NEW

FILE

BEGINS

VERNON COUNTY CIRCUIT COURT
CIRCUIT —— Civil

BOX 27 FOLDER 13

Feb. 1875

#83, 2819

Nannie E. Bracken;
Charles F. Bracken

vs

Emily C. Wray;
John Wray; her husband;
B. Y Estes

Ejectment

Depositions with Caton family history

In the Circuit Court of Vernon County.
State of Missouri
February Term 1874.

Nannie E Bracken and
Charles F. Bracken, Plaintiffs
against. } Ejectment.
B Y Estes. Defendant

The plaintiffs, Nannie E Bracken and her husband Charles F. Bracken, complain of the defendant, B Y Estes, and say that on the first day of January A D. 1870, they were and constantly since then have been entitled to the possession of the following described real estate, situate in the County of Vernon State of Missouri, to wit:
The South East quarter of the North West quarter of Section Twenty-one (21); and also the South half of the North East quarter of the North West quarter of Section Twenty (20); and the South West quarter of the South East quarter of Section Twenty (20). all in Township Thirty Six (36) of Range Thirty one (31). Containing One hundred acres, more or less.
And that being so entitled to the possession thereof as aforesaid, the said defendant afterwards, to wit, on the 1st day of January A.D. 1870, entered into and upon said described premises, and constantly since then

and now unlawfully withholds from the plaintiffs the possession thereof to their damage in the sum of One Thousand Dollars.

Plaintiffs further state that the monthly rents and profits of the said described premises are Thirty Dollars.

Wherefore, the premises being considered the plaintiffs pray the Court for a judgment against the said defendant for the recovery of the possession of the said described premises; and also for the sum of One Thousand Dollars, the damages sustained by them as aforesaid; and also judgment for the rents and profits of the said premises as aforesaid and for the costs of this suit.

Annie E. Bracken and
Bracken.
By
Scott & Stone and G. S. Hoss
Attys for Plaintiffs

162

Circuit Court

February Term 1875

Bracken & Bracken
against
B. Y. Cates

Ejectment

Filed Jany 9 1875
J. F. Norman
Cl. Clerk

Scott & Stone &
E. S. Hood

State of Missouri } ss. **In the Circuit Court.**

COUNTY OF VERNON.

The State of Missouri to the Sheriff of Vernon *County*

GREETING:

WE COMMAND YOU TO SUMMON

B. Y. Estes

if he *be found in your County, to appear before our Circuit Court to be holden within and for the County of Vernon, at the Court House in the town of Nevada City in said County, on the first day of the next term thereof, to be begun and held on the* second *Mondy in* February *next, A. D. 1875, then and there, before the Judge of our said Court, to answer the petition of*

Nannie E. Bracken and Charles F. Bracken

(which said petition is now on file in the office of the Clerk of said Court.) And have you then and there this writ, with the return of your action thereupon.

WITNESS my hand, as Clerk of our said Court, and the seal thereof.

Done at office in NEVADA CITY, in the County aforesaid, on the 11th day of January A. D. 1875

J. F. Norman CLERK.

DEPUTY CLERK

State of Missouri }ss
County of Vernon } I William B McGinnis
Sheriff of County and State aforesaid do
hereby Certify that I Served the within
Writ and Petition on the within
named B. J. Estes on the 14th Day
of Jany 1875 By Delivering to him
Certified copies of the same all
Done in Vernon County Missouri
this the 14 Day of Jany 1875

William B McGinnis
Sheriff's fees 10c Sheriff of Vernon
Co Mo

Bracken
vs
Estes

In the Circuit Court of Vernon County Mo Feb Term 1875

Nannie Brooks and Charles F. Brooks Plffs
vs
B. F. Estes and John May & Emily C. May Defts

Ejectment

The separate and joint answer of John May and Emily C. May, Defendants in the above entitled cause, come and for their answer say that it is not true and they deny, that on the 1st day of January 1870, the plaintiffs or either of them were on that day or ever since have been entitled to the possession of the real estate described in the petition or any part thereof.

These Defendants say it is not true and they deny, that afterwards to wit on the 1st day of January 1870 or at other time that said B. F. Estes unlawfully entered into the possession of said premises or unlawfully withholds the possession of the same.

