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No. _____

Supreme Court of Illinois

Vanhorn

vs.

Keenan

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STATE OF ILLINOIS.

SUPREME COURT.

Third Grand Division

14400
862
No. 99.

Van Horn

vs.

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Keenan

862

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John Van Horn & State of Illinois
vs & Supreme Court
Margaret Kennard & Third Grand Jurors
April Term 1862

And now comes the said appellees of
Leland & Blanchard their attorneys and say
that in the judgment & proceedings aforesaid
there is no error therefore they pray
that said judgment & proceedings be affirmed
Leland & Blanchard
Attys

99

John. Van Koom
vs

Margaret Keenan

forfeited in Error

SUPREME COURT OF ILLINOIS,

THIRD GRAND DIVISION,

APRIL TERM THEREOF, A. D. 1882.

JOHN VAN HORN
vs.
MARGARET KEENAN *et al.* } *Appeal from Ogle.*

The question in this case is purely one of fact. Does the evidence sustain the allegations of the bill?

Two points made in the bill, are the points of controversy:

1st. The bill charges that Keenan was of unsound mind and memory when he made the note and mortgage in controversy.

2d. That Keenan did not receive from Van Horn any consideration for the note and mortgage.

The reason of the rule that the Court will not reverse a judgment upon a question of fact, unless the weight of evidence is greatly against the verdict, can not apply in this case, where the cause was determined by the Chancellor and upon written depositions. The Court below had no means of determining what weight should be given to the testimony, that this Court has not as fully.

What degree of mental unsoundness is sufficient to set aside a note and mortgage of this kind in equity, and how is it to be shown?

Every person is presumed to be of sound mind, until the contrary is proved.

Lee v. Lee, 4 McCord, 183, 107.

If general insanity is proved, he that claims under an instrument must show that it was executed in a lucid interval; but if it be a partial insanity, at intervals, the particular insanity must be proved at the time of the execution of the instrument.

See same case. The case also fully defines what insanity is. The 6 vols. of McCord in this library, are bound in two.

It is not every man of frantic appearance and behaviour that can be considered a lunatic.

Cooper's Med. Jurisp. 396.

Where an act is sought to be avoided on the ground of mental disability, the proof lies with him who alleges it; till the contrary appears, sanity is presumed.

Jackson v. King, 4 Cow. 207, and the cases there cited.

Occasional insanity arising from intemperance, is not sufficient to set aside a contract.

Lewis v. Baird, 3 McLean, 57.

The manner of proving insanity is, by the opinions of medical men who either have examined the person said to be insane, or have from others such a knowledge of the habits and conduct of the person, as to be able to form an opinion. The mere opinions of non-medical men are of no force as testimony, although they are competent to state facts from which an opinion may be formed.

Curry v. Hooper, 12 Ala. 823.

The only physicians who testify that they believe Keenan to have been insane, are,—

Silas S. Potter, who says his insanity was occasional only.

Ezra M. Light, who testifies to the same effect; has seen Keenan when he did not think him sane, and other times when he did not observe any mental aberration.

These physicians certainly do not make out such a case of insanity as will avoid this mortgage.

It will therefore be seen that, by the opinions of medical men, even if the fullest weight is given to the opinions of complainant's witnesses, nothing like a general insanity is proven.

There are a good many witnesses who testify for complainant, who are not medical men, who detail facts sufficient to show that Keenan was from time to time frantic with liquor, but it does not appear that he was

any more so than any man who had ruined his nervous system with liquor would be when drunk. I can think of several men within the sphere of my own observation, of whom everything might be truly said that is said of Keenan, and yet they are sane men, and, when not under the influence of liquor, as reasonable as anybody else.

I submit to the Court that this testimony of the complainants, the facts proven and the opinion of medical men being considered, show a man under the habitual, excessive use of liquor, wild and foolish in his drunkenness, but no insanity. This is the conclusion arrived at by many of complainant's witnesses, to wit: Welcome McNamis, Record p. 49; Mortimer Smith, 124; William H. Crowell, 126; John Acker, 131; Miles B. Light, 135; Elias Etnyre, 147; Thomas Henckle, 158; John Etnyre, 172; Charles R. Potter, 172.

It is very clear that the testimony of the complainants' witness may all be true, and Keenan had been only frantic with liquor, and sane when sober.

Take now the testimony of defendant's witnesses and the fact is proven that when sober the man was sane. I call particular attention to the testimony of James F. Keenan, his brother, p. 190; his doctor, Geo. A. Bunker, 208, who attended him, visited him every day for some time.

Nathaniel Billings, 190, who was with Keenan nearly all the time from Jan. 1855 up to his death, had a better opportunity of knowing than any other witness except the doctor who attended him. David Aelty, 214; Erastus Wadsworth, for whom Keenan worked, and had dealings with him, and found him always capable to look out for No. 1; had a conversation with him shortly before his death.

Silas S. Tibbitts, 223, who knew him well many years; A. H. Hart, 226; Peter Leclair, 228; John Rutledge, 229; Wm. Rutledge, 230; Silas Hauthorne, for whom Keenan worked, 231; Charles W. Nortfeldt, 233; P. Chary, 233; John R. Chapmond, 236; Joseph Hauthorne, 238; Leonard Stout, 240; Mason Taylor and George Liley, 241; Howard Treat, 245; David Potter, 245; Osborn Charey, 270; James Dugger, who had dealings with him, and some dozen other witnesses.

The note and mortgage were given at a time when Doctor Bunker was attending Keenan, and when he testifies that Keenan was in his right mind Feb. 1856.

I insist that the testimony of these men cannot be true if Keenan was an insane man. They speak of his making bargains, transacting business, and doing work in a way that proved him to be sane. The

testimony of complainant does not prove any kind of insanity except that produced by liquor. The testimony of defendant establishes his sanity when sober.

Is the averment that Keenan did not receive any consideration for the note proven? This allegation is positively denied by the answer, which is under oath, and there is no testimony to prove the averment; on the contrary, it appears that Van Horn boarded Keenan from the spring of 1855 to August, 1856. Lyman Lent, 206, testifies to payments of money by defendant for Keenan, one \$3; another amount not stated; N. Billings \$5; and medicine, Doctor Bunker, 208, \$85; and also that Keenan was sick and confined to the house from the Christmas before his death which would be 8 or 9 months. Jonas Leyster, 210, 1 pair of boots; Schnader, 211, \$7.90; for coat \$2; Keenan owed witness \$9 for overcoat; Elmore, 213, \$6, Keenan's debt. We show, therefore, that Van Horn boarded Keenan eighteen months, half of which time he was confined to the house sick; that he paid some \$125 in cash for him, and the evidence fully shows that Van Horn was in the habit of supplying Keenan with medicine, clothes, &c., and, of course, in the payment of so many bills of various kinds, it is not to be supposed that all these advances could be proven specifically by witnesses—some three or four hundred dollars indebtedness is certainly proven.

But it is said that Keenan worked for Van Horn enough to pay his board. To this I answer that half of the time he was confined to the house and could not work. See Doctor Bunker's testimony, 208. N. Billings testifies that he did not do anything to speak of. James Dugger, same effect, 273, and all the testimony shows that his habits were such that his labor when he was well, was of no value.

But it is said that he took some personal property to Van Horn's. That is true; but it is not shown that Van Horn had it; and, besides, there is proof showing that some of the personal property was disposed of by Keenan.

The matter then stands thus: the averment is made in the bill that the note was without consideration—the answer expressly denies it; it is to be proved by two witnesses, or one witness proof equivalent to the testimony of another. There is no testimony to prove it, and there is testimony showing a good consideration for half, at least, of the amount; but Keenan testifies that the mortgage was given in consideration of Van Horn's going his bail. He is but one witness; but if that is true it is a good consideration; but it is not averred, or in any way shown that Van Horn did not have to pay the bond. I suppose that the going of bail may have been a portion of the consideration, and the advances made by Van Horn the other portion, in which case the judgment should be reversed and an account taken.

B. C. COOK.

testimony of complainant does not prove any kind of insanity
that produced by liquor. The testimony of defendant
sanity when sober.

[illegible]

Van Horn
As

Keenan

App. Brief

Given May 16, 1862
J. Keenan
CR

B. C. COOK

The defendant should be released and no more taken.
and the witnesses made by Van Horn the other parties in which case
and the books of law and have been a portion of the consideration
and should that Van Horn did not have to be paid the book. I believe
that it was it is a good book, and should be paid for it. It is not
evidence of Van Horn's book. The book is not one witness. It is
evidence, but Keenan believes that the witnesses are given in every
testimony, should be a good consideration for the book. It is not
to be taken by two witnesses, or one witness, but by testimony to
the facts and without consideration. The witness, especially, desires it. It
The witness, then, stands that the witness is made in the bill of
of the Keenan.

There is proof, however, that some of the witness, especially, was disposed
that is not, but it is not known that Van Horn had it, and believed
that it is not, but the book was having property to Van Horn's
and the book was not, but it is not known that Van Horn had it, and believed
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Supreme Court.

THIRD GRAND DIVISION.

JOHN VAN HORN

VS'

MARGARET KEENAN, ET ALS.

APPEAL FROM OGLE.

Filed A. 23. 1862
Leland
clerk

Supreme Court.--3rd Grand Division.
APRIL TERM, 1862.

JOHN VAN HORN

VS.

MARGARET KEENAN, ET ALs.

} APPEAL FROM THE OGLE CIRCUIT COURT.

It is sought in this case to enjoin the foreclosure of a Mortgage, by *Seire Fuias*, because the note was without consideration and taken from a man of unsound intellect, whom defendant had induced to live with him, with intent to defraud the heirs and creditors which the latter might leave behind him. The idea of the Bill is it would seem, that the belief of Van Horn was at the time he took the Mortgage, that Patrick Keenan would not live long, and that he was induced to give the Mortgage without consideration, with the intent, on Van Horn's part, to use it, after Keenan's death, against his representatives and creditors, either by compelling payment of it, or with the view of foreclosing and getting the title. The deceased, at the time he gave the Mortgage, had the dropsy and his constitution was so undermined by excessive drink and disease that it was apparent he could not last long, (25 and 209.) Keenan was undoubtedly induced to give the Mortgage to Van Horn to indemnify and save him harmless on account of his having gone bail for the former. There may have been some other pretenses, but it is quite apparent that the going bail was the main one used to get the Mortgage. If there had been no ulterior design, except that of security, Pride would have been informed of what the object of the Mortgage was, and it would have been drawn to express the object on the face of the papers. Pride was merely asked to draw a Note and Mortgage and did so, and probably knew nothing about the consideration. Neither in the answer nor in Pride's affidavit attached to the answer is there a single word said on the subject of what constituted the consideration of the Note. Van Horn, in his answer, says generally that the Note was not given without consideration; that it was given for a good and valuable consideration received by Keenan of him, and that the consideration was a *bona fide* debt. In a case of this kind the failure of the Attorney who drew the papers to state, and of the Defendant himself to allege what the consideration was, is enough, in itself, almost to settle the question that it was not of a disclosable character, or that there was really none at all. The evidence of the first witness introduced on the part of the Defendant is the strongest evidence in favor of the Complainants in the record, both as to the mental condition of Keenan and as to the consideration for the Note. We will here remark that the evidence favorable to Complainants is much weakened and that favorable to Defendant is much strengthened in the abstract. To correct the errors would involve the labor and expense of an entire new abstract, as such is the case with every witness. The evidence of James F. Keenan, the

witness to whom we allude, (190.) is much stronger for the Complainants in the record than in the abstract. The substance of it in the record is: "that he had known his brother Patrick from his youth up; that while in Ireland and at Brooklyn, in New York, he was of sound mind; that witness noticed nothing wrong about him till he saw him in Illinois; that it would be difficult to tell what occasioned his unsoundness of mind and memory; that probably liquor was one cause, and that there might be others. (See, also, on this subject p 67 of the record.) Sometimes he was sensible; sometimes he was not. His unsoundness continued as long as he got liquor to keep it up; sometimes a day; some times a week; sometimes a month. The long he was with Van Horn and at worse he was getting. A good part of the time he was not of sound mind.— From the way he went on he acted a good deal like a man who was not right in his mind. From the time he was put in jail witness thinks there was but very little difference in him. He was wild enough all the while. He was under the influence of liquor all the time he was at Van Horn's." This brother says that when Patrick was in jail Van Horn went his bail and it was agreed that the former should give the latter a Mortgage to make him safe, (198.) We find by reference to the evidence of Datcher that Patrick was committed on complaint of his wife, for a failure to enter into a recognizance to keep the peace, (45.) We also learn that there was no breach of the recognizance by which Van Horn suffered a loss. We may read all the evidence on both sides through and we can get no better view of the mental condition of Patrick Keenan on and about the day of the date of the mortgage than is here shown by his brother. A brain in ruins as it stood, undermined by intemperance, six month before it toppled and fell. From the time he was put in jail he was, says the witness, wild enough all the time. This is not the delirium of a healthy brain produced by intemperance, but the trembling delirium of a brain tottering to its fall. We do not deem it necessary to wade through the opinions of an hundred men on the question of the mental condition of the deceased. It is generally the same thing substantively, over and over again. About 60 express the opinion that he was a man of us and mind and incapable of transacting business, though not under the immediate influence of liquor;—about 40 think he was sane when sober. But the weight of the testimony is overwhelming that he was rarely sober, and that as is apparent from the evidence of the brother of the deceased, he probably did not draw a sober breath from a time before the date of the Mortgage till a short time before he ceased to breathe at all. Not only is the weight of the evidence in favor of the insanity of the deceased, but the facts stated in support of it are enough to satisfy any one of the fact. Killing a dog, calling it a wolf, and cooking the flesh; pretending to command imaginary armies, (42 and 54); roaming about hallooing and shouting at all hours of the night, (32, 35, 42, 53 69); making a bon-fire of his clothing, boots, &c., (35), among others, are acts which show clearly that the man was a maniac. Many of his insane acts will be found in the evidence of James Rea, from 66 to 72, and many others elsewhere;—all of which are omitted in the abstract. Philo C. Miles is disposed of with the remark "proved nothing," and yet his evidence is strong that Keenan

was deranged and raving. In fact the abstract is of very little use to the Court.

Patrick Keenan was then not in that mental condition that a gift of this Mortgage to Van Horn should be upheld by a Court of equity as valid against the widow and heirs and unless there was a good valuable and adequate consideration the decree below was clearly right. A few words only on this subject are necessary. This record, though voluminous, contains really very little matter. It is made bulky by the number of witnesses to the same thing, over and over. If he was actually insane, or if there was that mental imbecility and undue influence which caused an advantage to be taken of him which will not be tolerated by a Court of Equity, the decree below was right. All the authorities which we deem it necessary to cite will be found in Story's Eq. Jur., Sec. 234, and the following Sections.

It appears from the pleadings that Patrick Keenan went to Van Horn's in the Spring of 1855, or some time during that year. The bill alleges the time as in the Spring. The answer admits that he went there during the year 1855. When he was taken out of the jail he went to Van Horn's, and some witnesses speak of this as the second time he went there. He was probably there twice, but how long the interval of absence was does not appear. The Mortgage was probably executed immediately after Keenan was taken out of jail, if it was ~~not~~ given to indemnify Van Horn for having gone his bail. James F. Keenan says the parties went from the jail to the store of Mr. Phelps and that it was there agreed that the Mortgage should be given. Pride, who wrote the Mortgage, was the committing Magistrate, and Van Horn and Patrick probably went that same day to him and had the Mortgage written. The time when Van Horn signed the recognizance does not appear, nor does the date when the depositions were taken. Nor do we learn how long Patrick remained in jail. The most probable day for the execution of the Mortgage would be that on which Van Horn signed the bail bond. If the Mortgage was not obtained in the manner and for the purpose stated by James F. Keenan that the parties intended it should be there could have been no consideration for it. This witness thinks there could not have been more than \$25 between Patrick and Van Horn when the Mortgage was executed. Patrick had declared that fall before, that he had settled up with Van Horn, and did not mean to deal with him any more (200), and that Patrick helped Van Horn thresh that fall.

Whether Van Horn received Patrick's goods and chattels or the real estate first, is uncertain. This record is remarkably destitute of dates. Van Horn seems to have taken all he had, whether real, personal or mixed, and perhaps it is of no consequence about the order of the proceeding. Patrick's personal property consisted of a good yoke of cattle, a good cow, some young stock, a large fat hog, some hay, corn, wheat and potatoes. The evidence as to the quantity and value of the personal property conflicts some. The yoke of cattle are estimated at from \$120 to \$140; the cow at from \$18 to \$35; 100 to 200 bushels of corn at 30 or 40 cents a bushel; 70 to 100 bushels of wheat at \$1.00 a bushel. The evidence on this subject is that of William Rea, (58-

9), Albert W. Ross, (158-9), and James F. Keenan, (190.) Van Horn sold the cattle to one Dugger (274 and 289.) This personal property at a low estimate was worth \$350. It is proved to have gone into Van Horn's possession, and as he makes no effort, though charged with appropriating it to his own use, to account for any of it, and has actually been found to have converted some of it to his own use, and to have sold the cattle to Dugger, we see very plainly that this mortgage is not only without consideration, but that there is a considerable amount due from Van Horn on account of the excess of the value of the personal estate over the amount paid by him to Patrick, or to others for him.

