

Jefferson County Circuit Court
Case File - Criminal

May 1867

State
vs

Stocker, John

Assault with the intent to kill

Attacked Oliver Bittick with
a stone; depositions

Box 18 Folder 55

State of Missouri }
County of Jefferson }

To: Wm. Glenn, Phillip Hultesbrand
Margaret Hultesbrand Patrick Pynes
Patrick Dunningan Henry Coons
Jackson Crummet. Page.

You are hereby commanded to be
~~summons~~ and appear personally before
me, Herman H. Richter Justice of the peace
within and for Merrimac Township Jefferson
County & on the ~~30~~th day of **April** 1867
at the hour of ten o'clock in the forenoon of that
day at my office in the Township and County
aforesaid to testify on the trial of cause where
in ~~State of Missouri~~ is Plaintiff and John Stocker
defendants, in behalf of Plaintiff and
here of bail not at your peril
Witness my signature this
29th day of April 1867

Herman H. Richter
Justice of the peace

I Executed this writ in Merrimac
 township on the 30th day of April
 A.D. 1867 by reading the same to the
 within named Wm Glenn Philip
 Hellerbrand & Margaret Hellerbrand
 Patrick Byrne Patrick Langan Henry
 Connel A J Lammert
 & Manual. Faye
 John Langan Constable

Dubois and for
 the witness.
 Wm Glenn
 Philip Hellerbrand
 Margaret Hellerbrand
 Patrick Byrne
 Patrick Langan
 Henry Connel
 A J Lammert
 & Manual Faye
 John Langan Constable
 Dubois and for
 the witness.
 Wm Glenn
 Philip Hellerbrand
 Margaret Hellerbrand
 Patrick Byrne
 Patrick Langan
 Henry Connel
 A J Lammert
 & Manual Faye
 John Langan Constable

State of Missouri }
County of Jefferson }

Be it Remembered that - on
the 29th day of April 1867 before the
undersigned a Justice of the peace
within and for said County of Jefferson
personally came W. H. Pittick and on
his oath says that - on the 27th day of
April 1867 John Stocker did unlawfully
feloniously on purpose and of his malice
aforethought at and in the County of
Jefferson aforesaid make an assault
upon one Oliver Pittick with a
deadly weapon with the intent him the
said Oliver Pittick then and there to
kill and murder.

And further this affiant
says etc not

Sworne to and
Subscribed before me
April 29th 1867

} W. H. Pittick

Herman H. Richter
Justice of the peace



The State of Missouri to
The Constable of Merimack Township
in Jefferson County - Greeting:

Whereas W. W. Bittick has this
day made oath before me the undersigned
Justice of the Peace that John Stocker
late of said County of Jefferson did on
the 27th day of April 1867 at and in
said County of Jefferson unlawfully
feloniously ^{on purpose} and of his malice afore-
thought make an assault upon one
Oliver Bittick in the peace of the state
then and there ^{with a deadly weapon and} being with the intent - him
the said Oliver Bittick then and there
to kill and murder and that;

These are therefore to command
you that you take said John Stocker
if he be found in your County and him
forthwith bring before me at my Office
and said Township to answer unto
said charge and further to be dealt with
according to Law

Given under my hand this 29th
day of April 1867

(Signed)

Herman H. Richter
Justice of the Peace

Proctor & Co. Boston

Alata

John Stocker

to about

Conclude Dec 75

Wills 130

2200

2000 2000 2000

[The page contains faint, illegible handwriting, likely bleed-through from the reverse side.]

State of Missouri
County of Jefferson

To the constable J.

Duniquet Merriamac Township Greeting.

You are hereby commanded to attach
Wm Glenn Marguerett Helterbrand
Henry Currence if in your County and him
safely keep so that you have his body before
the undersigned Hermann H. Richter Justice
of the peace of Merriamac Township in the County
of Jefferson on the 30th day of April 1864 ^{or as} soon
as they can be got. then and there to answer
for a contempt in refusing to appear before
the said Justice to testify touching the
cause now pending.

Given under my hand this 30th day
of April 1864.

