

# Abstracts from the Docket of Justice of the Peace Samuel Edmondson

Transcribed and Abstracted by  
Amelia Martin and Janice Eddleman

Samuel Edmondson was born in Tennessee in 1808, but was taken to Georgia by his father Thomas Edmondson when he was a boy.<sup>1</sup> He lived there until 1832 when he settled at Crawford Court House.<sup>2</sup> Mr. Edmondson moved to Van Buren when the court was moved there. In 1840 he came from Van Buren to Fort Smith, cut the trees from his lot and built a house at the corner of Fourth and B Streets.<sup>3</sup> His second wife was Ann Manning and he had at least three sons: Rev. James Edmondson, who was a Missionary Baptist preacher<sup>4</sup>; T. W. Edmondson, who was a partner in the firm of Wood, Edmondson & Britt, Star Grocery House<sup>5</sup> and Col. Samuel M.

Edmondson who like his father became a Sebastian County Justice of the Peace<sup>6</sup>. The elder Samuel Edmondson died of cholera on October 4, 1866.<sup>7</sup>

Mr. Edmondson first became a Justice of the Peace about 1840 when Matthew Moore who was then the Justice of the Peace moved to Sugar Loaf.<sup>8</sup> He was to serve in that capacity and as a "practitioner at law in Fort Smith for over thirty years,"<sup>9</sup> earning himself the nickname of "Old Ginger."<sup>10</sup> When the first election for county officers was held from Sebastian County on January 27, 1851, Edmondson was elected as one of the commissioners to select a county seat.<sup>11</sup> These



Samuel Edmondson's Grave marker in Section 3, Row 3, Calvary Cemetery, Fort Smith, also serves as marker for the following children of Sam and Ann:

John M., b. Oct. 17, 1849, d. Jan. 24, 1851  
Hannah, b. May 12, 1851, d. April 12, 1859  
Francis B., b. Dec. 1, 1851, d. April 22, 1858







The grave of Ann Edmondson, born August 15, 1827, died July 31, 1898, wife of Sam Edmondson, is marked with a separate marker in Section 3 behind Sam's marker.

commissioners met at Jenny Lind in May of 1851 and "located the seat of justice on forty acres of land lying in Section 12, Township 6 north, Range 31 west, and donated by Reuben Coker for that purpose. They also named the place Greenwood."<sup>12</sup> He also served Sebastian County as a member of the Arkansas House of Representatives in both the Tenth (1854-1855) and Eleventh (1856-1857) State Legislatures.<sup>13</sup>

In spite of his long record of service to the courts, Edmondson was not without legal problems of his own. According to Goodspeed, "On the 19th of February, 1848, Jesse Merritt, a pardoned convict, was killed at Fort Smith by Samuel Edmondson. Some difficulty existed between the parties, and in the morning they met and quarreled, and about 3 o'clock P.M. Merritt walked into Edmondson's office to see Esquire Hudspeth, and after getting through with his business, and

being in the act of leaving, Edmondson fired at him from the outside through the back door of the office. The ball entered his right breast, and came out under the right shoulder-blade. Merritt fell upon the floor, uttered one short groan, and was dead. Edmondson fled, and went to the residence of Maj. Elias Rector, about two miles from town, where he sent for the sheriff. He was afterward tried for the murder and acquitted."<sup>14</sup>

The following information was abstracted from Samuel Edmondson's Justice of the Peace Docket dated in the front of the book 1860-1861. However, the entries are dated from September 8, 1859, to June 28, 1861. It should be noted that the role of the early justices of the peace was considerably different from that of today. They heard some civil and criminal cases then as well as the more modern role of performing marriages and acting as a county legislature. It is also important to realize that a justice's docket is not the court minutes; it is rather like today's diary or calendar.

The docket was loaned, for copying, to the Fort Smith Historical Society by Mr. George A. Toney of Little Rock, Arkansas. It is a ledger book, with several different handwritings and formats, which contains marriages and cases covering nonpayment of debts, stray animals, violent crimes including one case of child abuse and cases of runaway slaves. Most cases appear to have been heard without the assistance of an attorney. With a few exceptions herein noted, all of the entries were signed by Justice of the Peace Edmondson. Costs and fees are listed at the end of each case document with the fees for the Justice of the Peace ranging from fifty cents to three dollars and fifty cents and the witnesses getting about fifty cents.

(Editor's Note: A question mark indicates that there was a question about what was written directly before the mark.)

*S. E. Edmondson*  
*Justice of the peace*  
*Upper J*

**Docket of S. E. Edmondson**  
**Justice of the Peace**  
**Upper Township**

Inside Front Cover

John Vinson  
 Mrs. Price(?)

William Reeves  
 John Martion



Waldron Scott County  
Richard J. Latchford, aged 21 years  
Patsey Adams, age 20 years  
Henry Edmondson, age 21 years  
Nancy Heger(?), age 21 years  
Morigan Bollin, age 23 years  
Serc(?) Britton, age 18 years  
Frank Huston (or Duston), age 27 years  
Angeline Snider, age 23 years

Folio XX-XII

Jan 12.55 Ben Eo

House Bill 26

Preamble and resolutions page 185

House Bill per Ed - No 123 page 190

Fly Page One

HO Bill No 214 Eastern branch (paper deteriorated)

R. R. Journals pa 395

Edmondson Fort Smith Branch No 123 pages  
190-401

Jas. Edmondson

S. E. Edmondson

Justice of the (AM) Peace

Upper T

Resolution page 367 Ho Bill 211 License Jan 357

Fly Page Two

Elijah Jacobs

Lear Burg

Caswell Co.

North Carolina

Martha Jacobs

Married Benjamin Jacobs

Post office as above

\_\_\_\_ Bradsher Sen(?) (illegible)

Lear Burg

Caswell County

N.C.

Henry Kuper had the child of Jacobs and wife and it was kept by Miss \_\_\_\_\_ Ermann. The child is now in the hands of Mr. Coleman about one mile and a half from here. Mr. Kuper and Miss Ermann kept the child something over or about one year.

Title Page

SAMUEL EDMODSONS\*

DOCKET 1861 & 60

\*Note that Edmondson is misspelled here, also that James A. Davis's name is spelled Davies and Davie in a number of places in the docket.

INDEX

(Editor's Note: The index has been omitted here since it was both incomplete and inaccurate. The names are all listed in the general *Journal* index

and omitting this index saves valuable space for other items.)

Second Title Page

Samuel Edmondson Justice of

The Peace 1859 & 60

September

(Editor's Note: All the early entries are signed by Samuel Edmondson and are headed as follows:

The State of Arkansas

County of Sebastian

Township of Upper} in justice's court  
of said township)

Page 1

John J. Garrett, Plaintiff vs Biven and Morgan, Defendant. 8th day of September 1859. Suit filed to recover account owed. Writ of attachment served by constable of upper township on Biven. No service on Morgan.

Page 2

Harper & Whittaker, Plaintiff vs Jacob M. Lantz, Defendant. 28th day of September 1859. Charles Perkins as the attorney for said Harper & Whittaker filed note against Jacob M. Lantz. Summons served by James A. Davis, Deputy Constable for Mr. Wheeler, Constable of Upper Township. Defendant did not appear. Judgment for Plaintiff.

Page 3

M. Mayers & Bro., Plaintiff vs William E. Finkley, Defendant. Suit filed 20th day of September 1859. A. C. Christian named Garnishee, 28th September 1859. Executed by being levied upon certain property of defendant. Hearing set for 22 October 1859. See page 4.

Page 4

M. Mayers & Bro., Plaintiff vs William E. Finkley, Defendant, and A.C. Christian, Garnishee. 22 day of October 1859. Defendant and Garnishee failed to appear. Case extended. Judgment for Plaintiff, \$42.72. Justice fees \$1.50. Constable Davis fees \$1.75. See page 7.

Page 5

R. M. Johnson vs Noah Ledford. Suit for \$18.17 for account owed. Judgment for Plaintiff. Justice fees \$1.00.

Page 6

24 October 1859. Wm. Burnett, E.R. Roberts and Jesse L. Taylor appointed appraisers to appraise and describe a stray horse. Appraisal and description delivered to John Pistole. Justice fees \$.50. Three appraisers \$.75. Clerk fees \$1.50.

Page 7

Mayers & Brother vs William E. Finkley and A.C. Christian. Judgment: Plaintiff recover from A.C. Christian \$42.72 debt, cost of suit recovered against defendant as also all of the costs in and



about the garnishment expended. Judgment: \$42.72. Justice fees: \$.50. Davis fees: \$.75. Costs on Judgment \$3.25. 25 January 1860. \$85.40 bond filed with A.G. Meyers as security. Execution issued against Garnishee. Directed and delivered to J.M. Wheeler, Constable of Upper Township, returnable on the 7th day of March, 1860. Debt: \$42.72. Costs of Suit: \$3.25. Interest on Judgment: \$.95. Justices fees: \$.50. Bond and execution and docketing same: \$1.00. Constable Davis's fees: \$.75. See page 40.

Page 8

I Samuel Edmondson do hereby certify that on the 9th day of November 1859 at the county of Sebastian and in upper township did duly join in marriage G.F. Thomas aged 20/26 years of age and Manda Ann McCurday, aged 13 years of age ... and declared them to be husband and wife.

On the 9th day of November did duly join in marriage G.W. Armstrong, aged 37 years and Ann Handley, aged 22 years, both of the county.

On this 9th day of November 1859 did duly join in marriage T. J. Palmer, aged 35 years of age and Sarah A. Palmer, aged 25 years of age, both of this county.

Page 9

H. C. Calico vs R. M. Weaver & Co. J. C. Calico, Plaintiff vs. R. M. Weaver & Co., Defendant. 9 November 1859. S.F. Clark, attorney for the defendant. Ben L. Duval, attorney for the plaintiff. Fifty dollar security bond ordered to be posted by plaintiff. Bond filed 9 November by defendant. Trial to be held 12 November 1859 at 10 o'clock A.M. On 12 November 1850 comes the said defendant by his attorney J.P. Spring as well as the said Plaintiff by his attorney B. L. Duval. See page 10.

Page 10

J. C. Calico vs R. M. Weaver } Suit from page 9. Attorneys appeared at 10 o'clock A.M. Plaintiff did not appear to give bond as required. Judgment to defendant. Justice fees: \$2.50. James A. Davie's fees as constable: \$2.25.

Page 11

In the matter of an estray muley bull taken up by F.M. Norton. 16 November 1859. J.B. Forbess, James Watson and James Johnson appointed to appraise and describe said animal.

Page 12

22 November 1859. Stray Rone mare found and taken up by Polly D. Roberson. William Bennett, John Butler, and Joseph Ress(?) appointed to describe and appraise. Mare found to be property of Jno. A. Bull (and Susan--lined out) a citizen of Sebastian County near Hodges

Prairie. Polly D. Roberson ordered to deliver mare to John Bull.

Page 13

James H. Murphy, Plaintiff vs Francis Wells, Defendant. 15 November 1859. Trial Date set November 22, 1859. Jury: T. J. Riley, Willie Birnie, Othenian Girard, John L. Stafford, A.C. Crichton, W.H. Sewould (?). Jury could not agree.

Page 14

J. H. Murphy vs Francis Wells } suit from page 13. Jury dismissed. Case submitted to Asa Clark and Mitchell Sparks to set as arbitrators with right to choose a third person if necessary. 23 November 1859. Arbitrators found for the plaintiff and assessed the damages to be \$11.00. Judgment: \$11.00. Justice fee: \$4.00. Constable fee: \$1.50.

Page 15

William Allen, Plaintiff vs Dean Hardridge, Defendant. Filed 11 November 1859. Writ of attachment returned 21 November 1859. Trial date set 21 November 1859. Case submitted to A.P.T. Smith, a Justice of the Peace. Judgment \$60.00 to Plaintiff. See page 16

Page 16

William Allen vs. Dean Hardridge. Judgment for Plaintiff: \$60.00. Justice Fee: \$2.50. Constable fees Davies: \$1.65. (Signed) A. T. Smith, J.P. Attest: Samuel Edmondson. The judgment is satisfied in full and each officer received his fees, this 5th day of January 1860.