We see that this Dr. Bunker was getting some of Pat's hay [159]. It is evident that Van Horn was a sort of self-constituted trustee or conservator for Patrick, and that the services and expenses of the trust consumed the whole fund. He seems to have had a trust, or power, coupled with an interest, and after Patrick's death, his widow and heirs became naked *cestuique* trusts. He evidently took Patrick's personal property worth about \$250, and used some of it to pay Dr. Bunker's bill, and some other little debts, amounting all told to \$124.90, and kept the remainder; and not satisfied with this, is attempting to rob the widow and heirs of the homestead. Nathiel Billings saw Van Horn let Patrick have \$5, to get a pair of boots. Lyman Lent states, Van Horn let Patrick have four or five dollars. George A. Bunker, a doctor, says, Van Horn assumed to pay him \$85, for services rendered to Patrick. Jonas Seyster says, Van Horn paid him \$5 at Patrick's request. This was \$5 for some boots which the conservator had provided for Patrick. Perhaps to supply the place of those he had bought of Emerson, with which, in a lucid interval, he had made a bon fire, as heretofore mentioned. John Schneider, says Van Horn paid him \$18.90 for articles of clothing, some of which was paid in corn, [Patrick's corn, probably.] David A. Elmore says, Van Horn paid him, for Patrick, about \$6; and all this money, even unto the uttermost farthing, is in the abstract, on pages 8 and 9. The whole amounts to 124.90.

Van Horn has got a good many good days work out of Patrick, and has furnished him with a good deal of cheap whiskey, to help lengthen out his days and has furnished him some food and lodging. The unexpended portion of the personal property, say about \$225, and the work, would more than pay all Patrick's keeping was worth, leaving the whole amount of the mortgage, at least without consideration. Indeed, some of the witnesses think Van Horn got out of him work enough to pay for his keeping. If this be true, Van Horn would have plundered the widow and heirs of the real estate, and about \$225 of the personal. The real estate was evidently incumbered for all it was worth. Now here is about all there is in this case. The complainant could not have proved as a defence to the *Scire Facias*, [14 Ill. 213,] the facts alledged in this bill, and Judge Eustace has done right. Such conduct as that of the defendant ought not to be tolerated in a Court of equity.

LELAND & BLANCHARD,
AND H. A. MIX, for Appellees.

Supreme Court.

THIRD GRAND DIVISION.

JOHN VAN HORN

VS'

MARGARET KEENAN, ET ALS.

APPEAL FROM OGLE.

Supreme Court.--3rd Grand Division.

APRIL TERM, 1862.

JOHN VAN HORN

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} APPEAL FROM THE OGLE CIRCUIT COURT.

It is sought in this case to enjoin the foreclosure of a Mortgage, by *Seire Facias*, because the note was without consideration and taken from a man of unsound intellect, whom defendant had induced to live with him, with intent to defraud the heirs and creditors which the latter might leave behind him. The idea of the Bill is it would seem that the belief of Van Horn was at the time he took the Mortgage, that Patrick Keenan would not live long, and that he was induced to give the Mortgage without consideration, with the intent, on Van Horn's part, to use it, after Keenan's death, against his representatives and creditors, either by compelling payment of it, or with the view of foreclosing and getting the title. The deceased, at the time he gave the Mortgage, had the dropsy and his constitution was so undermined by excessive drink and disease that it was apparent he could not last long, (25 and 209.) Keenan was undoubtedly induced to give the Mortgage to Van Horn to indemnify and save him harmless on account of his having gone bail for the former. There may have been some other pretenses, but it is quite apparent that the going bail was the main one used to get the Mortgage. If there had been no ulterior design, except that of security, Pride would have been informed of what the object of the Mortgage was, and it would have been drawn to express the object on the face of the papers. Pride was merely asked to draw a Note and Mortgage and did so, and probably knew nothing about the consideration. Neither in the answer nor in Pride's affidavit attached to the answer is there a single word said on the subject of what constituted the consideration of the Note. Van Horn, in his answer, says generally that the Note was not given without consideration; that it was given for a good and valuable consideration received by Keenan of him, and that the consideration was a *bona fide* debt. In a case of this kind the failure of the Attorney who drew the papers to state, and of the Defendant himself to allege what the consideration was, is enough, in itself, almost to settle the question that it was not of a disclosable character, or that there was really no debt at all. The evidence of the first witness introduced on the part of the Defendant is the strongest evidence in favor of the Complainants in the record, both as to the mental condition of Keenan and as to the consideration for the Note. We will here remark that the evidence favorable to Complainants is much weakened and that favorable to Defendant is much strengthened in the abstract. To correct the errors would involve the labor and expense of an entire new abstract, as such is the case with every witness. The evidence of James F. Keenan, the

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9), Albert W. Ross, (158-9), and James F. Keenan, (190.) Van Horn sold the cattle to one Dugger (274 and 289.) This personal property at a low estimate was worth \$350. It is proved to have gone into Van Horn's possession, and as he makes no effort, though charged with appropriating it to his own use, to account for any of it, and has actually been found to have converted some of it to his own use, and to have sold the cattle to Dugger, we see very plainly that this mortgage is not only without consideration, but that there is a considerable amount due from Van Horn on account of the excess of the value of the personal estate over the amount paid by him to Patrick, or to others for him.

We see that this Dr. Bunker was getting some of Pat's hay [159]. It is evident that Van Horn was a sort of self-constituted trustee or conservator for Patrick, and that the services and expenses of the trust consumed the whole fund. He seems to have had a trust, or power, coupled with an interest, and after Patrick's death, his widow and heirs became naked *cestnigue* trusts. He evidently took Patrick's personal property worth about \$250, and used some of it to pay Dr. Bunker's bill, and some other little debts, amounting all told to \$124.90, and kept the remhinder; and not satisfied with this, is attempting to rob the widow and heirs of the homestead. Nathiel Billings saw Van Horn let Patrick have \$5, to get a pair of boots. Lyman Lent states, Van Horn let Patrick have four or five dollars. George A. Banker, a doctor, says, Van Horn assumed to pay him \$85, for services rendered to Patrick. Jonas Seyster says, Van Horn paid him \$5 at Patrick's request. This was \$5 for some boots which the conservator had provided for Patrick. Perhaps to supply the place of those he had bought of Emerson, with which, in a lucid interval, he had made a bon fire, as heretofore mentioned. John Schneider, says Van Horn paid him \$18.00 for articles of clothing, some of which was paid in corn, [Patrick's corn, probably.] David A. Elmore says, Van Horn paid him, for Patrick, about \$6; and all this money, even unto the uttermost farthing, is in the abstract, on pages 8 and 9. The whole amounts to 124.90.

Van Horn has got a good many good days work out of Patrick, and has furnished him with a good deal of cheap whiskey, to help lengthen out his days and has furnished him some food and lodging. The unexpended portion of the personal property, say about \$225, and the work, would more than pay all Patrick's keeping was worth, leaving the whole amount of the mortgage, at least without consideration. Indeed, some of the witnesses think Van Horn got out of him work enough to pay for his keeping. If this be true, Van Horn would have plundered the widow and heirs of the real estate, and about \$225 of the personal. The real estate was evidently incumbered for all it was worth. Now here is about all there is in this case. The complainant could not have proved as a defence to the *Scira Fucias*, [14 Ill. 213,] the facts alledged in this bill, and Judge Eustace has done right. Such conduct as that of the defendant ought not to be tolerated in a Court of equity.

J. ELAND & BLANCHARD,
AND H. A. MIX, for Appellées.

99

Supreme Court.

THIRD GRAND DIVISION.

JOHN VAN HORN

VS'

MARGARET KEENAN, ET ALS.

APPEAL FROM OGLE.

Filed Apr. 23, 1842
J Selane
clerk

Supreme Court.--3rd Grand Division.

APRIL TERM, 1862.

JOHN VAN HORN
VS.
MARGARET KEENAN, ET ALS. } APPEAL FROM THE OGLE CIRCUIT COURT.

It is sought in this case to enjoin the foreclosure of a Mortgage, by *Scire Facias*, because the note was without consideration and taken from a man of unsound intellect, whom defendant had induced to live with him, with intent to defraud the heirs and creditors which the latter might leave behind him. The idea of the Bill is it would seem that the belief of Van Horn was at the time he took the Mortgage, that Patrick Keenan would not live long, and that he was induced to give the Mortgage without consideration, with the intent, on Van Horn's part, to use it, after Keenan's death, against his representatives and creditors, either by compelling payment of it, or with the view of foreclosing and getting the title. The deceased, at the time he gave the Mortgage, had the dropsy and his constitution was so undermined by excessive drink and disease that it was apparent he could not last long, (25 and 209.) Keenan was undoubtedly induced to give the Mortgage to Van Horn to indemnify and save him harmless on account of his having gone bail for the former. There may have been some other pretenses, but it is quite apparent that the going bail was the main one used to get the Mortgage. If there had been no ulterior design, except that of security, Pride would have been informed of what the object of the Mortgage was, and it would have been drawn to express the object on the face of the papers. Pride was merely asked to draw a Note and Mortgage and did so, and probably knew nothing about the consideration. Neither in the answer nor in Pride's affidavit attached to the answer is there a single word said on the subject of what constituted the consideration of the Note. Van Horn, in his answer, says generally that the Note was not given without consideration; that it was given for a good and valuable consideration received by Keenan of him, and that the consideration was a *bonæ fide* debt. In a case of this kind the failure of the Attorney who drew the papers to state, and of the Defendant himself to allege what the consideration was, is enough, in itself, almost to settle the question that it was not of a disclosable character, or that there was really none at all. The evidence of the first witness introduced on the part of the Defendant is the strongest evidence in favor of the Complainants in the record, both as to the mental condition of Keenan and as to the consideration for the Note. We will here remark that the evidence favorable to Complainants is much weakened and that favorable to Defendant is much strengthened in the abstract. To correct the errors would involve the labor and expense of an entire new abstract, as such is the case with every witness. The evidence of James F. Keenan, the

witness to whom we allude, (190,) is much stronger for the Complainants in the record than in the abstract. The substance of it in the record is: "that he had known his brother Patrick from his youth up; that while in Ireland and at Brooklyn, in New York, he was of sound mind; that witness noticed nothing wrong about him till he saw him in Illinois; that it would be difficult to tell what occasioned his unsoundness of mind and memory; that probably liquor was one cause, and that there might be others. (See, also, on this subject p 67 of the record.) Sometimes he was sensible; sometimes he was not. His unsoundness continued as long as he got liquor to keep it up; sometimes a day; some times a week; sometimes a month. The long he was with Van Horn the worse he was getting. A good part of the time he was not of sound mind.— From the way he went on he acted a good deal like a man who was not right in his mind. From the time he was put in jail witness thinks there was but very little difference in him. He was wild enough all the while. He was under the influence of liquor all the time he was at Van Horn's." This brother says that when Patrick was in jail Van Horn went his bail and it was agreed that the former should give the latter a Mortgage to make him safe, (198.) We find by reference to the evidence of Dutcher that Patrick was committed on complaint of his wife, for a failure to enter into a recognizance to keep the peace, (45.) We also learn that there was no breach of the recognizance by which Van Horn suffered a loss. We may read all the evidence on both sides through and we can get no better view of the mental condition of Patrick Keenan on and about the day of the date of the mortgage than is here shown by his brother. A brain in ruins as it stood, undermined by intemperance, six month before it toppled and fell. From the time he was put in jail he was, says the witness, wild enough all the time. This is not the delirium of a healthy brain produced by intemperance, but the trembling delirium of a brain tottering to its fall. We do not deem it necessary to wade through the opinions of an hundred men on the question of the mental condition of the deceased. It is generally the same thing substantially, over and over again. About 60 express the opinion that he was a man of unsound mind and incapable of transacting business, though not under the immediate influence of liquor;—about 40 think he was sane when sober. But the weight of the testimony is overwhelming that he was rarely sober, and that as is apparent from the evidence of the brother of the deceased, he probably did not draw a sober breath from a time before the date of the Mortgage till a short time before he ceased to breathe at all. Not only is the weight of the evidence in favor of the insanity of the deceased, but the facts stated in support of it are enough to satisfy any one of the fact. Killing a dog, calling it a wolf, and cooking the flesh; pretending to command imaginary armies, (42 and 54); roaming about hallooing and shouting at all hours of the night, (32, 35, 42, 53 69); making a bon-fire of his clothing, boots, &c., (35), among others, are acts which show clearly that the man was a maniac. Many of his insane acts will be found in the evidence of James Rea, from 66 to 72, and many others elsewhere,—all of which are omitted in the abstract. Philo C. Miles is disposed of with the remark "proved nothing," and yet his evidence is strong that Keenan

was deranged and raving. In fact the abstract is of very little use to the Court.

Patrick Keenan was then not in that mental condition that a gift of this Mortgage to Van Horn should be upheld by a Court of equity as valid against the widow and heirs and unless there was a good valuable and adequate consideration the decree below was clearly right. A few words only on this subject are necessary. This record, though voluminous, contains really very little matter. It is made bulky by the number of witnesses to the same thing, over and over. If he was actually insane, or if there was that mental imbecility and undue influence which caused an advantage to be taken of him which will not be tolerated by a Court of Equity, the decree below was right. All the authorities which we deem it necessary to cite will be found in Story's Eq. Jur., Sec. 234, and the following Sections.

It appears from the pleadings that Patrick Keenan went to Van Horn's in the Spring of 1855, or some time during that year. The bill alleges the time as in the Spring. The answer admits that he went there during the year 1855. When he was taken out of the jail he went to Van Horn's, and some witnesses speak of this as the second time he went there. He was probably there twice, but how long the interval of absence was does not appear. The Mortgage was probably executed immediately after Keenan was taken out of jail, if it was ~~not~~ given to indemnify Van Horn for having gone his bail. James F. Keenan says the parties went from the jail to the store of Mr. Phelps and that it was there agreed that the Mortgage should be given. Pride, who wrote the Mortgage, was the committing Magistrate, and Van Horn and Patrick probably went that same day to him and had the Mortgage written. The time when Van Horn signed the recognizance does not appear, nor does the date when the depositions were taken. Nor do we learn how long Patrick remained in jail. The most probable day for the execution of the Mortgage would be that on which Van Horn signed the bail bond. If the Mortgage was not obtained in the manner and for the purpose stated by James F. Keenan that the parties intended it should be there could have been no consideration for it. This witness thinks there could not have been more than \$25 between Patrick and Van Horn when the Mortgage was executed. Patrick had declared that fall before, that he had settled up with Van Horn, and did not mean to deal with him any more (200), and that Patrick helped Van Horn thresh that fall.

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LELAND & BLANCHARD,
AND H. A. MIX, for Appellees.

SUPREME COURT OF ILLINOIS,

THIRD GRAND DIVISION,

APRIL TERM THEREOF, A. D. 1862.

JOHN VAN HORN
vs.
MARGARET KEENAN *et al.* } *Appeal from Ogle.*

The question in this case is purely one of fact. Does the evidence sustain the allegations of the bill?

Two points made in the bill, are the points of controversy:

1st. The bill charges that Keenan was of unsound mind and memory when he made the note and mortgage in controversy.

2d. That Keenan did not receive from Van Horn any consideration for the note and mortgage.

The reason of the rule that the Court will not reverse a judgment upon a question of fact, unless the weight of evidence is greatly against the verdict, can not apply in this case, where the cause was determined by the Chancellor and upon written depositions. The Court below had no means of determining what weight should be given to the testimony, that this Court has not as fully.

What degree of mental unsoundness is sufficient to set aside a note and mortgage of this kind in equity, and how is it to be shown?

Every person is presumed to be of sound mind, until the contrary is proved.

Lee v. Lee, 4 McCord, 183, 107.

If general insanity is proved, he that claims under an instrument must show that it was executed in a lucid interval; but if it be a partial insanity, at intervals, the particular insanity must be proved at the time of the execution of the instrument.

See same case. The case also fully defines what insanity is. The 6 vols. of McCord in this library, are bound in two.

It is not every man of frantic appearance and behaviour that can be considered a lunatic.

Cooper's Med. Jurisp. 396.

Where an act is sought to be avoided on the ground of mental disability, the proof lies with him who alleges it; till the contrary appears, sanity is presumed.

Jackson v. King, 4 Cow. 207, and the cases there cited.

Occasional insanity arising from intemperance, is not sufficient to set aside a contract.

Lewis v. Baird, 3 McLean, 57.

The manner of proving insanity is, by the opinions of medical men who either have examined the person said to be insane, or have from others such a knowledge of the habits and conduct of the person, as to be able to form an opinion. The mere opinions of non-medical men are of no force as testimony, although they are competent to state facts from which an opinion may be formed.

Curry v. Hooper, 12 Ala. 823.

The only physicians who testify that they believe Keenan to have been insane, are,—

Silas S. Potter, who says his insanity was occasional only.

Ezra M. Light, who testifies to the same effect; has seen Keenan when he did not think him sane, and other times when he did not observe any mental aberration.

These physicians certainly do not make out such a case of insanity as will avoid this mortgage.

It will therefore be seen that, by the opinions of medical men, even if the fullest weight is given to the opinions of complainant's witnesses, nothing like a general insanity is proven.

There are a good many witnesses who testify for complainant, who are not medical men, who detail facts sufficient to show that Keenan was from time to time frantic with liquor, but it does not appear that he was

any more so than any man who had ruined his nervous system with liquor would be when drunk. I can think of several men within the sphere of my own observation, of whom everything might be truly said that is said of Keenan, and yet they are sane men, and, when not under the influence of liquor, as reasonable as anybody else.

I submit to the Court that this testimony of the complainants, the facts proven and the opinion of medical men being considered, show a man under the habitual, excessive use of liquor, wild and foolish in his drunkenness, but no insanity. This is the conclusion arrived at by many of complainant's witnesses, to wit: Welcome McNamis, Record p. 49; Mortimer Smith, 124; William H. Crowell, 126; John Acker, 131; Miles B. Light, 135; Elias Etnyre, 147; Thomas Henckle, 158; John Etnyre, 172; Charles R. Potter, 172.

It is very clear that the testimony of the complainants' witness may all be true, and Keenan had been only frantic with liquor, and sane when sober.

Take now the testimony of defendant's witnesses and the fact is proven that when sober the man was sane. I call particular attention to the testimony of James F. Keenan, his brother, p. 190; his doctor, Geo. A. Bunker, 208, who attended him, visited him every day for some time.