These Defts deny that the Plffs have sustained damage to the amount of One Thousand Dollars or other sum

say it is not true and deny, that the monthly value of the rents and profits of said premises is Thirty Dollars

These defts deny that plaintiff is entitled to any judgment whatever against these defts or the said R. G. Estes, for the recovery of the premises, for damages, monthly rents and profits or any matter or thing whatever, & having fully answered pray to be dismissed with their reasonable costs

John Gray and
Emily Gray defts by
their atty Johnson &
Hunter & Wright attys
for

No 83

Nannie Buckner
Charles F. Buckner
vs
~~B. G. Estes~~
John Otray &
Emily H. Otray

Separate answer of
Jas. Otray & E. Otray

Filed Feb 11 1875
J. F. Norman
Clk

[150] Van Beck, Barnard & Tinsley, Printers, Stationers and Blank Book Manufacturers, St. Louis

Notice to take Depositions.

Wagner's Statutes, Page 523, Sec. 9—Page 524, Sec. 10-13.

Nannie E Bracken
& Charles F Bracken
her husband
Plaintiffs

AGAINST

B. G. Estes.
John Wray &
Emily C Wray
Defendants

In the Circuit
Court of the
County of Vernon
STATE OF MISSOURI.

To the above named Defendants.

You are Hereby Notified, That Depositions of witnesses to be read in evidence in the above entitled cause, on the part of the plaintiffs will be taken at the Law Office of Squire Turner at Columbia

in the County of [redacted] and State of Missouri on the 20th day of August A. D. 1875, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of that day; and that the taking of said Depositions, if not completed on that day, will be continued from day to day, at the same place, and between the same hours until completed.

Service of the above notice is hereby acknowledged and issue of dedimus, and all exceptions, as to time waived.

Nevada Mo. Aug 4th 1875.
Wright & Thurston
Attys of Record for said defendants.

Scott & Stone
Attys for said Plaintiffs.

(1) (17)

Depositions.

Of Witnesses produced, Sworn and examined on the 20th day of August in the year of our Lord, 1875, between the hours of eight O'clock in the forenoon and six O'clock in the afternoon of that day at the law office of Squire Turner in the town of Columbia, in the county of Boone in the State of Missouri before me, Lewis M. Switzler, ~~within~~ a Notary Public within and for said county and State, in a certain cause now depending in the Circuit court of the county of Vernon, in the State of Missouri, between Nannie E. Bracken and Charles F. Bracken, plaintiffs and B. Y. Yates, John Wray and Emily C. Wray, defendants, on the part of the plaintiffs:

State of Missouri }
County of Boone } ss.

Lewis M. Switzler deposes and says:— On the 20th day of August, 1876, depositions of witnesses in the case of Bracken vs. Mragg et al. were taken before me in Columbia, Missouri, said case being then pending in the circuit court of Vernon county; that John B. Little, John Prewitt and Joel Hawkins deposed as witnesses on said occasion in the said case; that John B. Little and John Prewitt resided 15 miles from Columbia and Joel Hawkins 8 miles from the said place; that my fee of $5 for the taking and certifying of said depositions was paid by John B. Little, who acted for the plaintiff in said case.

Lewis M. Switzler.

Subscribed and sworn to before
(over)

[illegible]

Jany 25 1875; term of office 4 yrs
Jany 25 1879.

Thos L. Davies
Notary Public.

John B. Little, of lawful age, being produced, sworn and examined, deposes and says: My name is John B. Little and am in my 56 year of age. I reside in Boone county, Missouri. I am acquainted with Mrs. Bracken one of the plaintiffs in this cause. I used to know her mother. Her mother was named Nancy Caton before she was married. She married a man by the name of Neal. They lived in Boone county, Missouri. Nancy Caton who married Neal was a daughter of Jemima L. Caton. From my earliest recollection until it was about eighteen years old, Nancy Caton lived with Jemima L. Caton, until the former married and came to Missouri. Nancy did not marry before I came to Missouri. She married ~~shortly~~ after I left Kentucky and came to Missouri. I lived very close to Jemima Caton in what was then Mercer county, in Kentucky. The county has since been changed to Boyle. I was intimately acquainted with the family.