Page 17

Simeon Stanton, Plaintiff vs J.A. Jenkins, Defendant. Suit filed October 3, 1859. Trial date set: 29 October 1859. Submitted to three arbitrators: Samuel J. Sorrells, Geo. Cook and Charles James. Verdict in favor of defendant J.A. Jenkins. Plaintiff pay court costs: Justice: \$2.25, Tax(?) fee: \$1.50, James Davies fee \$1.75.

Page 18

William Harper, Plaintiff vs F.P. Wells, Defendant. Filed 9 November 1859. Trial date set 16 November 1859. See page 19.

Page 19

William Harper vs F.P. Wells } suit from page 18. Cause adjourned until 22 November at 10 o'clock A.M. Adjourned until 7 December 1859. See page 25. Asa Clark and Mitchell Sparks chosen as arbitrators. November 23, 1859. Property (one horse) to be sold at auction and to retain the proceeds of said sale, subject to future order herein.

Page 20

28 November 1859. Stray brown pony taken up by Thomas McCarron. W(?) Burnett, John Corcoran and W. A. Clay appointed to describe



and appraise pony. Security John J. Johnston.  
Fees paid by Takerup.

Page 21

Thomas McCarron takes up stray steers. W. A. Clay. W. Burnett and John Corcoran appointed to appraise and describe. John J. Johnston security for Thomas McCarron.

Page 22

from page 12. In the matter of Polley D. Roberson of an estray mare. On his paying all legal fees and expenses attached to said cause.

Fort Smith, January 1, 1860. Henry Trush and Miss Ruth Fields(?) joined in the bonds of matrimony.

Page 23

Matter of an Estray taken up by Benj Fyffe on 6 day of December 1859. Security C. Bushy(?) and C. Lawson. Estray proven on 16 day of October 1860 by Mr. Rider as being the property of Capt. A. Montgomery, Ast. Qr. Master of United States Army at Fort Smith.

Page 24

E. B. Bright vs George Rebble } in Justice Court Attachment. The said E.B. Bright by his agent W.W. Perry having this 29 day of November filed before me his accounting with a bill of particulars against George Rebble ... Trial day set 8th December 1859. See page 30 (All of the above is crossed out.)

Matter of estray taken up by F.M. Noton(?) 7 December 1859. Security: James Watson, James Forbess, Ichew (?) Kasy (?)

Page 25

William Harper vs F. P. Wells } continued from page 19. And now on this day 7th December 1859 comes Asa Clark and Mitchell Sparks the arbitrators and on the examination of the evidence (illegible) ... We do find this verdict in these words and figures to wit: We Asa Clark and Mitchell Sparks being called on as arbitrators to decide the case of William Harper vs F.P. Wells and on the examination of the case we do find that the defendant is indebted to the plaintiff and assess the damage at thirty-two dollars and fifty cents. December 7, 1859. Signed: Asa Clark and Mitchell Sparks. It is therefore considered by the Justice that the plaintiff recover of and against the defendant the said sum of thirty-two dollars and fifty cents for his debt and also all of the costs in and about this suit expended. Judgment: \$32.50. Justice Fee: \$2.50. Arbitrators fee: \$2.00

Page 26

E.B. Bright vs George Ribble } In Justice Court Attachment. The said E.B. Bright his agent W.W. Perry having this 29th day of November 1859 filed

before me his account with a bill of particulars against George Ribble. Trial day set 8th December 1859. See page 30.

Page 27

The Estate of James Melvin, deceased Plaintiff, vs George Ribble, Defendant } Attachment. John Melvin as the administrator of said estate this 29th day of November 1859 filed before me his account with a bill of particulars against said George Ribble. Trial date set 8th November 1859. See Page 30.

Page 28

In the matter of a horse found in the possession of J.W. Webb the said horse being claimed by John Williams as his own property. And now on the day the 30th of December 1859, comes the said John Williams and on his oath, swears that he is the legal owner of a certain horse found in the possession of J.W. Webb. ... (illegible) ... was stolen out of his possession in Franklin County on or about the 25th Day of December ... (illegible) ... Therefore, comes the said J.W. (or H.?) Meinhardt ... (illegible) ... says that he bought the said horse on the 27th instant in the city of Fort Smith at the stable of John J. Johnston from a man whose name is unknown to the deponent(?) but believes he would know the man (Describes man.) See page 29.

Page 29

Continued from Page 28. (Description continues) Bought the horse and paid the sum of twenty-seven dollars and fifty cents and sold the said horse to W. J. Webb for the sum of Thirty-five dollars on the 28th inst in the city of Fort Smith. Comes James W. Williams, a witness, and on his oath swears that is acquainted and has been for a number of years with John Williams and knows him to be a citizen of Franklin County. This deponent further says that he has often seen the said described horse in the possession of said Williams and does know that he raised the same and from his own personal knowledge he has reason to believe that said horse was stolen on or about the 25th inst. The above and foregoing name witness were all sworn by me on the 30th Dec 1859. Signed: Samuel Edmondson, J.P. I do certify that I believe the said horse to be the property of John Williams and order the same to be delivered to him on his paying the necessary expenses incurred in the preservation of said horse. Which said fees are all paid and the said horse delivered up to this claimant this day. Signed: Samuel Edmondson.

Page 30

E.B. Bright vs. George Ribble } suit from page



26. It is therefore considered by me that the plaintiff have and recover of the defendant the sum of twenty-seven dollars and twenty-five cents and all of his costs in about this suit expended. Plaintiff filed his bond with W.W. Perry as his security in the sum of \$54.50. ... (illegible) ... Directed and delivered to James A. Davis as deputy constable for Jere. M. Wheeler, constable, returnable on the 1st of February 1860.

The estate of James Melvin vs George Ribble }  
Dec. 31, 1859 } con's from page 27 } see page 31.  
Defendant fail to appear ... Judgment for plaintiff.

Page 31

Estate of James Melvin, Decd. vs George Ribble } cont. from page 30. Papers served and judgment paid in full.

Page 32

Thomas McCarron, Plaintiff vs Thomas McAllister, Defendant. 5th day of January 1860. (Page marked voided and designated as error.)

Page 33

I, Edward Butler being duly sworn do depose and say, that I am the lawful owner of a certain light Bay Pony mare, blazed face, branded thus on the near shoulder, J.B., on the hip is N.B., two years old next spring. Natural pacer. This deponent further says that he has found the above described mare in the possession of William Euper, that the said mare was stolen from deponent about the last of November past on Elk Creek in the Creek Nation West. That deponent has never sold said property directly or indirectly to any person or persons whatever. That deponent is the rightful owner of the same. Signed: Edward Butler. J.E. Herring testified the above is true. Judgment: horse property of Edward Butler.

Page 34

Edward Butler vs William Euper. I, William Euper, do depose and say that the annexed and foregoing mare, as described by Edward Butler is the identical mare that I purchased of (illegible) Nichols of the city of Fort Smith sometime in the month of December last past, that I paid said Nichols the sum of thirty-five dollars in American Gold and that he notified the said (illegible) Nichols of the said Butler's alleging and claiming said property as the same had been stolen from him and he now utterly refuses to pay me for said described property. Signed: William Euper. Sworn to before me on this the 16th day of Jan'y 1860. Signed: Saml Edmondson, J.P.

Page 35

I James Edmondson being duly sworn do depose and say that John Davis is justly indebted

to me in the sum of three dollars and fifty cents, which sum is now due and that the said John Davis, as I believe is about to put his property out of his hands, for the purpose of hindering and delaying this my just demand and unless an attachment shall be issued there is reason to believe that said debt will be lost or greatly delayed. Signed: James Edmondson. Subscribed and sworn to before me this 9th day of January 1860.

Page 36

John Melvin, administrator of the estate of James Melvin vs Tom. H. Johnson. Account with bill of attachment filed 19th January 1860. Trial day set 26th Jan 1860.

Page 37

James Roberts vs Robert Snipes. 5th day of January, 1860. James Roberts filed account with bill of particulars against Robert Snipes. Trial date set 14th day of January 1860. 7th day of January 1860. Defendant filed his bond to dissolve attachment. This cause adjourned until 7th of March, 1860. 7 March 1860. Cause adjourned, both parties appeared by themselves and being ready for trial and upon consideration of which having heard the evidence. See page 51.

Page 38

E.B. Bright vs George Ribble } carried from page 30. Which said execution was returned by James A. Davis by selling the within described property for the sum of sixty-two dollars and ten cents and paid this judgment to said plaintiff and have his rights for the same, and has paid each officer his fees and has applied overplus to the judgment and execution of John Melvin, adms. of the Estate of James Melvin deceased. See page 31. This execution has been paid in full and each officer received his fees.

Page 39

J.N. Perkins vs John Hurly. 24th day of January 1860. J.N. Perkins filed suit against John Hurly for debt of two dollars and fifty cents. Judgment for plaintiff.

Page 40

Wm. H.(?) Mayers & Bro. vs Wm. E. Finkley } from page 7. Jan 25th 1860. Plaintiff filed bond to said defendant with A.G. Mayers as security in the sum of eighty-five dollars and forty-four cents for execution conditioned and according to law with Bond and security are approved by me and thereupon execution issued against said defendant directed and delivered to Jere M. Wheeler, Constable of Upper Township, returnable on the 7th day of March 1860. Debt: \$42.72. Costs of suit: \$3.25. Interest for judgment: \$.95. Justice fees: \$.50. Bond & execution & docketing \$1.00.



There upon I issued a warrant against the said Thomas F. Norman commanding him to apprehend the said Norman and now on this the 14th day of July 1860 comes the said Thomas Norman in custody of the constable and the parties appeared by their attorneys Spring as prosecutor and King on the part of the defense and then upon this cause adjourned until the 19th day of July 1860 at which time the parties appeared by their attorneys and there upon I proceeded to take down the testimony of the complainant and witnesses according to law and the same being reduced to writing and signed by each of them. See page 78.

Page 64

Page canceled with note "See Page 80."

Page 65

In the matter of an estray pony taken up by Lewis Underwood, 14th day of June 1860. Joseph Pero, James Edmondson and John Keirvan appointed appraisers. Fees paid, papers sent to clerk in a letter. See page 67.

Page 66

Two estray steers taken up by Joseph Shawl 29 June 1860. Wm. Barnett, James Edmondson and Wm. Cottrel appointed appraisers. See page 89.

Page 67

#### Marriage Certificate

I Samuel Edmondson an acting and duly commissioned Justice of the Peace in and for the county of Sebastian in the State of Arkansas, do hereby certify that on 30 day of July 1860, at the county of Sebastian in the State of Arkansas, I did duly join in marriage Joseph Oswald of said Sebastian County, aged 45 years and Barbara Seingel of Sebastian County in the State of Arkansas, aged 50 years and then and there declare them to be husband and wife. Given under my hand and seal this 30 day of July 1860. Fees paid and transcript sent to the Clerk by mail.

Cornelius Eagan vs Lewis Underwood } Suit from page 65. And now on this day comes the said C. Eagan and on his oath swears that the said stud pony so taken up in the case is his property, that he is the rightful owner of same so help him God.

His

Cornelius X Eagan  
Mark

Page 68

James D. Schrader vs Edward Martin } suit on account. 21 day of May 1860 said James D. Schrader having filed before me and a bill of particulars against the defendant Edward Martin for the sum of \$10 as summons thereupon issued

directed to the constable returnable on 6 day of June 1860. 6 June 1860. Summons returned duly served by Jerry M. Wheeler. Both parties appeared, case adjourned until 6 day of July when both parties appeared and case was dismissed at mutual cost.

