

14097

No. _____

Supreme Court of Illinois

Wm. King

vs.

John Dale

Supreme Court

John Dale appellee
vs

William King appellants

) appeal from Hamilton
Circuit Court

) And the said appellee
by David J. Baker his attorney comes & moves
the court for an order upon the appellants
herein William King to assign errors in this case
or in default thereof that the same be dismissed

O David J. Baker
Attorney for said appellee

John O Dale appellee
vs
William King appellant

Mo. to assign error

Filed July 31.

J. M. Dunbar

William King
vs
John Dale

Supreme Court of the State of
Ill. Dec. Term 1837.

And now at this day. coming the Plaintiff in Error
by his attorney and says that in the record and
proceedings and in the judgment of the Court
below. there is manifest Error in this to wit:
1st. The Court below. erred in permitting a juror
to be sworn on the jury. who had formed
and expressed an opinion in the cause of
and the Plaintiff in Error.

2nd the Court erred in permitting the record of the
Marriage from the State of Tennessee. to return
the said Plaintiff below. and his wife. the said
Record. being insufficient and not properly
admitted in evidence

3rd the Court below. erred in permitting the depo-
sitions in the Cause to be read to the jury.
for which said Error and others in the judg-
ment and proceedings aforesaid the Appellant
King prays that the judgment may be
reversed and wholly held for nought

Eddy & Terlan
Counsel for Appellee

And the said Appellee answers & joins in error
David Baker
Attorney for Appellee

Sup Court.

Wm King

r

John Dale

Agent of Error

Filed Dec. 13, 1837

J. M. Kuman

Filed Feb. 21. 1839
J. M. Duncan

William King } Appeal from Hamilton
John Dale } This was an action of error
coram vobis which Dale the plaintiff below
obtained a verdict and judgment
against the defendant King, from which
he has appealed, and assigns for error
1st That the court permitted an individual
to be sworn as a juror, who had formed
& expressed an opinion as to the merits of
the case.

2^d ~~That it~~ ^{That it} permitting to be read in evidence,
a certificate of the marriage in Tennessee,
between Dale & his wife, without its
being properly authenticated and
3^d That it allowed depositions to be read
in evidence which were objected to.

One of the facts assigned in
the first assignment of error is contra-
dicted by the record, Hardy the indi-
vidual objected to as a juror, was not
sworn ~~on the trial~~ upon the jury,
but the objection to him was overruled
by the court, after he had been sworn
and interrogated as to his having formed
and expressed an opinion upon the
merits of ^{the case} he his re-arrivation on
that point, he stated that he had heard
the testimony against Cynthia Dale

who was indicted for adultery, with the
defendant King, and from that testimony
he had formed and expressed an opinion,
but had not formed any opinion in
this case, not knowing at the time
that there was a civil suit then. This
statement is very indefinite as to
the connection between the cause in
which the ~~offense~~ proposed juror
had formed an opinion, and the one
before the Court, nor does it appear
with any degree of certainty, that
the criminal intercourse, ^{between Mr. Daley & King,} which
was the foundation of the criminal
prosecution against ~~Carthage~~ ~~I~~ ~~and~~ ~~not~~
her, did, ^{not} take place subsequent to the
institution of the suit then before
the court, if such was the fact, ~~then~~
(and nothing to the contrary is shown)
then, there was no objection to the
individual as a juror, because the
plaintiffs right to recover, depended
upon the proof of circumstances
anterior to those which may have
been the foundation of the proposed
jurors opinion.

The assignment of error which questions
the sufficiency of the authentication of
the certificate of marriage, is not supported

This 3^d assignment of error applies only to the depositions of Truman, & Vaught, The reading in evidence of Vaught's deposition was objected to, on the ground that it was in the hand writing of McClernan, one of the attorneys for the plaintiff, It is certainly a valid objection to a deposition, that it has been dictated, or drawn, by an attorney in the cause, but the objection must be supported by testimony of the fact, which was not done in this case, there is no evidence whatever, that the deposition was written by McClernan, nor is it even satisfactorily proved that he was an attorney in the cause, all the testimony in relation to that point is, that he is the attorney who conducted the cause for the plaintiff, told McClernan that he wished him to assist him in the suit, but it does not appear that he consented to do so, or that he ever did appear in the case as attorney or in any other capacity.

With respect to Truman's deposition, it is unnecessary to inquire into the sufficiency of the objections to its being received in evidence, because it proves nothing for or against either party, and could not therefore have influenced the decision of the jury, for this reason. its having been read in evidence can not be assigned for error. Guay affirmed with Corts. W. Wilson

by the facts in the case, an inspection
of the record will show it to contain, ~~an~~
an exemplified copy of a license issued
in the State of Tennessee, for the marriage
of John Dale to Cynthia Smith, on the
back of which is indorsed a certificate
of a justice of the peace, that he had
solemnised the marriage. The official
character of the officer granting the
marriage license, and also that of the
one performing the ceremony, is
authenticated by the certificate of
the clerk, the keeper of the records, under
~~the seal of office, who from some authority~~
~~of some attestation~~ his seal of office, The
~~following justice from~~
~~George~~ certifies to the authority and
official character of the Clerk, whose
attestation, in turn, verifies that of
the justice. These several authentications
are by the accredited officers of the
law, and in the form, and order
prescribed by the act of Congress, to
entitle records, & public acts &c to the
same faith and credit in the courts
of the several States, that they have
by law in the courts of the State from
whence they are taken. The certificate
of marriage was therefore properly
received in evidence.

Pleas had before the
Honorable Septimus Hardin
Judge of the 3^d Judicial
Circuit & by said assigned
to hear & determine divisions
& controversies as the court
power in matters
& for the County of Jefferson
in the State of Illinois on
Saturday the 19th day of
March 1836.

Be it remembered that unto for town
on the 2^d day of September 1835 John
Dale filed in our clerks office of
said County his declaration which
is the word & figures following that
is to say of the September term of
the Jefferson Circuit Court 1835.

State of Illinois
Jefferson County
Complain of William King who has
been summoned & of a plea of respondeo
on the case for that whereas the said
Defendant contrived & wrongfully
wickedly & unrightfully intended to deprive
the said Plaintiff & to deprive him of
the comfort & fellowship Society and
assistance of Cynthia Dale the wife
of him the said Plaintiff & to alienate
& destroy her affection from him

Dec.

the said Plaintiff heretofore to wit on
the first day of August 1833 & on divers
other days & times Between that day
& the day of commencing this suit at the
Circuit aforesaid wrongfully wickedly
& unjustly debauched & carnally abused
the said Cynthia Dale then & there
still being the wife of him the said
Ply & thereby the affection of the said
Cynthia Dale for him the said Ply
was then & there alienated & destroyed
& also by means of the promises he the
said Ply hath then hitherto wholly
lost & been deprived of the comfort
fellowship society & assistance of the
said Cynthia Dale the said wife
in his domestic affairs which he said
Ply during all that time ought to have
had & otherwise might & would have
had. To wit at the Circuit aforesaid
& other wrongs to the said Plaintiff
then & there did & the said Plaintiff saith
that by means of the promises he hath
been & is greatly injured & damaged
to the amount of five thousand Dollars
& therefore he brings his suit
Walter B Seals P.O.