Hermann H. Richter
Justice of the peace

I executed this writ in Merrimack town
ship Jefferson by bringing the bodies of ~~John~~
Gleason Margaret Hetherbrand and Henry
Counce before H. H. Richter J. P.
this April 30th 1867.

John Margaret Counce

Wm Gleason Margaret Hetherbrand and Henry
Counce being brought before me by this writ
and give good and substantial reasons for their not
appearing. That Wm Gleason and Margaret Hetherbrand
were sick, and Henry Counce's wife being
very sick. therefore the writ is remitted by the
Justice.

Thermon H. Richter
J. P.

Attachment for
Witnesses.

Not taken for \$2.50.

State of Missouri }
County of Jefferson }

Be It Remembered that on this
30th day of April 1867 before the undersigned Justice
of the Peace for the County of Jefferson afores-
-aid Came W. H. Bittick and being sworn says that
John Stocker did at and in said County on the 27th
day of April 1867 unlawfully feloniously on
purpose and of his malice aforethought
make an assault upon one Oliver Bittick
with a deadly weapon with the intent him the
said Oliver Bittick to kill and murder, and
that said Oliver Bittick was then and there
severely wounded and received great bodily
harm which was then and there inflicted by said
John Stocker by means of the assault aforesaid
under such circumstances that would have
constituted murder by said John Stocker if death
had ensued.

W H Bittick

Sworn to and
Subscribed before
me April 30th 1867 }

Herman H. Riches.
Justice of the Peace }

State of Arkansas, D.
as { affidavit
John Stokes

State } Evidence for the State
vs }
John Stocker }

Patrick Duneigan being sworn
deposeth and says he knows Oliver Bitticks
and the defendant John Stocker also
and says that he saw O. Bitticks and John
Stocker on the 21 of this month, but says
he saw no difficulty between them only that
he saw O. Bitticks laying prostrate on the floor
and said that J. Stocker had knocked him
down with a rock. he further says that there are
two rooms to the store in which the transaction
occurred, he was back at the window in the front
of the store and heard O. Bitticks holly and say Oh,
I am killed I then went back to where O. Bitticks
was laying on the floor before the door going out
in to the back room. I took Oliver Bitticks up and
looked at his wound, and examined his wound
which seemed to be very bad and the wound was
inflicted on the back of the head close to the left ear,
and he says it is his opinion and about fifteen
minutes after the occurrence took place he went
to close up his store and found either a half pound
weight or a pound weight, laying about five or six
feet from where Oliver Bitticks was laying, and
the scales was standing at the other end of the counter
from where the weight was found, and he further
says when he went to where O. Bitticks was laying,
Stocker was out in the back room and he heard
him Stocker make the remarks, that Stocker wanted
Oliver Bitticks to go out and talk to him, and Stocker
said that he proposed to Bitticks that he should
Bitticks said that Stocker was beneath his notice
and that he also heard Stocker say that O. Bitticks
had thrown a knife at him about two years ago
and that he intended to pay him back for it.

Patrick Duneigan

Sworn to and subscribed before me April 30th 1869

Hervey H. Nichols
Justice of the Peace

Patrick Byrne being sworn says
that he was present at his ^{in this County} mill on the
29 day of April 1869, and that he was in
the store and heard C. Bittick, holly and say he was
killed murdered or something to that effect
so I ran back to where he was and found him
laying on the floor and that Stokes was
standing in the other room and Bittick was
laying just inside the store and that the door
going from the store to the back room was open
and that I saw Stokes standing in the back
room about 8 or 10 feet from Bittick
where he was laying and did not see any
other persons in the back room but Stokes
and he further says that he helped wash and
examine Bittick's wounds, and heard Bittick
say that he was back hurt, and that he heard
Stokes say that he had invited Bittick in the
house to talk to him, and Bittick did not go
and Stokes thought that Bittick thought
himself above him, the inquiry was made
who done the deed and C. Bittick said said
that Stokes done it, and that Stokes was
present and did not deny it - and Stokes
brother was present and said something
to Stokes about it, and Stokes said to let him
alone.