Page 69

Squire Hunter, Plaintiff vs James Kennedy, Defendant } attachments. 6 July 1860 filed suit against James Kennedy. Writ of attachment served by constable. Defendant comes and files bonds and securities which are approved by me whereupon it is ordered that the attachments in this case be dissolved and that this cause proceed as other suits. Trial date set on the 14th day of July 1860. 7 day of July 1860 both parties appeared by their attorneys and by consent this cause dismissed at the cost of the plaintiff.

Page 70

State of Arkansas vs N.D. Munn. On this 12th day of July 1860 comes Martha Bowser and having filed before me her complaint in writing and upon oath stating that said N.D. Munn has certain property to wit one featherbed, Blue striped tick, was embezzled from her, the said Martha Bowser, that she does suspect the property is concealed in the house occupied by N.D. Munn in the county of Sebastian & in the city of Fort Smith. Thereupon issued a warrant directed to the constable and the same was delivered to him to search said place in the daytime.

Page 71

Estray horse taken up by Polley D. Robertson. 16 July 1860. A.P. Smith, Simon Shanton(?) and John Kirvin appointed appraisers. This property proven to be Ernst Speakers August 9th 1860. See page 72.

Page 72

16 July 1860 comes Ernst Speaker by his attorney James P. Spring and the said Polley D. Robinson appearing and the said horse was proven to be the property of the said Speaker. Horse delivered to Speaker with him paying all the costs and legal expenses.

Page 73

State of Arkansas vs Arch Stand, a Cherokee. 7 August 1860 comes Sol Nellis and made his declaration in writing he was shot on the evening of the 6th of August 1860 in the County of Sebastian and in the city of Fort Smith, that one Arch Stand, a Cherokee and a native of the Cherokee Nation, did on the said 6th day of August 1860, at said county and in said city of Fort Smith did draw and shoot at the said Nellis with a Colt's revolver, the same being loaded with leaden balls or slugs and



returned duly served, having waited 3 hours for the defendant, but he comes not, but made default, this action is found upon a note as follows: \$6.00 One day after date I promise to pay James Melvin or bearer six dollars for value recd. this 23d September 1859. Signed: John Goynes. It is therefore by me considered that the plaintiff have and recover of the defendant the sum of six dollars for his debt and the sum of twenty cents for his damages and all of his cost by him in this suit expended. Judgment \$6.00. Damages \$.20. Justice fees \$1.00. Con. Davis' fees \$.50.

Page 54

An estray taken up by M.F. Norton. 30 March 1860. Appointed J.A. Jenkins, William Adams and James Barnes to appraise estray mare.

Page 55

Butler & Arnett vs Rowing (?) Matterly } attachment. 28 March 1860. Attachment filed by Butler & Arnett against said Matterly. Trial day set 5th April 1860. Plaintiff failed to appear. Judgment in favor of plaintiff. See page 56.

Page 56

State of Arkansas vs Milton Hannas } misdemeanor. 2 April 1860. H. J. Hannas filed complaint that Milton Hannas threatened to stab him with a knife and destroy his property. Also that on 2 April 1860 came to his house and broke several of his sitting chairs, dishes and other property and acted in a turbulent manner with hot and angry words. Warrant issued for arrest. Case dismissed at request of prosecutor and defendant, and their agreeing to pay all court costs. April 15, 1860. Witnesses: Jane (illegible), Emmala Hannas.

Page 57

Butler & Arnett vs Rowing Matterly } suit from page 55, attachment. 6th April 1860, no stay or affidavit being prayed execution issued, directed and delivered to the Constable of Upper Township returnable on the 2nd day of April 1860. Endorsed on that the debt is \$13.25. Debt \$13.25. Justice fees \$2.00; Paid by Davis \$2.00. Fees Constable \$1.25

Page 58

20th Day of April 1860. Stray mare taken up by Thomas Smith. Jesse Rudch, M. Rice and Michael Scully appointed as appraisers. Jesse Reed and Calvin Smith securities. Mare proven to be property of H. L. Holleman and was delivered to him on 3rd of May 1860.

Page 59

State of Arkansas vs. Jo, a Creek Indian. 3 May 1860. James A. Davis filed complaint that Jo, a Creek Indian, on 2 May 1860 did commit a violent assault and battery on Suwakee, a Creek Indian,

by shooting him in the left arm in (illegible) of Farmsworth in the county of Sebastian with intent to kill. Suwakee asked a warrant be issued for arrest of Jo. After hearing testimony of witnesses, defendant was found guilty as charged and ordered to enter into recognizance with sufficient security in the sum of \$1,000. Order to be made to sell one brown pony mare. Writ issued 15 May 1860.

Page 60

E.B. Bright vs William Butler. (Page canceled with note to see page 80.)

Page 61

John Melvin, Adm. of the Estate of James Melvin vs John Goynes. 15 May 1860. Said John Melvin having filed before me a note against John Goynes the defendant and a summons thereupon issued directed to the constable of Upper Township on the 6th day of June 1860. On the 6th day of June 1860 on this the return day of the summons which is returned and duly served. See page 53.

Page 62

James Loyd, Plaintiff vs James D. Shrader, Defendant. 25 May 1860. Account filed for \$12.05 – summons issued, returnable on 6 June 1860, was returned on 6 June 1860, duly served. Both parties appeared. Case adjourned until 5 July 1860. Dismissed by order of the plaintiff at his costs 5 July 1860.

Marriage Certificate

I Samuel Edmondson, an acting and duly commissioned Justice of the Peace in and for the County of Sebastian in the State of Arkansas do hereby certify that on the 12th day of June 1860 at the county of Sebastian in the State of Arkansas, I did duly join in marriage Fredrick W. Grasse, aged 35 years and Marie Sophie Fransiska Beck aged 38 years, both of Fort Smith, Sebastian County, Arkansas and then and there declare them to be husband and wife. Given under my hand this 12th day of June 1860. Fees paid.

Page 63

In the matter of an estray taken up by Lewis Underwood, 14 day of June 1860. See page 65.

State of Arkansas vs Thomas F. Norman. And on this 18th day of July 1860 came the said defendant in custody of Jere M. Wheeler as court charged from the affidavit of William H. Austin here in filed on the 14th day of July 1860 that Thomas F. Norman did on the 9th day of July 1860 before Mr. Ellis, a Justice of the Peace, did then and there swear falsely in making an affidavit for a writ of attachment vs said Wm. H. Austin.



Hays of said county, aged 24 years and Rachel Isham of the county of Sebastian in said state, aged 25 years, and there declared them to be husband and wife. Given under my hand this 7th day of February, A.D. 1860. fees due. Transcript sent to the clerk by mail.

I, Samuel Edmondson, an acting and duly commissioned Justice of the Peace in and for the County of Sebastian in the State of Arkansas do hereby certify that on the 10th day of March A.D. 1860, at the county of Sebastian in the state of Arkansas, I did duly join in marriage Amos Bennett, late of Missouri, aged 23 years & Elizabeth Asbill, late of the same place, aged 17 years, and there declared them to be husband and wife. Given under my hand this 10th day of March A.D. 1860. Fees paid.

Page 48

#### Marriage Certificate

I, Samuel Edmondson, an acting and duly commissioned justice of the peace in and for the county of Sebastian in the State of Arkansas do hereby certify that on the 9th day of February 1860, at the county of Sebastian in the State of Arkansas, I did duly join in marriage Charles Miller of said county, aged 20 years, and Francis Gibson of Sebastian County in the State of Arkansas, aged 17 years and there declared them husband and wife. Given under my hand this 10th day of February A.D. 1860. Fees due and transcript sent to the clerk by mail.

I, Samuel Edmondson, an acting and duly commissioned Justice of the Peace in and for the County of Sebastian in the State of Arkansas do hereby certify that on the 11th day of March, 1860 at the county of Sebastian in the State of Arkansas, I did duly join in marriage William Happy Evans of said county, aged 50 years and Mary Evans of said county, aged 26 years and then and there declared them husband and wife. Given under my hand this 11th day of March A.D. 1860. Fees of \$2.50 due.

Page 49

#### Marriage Certificate

I, Samuel Edmondson, an acting and duly commissioned justice of the peace in and for the county of Sebastian in the State of Arkansas do hereby certify that on the 9th day of February 1860 at the county of Sebastian in the State of Arkansas I did duly join in marriage James Loyd of said county, aged 21 years and Mrs. Emma Campbell of Sebastian County in said State, aged 18 years and then and there declared them to be husband and wife. Given under my hand this 9th day of February A.D. 1860. Fees due and transcript sent to the clerk by mail.

Page 50

John Woods vs. Walton & Rivers } suit from page 44. Judgment for the plaintiff. This amount \$23.00.

Jury Tax fee	1.50
Constable Wheeler fees	.80
James A. Davis fees paid	1.25
Justice fees	2.00
Witnesses	
W.H. Walton, 1 day paid	.50
A. Baretta, 1 day paid	.50
John Fitzmorris 1 day paid	.50
W. Moseby, 1 day paid	.50
Total Cash	\$30.55

Paid by Plaintiff

Recd by (?) of Mr. Rivers \$30.55 in fines March 12, 1860 S. Edmondson J.P.

Paid in full

Received by the hand of Samuel Edmondson as Justice of the Peace twenty-four dollars and fifty cents in full of this judgment. March the 12th, 1860. Signed: B.F. Williams, Atty for Woods

Page 51

James Roberts vs Robert Snipes, J. P. Spring } brought from page 37. It is by me considered that the plaintiff have and recover of the defendant and James P. Spring as his security, the sum of two dollars and fifty and eight cents for his debt and all of his cost in and about this suit expended. Judgment: \$2.55. Justices fees paid me: \$1.25. Witnesses Fees: Irvin(?) Toss (?) 1 day paid \$.50; Zachariah Taylor 1 day paid \$.50; Leaven Howard 1 day paid \$.50; Terriage (illegible) \$.50; Mileage 10 m. \$.30; Fees(?) \$3.05. This 7th day of Apl. 1860 no stay or appeal being prayed Execution issued against said defendants made returnable on the 2nd day of May 1860. directed & delivered to James A. Davis as Deputy Const. for J.W. Wheeler, Const. Endorsed thereon that the debt is \$2.58, my cost \$1.25, cost of Irvin Trsse(?) witness \$.50, do Zachariah Taylor .50, do Leaner Howard \$1.30 this (illegible) & docketing do .50 J.A. Davis fee as D.C. \$3.10

Page 52

Merideth Fisher, plaintiff vs Seth Russell, defendant } attachment. 10 March 1860. Dismissed.

Page 53

John Melvin as the Administrator of the Estate of James Melvin, decd. vs John Goynes. 15 day of May 1860 the said John Melvin by his agent James A. Davis filed before me a note against John Goynes and a summons thereupon opined. Directed to constable. 11 day of June 1860. On this, the return day of the summons, which is



Cons. Davis fees: \$.75. 7 day of March 1860. Constable returned the execution unsatisfied and suggest to the plaintiff's attorneys for the case to be renamed. On the 7th day of March 1860 the execution is reissued and placed in the hands of James A. Davis, deputy constable for J.M. Wheeler, constable.

Page 41

State of Arkansas vs E.G. Miller. 25th day of January, 1860. John Young filed complaint in writing stating that E.G. (T.) Miller threatened to commit an offense against the person of John Young. Defendant brought before me in custody of James Dunn, special constable. Case adjourned until tomorrow at 9 of the clock a.m. and thereupon the said prisoner is remanded in custody of James Dunn. John Young as prosecutor came forward and refused to prosecute this suit. Defendant is released and each officer received his fees.

Page 42

John Melvin, adm. of James Melvin, plaintiff vs George D. Kinney. 16th day of January 1860 filed account against George D. Kinney. 26th day of January 1860 writ of attachment returned by constable, executed by being levied upon property of defendant. Adjourned until tomorrow morning at 27th int. at ten of the clock a.m. 27 January 1860, defendant failed to appear. Plaintiff appeared and proved his account of \$79.80. Judgment for plaintiff. See next page.

