

Jefferson County Circuit Court
Case Files - Civil
July 1867

Box 19 Folder 37

King, Patrick

vs.

Harrison, Edwin

Slander

Change of venue from Washington
County; defendant accused plaintiff
of stealing corn; depositions reference
"the raid of Gen'l Price"

State of Missouri } In the Circuit Court
Washington County } April Term 1867

Be it remembered that on
the 24th day of April 1866 Patrick King
Filed in the Office of the Clerk of the
Circuit Court of said County his Petition
verified by Affidavit which said Petition
and Affidavit is in the words and figures
following to wit:

Patrick King Plaintiff }
vs } In the Washington
Edwin Hamison Defendant } County Circuit
Court

So May Term 1866
Plaintiff states that Defendant
did on the Seventh day of March 1866
and of times of times thereafter in the
Town of Hannibal in the County of
Washington and State of Missouri in
presence of some of Citizens of said Town
of Hannibal publicly Call the Plaintiff
a Hammon Thief that Plaintiff had
Stolen Corn and that his "Defendant" could
prove it thereby Plaintiff is damaged in
the sum of Twenty Thousand Dollars and
for which Plaintiff asks Judgement with
Costs of this Court

W. Greedy & Son
for Plaintiff

Patrick King Plaintiff in the above

Entitled Cause Mathias vash And says that the
Petition And matters as therein stated he
believes to be true

Pat King

Subscribed & sworn to
before me this the 23rd
day of April, 1866

Moses Brooks May Public

Washington County Ct.

The State of Missouri
To the Sheriff of Washington County Greeting
We Command you that you summon Edwin
Hammon that he do And Appear before the
Judge of our Circuit Court at a Court to be
held at the Court House in the Town of
Potosi in And for said County of Washington
on the 4th Monday of May next then And
there to answer to the Complaint of Patrick
King And have you there then this writ
Witness My Hand Clerk of our said
Court at office in Potosi this 25th
day of April 1866

J. M. Hammon Clerk

Upon which said Summons the Sheriff made
the following return

Served the within Petition
And Summons on the within named Edwin
Hammon by reading the same in his presence And
hearing And by delivering him a Certified Copy
of the Petition in the Town of Annotate County

of Washington State of Missouri on the 1st
day of May 1866

J. C. Libby, Sheriff
By Geo. Brown W.S.

And afterwards At the May Term of
said Court for the year 1866 The Defendant
by his Attorney filed his Motion to ask the
Plaintiff to Security for Costs which said Motion
is as follows to wit

The Defendant in this Cause
comes and moves the Court to ask the Plaintiff
to give Security for Costs for the following reasons
to wit

The Plaintiff is insolvent and unable
to pay Costs

The Plaintiff has not as much Property
as allowed him by Law

The Plaintiff is so conducted as to
endanger the Affairs and thus in payment of
Costs

J. B. Bat Atty. for Deft

And afterwards to wit on the 30th day of
May 1866 The Defendant filed his Return
to the Plaintiffs Petition which said Return
is in the words and figures to wit

Defendant
Returns to the Petition of the Plaintiff and
for Cause of Return sets down and specifies
the following Causes of Return

1st Said Petition does not state facts sufficient
to constitute Ground of Action

2^d It does not appear by the Petition that
the Alleged Slanderous words are spoken of
And Concerning the Plaintiff

It does not appear by the Petition the Alleged
Slanderous words are false

It is not alleged whose Pen was stolen

J. S. Beal

Atty for Deft

And afterwards to wit on 30th day of May
1866 the following proceedings were had

Now at this day come the Parties
by their Attorneys and the Vermons Indenture
filed in this Cause being submitted to the
Court and the Court being sufficiently advised
of And Concerning the same It is Considered
by the Court that the same be sustained -
And in Motion the Plaintiff is Allowed
till 30 days before the next Term of this Court
to file Amended Petition And this Cause
Continued

And afterwards to wit on the Sept 18th 1866
the Plaintiff filed his Amended Petition
which said Petition is in words & figures following

Plaintiff for Amended Petition
States that on the Seventh day of March

Eighteen Hundred And Eighty Six At the
County of Washington in the State of Wisconsin
the Defendant spoke in the presence and
hearing of Aims Persons spoke the following
false and slanderous words of and concerning
the Plaintiff that is to say. You meaning
Plaintiff are a damned Thief you have
stolen Corn from me David Hobbs and I
can prove it. meaning thereby to charge and
bring so understood by those persons who heard
him, to so charge Plaintiff with the slanderous
charge crime of Larceny Plaintiff further says
that on the aforesaid seventh day of March at
the County aforesaid the Defendant spoke
the following false and slanderous words of
and concerning the Plaintiff. You meaning
the Plaintiff have been reported to me as a
Thief that you had stolen Corn from me David
Hobbs meaning thereby to charge and bring
so understood by those persons who heard
him to so charge Plaintiff with and being
guilty of the disgraceful crime of Larceny.
Plaintiff alleges that on the said
seventh day of March at the County aforesaid
the Defendant spoke to Aims of persons
the following false and slanderous words
of about and concerning the Plaintiff to
meaning the Plaintiff (and so understood
by those who were present) has been reported
to me as a Thief and he is a damned Thief
he stole Corn from me David Hobbs and
I can prove it thereby intending and being
so understood by those who were present to
charge the Plaintiff with being guilty of

The Crime of Larceny. by which Plaintiff says
he is Damaged to the Amount of Thirty
Thousand Dollars for which he prays
Judgment.

