewar
the witness attached.

Wend Stronger, because it is irrelevant
& uncertain

John Waley, for the same reasons
as above, to the last deposition

Robert Trotter, because he attacks Lauch
negates the witness Shedd and does not
state his genuine character

Mr. Allen, because it is irrelevant and
foreign to the case

Walter Byrne

Because he attacks J. Severe and
James Smith directly, and does not
state General Character and because
it is Irrelevant & uncertain

Joseph Vonmawburgh

Because this deposition refers only
to the opinion of J. Severe the Whigs
and does not state facts, and because it
is Irrelevant & uncertain, in referring
to other lands not in dispute

Sarah Williams, because her testimony is
Irrelevant & uncertain

Rebecca English, the same as last depositions
& refers to matters not in issue

William Craeger, the same as last
above

Leon J. Vonmawburgh, because it is uncertain
& Irrelevant, and because it refers to
the former testimony of J. Severe, in a
shameful and improper manner

Margaret Byrne, because it is Irrelevant
& has no bearing on the issue

Miss Wells, the same as last depositions

And because, there was no need
for taking said depositions, and the

Notice given in Hampshire and in certain
in this that they do not state the time, place
Temptation County or state when & when the
same would be taken,

And among the subscribers of Morgan
Pyne, John Pyne, Joseph Vannantongh
Israel Williams, Robert English, Wm
Cravroft, Henry L Vannantongh & my
Nephew, were taken in the street at the
door of the Club of men and not in
presence of the notice - for all of which
reasons & others, the said except
and objects to the reading of this
said resolutions &

March 13. 1828

John Pyne for
expt

John Hall. because it is in violation of
the same.

R. J. Watson. for the same reasons as
above and objects of these acts &
and same character -

and that the notice to take said
have said resolutions in violation as to
time, and place and every other particular

March 13. 1828

perfect to expt

Handwritten
22 7 exception to
Shelly Deposition

Filed March 18th 1868
Chas Smith Clerk

Samuel Hancock
vs
Eli Shulley
In Chancery

The complainant deposes to the depositions
taken before Mark H. Statup because
they are not property evidence nor are
they relevant to

Wm. A. Johnston
for defendant

350

Ramsdell

⁴⁵
Mellie

Egyptians

Filed March 19th 1828
Chy Smith Clerk

James Ravenscroft Complainant

vs

Eli Shelby Defendant

In Chancery in
the Circuit Court
for the County
of Jefferson in the
third Judicial
Circuit of the State
of Missouri

Mr James Ravenscroft

you will please to take notice
that I shall attend at the house of Alexander
Buckner in the township of Cape Girardeau
in the County of Cape Girardeau in the State
of Missouri on Friday & Saturday the fifteenth
& sixteenth of February next between the hours
of eight o'clock of the forenoon & six o'clock
in the afternoon of the said days to take
the depositions of witnesses to be read in evi-
dence 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 the
Defendant when & where you may attend
if you think proper

Eli Shelby

Jan 30th 1828

County of Cape Girardeau

Darwin Harrison being duly sworn according to law
deponent and saith that on the 21st day of January last he
that he saw a copy of the above rule and notice on James
Ravenscroft above named, by putting the same into his hands
and further the said Darwin Harrison saith that he lives
upward of fifty miles from Hannibal
sworn to and subscribed before me a Justice of the Peace within
and for the County of Cape Girardeau, this 15th of Feb
1828 George Mahanoy, J.P.