Page 43

John Melvin, adm of James Melvin Decd. vs George D. Kinney. As also of his costs by him in this suit. Judgment: \$79.80. Justice fees: \$1.50. Constable Davis's fees: \$1.25. 8th January 1860, Execution issued, directed and delivered to James A. Davis, deputy constable of Upper Township returnable on the 7th day of March 1860, endorsed. \$79.80 debt. \$1.75 Justice fees. \$1.25 Cons. Davies fees. \$.25 Execution.

Page 44

John Woods, Plaintiff vs Wm. H. Walton & Frank Rivers, Defendants}. 3 February 1860. John Woods filed suit against Wm. H. Walton and Frank Rivers for debt of forty-three dollars. 8th of March - trial day. Both parties appeared and on motion a jury was ordered: John Dotson, J.W. Reed, E. Springer (?), T.O. Williams, J. Freeze, Nathaniel Bell. After hearing evidence returned the following verdict: We the jury find for the Plaintiff and assess the damage at twenty-three dollars. Signed: John Dotson, Foreman. It is therefore considered that the said plaintiff recover of the said defendants the sum of twenty-three dollars, so found by the jury aforesaid, together with all his costs in this suit expended. See page 50.

Page 45

State of Arkansas vs Geo. R. Marshall. On this 5th day of February 1860 comes Zachariah Taylor and having filed before me his complaint in writing and upon oath, stating that said George R. Marshall, on or about the 4th day of February 1860, did feloniously steal, take and carry away one chopping axe, of the value of one dollar and seventy-five cents from said Taylor at said time and place, and pray that a warrant may be issued for the arrest of said George R. Marshall. Whereupon a warrant is issued, directed to the constable of Upper Township, commanding him to arrest said George R. Marshall and to bring him before me without delay. 5th day of February 1860. On this day comes the said George R. Marshall in custody of the constable and thereupon I proceeded to examine the complainant and witness in regard to said charge, the testimony of whom was reduced to writing and sworn to and subscribed by them. Whereupon being of opinion that the defendant is guilty as charged and the offense being bailable, it is ordered that the defendant enter into recognizance with sufficient security to the State in the sum of \$300, conditional for his appearance at the next circuit court to answer said charge and said defendant not entering into such recognizance. See page 46.

Page 46

The State of Arkansas vs George R. Marshall. He is committed to the Jail of Sebastian County until he so do or be otherwise discharged by law. Justice fees: for aff. and warrant \$.50, for subpoenaing & swearing witnesses \$.60, for (illegible) & taking testimony \$2.00, For certificate, etc. \$.50, for judgment \$.25, for warrant of commitment \$.50, Whole Amount \$4.35. Constable Davies fees: for arresting prisoner \$.50, keeping prisoner day & night \$1.00, for serving two subpoenas \$.50.

Marriage Certificate

I Samuel Edmondson an acting and duly commissioned Justice of the Peace in and for the county of Sebastian in the state of Arkansas do hereby certify that on the 3rd day of May A.D. 1860 I did join together in marriage J.G. Tinsley, aged 26 years and Francis M. Clark, aged 16 years all of this city, all of which is hereby certified.

Page 47

Marriage Certificate

I, Samuel Edmondson, an acting and duly commissioned justice of the peace in and for the county of Sebastian in the State of Arkansas do hereby certify that on the 7th day of February A.D. 1860 at the county of Sebastian, in the State of Arkansas, I did duly join in marriage James B.



powder, did then shoot me, the said Nellis, in the abdomen with the intent to kill and murder me without any provocation whatever. I am fully satisfied that I cannot recover from the wounds inflicted. I believe that I must soon die. I make these declarations with the solemnity of impending dissolution and know that I cannot recover. When the difficulty occurred, I was going up toward the Indian in a peaceable manner, and told him he ought not to have his pistol out in that manner, throwing it round; that it might go off and kill some one, and just as I reached out my hand to take hold of the pistol, and was in the act of taking hold of it, he pulled the trigger and fired at me. I believe in the final accountability of all persons to the Creator and I have made these declarations with a full sense of that accountability, and under as solemn obligations as if under oath. And now on this 9th day of August 1860 comes the said defendant Arch Stand in custody of J.M. Wheeler as constable and thereupon I proceeded to examine H.S. Rossenfield (?) and other witnesses in regard to said charges. See Page 74.

Page 74

From Page 73. And the testimony of whom was reduced to writing and sworn and subscribed by them. And, thereupon I informed the said Arch Stand of said charge and that he was at liberty to refuse to answer any questions as put to him where upon the said Arch Stand declines making any statement what so ever. And, therefore, having the defendants witnesses whose testimony was reduced to writing sworn to and subscribed by them and thereupon are the testimony of S.H. Rumley that this said Sol Nellis died on the 7th day of Augt. 1860 from the wound received by the defendant's pistol and it being the opinion of the said Justice, that said Arch Stand is guilty as charged by the testimony of the deed and said offense not being bailable he is committed to the jail. The said witnesses are also required to enter into recognizance to appear at the next term of the circuit court to give evidence in this case with recognizances are also certified to the circuit court. Total fees \$14.60. See page 75.

Page 75

Con't. from page 74. Jere Wheeler fees as constable arresting prisoner and (illegible) 17 witnesses \$4.25 (illegible) \$2.25; Keeping prisoner 5 days \$1.00 per day \$5.00, (illegible) \$7.00; guard 5 days \$10.00 conveying prisoner to jail \$21.00; (Total) \$28.00. Witnesses of the State: James R. Dickson, 1 day .50; H. W. Capps 1 day .50; M. G. Whitsell 1 day .50; Robert Bond 1 day .50; Francis

Linton 1 day .50; A. Quesenbury 1 day .50; Jo Walton 1 day .50; N. Spring 1 day .50; H. S. Rumfield 1 day .50; and defense: P. R. Thomas 1 day; Crock Newton 1 day; G.W. Johnson 1 day; L. Joslenburger 1 day; N. Spring 1 day; C. Birnie 1 day; H.S. Rumfield 1 day.

Page 76

State of Arkansas vs Lorenzo D. Kelly. On 11 August 1860 (illegible) under oath stated that Lorenzo D. Kelly on 8 August 1860 came to his house and did steal, take and carry away one silver watch (illegible) one trunk and contents. Asked warrant be issued for arrest of Lorenzo D. Kelly. 11th day of August 1860 came Lorenzo D. Kelly in custody of the constable. Adjourned until Monday, 13 August 1860, prisoner to remain in custody of Jere M. Wheeler as constable. 13 August 1860 came Lorenzo D. Kelly in custody of constable and I proceeded to examine the complainant and witnesses (illegible). State closed her evidence. I informed the said Lorenzo D. Kelly of said charge and that he was at liberty to refuse to answer any questions put to him where upon the prisoner refused to make a statement and the said defendant having no witnesses and offering no proofs of his innocence, the Justice is of the opinion that said offense hath been committed and that the defendant is guilty thereof.

Page 77

It is therefore considered by the Court that said defendant be admitted to bail in the sum of Three Hundred dollars and in default of such bail that he be committed to the jail of Sebastian County and there to remain until such bond be given or he be otherwise discharged by the due course of law. (Fees listed here)

Page 78

The State vs Thomas S. Norman } suit from page 63. State testimony closed. Prisoner notified of charge and his right to make a verbal statement of same. Prisoner declined making statement and offering no testimony on the part of the defense, the case is closed. Defendant guilty as charged. Bail required \$800 and thereupon R.M. Johnson as Mayor & R.P. Ruskins(?) as Justice of the Peace being called on to sit in conjunction with one said justice and they do thereupon dissent from the assession of me said Edmondson (illegible) the said prisoner is discharge and that he go hence home without delay. (Fees listed)

Page 79

A.P. Smith, Plaintiff vs Joseph Reeder, Defendant. 15 August 1860. Suit filed by A.P.



Smith against Joseph Reeder for two dollars and fifty cents. Summons issued and delivered. 8 Sept 1860. Defendant failed to appear. Plaintiff appeared. Proved his account of \$2.50. Judgment for plaintiff that he receive from the defendant the sum of \$2.50 his debt and all of his costs in court. 4 October 1860. No appeal being prayed execution issued directed to the constable of Upper Township returnable on 7th day of November 1860 endorsed thereupon that the debt is \$2.50 costs \$1.50 and on said 7th day of November 1860 execution is reopened and placed in the hands of Jas A. Davis Constable on (illegible) day of December 1860.

Page 80

E.B. Bright, Plaintiff vs William Butler, Defendant. 10 May 1860, E.B. Bright filed bill of particulars against William Butler for sum of \$83.52. Summons issued. 6 June 1860. Plaintiff appeared in court, proved his account of \$83.52. Defendant did not appear. Judgment for plaintiff. Judgment unsatisfied. Constable reported there was no goods or chattels of the defendant's whereon to levy, but that defendant, William Butler, possessed lands and tenements; thereupon it is ordered that a transcript of the proceedings in this case be sent to circuit court. See page 81.

Page 81

Continued from page 80. Oath by Samuel Edmondson that foregoing was true and perfect transcript of proceedings had before him. 16th Aug 1860.

Page 82

William Giger vs Barnhart Shappy. Suit over wager owed to William Giger by Barnhart Shappy. By consent of parties, suit dismissed by mutual costs.

Page 83

N. Moroney vs H. McCarthy. 17 August 1860. Suit for debt of \$3.00. Debt paid. Suit dismissed. Jere M. Wheeler fee \$1.50; Justice fee \$1.50.

Page 84

A. Niece vs W.B. & S.H. Calhoun. 23 August 1860. Suit for sum of \$24.00 less credit of \$6.00 there being balance of \$18.00. Summons issued. Served by James A. Davie. September 5, 1860 defendant failed to appear. Plaintiff appeared and proved his account of \$18.00. Judgment for plaintiff to recover his debt and court costs. Witness: S.H. Calhoun

Page 85

Antoine Neice vs Alexander Nickels. 23 August

1860. Suit for sum of \$21.00 less \$10.00 credit, balance \$11.00. Summons issued. 5 September 1860. returned duly served. Defendant did not appear. Judgment for plaintiff.

Page 86

E.S. Walker vs Smitia Williams. 13 August 1860. Note filed. Summons issued. Not served. Judgment (illegible).

Page 87

H. W. Norton vs Joseph Pero. 23 August 1860. Note filed by H. W. Norton against Joseph Pero. Summons issued to be returned 5 September 1860. (Transcript not completed.)

Wm. Blakely vs James D. Schrader. Suit for \$10.00 account. Summons issued 18 May 1860, returned by constable Davis and on 6 July 1860 parties appeared. By consent of parties this suit dismissed at mutual costs.

Page 88

John Culberson vs Willice Byram & John R. Alfred. 23 August 1860. Summons returned non est inventus on 5 Sept. 1860, said writ being returned not served. Plaintiff considered without case. Defendant to hence without delay and recover of and against said John Culberson all of the costs in and about this case expended.

Page 89

Matter of an estray yoke of oxen taken up by Joseph Shawl I, William Colvard being duly sworn do depose and say that the annexed and foregoing yoke of oxen so heretofore listed as estrayed is my property, that I have never traded said steers directly or indirectly to any person or persons, the said oxen being posted by Joseph Shaw.

His

William X Colverard  
Mark

Statement of witness that above is correct by William Barnard. Sworn to and subscribed before me on the 27 day of August 1860.

Page 90

L.D. Munn vs Patrick Talt (?). 23 August 1860. Suit for \$30.00. Summons issued and on 5 September 1860 comes said parties and by consent of the parties the papers in this case is withdrawn and the debt is paid to plaintiff and officers received their fees.