M. Greedy & Kincaid
for Plaintiff

State of Missouri }
Washington County } ss

being duly sworn
Master Cash And says that the above
and foregoing Amended Petition And the
Matters therein as stated he believes to be true
Subscribed & Sworn
to before me this day of 1866

And afterwards to wit on the 5th day of June
1866 the following Order was made to wit

On Motion made by said Defendant
it is Day before the next Term of this Court
to file Answer.

And afterwards to wit on the 30th day of October
1866 the Defendant filed his Motion to Dismiss
and Amended Petition which said Motion is
as follows to wit

Defendant moves to Dismiss and
the following portions of the Amended Petition
of the Plaintiff to
Plaintiff further Avows that on the
aforesaid 7th day of March at the County

Whereas the Defendant spoke the following
false and slanderous words and concerning
the Plaintiff you (meaning the Plaintiff) have
been reported to me as a thief and that you
were a damned thief that you had stolen
Cows from one David Hobbs

Because said Allegation and Charge
in Petition does not constitute a Cause of
Action said was an only informing Plaintiff
of what had been reported about him

S. J. Beat Atty
for Deft -

And afterwards on the day aforesaid to wit
the 30th day of October 1866 the following Order
was made

Now at this day Court the Plaintiff
and filed his Bond with Security for Costs in
the above Cause

Which said Bond is as follows to wit
"I, Israel McGuey and S. J.
Hanning Citizens of the County of Washington
State of the Oregon and bind ourselves to pay
all Costs that has or may occur in the
above entitled Cause"

Israel McGuey
S. J. Hanning

And afterwards to wit on the 2nd day of Nov
1866 the Defendant filed his Answer which
said Answer is as follows to wit

Defendant answers and says he denies that
he charged the Plaintiff with the crime of
Larceny as set forth in the Plaintiff's second
Cause of Complaint

.. J. B. Root
Atty for Def

And afterwards the Plaintiff moved to strike
out said answer which files his reasons as follows

Patrick King Plaintiff comes
by his Attorneys Bush Manning & McHenry &
moves the Court to strike out of this Cause
and hold for brought the answer of Defendant
in said Cause for the following reasons and
objections namely

1st Because the answer contains no defense
and no facts constituting a defense to the
action of this Plaintiff

2^d Because the answer contains no denial
or no sufficient and specific denial of the
allegations of the Plaintiff in the said Petition

W. L. Manning & Bush
Atty for Plff

And afterwards the following order was made

Now at this day comes the Petition
by said Attorneys and the Motion submitted
filed to strike out Defendant's answer being

Submitted to the Court And the Court being
sufficiently advised concerning the same it is
considered by the Court that the same be annulled

And afterwards the Defendant moved the Court
to rule the Plaintiff to security for cost And files
his reasons as follows

The Defendant moves the
Court to reject the pretended Bond for cost of
said hearing because the same is not signed by
any responsible person solvent and able to pay
cost. Also because the name of Israel M. Quay
thinks signed was not signed by the said
Israel M. Quay that the same is not his act
and deed And is not bound thereby & not
willing to give security

J. G. Beale Atty for Deft

And afterwards the Defendant moved the
Court to strike out the following portion of
the Amended Petition of the Plaintiff to

" Plaintiff further Ave that on the aforesaid
" 7th day of March At the County aforesaid the
" Defendant spoke the following words And
" Standards words of And concerning the Plaintiff
" You (meaning the Plaintiff) have been reported
" to me as a Thief And that you was a Hammed
" Thief That you had stolen Corn from one
" David Cobbs

Because said Allegation and Charge in Petition
are not constituted a Cause of Action said
words are only informing Plaintiff of what had
been reported about him J. G. Beale Atty for Deft

And afterwards to wit on the 1st day of Nov 1867
the following Order was made Now at this day
Comd the Parties by their Attorneys And the Motion
to strike out part of Plaintiffs Petition hundred
filed being submitted to the Court And
Mature Deliberation thereon had It is Considered
by the Court that the same be annulled

And afterwards to wit on the day aforesaid the
following Order was made Now at this day Comd
the Parties by their Attorneys And the Motion
hundred filed to pay Cost being submitted to the
Court And Mature Deliberation thereon had It
is Considered by the Court that the same be
annulled

And afterwards the Plaintiff by his Attorney
Moved the Court to strike out the Answer of
the Defendant And filed his answer thereto
"The Same hundred Opened"

And afterwards the Defendant, Moved the Court
to pay the Cost of summoning And the Attor-
-naries of all the Witnesses summoned by the
Plaintiff to this term for the following reasons

1st Because Plaintiff failed to notify the
Defendant of his Amended Petition as
required by Law so as to require him to
plead thereto as required by Law

3^d Because the Present Term is not the
trial Term And because Plaintiff had said
Stevens brought into Court before he was
examined so &c.