Nathaniel Billings, 190, who was with Keenan nearly all the time from Jan. 1855 up to his death, had a better opportunity of knowing than any other witness except the doctor who attended him. David Aelty, 214; Erastus Wadsworth, for whom Keenan worked, and had dealings with him, and found him always capable to look out for No. 1; had a conversation with him shortly before his death.

Silas S. Tibbitts, 223, who knew him well many years; A. H. Hart, 226; Peter Leclair, 228; John Rutledge, 229; Wm. Rutledge, 230; Silas Hawthorne, for whom Keenan worked, 231; Charles W. Nortfeldt, 233; P. Chary, 233; John R. Chapmond, 236; Joseph Hawthorne, 238; Leonard Stout, 240; Mason Taylor and George Liley, 241; Howard Treat, 245; David Potter, 245; Osborn Charey, 270; James Dugger, who had dealings with him, and some dozen other witnesses.

The note and mortgage were given at a time when Doctor Bunker was attending Keenan, and when he testifies that Keenan was in his right mind Feb. 1856.

I insist that the testimony of these men cannot be true if Keenan was an insane man. They speak of his making bargains, transacting business, and doing work in a way that proved him to be sane. The

testimony of complainant does not prove any kind of insanity except that produced by liquor. The testimony of defendant establishes his sanity when sober.

Is the averment that Keenan did not receive any consideration for the note proven? This allegation is positively denied by the answer, which is under oath, and there is no testimony to prove the averment; on the contrary, it appears that Van Horn boarded Keenan from the spring of 1855 to August, 1856. Lyman Lent, 206, testifies to payments of money by defendant for Keenan, one \$3; another amount not stated; N. Billings \$5; and medicine, Doctor Bunker, 208, \$85; and also that Keenan was sick and confined to the house from the Christmas before his death which would be 8 or 9 months. Jonas Leyster, 210, 1 pair of boots; Schnader, 211, \$7.90; for coat \$2; Keenan owed witness \$9 for overcoat; Elmore, 213, \$6, Keenan's debt. We show, therefore, that Van Horn boarded Keenan eighteen months, half of which time he was confined to the house sick; that he paid some \$125 in cash for him, and the evidence fully shows that Van Horn was in the habit of supplying Keenan with medicine, clothes, &c., and, of course, in the payment of so many bills of various kinds, it is not to be supposed that all these advances could be proven specifically by witnesses—some three or four hundred dollars indebtedness is certainly proven.

But it is said that Keenan worked for Van Horn enough to pay his board. To this I answer that half of the time he was confined to the house and could not work. See Doctor Bunker's testimony, 208. N. Billings testifies that he did not do anything to speak of. James Dugger, same effect, 273, and all the testimony shows that his habits were such that his labor when he was well, was of no value.

But it is said that he took some personal property to Van Horn's. That is true; but it is not shown that Van Horn had it; and, besides, there is proof showing that some of the personal property was disposed of by Keenan.

The matter then stands thus: the averment is made in the bill that the note was without consideration—the answer expressly denies it; it is to be proved by two witnesses, or one witness proof equivalent to the testimony of another. There is no testimony to prove it, and there is testimony showing a good consideration for half, at least, of the amount; but Keenan testifies that the mortgage was given in consideration of Van Horn's going his bail. He is but one witness; but if that is true it is a good consideration; but it is not averred, or in any way shown that Van Horn did not have to pay the bond. I suppose that the going of bail may have been a portion of the consideration, and the advances made by Van Horn the other portion, in which case the judgment should be reversed and an account taken.

B. C. COOK.

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Van Horn
As

Heenan
Appellants. Resp.

Filed May 16 1892
L. L. Leland
Clerk

YORK

State of Illinois
County of Ogle ss.

In the Ogle County Circuit
Court of the October Term
AD 1858

John Hunt Nov

a ds

Margaret Reenan
Mary Ann Rea
Hugh Rea
Elizabeth Champion
Frankie Champion

In Chancery

Be it remembered that on
the day of October AD 1858 at the
October Term of said Circuit Court
holden in and for the County of Ogle
in the State of Illinois before the Honora-
ble John V Eustace Circuit Judge
in and for the Twenty Second judicial
circuit in Chancery sitting came on
to be heard the above entitled cause
upon the Bill of complaint of the
complainant therein the answer of
the Defendant and the replication of
the complainant as follows to wit.

State of Illinois
Ogle County } Circuit Court of said County
October Term 1857
To the Honorable John V Eustace
Judge of said Court

2.
Your oratrix Margaret Keenan of said
County and State humbly complaining
shows your Honor that she is the widow
and relic of Patrick Keenan deceased
of said County and State and your Oratrix
Mary Ann Kea and Elizabeth H Cham-
pion show your Honor that they are the
children and heirs at Law of said
Patrick Keenan. And that your Oratrix
Mary Ann is united in marriage with
Hugh Kea and your Oratrix Elizabeth
is united in marriage with Frank Cham-
pion. Your Orators and Oratrices further
complaining shows your Honor that the
late Patrick Keenan many years since
became seized in fee of Fraction No 3/
two of the N W fractional quarter section
No six 6/ in Township Twenty three 33/
North and eleven 11/ East of the 4th
P.M. situated in said County and State
containing an area of 43 ⁵²/₁₀₀ acres
also lots No seven 7/ and Eight 8/ in
Block No 3/ Two in the Town of Oregon
County of Ogle and State of Illinois
and the said Patrick so became seized
of said premises on or about the nineteenth
day of May A.D 1847 and that he soon
thereafter erected a dwelling house
thereon and enclosed and put partitions

3

3
thereof under cultivation and entered
upon and dwelt together with your
oratrix for many years. Your Oratrix
further ~~shows~~ complaining shows your
Honor that the aforesaid premises and
some inconsiderable amount of personal
property constituted all the estate of the
said Patrick. Your orators and oratrices
further Humbly complaining shows your
Honor that the said Patrick for many
years preceeding his decease was of
unsound mind and insane memory in
which condition the said Patrick remained
for the period of at least five years
previous to his demise and that during
the said period the said Patrick was
utterly incapable of transacting any
business and further that the said Patrick
was addicted to habits of intemperance and
intoxication. Your orators and oratrices
further show your Honor that one John
Van Horn who resided in the neighborhood
of the said premises induced the said Patrick
some time in the Spring of the year AD 1855
to come and dwell in the family of the
said Van Horn and afterwards on or
about the 27th of February AD 1856 the
said John Van Horn suborned and

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induced the said Patrick to execute and deliver to him the said Van Horn his promissory note of the sum of eight hundred twenty seven dollars and ⁷⁵/₁₀₀ due and payable with interest six months after the date thereof which note is in the words & figures following to wit

\$827 ⁷⁵/₁₀₀

Six months after date I promise to pay John Van Horn or order eight hundred and twenty seven and ⁷⁵/₁₀₀ dollars for value received with interest

Oregon Dec February 27th 1856

Patrick Keenan

And your oratrix and orators further aver and charge that the said Patrick at the time of the making of said note and the delivery thereof was of unsound mind and memory and was suborned and induced to so execute the said note by the said John Van Horn and the same was given without any consideration whatever but for the wicked and corrupt purpose and design of cheating and defrauding your oratrix from their just rights in the estate of the said Patrick and delaying and hindering and defrauding creditors

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5
of the Estate of the said Patrick

Your oratrix and orator further explaining shows your Honor that the said John VanHorn further to carry out and accomplish the wicked and corrupt design aforesaid did on the same day and year aforesaid procure and procure the said Patrick J. to execute to him the said John VanHorn a mortgage of the aforesaid premises to secure the payment of the aforesaid fraudulent promissory note and which was duly acknowledged by the said Patrick J. on the 27th day of February AD 1856 which was duly recorded in the Recorder's office of Ogle County immediately after the execution thereof

And your orator and oratrix further shows that the said Patrick J. Heenan did afterwards to wit on or about the 5th day of August AD 1856 depart this life and that letters of administration have been awarded to your oratrix Margaret Heenan on the estate of the said Patrick J. and divers claims against the estate of the said Patrick J. have been proved up and allowed in County Court of said Ogle County a full schedule and inventory of which is hereto annexed

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and marked A and that all the liabilities amount to the sum of five hundred & fifty eight & $\frac{9}{100}$ dollars and that your oratrix Margaret Keenan has a claim and demand against the estate of the said Patrick F. for the sum of five hundred and two dollars as her allowance against the estate of said Patrick under the provisions of the laws of this State and that the said administrator has no assets wherewith to pay and liquidate the several aforesaid demands and that the administrators of said estate and the creditors of said estate are delayed and hindered in the collection of their just claims by reason of the aforesaid void and corrupt mortgage.

And your orator and oratrices humbly complaining shows your Honor that the aforesaid mortgage premises are of the value of about eight hundred dollars and that the said John Van Horn has commenced and instituted an action of foreclosure on said mortgage by process of Scire Facias on the common law side of this Honorable Court and that the said proceeding is still depending and undetermined in the

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Circuit Court of Ogle County Illinois
and that the said Van Horn in and by
his said process of Scire Facias has
made you orators and oratrices parties
defendant and himself Plaintiff all
of which actings and doings tend to
the manifold injury of your Orators
and Oratrices in the premises and in
as much as remedyless at and by the
rules of the common law they therefore
pray that a writ of Injunction may
be awarded to them ~~for~~ ^{perpetually} ~~perpetually~~
injoining and restraining said John
Van Horn his Attorney Counsellors and
agents in the further prosecution of
the aforesaid proceeding by Scire Facias
to fore close said mortgage and that
said note and mortgage may be declared
null and void and that the said John
Van Horn may be subpoenaed to answer
this Bill but not upon his corporal oath
which is hereby expressly waived he is
compelled to file an unsworn answer
and for such other and further relief as to justice
and equity may pertain Margaret X Heenan
At a Mist Sol Hugh Bea

Mary Ann Bea

Elizabeth Champion

Frank Champion

In 1a Mist thin Sol

8
State of Illinois ³/₂

Ogle County ²/₂

Be it remembered that
on this day personally appeared before me
the undersigned one of the foregoing com-
plainants Margaret Steeman who bring
duly sworn upon oath declare that
the matters and things in the foregoing
bill contained so far as they are stated
upon the knowledge and information of
affiant that they are true and so
far as they are stated from information
and belief believes them to be true

Subscribed & sworn to Margaret Steeman
before me on this 6th
day of Oct 1857

Mrs Smith clerk

A

Demand against Estate of Patrick Steeman

Widows Allowance \$500.00

Demand of John Caut Horn 42.99

" John McHinkle 3.92

" Geo Etnyre 11.00

\$558.91

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State of Illinois

County of Ogle ss: In the Ogle County Circuit
Court of the October Term AD
1857 In Chancery sitting

The answer of John Tunkhorn Defendant
by David S. Pride his solicitor to the Bill
of complaint of Margaret Keenan, Mary
Ann Rea, & Elizabeth H. Champion, Hugh
Rea and Frank Champion.

And this defendant now and at
all times hereafter saving and reserving
to himself all manner of benefit and
advantage of exception to the many
errors and insufficiencies in the
complainant's said Bill of complaint
contained. for answer therunto or unto
so much or such parts thereof as this
Defendant is advised is material
for him to make answer unto. and
says he admits that the said Margaret
Keenan is the widow and relic of
Patrick Keenan deceased, and that
Mary Ann Rea and Elizabeth H.
Champion are the children and heirs
at law of the said Patrick Keenan
deceased, and that the said Mary
Ann Rea is united in marriage with
Hugh Rea and that the said Elizabeth

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is united in marriage with Frank Cham-
pion as stated in said Bill. And this
defendant further answering admits that
the said Patrick Keenan deceased became
seized in fee of Fraction N^o 3 of the North
west fractional quarter Section N^o 6 in
Township N^o 23. North Range Eleven
east of the 4th P.M. in said county
and State containing 43. ⁵²/₁₀₀ acres
of land also Lots N^o 7 and 8 in Block
N^o 2 in the Town of Oregon in said
County and State as stated in said
Bill of complaint.

And this defendant further an-
swering says he has no knowledge in-
formation or belief whether or not the
aforesaid premises and some inconsiderable
amount of personal property constituted
all the estate of the said Patrick Keenan
except the knowledge and information
derived from said Bill and hearsay
report that such is the fact. And this
defendant further answering denies
that the said Patrick Keenan for many
years previous to his decease was of
unsound mind and insane memory
or that he was in ~~that~~ ^{such} condition for
the period of five years previous to

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his demise or that during that time said Patrick was incapable of transacting business as charged in said Bill of complaint, but this defendant states the truth to be, that for five years previous to his decease the said Patrick was of sound mind and memory and was capable of transacting business, and did transact all of his business affairs.

And this defendant admits that the said Patrick was intemperate and at times was intoxicated.

And this defendant further answering denies that he ever induced the said Patrick to come and live with this defendant, and this defendant states the truth to be that the said Patrick and Margaret not living pleasantly together the said Patrick requested the said defendant to let the said Patrick come to defendant's house to live and at the earnest solicitation of the said Patrick sometime in the year 1855 this defendant consented to let the said Patrick come and reside with this said defendant. And this defendant denies that on the 27th day of February 1856 or at any other

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time, this defendant ever suborned or induced the said Patrick to execute and deliver to this defendant his promissory note for the sum of Eight hundred and twenty seven & ⁷⁵/₁₀₀ dollars payable in six months from date with interest as stated in said Bill of complaint, but this defendant states the truth to be that on the 37th day of February 1856 the said Patrick was honestly indebted to this defendant in the sum of eight hundred and twenty seven & ⁷⁵/₁₀₀ dollars for a good and valuable consideration received by the said Patrick from this defendant and on the day and year last aforesaid the said Patrick made executed and delivered to this defendant his promissory note for the sum of money last aforesaid payable in six months from date with interest a copy of which note is correctly given in said bill of complaint.

And this defendant further answering denies that the said Patrick at the time of making said promissory note and the delivery thereof was of unsound mind and memory, and this defendant denies that the said Patrick was suborned and induced by this defendant to execute said

as stated in said Bill of complaint, but this defendant states the truth to be, that said mortgage on said premises was on the day of the date of said note, made, executed, acknowledged and delivered by the said Patrick to this defendant in good faith to secure the payment of said note without any fraud, or wicked design on the part of this defendant to wrong, cheat or defraud said complainants or any or either of them or any creditor of the estate of the said Patrick, or other person —

And this defendant further answering admits that on or about the 5th day of August A.D. 1856 the said Patrick departed this life and that letters of administration have been issued to the said Marguist on the estate of the said Patrick. And this defendant further answering says he has no knowledge information or belief except the statement in said bill of complaint as to the amount of demands proved up and allowed against said estate, or as to the claims which the said Marguist has against said estate, or that the administrator of said estate has no assets with which to pay and liquidate the demands against said estate. And that if creditors of said

estate are delayed and hindered in the collection of their just claims against said Estate it is not through any wrong or fault of this defendant.

And this defendant further answering admits that the aforesaid premises are worth somewhere near eight hundred dollars and further that this defendant has instituted an action to foreclose said mortgage by Scire Facias in the common law side of this Honorable Court and that the said action is still pending and undetermined. and that this defendant has made the complainants in said Bill parties defendants in said Scire Facias.

And this defendant utterly denies all unlawful, fraudulent, wrongful, wicked and corrupt motive in obtaining said promissory note and mortgage from the said Patrick. but that said ^{note &} Mortgage were executed and delivered to this defendant to secure the payment of a bona fide debt due and owing from the said Patrick to this defendant, without any other matter or thing material or necessary for this defendant to make answer unto and not herein and hereby will and sufficiently answered unto confessed

or avoided traversed or denied. is true to
 the knowledge or belief of this defendant
 All of which matters and things this defen-
 dant is ready to avow maintain and
 prove as this Honorable Court shall direct
 and humbly prays to be hence discharged
 with his reasonable costs and charges in
 that behalf most wrongfully sustained
 John VantHorn by
 David S. Pride
 his Solicitor

State of Illinois

County of Ogle ss David S. Pride of said
 County and State first being duly
 sworn on his oath states that on the
 27th day of February AD 1857 he was
 present with John VantHorn and
 Patrick Keenan named in the Bill
 of complaint of Margaret Keenan and
 others against the said John VantHorn
 filed in this Honorable Court. That on
 said 27th day of February the said
 Patrick Keenan made executed and
 delivered to the said VantHorn the prom-
 ise note mentioned in said Bill and
 the answer thereto. That said note
 was drawn up by this affiant, and

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signed and delivered to the said PautHorn
in the presence of this affiant. That on
said day the said Patrick Keenan made
executed a acknowledged and delivered
to the said John PautHorn a mortgage
on the lands and lots mentioned and
described in said Bill and the answer
thereto, and that said mortgage was
drawn up by this affiant signed in
his presence. Witnessed by this affiant
the acknowledgment taken by him, and
delivered by the said Patrick Keenan
to the said PautHorn in the presence of
this affiant. And this affiant further
on his oath states that he heard the
conversation which took place between
the said Patrick Keenan and John
PautHorn, and that this affiant no-
ticed no evidence of insanity or un-
soundness of mind and memory and
noticed no symptoms of insanity or
unsoundness of mind or memory. And
this affiant states that he believes that
the said Patrick Keenan was at the time
of making executing and delivering said
note, and the executing acknowledging
and delivering said mortgage of sound
mind and memory and was fully compe-

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tent to transact the business then and
there done

Subscribed & sworn to } David S. Price
before me this 8th day of }
October 1857 }
E. J. Dutcher J. P. }

State of Illinois

County of Ogle of George A. Butler of said
County and State first being duly sworn
on his oath states that he is a practicing
Physician and Surgeon in said County
that he was intimately acquainted with
Patrick Keenan late of said County deceased
that this affiant was from the winter of
1851 & 2 up to the time of the decease of
the said Patrick Keenan, the regular
Physician employed by the said Patrick
that during the last four or five years
previous to said Patrick's decease this
affiant attended the said Patrick
during several attacks of severe sickness
and this affiant further on his oath
states that it is his opinion that during
all the time this affiant was acquainted
with the said Patrick, the said Patrick
was a perfectly sane man and of

sound mind and memory, except when the said Patrick was intoxicated with liquor. That this affiant attended upon the said Patrick during his last sickness as his Physician and surgeon, and it is the opinion of this affiant that the said Patrick was perfectly sane and of sound mind and memory during such last sickness except occasionally when the said Patrick was intoxicated with liquor and that during such last sickness as aforesaid until within a few days before his decease the said Patrick was competent to transact his business.