Page 91

E. B. Bright vs John Allen. 29 August 1860. Suit filed for sum of \$25.36. Summons issued. Returned 5 September 1860. Both parties appeared by defendant said nothing as preclusion to plaintiff's demand. Judgment for defendant to



pay plaintiff \$25.36 for his debt and all court costs. Judgment \$25.36. Justice's Fee \$1.00. Constable Wheeler's Fee \$.50 paid to him by Justice. Security bond E.P. Clark. Received of John Allen, the defendant, in this above case, twenty seven dollars and sixty two cents, it being in full for principal, interest and costs - the costs paid to officers. Signed: E.B. Bright. March 8th 1861

Page 92

E.B. Bright vs William Allen. 29 August 1860. Suit filed for \$16.03. Summons issued. 5 September 1860. Summons returned by Jere M. Wheeler, not served. Second summons issued on 6 Sept 1860. (Transcript not completed.)

Page 93

Estray black horse taken up by M.F. Norton. 21 August 1860. Appointed Joseph Pero, Cornelius Baurhyte and Wm. Adams Appraisers. I, John F. Wheeler, being duly sworn do depose and say that the above described horse is the property of my son William Wheeler. (signed) Jno. F. Wheeler

Page 94

Bennett & Walton vs W.L. Handfield. 7 November 1859. Bennett & Walton filed before me a note against Wm. L. Handfield, the defendant, in the words and figures as follows: \$12.35. Fort Smith, Arkansas, Jan 1st, 1854. One day after date I promise to pay to the order of Bennett & Walton, Twelve dollars and 33/100 value received with interest at the rate of (illegible) per annum. Signed Wm. L. Handfield. and the said Wm. L. Handfield files in writing this confession of judgment wherein he says that he is indebted to said Bennett & Walton in the sum of \$8.00 debt and \$3.83 interest due upon said note, and consents that judgment may be rendered against him for the same. Judgment for plaintiff, recover debt, interest and court costs. On the 7th day of November 1859 came the said defendant and prayed a stay of execution for the term of six months, and offered J.W. Southerland as his security who entered into recognizance as required by law; whereupon said stay is granted.

Page 95

J. W. Arnett vs Henry Ward. In the matter of two horses found in the possession of said Henry Ward. (Arnett's statement regarding the purchase of the horses and a statement by Richard Hood verifying the statement. There is no case transcript.)

Page 96

In the matter of George, a Runaway Slave. Comes on this 3rd day of September 1860 James A. Davie as constable and brings in his custody "George" is a runaway slave, and belongs to

William Reed of Columbia County, State of Arkansas, it is ordered that said James A. Davie convey and deliver to said Wm. Reed, said slave. Given under my hand this the 3rd day of Sept 1860. Or, whereas the said James A. Davis has some doubts, rather as to the ownership of said slave, and the same being manifested to me as such, as though the owner might be unknown, it is therefore ordered, with the description of said taken up, that he deliver said slave to the jail of the County of Sebastian. Given under my hand this 3rd day of Sept 1860. Mr. Reed of Columbia County proved the above described negro, paid charges and took him away on the 16th Sept 1860.

Page 97

The State of Arkansas vs Jesse Pruett } Search Warrant. Complaint made under oath by Gideon Young that twenty dollar gold pieces of American coin and also between five and ten dollars of small gold and silver was embezzled and that he suspects that such money is concealed about the person of Mrs. Pruett, the wife of Jesse Pruett or about the camp of the said Puetts or on the persons of some member of his family in the county of Sebastian, thereupon I issued a warrant directed to the Sheriff of Sebastian County, commanding him to search said place. And on the 31st day of August 1860 said warrant is returned by W.A. Porter as Sheriff stating that he went to the place specified in the warrant and made a thorough search of the persons and property in the daytime in said camp but did not find the property or any part thereof specified in the writ. It is therefore considered that this suit abate and defendant go hence there from and that the State of Arkansas for the (illegible) of said defendant record all her costs herein expended against said Gideon Young the prosecutor herein. Justice costs \$3.00. Sheriffs costs (?).

Page 97

(Editor's Note: This is the second page numbered "97")

A. Hamilton Cline vs Frank Rivers. 19 September 1860. A. Hamilton Cline filed bill of particulars against Frank Rivers. A writ of attachment was issued. Trial day set 22 Sept 1860. Writ of attachment returned, executed by being levied upon certain property of said defendant specified in said return, but not served upon the defendant personally. It is ordered that this case be set for trial on the 16th day of October 1860. It is further ordered that defendant appear before me on said day at my office in said township at ten o'clock in the forenoon and answer to said plaintiffs demand or that judgment will be entered against him on



that day and his property sold to satisfy the same, and that a copy of this order be delivered to said plaintiff to be by him set up by law.

Page 98

John I. Johnston vs Frank Rivers. On 14 Sept 1860, John I. Johnston filed bill of particulars against Frank Rivers. He also filed an affidavit and a writ of attachment was issued. Trial day was set for 22 Sept 1860. Writ of attachment returned executed by being levied upon certain property of said-defendant verified in said return but not served upon the defendant personally. Case set for trial 16 October 1860. Defendant ordered to appear and answer to plaintiff's demand or that judgment will be returned against him or his property to satisfy the same and that a copy of this order be delivered to said plaintiff to be by him set up according to the law. On 16th day of October 1860 this case adjourned until 17th inst. at ten o'clock a.m. Carried to page 113.

Page 99

L.W. Colby vs Frank Rivers & Robert Montgomery. 13 Sept. 1860. Account and affidavit filed by L.W. Colby against Frank Rivers and Robert Montgomery. Writ of attachment issued. 19 Sept. 1860. Writ returned executed by being levied on property, not served personally on defendant. Trial set for 11 October 1860. Defendant ordered to appear and answer plaintiff's demand or property be sold to satisfy same. Carried to page 105.

Page 100

On this 18th day of September 1860 comes Thomas Barnes and made his declaration under oath in writing stating he was shot on 18 Sept. 1860 on the north side of the Arkansas River opposite the steamboat landing in the city of Fort Smith (illegible) well within the Cherokee Nation by John Bonge(?) about one half inch below the right nipple and at the same time and place he was cut by a knife in the hands of James Bonge in the side of the neck, at the time he received the wounds his brother William Barnes had in his possession a large sum of money (perhaps from the weight of it) and from his own knowledge of counting the same, there was on or about One Thousand Dollars. Being well acquainted with the parties, I am of the opinion that their aim was to attack me before they could attack William Barnes believing that they dreaded me worse than him. They had good reason to believe that William Barnes had the above named amount of money in his possession and he verily believed that the attack was made for the purpose of robbing him of the said sum of money, or at least it

looks reasonable to him that such was their intention as they knew that he had the above amount on money in his possession at the camp meeting ground in the Cherokee Nation on Thursday last. Continued on Page 101.

Page 101

I am perfectly sensible of what I state, and I am of the opinion that I cannot survive the wounds that I have received, and believing myself to be at the point of death, I make this statement to be true.

His  
Thomas X Barnes  
Mark

Witnesses: F. Bass; Rufus Dunlop

And thereupon comes Wm. Barnes as witness, who being duly sworn by me, on his oath says that on the evening of the 18th Sept. 1860 he was attacked by James Bonge and Moses Edwards on the North side of the Arkansas River, near the ferry landing, opposite Ft. Smith, in the Cherokee Nation, at which time James Bonge seized him with violence whilst on his horse by the arm, at which time the said Moses Edwards stabbed him in the back, at which time they pulled him off his horse and on rising up, not seeing my own horse, I jumped on another horse and rode a short distance in the Nation, and then returned and crossed the river to Fort Smith. From the time that I was pulled off my horse, I never saw my saddle bages containing the money belonging to Peter Mankins which I had in possession at the time containing on or about one thousand dollars in gold and silver which money belonged to said Peter Mankins, the said saddle bags and money given into (See page 102.)

Page 102

My possession by said Mankins four or five days ago, during which time I had possession of the same most of the time. I have been in the habit of trading for and carrying money for said Mankin for several years. I do know that James Bonge knew that I had the money belonging to Mankins for he asked me and I told him so. It looks reasonable to me that the aforesaid attack was made on me and my brother, Thomas Barnes, for the purpose of robbing me of the above named amount of money. From the wounds inflicted on me, I have reason to believe that I may never recover and I make this statement knowing that I am in my proper mind as much as I ever was. I state that my brother and myself are both Cherokee Indians and that James Bonge and Moses Edwards are both Cherokee



Indians and that Pete Mankins is a White Man and a citizen of the State of Arkansas.

His  
William X Barnes  
Mark

Witnesses: F. Bass; Rufus Dunlap

Whereupon I Samuel Edmondson a Justice of the Peace in and for the county of Sebastian in the city of Fort Smith in the State of Arkansas do hereby certify and make known (See Page 118.)

Page 103

And thereupon comes B.W. Alberty and in his oath says, that on the evening of the 18th of Sept 1860, I was on the north bank of the Arkansas River opposite Fort Smith in the Cherokee Nation. Whilst there I saw Ridle Benge who told me that Moses Edwards had in his possession the horse and saddle bags that I was inquiring for. He told me this when I inquired if he had seen Wm. Barnes horse and saddle bags on the bar. He asked me my reasons for asking him these questions and I replied that Wm. Barnes had lost a horse and a pair of saddle bags containing one thousand to fifteen hundred dollars in gold and that I was in search of them. He replied, you need not hunt for them because Moses Edwards has got the horse and saddle bags and run off with them. I was requested by Peter Mankin to hunt for them. Ridle Benge told me that another of the boys, John Benge or James Benge were near him, Ridle Benge, at the time of the shooting. He said that the horse that Wm. Barnes had with the saddle bags on ran towards him and he caught the horse. Moses Edwards ran to him, jerked the horse loose from him,

Page 104

jumped on him and ran off with him, and had the saddle bags on the horse. I asked him if he knew that to be Wm. Barnes horse. He said he did. I called on Carter Daniels as a witness to know if he would swear to that, he said he would. I said, if so I would go back and tell Mr. Mankin what had become of his saddle bags, which I did, and we quit hunting for the same. I consider Riddle Benge to be a clever, responsible man. Thomas and William Barnes are both Cherokee, also Moses Edwards, James & John Benge are all Cherokee. Peter Mankin is a white man. Signed: B.W. Alberty. Thereupon comes John Barnes & on his oath swears that he is the father of Thomas & William Barnes and that he knows these to be natives of the Cherokee Nation.

His  
John X Barnes  
Mark

Page 105

Levi W. Colby vs Frank River & Robert Montgomery} Debt by attachment. Brought from page 99. Action on application filed Sept. 24 for sale of property to satisfy debt. Ordered constable to advertise sale. On 11th day of October, 1860, plaintiff appeared. Copies of sale notice had been posted at four public places as required by law, and on said 11th day of October, it is considered by the Justice that this cause be adjourned until the 17th day of October 1860 to 10 o'clock a.m.

Page 106

Marriages 1860

I Samuel Edmondson, an acting and duly commissioned Justice of the Peace in and for the County of Sebastian in the State of Arkansas do hereby certify that on the 30th day of September 1860 at the County of Sebastian in the state of Arkansas I did duly join in marriage Richard Catchford of the United States Army, aged 21 years, and Patsey Adams of the said county and state, aged 20 years, and then and there do declare them to be husband and wife.

I Samuel Edmondson, an acting and duly commissioned Justice of the Peace in and for the County of Sebastian in the State of Arkansas do hereby certify that on the 30th day of September 1860 at the County of Sebastian in the state of Arkansas I did duly join in marriage Henry Edmondson of the United States Army, aged 22 years, and Nancy Hager of the said county and state, aged 20 years, and then and there do declare them to be husband and wife.

Page 107

I Samuel Edmondson, an acting and duly commissioned Justice of the Peace in and for the County of Sebastian in the State of Arkansas do hereby certify that on the 30th day of September 1860 at the County of Sebastian in the state of Arkansas I did duly join in marriage Morgan Boland of the United States Army, aged 23 years, and Sarah J. Britton of the said county and state, aged 18 years, and then and there do declare them to be husband and wife.