Whereupon aforesaid to wit on the day
as year last aforesaid the said Ply sent
out of & from our Clerk's office his sum-
mons against the said Defendants which
said summons is in the word & figures

Summ.

Following that is to say. State of Illinois Jefferson County

The People of the State of Illinois to the Sheriff of Said County
Writing the command you that you
Summon William King to be and ap-
pear before the Circuit Court for Jef-
ferson aforesaid on the 1st day of the
our next Term to be holden at the Court
house in Mount Vernon on the first
Thursday after the second Monday
in September next then & there to answer
John Dale of a plea of trespass on
the case Damages \$5000.00 and have
then their this writ

Witness the Hon Alexander Grant
Judge of said Court at Mount
Vernon this 3 day of September
1835
Jesse Price Clerk

Which said Summons was then & there
delivered to the Sheriff of said County
to be executed & by him returned with
the following Indorsement that is to say

Returned
not executed

Not Executed the Defendant not
found. Sep. 1835. W. Bourne Sh. J. L.

And afterward to wit on the
23rd day of September the 1835 the said
Plaintiff and out from the said Clerk
office an Alias Summons against the
said Defendant which said Summons
is in the word & figure following that is
to say. State of Illinois Jefferson County The peo-
ple of the State of Illinois to the Sheriff of said

Alias
Summ.

We Command ^{you} that you Summon
William King to be & appear before the
Circuit Court for Jefferson aforesaid
on the first day of our next Term to be
held at the Courthouse in Mount Ver-
non on the ^{first} Thursday after the second
Monday in March next then & there
to answer John Dale of a plea of
Tresspass on the Case Damages \$500
I have then their this writ

Witness the Hon. Alexander F
Grant Judge of our said County
at Mount Vernon this 23 day of
September 1835
Edw Pace Clerk

Which said last mentioned Summon
was then & there delivered to the Sheriff
of said County of Jefferson to be executed
which said Summon was returned
by him the said Sheriff with the follow-
ing endorsement that is to say Execu-
ted according to Law Oct. 1835

Edw Bowman Shff J.C.

And after ward to wit at a Circuit
Court Bigant held at the Courthouse
in Mount Vernon on Thursday the 17th
day of March 1836 Present the Hon
Jephthah Hardin the following order was
taken in the premises that is to say

John Dale vs
vs
3 Bass

Return
executed

William King

On motion of Walter B. Scott, atty for Pltff

It is ordered by the court that the defendant plead by tomorrow morning 9 o'clock. Thereupon the defendant by Field and Gatewood his attorneys moved the court to rule the Pltff to security for costs and after hearing the testimony and being thereof sufficiently advised it is ordered by the Court that the pltff give security for costs and thereupon the plaintiff tendered the Bond of Jacob Weldon and Garret Cirk which was accepted which said bond is in the ~~following~~ words and figures following that is to say

John Dale Case. Jefferson circuit
William King Court 1836 March Term

We do hereby enter ourselves security for costs in this cause and acknowledge ourselves bound to pay or cause to be paid all costs which may accrue in this action either to the opposite party or any of the officers of this court in pursuance of the laws of this state dated this day of March 1836
Jacob ^{this} Weldon
Garret ^{by} Cirk

And after words do not on the 18th day of March 1836 the said defendant filed his plea of not guilty which said plea is in the words and figures following that is to say

Order to
Mand
Mo for security
for costs
Ord for security

Bond for costs

Plea

William King Jefferson Circuit Court
at
John Dale March Term 1836
Action on the case

Acquitted
not guilty

And the said William King by
Gaterwood & Field his attorneys comes and
defends the wrong and injuries when when
he and for jobs says that he is not
guilty in manner and form as the said
plaintiff hath ~~therefore~~ complained against
him and of this he puts himself upon
the Country Gaterwood & Field attors for
Def^t
And the plaintiff doth the like Seates
& McClain for plaintiff

And afterwards to wit on the day and year
last aforesaid the said defendant filed his
petition and affidavit for a change of
venue in this cause which said petition
and affidavit is in the words and figures
following that is to say

William King Jefferson Cir Court March
at Term 1836
John Dale 3 action on the case for Cir Con

Diff King's
Aff. for change
venue

William King The defendant in the
above case being duly sworn deposes
and says that he verily believes that
in the above cause that he will not be
able to have a fair and impartial
trial in the County of Jefferson in
consequence of the prejudice of the minds of

the Defendants of said County against
him he therefore prays that the cause may
be changed to some County where the above
causes do not exist

William ^{his} ~~Tring~~
mark

Sworn to and subscribed
before me this 18th day of
March 1836 Joel Pace

Whereupon afterwards
Court on the day and year last aforesaid
at a circuit Court continued and held
at the Court house in Mount Vernon on
Thursday the 17th day of March 1836 the
following order and Judgment was
made and Rendered in the premises that
is to say

John Dale
^{vs}
William Tring Case

And now on this day
came against the said parties by their
attorneys and the said defendant filed
his affidavit herein for a change of venue
whereupon it is ordered by the Court that
the venue in this cause be changed
to Hamilton County and that the Clerk
transmit the record and proceedings in
this cause to the Clerk of the Hamilton
Circuit Court forthwith. It is therefore
considered by the Court that the said
- plaintiff recover against the said
defendant his costs and charges by
him about his suit in this behalf

Order of
change of
venue to
Hamilton

The above fees abide the result of the
Suits. The rest are accounts on the
Change of Venue Vol Rec. Ill. cc. 12

I has had Before the
Honourable Joseph H. Hardin
Judge of the 3^d Judicial Circuit
& by Law assigned to hear and
Determine divers pleas & contro-
versies at the Court house in
the Town of Lambert & for the County
of Hamilton & State of Illinois
on Monday the 21st day of
March A.D. 1836

Be it Remembered that this day
was handed into the clerk of the cir-
cuit court of said County, the Re-
cord, papers & proceedings from the
Clerk of Jefferson County, in the
Cause of John Dale vs William
King, 3^d Case, & thereupon the papers
Records were duly filed