Subscribed & sworn to before
me this 8th day of October
1857

George A. Benson

David S. Prude J.P.

State of Illinois

Ogle County ss

Margaret Keenan

Mary Ann Rea

Hugh Rea

to Elizabeth Champion &

Frank Champion

John Van Horn

Circuit Court of
said County of Ogle
of the October Term
A.D. 1857

In Chancery

20
The replication of Margaret Keenan
Mary Ann Rea Hugh Rea & Elizabeth
Champion and Frank Champion to the
answer of John Van Horn defendant-

These replicants saving and
reserving unto themselves all and all
manner of advantage of exception to the
manifest insufficiencies of the said
answer for replication the replicants saith
that they will avow and prove his said
Bill to be true certain and sufficient
in the law to be answered unto and
that the said answer of the said
defendant is uncertain untrue and
insufficient to be replied unto by these
replicants. Without this that any other
matter or thing whatsoever in the said
answer contained material or effectual
in the law to be replied unto confessed
and avoided traversed or denied is true
all of which matters and things these
replicants avow and will be ready to avow
and prove as this Honorable Court shall
direct and humbly pray as in and by
the said Bill they have already prayed

A A May 18

Margaret Keenan
Mary Ann Rea
Hugh Rea

C Elizabeth Champion
 Frank Champion

and the proofs and allegations of the respective parties complainants and defendants
 The complainants to sustain the issue on
 their part produced and read in evidence the depositions of Elias S. Potter
 Thomas A. Potwin William Moore Jonathan
 W. Jenkins Charles F. Emerson, Edward F.
 Dutcher, Chester Murphy, Melville McNamee
 Perry Barker William Rea Charles H. Stone
 James Rea Robert Rea John Rea Michael
 Ashe, Philo C. Miles Loyd Woodstock James
 Sumner Luthar Strook John H. Patterson
 Orris Wilson, Benjamin D. Weaver Ezra M.
 Light Michael Barry Robert C. Burchell
 Mortimer W. Smith, William H. Crowell
 Edmund P. Sexton, John Acker, Miles
 B. Light Elbert K. Light Rufus Arty
 William Buser Caleb Williamson Barnabas
 Brundage, Daniel Root George
 T. Gale Schiel Day, Isaac S. Woolley
 William W. Bennett, Albert W. Ross, Thomas
 Hinkle John Hinkle, John Wood Solomon
 S. Crowell S. L. Marshall S. M. Hitt, J.
 Van Loan John Ettinger Charles R. Potter
 William Jackson Horace Powell Cor-
 nelius Westbrock Lewis Hornell, William

Williams B H Bacon. Alvin Lucy Wm
Baker F O'Hare D Farrell V E H Suggitt

In interrogatories propounded to Elias S.
Potter a witness produced on the part of
the complainants and his answers thereto

1st Interrogatory

What is your business or profession &
how long have you practiced the same
and where.

Ans to 1st Interrogatory

I am a Physician have prac-
tised as a physician fourteen years in the
county of Ogle and State of Illinois.

3rd Interrogatory

Were you or not acquainted with the
late Patrick Keenan, if yes when did
you first become acquainted with him
and did you or not ever attend him in
the capacity of a physician, if yes for what
period of time and when

Ans to 3rd Interrogatory

I was acquainted with Patrick
Keenan I was acquainted with him in
1851 & I think a year or two previous &
was acquainted with him from then
until his death. I have attended him
in the capacity of a physician. I attended

him in the year 1851 & previous to that time & afterwards not less than four years.

3rd Interrogatory

Please state what was the mental condition of the said Patrick Keenan during the period of time that you knew him & was he or not of sound mind and memory during said period.

Ans to 3rd Interrogatory

I considered him a general intellectual maniac conclusively. he was not of sound mind and memory.

4th Interrogatory

Was his mental aberration constant or occasional

Ans to 4th Interrogatory

It was always called out by questions or some other stimulant

5th Interrogatory

Was this mental aberration particularly caused by the use of liquor

Ans to 5th Interrogatory

It was not. Insanity would be developed by any stimulus that chanced to act upon his mind, by argument or by any exciting cause

6th Interrog

Please state instances if you have any within your knowledge in which the said Patrick disclosed his insanity & the causes

Answer to 6th Interrog

On one occasion the said Patrick worked ~~for~~^{with} me for several days and in a conversation at one time at our dinner table when the subject of Popery was introduced in relation to the Roman catholic faith, he manifested such obvious indications of insanity that my family became afraid of him & requested me to send him home. By following him up with questions upon any subject, for any length of time symptoms of insanity would be developed -

7th Interrog

Was he or not during any of the time you were acquainted with him a man of sound mind and judgment

Ans to 7th Interrog

He was not

Interrogatories & answers on cross examination

1st Query

When did you ever attend the said Patrick Keenan in the capacity of a physician and for how long time and what was his disease at the time you so attended him -

Ans to 1st Query

I think I attended him as early as 1849, 1850, 1851 & 1852 & probably in 1853 when I first attended him I do not remember his disease think it was bilious fever for the last couple of years he had dropsy -

3d Query

How many times did you doctor him in 1849 and do you know that you visited him in 1849 and how many times in the same year did you visit him and have you ever visited the said Patrick in the capacity of a physician and how many times have you so visited him -

Ans to 3d Query

I could not answer how many times I doctored him in 1849 he was a standing patient. I could tell by referring to my books. I do not know whether I visited him in 1849 or not. he was frequently in my office for medicine

I have visited him in the capacity of
a physician not less than twenty times.
3^d Interrogatory

If the said Patrick Keenan was a
standing patient of yours state the
nature of his disease

Ans to 3^d Interrogatory

For the last year or two of my
attendance he labored under the disease
called dropsy. He had several attacks
probably ague think he had ague and
fever in the commencement of his
disease in this country.

Elias S. Potter

Interrogatories propounded to William
Moore and his answers thereto

1st Interrogatory

Were you or not ever acquainted with
the late Patrick Keenan, if you when
did you first become acquainted with
him, how long did your acquaintance
continue, and how frequently during
said period did you see the said
Patrick and was he or not a man of
sound mind, memory and judgment
state fully and your means of knowl-
edge.

Ans to 1st Entry

I was acquainted with him. I first became acquainted with him in 1846 I think it was. I knew him from that time to the time of his death. I saw him sometimes every day for some days together and probably every week for the whole period. There might have been some weeks and perhaps months that I did not see him. I do not think he was a man of sound mind and not a man of sound judgment. I saw nothing deficient in his memory. he has been at my table occasionally but only for a few days at a time -

2^d Entry

Was he at any time during the period you were acquainted with him mentally capable of transacting any business of magnitude

Ans to 2^d Entry

From the knowledge & opinions I have formed of him I should say that he was not -

Comp Interrogatories & Answers

1st Interrog

Did you see the late Patrick Keenan during his last sickness and if you when and where and do you know how long such sickness continued -

Ans to 1st Interrog

I saw him frequently after he was taken sick. I saw him in Town during the last few months of his life. It might have been three or four months. It might not have been one month. I saw him once on the other side of the River drunk by the side of the road after he was taken sick -

3^d Interrog

Was not the said Patrick when not under the influence of liquor of sound mind and memory -

Ans to 3^d Interrog

I do not think he was -

William Moore

Interrogatories propounded to Samuel N. Jenkins and his answers thereto -

Interrog 1.

Were you acquainted with the late Patrick Keenan, if you when did you first become so acquainted with him how long did you know him, how

frequently did you see him during said period. how near was your residence to his and please state whether or not the said Patrick was during the period you so knew him a man of sane and sound mind. State fully and your means of knowledge -

Ans to 1st Entry

I was acquainted with the late Patrick Keenan. I have known him ever since he came into the country until I left the country. I saw him pretty frequently during said period. I think my residence was probably not over a mile and a half from his. At the time I first knew him for the first two years I considered him sane when not in liquor. For the last two years I knew him I do not think he was of sound mind at any time I saw him or hardly ever -

3^d

Entry

For the last two ^{or three} years of your acquaintance with the said Patrick should you or not consider the said Patrick in a mental condition to transact business of any magnitude

Ans to 2nd Entry

For the last two years I do not think I ever saw him when I thought he was capable of transacting any business of any magnitude. There might have been times when he was but not when I saw him

3^d Interrog

Did you ever during the period spoken of before know him to be in a state of mental distraction, if you in what manner did he demean himself when in that condition and how frequently was he in that condition and did you consider him dangerous -

Ans to 3^d Interrog

I should say that my residence was between him and town and I hear, seen and heard him at all times of the day and night hallooing and scaring my family folks. For the last two years of his life it was very frequently. I don't know that I considered him dangerous

Cross Interrogatories and answers -

1st Interrog

Whenever you have heard the said Patrick hallooing as you have above testified was he not under the influence of liquor, and when not under the

influence of liquor was he not of sound mind and memory and capable of transacting ordinary business.

Ans to 1st Interrog

I could not say as I was not always with him. Sometimes I supposed he was under the influence of liquor. I do not think in the last two years he was capable of transacting business at any time when I saw him.

Jonathan W Jenkins

Interrogatories propounded to Thomas H Potwin and his answers thereto

Interrog 1.

When you acquainted with the late Patrick Keenan, if you when did you first become acquainted with him and how long did you know him, how frequently did you see him during said period, and was he or not of sound mind and judgment, and was he during the last two years of his life in a mental situation to transact any business of any magnitude and your means of knowledge

Ans to 1st Interrog

Ans to 1st Entry

I was acquainted with said Patrick Keenan, I have known him for some years past, five or six years at least, some part of the time I would see him every few days, at other times I would not see him for some weeks perhaps I should not consider him at all times of sound mind and judgment to say the least of it. I should not suppose that he was at all times during the last two years of his life in a state of mind to transact business of magnitude. I would not like him to transact business of importance for me -

3^d Entry

Please state what acts of insanity you have known the said Patrick to manifest and the style of his conversation -

Ans to 3^d Entry

I have known him to purchase small articles in my store and turn around to the boys and distribute them among them at different times. I have often heard him in the street hallooing and very boisterous even at dead of night. The style of his conversation was generally disconnected - My question

you might put to him his answer was generally rather indefinite before he got through answering your question he would generally run on to some other subject -

Examp Examined

1st Interrog

When the said Patrick was not under the influence of liquor was he or not in your judgment of sound mind and memory and capable of transacting his ordinary business -

Ans to 1st Interrog

I think when he was not under the influence of liquor he appeared rather strange and different from other people and when under the influence of liquor it was more manifest. He transacted his business in his way but not like other people

Wm H Potwin

Interrogatories propounded to Charles
J. Emerson and his answers thereto

1st Interrogatory

Were you acquainted with the late
Patrick Keenan if yes when did you
first become acquainted with him, how
long did you know him, how frequently
did you see him during the period
of your acquaintance. Please state the
manner the said Patrick demeaned him-
self whether in a sane or insane manner
and if the latter point minutely & fully
such and every act you now recollect
of that character.

Ans to 1st Interrogatory

I was acquainted with the said
Patrick Keenan. I first became ac-
quainted with him sometime about
1849 or 1850 I think I knew him up to
the time of his death. I saw him during
that probably every week or few days
I never thought he was a sane man
from the time I first saw him. Whenever
I have seen him he was always in the
habit of going on with a long monologue
and I could not gather any conclusion
from his conversation and could not tell
what he was trying to talk about.

If he had any thing in his hand he was
 always swinging it about in military style
 Whenever he was in town as a general thing
 he was parading through the streets hal-
 lowing and commanding his army as he
 would say. I have seen him get an old
 can or kettle or chunk of wood and kick
 it about the streets. I have heard him
 halloing all night long. I hired him
 once to quarry some stone. before he went
 up I sold him a coat a pair of boots and
 spantatoons. it was about noon that I
 sold them to him. he said he went to the
 quarry and worked about half an hour
 he then took his boots coat & spantatoons
 and built a fire and burned them up
 which fire spread and burned up Schneiders
 fence. When he came back he came in and
 told me he wanted some more clothes & a
 pair of boots. I asked him what he did
 with those I sold him he told me he
 wanted to make a bonfire and thought
 they would make as good a bonfire as
 any and took and put them on the fire
 and burned them up. He used to be buying
 toys and giving away to children and used
 to be playing about the street on a little
 mouth organ.

3^d Entry

Please state whether or not the said Patrick at any time during the period of your acquaintance like a sane and sound minded man and whether at any time during the said period he was in a situation of mind to transact any business of any moment or magnitude.

Ans to 3^d Entry

I never thought he was a sane man from my first acquaintance until he died. I do not think he was at any time during said period capable of transacting any business of magnitude.

Cross Interrogations & answers.

1st Entry

When did you reside during your acquaintance with said Patrick and what was your occupation and where did the said Patrick during the same time and did you ever see the said Patrick at his residence and if you how many times and when

Ans to 1st Entry

I lived in the village of Oregon I was constable when I first knew him after that time was keeping a grocery

and then a store and then keeping tavern said Patrick lived about three miles from town. I have seen him frequently at his residence when he resided with Patterson and with James Keenan. I never was at his residence when he was keeping house for himself

3^d Entry

During the time you were keeping grocery, did you sell intoxicating liquors and was the said Patrick in the habit of drinking intoxicating liquors, and during the time you were keeping grocery as aforesaid did you sell such liquors to the said Patrick Keenan and how frequently

Ans to 3^d Entry

I did when I was keeping grocery sell intoxicating liquor. Said Patrick was in the habit of drinking intoxicating liquor, and I sold it to him probably every time he came to town -

3^d Entry

What business were you engaged in at the time you employed the said Patrick to quarry stone as you have testified in your direct examination and how long since was it -

Ans to 3^d Entry

I was selling goods at that time it was in 1851 I think.

4th Entry

On the occasion referred to in the last crop interrogatory. did you furnish the said Patrick with any liquor or did he have any liquor to your knowledge -

Ans to 4th Entry

I did not on that occasion furnish him any liquor and do not think he had any.

5th Entry

What was the value of the coat pantaloons and boots above referred to by you and at the time you so sold them to the said Patrick did you consider him insane and was not the said Patrick sane enough to make a proper trade for said clothing and contract for quarrying stone

Ans to 5th Entry

As near as I can recollect the value of the property was about five or six dollars the boots were worth about two dollars & a half the pantaloons were thin and he wore them as overalls and the coat was a thin cotton coat

I did consider him insane but I always thought him shrewd enough to make a bargain of that kind. I hired him to quarry by the day and he made a proper contract.

6th Entry

At the time you sold him the clothing and made a contract with him for quarrying ~~stone~~ as aforesaid, state what indications of insanity you saw which you now recollect.

Ans to 6th Entry

There was nothing more than his general conversation and appearance. I recollect nothing particular on that particular occasion.

7th Entry

Do you know of your own knowledge that the said Patrick burned the clothing he so purchased from you.

Ans to 7th Entry

I do not.

8th Entry

On what occasions have you seen said Patrick pick a bottle through the streets and was not the said Patrick at such times and also while swinging his club in military style and parading his

army as you have above testified
more or less under the influence of liquor
Ans to 8th Interrog.

I have frequently seen him
kicking things about the streets but
recollect no particular occasion. I
do not know whether he was under the
influence of liquor at those times. I
have seen him do it when I thought
him intoxicated and have seen him
do the same thing when I thought he
was not.

9th Interrog.

On how many occasion have you
seen the said Patrick buying toys and
distributing them to the children and
what was the value of the same.

Ans to 9th Interrog.

I have seen him do it frequently
from twenty five to fifty cents worth
at a time.

10th Interrog.

When the said Patrick was not
under the influence of liquor, ~~was~~
~~business out to work by the day or buying~~
~~anything out of the store he did~~
was he or not capable of transacting
ordinary business and was not the said

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Patrick a shrewd and ordinarily intelligent man -
Ans to 10th Interrog

When the said Patrick was not under the influence of liquor in hiring out to work by the day or buying anything out of the store he did I presume as well as anyone. He was shrewd enough in buying anything out of the store or hiring out by the day. I don't think he was an intelligent man.
C. F. Emerson

Interrogatories propounded to Edward F. Dutcher and his answers thereto -
1st Interrog

Have you acquainted with the late Patrick Keenan. When did you first know him, how frequently did you see him during the period of your acquaintance. Please state the manner in which the said Patrick demeaned himself whether in a sane or insane manner and if the latter point out minutely and fully each and every act you now recollect of that character -

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Ans to Mr Henry

I was acquainted with the late Patrick Keenan. I knew him some seven or eight or nine years immediately preceding his death. I saw him every few days during the period of our acquaintance. I always thought Patrick Keenan was not a sane man. Patrick most always when he came to town called on me. I recollect once I met him on the sidewalk and he had a pitch fork and presented it at me so close that he startled me a little and on looking at him I noticed he looked very wild and whenever in conversation with Patrick anything came up in relation to religion or politics he would talk very incoherently and did not talk like a man that was sane. I have known him several times to be hallooing about the streets until two or three o'clock at night. On one occasion on coming from Lane with Mr Sears I heard him hallooing on the prairie in the night off north of Capt Truster. He had a lot of stakes up on the sand hill that he used to stick up and

call them soldiers and drill them for hours night along and hallow until he was perfectly exhausted -

2^d Interrog

Please state whether or not the said Patrick at any time during the period of your acquaintance, ~~said~~ appeared like a sane and sound minded man and whether at any time during said period he was in a situation of mind to transact any business of any moment or magnitude

Ans to 3^d Interrog

I always thought him to be insane I think he was not at any time during said period in a situation of mind to transact any business of moment or magnitude -

Prop Interrogations

1st Interrog

Was or was not the said Patrick a man of intemperate habits or in the habitual use of intoxicating liquors during all the period you so knew him, and when the said Patrick had the stakes driven in the sand pile and called them soldiers, and when the said Patrick was hallowing rights as you have above testified, was he

or not more or less under the influence
of liquor.