According to my understanding Noah Caton was the husband of Jemima Caton. They were reputed to be husband and wife, in the community where they lived, and were always so spoken of. My understanding is that Noah Caton left Kentucky and came to Missouri and settled near St. Charles. (Defendant's attorney objects to the foregoing, for the reason it is hearsay evidence) Mrs. Bracken, daughter of Nancy Neal, formerly Nancy Caton, wife of Henry Neal, was born in Boone county, Missouri, and after moved to Kentucky with her mother. Nancy Neal with her daughter moved back into Mercer or now Boyle county, Kentucky, into the neighborhood of her mother Jemima Caton and there remained until her death. After Henry and Nancy Neal and their daughter went back to Kentucky I was in Kentucky on a visit and recognized Nancy Bracken the daughter of Henry and

Nancy Neal. I mean I recognized their daughter Nancy Neal who afterwards became Nancy Bracken. She was the only child of Henry and Nancy Neal as far as I ever knew. Nancy Neal and Noah Caton are dead to the best of my knowledge. (Defendants' attorney objects to the foregoing, because the persons mentioned ~~are dead~~ by witness as being dead are known to be so by him only by ~~report~~ and not by his own knowledge) I know that Jemima Caton is dead positively, I saw her buried.

Cross-examined by Defendants Attorney.

Mrs. Bracken is my niece. Nancy is the only child of Noah and Jemima Caton. That I ever heard of or knew of. I knew Jemima Caton in her lifetime. The Mrs. Bracken to whom I refer is ~~the~~ one of the plaintiffs in this case

John B. Little

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

Lewis M. Switzler
Notary Public

John Prewitt, of lawful age, being produced, sworn and examined deposes and says:
I live in Boone county, Missouri. I will be 79 years of age next October. I have lived in Boone county since 1836. I lived in Kentucky before coming to Missouri. I was born and raised in Mercer county, Kentucky. The part of that county where I was born and raised has since been stricken off and is now in Boyle county. I knew Noah Caton while I lived in Kentucky. I knew Jemima Caton in Kentucky. I knew George Caton, the father of Jemima Caton. I was living in what is now Boyle county, ~~until~~ Kentucky in ~~until~~ 1808 and remained there until 1820, when I moved to Howard county, Missouri, from which last place I moved

to Boone county in 1836, as stated above. In Kentucky I lived in the same neighborhood with Jemima Caton's father - about 5 miles distant and about a mile and ~~and~~ a half from old Mr. Hurley who was Jemima Caton's grandfather. When I first knew Noah Caton he was reputed to be married to Jemima Caton. Noah Caton at that time lived at Jemima Caton's father's house I suppose about three years. During this time they were recognized by every body and by each other as husband and wife. It was in 1808 or 1809 that I first knew them. While Noah and Jemima Caton were living together they had a daughter born afterward named Nancy Caton. My best recollection is that Nancy Caton was born in the Spring of the year 1811. In the fall after the birth of Nancy Caton Noah Caton

left Kentucky and it was rumored that he came to Missouri to pay his father a visit. Noah and Jemima Caton were cousins — ~~half~~ the children of brothers. I knew Nancy Caton after she grew up. I knew her from her infancy up, and knew her after she was married and frequently saw her during the whole time. She married a man by the name of Neal whose christian name I think was Henry; and ~~came~~ the last time I saw Nancy Neal and her husband was on a visit which they paid to me in this county several years after I was married, and I was married in 1836. On this visit they brought with them an infant daughter who is now present, a grown woman and one of the plaintiffs in this case. Her name is Nancy E. Bracken. I have understood that she married a man named Bracken. Mr. Neal and his wife had