J. S. Beal
Atty for Deft

And afterwards to wit on the 3^d day of
November 1866 the following order was made

Now at this day Court the Parties
by their Attorneys And the motion to lay Cost
to Plaintiff's charge filed being submitted to
the Court And the Court being sufficiently
advised Concerning the same It is Considered
by the Court that the same be sustained

And afterwards to wit on the day aforesaid
the following order was made

Now at this day Court the
Parties by their Attorneys And the motion
to strike out Defendant's Answer heretofore filed
being submitted to the Court And the Court
being sufficiently advised of the same It is
Considered by the Court that the same be sustained
And leave Granted Defendant to file Amended
Answer At the next term of this Court And
this Cause Continued

And afterwards to wit on the 3^d day of
Dec 1866 the Defendant filed his Answer
which said Answer is in the words And
signs to wit "

The Defendant answers and says
denies that he on the 7th day of March 1866
spoke of and concerning the Plaintiff the
alleged slanderous words specified and
mentioned in his petition in the first count
as he has therein alleged and denies that he
charged him with Larceny as therein alleged
Defendant further answers denies that
he spoke of and concerning the Plaintiff on
the aforesaid 7th day of March A.D. 1866
the alleged slanderous words mentioned and
particularly specified in the second count
contained in the said petition of the said
Plaintiff and denies that he charged the
Plaintiff with the crime of Larceny as therein
charged

Defendant further answers denies
that he spoke of and concerning the Plaintiff
on the said 7th day of March 1866 the
alleged slanderous words mentioned and
particularly specified in the third count
contained in the said petition of the said
Plaintiff and denies that he charged the
Plaintiff with the crime of Larceny as alleged
therein and he denies that Plaintiff is or
was damaged thereby in the sum of Twenty
Thousand Dollars or any other sum whatever
and therefore prays judgment for cost -

J. S. Peab Atty
for Deft

And after to wit at the April Term of
Said Court for the year 1867 the Defendant
filed his Application for a Change of Term
in this Cause which said Application is in
the words and figures following

Which being Read by the Court and
Edmund Hamilton Esq. of Washington County
April Term 1867

Defendant in the above entitled
Cause states that he cannot have a fair trial
of said Cause in the County of Washington
State of Missouri where the same is now pending
because he states that the Opposite party
in said Cause has an undue influence
over the inhabitants of said County of Wash-
-ington Defendant further states that a
knowledge of the existence of such Cause
first came to him said Defendant after the
filing of his Answer in said Cause to the
And he prays the Court to grant a
Change of the Term to some County in the
Same Circuit where such Cause does not
exist

Edmund Hamilton

Defendant being duly sworn states that
the facts matters and things contained in
the above petition are true He further states
that he came to a knowledge of such Cause
since the adjournment of the last regular

terms of this writ and Affidavit further state
that he has just caused to be shown that he
cannot have a fair trial of said Cause
on account of the Cause alleged

Edwin Harrison
Sum & Subscribed before
me this 29th day of April A.D. 1867

W B Bell Clerk

Wherefore the Court on the 30th day of April
1867 made the following order

Richard H. King

At this day comes
Edwin Harrison the Respondent and
files his Affidavit praying the Court to change
the Venue in this Cause to some other County
in this Circuit for the reason that the Plaintiff
in this Action has an undue influence over
the inhabitants of said County of Washington

It is therefore ordered by the Court that the
Venue in this Cause be changed to the County
of Jefferson in this State and that the Clerk
of the Court make out and send a duplicate
to the Clerk of the Circuit Court of Jefferson
County a true and perfect transcript of the
Record and proceedings had in said Cause

State of Missouri }
 Washington County } S. H. Hamilton Recorder
 Clerk of the Circuit Court in and for said
 County As Clerk that the foregoing is a true
 and correct Transcript of the Record and proceedings
 had in the Case wherein Patrick King is Plaintiff
 and Edwin Hamilton is Defendant As the same
 remains of Record and on file in my Office
 In testimony whereof I have subscribed
 my hand and Office my seal of Office
 At Potosi this 12th day of June 1867
 S. H. Hamilton Clerk

Bill of Cost

Hunter Clerk	\$14.00
Recd	2.60
Libby Shuff	1.50
Bryan "	3.50
Bryce Bridges "	4.00
Chas. Thomas Wb	1.00
Charles O. Buchanan	1.96
D. O. O. Buchanan	2.96
W. O. O. Potosi	3.60
	\$35.12
Transcript	3.50
Certificate & Seal	.50
Postage	10
	4.10
	\$39.22

Decided by consent of parties July 6th 1868

E. F. Honey clerk

2263

Wm. H. King

E. F. Honey

Decided

Filed July 3rd 1868

E. F. Honey clerk

To Patrick King, plaintiff, } In the Jefferson County
 against } Circuit Court, Missouri
 Edwin Harrison, defendant. } To Fall term 1867
 To Patrick King, the above named plaintiff:

Now are hereby notified, that depositions of witnesses, to be read in evidence in the above case, on the part of the defendant will be taken at the office of the clerk of the Circuit Court of the County of Iron in the town of Ironton State of Missouri on the 20th day of June A. D. 1867 between the hours of 8 o'clock in the forenoon and 6 o'clock in the afternoon; and that the taking of the said depositions, if not completed on that day, will be continued from day to day at the same place, and between the same hours until completed.

J. S. Brady Attorney

J. J. Brady Attorney
for defendant,

Served the above notice by delivering a bill and true copy thereof into the hand of the above named Patrick King, in my County of Saint Francis this 13th day of June A.D. 1867

Franklin Murphy Sheriff of
St. Francis County Missouri

King & Harrison

App- for Oct 10

App- for

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Depositions of witnesses produced sworn and examined on the 20th day of Decr 1867 between the hours of 8 O'clock in the forenoon and six O'clock in the afternoon of that day at the office of the Clerk of the Circuit Court of the County of Iron in the State of Missouri before me Joseph Huff Clerk of the Circuit Court in and for Iron County in the State of Missouri in a certain cause now depending in the Circuit Court of the County of Jefferson in the State of Missouri between Patrick King plaintiff and Edwin Hammin defendant on the part of the defendant

Charles H. Bacon of lawful age being produced sworn and examined on the part of the defendant deposed and said

I am slightly acquainted with the plaintiff. I have seen the two Hammins but do not know them apart.