Ans to 1st Query

I have seen him frequently
drink liquor. I do not recollect ever
seeing him so intoxicated but what
he could walk straight. I think he
was in the habit ~~of~~ using intoxicat-
ing liquor. I have frequently seen him
with his quart or two quart jug. I do
not know whether he was under the
influence of liquor when arranging
his soldiers on the sand hill and
battering nights. I should think from
his appearance he was.

3^d Query

Do you know of the said Patrick
having been arrested and brought before
a magistrate of this town within the
last five years. and if yes what was
the complaint filed against him who
were the witnesses for the prosecution
and who was the principal mover
in the prosecution and what attorney
appeared and prosecuted the said
Patrick and before what magistrate

Ans to 3^d Query

A warrant was issued some three or four years ago by David S. Pride of I recollect right against the said Patrick requiring him to show cause why he should not be held to bail to keep the peace against Margaret Keenan his wife. He was required to give bail to keep the peace and for want of such bail was committed to the County Jail by D. S. Pride Justice ^{of the} Peace. I do not recollect who prosecuted I think it was H. A. May and the complainant was Margaret Keenan
 3^d February

When the said Patrick was not under the influence of liquor was he or not capable of transacting his ordinary business and was he or not ordinarily shrewd and intelligent

Ans to 3^d February

I have frequently seen him when he was not in a condition to transact any business of any amount. but whether or not he was intoxicated I do not know. As to his shrewdness about his business I never knew anything about it.

4th Interrog

Have you or not ever seen the said Patrick when he appeared ordinarily intelligent or showed no particular or marked signs or indications of insanity and if you how often and has the said Patrick ever employed you as his attorney and if you how did he appear when he so employed you.

Ans to 4th Interrog

I have seen him when he showed no particular symptoms of insanity except a general wildness of expression in his countenance which he always had -

E F Dutcher

Interrogatories propounded to
Chester Murphy and his answers thereto
1st Interrog

Were you acquainted with the late Patrick Keenan, if you how long and where did you know him and how frequently did you see him during the period of your acquaintance

Ans to 1st Interrog

I was acquainted with the late Patrick Keenan I knew him in Ogle County Illinois I think I knew him about ten years. I saw him

during that period perhaps four or five times a year. I think not oftener.

3^d Interrog

Please state from your knowledge and observation of the said Patrick whether the said Patrick was or not a man of sane and sound mind and memory if nay what acts have you seen in the conduct and demeanor of the said Patrick indicative of insanity -

Ans to 3^d Interrog

My acquaintance with the said Patrick was not of the most intimate character but my impressions from the casual acquaintance that I had with him were that he was not ~~a man~~ of a sane mind upon all occasions. My impressions were when I was in company with him or hearing him talk that he was under the influence of spirituous liquors. I do not recollect having seen him drink upon many occasions

Interrog 3^d

Please state when you saw the said Patrick on the occasions referred to in your preceding answers

Ans to 3rd Interrog

I saw him frequently at Oregon at Dayville at Van Horns and have seen him at his own home

4th Interrog

Please state if on any occasion that you ever saw the said Patrick that you considered him of sound mind and memory and capable of transacting any business of magnitude.

Ans to 4th Interrog

My impression was that the man's mind was injured from the effects of intemperance so much so as to disqualify from transacting important business

5th Interrog

Did you discover in difference in his conduct on the various occasions that you saw him; if you in what respect did it differ and state fully his demeanor on the occasions when you saw him

Ans to 5th Interrog

I have discovered a difference in his demeanor upon the various occasions when I saw him. Upon certain occasions his conversation was light

childish and profane on other occasions though he seemed reserved and grim, as if he was mad and was not communicative. I have on other occasions known him to be boisterous and noisy, remaining out of doors the greater part of the night, hallowing. I have heard him frequently when I supposed him at his house a distance of a mile & a half.

Chester Murphy

Interrogatories propounded to McNamee
McNamee and his answers thereto -

1st Interrogatory

Were you or not acquainted with the late Patrick Keenan if yes how long and where did you know him, how frequently did you see him during the period of your acquaintance and was he or not a man of sound mind if may please state what acts indicative of insanity have you known the said Keenan to commit -

Ans to 1st Interrogatory

I was acquainted with the late Patrick Keenan. I suppose I knew him some eight or ten years. I knew him in Ogle County Illinois. I saw him during that period probably

some six or eight times a year. I might have seen him oftener some years and others not as often. I considered him sound when he was sober as far as I knew him. When he was intoxicated I would not consider him ^a sane man. I do not consider any man sane when he is intoxicated. At times when I considered him intoxicated I have heard him hallooing and ordering his troops about.

Inter 3^d

Please state how long a period you have known the said Patrick to halloo in the manner you stated and where

Ans to 3^d Inter

I have known him to halloo probably from one to three hours at a time at Dayville.

3^d Inter

How do you know that he was under the influence of liquor at the times referred to in the last answer

Ans to 3^d Inter

I saw him drink liquor on two or three of the occasions I spoke of

4th Entry

Did you ever see the said Patrick when he was sober, if so did you ever have any conversation with him on such occasions if you could you procure from him an intelligent answer to any inquiry made of him on any occasion within the last three years.

Ans to 4th Entry

I have seen the said Patrick when I took him to be sober and have had conversation with him on such occasions. I took it that he did give intelligent answers. I done some work for him and he agreed when he would pay for it and came and paid me according to contract:-

Welcome M^r Hannes

Interrogationis provided to Perry Barker and his answers thereto-

1st Entry

Were you or not acquainted with the late Patrick Keenan if you how long and where did you know him, how frequently did you see him during the period of your acquaintance and was he or not a man of sound mind and if may please state what acts indication

of insanity have you known the said Patrick to commit.

Ans to 1, st Inting

I was acquainted with the late Patrick Keenan. I knew him first I think in 1852 and from that time until his death I knew him at Oregon and at his residence across the River from Oregon. The first year or so of my acquaintance I presume I saw him nearly every week after that I used to see him very frequently but there might have been some intermediate times when I did not see him for perhaps three or four months. I could not say positive whether he was a man of sound mind or not. I can only give my opinion. I never did consider him exactly sane at any time. From his general conversation when I have seen him or known him when he was not intoxicated I should think he was not exactly right. The first time I ever saw him was when I was digging a cellar he came along he came out of the bushes back of the house rather suddenly and wanted to take the job of digging the cellar and laying up the cellar wall said he was the best stone mason in America. He offered to do the job

for somewhere about three dollars which was not one fourth of what the job was worth. He kept up about the same kind of conversation all the balance of the afternoon or till nearly sun down when he came along towards town. That same evening quite late after most of us had gone to bed I think, we heard him hulloing. It rather alarmed me and my wife. I think he kept hulloing nearly all night back of the house in the bushes.

Perry Barker

Interrogatories to William Rea and his answers thereto

1st Interrogatory

Were you or not acquainted with the late Patrick Stearns if you how long and where did you know him how frequently did you see him during the period of your acquaintance and was he or not a man of sound mind if may please state what acts indicative of insanity have you known the said Patrick to commit

Ans to 1st Interrogatory

I was acquainted with Patrick Keenan I knew him at James Keenan's and at his own place. I knew him eight or ten years or more. I sometimes saw him every day and sometimes not for a week or longer. I considered that he was not a man of sound mind. When he talked with me he did not give such an answer as I thought a sound man would. I have been at his place working and he showed me when he had his army and the trees he had for his commissioned officers. I have seen him frequently growling through the barriers hallowing as if he was a man hallowing to his army.

2^d Intery

How near was your residence to the said Patrick's and how frequently did you and the said Patrick work together and how long on such occasion.

Ans to 2^d Intery

My residence was about one mile from Patrick's. We worked together probably a dozen times and perhaps more probably a day or more at each time.

3rd Interrog.

On the occasions to which you refer in your preceding answer of the conversation and acts of the said Patrick was he or not under the influence of liquor

Ans to 3rd Interrog.

He was not, I did not see it taste it or smell it about him

4th Interrog.

Did you ever see him on any occasion during the whole period of your acquaintance with him that you considered him a man of sound mind

Ans to 4th Interrog.

I never did -

5th Interrog.

Do you know the time the time said Patrick went to live with Mrs Van Horn -

Ans to 5th Interrog.

It was in the winter I do not exactly know the time, I think it must have been near the Spring it was after he left the jail -

6th Interrog.

Please state if you know what articles of personal property he had when he went to Van Horns and what

disposition he made of them and the value of each -

Ans to 6th Interrog

He had a good yoke of cattle and a good cow there was some young stock but I do not know the quantity. He had some hay and some wheat and some potatoes. It was taken to Van Horns. The oxen were worth I suppose about one hundred and forty dollars. The cow about thirty five dollars. I do not know the value of the other property.

7th Interrog

How far is your residence from Mr. Van Horn's the defendant, and did you see the said Patrick often during the time he was with Mr Van Horn and if you how was the said Patrick employed during the period he was at Mr Van Horns, and what for a hand brand was he for farm labor, and what proportion of the time did he work for said Van Horn during the period he was with him, and was or not his services sufficient to liquidate the expense of his support during the entire he was at Van Horns

Ans to 7th Inter.

Inside about one hundred and sixty rods from defendant VanHorn's.

During the period Patrick was at VanHorn's he was at different kinds of work sometimes about the garden, sometimes about the yard ^{and} sometimes ^{about} the field. When he was not under the doctor hands he was a reasonably good hand. He worked the first summer he was at VanHorn's and on till fall. I suppose when he worked his services were sufficient to compensate for his support. When he was under the doctors hands I suppose they were not.

Inter 8.

Please state if you know who controlled the action and conduct of the said Patrick during the period he lived with VanHorn

Ans to 8th Inter.

I took it to be VanHorn. If any one was about my house they would have to obey orders it is clear.

9th Inter.

From your knowledge of the business and deal that had transpired between said Patrick VanHorn up to the time the said Patrick left the jail in Oregon how did they probably stand —

Ans to 9th Interrog.

I am not sure but I would think that Patrick was not his debt Patrick's wheat of the previous year went to Van Horns.

11th Interrog.

Please state if you know what the business and pursuits of the said Patrick Keenan were in the month of February 1856 and if he was engaged in any business or any enterprise at that time that would demand an outlay of eight or nine hundred dollars -

Ans to 10th Interrog.

He was not engaged in any business that I know of and no business that I know of that would demand such outlay.

Cross Interrogatories

1st Cross Interrog.

What relationship if any exists between you and the complainant Hugh Rea

Ans to 1st Cross Interrog.

My mother told me in new brother -

2^d Cross Interrog.

How do you know what articles

of personal property the said Patrick had at the time he went to reside with the said VanHorn, and how do you know the same were taken to the said VanHorns and what became of the said property after it was taken to said VanHorns and your means of knowledge

Ans to 3^d Crop Interrog

I knew the oxen before then and saw them at VanHorns place and worked on his place. I was informed by my Brother that the other property was taken there and saw the cattle on the place I saw the wheat taken to the place. all I know of the hay and potatoes is what Raf & my brother told me. James Dugger got the cattle from VanHorns or else his brother or both of them I do not know what became of the potatoes and wheat after it went to VanHorns nor the cows.

3^d Crop Interrog

How much of the time did the said Patrick work the first summer that he was at VanHorns.

60
Ans to 3rd Crop Interrog.

I think he worked through the summer and on into the fall not constantly but occasionally. I should think he worked about enough to pay his board during the summer—

4th Crop Interrog.

Do you know anything of the deal and business transactions between the said VanHorn and the said Patrick and could not the said Patrick Van Horn easily have a bill against the said Patrick to the amount of seven or eight hundred dollars by advancing to the said Patrick from time to time small sums of money paying his stone physicians and other bills and without your knowledge—

Ans to 4th Crop Interrog.

I do not know anything of the deal or business transactions between the said VanHorn and Patrick. I should think he would not have such a bill without my knowledge, but he might.

Interrogatories re direct

1st indirect Interrog.

60 State if you please the quantity of wheat that said VanHorn

had of the crop of 1854 and your means
of knowledge belonging to said Patrick -
Ans to 1st Reduct Intery

I suppose then might have
been a hundred bushels but do not
know

Crop Intery to Reduct
1st Intery

How do you know that Panthorn had
any of the crop of wheat that the said
Patrick raised in 1854 and what time
in the year did Panthorn get the same
and how many bushels or loads were
there of it and state your means of
knowledge and where were you at the
time -

Ans to 1st Int

I saw the teams going with it to his
barn, I think it was in the fall or fore
part of winter, I cannot tell how
many loads there were I guess about two
I was through the barrens hunting
cattle it might have been thirty or
forty rods distant -

2^d Intery

If you were thirty or forty rods from the
teams at the time they were loading
the wheat, how do you know it was

wheat which they were loading
 And to 2^d Entry

It came from where it was thrashed
 and I saw it thrown in bags in his
 granary -

3^d Entry

Did you see any of the wheat of
 which of which you have spoken in
 your last answer put into bags and
 if yes by whom. And where were you at
 the time. And where were you also when
 you saw the same put into Van Horns
 granary. And if you did not see the
 grain put into bags how do you know
 it was wheat. And what distance were
 you from the granary when the wheat
 was unloaded -

Ans to 3^d Entry

I saw them thrashing and putting
 into bags and taking away to his granary
 by his men. I was through the bush hunting
 cattle sometimes nearer and sometimes
 further. I know it was not rye because
 I had been to the stack before. I was in
 the bush hunting cattle when it was put
 in the granary. I might have been fifteen
 or twenty rods distant

Attest Johans
 62

William X Rea
 Marshall

Interrogatories to Chas H Stone and his
answers thereto.

1st Interrogatory

Are you or not acquainted
with the late Patrick Keenan if you how
long and where did you know him how
frequently did you see him during the
period of your acquaintance and was
he or not a man of sound mind, if
may please state what acts indicative of
insanity have you known the said Patrick
to commit.

Ans to 1st Interrogatory

I was acquainted with Patrick
Keenan I knew him in the town of
Oregon I must have known him about
two years. I saw him quite frequently
during that period when he was visiting
town. I can only give my opinion
whether or not he was of sound mind
judging from his general conduct
I should think he was not. I have
known him to come to the store and to
come in and halloo when there were a
number of people in.

2nd Interrogatory

Did you or not ever have any
conversation with the said Patrick
if you was the said Patrick capable of

keeping up a connected conversation and could you on any occasion get a responsive answer to any question propounded to him.

Ans to 3^d Interrog

I have conversed with the said Patrick. I think he was not capable of keeping up a connected conversation. As a general thing I could not get a responsive answer to any question.

Comp Interrogatories and answers

1st Comp Interrog

Whenever the said Patrick came into your store and hulked as above testified by you was or not the said Patrick in your opinion more or less under the influence of liquor

Ans to 1st Comp Interrog

I have seen him a great many times in the store. sometimes when I thought him intoxicated and sometimes when I thought he was not. I have seen him come into the store and holler when he came from towards home and when I thought he was not intoxicated.

2^d Comp Interrog

Have you not the said Patrick traded at your store and if you would

he make as shrewd a bargain as a man would ordinarily make -

Ans to 3^d crop Interrog

I think said Patrick has traded at our store but am not positive
 Interrogator is to ^{Chas O Stone} James Rea and his answers thereto -

1st Interrog

Are you or not acquainted with the late Patrick Keenan if yes when did you first become acquainted with him and where -

Ans to 1st Interrog

I was acquainted with the late Patrick Keenan My impression is that it was twelve years ago in May or June at the residence of his brother near the East line of this town -

3^d Interrog

State if you please whether or not the said Patrick was ever an inmate of your family and the period on each occasion, the distance that he resided from you during the whole period of your acquaintance how frequently you saw him, how frequently you conversed with him, how frequently you were at his dwelling and he at yours

please answer fully -
 Ans to 2^d Intery

He was an inmate of my family the exact time I do not recollect my impression is that at one time he was then about six months. He frequently worked for me occasionally. He worked for me on several occasions and I worked for him on several occasions I cannot state the number of times it was so frequent. It is hard to say how far he resided from me all the time as he resided all over but the place he called his home was about three fourths of a mile. I cannot say how frequently I saw him it was so frequent I suppose it would average once a week if not more. Sometimes I would see him three or four times a day and sometimes not for sometime -

3^d Intery

How far is your residence from defendant Panther and is it in view

Ans to 3^d Intery

My residence is I think not far from a mile from deft Panther perhaps at times if the house is in view

4th Interrog

Please state from your knowledge of the said Patrick whether or not during any of the period of your acquaintance with the said Patrick he was a man of pure and sound mind and capable of transacting any business of magnitude.

Ans to 4th Interrog

According to my judgment he was not. The more acquaintance I had with him the more I thought he was incapable. It is only my own judgment I thought so from his own actions.