~~come~~ to Boone county Missouri to live but declined to do so and returned to Kentucky. Some six or seven years after they paid a visit to me, I returned to Kentucky on a visit to my old neighborhood and learned that Mrs Seal had died. During this visit to Kentucky I frequently saw Mrs. Seal's daughter at the house of a lady with whom her father, Mr. Seal had left her to be raised, and I recognised in her a strong ~~family~~ resemblance to her family on both Seal and her mother's side. I recognise the lady present, who is plaintiff in this cause, as the girl I saw in Kentucky, and who was then called Nancy Seal. Several years after Mr. Seal and his wife and child were at my house, Jemima Caton removed to Boone County, Missouri. I knew her during the time she lived here. Jemima Caton is dead. I saw her during her last illness, but cannot fix the date when she died. She died in Boone

county, This is the same Jemima Caton who lived in Kentucky with Noah Caton as husband and wife. Jemima Caton had a red mark, looking something like a cancer, ~~growing~~ on the left side of her lower lip. I saw it there every time I ever saw her. The mark was more like a blackberry in resemblance than that of a cancer. I have stated that Nancy Neal the daughter of Noah and Jemima Caton was born in the Spring of 1811, and I distinctly recollect that she was born before the breaking out of the war of 1812 with great Britain.

Cross Examined by Defendants Attorney.

Some three months after the marriage of Noah and Nancy Caton she gave birth to a child, and about two years after that another was born. The last one was Nancy Caton. The first child was not regarded as the child of Noah Caton. The last one one, Nancy Caton, was acknowledged ~~recognized~~

as the child of Noah and Jemima Caton. She was acknowledged and believed to be the only lawful child of Noah and Jemima Caton. I do not know that the Noah Caton who died in Vernon county, Missouri was the same Noah Caton whom I knew in Kentucky.

Re-examined by Plaintiffs attorney:

I ~~knew~~ or heard of but one Noah Caton. I am in good health and have rode twenty miles to-day to give this deposition. I am as healthy and stout as any man in Boone county of my age.

John Prewitt

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

Lewis M. Smittler
Notary Public

Joel Hawkins of lawful age being produced, sworn and examined deposes and says:- I will

be sixty one years of age next December. I live in Boone County, Missouri. I have been married about 31 years. I married in Boone county. I married a daughter of Jemima Calow. My wife's christian name is Zeselda E. I knew Nancy Seal. Her husband's name was Henry Seal. About 30 years ago I became acquainted with Henry and Nancy Seal when they came to Missouri on a visit. This was the same time referred to by Mr. Prewitt in his deposition. They came here with a view of remaining but after staying about 18 months they returned to Kentucky. I know Nancy E. Bracken, plaintiff in this cause. She was the child of Henry and Nancy Seal. She was born at my house in Boone county. After Seal and his wife moved to Kentucky with this daughter, there was a correspondence kept up between Seal's family and my own

The daughter, the plaintiff, has visited me frequently up to the present time. I know she is the same child born to Henry and Nancy Neal at my house. During the time that Henry and Nancy Neal were at my house Noah Caton came to Boone county. He stopped at Benj. Miley's. That is about 3 miles from my house. He came to ~~my house~~ Boone County for the purpose of getting Nancy Neal to go home with him to Vernon county. It was my understanding at that time that he lived in Vernon county. Mrs. Neal declined going with him because she and her husband had concluded to go to Kentucky on account of ~~his~~ father's illness. He wanted Mrs. Neal to go home with him and promised to do a child's part by ~~with~~ her. I knew Jemima Caton well. She died about 5 years ago, in 1870 or 1871

She died in Boone county and I was at her burial at at Bethlehem church in said county. I saw her after she was dead and recognized her as the Jemima Caton I had known. There was a peculiar mark, of reddish purple color, near one ~~corner~~ corner of her mouth, about the size of a blackberry. ~~It was a birth~~ By general repute Nancy Caton ~~who~~ ~~it~~ married Neal was the daughter of Noah and ~~Nancy~~ Jemima Caton. It was the general repute in the Caton family that Noah and Jemima Caton were cousins, and such was the repute among those who knew them. Noah Caton's father was named Jesse Caton. Jemima Caton's father was named George Caton. George and Jesse Caton were brothers, according to my understanding from the Caton relations and those who knew them.

Cross examined by Defendant's attorney

I was not acquainted with Noah Caton. ~~I know it was Noah Caton who came to Boone County~~

I know it was Noah Caton who came to Boone county by the message he sent ~~to~~ by Mr. Miley to Nancy Neal. I don't recollect that Mr. Miley said it was Noah Caton. I never saw Noah Caton.