Whilst I was keeping the books of the Pilot Knob Iron Company the defendant was a laborer for said company I was in the habit of paying him his wages.

I knew him as I did other laborers of the Company. I had no acquaintance with him other than my business required.

Question - Can you state his general reputation?

Ans. Up to the time of the raid of Genl Price I had not heard anything against his reputation.

After the "raid" he was charged of having stolen property during the raid.

Question - What was his general reputation subsequent to the raid?

Ans. He was accused of stealing. I did not make inquiries respecting him outside of those interested in the interests of the Company, and cannot state what others thought.

Question - State what amount of wages if any were due him at the time of the raid?

Answer - My best recollection is that we owed him near thirty dollars

and my best recollection is those wages were withheld, on account of his having been charged of stealing, from the Company two boxes of double-bit axes and other property.

The two Harrisons that I have seen were as I have understood residents of Irondale.

CK Bacon



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

Joseph Huff Clerk.

Depositions of witnesses produced, sworn and examined on the 20th day of June 1867 between the hours of 8 O'clock in the forenoon and six O'clock in the afternoon of that day at the office of the Clerk of the Circuit Court in and for the County of Iron in the State of Missouri before me Joseph Huff Clerk of the Circuit Court in and for said County in a certain cause now depending in the Circuit Court of Jefferson County in the State of Missouri between Patrick King plaintiff and Edwin Harrison on the part of the defendant. Continued

George W. Crain of lawful age being produced
sworn and examined on the part of the
defendant deposes and says,

I am acquainted with the parties plaintiff
and defendant in this suit.

I saw the defendant a few weeks ago.

Plaintiff was in my employ in 1864
He left my employment in October 1864

Question. What was his general reputation?

Answer. Up to the time of Poices raid
it was generally believed to be good.

After the raid we had reason to believe
it was not so good.

Some weeks or ten days after the raid
he moved away, when he was moving
I had heard he had some things belong-
ing to the Pilot Knob Iron Co. which
had been taken from the store. I and
one of the clerks went to the house and
found some chairs belonging to the
Pilot Knob Iron Company ~~and~~ loaded
~~them~~ on a wagon and ~~we~~ took them off
I took the chairs & other articles belonging

to the Company from the wagon.
Afterwards I heard that he had
taken away two boxes of axes
and retained balance due him as
wages until I could get evidence
against him. which evidence I never got

Question - Can you state what was his
general reputation after the occurrence
of the facts which you have stated?

Answer - He had the reputation of
having had property that did not
belong to him. and was not considered
as far as I heard him spoken of as
an honest man.

Question - State if the facts which you
have detailed came to the knowledge of
the Community generally at Pilot Knob?

Answer - I think they did.

Gr H Brain

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

Joseph Huff Clerk



Daniel W. Tetwiler of lawful age being produced sworn and examined on the part of the defendant deposed & said

I have seen the defendant I do not know that it is defendant that I have seen it was a Harrison
I have seen the plaintiff King

I saw him shortly before he left the Knob in 1864. I have not seen him since.

Question- State what was his general reputation when you saw him last?

Answer- It wasn't Considered very good

Question- Had you means of knowing his general reputation at that time?

Answer- Yes. I was selling goods for the Pilot Knob Iron Company. and in collecting goods that had been taken without leave or license from the Store it was reported that he had goods belonging to the Pilot Knob Iron Company.

Question - You have stated as I understand you that his reputation was not good do I understand you correctly?

Answer - I mean that his reputation was not considered good after the raid, by myself and the community generally.

Daniel W. Tetwiler

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

Joseph Huff Clerk

State of Missouri S.S.
County of Iron

I Joseph Huff Clerk of the Circuit Court in and for Iron County in the State of Missouri do certify that in pursuance of the annexed notice came before me at my office in the County and State last aforesaid Charles H. Bacon George H. Crain, and Daniel W. Tetwiler who 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 examinations reduced to writing and subscribed by them respectively in my presence on



the day between the hours and at the place in that behalf first aforesaid and that said depositions are now herewith returned. And I further certify that said Charles K. Bacon, George H. Crain and Daniel H. Setwiler are residents of said County of Iron in said State of Missouri. In Testimony ^{whereof} I have hereunto subscribed my name and affixed the seal of said Circuit Court of Iron County at office this 20th day of June A.D. 1867.

Joseph Huff Clerk
Iron Circuit Court Mo



Fees of Joseph Huff Clerk	\$3.40
" " Sheriff M. Mace	1.00
" " C. K. Bacon witness	1.64
" " G. H. Crain "	1.00
" " Daniel H. Setwiler "	1.00
" " Stamps	20
	<u>\$8.24</u>

Paid by deft Jos Huff clks

State of Missouri
County of Iron } fb
On the

Patrick Ding
or
Edwin Harrison

Depositions on the
part of defendants

Case 18824

Received per mail
opened and filed
June 22^d 1867.

E. H. Strong atty
By E. H. Strong
J. H. B.

Patrick King, plaintiff,
against
Edwin Harrison, defendant. 3 In the Jefferson County
Circuit Court
To Patrick King, the above named plaintiff:

You are hereby notified, that depositions of witnesses,
to be read in evidence in the above cause, on the part of
the defendant will be taken at the dwelling house of
William Coleman, in the town of Van Buren in
the County of Carter, State of Missouri, on the
twenty fourth day of June A.D. 1867 between
the hours of 8 o'clock in the forenoon and 6 o'clock in
the afternoon; and that the taking of the said
depositions, if not completed on that day, will
be continued from day to day, at the at the
same place and between the same hours until
completed.