Whereupon on the 24th day of March
the following order was made. (to wit)

John Dale Plff 3^d Case
William King Dff 3^d Case
Ordered that this
Suits be continued until the next
Term of the Court

Continued

As a circuit Court Commenced
and holden at the Court House in
Mansborough on Monday the 5th day
of September A. D. 1836 Present
The Hon. Joseph Hardin
Judge of the Judicial Circuit

On the 3^d day of the Term
~~the~~ an order as follows was enter-
ed to wit,

John Dale *Plff* }
vs }
William King *Def* } Crim Con

Order for
attach-
mt. W. K.

on motion of the
Plff Atty after a witness for *Plff* being
called. John Bradford & no appearing
induced that an Attachment be run agai-
st him directed to Jefferson County not
removable here hitherto

And afterwards to wit, on the
8th day of the same Month & Term
the following order was made

John Dale } Crim Con
vs }
William King }

Def^s
opined

on motion of the
Defendant by his counsel. ordered
that the Def's have leave to open depo-
sition taken in this case. & the same
order on motion of *Plff* Atty. that
he have leave to open deposition taken in his
behalf

And afterward to wit on the same day an order was made in the following words to wit

John Dale vs Case for Crim Con
William King

At this day as well the said plaintiff by Deats & McEldemund his attorney, as the said Defendant by Gatenwood & Field & Louis his attorney comes into open Court of the said defendant for his plea in this behalf not Guilty and puts himself up on the Country and the Plaintiff doth the like Whereupon by a Jury come and thereupon the Jurors of the Jury came to wit, William Wheeler, Abraham Hutson, Andrew Pickett, George Cassell, M. B. Garner, William Wiseman, John Gibson, Adam Crouch, Alfred Newman, Reuben Oglesby, John Schoolcraft, Benj. Hooks, who being chosen elects tried & sworn well & truly to try the said joined and a true verdict to give according to evidence upon their Oaths do say w^{ch} the Jury find the defendant guilty and assess the Plaintiff damages at \$50. Fifty dollars. It is therefore considered and by the court the Plaintiff recover

trial

Jury

Verdict

page 2
of the said Defendant his said
damages as well as his costs by
him in this behalf expended &
that he have execution &c.

And at time of the trial of
of this cause. the Defendant. filed
his Bill of Exceptions to the opinion
of the Court. which was signed & sealed
&c. which ^{was} in the words as follows to wit

John Dale vs Crim. "Cor"

William "Thig"

Be it Remembered

that on the
trial of the above cause Ledwithan Hardy was
called a juror and being sworn and inter-
rogated as to his qualification as juror and
he declared that he ^{had} heard the testimony
against Cynthia Dale who was indicted
for adultery with William Thig the Deft
in the above cause and ^{that} from that testimony
he had formed and expressed an
opinion but did not form any opin-
ion as to this case not knowing that
there was a civil suit then the Court decided
him to be a competent juror against
the challenge for cause by the said defen-
dant to which opinion of the court the
defendant excepts and prays &c.

Bill of
Exceptions

Objt
Juror

~~Howell~~ and also upon the Trial of the said ~~the~~ Plaintiff
offered in Evidence the following depositions
of Squire Howell & John Fox of
Franklin County

Deho.
7 text
Howell

The deposition of John Fox and Squire
Howell & others of the County of Franklin in the State of Missouri
produced sworn and Examined before
S. M. Hubbard Clerk of the Circuit Court in & under
for the aforesaid County on the 15th day of July
A. D. 1836 at the Clerks office at Frankfort in
said County in pursuance of a notice
produced to the said Clerk directed to be
read in Evidence on the trial of a Cause now
pending in the Missouri Circuit Court
wherein John Dale is Plaintiff and William
King is Defendant in an action on the
Case for Criminal Conversation on the part
and behalf of the said Plaintiff the said
John Fox and Squire Howell being duly
sworn according to law depositions and
Said in answer to the several questions
on the part of said Plaintiff to wit John
Fox being duly sworn deposes and says
in answer to the following interrogatories
Question 1st - do you know the parties - P^lff & D^f
in the title of this Cause named or either of
them and how long have you known them
respectively

Answer - I have known the P^lff since I can
remember as to the def^t I know little about
him & true I know him when I see him

Question 2^d did you stay all night at the depts.
house and when

ans^d in July 1836 I did

Question 3^d what conversation took place at that
time between you and [unclear] in
relation to [unclear] and [unclear] wife

Ans^d Dept told me not a bit the [unclear] take
away the children until she [unclear] wife
went down. The [unclear] then leaving [unclear] two
of his children at my house in the
lower end of Franklin County. and that
if [unclear] was about to take away the chil-
-dren to endeavor to prevent him until
the [unclear] wife come down.

Question 4th did the [unclear]'s wife afterwards go down
to your house

Ans^d yes she did

Question 5th did [unclear] provide about in your neigh-
-borhood for her and the children and
take them to it.

Ans^d yes he did.

Question 6th did [unclear] make [unclear] for them such
afterwards go from home to work in a State
all you know about it

Ans^d The [unclear] purchase wheat & meal for them
and made arrangement with me to furnish
wood when wanted and afterwards
went off to work for money to support
them and to move them away

Question 7th did [unclear] wife go away desiring [unclear]

absence and take the children with her.
Answer^d She did and took two of the children with
her
Ques^t 8 how long before p^lffs returned
Aⁿ But a few days
Ques^t 9 Have you stayed all night at the depts
house since she left your neighbourhood
Aⁿ I have stayed two nights since
Ques^t 10 state all the conduct you saw between the
deft and p^lffs wife at each time (Aⁿ
I left all upon the p^lff wife for every thing
he needed for his usury when he would for
something to eat & for his papers as he needed
them and seemed to look up to her for every
thing the wife of the depts being at home at
the same time and further this deponent
saith not. John Fox

Squire Howell being first duly sworn apart
and says in answer to the following interro-
gations by P^lffs