Re-examined by Plaintiff's attorney:

I never saw Noah Caton to know him. I may have seen him and not known it was him

Witness:
Lewis M. Smith.

Joel his X mark Hawkins.

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

Lewis M. Smith
Notary Public

I, Lewis M. Switzler, a Notary Public within and for the county of Boone in the State of Missouri, do certify that in pursuance of the annexed notice came before me at the law office of Squire Turner in the town of Columbia, within the county of Boone and State of Missouri, John B. Little, John Prewitt, and Joel Hawkins, who were by me severally sworn to testify the whole truth of their knowledge touching the matter in controversy aforesaid; that they were examined and their examination reduced to writing, and subscribed by them respectively in my presence, on the day, between the hours, and at the places, in that behalf first aforesaid, and their said depositions are now herewith returned. And I hereby certify that John B. Little, John Prewitt and Joel Hawkins are residents of the county of Boone, State of Missouri.

In testimony whereof I hereunto set my hand and official seal, at office, in

the town of Columbia, in the county of Boone, in the State of Missouri, on August 21, 1875. And I do further certify that all erasures and interlineations now appearing in said depositions were made prior to the witnesses subscribing to the same; and further, that I was duly qualified on April 30, 1872, and that my commission will expire on April 24, 1876.

Lewis M. Switzler,
Notary Public.

Filed Aug 23 1875
J. T. Norman
clk

70

SUBPOENA, CIRCUIT.

The State of Missouri,

To John Harrison and Gone Moses Brown 28

GREETING:

You are hereby commanded, all excuses and delays set aside, that you be and appear before the Judge of our Vernon Circuit Court, at the Court House in Nevada, on Wednesday the 3rd day of November 1875 then and there to testify, and the truth of your knowledge to speak concerning a certain matter of controversy, in said Court now pending, wherein

Bracken & Bracken are

Plaintiff, and

B. G. Eslis et al are

Defendant, on the part of the Plaintiff and this you shall in nowise omit, under legal penalty.

Witness J. F. Norman, Clerk of said Circuit Court, with the seal thereof hereto affixed, at office in Nevada, this 26 day of October 1875

J. F. Norman, Clerk.

By A. M. Crockett D.C.

State of Missouri }
County of Vernon } I do William B McGinnis
Sheriff of said County and State aforesaid do hereby
certify that I served the within subpoena
on the within named John Patterson
on the 28 day of Oct 1845 By Reading the
same to him in his Presence and hearing
and I further certify that the within
named Moses Brown can not be found
in Vernon Co Mo this the 28 day of Oct 1845

Sheriffs fees 75¢

William B McGinnis
Sheriff of Vernon Co Mo

Hartman & Brown

SUBPOENA, CIRCUIT.

The State of Missouri,

To James Boyan

GREETING:

You are hereby commanded, all excuses and delays set aside, that you be and appear before the Judge of our Vernon Circuit Court, at the Court House in Nevada, on Wednesday Nov 3 1875 *then and there to testify, and the truth of your knowledge to speak concerning a certain matter of controversy, in said Court now pending, wherein* Bracken & Bracken *is Plaintiff, and* B G Estes & John Wray *is Defendant, on the part of the* Plaintiff *and this you shall in nowise omit, under legal penalty.*

Witness J F Norman, *Clerk of said Circuit Court, with the seal thereof hereto affixed, at office in Nevada, this* 2 *day of* Nov 1875

J F Norman, *Clerk.*

State of Missouri } ss
County of Vernon } I William B. McGinnis
Sheriff of County and State aforesaid
do hereby certify that I served the
within subpoena on the within named
James Bryan by reading the same to
him in his presence and having all
done in Vernon Co Mo this the
2d day of November 1875

Sheriff's fees 50¢ William B. McGinnis
Sheriff of Vernon
Co Mo

Depositions of witnesses, produced sworn and examined on the 3rd day of November, in the year of our Lord 1875 between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of that day, at the residence of John Harbison in the town of Nevada in the County of Vernon and State of Missouri before me, Granville S. Hosa a Notary Public, in a certain Cause, now depending in the Circuit Court of the County of Vernon in the State of Missouri, between, Nannie E. Brackin and Charles Brackin her husband Plaintiffs, and B. F. Estes, Defendants on the part of the plaintiffs.