J. J. Brady, Attorney,
for defendant.

Served the above notice by delivering a full and
true copy thereof into the hand of the above named
Patrick King in my county of Saint Francis this
13th day of June A.D. 1867.

Franklin Murphy Sheriff of
St. Francis County Missouri.

King v. Harrison

Sept. 20. Oct. Oct.

Sept. 20

50

Depositions of Witnesses, produced, sworn and examined on the 24th day of June A. D. 1867 between the hours of 8 O'clock, in the forenoon and 6 O'clock in the afternoon of that day at the dwelling house of William Coleman in the Town of Van Buren in the County of Carter, in the State of Missouri, before me the undersigned Clerk of the Circuit Court within and for the said County of Carter, in a certain Cause now depending in the Circuit Court of Jefferson County in the State of Missouri between Patrick King, plaintiff and Edwin Harrison defendant, on the part of the defendant.

Robert B. Bolton of lawful age being produced sworn and examined on the part of the defendant deposes and saith

Question Are you acquainted with the parties to this suit the plaintiff and defendant

Answer I have seen the plaintiff & know him when I saw him. I am not acquainted with the defendant don't know that I ever saw the defendant. I know the plaintiff in 1862 & until he left this County.

Question State whether you are acquainted with the reputation of the plaintiff in the Community

Answer

in which he resided while in this country
I am not

Robert B. ^{his} Bolton
Master

Subscribed and sworn to
before me on the day at the ^{place} and within the
hours first aforesaid



Daniel W. Hoskins
Clerk

James Matney of lawful age being produced
sworn and examined on the part of the
defendant deponent and said

Question

Are you acquainted with the parties to
this suit Mr King the plaintiff and Mr
Harrison the defendant

Answer

I am "sort of" acquainted with Mr
King don't know anything about Mr
Harrison

Question

What was Mr King's standing in the com-
munity in which he lived while here.

Answer

I know very little about his standing in
the community in which he lived

The plaintiff King swapped a horse to me once
at his house while he lived here. He told
me at the time of the swap that the horse
was his that he had bought him. I sold
the horse afterwards to Mr. Baker. It was the
general understanding in the community that

On Mr Charley Barnes came and proved the horse to be his & took him away from Baker I had to pay Mr. Baker back the money he paid me for the horse. King has not paid me back my horse. I think he ought to pay me something. The people in the community generally know of King swapping me the horse. I ^{don't} know that the people in the community when King lived know of Barnes proving the horse away from Baker, but I suppose that they heard of it

Question When you on the Grand Jury in this county in the Spring of 1865

Answer I was not

Question Do you know whether King was indicted in this county by the Grand Jury at that time

Answer I do not. I don't reckon that he lived in this county at

Question How you the means of knowing what the people in the community generally thought of King after this horse transaction

Answer No Sir, I do not

I can't say whether King had left or not when Barnes got the horse he left some months after he swapped the horse to me

The horse I got of King was a sorrel King had a chum some man at the same ^{time} that I swapped for the horse. That he

Said he had come then a stray. He said
he ^{had} had the stray man some two or three
mths I think. I dont know what became of
the same man. I dont know whether he
passed her or not. Mr King lived some
17 or 20 miles from me
And further the Dependent said that
James ^{his} Mabury
mark

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



Daniel W. Perkins
Clerk

Benjamin J. Carter of lawful age being
produced sworn and examined on the part
of the Defendant deponent and said

Question Are you acquainted with the parties
to this suit

Answer I am not

Question Had you heard of these horse transactions

Answer I had not heard of ^{the} stray. I had
heard of Kings swapping the horse to Mr.
Mabury, & of Barnes, promising the horse
away from Mr Baker the person to whom

it was said that Mabury had sold the
horse after swapping for him with King
I do not know when King left him
After this horse transaction so far as I have
an expression of opinion in the community
there is suspicion that he ^(King) had not ^{done} right
And further this deponent saith not
Benj. F. Carter

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



Daniel W. Perkins
Clerk

Robert B. Bolton being recalled deposes and
saith as follows

Question Did you hear the testimony of the
Wm. Mabury given in this cause a few
minutes since

Answer I did

Question State whether or not you were present at
the time Mabury swapped horses with the
plaintiff King.

Answer I was, was standing ^{right} by him
I think it was the last of 1862 it may have
been the beginning of 1863 I know it was that
winter. As well as I recollect he told
Mabury that he had bought the horse, & he

Question

told at the time who he got the horse
of but I don't now remember who it was
State what King said about the chestnut
some man at that time

Answer

He said that the man had come then
& he did not know whose the man, & he had
put him up, & that she had been there
some two or three weeks

Mabery bought a mule for King horse
worth about 60 or 65¢

For plantation use or for selling I had
rather had the mule

Mabery sold the horse that he got of
King to Geo Baker, and I heard that
Barnes came & spread the horse away
from Baker

I don't know whether King left before or after
Barnes spread the horse away from Baker

King lived some 26 miles from me

I don't know exactly where he left him

When I lived these horse transactions of
King were generally known, I don't know if
they were where he lived

And further this deponent says that

Robert B. ^{his} Bolton
made

Subscribed and sworn to

before me on the day of the place and within
the home first of said Daniel W. Perkins Clerk