I Samuel Edmondson, an acting and duly commissioned Justice of the Peace in and for the County of Sebastian in the State of Arkansas do hereby certify that on the 12th day of October 1860 at the County of Sebastian in the state of Arkansas I did duly join in marriage Daniel Maegher of the United States Army, aged 20 years, and Mary Dresy of the said county and state, aged 17 years, and then and there do declare them to be husband and wife.



State of Arkansas vs Lorence Jossenberger. On this 3rd day of Oct., 1860 comes Joseph Brown to file complaint in writing, and upon oath, stating that Lorence Jossenberger of the county of Sebastian, did on the 3rd day of October 1860, at said county of Sebastian commit violent assault and battery on him, the said Joseph Brown, by then and there striking him with his fist, with the intent to do him, the said complainant great bodily injury. Thereupon a warrant is issued directed to the constable of Upper Township, commanding him to arrest and bring said Lorence Jossenberger before me, such warrant being endorsed by said Joseph Brown as prosecutor.

Calvin Walker, Plaintiff vs J.H. Brown, Defendant. 29 September 1860. Calvin Walker filed account against J.H. Brown. Writ of attachment issued against defendant. Trial date set 10 October 1860. 10 October 1860. Both parties appeared for trial. Neither party required a jury. Case submitted to Justice. Opinion, defendant indebted to the plaintiff in the sum of \$22.00 for house rent up to the 22nd of October 1860. See page 110.

For this debt and all of the costs in and about this suit expended: Judgment, \$22.00; Justices fees, \$1.25; Constable costs, \$1.00; (?) bond & (?), \$.50. On this 11th day of October 1860 came the said defendant and prayed a stay of execution of six months and offered D.W. Heard as his security, who entered into recognizance as required by law in the sum of \$25, where upon said stay is granted. Satisfied in full this 30th day of April 1861. Each officer getting his cost. (?) I.H. Gray

Justin Benaux vs Wm. Todd } Attachment. 5 Sept. 1860. Writ of attachment filed by Justin Benaux against William Todd. Trial day set 11 September 1860. Both parties appeared. Justin Benaux filed note against William Todd as follows: \$33.19 1/4 (continued on page 112). (Fees listed but crossed out.)

Judgment for plaintiff: Judgment, \$23.94; Damages, \$2.38; Constable costs, \$.75; Justice fee, \$2.00. On this 11th day of September 1860 comes the said defendant and prayed a stay on the above judgment for six months and offered F.M. Davis as his security who entered into recognizance as requested by law in the sum of \$32.00. Stay granted. 10th day of March 1862. Debt paid by repossession. 21 March 1862.

John I. Johnson vs. Frank Rivers. And now of this day the parties appeared by their attorneys and this cause is dismissed.

A. Hamilton Cline vs Frank Rivers and Robert Montgomery. 7 October 1860. Plaintiff proved his account to justices' satisfaction that defendants are indebted to the said plaintiff in the sum of \$49.90. Judgment for plaintiff. 17 October 1860. It is agreed that the money remaining after the payment of the costs of the case of Colby vs Rivers & Montgomery, Johnson vs same and Cline versus same, be equally divided between the plaintiffs in the said cases.

In the matter of an estray mare taken up by Gilbert Lovman. 24 October 1859. Mare claimed by William A. Porter, as administrator of the estate of John Boyers, deceased.

The State of Arkansas vs L.D. Munn and his wife. Charged with cruel treatment of a minor female by the name of Ellen. On the 29th day of October 1860 comes the said Ellen in custody of John H. Lane(?) as policeman in the city of Fort Smith and thereupon comes L.D. Munn and made his voluntary statement in said case and asked to be heard on the part of the defense. Case adjourned until 2nd day of November 1860. Girl to remain in custody of John H. Lane(?) until further orders be given. This case is dismissed for want of a (illegible).

Jen Hackett vs John B. Forbiss/Forbus(?) attachment. Jen Hackett filed suit and writ of attachment was issued against John B. Forbus, defendant, returnable on 21 November 1860. Wherein, William Falconer is named as garnisher by request of the plaintiff. Trial day set 21 November 1860. See page 127. It is ordered that this cause be set for trial on 20 day of December 1860.

I Samuel-Edmondson an acting and duly commissioned Justice of the Peace in and for the county of Sebastian in the State of Arkansas hereby certify that on the 3rd day of December A.D. 1860 in the city of Fort Smith in the county of Sebastian in the state of Arkansas I did duly join in marriage Charles A. Tankersly of the United States Army, aged 26 years, to Catharine Fifer, aged 16 years of the city of Fort Smith and state of Arkansas and then and there declared them to be husband and wife. Given under my hand this 3rd day of December A.D. 1860.



Page 118

Suit from Page 102. that the foregoing statements of Thomas Barnes, William Barnes, B.W. Alberty, and John Barnes were reduced to writing by me on th 18th day of September 1860 (illegible) read over to them and certified as true. Justice's fee: writing down testimony \$5.00.

Page 119

State of Arkansas vs Francis Casey. 4 December 1860. Comes E.P. Clark filing complaint in writing that about the 1st day of December Frances Casey and (illegible) supposed to be soldiers of the United States Army broke into his house, breaking doors and a window and threatened him (illegible).. See page 120.

Page 120

State of Arkansas vs Francis Casey } suit from 119. 4 December 1860. Warrant issued. Defendant brought in by constable. After hearing the testimony, filed against him. Prisoner told he was at liberty to refuse to answer questions put to him. The said Francis Casey declines making any statement. Defendant ruled guilty and bailable. Ordered to enter into cognizance with sufficient security to the state in the sum of five hundred dollars conditioned for his appearance at the next term of the circuit court to answer said charge. Defendant not entering into said recognizance is committed to the jail of Sebastian County until he does so or he otherwise is discharged by law.

Page 121

John J. Johnson vs Thos. McCaron. 17th day of October 1860. John J. Johnson filed an account and a bill of particulars against defendant Thos. McCaron for the sum of \$20.00. Summons issued. Returnable on 7th day of November 1860. Summons returned. Plaintiff appeared. Case adjourned until 2 January 1861. On 2 January 1861 case adjourned to 6 February 1861. On 6 February 1861, case dismissed.

Page 122

Presley(?) Sanderson vs John R. Alford. 29 November 1860. Plaintiff filed note against John R. Alford for \$30.00 borrowed May 30, 1859. Warrant issued. Could not locate defendant. Default. Judgment for plaintiff.

Page 123

Antonia Nice A. Romangale. 5 December 1860. Suit filed. Writ of attachment issued. Paid in full.

Page 124

State of Arkansas vs Edward Hummel. 4 December 1860, Elizabeth Hohn filed complaint that Edward Hummel came to her house, drew his pistol, said angry words and said he was in the habit of having "elicit" intercourse with her, which deponent said was a falsehood and that she believed Edward Hummel would do her bod-

ily injury. Warrant issued. Defendant could not be found. Plaintiff ordered to pay court costs.

Page 125

Testimony of John Lice that Molace on the 11th day of December in Sebastian County did assault William Toler, a Choctaw Indian, with intent to kill him by stabbing him with a large butcher knife in the neck. Deponent believes it will be fatal and asks warrant be issued for arrest of Molace. 12th day of December, Molace comes in custody of constable. I Samuel Edmondson examined the complaint and witnesses and reduced testimony to writing. Of opinion, defendant is guilty and offense bailable, it is ordered that the defendant enter into cognizance with sufficient security in the sum of \$300.00 to appear at the next term of circuit court to answer said charges. Upon failure to produce bond, defendant committed to jail in Sebastian County.

Page 126

John W. Ridge vs Cess Russell. John W. Ridge filed account against Cess Russell. Writ of attachment issued. 20th December 1860, suit dismissed at plaintiff's cost. Court(?) fees, \$2.60. Justice fee, \$1.00. Constable fee, \$.75.

Page 127

Jeremiah Hackett vs John B. Forbiss/Forbus(?) } from page 116. 20th day of December 1860. Plaintiff appeared. Defendant did not appear. Account proved to Justice's satisfaction. Judgment: plaintiff recover from defendant \$50.00 for his debt and all of his court costs. Plaintiff filed his bond to said defendant with M.M. Hanna as his security in the sum of \$100 for execution conditioned according to law. Execution against said defendant directed to Jere M. Wheeler as deputy constable for James A. Davis constable. Returnable on 6th day of February 1861, whereas was endorsed. Debt, \$50.00. Justice costs, \$3.50. J. Wheeler, Constable fees, \$4.00.

Page 128

State of Arkansas vs John White and Permelia White } Search Warrant. 20 December 1860. Martha Johnson, wife of Joseph Johnson, filed complaint that certain property, to wit 2 pieced up quilts have been embezzled from her and she suspects the property is concealed in the house occupied by John White and his wife Permelia White. Search warrant issued and executed. Property found and returned by Jere Wheeler, Deputy Constable, to Justice. Judgment for plaintiff. Recover from defendant court costs

Page 129

John H.T. Main vs Syllas Sanders. "Error" written across entire page. Error see page 131.



Page 130

M. McNamee vs Ward Coachman} attachment. 27 December 1860. M. McNamee filed account against Ward Coachman. Warrant issued, returnable on 4 January 1861. Trial day set 4th January 1861. Attachment levied on property of defendant but not served on defendant personally. Case set for trial 28 January 1861. Defendant ordered to appear to answer charge of plaintiff or judgment will be entered against him on that day and his property sold to satisfy the same and that a copy of this order be delivered to said plaintiff to be he him set up according to law. Constable ordered to proceed to sell such property at auction. See page 135.

Page 131

John H.T. Main vs Syllas Sanders. See Page 139. Error. See pages 156 & 157.

(Pages 132 and 133 are missing from the ledger, but a loose note written on a prescription blank of Dr. R.M. Gardner is inserted which reads: Fort Smith, Arkansas. recovered of W.W. Tate through J.J. Moore, seventy-five dollars in compromise settlement of later(?) note. Signed: D.M. Gardner, Sept. 30, 1907. This note was obviously place in the docket book many years later.)

Page 134

Shelton Robins, Plaintiff vs Frank Arbuckle and W.H. Walker, Defendants } attachment. James H. Sparks is Gar(illegible). Shelton Robins the 1st day of January 1861 filed an account against Frank Arbuckle and W. H. Walker. James H. Sparks is named as garnisher by request of the plaintiff. Attachment issued and on the 9th day of January 1861, by consent of James H. Sparks, attorney for the defendants, and S.F. Clark, attorney for the plaintiff this case is adjourned until 11 January 1861. Plaintiff and defendants appeared by their attorneys. After hearing evidence, considered by the Justice that the plaintiff be nonsuited and the defendants were let go. The plaintiff paid all costs to witnesses and each officer received his fee. Witnesses: E. Ferguson, A. Garrett.

Page 135

John Norman vs William Sagley } attachment. 5 January 1861. John Norman filed an account against William Sagley. Warrant was issued, returnable on 12 January 1861. 6th day of January 1861, defendant comes asking attachment be dissolved and case proceed as other suits. 12th January 1861, plaintiff and defendant appeared and by consent of the parties, suit is dismissed at the defendant's cost and defendant executed his note to plaintiff for \$10.00 with Edmunds Martin as his security payable in two

days. Justice fees, \$2.00. James A. Davis, constable's fees, \$1.25.

Page 136

E.B. Bright, plaintiff vs William Allen. 5 December 1860. E.B. Bright filed his account against the defendant William Allen for the sum of \$16.93. Summons issued, returnable on 2 day of January 1861. 2 January 1861. On this the return day of the summons which is returned duly served by J.M. Wheeler as deputy constable for James A. Davis constable and having waited three hours for the defendant, he came not but made default. It is therefore by me considered that the plaintiff have and recover of the defendant the said sum of sixteen dollars and ninety three cents for his debt and all of his costs by him in this suit expended. Judgment: \$16.93. Justice fee: \$1.00. J. M. Wheeler: \$.95.