John Harbison of lawful age, being produced sworn and examined on the part of the plaintiffs, deposeth and saith:

My age is seventy six, residence Vernon County. I was born and raised in Mercer County Kentucky, and was acquainted with Hook Eaton and Jemimah Eaton, and lived in a mile and a half of Jemimah Eaton's father — Hook Eaton and Jemimah Eaton lived together as man and wife in Kentucky.
After they were known as man and wife, they lived at Jemimah Eaton's father's, about

a mile and a half from my fathers.

There was no child, Nancy, recognized by the family, as the child of Noah Eaton and Jerusiah Eaton. This is the only child I ever saw or heard of, that was recognized as theirs. Noah Eaton, that I knew in Kentucky, left the neighborhood, and ~~went~~ went away from his wife. And I was acquainted with Noah Eaton that lived and died in Vermilion County in this State, and he was the same Noah Eaton that I knew in Kentucky, who was recognized as the husband of Jerusiah Eaton.

The morning after I came to this County, Noah Eaton came to see me before breakfast, and asked me to say nothing about ~~his~~ the transaction of his marrying in Kentucky, that he had raised a family here, and it would simply ruin him and do me no good, and I promised I would not, and I have not until since this suit.

(Defendant Counsel objected to the declaration of Eaton to witness as hearsay evidence)

It was reported there in the neighborhood where I lived that John McGraw, a preacher, married Noah and Jerusiah Eaton, and he told me he did.

(all of which is objected to by defendant Counsel as hearsay evidence).

I left Mercer County Kentucky in 1826 or 1827. I can't state how long before that time. Soon later left.

John Harbison

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

In Testimony whereof, witness my hand and official seal this 8th day of November 1875.

Granville L. Foss
Notary Public

I, Granville L. Foss, a Notary Public within and for the County of Vernon in the State of Missouri, do certify that in pursuance of the within notice, came before me at the residence of John Harbison in the town of Nevada, County of Vernon State of Missouri, John Harbison, who was by me sworn to testify the whole truth of his knowledge touching the matter in controversy aforesaid. That he was examined and his examination reduced to writing and subscribed by him in my presence, on the day between the hours, and at the place in that behalf first aforesaid. and his said deposition is now herewith returned. And I hereby certify that John Harbison is a resident of said County of Vernon in said

State of Missouri,
Given at Meadow in the County of Genn
and State of Missouri this 3rd day of Nov
1875

Thornville Clifford
Notary Public

70

Bracken and Bracken
vs
B. Y. Estis

Deposition for
Plaintiffs.

Filed Nov 4 1875
J. T. Norman clk

Fees $2,50

Clifford N. P.

Refused

The plaintiffs must recover on the strength of their own title, and the plaintiffs having failed to make out by evidence a satisfactory title to the lands in controversy, or any part thereof, the finding must be for the Defendants.

35 " 73
35 " 276

Given

Unless the Court sitting as a jury is satisfied from the evidence, that Nancy E. Bracken one of Pltffs is the legitimate child of Nancy Neal, born Nancy Caton, and that Nancy Neal born Nancy Caton was the legitimate child of Noah Caton, the finding must be for the Defendants

Refused

The evidence offered by pltffs to show the marriage of Noah Caton to Lemuria Caton and the evidence offered by pltffs to show the marriage of Nancy Neal & Henry Neal are insufficient to establish said marriages.

Given

Although this Court sitting as a jury may believe from the evidence that Nancy E. Bracken one of Pltffs is the legitimate child of Nancy Neal, and further believe that Nancy Neal is the legitimate child of Noah Caton; and although the Court should further find, that Nancy Bracken is an heir of Noah Caton decd, and that she has an interest in the real estate in controversy, yet she can only recover one eleventh part of said real estate the evidence being clear that there were ten other heirs of Noah Caton decd by Nancy McDermid

2

If the Court, sitting as a jury, shall find that Noah Caton was lawfully married to Jemima Caton in Kentucky about 1808, and that as the fruit of that marriage there was born one child only, ~~aftermards~~ named Nancy Caton; and that said Nancy Caton was aftermards lawfully married to one Henry Neal, and that as the issue of said latter marriage there was born only one child, viz, the plaintiff Nancy Brocken; and shall further find that said Nancy Neal died in 1844, leaving no children other than said plaintiff; and shall further find that said Noah Caton died in Verum county in 1862, and was ~~then the~~ ~~being~~ then the husband of said Jemima Caton, and owning the land in controversy, and that said Jemima Caton died in 1866, then the ~~finding must be~~ court should make a general finding as to all the said land for the plaintiffs, although the Court may further find that said Noah Caton was married to Mary McDonald in 1814, and that defendant Emily C Wray, was born of that marriage.