Patrick Byrne

Sworn to and subscribed before me
April 30th 1869.

Hervey H. Nichols

J. H.

Philip Hester and being sworn says
that he was at the store of Barnes,
Dunigau on the 29 of April 1867; and
that he saw C. Bittick lying on the floor
and that he and Mrs. Cummel was sitting
on the counter and talking saw some persons
turning down their all ^{in the back room} faces, and saw articles
is that; and in a few moments after ascertained
that it was C. Bittick. Philip Hester then
swore to and subscribed before me this April
30, 1867. Herman H. Richter, J.

Wm. Cummel being sworn says:
When Oliver Bittick was struck on the 29
of April 1867, he went to him to pick him
up and Oliver Bittick said let me alone for
I am killed. Wm. Cummel
marks:

Swore to and subscribed April 30th
1867. Herman H. Richter, J.

Wm. Bittick being sworn says, that
he did not see his wife C. Bittick till Sunday
evening the 28 of April, 1867.

E. Page being sworn says that he saw
O. Bittick come from the back door and fall
on the floor. he saw Stokes in the store and
Stokes said he wanted to speak to C. Bittick and
not more than three minutes after Stokes as told C. Bittick
and to talk and Bittick made some excuse and said well
in a few minutes in a few minutes after Stokes asked
Bittick again and they both went in to the back room
and the next person of C. Bittick was when he came running
in to the room; and O. Bittick said that Stokes struck him
and Stokes came in in a few moments and

(1) Bittick had cut him with a knife a few
times, and that he had prayed him up, and would
pray him up, or something to that effect.

Sworn to and subscribed before me April
30th 1867.

C. X. Fage;
marke;

Deemman H. Richter D. P.

Oliver Bittick being sworn says, he was
at Dunning's Store the 27 of April 1867 and John
Stokes also, and that Dunning was store in this
County of Jefferson he further says that J.
Stokes asked him about the difficulty they had
last spring. he Stokes asked me C. Bittick to go
out with him Stokes that he wanted to speak to me.
I first refused to go, and then Stokes said he did
not want to hurt me but only wished to talk to me,
so I went out with him in to a back room build
for a bar room attached to the store, nobody was in
the room but me and J. Stokes. when we got in
the back room he Stokes said he wanted to talk to
me about the fuss we had last spring. he then asked
what made me throw the knife at him last spring, and
what I did it for. I said from his speech that he wanted
a fuss with me, so I told him I did not wish to have
any difficulty. so I made an endeavor to get away from
him and ~~Cocke~~ ~~he~~ ~~went~~ I got to the door and then I
turned, and just as I stepped into the store I was struck
and fell. I saw no body throw the strike me but as I was
struck on the back of the head the tick came from behind
me, and it was impossible for any body to strike me but
Stokes as there was no one in the back room but John
Stokes, so it is an unoccupied room and I could see all over
it. after they had raised the witness up, he heard Stokes say.
that he had not had revenge, but would have it.

Henry C. Counce. Being sworn says

That he was at Derrigans Store on the
21st of April 1867, and saw Oliver Buttrick
and John Stokes both there, and saw O.
Buttrick when he fell on the floor. He said Stokes say
to Buttrick he wished to speak to him a moment,
and Oliver ^{Buttrick} went with Stokes in to the back room.
They were in the store when he asked Oliver Buttrick
to come in to the back room, and that the two
rooms are divided by partitions, and a door
going through. They were in the back probably three
minutes, when Oliver Buttrick fell on the floor
in the store, about 10 or 11 months ago he heard
Stokes say he intended to ship Oliver Buttrick.
I saw the wound where O. Buttrick was struck it looked like pretty bad.
I was in the and

Subscribed April 30th 1867. (Henry C. Counce
his mark)

Herman L. Riches J.P.

Margaret Holtestrand being sworn deposes and
says: She knows John Stokes and is well
acquainted with him, and that she had heard
John Stokes say that he Stokes intended to cut
himself. That O. Buttrick had previous to that
threw a knife at Stokes.
sworn to and subscribed Margaret Holtestrand
before me this 30 day of
April 1867

Herman L. Riches J.P.