5th Interrog

State if you know of any cause that led to his unsound condition of mind

Ans to 5th Interrog

Nothing only from his own sayso. He stated to me that he received injuries for breaking the laws of the Old Country which he supposed injured his head. He told me that he had been in fights in the old country with the police and had been beaten with guns and put on the tread mill -

6th Interrog

Please state what indications of insanity you saw in the said Patrick arising particularly from his conversation and could or not the said Patrick continue a connected conversation and could you get a responsive answer to a question asked him -

Ans to 6th Interrog

In conversing he would converse for a time straight and by and bye he would make an explanation of a subject or speak of something that did not belong to the subject at all or give it a name that did not belong to it -

Very frequently I could not get a responsive answer to a question asked him. For instance if he told a child to give him a drink of water or his hat or anything he would blip himself and say Old Ironsides was the best ship that ever sailed -

7th Interrog

Please state what you have seen in his conduct and demeanor that was irrational state fully and detail each instance and state the time -

Ans to 7th Query

I have seen him stand pointing a tree and sometimes stand and talk to it and sometimes walk around it as if he was putting a man through the exercise. When I have seen him I have talked to him and he has stopped his exercise but after I got away a little he would be at it again and I do not know how long he kept it up. I have heard him hallowing when I went to bed and again in the morning when I got up. I have heard him hallowing in the after part of the day and continuing until we went to bed and in the morning when I waked I have heard him still hallowing and continuing on through the day and until he was exhausted. I have heard him frequently when I did not see him. After the first six months he was in the country I think it would average more than once a month for the next seven years he would be hallowing. During the few last years I was lame myself and Patrick was sick and I did not see so much of him. I cannot say how it was for the last few years of his life. I have seen him take up a pattern child of three or four

months old upon the top of the house and held the child with one hand and put his hands on a staff for a flag and style himself Captain Rock and pretend to put his men through their exercise better than any officer ^{and} ~~see~~ Queen Victoria. I have seen him take his hat sometimes or his mits or his coat occasionally and kick them over the fence. I have seen him draw a large knife and hold within a few inches of members of my own family and his own family wife and draw back and strike perhaps within an inch or less perhaps of their person

8th Intery

How frequently have you seen or known the said Patrick use a knife in manner as stated in your last answer
ans to 8th Intery

I have seen him use it five or six times at least in that manner and perhaps ten times

9th Intery

Did you ever see the said Patrick on any one occasion for the space of a half hour that he did not display some criminal act.

Ans to 9th Entry

I think I have seen him some-
times for some half hours when I made
no remark on his insanity. I presume
though if I had been a stranger I would
have discovered his odd acts

10th Entry

How long have you known him to
continue without sleep

Ans to 10th Entry

I could not tell, all I know is
that I have heard him hallooing when I
went to sleep and when I waked in the
morning I have heard him still hallooing
I have known him at one time after
he had eaten his supper to get up from
my table and go out and take the axe
and after he had chopped a few chips
he would start off some twenty or thirty
rods and commence hallooing sometimes
in one direction and sometimes in an
other the distance would increase
probably miles and continue hallooing
as long as I paid attention to hear him
and until I went to bed and also heard
him the next morning when we got up
and continued hallooing till towards the
latter part of the day when he returned

Towards the house he was kicking and throwing ^{up} his mits and his hat one at a time trying to keep them going like a showman with his three balls. if he could not catch it with his hands he would kick it with his foot till he returned to the house. I have known him to do so a number of times. Sometimes he would come in and eat something and sometimes he would go to bed and sleep and sometimes he would go out and commence hallooing again -

11th Interrog

Do you or not know of any immediate and direct cause of this wild and irrational conduct of the said Patrick save his general imbecility or insanity -

Ans to 11th Interrog.

All I know about it is as I said before that he charged it to beating on the head. and when he got liquor it always increased it -

13th Interrog

Have you or not frequently known the said Patrick to demean himself in the manner detailed in your preceding

answers when the said Patrick had not been in the use of spirituous liquor

Ans 13th Interrog

I have known him to act so when I did not know of his having any opportunity for liquor

13th Interrog

Please state against whom the said Patrick during the period of your acquaintance harbored and entertained the most hostile feelings

Ans to 13th Interrog

From his own expressions I would think it was the British Government he was most hostile to but among persons he appeared most hostile to his own wife and children and his brother I have heard him express himself that if it was not for them he would have been worth a hog's head full of money -

14th Interrog

Please state what articles of personal property the said Patrick was possessed of in the autumn and winter of 1854 and what disposition was made of the same -

Ans to 14th Interrog

I am not certain whether it was in
 1854 or 1855 but it was in the fall before
 he was in jail here I helped Patrick
 move some pumpkins and corn from
 his field up to his lot and I had
 helped him haul his hay when he made
 it, he had then a cow or two I think
 there were two cows and a pair of steers
 he had been showing me one of the
 steers which he bought at Dayville
 the other he raised they were grown
 up cattle but he had never worked
 them He had not all his corn gathered
 when I was there and I helped him
 move but a small quantity I do not
 know how many acres he had. He had
 some wheat there and some hogs I do
 not know how many hogs but one of
 them was a fat one that would weigh
 three hundred or more. I do not know
 how the property was disposed of only
 from hear say The wheat when I saw
 it was in the stack and I should think
 was about what was raised on four acres
 The corn I think was about eight acres
 of good corn and about seven or
 eight acres of red corn.

15th Satery

Please state if you know what induced or caused the said Patrick to go and reside with the said VanHorn and who controlled him during said period and give any instances within your knowledge of such control.

Ans to 15th Satery

It is only my supposition or opinion for the cause that Patrick was pretty fond of liquor and it was pretty freely kept there. I do not know much about the control. Van Horn appeared to have an influence over him he could call him off from business at most any place else. At one time I was busily engaged in thrashing and was a little short of hands and Patrick helped me on condition I should keep him again with my team we were about finishing up on Saturday and Patrick had agreed to work until we were done and VanHorn wanted to go to Dixon and took Patrick away from me.

16th Satery

Please state whether or not the said Patrick was permitted to the free use

of spirituous liquor while he resided
with the said Vaut Horn.

Ans to 16th Interrog

A part of the time I presume
he had. The latter part of the time
I cannot say. I have seen him keep
himself from the bottle and jug and go
into the cellar and keep himself from
the barrel whether Vaut Horn was present
or not. but not for several years
past.

17th Interrog

Please state whether or not the said
Vaut Horn since the time referred to
in the foregoing answer continued the
practice of keeping spirituous liquor
in his cellar.

Ans to 17th Interrog

Part of the time I believe he
has and part of the time I cannot say.
Since I was crippled four years ago
I have not been there much. It formerly
was the practice that liquor was kept
in the country more generally than at
present but how it has been with
Vaut Horn I cannot say.

18th Intery

Please state the last occasion you recollect of hearing the said Patrick hallooing in the manner as by you stated in your deposition and the cause if you know of the discontinuance of the same -

Ans to 18th Intery

I am not exactly able to state when was the last time, but my impression is that it was in January previous to his imprisonment here. My impression is that I have heard him since but I am not certain. I have on reflection heard him since he was in prison because I recollect his meeting with his daughter at my house and that there was a conversation about his being in jail - My impression of the cause that Van Horn had gone on his bond here and that he had an influence over him to control him from doing so. I think this was the first cause and that the want of ability was the subsequent cause.

19th Intery

Please state what time he met with Van Horn on the last

occasion and about the time he died
and about what proportion of the ~~time~~
said period the said Patrick was
unable to perform ordinary labor -

Ans to 19th Intery

I presume he made his home
at Pattersons all the time after he
got out of jail whether he worked
there or at other places. I think it
was February that he met there about
eighteen months before he died. I am
not able to say what proportion of that
period the said Patrick was unable
to perform ordinary labor -

Cross Interrogatories

1st Cross Intery

What relationship if any
exists between you and the complainant
Hugh Rea

Ans to 1st Cross Intery

Hugh Rea & I are brothers
but whether Hugh Rea is the com-
plainant or Margaret Stearns
I do not know - James Rea

Interrogatories to Robert Rea
and his answers thereto

1st Entry

Were you or not acquainted with the late Patrick Keenan if you where did you first become acquainted with him how long did you know him and how near was your residence to his.

Ans to 1st Entry

I was acquainted with him I think he was living at James Keenans when I first got acquainted with him about eight or nine years ago. I knew him most of the time from that until he died. My residence is I think not over from forty to sixty rods from his.

2^d Entry

Did you ever work and labor with the said Patrick and how frequently did you converse with him and how frequently did you see him

Ans to 2^d Entry

I have done some work with my team for Patrick. Sometimes I would see him two or three times a day when he was at home. When he was not at home I would not see him for sometimes for two or three days. I usually would converse with him when I saw him if near enough to him

He was a man that would not go just
generally without saying something -
3^d Entry

Was or not the said Patrick from
your knowledge of him a man of
sound and sound mind

Ans to 3^d Entry

I could not say -

4th Entry

Please state in what manner
the said Patrick demeaned and
conducted himself on certain occasions
and state fully -

Ans to 4th Entry

On some occasions he conducted
himself not very well and on others I
could not say -

5th Entry

Please state what you mean by
not very well -

Ans to 5th Entry

I have seen him when he
would be at ~~his~~ work quit the work
and go off through the barrens
hallowing which I do not think
was behaving very well -

6th Interrogatory

How long would he continue hallowing through the barriers as stated in your last answer and how frequently would he do so-

Ans to 6th Interrogatory

Sometimes he would stop all night through the barriers as far as I know I would see him go there and hear him along ⁱⁿ through the night sometimes he would do so one night or two in a week sometimes more

7th Interrogatory

How many nights in succession have you known the said Patrick so to conduct-

Ans to 7th Interrogatory

I do not ~~recollect~~ as I ever knew of his doing so more than one or two nights at a time -

8th Interrogatory

Would he hallow during the day that intervened between the two nights

Ans to 8th Interrogatory

He would

9th Interrogatory

Please state to whom or what he sometimes to be hallowing or

addressing -
 Ans to 9th Intery

Sometimes he would appear to be marching an army through the barrens for ought I know. he appeared to be giving commands after that order -
 10th Intery

When did you first know of Patrick performing in the way stated in the foregoing answer -

Ans to 10th Intery

It was about the first time I got acquainted with him or shortly after -

11th Intery Was or not the said Patrick capable of keeping up a connected conversation and did he give a responsive answer to any question asked him -

Ans to 11th Intery

I don't know whether he was capable of it or not he sometimes did not do it though. He did not give a direct answer to any question -

12th Intery

Please state against whom he entertained the most hostile & vindictive feelings.

Ans to 13th Entry

I should judge by his actions it was more against his own folks than any body else

13th Entry

Judging from the manner the said Patrick conducted himself and the style of his conversation would you or not consider him a man of sound mind and memory -

Ans to 13th Entry

I would not.

14th Entry

When did he go to live with Vauthern on the last occasion -

Ans to 14th Entry

I believe it was when he came out of jail

15th Entry

At the time he went to reside with Vauthern what articles of personal property had he and what disposition was made of them -

Ans to 15th Entry

I think he had a cow and two oxen he had some wheat I believe and some corn I do not know how much I do not know what was done with

the wheat, I saw Vauthorn drive off the cow and saw him with the oven afterwards on ^{his} ~~the~~ place -

16th Interrog

What portion of the time that Patrick was with Vauthorn was he able to perform manual labor on the last occasion -

Ans to 16th Interrog

I could not say -

17th Interrog

Please state what the value of his labor was per month while he was at Vauthorns during the last occasion he was there -

Ans to 17th Interrog

I could not say what it was worth, when he worked for me he generally called for as much as any body else or a little more -

Robert Rea

Interrogatories to John Rea and his answers thereto

1st Interrog

Are you acquainted with the late Patrick Steenan if yes how long and when did you know him

Ans to 1st Inter

I ~~was~~ acquainted with him -
I think I knew him in the neighborhood
of eleven years - my first acquaintance
with him was at Hugh Reus in Ogle
County

2nd Inter

How frequently did you see the said
Patrick during the period of your
acquaintance, how near did you
reside to each other, and how near
do you reside to Van Horn and how
frequently did you and Patrick work
together

Ans to 2^d Inter

Sometimes when he was around
home I would see him daily sometimes
it would be a month I would not see
him at all - A part of the time I suppose
we resided in the neighborhood of a half a
mile from each other when he was at Van
Horns - Sometimes we threshed at the
same place sometimes we were in
the same field reeding I could not
say how frequently -

3^d Inter

Please state whether or not the said
Patrick judging from your knowledge

of him his conduct and demeanor
was or not a man of sane and sound
mind and memory -

Ans to 3^d Entry

I would not think he was -

4th Entry

Please state what acts you have
seen in the said Patrick which you
would consider irrational

Ans to 4th Entry

From his action whooping and
hullooming in the night time. I
have heard him hullooming in the
afternoon and in the night until
I went to bed and in the morning I could
hear him again no matter how stormy
it was. I never knew him to keep it up
more than a day and a night at a time
as I remember. One night he came
hullooming along by my house after I
was in bed and came up to the house
and came in without knocking he
hulloomed "Mush Mush" all the time
he had some liquor with him and
wanted me to drink. he threw
some in the vessel and called "Mush"

5th Intery

Please state the general style of his conversation whether connected or disconnected

Ans to 5th Intery

He varied a good deal in his way of talking

6th Intery

Please state how long time have you known him to be without sleep

Ans to 6th Intery

I know he would probably be a day and a night at a time without sleep -

7th Intery

Against whom had he the most hostile and malicious feelings -

Ans to 7th Intery

I suppose against his wife his brother James Keenan & Hugh Rea his son in law.

8th Intery

Were you or not ever requested to come to the residence of Panther if you by whom when and for what purpose -

Ans to 8th Intery

I was by Panther's wife requested to come to the residence of Panther

Patrick was then hallooing whooping and cutting up and she called me in to stay then because she was afraid. It was about ten years ago -

9th Entry

Please state particularly in what manner Patrick was conducting on that occasion -

Ans to 9th Entry

He was hallooing about Captain Rock and his men, in the house and making a noise in that way so she was afraid -

Cross Interrogatories & answers

1st Cross Entry

What relationship exists between you and complainant Hugh Ren

Ans to 1st Cross Entry

Men Brothers

2d Entry

At the time you were called into Van Horns house by Mrs Van Horn as you above testified was or not the said Patrick in your opinion under the influence of liquor -

Ans to 2d Entry

I don't know I did not see

88 him drink any. He might have

had some liquor but he did not act

3^d ^{do} Intery

Do you or not know of the said Patrick
ever having any difficulty with the
said Hugh Rea and were you or not
present at James Rea's barn raising
in the year 1855 or thereabouts and
was there or not any difficulty at that
time between the said Patrick and the
said Hugh Rea and what did the
said Hugh do to the said Patrick on
that occasion

Ans to 3^d Intery

I know nothing of any
difficulty, only by report I was not
at the raising

John ^{his} Rea
Wm R

Interrogation to Michael Ashe and
his answers thereto

Interrog 1st

Were you acquainted with the late
Patrick Keenan if you how long have you
known him and where did you first
become acquainted with him and how
frequently did you see him during the
period of your acquaintance.

Ans to 1st Interrog

I was acquainted with him
I knew him soon after I came into
the County. I knew him four or five
years or perhaps seven or eight years
on reflection it must have been eight
years at least. Sometimes I would see
him a couple of times a week and
sometimes not for a month or two

2^d Interrog

Please state whether or not the said
Patrick was a man of sane and sound
mind.

Ans to 2^d Interrog.

I don't think he was of sane
and sound mind particularly so
for the last few years I knew him

3^d Query - In what manner would the said Patrick demean himself on the occasions that you have seen him and what was the character of his conversation -

Ans to 3^d Query

I have seen him at least I supposed he had just come from over the river, come into the grocery, he talked sensible then perhaps as any of us. I knew him only to drink a glass of beer and I think I have known him to go off without drinking, but I would not be sure of that, go out on the sand hill and commence to march a company of men or at least "let on" as if he was for hours at a time. I have seen him in that way march his men down town commanding his army. I suppose his men were imaginary for I did not see anybody but him -

After he came back to town I have spoken to him and he would talk then as sensible as any body could. He would then go through town hallooing and commanding as he did before - Very frequently he talked sensible and sometimes he talked foolish. It was only at particular times he would march his men sometimes he would

go home without doing so. Very frequently I could not get a responsive answer to a question. Sometimes I could, sometimes he talked sensible as any as any one. Very frequently he would talk about religious matters and then his conversation would be disconnected at other times it would be connected.

Cross Interrogatories

1st Cross Interrogatory

In what business were you engaged during the time you knew him.

Ans to 1st Cross Interrogatory

Am keeping grocery selling liquor and Yankee notions

2^d Cross Interrogatory

Was or not the said Patrick in the habit of procuring liquor from you to drink

Ans to 2^d Cross Interrogatory

He was -

Interrogatories & answers re-direct

1st Re-direct Interrogatory

Please state if you considered the said Patrick sane or of sound mind when he was not under the influence of liquor -

Ans to 1st Direct Interrog

From what I know and heard
I did consider him of sound and sound
mind even when he was not in liquor -

Michael Ashe

Interrogatories to Philo C Miles and
his answer thereto -

1st Interrog

Were you acquainted with the late
Patrick Keenan if yes how long did you
know him when did you first become
acquainted with him and how frequently
did you see him during the period of
your acquaintance

Ans to 1st Interrog

I was acquainted with him. I
knew him probably eight years I became
acquainted with him some six or eight
perhaps ten years ago. I saw him
sometimes pretty often when he was
working about town and frequently saw
him the other side of the river - the
latter part of his life he did not come
to Town so much and I did not see
him so frequently -

3^d Interrog Please state in what manner the said Patrick demeaned and conducted himself and what in general was the character and style of his conversation -

Ans to 3^d Interrog

I have seen him a great many times when he appeared to me very much like a deranged person. He was a man that halloed a great deal, swore a great deal and talked about a great ~~and~~ many things all at the same time. He used to talk sometimes about everything.

3^d Interrog

From your knowledge of the said Patrick would you or not consider him a man of sound mind and memory.

Ans to 3^d Interrog

I would not consider him of sound mind on a great many things he might be on some things. I frequently talked with him on some things when he talked right along like anybody and then on changing the subject to something else he would be raving.