Refused

only

1

If the Court, sitting as a Jury, shall find that Noah Caton, who died intestate in Vernon County Mo., in 1862, was married to Jemima Caton, in Kentucky, ~~in~~ about 1808, and that there was born as the fruit of that marriage one child, ~~two~~ named Nancy Caton, and that said Nancy was afterwards, about 1842, married to Henry Neal in Kentucky, and that there was born as the fruit of that marriage one child, viz., the plaintiff Nancy Brackenridge; and shall further find that said Jemima Caton died in 1844, and that said Nancy Neal died, without other heirs than said plaintiff, in 1844; and shall further find that the land in controversy belonged to said Noah Caton at his death, then the finding should be for plaintiff.

Given

In the Circuit Court of
Vernon Co Mo Nov Term 1875

Nancy E Brackett &
Charles H Brackett Plffs
vs
B B Estes et al Deffs

Now at this day comes the Deffs by their attys and moves the Court to set aside the finding of the Court, and grant them a new trial for the following reasons to wit

1st Because the admitted improper & illegal evidence on the part of Plffs

2 Because the Court refused to admit proper evidence on the part of Deffs

3rd Because the Court refused proper declarations of law on the part of Deffs

4 Because gave improper declarations of law on the part of Plffs

5 Because the finding of the Court is against the weight of evidence and should in justice to be for the Deffs

Hunter & Wright
attys for Deffs

70

Nancy Brasher
et al
vs
B. Easton et al

Motion to set
aside finding
& grant a
new trial

Filed Nov 6. 1875
J. F. Norman clk
By A. M. Cockrill D.C.

Printed and for sale at THE LIVING DEMOCRAT Office, Crockett & Bro., Proprietors.

EXECUTION FOR COSTS.

THE STATE OF MISSOURI,

To the Sheriff of Vernon County, *Greeting:*

Whereas, Nannie E Bracken and C L Bracken

on the 5th day of November

A. D. 1875, at our Vernon Circuit Court, has recovered against

~~B G Estes~~ John Wray Emily C Wray &

B G Estes

the sum of

Thirty Dollars and

Nineteen Cents, which, to the said

Nannie E Bracken and Charles L Bracken

was adjudged as aforesaid, for costs in that behalf expended. **These, therefore,** command you, that of the goods, chattels and real estate of the said John Wray & B G Estes

you cause to be made the sum of Thirty & 19/100 Dollars, the cost aforesaid adjudged, and that you have the same before the Judge of our said court on the first day of the next Regular term thereof, to satisfy the costs aforesaid and that you certify how you execute this writ:

Witness J F Norman Clerk of said Circuit Court, with the seal thereof affixed, at office in Nevada, this 2nd day of Oct A. D. 1876

J F Norman, CLERK.

, DEPUTY CLERK.

243

Execution for Costs.

NUMBER OF CASE

Nov Term, 1875

Bracken & Bracken
VS.
Wray et al.

JUDGMENT VS.

Wray et al

this 5 day of Nov 1875

Record F, Page 395

Fee Book G, Page 47

Ex. Docket B Page 111

NUMBER OF EXECUTION 1287

Issued 2 day of Oct 1876

Returnable 6 day of Nov 1876

Scott & Stone Pl'ff Atty.

Def't Atty.

Disposed No. 2819

STATEMENT OF COSTS.