State of Missouri
County of Carter } ss

I Daniel H. Haskins Clerk of
the Circuit Court within and for said County of
Carter, do Certify that in pursuance of the
following annexed notice came before me
at my office in the dwelling house of
William Coleman in the town of Van Buren
in the County and State aforesaid Robert B.
Bolton James Mabury Benjamin J. Carter
and Robert B. Bolton who 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 examinations reduced
to writing and subscribed by them respec-
tively in my presence on the day between
the hours and at the place in that
behalf first aforesaid and their
said depositions ^{are} ~~now~~ herewith returned;
And I further Certify that the said Robert
B. Bolton James Mabury Benjamin J. Carter
and Robert B. Bolton are residents of said
County of Carter in said State of Missouri

In Testimony I have herewith
subscribed my name and affixed
my official seal & caused these presents to be
duly stamped at office the day and date
first aforesaid Daniel H. Haskins
Clerk



Daniel W. Hoskins Clerk Du

To issuing 2 Subpoenas @ 25	\$.50
" Making depositions 1300 words @ 15 per 100	2.25
" 4 Certificates @ 35.	1.40
" 1 Certificate & Seal	.50
" 5 Return Stamps @ 5	.25
	\$4.90

Amos P Hall and Sheriff Du

To issuing 4 Subpoenas @ 50.	2.00
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Witnesses for
Robert B. Bolton

1 days attendance & 40 miles travel.	4.20
--------------------------------------	------

James Mabery

1 days attendance	1.00
-------------------	------

Benjamin J. Carter

1 days attendance	1.00
-------------------	------

Total \$13.10

Rec'd the foregoing stated his amounting \$13.10
of Edwin Hammon the defendant in the foregoing
entitled cause this 24 day of June 1867

Daniel W. Hoskins
Clerk

Patric Spring
in
Edwin Hanson
Independent Association

Received per mail.
opened and filed
July 2nd 1867.
C. F. Honey, Clerk,
Co. E. 1st Mass. Cavalry.

Darmington Mo Aug 7, 69
Dear Sir

At last May term of Washington
Circuit Court a change of venue was
ordered to Jefferson Circuit Court in case
of P. King vs E. Harrison. Subsequently
depositions were taken in Counties of Iron
and Carter, to be read in evidence in
said suit, and forwarded to your Office
to be filed. I am advised that you
have returned the depositions to the persons
before whom they were taken, advising
them that no such suit was in your
Circuit Court. You will please regain
the depositions, file them, and keep
them safely until the Jefferson C. C.
orders other disposition to be made of
them. Oblige me by endorsing on this the
date of its reception and producing it at
your full court if necessary.

To Clerk C. C. 3 Very respectfully J. B. Bushy
Jefferson County, Mo. 3 atty for E. Harrison

Received Aug 12th 1867,

COUNTY OF JEFFERSON.

The State of Missouri,

To

J. M. L. J. & Judge Wren

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 thirteenth day of November 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

Plaintiff, and

Abraham Harrison is

Defendant, on the part of

Defendant,

and herein you are in no wise to fail.

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

the seal thereof hereto affixed, at office, this 24th day

of September A. D. 1867.

Ellias F. Honey Clerk.

By Ed. Dennis Deft.

Served on the within-
named J. W. S. Boyce and
Judge Wren at their residences
in Washington County this 1st
day of October A. D. 1867.

John C. Breckinridge

Sheriff Washington County - Dist
John S. Clarke DEK.

SUBPŒNA.

TO
Jefferson Circuit Court

Nov. TERM, 1867.

King
vs.
Warrison

For Def't.
J. W. S. Boyce &
Judge Wren &

Sheriff's Fees. \$1.00

COUNTY OF JEFFERSON.

The State of Missouri,

To *Martin Daley, Michel Daley, Edw. J. Boney, & Mrs. Boney*

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 *Thirtieth 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

Patrick King is
Plaintiff, and *Abraham Harrison is*

Defendant, on the part of *Defendant B* 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 *24*. day of *September*. A. D. 1867.

Elias F. Honey, Clerk.
By *E. J. Monroe Esq*

Served on the within named
Martin Daley, Mike Daley
Edward Rooney & Mrs Rooney
at Irondale Pa. this 2nd day
of October A. D. 1867.
John C. Wickström
Sheriff Washington County Pa
Per John J. Clarke Dep.

SUBPŒNA.

TO

Jefferson Circuit Court

N. D. . . . TERM, 1867

King
vs
Harrison

For Deft.
Martin Daley &
Mike Daley &
Edward Rooney &
Mrs Rooney &

Sheriff's Fees \$2.00

COUNTY OF JEFFERSON,

The State of Missouri,

To *John Wankin D. Hottel, James
Duffie, & Co. Attys.*

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 *third day of December*
AD 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

Patrick Spring is
Plaintiff, and *Abraham Warner* 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 *24th* day

of *September* A. D. 1867.

Elias F. Honey Clerk.

By C. J. Devine Del.

Served on the within named
John Watkins, D. S. Hobbs James
Padfield and J. H. Steph at -
Leondale in Washington County Mo.
this 1st day of October A. D. 1867.
John C. Brackmeyer
Sheriff Washington County Mo
Per John J. Clarke Secy.

SUBPÆNA.

TO
Jefferson Circuit Court

Nov. TERM, 1867

King
vs
Harrison

For xth
Mr Harrison
D. S. Hobbs
Jas Padfield
J H Steph

Sheriff's Fees. \$2.00

COUNTY OF JEFFERSON.