Evidence for the
Fall of Babylon

The State of Tennessee
 upon Complaint for
 Wm. Bittick vs
 John Stokes } Complaint for an
 assault and battery.

Warrant issued the 23 day
 of April 1867. and returned April 30th
 1867 by execution by having the body of
 John Stokes before the justice and the
 said prosecutor being present also the parties
 were called for trial and after the witnesses
 were duly examined it was adjudged by the
 justice that the defendant John Stokes
 was guilty and was bound over for
 further trial in the Circuit Court of Jefferson
 County to be held at the town of Hillsboro to
 commence next term thereof May 6th 1867.
 John Stokes give for bond of good and lawful security
 for five hundred dollars,

Sherran H. Riches
 Justice of the Peace

Justices fees	—	\$ 6.35
Constables fees	—	1.25
Witnesses fees	—	5.00
Philip Hottesbrand	—	5.00
Emmanuel Faze	—	5.00
T. Damsigum	—	5.00
J. B. Evans	—	5.00
J. J. Crummett	—	5.00
Margaret Hottesbrand	—	5.00
Henry Gorman	—	5.00
Wm. Glass	—	—

Manuscript from
Book 1 No. 10

Fee Bill

Two affidavits 35 each \$ 7.00

One warrants 35-

One subpoena 35-

Docket Entry and index 20 each 20,

for taking depositions and evidence

Three thousand words, 15 cents per hundred 4.50

for administration of oaths 50c

for issuing one writ of attachment for witnesses 35-

Total \$ 6.55

Constables fees,

for executing state warrants 75-

Prize 75-

for serving the writ of attachment on

three witnesses, belonging to bodies of the same

before the Justice 75 2.50

Boarding the prisoner 75-

for subpoenaing 6 witnesses 2.00

Prize 30c

Total \$ 7.05

Witnesses signatures.

April 30th 1867.

Herman H. Riches

Justice of the peace

Witnesses fees 5.00

Philip Holtestrand 5.00

Emmanuel Foss 5.00

F. Dirrigum 5.00

P. Byrnes 5.00

A. Hermann 5.00

Margaret Holtestrand 5.00

Henry Courno 5.00

Wm. Glenn 5.00

Total \$ 40.00

For Bill

State

John Stockton

Filed May 6 1867.
of the Money
Court

Know all Men by these Presents, That J. John Stokes
as principal, and Lery Kidd Margaret Heller and Philia Hellerband
as securities, are held and firmly bound unto the State of Missouri, in the full and just sum of
five hundred dollars, for the true payment whereof, well and truly to be made,
we bind ourselves, jointly and severally, firmly by these presents. Sealed with our seals and dated this
first day of may A. D. 186 seven

The Condition of this Obligation is such That if the above bounden John Stokes
shall personally be and appear before the Circuit Court of Jefferson county, on the
first day of the next term thereof, to be begun and held at the Court House, in the town of Hillsboro,
within and for the county of Jefferson, on the first Monday of may next, to answer an
indictment preferred against him for assault and battery with the
intent to kill
and from day to day and from term to term, and not depart said court without leave thereof, then this
bond to be void; otherwise to remain in full force and effect.

Attest by John Dungan

Attest

George Kidd

John Stokes

[SEAL.]

Lery his Kidd

[SEAL.]

Margaret mark Hellerband

[SEAL.]

Taken and approved by me this first day of may, 186 seven, J. S. Childs, Philia Hellerband, and

State of Missouri }
Superior Court }
County of Jefferson }

On the Circuit Court of
Jefferson County of the May Term
A.D. 1867 - The Grand Jurors of
the State of Missouri upon
their oath do present that
John Stoker of the County of said
and the 10th day of July A.D. 1866
in and upon the body of one
Oliver Bittack in the peace of the
State then and then being unlawfully
feloniously, on purpose and of his
wicked prethought; then and then
did make an assault with a certain
stone of the weight of one pound
which said stone, then and then
being a deadly weapon then and
then used and held in the hand
of him the said John Stoker with
the intent the said Oliver Bittack
then and then to kill against the
peace and dignity of the State
Smith in city

Account with the
intent to sell

Stair

m

John Stier

with

Stair

Stair

Stair

Stair

A. Stair
Stair

Stair

Sold May 9th 1867
to J. Stair

COUNTY OF JEFFERSON.