Ques^t 1st do you know the p^lff and depts in
the cause and ^{how} long
Aⁿ I do about twelve months or more
Ques^t 2^d state all you know in relation to the
p^lff & depts and the intimacy between
depts and p^lffs wife
Answer Some time in July 1835 the depts and me
James Kirk came to my house about daylight
and asked me where John Fox lived and
I told him which was about a small

distance of he then ask'd me if I knew any thing
of the ptiff and his family I told him I
did that they were living in a little house
near James McNeill he then stated to me
he wanted to find ptiff and family that they
were after ptiff for Burning old Mathew Turks fence
Deft told me he would give me one dollar to
show him when the ptiff lived. I sought my
house and started with him the deft an on
the way he deft told me that he did not
want to see deale the ptiff and handed
me a letter told me if ptiff was at home to
slip that letter to the ptiff wife or Lucia his
daughters when I got at the house we then
the ptiff wife was at home then I went
back I left him in the woods I then took
him Deft to the house I had heard when
the ptiff's wife was I left deft started and
met the ptiff's wife coming home imme-
diately after meeting deft and ptiff's wife burst
out in tears Deft then took up the ptiff wife
behind him on his horse deft carried
ptiff wife near the house then ^{seems well out there}
and staid something like two hours and
I went on to the house when they came
up to the house they both appeared to be well
wallowed as tho they had been sunbathing
on the ground and their clothes dirty
with green stains on defts ones and her
back sweating freely and her face
looking like it had been bearded ptiff
wife then stated she wood go to John Foxes
next day to get wheat deft told her to get

up behind him that he was going to
 Foxe? then she went with him we all went
 about two miles together the roads forking
 they took the road to Foxe? I went on home
 late in the evening King came to my house
 and stated that he did not go to Foxe?
 when I first went to the house of Jett's -
 Julia his daughter told me that her father
 and Brother Washington Dale had gone
 the Sunday before to the river to work
 I told King this when I then went back
 to him in the woods this was on
 Thursday I think I have stay'd at Mr Kings
 two nights since that time Mrs Dale was
 then & was treated by King as the land lady
 of the house Mrs Dale was coming home with some
 Cabbages under her arm when King & myself
 first met her I ask'd her if she would go
 back to his debt house saying he always had
 plenty there she answer'd she did not he then
 replied she should go back then and in the
 course of a few days left the neighbour hood
 and I afterwards see her at Mr Kings
 as before stated and further this deponent
 saith not.

Squire ^{his} Howell
 mark

Squire Howell 1 day attendance	50
John Fox - 1 day attendance	50
Sitting depositions 1380 words	122 1/2
Issuing subpoena	50
Serving 2 writs - "	122
Making official Certificate	250
	<hr/>
	\$ 4. 25

State of Illinois }
Franklin County } P. J. M. Hubbard Clerk of the Circuit
} Court in and for said County and
} State of Illinois Do hereby certify that the foregoing
} Depositions of John Fox and Squire Howell was
} sworn to and signed by Deponents before me
} and in my presence and that the said
} Depositions was taken by and on the 15th day
} of July A.D. 1836 at the Clerk's office at
} Springfield in said County of Franklin
} between the hours of Ten o'clock in the morning
} and six o'clock in the Evening of said day
} Given under my hand and seal
} this 15th day of July A.D. 1836
} P. M. Hubbard Clerk Circuit
} Court of Franklin County Ills

Mr. William King Sir.

(15th)
Take notice that on the 15th day
of July 1836 between the hours of 10 o'clock A.M. and
the setting of the sun of said day and continue
from day to day untill completed at the Clerk's
office of Franklin County in the State of Illinois
before Simon M. Hubbard Clerk of said Court
I shall proceed to take the depositions of John
Fox Squire Howell Cairn Jones and The Widdow
Duff to be read in Evidence in a cause now
pending in the Honorable Circuit Court wherein
I am Plaintiff and you are defendant in an
action on the case for Criminal Conversation
when and where you may attend if
you think proper and Cross examine said
witnesses this 28th day of June 1836
John Dale Plaintiff

Proof of
writing
not in

State of Illinois } I do hereby Certify that
Jefferson County } John Livingston Deputy
Sheriff for James Boman high Sheriff
of said County appeared before me this day
and made oath in due form that he
delivered William King a True Copy of the
above Notice July 1st 1836
Chas. B. Allen J.P.

Obj to
proof of
marriage

And also the P^l plaintiff offered in evidence
to prove the marriage ^{of the parties} with the said Cynthia
de Dale. To the introduction of which the
defendant objected for reasons upon the face
of said record which objection Court
overruled to which opinion of the Court
in overruling the objection aforesaid the
defendant excepts.

The following is a Copy of the Bond
Marriage License and Certificate^s appertain-
ing to the same (to wit)

bond

State of Tennessee } Be it remembered that here-
Overton County } before us on the seventeenth
day of January 1835 John and Squire Dale
has executed the following Bond to wit
Know all men by these presents that we
John Dale & Squire Dale all of Overton and
State of Tennessee are held and firmly bound
unto his Excellency Willie Blount and his
successors in office in the penal sum

of Twelve hundred and fifty dollars Nevertheless
 to be void on the conditions there is no legal
 objections why John Dale + Cynthia Smith should
 not be joined together as husband and wife
 in the holy Estate of Matrimony Given under
 our hands and seals this 16th day of January
 1815
 B Totton.
 John Dale Esq
 Squire Dale Esq

Whereupon Marriage Licens I issued to the
 said John Dale in the following words & figures
 1 To wit

State of Tennessee

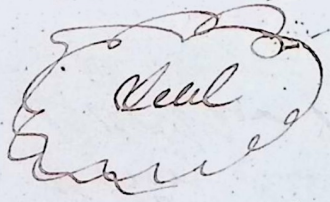
To any regular minister
 of the gospel having the care of souls or any
 acting Justice of the peace for said County
 Greeting By virtue of the power and authority
 in me vested by law you or either of you
 are hereby authorized to celebrate the
 rights of Matrimony between John Dale
 and Cynthia Smith and join them
 together as husband and wife in the holy
 Estate of Matrimony he having he having
 given bond with security according to law
 given under my hand at office this 16th
 day of January 1815 B Totton Clerk

On the back of which licens are the following
 endorsements

No Licens John Dale to Cynthia Smith
 Is 16th Jan 1815
 Executed according to law by me
 Michael Hickey JP

State of Tennessee & I William Gore Clerk of the
Overton County Court of pleas and Quarter sessions
-ons for said Overton County hereby certify that the
foregoing is a correct Copy of a Marriage Bond
Given by John Dale of the license that Issued
on the 15th of October of said bond that Benjamin
Lutton was Clerk of our said Court at that
time and that Michael Heikley Esq^r whose
Certificate appears on the back of said license
as having celebrated the rites of Matrimony
was an acting Justice of the peace for said
County at that time and that full faith &
Credit are due to the official signatures of
the said Lutton & Heikley respectively In Witness
whereof I have h^{ere}to set my hand and affixed
the seal of our said Court at office