Phil C Miles

Interrogatories to Loyal Woodstock
And his answers thereto

1st Interrog

Were you acquainted with the late Patrick Keenan if you how long did you know him. When did you first become acquainted with him and how frequently did you see him during the period of your acquaintance

Ans to 1st Interrog

I was acquainted with him I think it is six years since I first knew him. I knew him until after he was in jail. I saw him during the period of our acquaintance every little while I could not say just how often -

3^d Interrog

Please state in what manner the said Patrick demeaned and conducted himself and what in general was the character of his conversation -

Ans to 3^d Interrog

He used to come into town and hulloos round as if he was marching a company and I saw him ~~up~~ once up in a pond near Steadman's house wading around in the water and I went up and tried to get him out, the next I saw of him he was on the Sand hill hulloosing then I ~~thought~~ ^{found} him to be here hulloosing about in the night and found him in town

the next morning Whenever I tried to talk with him when he was cutting up to get him to stop he would say he supposed he knew his own business and could do as he pleased His general conversation was on everything sometimes one thing sometimes another

3^d Query

Please state whether or not from your knowledge of the said Patrick he was a man of sane and sound mind -

Ans to 3^d Query

From the way I have seen him cut up here I should think he was not -

S Woodstock

Interrogatories to James Sumsden and his answers thereto -

1st Query

Was you ~~or not~~ acquainted with the late Patrick Sheehan if yes how long did you know him when did you first become acquainted with him and how frequently did you see him during the period of your acquaintance

Ans to 1st Query

I was acquainted with Patrick Sheehan I knew him I think about ten years, I think I was first acquainted with him in the fall of 1810. Sometimes I would see him

two or three times a week & sometimes not for a month

3^d Entry

Please state in what manner the said Patrick demeaned and conducted himself and what in general was the character of his conversation

Ans to 3^d Entry

He conducted himself well enough as far as I knew, but he acted rather strange sometimes. One ^{I remember} act in particular when he was working for me. He met a man coming from Oregon on the road on horseback going eastward. Patrick took his coat on a pitchfork and ordered the man to dismount and carry the flag. He marched back & forward with the man then and halloed & bawled. I don't know as I remember any other act while he was working with me, but I have heard him frequently halloosing in the barrels at night at least I supposed it to be him. The character of his conversation was that you could seldom get a direct answer of him. When you asked him about one thing he was just as likely to talk about something else as for instance if you should say good morning Patrick he would be as likely to answer "God Almighty bless my soul who told you I lived"

3^d Interrog. State if you ever loaned the said Patrick a gun and if yes what became of it or what disposition was made of it -

Ans to 3^d Interrog.

I lent Patrick a gun The next time I saw Patrick he told me he had burst it all to Hell. I ^{believe} told me Patrick had burned the gun or burned the stock off -

4th Interrog.

Please state whether or not the said Patrick was a man of sound mind and capable of transacting business of any magnitude -

Ans to 4th Interrog.

I could not tell whether his mind was sound or not. But I should not like to entrust my business to him
Cros. Interrogator's

1st Cros. Interrog.

Have you ever seen the said Patrick when you considered him of sound mind and memory, and when there was nothing in his acts or conversation to indicate an insane state of mind

Ans to 1st Cros. Interrog.

I cannot tell for my part
about the disease of his mind

I know his memory was good. His answers
always were strange -

3^d Crof Battery

Did Mr Fautorn ever tell you that
the said Patrick had burned the stock off from
your gun -

Ans to 3^d Crof Battery

I do not know as he ever said it
was the identical same gun but he told me
that he had a barrel in his barn and
that Patrick said he had burned the stock
off but I do not know that the barrel
was mine -

3^d Crof Battery

At the time you loaned the gun to
Patrick as you have above testified did
you consider the said Patrick to be crazy
or insane and how long since you loaned
the gun to him -

Ans to 3^d Crof Battery

No I did not consider him
insane. I think it was in 1853 I loaned
him the gun

4th Crof Battery

Did you ever from any conversation
which you had with the said Patrick or
from his acts consider the said Patrick

under the influence of liquor

Ans to 4th Interrogatory

I think at the time he stopped the man with the pitchfork he was insane - It was more like the act of a crazy man than any other.

5th Crof Interrogatory

Did you ever see the said Patrick at any other time than that alluded to in your last answer when you considered him crazy or insane and how many times

Ans to 5th Crof Interrogatory

There was one time ~~when~~ I saw him Pat that I was at Oregon I saw Pat with a pole and an advertisement or something on his back walking up to the Court House He was commanding and I expect I considered him like a man that had not good sense then - I never thought him insane on any other occasions - and whether he was insane or not then I cannot tell -

Redirect

1st Redirect Interrogatory

Please state whether or not on the occasion of the incident in the answer to the second interrogatory the said Patrick had at that time been

using spirituous liquor

Ans to 1st Re direct

He had no liquor at that time
that I knew of

James Sumsden
Interrogation to Luther Strook and his
answers thereto

1st Interrog

Were you acquainted with the late Patrick
Keenan if yes how long did you know
him when did you first become acquainted
with him and how frequently did you see
him during the period of your acquaint-
ance -

Ans to 1st Interrog

I was acquainted with Patrick Keenan
I suppose I was acquainted with him four
years certain I cannot state when I
first became acquainted with him - I
suppose I saw him upon an average once
a month certain

2^d Interrog

Please state in what manner the said
Patrick on the occasions you saw him
conducted himself state fully

Ans to 2^d Interrog

He was either drilling a regiment of
men or he was drilling somebody or other

I cannot state who "bloody pagents" I cannot state whether it was any person he saw or whether it was a general observation. At one time in particular he was using obscene language I don't know as there was any thing else in particular that I can state -

3^d Intery

Please state what was the manner of his conversation was it connected and continuous or disconnected

Ans to 3^d Intery -

It was disconnected. He would be on one subject and before he would say half a dozen words he would be on something else. He was always trying to bring every thing in rhyme -

4th Intery

Please state from your knowledge of the said Patrick whether he was a man of sound and sane mind

Ans to 4th Intery

I don't think he was. I think there was some deficiency somewhere
 Crof Interrogatories

1st Crof Intery

At the times when you saw the said Patrick conducting himself as you have

above testified was he not in your opinion
more or less under the influence of liquor.

Ans to 1st Interrog

Well sometimes he was but I could
not say for all the times.

3^d Crof Interrog

Have you not seen the said Patrick
when he was not drilling a regiment or
culling people bloody vagrants or making
use of obscene language

Ans to 3^d Crof Interrog

I have.

Re direct

Interrog 1 Re direct

Please state if you ever knew the
said Patrick to perform in the manner
detailed in the answer to the second direct
interrogatory when he was not under the
influence of liquor.

Ans to 1st Re direct

For confused repetition of words
There was only one time when he was drilling
that I knew him to be under the influence
of liquor.

Luther M Stroth

Interrogatories to John H. Patterson and
his answers thereto

1st Interrogatory

Were you acquainted with the late Patrick
Mcenan and if you how long did you know
him when did you first become acquainted
with him and how frequently did you see
him during the period of your acquaintance

Ans to first Interrogatory

I was acquainted with the late Patrick
Mcenan I think I first saw him in 1846
I knew him from that time until he
died almost I saw him sometimes once
a week sometimes twice a week and some-
times not for three or four weeks. He tended
mason once for two weeks on the Church at
Oregon when I worked there -

2^d Interrogatory

Please state in what manner the said
Patrick demeaned himself when you saw
him and what was the character of his
conversation -

Ans 2 Interrogatory

He was hallooing and drilling his men
and going motoring and going through the
stick exercise as I call it. At one time
when I was over to Murfreesboro after we
got the chimney toppled off he went up

and stuck a stick up the chimney thung
his handkerchief on it and called it Captain
Rock's flagg. He stayed at one time all
day and night on the Island where the
ferry is at Oregon piling up sticks & stones
and marching and drilling his men back
and forth. His conversation was never
connected much, it was first one thing
and then an other -

3^d Interrog

Please state whether or not from your
knowledge of the said Patrick was a man
of sane and sound mind

Ans to 3^d Interrog

I don't think he was, but
a little more so at times than at
other times

JH Patterson

Interrogations to Ovis Wilson and
his answers thereto

1st Interrog

Were you acquainted with the late
Patrick Keenan and if yes how long
did you know him when did you
first become acquainted with him and
how frequently did you see him during
it of your acquaintance

Ans to 1st Interrog

I was acquainted with him I first became acquainted with him between three and four years ago. I knew him until he died I used to see him sometimes twice a week and sometimes in two or three weeks and then again not in a month or it might have been longer—

3^d Interrog Please state in what manner the said Patrick demeaned himself when you saw him and what was the character of his conversation whether connected or disconnected—

Ans to 3^d Interrog

He was almost always hallooing or talking I saw him two or three times playing music he called it his conversation was disconnected—

3^d Interrog

From your knowledge of the said Patrick was he or not a man of sense and sound mind

Ans to 3^d Interrog

I should not think he was from what I knew of him
Crop Interrogations

1st Crop Interrog

When did you reside when you

first knew the said Patrick and in what
business was you engaged

Ans to 1st Q^y Int^y

I resided at Oregon and was
keeping a grocery.

3^d Q^y Int^y.

Has or was not the said Patrick in
the habit of visiting your grocery and
did you ever sell him any beer or
liquor of any kind -

Ans to 3^d Int^y

He was not in the habit, he has
been in there but I do not recollect of his
being in the grocery but twice I think I
did let him have a glass of beer but
no liquor -

3^d Q^y Int^y

On the occasion when you have seen
the said Patrick in Town as you have
above testified was he or not in your
opinion more or less under the influence of
liquor

Ans to 3^d Int^y

I know times when I have seen
him when I do not think he was under the
influence of liquor, at other times I do not know
whether he was under the influence of liquor
or not I saw him once with a jug swing it

Interrogatories to Benjamin D Weaver
and his answers thereto

1st Interrogatory

Were you acquainted with the late Patrick Keenan, if so how long did you know him when did you first become acquainted with him and how frequently did you see him during the period of your acquaintance -

Ans to 1st Interrogatory

I was acquainted with the late Patrick Keenan. I knew him just some five or six years ago. I think six. I knew him up to the time of his death the first two years of our acquaintance I saw him perhaps a dozen or fifteen times and perhaps a good deal more, after that I saw him not very often but occasionally

3^d Interrogatory

Please state in what manner the said Patrick demeaned himself when you saw him and what was the general character of his conversation, was it connected or disconnected -

Ans to 3^d Interrogatory

I should think the first time I saw him he was here marching boys around ballroom &c I saw him next I

think at Reed's grocery in Daysville. He came in and had a peil in his hand and set it down. He had a stick in his hand and commenced beating his dog. He appeared to me as if he was deranged after a while he quit beating the dog and spoke to Mrs Reed and got some liquor and mixed some and Mrs Reed put some in the peil and he went away. His conversation appeared to be scattered.

3^d Entry

From your knowledge of the said Patrick would you or not consider him of sound mind -

Ans to 3^d Entry

He appeared to me to be deranged or not right in his mind -

1st Crop Entry

Did you ever see Patrick out in the country for a where he could get spirituous liquor, and if you did he or not take rational at such times -

Ans to 1st Crop Entry

I saw him once over the River between here & John Rutledge's but whether he had liquor I do not know. I had no conversation with him.

Benjn D Weaver

Interrogatories to Ezra M. Light and
his answers thereto.

1st Interrogatory

What is your business or profession and
if a profession how long have you practiced
the same and where -

Ans to 1st Interrogatory

I am a physician and surgeon I have
practiced five years as such in the town
of Oregon Ogle Co Illinois

3rd Interrogatory

Were you acquainted with the late Patrick
McKenna if yes when did you become acquainted
with him, how long did you know him and
how frequently did you see him during the
period of your acquaintance and where -

Ans to 3rd Interrogatory

I was acquainted with him I have
known him from twelve years past
until his death. I saw him sometimes
as often as every day, sometimes once a
month sometimes once in two or three months
here in the town of Oregon and at his home
and at places where he made his home
in the country and have seen him at
Dayville occasionally.

3rd Interrogatory

Please state what are the most prominent

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features of insanity in the demeanor, acts
and conversation of a subject of insanity—

Ans to 3^d Query

The demeanor of an insane person is generally that of boldness, assuming a frank open demeanor from the fact of their often frequently assuming a superiority or being appointed to perform some great mission. Often shroud designing and their manners and speech often not in accordance with reason or things as they appear, giving an imaginary view of things instead of real. Their acts are extravagant and unreasonable often injuring their best friends considering them their enemies. They often for a design pretend friendship and assume the position of a servant to the person they ultimately wish to destroy to gratify their revenge. They are generally susceptible of long continued exertion and exposure and watchfulness ~~and~~ ^{or} wakefulness. Often influences that would tire the muscles of a sane man would have no apparent effect upon the insane. Their conversation is generally extravagant unreasonable and often very amusing. What they know they know positive no ifs nor ands about it. He generally converses about himself or the

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great mission he has to fulfil, assuming to be Christ, God or a great military chief-tain perhaps - The character of their conversation is generally disconnected - There is this difference between the acts and the conversation of an insane man while his mind wanders from subject to subject abruptly the actions are characterized by method -

4th Query

Did you ever attend upon the said Patrick in the capacity of a physician and how frequently -

Ans to 4th Query

I have twice

5th Query

From your knowledge of the said Patrick was he or not a man of sane and sound mind -

Ans to 5th Query

I have seen him when I thought he was not. I attended him once at Mrs Parthorns house and I could get very little from him of a reasonable nature. He was full of wise sayings peculiar to himself. At times I considered him a man of unsound mind and that was one of them. I think he was not a man of sound mind on all occasions. On one

occasion I was over the River and he seized my horse by the bridle he had a knife at least six inches long and he marched me over the sand hills for a half an hour and called himself a military man. I only got away from him by getting him to stand in position and then I galloped off.

6th Interrog.

Was or not the said Patrick assisted to most of the acts and traits you have before in your testimony attributed to an insane person.

Ans to 6th Interrog.

I think he was to ~~most~~ ^{some} of them to most of them perhaps.

Cross Interrogations

1st Cross Interrog.

When have you seen the said Patrick most frequently during your acquaintance with him

Ans to 1st Cross Interrog.

I think I have seen him most frequently in Oregon.

2^d Cross Interrog.

Have you or not on any occasion ever seen the said Patrick when you did not consider him insane

Ans to 3^d crop Intery

I think I have when he appeared

so-

3^d crop Intery

When was it that you doctored the
said Patrick

Ans to 3^d Crop Intery

I think it was in 1853 or 4

4th Crop Intery

Now you can know the said Patrick
to assume any superiority, or claim to have
an appointment to perform some great
mission, and was he particularly shrewd
and designing - And did you ever know
him to injure his best friends. And did
said Patrick consider his best friends his
enemies or did you ever know him to
assume the ^{position} ~~character~~ of a servant for
the purpose of injuring or
destroying any person. Or did he ever
assume the character of Christ. God or
any great military chieftain -

Ans to 4th Crop Intery

He used to be performing his
military tactics and I think the occasion
I was speaking of he called himself
Captain Rock - I do not know that
he was particularly shrewd & designing

I was at his house once I was there as a physician I think his wife was sick he had driven her out of the house cut up his father's bed and hunted for her to kill her - I do not know that she was one of his best friends, I do not know that he considered his best friends his enemies any further than that - I never knew him to assume the position of a servant for the purpose of injuring any body - I never knew him to assume the character of Christ or God but he was some in his military exploits -

5th Corp Artillery

Are all persons who are bold assuming and frank in their demeanor shrewd and designing, insane persons, and do not many persons who are not insane talk at times in an extravagant ~~xxxxxx~~ and unreasonable manner, and do not many persons who are not insane talk more about themselves and their own exploits than any other subject -

Ans to 5th Corp Artillery

Not all persons who are bold ~~and~~ assuming and frank in their

demeanor, shrewd and designing are insane persons. Many persons who are not insane talk at times in an extravagant unreasonable manner and talk more about themselves and their own exploits than any other subject —

Re-direct

1st Re-direct

Is it not very common for an insane person to appear perfectly sane and natural and would that fact alone control you in your opinion of the mental alienation of the subject

Ans to 1st Re-direct

It is very common at times for an insane person to appear perfectly sane. That fact alone would not control me in my opinion of the mental alienation of the subject —

3^d Re-direct Interrogatory

Did you ever see the said Patrick for any length of time or converse with him on any subject without detecting in him some mental derangement or some act incident to the same

Ans to 3^d Re direct

I never held any continued conversation with the said Patrick whereby I could be competent to judge. Have seen Patrick when I did not discover but what he was sane.

3^d Re direct

Please state the occasions that you saw the said Patrick when you did not consider him insane and state if it was not the first time you ^{ever} saw him

Ans to 3^d Re direct

I do not recollect any particular occasion Have seen him when I did not observe any mental aberration

4th Re direct Inting

Please state under what circumstances and when you saw him when he seemed not to show any mental aberration.