Page 137

State of Arkansas vs Patrick Hines and John C. Hoopper. 10th day of January 1861, comes Albert Dunlap and files complaint and testimony in writing and under oath that on Sunday night the 6 Jan'y 1861 he missed his black cloth overcoat out of a sleeping room in Fort Smith and on the 10th day of Jan'y. 1861 comes the said Patrick Hines and John C. Hoopper in custody of James A. Davis, constable (illegible) questioned the witnesses. Testimony reduced to writing. Informed Patrick Hines and John C. Hoopper that they were at liberty to refuse to answer any questions put to them (illegible) declined making any statement. Bail required in the sum of \$400 from each one which was not given and they are committed to the jail of said county on the 10th January 1861. Fees: Writing down testimony of witnesses, \$2.00, (illegible) of case, \$.30; (illegible) 4 witnesses, \$.40; (illegible 4 witnesses do, \$.40; Judgt. & certificate, \$.50; Warrant commitment, \$.50; Recognizance 3 witnesses, \$1.20; James A. Davis for arresting, \$1.00; Total, \$5.30. For Guard: Prisoners (illegible) and Board, \$10.00; Subpoena 4 witnesses, \$1.00.

Page 138

S.M. Ellis vs Henry Marean. 12 January 1861. S.M. Ellis files account against defendant Henry Marean for sum of ninety three dollars and 50/100. Summons issued. 6 January 1861. Plaintiff and defendant appeared. Defendant filed a promissory note of hand against the plaintiff as set off for the sum of 450. Executed to (illegible) neither party requiring a jury trial case submitted to the Justice. Therefore evidence being heard by me and due deliberation had, I am of the opinion that the defendant is indebted to the plaintiff in the



sum of \$10.40 and of the costs of this suit. Judgment: \$10.40. Justice fees: \$1.50. Constable fees: \$.50. Execution issued on the 30 day of September 1861. Made returnable on the 6 day of November 1861. See page 142.

Page 139

John H.T. Main vs. Syllas Sanders. 19th day of January 1861. Day of trial. Plaintiff appeared. Defendant did not appear. Error. See page 156 & 157.

Page 140

State of Arkansas vs Archibald Stroud & William Stroud } felony. 21 January 1861 comes Malachi Collins and having filed before me his complaint in writing and upon oath stating that the said Archibald Stroud and William Stroud did on the night of the 21st day of January commit a violent assault and battery on one James Kerr in the county of Sebastian in the state of Arkansas (illegible) cutting him with these knives in several places with the intent to kill and murder him (illegible) and praying that a warrant be issued (illegible) for the arrest of said Archibald Stroud and William Stroud. 21 January 1861. On this day comes the said Archibald Stroud and William Stroud in custody of the constable and thereupon it is ordered by the Justice that this cause be adjourned until tomorrow morning 9 o'clock a.m. and that these persons be kept in charge of the constable. See page 141.

Page 141

Suit continued from page 140. Tuesday morning. 9 o'clock a.m. January 22nd 1861. On this day comes the said Archibald Stroud and William Stroud in custody of the constable and I proceeded to examine each complainant and witness in regard to said charge, the testimony of whom was reduced to writing and sworn to be each of them. And thereupon I informed the said Archibald Stroud and William Stroud of said charge and that they were at liberty to refuse to answer any questions put to them and said Archibald Stroud and William Stroud declined making any statement whatever (illegible) being of opinion the defendants are guilty as charged and the offense being bailable, it is ordered that said defendants enter into recognizance with sufficient security to the State each in the sum of \$500, conditioned for their appearance at the next circuit court (illegible). Defendants not entering into such recognizance, they are committed to the jail in Sebastian County until they do so or be otherwise discharged by law. And the said Malachi Collins, John Kennedy, James Kerr, William Carcoran, Charles Powell, William Heffarman(?), Michael McNamee, A. Spring, and James A. Davis, witnesses

Page 142

Suit from page 141. all are (illegible) to give evidence. S.M. Ellis vs Henry Morean } suit from page 38, directed and delivered to the constable of Upper Township endorsed thereon that the debt is \$10.44, interest - \$.35, Justice costs - \$1.50, Constable fees - \$.50.

Page 143

State of Arkansas vs Thomas Betterton. 21 January 1861. Complaint by William Farmer that Thomas Betterton on 21 January A.D. did feloniously secret and make way with one horse property of Samuel T. Foust (illegible) with the intent to embezzel and convert to his own use (illegible). Whereupon a warrant is issued and directed to the constable of Upper Township commanding him to arrest said Thomas Betterton, and to bring him before me to be dealt with according to the law. 23 day of January 1861. On this day comes the said Thomas Betterton in custody of the constable and also John J. Duprey, attorney for the state for the prosecution and by consent of the parties, cause is adjourned until Monday, 28 January 1861. Thomas Betterton is remanded to the custody of the constable till such time of adjournment. And on said 28th January 1861 comes the said Thomas Betterton in custody of the constable and J.J. Lock, a resident and citizen of the city of Little Rock (carried to page 172)

Page 144

In the matter of an estray taken up by William Garrett. 26 January 1861. I do appoint John Putnam, George Garrett and George Nieuwier, who are citizen and householders in said county appraisers and describers of said animal. Appraisers give description of mule and evaluation of same (illegible) filed the original of appraisement in the office of the clerk of said county together with the bond of said William Garrett with John Putnam as his security (illegible) all which is certified.

Page 145

John L. Huson vs George Marley. 26 January 1861. The said John L. Huson filed an account against defendant for the sum of \$5.00. Summons issued. Judgment by default, \$5.00 for debt plus costs.

Page 146

John Moulder vs Cornelius Barteyte(?). 26 January 1861. John Moulder filed suit against defendant for sum of \$7.00. Summons issued. Case dismissed 6 February 1861 by defendant executing his note to plaintiff with H.L. Holoman as security in the sum of \$7.00 and plaintiff paid me 50 cents my cost and J.M. Wheeler fees as constable 25 cents yet due.



Page 147

John Moulder vs Fredrick Stoudt. 26 January 1861. John Moulder filed suit against defendant for sum of \$3.75. Summons issued. Trial 6 February 1861. Judgment for plaintiff. Judgment, \$3.75; Justice costs, \$.50; constable costs, \$.50.

Page 148

Bostick Griffith Pennywit, Plaintiff vs J.W. Vandever, Defendant. 26 January 1861. Plaintiff filed note against J.W. Vandever. Summons issued. 6 February 1861. On this, the return date, the said summons was not returned served and thereupon I am of the opinion that the defendant have his costs of suit in this case expended. Justice costs, \$1.00; constable costs \$.50. James A. Davis, the collector, said he would have assets in his hands of defendant to pay the plaintiffs demand.

Page 149

Bostick Griffith Pennywit vs W.C. Whitfield. 26 day of January 1861. Suit by Bostick Griffith Pennywit against W.C. Whitfield for unpaid note of \$100 with interest of 10% per annum, dated January 15, 1857. Summons served by default. Judgment of plaintiff. Judgment \$100.00; damages, \$40.20; Justices cost, \$1.40; Constable costs, \$.70. Judgment and interest satisfied in full by defendant executing his note to plaintiff with John Wallace and Ket(illegible) as his securities. Signed: James A. Davie, Constable of Upper Township.

Page 150

John Moulder vs Frank Smith. 26 January 1861. John Moulder filed suit against Frank Smith in the sum of \$3.50. 6 February 1861. Summons returned by constable with no service. It is considered by the Justice that the plaintiff is nonsuited and that defendant go hence without delay and have all his costs in this suit expended. Justices cost, \$.75; constable costs, \$.50.

Page 151

J.O. Williams vs Wm. Harper. 26 January 1861. J.O. Williams filed an account and bill of particulars against defendant for sum of \$3.00. Summons issued and served. February 6th, 1861. Plaintiff and defendant appeared. It was agreed that the defendant pay \$3.00 and case is dismissed by order of plaintiff. Justices cost, \$1.50 (paid); constable cost, \$.50 (paid).

Page 152

J.O. Williams vs Henry Trush. 26 January 1861. Plaintiff filed account and bill of particulars against the defendant for the sum of \$16.00 and summons issued. 6 February 1861. Summons returned served. Parties appeared. Judgment:

plaintiff have sum of \$16.00 for his debt and all of his costs in this case expended. Judgment, \$16.00; Justices cost, \$.50; Constable costs, \$.50.

Page 153

Williams and Baldwin vs Morean, Defendant. 26 January 1861. Suit for sum of \$2.50. Summons issued. 6 February 1861. Summons returned served. J.O. Williams, one of the plaintiffs, and defendant appeared ready for trial. Evidence introduced and after due deliberation judgment was for plaintiff. Defendant to pay debt of \$2.50 and court costs. Judgment, \$2.50; Justices cost, \$1.00; constable costs, \$.50.

Page 154

J.O. Williams vs H.(?) S. Baker. 26 January 1861. Suit filed for sum of \$800.00. Summons issued. February 6, 1861. Summons is returned by constable satisfied in full and plaintiff agrees to pay the cost herein expended. It is therefore considered by the Justice that the defendant go therefrom without delay and have and recover of the said plaintiff all his costs about this cause expended. Justice costs, \$.50. Costs paid by plaintiff to Justice this 9th day of February 1861.

Page 155

Michael McNamee vs Ward Coachman} suit from page 130. 20 January 1861. Plaintiff appeared. Defendant did not appear. Judgment for plaintiff in the sum of ten dollars for his debt and all costs. Judgment, \$10.00; Justices cost, \$3.00; Jas. Edmondson and plaintiff keeping horse 6 1/2 days, \$3.50; Constable costs, \$.75. And on this day the said plaintiff filed his bond to said defendant with John King as his security in the sum of \$20.00 conditioned according to law which bond and security are approved by me. Thereupon it is ordered by the Justice that James A. Davie as constable pay over to said plaintiff the sum of ten dollars out of the proceeds of the sale of said horse heretofore in this case attached and ordered to be sold as perishable property and to pay over all the costs in this case and the residue subject to the order of the defendant and make his report of the proceedings thereon.

Page 156

John H.T. Main vs Syllas Sanders } attachment. 20 December 1860. Writ of attachment levied against real estate: one town lot in Fort Smith known as lot no. four (4) in block no. twenty (20) fronting Green Street, measuring fifty feet on said Green Street by one hundred and forty feet deep to an alley. Notice properly posted. Plaintiff appeared for trial. Defendant did not appear. See page 157



Page 157

John H.T. Main vs Syllas Sanders } Suit from page 156. Note made to J.H.T. Main by Syllas Sanders: I promise to pay fifty four dollars (illegible) money loaned to me, a lien upon one of my lots in the city of Fort Smith. Signed 17 June 1860. Judgment for plaintiff: \$54, debt; \$30.81, damages; and all of the costs of suit expended. The above judgment has been satisfied in full February 5th 1861. Signed: J.H.T. Main

Page 158

D.W. Heard vs Antone Nice. 26 January 1861. D.W. Heard filed account and bill of particulars against defendant Antone Nice for the sum of \$8.00. Summons issued. 6 February 1861. Both parties appeared. Debt proven valid. Judgment for plaintiff. Rec'd. of Antoine Nice in full of the debt and costs of the above (illegible) and costs, May 22, 1861. Signed: Samuel Edmondson. Rec'd. by the hands of S. Edmondson, J.P., eight dollars and fifteen cents in full of the debt damages on the above judgment. May 22, 1861. Signed: D.W. Heard

Page 159

Joseph Bonefous vs Joseph W. Vandever. 26 January 1861. Account filed for \$46.10. Summons issued. 6 February 1861. Summons duly served. Plaintiff made default. Defendant had his costs expended.