This 15th day of October 1835
William Gore Clerk
By his deputy John Kemeay



State of Tennessee & I William Chittom Chairman of
Overton County Court of pleas and Quarter sessions
-ons of the said County hereby certify that William Gore who has
officially signed the foregoing Certificate to the within
Marriage Bond and license is the regular appoin-
-ted and Commissioned Clerk of the County Court of
Pleas and Quarter sessions for said Overton County
that full faith and Credit is due and ought to
Given to his official signature as such and
that his said Certificate is in due form
Given under my hand and seal this 16th
day of October 1835 William Chittom Chairman
of the Court of said

State of Tennessee } I William Joe Clerk of the
Overton County } Court of pleas & Quarter Sessions
for said Overton County hereby certify that
William Chittin Esquire whose signature
appears to the foregoing Certificate of the appointment
of the Clerk of our said Court was at
the time of signing the same and now is
the regularly appointed Chairman of said Court
of pleas and quarter Sessions of said County and
that all and full faith and credit is due
and ought to be given to his official signature
as Chairman of said Court

In Testimony Whereof I have hereunto
set my name having thereto affixed the seal
of our said Court done at office on the 17th day
of October 1835
William Joe Clerk
by his deputy John Kemeay

The plf offered in Evidence the following
depositions of Jacob Meldon Elijah King and
others of Jefferson County - which Deposition
is in the words ^{as follows} as follows to wit

Deposition of Elijah King of the
County of Jefferson taken on the
Sixteenth day of May in the year
of our Lord one thousand Eight hundred
thirty six between the hours of 10 A
M in the Morning & 6 O'Clock in the
Evening of said day at the office of
the Clerk of the Circuit Court, her

Sworn to the enclosed notice to
be read in evidence in a cause pend-
-ing in the circuit Court of Hamilton
County Between John Dale Plaintiff
& William King Defendant as follows
The said Elijah King doth depose &
says he knows nothing about it

Questions by Plaintiff Do you or do you
not know of Cynthia Dale being at the
house of Defendant

Answer I do.

Questions by Same Do you or do you not
know that Defendant is the cause of
her being there.

Answer I do not.

Questions. P. Did you never know of any
misconducts Between Deff^t & said Cynthia
wife of the Plaintiff. and you never knew
of their bedding together

Answer Answer. I know of no misconducts
I never saw them Bed together.

Questions by P. You have been frequently at
my house during the time I lived there,
your Father did you not always see
that I had plenty to support my family

Answer I was there twice once shortly you came
& once some time afterwards but never eat their
I do not know, but know nothing to the contrary

Questions by Lawer When you took my wife
Cynthia to Onepourne did I not appear
willing to take & support her & treat
her kindly

Answer When I got to where you
where it was in the night you apt
said very glad to see her & said
you would take her & use her well
as you ever had done. as we went back
to the wagon you quarrelled with each
other each telling the other of mean
things you had done & further this de
ponent said not ^{trip} Slight King
f

Deposition of George W Dale of
County taken at the same place
& place to be used as evidence in a
cause now pending in the Circuit
Court of Hamilton County between
John Dale Deft & William King
Defendant as follows. The said
George W Dale deposes & says he had
heard the Defendant possess Cynthia
Dale wife of the Plaintiff not to live
with said Plaintiff saying if she
would not. he said Deft would
support her as well as he was able
& that if she did ever live with said
Plaintiff again she ^{ought} should have my
support from him since Defendant

Question by Plaintiff

Have you not seen Defendant
at the said Cynthia bed together at
the house when she lived on an Imp-
-government claimed by Def?

Answer

I have seen them in bed together
- or there I have seen them in bed
together on the wharfe & also in the
waggon between when Defs living &
the wharfe when he moved her

Question by Plaintiff

Do you or do you not know of Mr
King (meaning Defs) coming to Mrs Bourne
& persuading your Mother to leave me
and come back to whine & that if
she would he would support her

Answer

I do they both (meaning Defs & said
Cynthia told me that the Defs furnished
said Cynthia. Cynthia told me that the
Defds furnished with five dollars to
bear her expenses back

Question by Plaintiff

Have you not frequently
heard Mr tell her (Cynthia) if she would
leave Mr King & keep away from him
& also keep them away from her that
I would support her & the children
so long as they should live & treat her
well Answer. I have

Question. Def

Did you or did you not under

stand from Mr King that he was
to send your Mother at the Miss^{es}
-ippe in order to assist her to his house.

Answer I said I understood that she
was to start that day there with a
quack as he could think she could
get to the Mississippi as his journey would
take her there or send his son Elijah

Question by Elly
Do you not know that I
took a carriage then to take her away

Answer
I do recollect after we took the
Wagon to Mr. Coopers I went up to take her
I know the wagon was ready to depart
her to get ready to move on her way I
saw Mr. King sitting on the fence My
Mother standing in the fence corner near
him both of them began to abuse me
she said she never came to go &
Mr. King said to her he liked the noble
I replied was to his sister & she never
should be troubled & said to her not to
to go, that Dale was for mean a man
for her to live with, that if she would
stay with him he would comply with
the bargain they made in Missouri
but if she did go she must not look
for any support from him

Question by Elly

Did not. No King advise you
to go & borrow James Handley gun &
keep her there & if I should come &
attempt to take her or the children
away or injure them. to take the
gun & shoot me

Answer. He advised me to go & borrow
the gun & keep her that he believed
you were in the neighbourhood or would
be there shortly, that if you should come
to take the children for her or to molest
them that I should take the gun
& shoot you

Question. Do you not know that after
I took your mother down in the
Lower Edge of Franklin County I
furnished her with plenty to eat &
appeared to wish her to stay

Answer. I do you furnished her with
plenty of meat & bread apparently to me
& you always talked to me like you
wished her to stay.

Question by Deft are you or are you not
the son of Jeff

Answer. I am said to be

Do you live with him & are you twenty
one years of age

Answer I am under the direction of my father
upon the bet. information I am under the
age of twenty one years

you say you have heard Jeff Brown
say to maintain her Cynthia provided
she would not live with Plaintiff
State the conversation that took place
at that time & what led to that conver-
sation

Answer I do not recollect any other
conversation at the time nor do I rec-
ollect what led to said conversation

you say you have seen them
bedded together state how long it has
been & when the Improvement is when
first saw them bedded

Answer the first time I saw them in
bed together was two years ago from
early March it was during March
court. The Improvement is situated
about one mile about an East course
from where Mr. King lives I had then
a ship when he came & there was
sight enough for me to see him

Do you say or are you bound
to testify for any party of his fees for
the bringing this suit & if you do what
party

Answer. I am not

State if demands are returned
in this suit whether you receive any

portion of them or not & if you
do what proportion

Answer. I dont know whether I shall
or not. Do you know if the Puff
your Father badly treated Cynthia the
wife of the Puff & your mother & failed
to provide for the family whether he has
not frequently charged her with cohabit-
ing with other men

Answer I do not recollect of his badly
treating her, he has treated her as well as
I could have done under the same cir-
-cumstances, I dont know what he could do
more. I have heard such talk from the
Puff as would amount to a charge of cohab-
-itation with other men

Did Dependant furnish Cynthia the wife
of Puff with money to bear her expenses back
from Missouri because of bad treatment
or not.