The State of Missouri, Lucinda J. Bittiche Henry Hunt

vs Oliver Willets Pat Ann Morgan Ed Stephens
Pat Rymer & Mrs Glenn Margret Eldersheim

You are Hereby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, ~~on the~~ forthwith

at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

the State of Missouri

Plaintiff, and John Hotten is

Defendant, on the part of Plaintiff, and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court, with

the seal thereof hereto affixed, at office, this 9th day

of May... A. D. 1867.

Elias F. Honey Clerk.

By Edw. H. Horney

SUBPÆNA.

TO

Jefferson Circuit Court

May TERM, 186 . . .

State

vs

Mr. Stokes

for Plff

Oliver Wittich

Pat. Dunningan

Pat. Byrns

Wm. Glavin

Ed. Stephens

W. J. Cromwell

Emanuel Phair

Sheriff fee \$5.00

I Executed the within in Jefferson County Mo on
Oliver Wittich Pat Dunningan Wm. J. Glavin, Pat
Byrns Ed. Stephens W. J. Cromwell E. Emanuel
Phair Margaret Helthaus Lucinda Wittich
Henry Henry By executing the same to each of
them
John W. Williams Sheriff

COUNTY OF JEFFERSON.

The State of Missouri,

To Frank Ramsey and wife

You are Hereby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the fourth

at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

Marion
Plaintiff, and John Weston is

Defendant, on the part of Defendant and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 19 day of May A. D. 1867.

Elias Honey Clerk.
By E. H. Morris Deputy Clerk

SUBPÆNA.

TO

Jefferson Circuit Court

May TERM, 1867

State

vs

Jno. Stokes

for Def

F. Ramsey

& Wicks

Sheriff fee 50

I have been the within in Jefferson County Mo
in Sheriff Ramsey on the 18th day of May 1867
by reading the same to him

John Williams
Sheriff

COUNTY OF JEFFERSON.

The State of Missouri,

To Sarah Honey, Advers. John Paul
Greenfield & William Dugmann

You are Herely Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the Tenth day of November A.D. 1867, at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

The State of Missouri is

Plaintiff, and John Strocker is

Defendant, on the part of Defendant and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 18th day of October, A. D. 1867.

Elias F. Honey (Mark)

SUBPŒNA.

TO

Jefferson Circuit Court

Nov. TERM, 1867.

State
vs
Stoker

For Debt

Frank Fahey
Andrew Schotrau
Jesse Ridd +
Wm Bergemann +

John Williams
Shoriff fee \$2.00

Ordered the within subpoena by reading the same to the within named
Andreu Schotrau of Jefferson County Grand Juror
Not found

This the 2 of November 1867

John Ferguson Constable

COUNTY OF JEFFERSON.

The State of Missouri,

To Emanuel Dyer, Jas. Stephens & Stephens
Lucinda Pittick and Oliver D. Pittick

You are Hereby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the ninth day of December 1867 at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

the State of Missouri

Plaintiff, and

John Slater is

Defendant, on the part of

Slater

and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 20th day of October, A. D. 1867

Elias F. Honey Clerk

E. F. Honey

SUBPÆNA.

TO

Jefferson Circuit Court

Nov. TERM, 1867

State

vs
Shoker

For Plaintiff

Emanuel Faye
Chas Stephens
Ed Stephens
Lucinda J. Buttick
O. D. Buttick
John Williams
Sherriff fee \$2.50

Served the within Subpœna by reading the same to the
with named Emanuel Faye Chas Stephens & A
Stephens Lucinda J. Buttick and Oliver J. Buttick
of Merriam Township Jefferson County this the
30 day of October 1867

John Fanning Constable

COUNTY OF JEFFERSON.