The State of Missouri,

To Wm Jackson, Andrew Bean, Andrew Casey
James Singer,
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 thirtieth day of
November 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

is
Plaintiff, and Abraham Harrison is

Defendant on the part of

Plaintiff

and herein you are in no wise to fail.

WITNESS, A. J. Sawyer
~~SAMUEL A. REEVE~~, Clerk of our said Court,

with the seal thereof hereto affixed, at office, this

24 day of September A. D. 1867

Chas. J. Honey Clerk.

By C. J. Sawyer etc

Served on the within
named H. W. Gaston, Andrew Dean
Andrew Casey & Sam'l Singer
at their residences in Washington Co
this 2nd day of October A. D. 1867.
John C. Beckenridge
Sheriff Washington County Mo.
Per John C. Clarke Dep.

SUBPENA.

TO

Jefferson Circuit Court

November Term, 1867.

King
vs
Kannoon.

Do. Plaintiff

H. W. Gaston ✓
Andrew Dean, ✓
Andrew Casey
Samuel Singer

Sheriff's Fees. \$2.00

COUNTY OF JEFFERSON.

The State of Missouri,

To

Samuel Jackson & Wm O. Clark

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 Nineteenth 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 Patrick Stringer

Plaintiff, and

Abraham Harrison is

Defendant, on the part of

Clarence H. H.

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 24. day of September. A. D. 1867.

Elias F. Honey Clerk.

By C. J. McKim Clerk

Served on the within named
Sim. O' Rushon in Polosá Mo this
1st day of Oct A. D. 1867.
Mike Dolan not found in my County.
John C. Breckinridge
Sheriff Washington County - Mo.
Per John T. Clarke Del.

SUBPÆNA.

TO
Jefferson Circuit Court

Nov. ... TERM, 1867.

King
vs
Harrison

For Reff.

Sim O' Rushon
vs
Mike Dolan & Co.

Sheriff's Fees. \$ 75-

COUNTY OF JEFFERSON.

The State of Missouri,

To *Wm Crane & Co. A. Brown*

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 *fourteenth 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

Patrick Long is
Plaintiff, and *Abraham Aaron 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 *24*. day
of *February*. A. D. 1867.

Chas J. Moore (Notk.)

By Geo. Moore & Co

Devised the within Spa by reading the same in the
presence & hearing of G. W. Crain and C. K. Bacon
in Jan Co mce Sept 28th 1867 Wm Macel 2nd J^{ff}
Shippell \$100 Jan Co mce

Devised Sept 28th 1867
Crain

SUBPÆNA.

TO

Jefferson Circuit Court

Nov. . . . TERM, 1867

King

Harrison

for Deft.

G. W. Crain &

C. K. Bacon

from Co.

COUNTY OF JEFFERSON,

The State of Missouri,

To

James M. (unclear)

You are Hereby Comanded, That setting aside all manner of excuse and delay, You appear before our Circuit Court for the County aforesaid, on the Thirteenth day of December 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

Patrick (unclear) is

Plaintiff, and

William Harrison is Defendant

Defendant, on the part of

Defendant

and herein you are in no wise to fail.

WITNESS, ELLIAS F. HONEY, Clerk of our said Court, with the seal thereof hereunto affixed, at office, this 12th day of October A. D. 1867.

Ellias F. Honey Clerk

By William Decker

SUBPENA.

TO

Jefferson Circuit Court

Nov. TERM, 1867.

King
vs
Harrison

For Deft.
James M. Jamison

Sheriff's Fees. \$50

IN THE

District Court of the Eastern District of
Illinois, Southern Division, at St. Louis
Mo., August 1867

Take Notice, That on the fourth day of September 1867

between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of that day,

in the

at the County Clerk's Office
of St. Louis County of

State of Missouri

depositions will be taken, to be read on the
fourth day of September 1867

trial of the above entitled case on behalf of the
said depositions, if not completed on that day, will be continued from day to day, at the same
place, and between the same hours, until completed.

To the above named

Edwin Harrison
the Defendant

Signed Patell Clerk
the 24th

A true & perfect Copy
of the original
John C. Breckinridge
Scheff of
Washington Co
Va.

Sept. 12th 1863
I acknowledge receipt of the
within notice -

Edwin Mearns

Depositions of witnesses produced
sworn and examined on the first
day of October in the year of our Lord
1867, between the hours of eight o'clock
in the forenoon and six o'clock in
the afternoon of that day, at Dou-
phan, in the county of Ripley and
State of Missouri, before me William
C. Webb, a Notary Public, duly ap-
pointed and commissioned, within
and for the county of Ripley in
the State of Missouri, in a certain
cause now depending in the cir-
cuit court of the county of Jeffer-
son in the State of Missouri, between
Patrick King, plaintiff, and E. D.
Harrison defendant on the part of
the plaintiff

Peter Mulvany, of lawful age being
produced sworn and examined on
the part of the plaintiff — depo-
seth and saith, I am acquainted
with Patrick King, have been inti-
mately acquainted with him for
ten years, I know what his
character has been and is among
his neighbors, for honesty and
good behavior.

His character was always reputed
good among his neighbors.

Have never heard any one say
anything against his character.