Answer. I cant tell

Did your Father whip your mother in
Missouri, and she lay speechless several
hours when ^{you} found it necessary to mount a
horse & alarm the neighborhood

Answer

I did not see him whip her nor did
I mount a horse to alarm the neighborhood
I saw her lying apparently speechless

Was not the money spoken of furnished
because your mother complained to Mr King

The Duty of Severe treatment & Excessive
hardships received from & at the hands
of the Puff Dale

Answer I cant tell whether she made
such complaints or not

Did defendant or son of Defendant ever
your Mother at Gills Ferry upon the Miss-
ippis as you say their promised

Answer. I cant tell I was not there -
When you & your father took the wagon
to take your Mother away why did she not
go & what made King make the remark
when you met them. Be like the noble
Seaball was to the riding & I assure you
you shall never be losted & to what did
the remark refer

Answer I understood he wished her to
live with him & if she would she
never should be interrupted by ^{Scott}
Why did he advise you to borrow Sam-
uels gun & Shods Puff if he took the child
down away

Answer - I cant tell but I believe he
wished her to remain with him
& further the Deponent saith not

George W. Dale
mark

Deposition of John C. Surman taken

at the same time & place to be read
as evidence in a cause now pending in the
Circuit Court of Hamilton County between
John Dale Plaintiff & William King Defen-
dant as follows the said John G. Lorman
doth depose & say.

Question by P. J. Have you not seen many
friendships existing between William King
Duff & Cynthia Dale more than ought
to exist between a Brother in Law & Sister
in Law

Answer I saw no greater friendships
than that ought to characterize relations
& I heard Mr King say if she would
stay & do as she had promised he would
take care of her & the children but that
he believed Dale was about to move
move her off when she thought proper
& moved her to the coast and further
this deponent saith not. She saying
she wished to get where she could
have some peace
John G. Lorman

Deposition of Jefferson King taken
at the same time & place to be read
as evidence in a cause now pending in
the Circuit Court of Hamilton County
Between John Dale Plaintiff & William King
Defendants as follows

Question By Self

Do you know whether Deft is or not
the cause of Cynthia Dale leaving my
house coming to his

Answer

I dont know whether he is or not
that he never heard him say

Question Was did your father send you
down to your Aunt Cynthia for & what word
did he send by you & what reply she
made & whether there was more intimacy
between them than ought to exist between
a Brother & Sister in Law

Answer As is regard the word that he sent
he told me to tell her he was sick & could
not come as to the 2^d branch of the question
he says he does not recollect what reply she
made & as to the 3^d he does not believe
there is a greater friendship existing between
them ought to exist between such Connection

Question Do you or not believe that Deft
is the cause of Cynthia Dale leaving my
house & staying at his

Answer I believe he is partly the cause
of it because I believe he uses her better
than Dale does

Question Do you or not believe that Deft
trab your mother aunts or said
Cynthia account

Answer I do not know that he does

Question Do you or not know that your father went down to Dunaway's taking his gun with him threatening my life if he should catch me there

Answer I do not know that he went there I did not follow him. he never told me so

Question you were backward & forward at my house during the time I lived at your father's did I not always keep plain to for my family to live on & was I not kind to her when you were there

Answer I was backward & forward & always got plenty to eat & never saw you treat her any more further he said not
I Jefferson his King
mark P

Deposition of _____ taken at the same time & place to be used as evidence in a cause now pending in the circuit court of Hamilton county between John Dale Plaintiff & William King as Deft. as follows

Question Deft Did you or not know of my going to the house of Deft's ^{after my wife Cynthia left me & went to Deft's} & requesting my wife to go home with me that if she would I would treat her well & did I not appear to go in a friendly manner

Answer I went to Mr. King's & found the wife of Deft in the house with Polly Hamilton shortly after Deft came in & requested his wife

To go home with him & she replied
that if she went he would not permit
her to stay upon which P. J. replied
Cynthia go home & take care of your
children. I have never hindered you
from staying there & thereupon P. J.
stammered & ordered P. J. out of the house say-
ing he should not admit any person
in that house.

Question. Have you not seen a friendship
existing between Deffs & the wife of
P. J. That would warrant you in saying
all is not right.

Answer I do suppose the friendship
existing between them ought not to be ac-
counted for in a Christian settlement I believe
there is something in it not right but
we do not know it & therefore said deffs
next said not.

Jacob Weldon

State of Illinois
Jefferson County
I, John Paul Clark
of the Circuit Court
in & for said County do hereby certify
that Elijah King, George W. Dale & John
G. Linnar Jefferson King & Jacob Weldon
were by me sworn ^{to testify} the whole truth

of getting out the truth as a lot of things in
the above named cause & that the fore-
going deposition by them subscribed
was reviewed to writing by me & taken
at the time & place in the enclosed
Notice specified. Given under my

hand Seal of office at Mount Vernon

(20)
100

This 16th day of May 1836

John Dale Clerk. cc. 26

Which said deposition had the word &
figures as follows Indorsed on the Back
to wit

Dale vs King. Filed Sept 9 1836
E. Blackwood

We read parts of Jefferson King
& Jacob Wilder's deposition such
parts as have not crossed on the margin
opposite Seats for Jeff

The following is a copy of a notice & a
Return made ~~made~~ on said notice
to take the above deposition. to wit

vs. William King
on Monday the 16th day of May 1836 ^{Take notice} between
the hours of 10 o'clock A.M. & the setting of
the Sun of said day to continue from
day to day until completed at the clerk's
office of Jefferson county. before the
clerk of the circuit court I shall proceed
to take the deposition of Geo. W. Dale
John King Elijah King Jefferson King

Nancy King John D. Vaughan Jacob
Weldon John G. German & Elizabeth
Sinch. To be bid in evidence in a
Cause now pending in the Hamilton
Circuit Court wherein I am Plaintiff
and you are Defendants in an ac-
tion on the case for criminal con-
versation. when & where you may
attend. I think proper to copy
Examinis Said Witnesses this 2^d day of
May 1836. John Dale Deft

Which said notice had the
Words as follows indorsed on the back
(to wit)

State of Illinois } Before Noah
Jefferson County } Johnston a
Justice of the peace in & for the County
& State aforesaid personally appeared
James Bowman who after being duly
sworn on his oath says that he this
day delivered a true copy of the within
in Notice to William King
sworn to & subscribed
before me this 2^d day
of May A.D. 1836 James Bowman
Noah Johnston (J.P.)