Ans to 4th Re direct

I have met him in the Road as he was walking one way and I was riding the other. I saw him at Fauttersons at different times. I rode up there once and he came to the fence, I inquired when I could get

butter he said Taft Horn had it. I called into the house when I came back and got the butter I did not see anything wrong about him at that time. I was then once with Bunker to get some flour and did not observe anything wrong about him at that time. He was then just recovering from a fit of sickness -

E M Slight

Interrogatories to Michael Berry
and his answers thereto -

1st Interrogatory

Were you acquainted with the late Patrick Heenan, if yes how long have you known him how frequently did you see him during the period of your acquaintance and from your knowledge of him was he or not a man of sound mind or was he crazy and deranged -

Ans to 1st Interrogatory

I was acquainted with him I knew him about two years. I saw him a great many times I cannot say how often. I could not say from my knowledge of him whether he was

a man of sound mind I thought all the time he was crazy and mad -

Crop Interrogatories

1st Crop Interrogatory

Where do you reside for whom do you work. What country did you come from and how long have you been in this Country -

Ans to 1st Crop Interrogatory

I live in Oregon I work for myself. I came from Ireland I came to this Country seven years ago last fall

Attest
J. Sears -

Michael ^{his} Berry
Mark

Interrogatories to Robert C. Burchell and his answers thereto

1st Interrogatory

Were you acquainted with the late Patrick Keenan and if yes when did you first know him; how long did you know him and how frequently did you see him during the period of your acquaintance

Ans to 1st Interrogatory

I was acquainted with the late Patrick Keenan I first knew him about eight years ago. I knew him

from that time until the time of his death. I must have seen him ~~devising~~
~~that time~~ perhaps once a month during
 that time except when he was sick he
 was not here much during his sickness -

3^d Intery

Please state in what manner the said
 Patrick conducted and demeaned him-
 self and what in general was the style
 of his conversation -

Ans to 3^d Intery

When I saw him he always ap-
 peared to be under the influence of some
 excitement some strange excitement
 He was mostly going through what I
 supposed to be military exercises and I
 always thought he thought himself some
 military officer His conversation as far
 as I knew it always referred to some
 military matter - He seemed to talk
 always in connection with the idea
 that he was some general or military
 officer -

3^d Intery

Please state from your knowledge of the
 said Patrick whether or not he was a man
 of sane and sound mind -

Aust to 3rd Intery

I never saw him in my life when he acted as I supposed a sane man would. He has been frequently in my office when I was printing a paper here. I say frequently, he has been in a dozen times or as much as that, he would come in to have something done in the office either to advertise somebody or something. I never could understand him what he wanted or what he meant and very frequently before he left he supposed the boys were soldiers and went to drilling them and I think on one or two occasions he threw down money to pay them as soldiers I don't know but it happened often than that. Repeated circumstances of that kind are all that I know. I have frequently seen him on the sand hill hallooing and at other times in the street appearing to command as though he was commanding soldiers. I never recollect to have seen him rational entirely so. I saw nothing of him after he was taken with his last pick-up crop Intery's

1st Crop Intery

What do you mean when you say

that the said Patrick seemed to be laboring under some excitement, and was the said Patrick in the habit of using intoxicating liquors to excess, and was not this excitement the result of liquor and did you ever see the said Patrick when he was not more or less under the influence of liquor in your judgment

Ans to 1st Cross Interrogatory

I mean that his conduct was not like that of other men he was mild and absent in his conversation and replies. I never saw him drink any liquor in my life but I think he must have been at some time in his life in the habit of drinking to excess. I don't know whether this excitement was the result of liquor I think it was. I always thought it must be the result of an immoderate use of liquor. I don't know that he was at any time when I saw him under the direct influence of liquor but I think it probable that he had liquor in him every time I saw him -

R C Purchell

Interrogatories to Mortimer W Smith and his answers thereto.

1st Interrogatory

Were you acquainted with the late Patrick Keenan if yes when did you become acquainted with him, how long did you know him and how frequently did you see him during the period of your acquaintance and from your knowledge of the said Patrick was he or not a man of sound mind -

Ans to 1st Interrogatory

I was acquainted with him I first knew him in the fall of 1853 or the Spring of 1854. I knew him from then until his death. I saw him frequently perhaps once every ~~week~~ two or three weeks, sometimes every day for a week or nearly every day, my conversations with him were not so frequent. From what I saw and heard him say I supposed his mind to be impaired or deranged.

Cross Interrogatories and answers

1st Cross Interrogatory

Was or was not the said Patrick in your judgment a man that made use of intoxicating liquors to excess -

and when you have seen the said Patrick was he or not in your judgment more or less under the influence of such liquor

Ans to 1st Crof. Interrog

I received my impressions of his habits at the time from hearsay. I never saw him stagger but I always supposed at the time it was drunkenness from hearsay. I had no grounds for forming an opinion myself.

Re direct

1st Re direct

Please state if you have not repeatedly seen said Patrick at your printing office and elsewhere when he seemed not to be under the influence of liquor. if you upon these occasions did he seem to you to be a man of sound mind.

Ans to 1st Re direct

I have no recollection of seeing him at my office. I met him several times in his lifetime in the street when I had no intimation of derangement except what occurred in our conversations on several of those occasions if not all he would introduce the fact of a slight

indebtedness to me on subscription and his statements and ~~his statements~~ conversation were such as to leave me to suppose that he was laboring under some unusual excitement. I have no recollection of any conversation with him at such times except on business.

Mortimer W Smith

Interrogatories to William H Crowell
and his answers thereto

1st Interrogatory

Were you or not acquainted with the late Patrick Steenan and if you when did you first become acquainted with him. how long did you know him. how frequently did you see him during the period of your acquaintance and from your knowledge of the said Patrick was he or not a man of sound mind -

Ans to 1st Interrogatory

I was acquainted with the late Patrick Steenan. I should think it was seven or eight years ago that I first knew him. from "anyhow" I was acquainted with him till he died. I did not see him for a month or so or two or three months before he died.

I saw him often, sometimes I used to see him two or three times a week and then again I would not see him again for a week or two perhaps longer. I did not think him a man of sound mind.

3^d Interrog

Please state in what manner he demeaned and conducted himself on the occasions that you saw him and what was the general character of his conversation.

Ans to 3^d Interrog

I cannot recollect all the times I saw him but I have seen him often up here on the sand hill hallooing & playing around with children, marching around. I have seen him down here in town with a lot of candy and children following him sometimes a dozen marching. He was kind of a Captain among them. One night when I was attending Post Office I heard him hallooing around. I guess it was after almost every one in town was gone to bed. I got up and went to the door he was charging around. I called him in and persuaded him to stay all night he slept there in the office with me it was a very dark night.

His conversation was first about one thing and then about another he talked about everything -

Cross Interrogatories and answers -

1st Cross Interrogatory

Was the said Patrick a man of intemperate habits and when you have seen him on the occasions alluded to in your last answer was not the said Patrick in your judgment more or less under the influence of liquor

Ans to 1st Cross Interrogatory

I think he was a man of intemperate habits. I supposed from his actions when I saw him on the sand hill that he was under the influence of liquor but I could not tell I was too far off. The night he stayed with me he said he had come from Silver creek I don't think he was, he slept with me and I did not smell his breath. When I saw him training about with the children I supposed at the time he was drunk, I did not know any different -

Re direct

1st Re direct

Please state if you have not repeatedly seen the said Patrick when

he did not seem to be under the influence of liquor, if you state the manner in which the said Patrick conducted himself on such occasions and the style of his conversation

Ans to 1st Re direct

I have seen him when I did not think he was drunk or had been drinking. I never noticed his hallooing around only when he was drunk or when I thought he was drunk. He would always be talking at random rather funny sayings. He never appeared to be real sensible. I never thought at the time whether he was in his right mind or not, he was a singular acting man, but I saw him about so much I did not pay any attention to him hardly ever

Cypert Crowell

Interrogatories to Edmund P. Sexton
and his answers thereto.

1st Interrog

Were you acquainted with the late Patrick Herman and if you when did you first know him how long did you know him how frequently did you see him during the period of your acquaint-

ance and from your knowledge of the said Patrick, was he or not a man of sound mind -

Ans to 1st Query

I was acquainted with Patrick Keenan. I first knew him in the Spring of 1854 I knew him, occasionally saw him from that time to the time of his death. I saw him perhaps once a week a portion of the time and once in four weeks a portion of the time or six weeks or somewhere along there.

I should not think he was a man of sound mind from what acquaintance I had with him -

Cross Query & answers

1st Cross Query

Was or not the said Patrick a man of intemperate habits and when you have seen ~~him~~ the said Patrick was he or not in your judgment more or less under the influence of liquor -

Ans to 1st Cross Query

I supposed he was a man of intemperate habits. I think I have seen him at times when he was under the influence of liquor and at times when he was not

E P Sexton

Interrogatories to John Acker and
his answers thereto

1st Interrogatory

Were you acquainted with the late
Patrick Keenan and if yes when did
you first know him and how frequently
did you see him during the period of
your acquaintance

Ans to 1st Interrogatory

I was acquainted with the late
Patrick Keenan I first knew him some
ten or twelve years ago. I knew him
from then nearly up to the time of his
death. sometimes I might have seen
him every day for a few days and
then again not for a month perhaps -

3^d Interrogatory

Please state in what manner said
Patrick demeaned and conducted
himself on the various occasions when
you saw him -

Ans to 3^d Interrogatory

I have seen him sometimes when
he was rational as any man and at
other times he would go hallooing over
the hills. When he would come to town
(I used to keep the ferry) and get liquor
it would in my opinion make him

incapable of doing business. It would make him insane. I have known him sometimes to get off the ferry boat on a bar and stay half there and hulloos half a day at a stretch. I saw him boiling something one day and he said it was his dog -

3^d Interrogatory

Please state from your knowledge of the said Patrick whether or not a man of sound and sane mind

Ans to 3^d Interrogatory

I don't think he was -

Cross Interrogatories and answers -

1st Cross Interrogatory

Was the said Patrick a man of intemperate habits and when you have seen him hallooing over the hills and jumping off the ferry boat on to a sand bar was he or not in your opinion under the influence of spirituous liquor, and when the said Patrick was not under the influence of liquor was he in your opinion insane and of unsound mind

Ans to 1st Cross Interrogatory

I think he was a man of intemperate habits, on the occasion of hallooing over the hills and jumping

off the ferry boat I think he was under the influence of spirituous liquors. I do not think that he was sound in mind at any time, I did not consider him sane -

3^d Croft Interrogatory

If you did not consider the said Patrick a sane man at any time: what do you mean by your answer to the second direct interrogatory. When you say you have seen him sometimes when he was rational as any man -

Ans to 3^d Croft Interrogatory

I have seen people in Hospitals that I considered sane at times -

John Acker

Interrogatories to Miles B Slight and his answers thereto -

1st Interrogatory

Were you acquainted with the late Patrick Keenan if yes when did you first know him how long did you know him and how frequently did you see him during the period of your acquaintance and from your knowledge of him was he or not a man of sane and sound mind

Ans to 1st Intery

I was acquainted with Patrick Heenan I first knew him about twelve years ago I should think. I knew him from that time until his death. I saw him from time to time about as often as one would naturally see a person living there or four miles distant. I think at times he was insane and at times he was not insane that is, as far as I thought or formed an opinion

2^d Intery

Please state in what manner the said Patrick demeaned and conducted himself on the occasions when you saw him and what in general was the character of his conversation -

Ans to 2^d Intery

I saw him at different times and places at Oregon and Daysville and in the vicinity of those places walking about with a cane or club or stick in his hand talking to himself when alone and when others were in hearing sometimes in a loud tone of voice and other times in a lower key and sometimes he seemed to be addressing invisible persons giving orders after the military style

He sometimes either remained out all night or very late at night talking in this way and mauling about. He seemed to fancy getting on the bluffs and high points and would remain there hours and days for ought I know sometimes he would dance at other he marched back and forth and flourished his stick. At other times I saw nothing peculiar in his manners or conversation unless that it might be that he always addressed me as "dear boy" or "dear child" or something of that kind. He was invariably talkative and sociable and friendly at those times when I saw nothing peculiar about him.

Cross Interrogatories and Answers.

1st Cross Interrogatory

Was the said Patrick a man of intemperate habits and was the said Patrick in your judgment under the influence of liquor when he conducted himself in the strange manner as you have above testified, and when the said Patrick was not under the influence of liquor did you consider him an insane man -

Ans to 1st Crof Intery

I think he was of intemperate habits I think he was invariably under the influence of liquor when he conducted himself in a strange manner as above testified When not under the influence of liquor nothing I saw him do or heard him say led me to suppose he was at such times insane and whether he was or not I do not know.

Miles B Slight

Interrogatories to Elbert B Slight and his answers thereto

1st Intery-

Were you acquainted with the late Patrick Keenan and if you when did you first know him, how long did you know him how frequently did you see him and from your knowledge of the said Patrick was he or not a man of sane and sound mind -

Ans to 1st Intery

I was acquainted with the late Patrick Keenan I first knew him in 1854 or 5 I think it might have been in 1853. I knew him from that time until the time of his death. I saw him quite often I think five times

a year certain. I should think he was not a man of sound and sane mind -

Cross Interrogatory & answers

1st Cross Interrogatory.

Was the said Patrick a man of intemperate habits

Ans to 1st Cross Interrogatory

I should think he was -

2d Cross Interrogatory

Have you ever seen the said Patrick when you thought him not under the influence of intoxicating liquors and if you was the said Patrick at such times insane in your judgment -

Ans to 3d Cross Interrogatory

I don't know that I ever did see him when not under the influence of intoxicating liquor. I don't know whether he was but I usually heard him called "tight" or drunk

Albert K. Light

Interrogatories to Rufus Arty and his answers -

1st Interrogatory

When you acquainted with the late Patrick Freeman and if you when did you first know him. how long did you know him and how frequently did you see him

during the period of your acquaintance—
 Ans to 1st Interrog

I was acquainted with him I first knew him six or seven years ago. I knew him from then until his death and saw him for the last time some six or eight months before his death. I saw him sometimes every two weeks and sometimes I would not see him for five or six months and one month at about that I saw him every day

2^d Interrog

Please state when you were during the period you saw him for the period of one month, and whether or not while there you did not detect some mental derangement in the said Patrick and whether or not from your knowledge of the said Patrick you considered him a man of sane and sound mind

Ans to 2^d Interrog

At the time I saw him for the period of one month we were at Silver Creek mill and I did when there detect some mental derangement of the said Patrick I did not consider him a man of sane and sound mind

3^d Interrog

Please state in what manner the said Patrick demeaned and conducted himself on the occasions that you saw him and what traits of aberration of mind you detected in him -

Ans to 3^d Interrog

He conducted himself very well that is virtuously and morally. I don't know about speaking morally he used profane language. When he was at work he worked pretty steady but "I seen him" between the mill and my fathers house William Artz with a club in his hand hallooing that you might hear him for about a mile and a quarter or a half speaking as though he was commanding an army - The greatest reason that I would have of considering him insane was his expressions generally -

Rufus B Artz

Interrogatories to Wm R Busch & his answers

1st Interrog

Were you acquainted with the late Patrick Keenan if you when did you first know him how long did you know him how frequently did you see him

during the period of your acquaintance and from your knowledge of him was or was not the said Patrick a man of sane and sound mind -

Ans to 1st Interrogatory

I was acquainted with the late Patrick Keenan I first knew him I think about the winter of 1847 & 1848 I knew him from then until the time of his death I saw him sometimes as often as twice a week and sometimes not for a month When I first became acquainted with him I thought he was a man of rather a soft mind that was my first conclusion then I saw him when he was in liquor and I saw him when he was sober. On both occasions all through I have conversed with him and heard others converse with him I then finally concluded he was not a man of sound mind

Wm R Buser

Interrogatories to Caleb Williamson & his answers thereto

1st Interrogatory

Were you acquainted with the late Patrick Keenan if yes when did you first know him how long did you know him and how frequently did you see

him during the period of your acquaintance
and from your knowledge of the said Patrick
was he or not a man of sane and sound mind

Ans to 1st Interrog

I was acquainted with him I think
I first knew him about twelve years ago
I knew him from then until a short time
before he died probably I did not see
him for six months sometimes and at others
probably three times a week. My opinion
always was that he was not a man of sane
and sound mind -

Cross Interrogatories & answers

1st Cross Interrog

Was or not the said Patrick a man
of intemperate habits, and generally when
you have seen the said Patrick was he
or not more or less under the influence of
liquor -

Ans to 1st Cross Interrog

He was a man of intemperate
habits. He was as a general thing under
the influence of liquor when I saw him
I never saw him when he was sober no
doubt -

Redirect

1st Redirect Interrog

In forming your opinion of

The mental condition of the said Patrick
did you consider him in both conditions
when intoxicated and when sober -

Ans to 1st Re direct

Certainly I did -

L. Williamson

Interrogatories to Barnabus Brundage and his
answers thereto

1st Interrog

Were you acquainted with the late Patrick
Keenan if yes when did you first know him
how long did you know him and how frequently
did you see him during the period of your
acquaintance

Ans to 1st Interrog

I was acquainted with him I first
knew him I think about four years ago
I knew him probably about two years
I saw him sometimes every two or three
weeks sometimes not for a month perhaps -

3rd Interrog

Please state in what manner he demeaned
and conducted himself when you saw him
and in what manner did he converse

Ans to 3rd Interrog

The first time I saw him he was
commanding soldiers out on the green
in front of my shop he had a cane

He would come into my shop once in a while and talk round he did not talk like a rational man. He bought some furniture of me, some chairs once, and I guess he paid me for them, he did not pay for them when he got them but afterward -

3^d Inquiry

From your knowledge of the said Patrick was he or not a man of sane and sound mind

Ans to 3^d Inquiry

I don't think he was -

Crop Inquiry And Answers

1st Crop Inquiry

Are you in the habit of selling furniture to crazy persons

Ans to 1st Crop Inquiry

I would not unless they had property

R. Brundage

Interrogatories to Daniel Roat and
his answers thereto

1st Interrogatory

Were you acquainted with the late
Patrick Keenan and if you when did you
first know him how long did you know
him how frequently did you see him
during the period of your acquaintance
and from your knowledge of the said Patrick
was he or not a man of sane and sound mind -

Ans to 1st Interrogatory

I was acquainted with the late
Patrick Keenan. I first became ac-
quainted with him some three years
ago or as long as that anyhow. I knew
him from that up to the time of his
death I saw him sometimes two or three
times a week sometimes oftener some-
times I would not see him for a week
or more I hardly ever called him
a man of good sound mind -

Cross Interrogatories & answers

1st Cross Interrogatory

Where did you used to see the
said Patrick and was he a man of
intemperate habits and when you have
seen him was he in your opinion more or
less under the influence of liquor -