Justice of the Peace - - -	$
Constable - - - -	
Clerk Norman - - -	8.70
Sheriff McGinnis - -	2.75
~~Printer~~ - - - -	
~~JURORS.~~	
James Bryan wit	2.16
G S Hoss N P	2.50
Switzler N P (Paid by Little)	3.00
John B Little wit	3.40
John Pruett "	3.40
Joel Hawkins "	2.28
WITNESSES.	5.12
	1.42
	3.54

Received the within Execution on the 2 day of Sept 1876
William B McGinnis
Sheriff

Total Cost, - - $

To be settled By levert

Rec'd Nov 3, 80
Sent by Norman 30
William B McGinnis Sheriff
Received Nov 1 of Sheriff
Twenty dollars in full
Amount of this execution
Amount Received
Paid Sheriff Commissions
Paid Deputy Sheriff Commissions
Paid Deputy Clerk 1875 Commissions
Paid Deputy Clerk 1876 Commissions
fee 50

William B McGinnis
Sheriff, Norman Bro

Printed and for sale at THE LIVING DEMOCRAT Office, Crockett & Bro., Proprietors.

EXECUTION FOR COSTS.

THE STATE OF MISSOURI,

To the Sheriff of Vernon County, Greeting:

Whereas, Nannie E Bracken and Charles F Bracken on the 6th day of November A. D. 1875, at our Vernon Circuit Court, has recovered against B J Estes Emily C Wray and John Wray her husband the sum of Thirty Dollars and Nineteen Cents, which, to the said Nannie E Bracken + C F Bracken was adjudged as aforesaid, for this costs in that behalf expended. These, therefore, command you, that of the goods, chattels and real estate of the said John Wray and B J Estes you cause to be made the sum of Thirty + two Dollars, the cost aforesaid adjudged, and that you have the same before the Judge of our said court on the first day of the next Regular term thereof, to satisfy the costs aforesaid and that you certify how you execute this writ:

Witness J F Norman Clerk of said Circuit Court, with the seal thereof affixed, at office in Nevada, this 9th day of April A. D. 1877

J F Norman, CLERK.

, DEPUTY CLERK.

Rec'd & Executed to
me by Norman 30th William B McGinnis Sheriff
of Lincoln Co. Tenn. I did levy
the within Execution upon the
land therein described & mentioned
in full without delay or sale and
therefore Return the same duly executed
in full this the 31st day of April 1877
William B. McGinnis
Sheriff of Lincoln Co. Tenn.

B 45

Execution for Costs.

NUMBER OF CASE

Nov Term, 1875

N E Bracken et al
VS.
John Wray et al

JUDGMENT VS.

John Wray et al

this 6 day of Nov 1875

Record F, Page 395

Fee Book G, Page 47

Ex. Docket B Page 120

NUMBER OF EXECUTION 1337

Issued 9 day of Apl 1877

Returnable 7 day of May 1877

Scott & Stone Pl'ff Atty.

Def't Atty.

Disposed No.

STATEMENT OF COSTS.

Justice of the Peace - - -	$
Constable - - - -	
Clerk Norman - -	8.70
Sheriff McGinnis - -	2.75
~~Printer~~ - - - -	

JURORS.

additional Norman	1.15
" McGinnis	.50

WITNESSES.

James Bryan	2.16
G S Hoss N P	2.50
Louis M Switzler N P	5.00
John B Little wit	3.40
John Powitt "	3.40
Joel Hawkins "	2.28
Total Cost, - -	$31.84

54
32.34
1.40
33.94

eived the within Execution
9th day of April 1877.
William B McGinnis Sheriff

Bracken & Bracken
v
Estis Wray and Wray

Nov Term 1875

Judgt for Bracken
for ½ of land & £45 45 damages and Rents 75.
Jurmonth. Stay of Ex till May 6th 76.
Record f 395 J. F. Norman clk

No. ~~8~~ 2819

Vernon Circuit Court,

May Term, 1875

Bracken & Bracken Pltff,

vs.

Estis Wray & Wray Deft.

Action, Ejectment

Filed January 9 1875

Minute Book ..... Page .....

Record Book 4

Pages 395

Fee Book ..... Pages .....

Execution Docket .....

Page .....

Scott & Stone

Plaintiff's Attorney

Defendant's Attorney

Disposed Index No. 2817

R. & T. A. Ennis, Printers and Stationers, 118 Olive-st., St. Louis