Filed Sept 9. 1836
J. B. Sockwood Ck

Whereupon heretofore to wit, & previous
to the above depositions being taken, an
affidavit was made & filed of which
is in the words & figures as follows

State of Illinois }
Hamilton County } 24th March Term
Hamilton Circuit Court 1836

John Dale vs Cass Brins Co

vs William King John Dale being first

Aff. of
non-
residence

duly sworn deposes & says that Jacob
Weldon Gray W Dale John Laughon
Jefferson King Elijah King are material
witnesses for them in the above entitled
cause & that said witnesses reside in
Jefferson County Illinois that John Hop
Equin Horner & Claris Jones are a
like material & witnesses reside in
Franklin County Illinois that Daniel
Laughon Sally Dunaway & Charles Dun-
away are also material witnesses &
who reside in Cass County Illinois
& that all of said witnesses reside
out of Hamilton County & that he is
gratified he may not be able to procure
their attendance at the trial of this
cause unless he can take their dep-
ositions which he prays to do & further
saith not.

Subscribed & sworn to John Dale

This 24 day of March 1836

before me

Geo. R. Woods Clerk

Filed Mar. 24. 1836

Geo. R. Woods Clerk

86j

Which said Depositions and Notes
 & certificate the Defendant objected
 to the Sufficiency of the Proof of the
 Service of the notice & other reason
 the court over ruled. the objection
 and permitted the deposition to be read
 as were the others depositions. to whom
 opinions of the court the Defendant
 by his Counsel excepts & prays that his
 Bills of Exception may be read & allowed
 a part of the record

It is understood by the Parties that
 no exceptions is to be taken to the Illiga
 City of the Interrogatories and answers in
 said depositions Leiphel Harder

Filed Sept 10 1836 W. B. Woodward

King 3. Dale 3. But remembered on the face of
 this cause that the deft offered in
 many the Deposition of Daniel Taugher
 (which are in the words & figures (to be))

Deposition to be read in the same
 other circuit court in the cause pending
 in said court wherein John Dale is plain
 tiff & William King is Defendant action
 for Crim Cov. Daniel Taugher being first
 duly sworn to testify the truth in
 relation to the subject matter of the
 aforesaid action so far as he is inter-
 gated upon the subject under oath answers

The following questions in the following answers.

Question 1st Did or Did not William King the Deft in the aforesaid Suit bring Cynthia Dale wife of Defendant the aforesaid John Dale, to your house in or about the month of August 1835

Answer 1st Yes he did.

Question 2. Whether did you refuse to let her stay at your house & if so whether the said King took her to Mr. Donaway your mother resided in this the County of Gallatin & whether he visited that place after she the said Cynthia was left there

Answer 2. I did refuse at the time alluded to let the said Cynthia stay at my house he left my house to go to Mr. Donaway as I understood & I frequently saw him going afterwards to Mr. Donaway as he told me in passing and further I can state nothing material

July 25. 1836

Daniel Taylor

I do hereby certify that the foregoing Deposition was taken Subscribed & sworn to before me the undersigned Clerk of the Gallatin Circuit Court that the same was taken in the County of Gallatin State of Illinois July 25th 1836

John White Clerk

Filed Sept 9. 1836 26 Blackwood CLK

The following is a copy of the notice
of Service of taking the foregoing deposition
(to wit) Wm. William King

notice
That on the 25th day of July 1836 between
the hours of 10 o'clock A.M. & the setting
of the sun of said day & continued
from day to day. Notice completed at
the Clerk's Office of Gallatin County
in the State of Illinois Before Leonard
White Clerk of said Court I shall
proceed to take the deposition of James
Vaughan Sally Dunaway & Mr Dunaway
the husband of Sarah Dunaway to be
used in evidence in a cause now pend-
ing in the Hamilton circuit Court
wherein I am plaintiff & you are defen-
dant in an action on the case for
criminal conversation when & where you
may attend if you think proper &
cross examine said witnesses the 28th
day of June 1836 John Dale P.
Filed Sept. 9. 1836
I do not know any

State of Illinois
Edgerton County I do hereby certify
that John Livingston Deputy Sheriff
for James Bowman Sheriff for

series
of
notes

County did make Oaths before me that
he delivered William King this day a
true copy of the above. July 1. 1836

Chas. B. Allen J.P.

obj

The reading of which the Depo-
sition by his Counsel excepted be-
cause the Deposition was drawn
up in the hand writing of Col. W. A.
McLellan whom it was proved
has been spoken to by Walter B. Seats
the Atty. & counsellor of Dale to Appt
him in the prosecution of B's case
at the term of this court at which
the issue was joined in March 1836
& which issue was signed by Seats
& W. A. McLellan as attys in the hand
writing of Seats. will be seen by refer-
-ence to the record. Promising him
W. A. McLellan that Dale should pay him
for his services which fact was subsequently
-certified by W. B. Seats to P. Dale who there upon
observed to Seats that he would pay W.
McLellan. & for other reasons apparent
upon the face of the Deposition
& the manner of its certification
which motion was overruled &
the Deposition permitted to be read

To which opinion of the Court the
Defendant by his counsel excepts & prays
this his Bill of Exceptions to be de-
-clared & said of J. Hardin (Seal)

(Note) The Defendant in this cause
By his counsel pray an appeal to the
Supreme Court (Which ought to have
been entered with the judgment but was
neglected). Which was granted upon
conditions that the Defendant enter into
a Bond with Elijah King & Matthew
Kirk as his securities in the sum
of \$350. within 20 days -

Which Bond was accordingly filed
in the Clerk's office of said Court
within the 20 days -

The following is a copy of the
Bond taken,

I know all men by their
presence that we William King Elijah
King and Matthew Kirk are County
& severally bound to John Dale in the
sum of Three hundred & fifty Dollars
& lawful Money which payment we
& truly to be made or bind ourselves

our heirs administrators & Executors Jointly & Severally by their presents thus with
us our hand & Seals this 13th day of
September 1836

The condition of the above
Obligation is such that whereas ~~William~~
King hath prayed an appeal from
a Judgment of the circuit court of
Hampden County to the Supreme Court
of the State of Illinois in the case of
John Dale against William King
renders against P King in favour of
P Dale for the sum of Fifty Dollars
& cost as the September Term of 1836
Now if said King shall well & truly
prosecute P appeal & pay the said in
ent cost Interest & damages in case
the Judgment shall be affirmed