He, plaintiff, was always reputed
an honest and upright man,

Peter ^{his} Mulvany
wrote

I McNebb a Notary Public in
and forth County of Ripley State
of Missouri do hereby certify that
Peter Mulvany The defendant, whose
residence is in Ripley County and
the State of Missouri was sworn
by me to testify the whole truth
of his knowledge touching the
matter in controversy in the
cause of aforesaid and that
his deposition read and admitted
and subscribed by him in
my presence on the first day
of October A.D. 1867 between the
hours of 8 o'clock in the forenoon
and six (6) o'clock in the after-
noon at Springfield in the County
of Ripley and State of Missouri

Witness my ^{Notarial Seal}
date above written.

W C Nebb

Notary Public

C. W. Hutcherson of Lawfull
age, ^{produced sworn, and} being examined on the
part of the Plaintiff deposes and
saith - I am acquainted with
Patrick King - I know his general
character for honesty -

Never heard of a word said
against his character by any one
but he was always regarded
as an honest man

C. W. Hutcherson

I W. C. Webb a Notary Public in
and for the County of Ripley, and
State of Missouri do hereby certify
that ~~Peter George~~ W. Hutcherson
the deponent whose residence is in
Doniphan Ripley Co. Mo. was sworn
by me to testify the whole truth of his
knowledge touching the matter in
controversy in the cause above
said, and that his deposition
was read and sworn to, and sub-
scribed by him in my presence
on the 1st day of October 1867
between the hours of 8 o'clock
in the forenoon and 6 o'clock in
after noon of said day at Doniphan
in the County of Ripley & State of Missouri

Witness my hand and Notarial
Seal at office in Daniphan
day and year last above written

W C Webb

Notary Public
Ripley, W. Va.

Not being able to complete the taking
^{said} of depositions by reason of the
witnesses in said ~~case~~ not
~~being~~ able to appear before the
first day of October I did
adjourn the further taking of
the same till the first day of
October next. There to be contin-
ued at the same place and between
the same hours mentioned in
the annexed notice —

Pursuant to the adjournment
as above stated on the 1st day
of October 22 1867 between the
hours of (8) o'clock in forenoon
and (6) o'clock in the afternoon
at Daniphan I continued the
taking of said depositions — as
appear from the foregoing

W C Webb

Notary Public

Depositions

King
vs
Harrison

Received by mail
opened and filed
Oct 11th 1867

Ed Harvey Clerk
By Ed J. Spencer

Patrick King } In the Jefferson
vs } Circuit Court
Edwin Harrison } Nov. Term 1867.

Now comes the defendant and moves the Court to suppress the depositions taken on the part of the plaintiff and filed on the 11th day of October 1867, for the following reasons -

1. The notice given to defendant is insufficient because the said notice does not state with sufficient certainty where said depositions were to be taken.
2. Because the depositions were not taken on the day fixed in the notice.
3. Because the certificate of the Notary Public is defective in this that the same does not state that said depositions were commenced on the day named in the notice, and the reasons why the same were not completed on the day named.
4. Because the said depositions do not appear from the certif

Certs of the Notary Public to have been
taken at the County Clerk's office
in the Town of Dorchester as required
by said notice,

Brady Thomas & Peckham
for Defendant

Patience King

vs

Ed. Harrison

Notion to suppress
depositions taken
in part of P. &
filed Oct 11 1867

Filed Nov 7 1867
E. H. Hemeny cler

King
and
Harrison }

For the several Court Sept 6:
change of venue, from Washington to
Locust
To the Clerk of Superior No. 100 Court

You will please stamp the above titled
case at the cost of the defendant the matter
having been commenced by us
Febry 6th 1868

Edwin Harrison

J. H. King

Filed July 6th 1868
Elias D. Hovey

OFFICE OF
WM. T. HUNTER,
Circuit Clerk and Recorder,
WASHINGTON COUNTY,

Potosi, Mo. March 16th 1868

E J Honey Esq

Dr Sir

I am
informed by King that the
suit King vs Harrison (Chg
run from him) has been
dismissed and that the costs
have been paid, if so please
send the amt due officers
& wits in this Co to me

I am
Yr Obedt Servt

Yours Respectfully
W T Hunter

Willsboro April 5th 1868

W. J. Hunter Esq

Dear Sir

Yours of 16th March was received a few days ago, but not being full handed at the time I deferred answering until now, herewith find enclosed Forty Six. 9700 the amt of fees due in your County as follows

W. J. Hunter clerk	\$18.10
Bell "	2.60
Libby Sheriff	1.50
Bryan "	3.50
Blackburnidge Sheriff	11.75
Eastman witness	1.00
Theodore O'Ruchan "	1.96
G. J. O'Ruchan "	2.96
W. M. Poston	3.60
	\$46.97

Copy of Original
letter, sent to
Mr. J. H. Henshaw

OFFICE OF
WM. T. HUNTER,
Circuit Clerk and Recorder,
WASHINGTON COUNTY,

Potosi, Mo. April 8th 1868

E I Honey Esq

My dear Sir

I have
the honor to acknowledge
the receipt of yours of 5th
inst enclosing list in
case of King vs Harrison
for which accept thanks

Respectfully,
W T Hunter

\$47. Recd Potusid
April 8th 1868 of E. J. Honey
less Jeff to his Aunt -
Forty Seven Dollars in full
Costs due less Sheriffs &
Wills Has his Aunt in care
of King's no Harrison



H. J. Hunter
Care Wash C. C. Co

Henry broken 20 feet 50, and 25 feet 10"

7 Apr 1.75 broken 10"

4290

End for water for Co

39 20

Expenses paid by self

21.34

Broken ridge shift was

795

Place " done

39 22

771-

100
72 21
296

46.97

31