Manuscript
No. 3 Deposition
Kelley

Filed July 28th 1868 of record
13th March 1868
Guy Smith Clerk

The deposition of Gustavus A. Bird taken sworn to
subscribed & reduced to writing before me Chancery
Smith a Justice of the peace in and for the County of
Jefferson & State of Mississippi at the Office of the Clerk of
the Circuit Court for the County of Jefferson between
the hours of 10 o'clock A.M. & 6 o'clock P.M. of
said day to be used in evidence in a certain
cause now depending in the Circuit Court for the
County of Jefferson & State of Mississippi Third Judicial
Circuit between James ^{Reynolds} ~~Reynolds~~ Complainant & Eli
Shelley defendant in Chancery
Said Bird being sworn says he now is & for a
long time has been one of the Counsel of said Reynolds
in said cause. That at the April Term 1826 of the
Circuit Court held at Jackson in Cape Girardeau
County for the Judicial Circuit Mississippi an
issue of facts was ^{attempted to be} tried in this cause in obedience to
an order of the Supreme Court to ascertain the time
when said Shelley died before a jury - on the trial
of which issue the jury disagreed - This affiant recollects
that a great many witnesses were sworn before said
jury & that in giving in their evidence there was
great contradiction in the evidence produced by
the plaintiff & that produced by the defendant
which caused a very rigid examination & cross
examination of all the witnesses on nearly all of
them - This affiant recollects ^{that} Perry Sumner & Mary
Sumner his wife - James Smith & Sarah his wife
Isaac Brown & Sally his wife & John Sumners & Sarah
his wife were sworn as witnesses before said jury

on the ~~part~~ parts of the defendants This affiant recollects
that Mary Burnay Deacon ~~was~~ on said trial in favor
said jury that Peter Shelly died in the summer of
A.D. 1809 that she knew him well he died at Mrs Brooks
that she did not attend his burying because at that
time she had a son breast & her Mother or Mother in
Law then had a broken arm - she also said ^{that} ~~at that time~~
that Dr Smith attended on him as a physician she
said she never knew any other Doctor Smith at New
Madrid - she also stated that she recollected the
time when Peter Shelly died from the age of one
her children which was recorded being asked if she
could read or write she said she could do neither
~~being asked the ages of her other children she said she~~
~~could not do either~~

Said Peter Burnay Deacon an ^{testify} said trial that Peter Shelly
died in ~~sum~~ or July 1809 - he knew this from the age
of one of his children named William which was
on record ~~and~~ he could not read - being asked
if he could recollect the ages of any other of his
children said ~~that~~ they were so fast & he had
so many he could not recollect ^{we think he suspected} that he was
not used to courts but in a ball room he could do
his parts well or answers to this import

~~This affiant further testified that on the trial in~~
~~said case said Deacon Deacon Deacon that he knew~~

This affiant further testified that on said trial Sarah
Smith testified that Peter Shelly died in the summer of 1809
recollected this from the birth of one of her children
that the age of this child was recorded in a testament
said she could not read further

He further testified that the testament in which
the age of his child was recorded had been injured
by the earthquake further this deponent sees the
act

Sworn and subscribed to before G. A. Bird
on the 18th day of March 1888

Chauncey Smith Justice of the Peace

I Chauncey Smith a Justice of the Peace in and for
the County of Jefferson do certify that Gustavus
a Bird on the day between the hours & at the place
first above written ~~the above~~ subscribed his name
to the above deposition & reduced the same to
writing in my presence

Chauncey Smith Justice of the Peace

Manuscript
by J. J. DeMott
Shelby

Filed March 18th 1848
City Smith Clerk

We then very believe that
Rees Shubby was in the summer
of one thousand eight hundred
and eight

of one in Scott
foreman of the very

Verdict of
the Jury

me of the duty are of opinion
from the neglect of testimony
before us that these shelly
deposits in some or July 1878
that these conterminous before
us that Proterozoic raised
any Homoceleration to the
true heir of shelly

~~Proterozoic~~

Proterozoic of the

Proterozoic

Proterozoic

at
that of Moore
Colaba. M. Alexander
John B. T.

Me of the Jury are of Opinion from the
weight of testimony before us that wee Shelly
left this world in the month of June or
July Captain Dundas were eight, and we
are also of Opinion that James Alexander
paid nothing to the firm other than of wee
Shelly

No 50 54.16.41.14.
of June 1808

John Hancock

to
the Shirts

Due from Mr. & Co. to
Hancock & Co. Feb 3rd 1837

Shirts calculated on 26th of Decr — \$1000

10 years 4 months & 20 days — 621.66

for 10 years \$600 4 months 20
20 days \$1,66

\$1621.66

John Hancock
Saml. J. an. Decr 20th by cash