Then this Obligation to be void otherwise
to remain in full force & effect

Witness our hand & Seals this 13th day
of Sep. 1836

Witness
Wm. J. Gatewood

William King
Elijah
Matthew

Which Bond had the Indorsement
on the back in the word & figures as per
copy to wit,

William King & others
John Dale

Filed & admitted 15th 1836
E. B. Southwood Clerk

The following is a certificate
signed by the Judge allowing
the Plaintiff to bring

Daly & Case v. Crum & Co
King Witness attended for Plaintiff

George W. Dale McCallum Colver
Lous James & Chas. M. Jacob
Hedon William Henson Charles Allen
Richard Sweater Tinsley Morgan Robt
A. D. Whaley Josephus Cook Wm. Morris
Mary Hamilton J. Hardin

Judge of the 3^d Judicial Circuit
in & for the State of Ills do certify
that it was necessary & material
for the prosecution of the above cause
that the above Witnesses remain in the
above cause the clerk of the circuit
court for the county of Hamilton
will allow their fees for their atten-
dance in the Bill of cost Sept 10
1836

J. Hardin

Filed Sep 10 - 1836

J. B. Sorkwood CM

State of Illinois
Hamilton County

I, J. C. Rockwood
 Clerk of the Circuit Court in &
 for the County of Hamilton &
 State aforesaid, do hereby certify that
 the 22 foregoing pages contain a
 full complete & perfect true &
 correct history, statement and
 memorandum of the record & proceedings
 in said cause, and is the true and
 correct record of the same as the same
 records & are filed in my office

In Testimony whereof
 I have hereunto set my
 hand and affixed the
 Seal of said Court at
 Newburgh the 22nd day
 of November A.D. 1836

J. C. Rockwood Clerk

1836 Prof. King's case

Docketing Suit	12 ^{rs}	25
Int. appearance of Prof. King	25	37 ^{rs}
Sept 1 st 2 Exhibits & Subpoenas & Filings	1.12 ^{rs}	2.25
Sept 10 Subpoenas & Filings	5.62 ^{rs}	5.62 ^{rs}
Making order to open attachment	25	
Docketing Suit Sept 9. 1836	12 ^{rs}	
Making order to open depositions	25	
Swearing & calling Jury	18 ^{rs}	18 ^{rs}
Swearing 13 witnesses	6 ^{rs}	81 ^{rs}
Opening of Filings & depositions	25	
Filings 2 notices 12 ^{rs} Swearing Prof to aff. jury	18 ^{rs}	31 ^{rs}
Filing names certified by filing copy	12 ^{rs}	
Filing declaration by filing copy of record	6 ^{rs}	12 ^{rs}
Filing Summons 6 ^{rs} filing 3 Subpoenas from J.C. 18 ^{rs}	25	
Filing Bond for costs 6 ^{rs} filing Suit from J.C. 18 ^{rs}	12 ^{rs}	

Amos Best	per	\$ 12 1/2
Filing Sub from F.C.		6 1/2
Suavary 10 Writs to Appraisals	by	8 1/2
Master's Rec of Cash		3 1/2
		<hr/>
Sherriff of Hammett City fees		\$ 14 7/8
Retary 1 Rele		12 1/2
Executing Sub on Wilson & G W Dale return	-	6 1/2
Executing Sub on Hincerson & return		3 1/2
Executing Sub on J Saults return		3 1/2
Summoning Jury 50 calling Jury - 12 1/2		6 1/2
		<hr/>
		\$ 2.12 1/2

Sherriff fees of Jefferson		
for 10 Writs to take depositions to		7.75
Clerk fees of Jefferson for taking	3 1/2	5.75
depositions		
Writs fees		
Each King 50. Jefferson 1 King 50		1.00
Jacob Weldon 50 J. G. Curran 50		1.00
G. W. Dale		.50

Writs fees in Hammett Courts		
Calvin Jones 5 days & riding 60 miles from	Franklin's return	8.00
G. W. Dale 4 days & riding 26 miles	from Jefferson	5.30
Samuel McCallum 4 days from	Wayne county (Nulay going & coming 8 miles)	8.00
Daniel Vaughn 1 day at Jefferson court	from Gallitan City 90 miles	5.50
2 days at the Ind. S. A. C. from 44 miles		4.40
G. W. Dale 4 days at the Ind. S. A. C. 1826	by 26 miles going & returns	5.60
Jacob Weldon 4 days & 40 miles ride		

coming & returning from Jefferson - $\frac{3}{4}$ 6.00
 Mar 7. 1836

Williams & Henson 2 days - Mar 7 1836 1.00

John H. Cherruth - 4 days & 74 miles ride going & returning from Franklinsburg 7.40

Wm Morris 2 days & 22 miles travel going & returning from Franklinsburg 3.10

John Samples 2 days & 26 miles ride going & returning from Jefferson City 3.25

Alpra Tammey 2 days & 36 miles ride going & returning from Jefferson City 3.75

J Morgan 3 days - 1.50

John Cook 3 days & 24 miles ride going & returning from Jefferson City 4.20

Attors

Deft: C. S. Cook & Co. Attors

\$99.54

Defendants Bill of cost

Sept 1836	Entering appearance of Deft atty		12
	Entering deft atty 12 d's Subd & Filing	56	68
	Making order to open deposits		25
	Swearing 5 witnesses		31
	Filing 2 Bills of exception		19
	Swearing deft to affidavits & Filing		18
	Filing plea by filing affidavits for change		12
	Swearing 5 witnesses to affidavits & Filing		93
	Swearing Cook to affidavits & Filing		18
	Swearing 11 hussel by Filing		18
	Making record 9245 words for		16
	do for each 72 words - 124		16
	cost Bill 37 1/2 Court costs - 50		87

620034

Witness fees of Dept _____ \$ 20.00

James Montgomery 4 days
from Franklin City 42 miles going
& returning 6.10

William Kirk 4 days & 40 miles
going & returning from Efferson City 6.00

Sally Aurd 4 days & 40 miles
travel going & returning from Efferson 6.00

Matthew Kirk 4 days & 40 miles
travel going & returning from Efferson City 6.00

Charles Allen 4 days 50 2.00

John Luman 5 days & 42 miles
travel going & returning from Efferson City 7.00

A copy to Dept of Soc. Rev. 1882
\$ 33.10

Hamilton County

14077

William King

vs } Record

John Dale } Appeal

18. 17. 35. 55. 223

~~20 35~~
25

Filed Dec 6. 1838

W. Duncan

X
Judgment affirmed
Dec Term 1838

Ramsstock

Ramsgate

Ramsgate

William
William
William
Willis Hanger
and others