The State of Missouri,

To Margaret McHenry Lence Pat Byrne
Pat Linniger & Philip Howell,

You are Hereby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the fourth day of December 1867 at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

the State of Missouri is

Plaintiff, and John Shuman is

Defendant, on the part of Shuman and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court, with

the seal thereof hereto affixed, at office, this 26th day

of October, A. D. 1867.

Elias F. Honey (Clerk)

By O. O. McHenry

SUBPŒNA.

T
Jefferson Circuit Court

Nov. . . . TERM, 1867.

State
vs
Stoker.

For Plaintiff
Margaret Oelkebrand
Henry Coonce
Pat Byrne
Pat Dunningan
Philip Shoults
John Williams
Sheriff fees \$2.50

Sheweth the within Subpoena by reaching the same to the
within named Margaret Oelkebrand Henry Coonce
Pat Byrne Pat Dunningan Philip Shoults
of Minnema Township Jefferson County this 29th
day of October 1867

John Dunningan Constable

County of Jefferson, ss.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, Greeting:

We command you to attach *Jepe Redd L. Wm Bergman*
Henry Boone by their
body, and safely keep, so that you have *their* bodies before our Honorable
Circuit Court, *forthwith*

then and there to answer a contempt by *them* committed, in not attending said
Court as a *Witness* after being
duly Summoned to do so. *Herein fail not, and have you then there this writ.*

Witness ELIAS F. HONEY, Clerk of our said Circuit Court,
with the seal thereof hereunto affixed, this *8*
day of *November* A. D. 186

Elias F. Honey
CLERK.

TO THE CIRCUIT COURT OF

JEFFERSON COUNTY.

November Term, 186

State

v. { attach

Jos. W. Bell

Shr. Bergman & Co

Henry, because you

John Williams

Shr. W. Bell

County of Jefferson, ss.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, Greeting:

We command you to attach *Patrick Byrne Emmanuel*
Hayes by their
body, and safely keep, so that you have *their* body before our Honorable
Circuit Court, *for their*

then and there to answer a contempt by *them* committed, in not attending said
Court as a *Witness* after being
duly Summoned to do so. *Herein fail not, and have you then there this writ.*

Witness ELIAS F. HONEY, Clerk of our said Circuit Court,
with the seal thereof hereunto affixed, this *8th*
day of *November* A. D. 186*7*

Elias Honey
CLERK.

TO THE CIRCUIT COURT OF

JEFFERSON COUNTY.

November Term, 1867

State

vs *& attach*

Patrick Byrne
Esq
Essement Hayes

Sherrill Lee
Esq

County of Jefferson, ss.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, Greeting:

We command you to attach *Margaret Kellerbran* &

by *her*

body, and safely keep, so that you have *her* body before our Honorable

Circuit Court, *for divorce*

then and there to answer a contempt by *her* committed, in not attending said

Court as a *Witness* after being

duly Summoned to do so. Herein fail not, and have you then there this writ.

Witness ELIAS F. HONEY, Clerk of our said Circuit Court,

with the seal thereof hereunto affixed, this *8th*

day of *November* A. D. 1867

Elias F. Honey

CLERK.

TO THE CIRCUIT COURT OF

JEFFERSON COUNTY.

November

Term, 186

7

State

is attached

Margaret Kellstrand

Shawnee

50

State of Missouri

John Stoker,

John Stoker makes oath & says that he cannot safely proceed to trial at this term of the Court for the want of the testimony of Andrew Chortrond, a material witness for deff. that the facts he expects to prove by said Chortrond are material to his defence; that he cannot prove the same facts which he expects to prove by said Chortrond by any one else present. that he has had said Chortrond duly subpoenaed to be present at this Court to testify in his behalf - that said witness is now absent without the command or consent of this dependent and that he believes he can procure the testimony of said Chortrond, who lives within forty miles of Hillsboro, in time to be used on the trial of a continuance is granted him.

Sworn to & subscribed
before me Nov 13 1887

Elias J. Loney Clerk Ch.

By C. D. Stone Dep.

John^{his} Stoker
Morr

2/28

State
n

John Stokes

Julius shot 13th May
& 4th June 1844

He the very friend the Defendant met with

Wm Hunt former