Page 160

Ann Lane made an oath claiming to be the rightful owner of a cow and calf that she supposed was posted by J.C. Allison before James J. Baker a Justice of the Peace on the 7th day of January 1861. (The whole page is very difficult to read, but apparently is just Ann Lane's statement which was signed:

Her  
Ann X Lane  
Mark

Page 161

Joseph Brown vs Thomas Finney } attachment. 11 February 1861. Joseph Brown filed an account against Thomas Finney and a writ of attachment was issued. On the 25th of February 1861 neither party appeared. Case continued until 2 March 1861. Neither party appeared on 2 March 1861 and the case is continued until 20 March 1861. On that date the plaintiff failed to appear to prosecute the suit and the defendant was declared nonsuited.

Page 162

State of Arkansas vs John Cassedy. On 6 February 1861 comes Joel A. Hall filing a complaint in writing and under oath that John

Cassedy did on 6 February 1861 commit violent assault and battery on him, striking him with a "Jack plane" and forcibly taking his tool chest of the value of one hundred dollars. Warrant issued. 6 February 1861, John Cassedy was arrested by the constable. He entered into recognizance with John Cassedy and F.W. Colby in the sum of two hundred dollars for his appearance on the 11th day of February 1861. On that date, the suit is dismissed by consent of the parties at mutual costs. See page 163.

Page 163

Signatures and costs for the suit on page 162.

Page 164

State of Arkansas vs George Bennett, Toney Farmer and Matt Ellis. 11 February 1861. On this day comes Wesley Barnett and filed a complaint (illegible) that on 11 February 1861 George Bennett, Toney Farmer and Matt Ellis did shoot and kill a man known by the name of Butcher and did also shoot at with intent to kill and murder John P. Haag (illegible). Warrant issued to arrest defendants and bring them before said Justice and R.M. Johnson, Mayor of Fort Smith at the Mayor's office to be dealt with according to the law. 12th February 1861. Plaintiffs appeared in custody to constable and complainant and witnesses examined. Case adjourned until tomorrow morning at 9 a.m. See page 165.

Page 165

Suit from Page 164. 13 February 1861. Plaintiffs appeared in custody of John H. Lane and Jacob Loudermilk, policemen (illegible). Examinations of witnesses resumed. Case adjourned until February 14, 1861. On that date examinations continued and case adjourned until next day. Friday, February 15, 1861. Examination of witnesses continued. Rights read to prisoners. Carried to page 167.

Page 166

Be it known that upon an inquisition taken the 15th day of February 1861 at the county of Sebastian and city of Fort Smith before Samuel Edmondson, J.P. of said, upon the view of the dead body of Toney Farmer, by the oath of William Northum, Eli Northum, W. Fenton, M.S. Wilcox, W. (?) Foss, J. Edmondson, G. Smith, Nathaniel Bell, J.G. Roberts, Nathan Rice, J. Bolin, A. Thompson, J.H. Dechazer, and David Day, 12 good and lawful jurors of said county, the said jurors being in due form sworn do say that the said Tony Farmer came to his death by the shot of a pistol from the hand of some person unknown to the jury. In testimony whereof as well the said



Justice as the said jurors do herewith respectfully set their hands this 16th day of February 1861. Signed: Samuel Edmondson, J.P.; E.M. Northum; William Northum; J.G. Roberts; G.C. Smith; M.S. Wilcox; Nathaniel Bell; David Day; Andrew Thompson; H. Wilcox; James Bolin; J.H. Deshazer; W. Fenton.

## Page 167

The State of Arkansas vs George Bennett, Tony Farmer and Matt Ellis } Suit from page 165. which statement so made by said persons was reduced to writing and read over to him and by him admitted to be correct and declared by him to be the truth and the said Tony Farmer and Matt Ellis declined making any statement whatever in said charge and the defendants offering no testimony whereupon the Mayor R.M. Johnson and Samuel Edmondson as Justice of the Peace being of the opinion that the said George Bennett and Tony Farmer are guilty as above charged and said offense not beingailable they are presently committed to the jail of the county of Sebastian, there to remain until discharged by due course of law. Sworn under our hands this 16th day of February 1861. Signed: Samuel Edmondson, J.P.; R.M. Johnson, Mayor. Fees listed.

## Page 168

Fritz Barcher vs Maurice Fritch} attachment. Suit dismissed.

## Page 169

John Felch vs Frederick Gerber. Error. See page 182

## Page 170

Joseph Parou vs William Garrett} attachment. 9 March 1861. Plaintiff filed against William Garrett and a writ of attachment was issued returnable 3 April 1861.

## Page 171

John Goynes vs Jeremiah Trotter. Suit filed for \$99.82. Plaintiff and defendant agrees and makes their voluntary appearance before me Samuel Edmondson (illegible) on 6 February 1861 and the parties both appearing in their proper persons and the said defendant filed his affidavit praying a continuance for the want of evidence of James Goad, a material witness for him, thereupon said case is adjourned until 6 March 1861. 6 March 1861. Case adjourned until 3 April 1861. Leave given either party to take depositions before any judge or justice of the peace in this state or any of the United States or territories thereof to be read in evidence on the trial of this case upon notice given and a communication therefore is issued and directed to (sentence not completed).. and this case is adjourned until the 3 day of April

1861. The parties appeared by their attorneys and thereupon it is considered by the Justice that this case be adjourned until tomorrow morning ten o'clock a.m. See page 188.

## Page 172

State of Arkansas vs Thomas Betterton} Case from 143. and declared that he was the rightful owner of said property but abandoned and absented himself from the prosecution of said cause thereupon the prisoner is hereby discharged.

## Page 173

Robert Mann and Hale vs Wm. Smith. 11 March 1861. Suit for \$10.00. Judgment for plaintiff; debt plus costs, which was satisfied in full.

## Page 174 (Missing)

## Page 175 (Missing)

## Page 176

State of Arkansas vs John Deshaser. On 12 March 1861 comes George S. Taylor and filed a complaint in writing that said Deshaser (illegible) is about to commit an assault and battery upon him (illegible) followed him to his boarding house at Mr. Wadleys (illegible) on 12 day of March 1861 and did (illegible) threaten to shoot, kill and murder him. Warrant issued for arrest of defendant. Defendant brought before me in custody of constable and thereupon I proceeded to take the testimony of complainant and other witnesses. Justice considers John Deshaser guilty as charged. Bond of \$200 posted for appearance at the next term of the circuit court. The said John Deshaser escaped from the constable. Justices fee \$4.00.

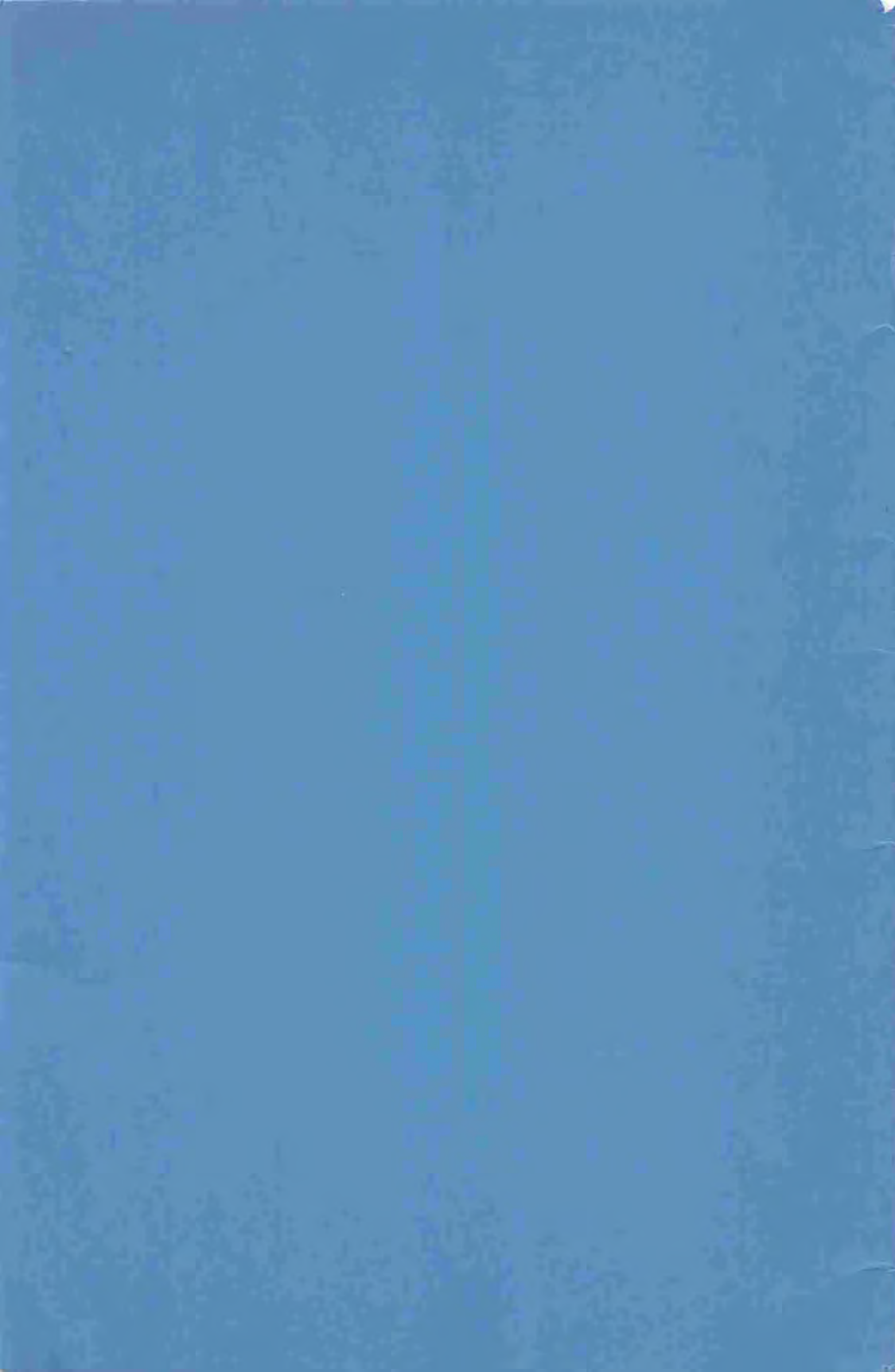
## Page 177

Francis M. Wadley vs Wm. Smith} attachment. 13 March 1861. Justice, after examination of evidence finds for the plaintiff in the sum of two dollars and fifty cents and costs. Satisfied in full by D. Province.

## Page 178

Philip Baum vs H.S. Baker. 13 March 1861 comes the said Philip Baum as well as the said H.S. Baker and the said Philip Baum and files his account against the said Baker for the sum of \$4.45 and the said H.S. Baker files in writing his confession of judgment wherein he says he is indebted to the said Philip Baum in the sum of \$4.45 debt and consents that judgment may be rendered against him for the same. It is therefore considered by the Justice that said Philip Baum recover of said H.S. Baker the sum of four dollars and forty five cents for his debt and all costs in and about this suit expended. Judgment, \$4.45; Justice fees, \$.50. I bind myself that the above judgment will be paid in the space of two months from 13 March 1861. Signed: A.G. Mayers(?)







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Northwest Arkansas Times

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SAN JOSE COUNTY CALIFORNIA  
GENEALOGICAL SOCIETY

OCCGS



The following obituaries from the Northwest Arkansas Times 1994 are missing from this file:

16,17,24,28 & 30 January	9 May
27 June	18 July

The hand written data on each obituary indicates the day of the week, section and page, and date of the newspaper.

Lois N. Miller  
15 November 1995



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Obituaries 1995  
Northwest Arkansas Times

ORANGE COUNTY CALIFORNIA  
GENEALOGICAL SOCIETY

Compiled by  
Lois N. Miller  
1018 Sunset Drive  
Fayetteville, Arkansas 72701





To the best of my ability and knowledge, these obituaries are complete for the year 1995.

The hand written data on each obituary indicates the day of the week, section and page, and date of the newspaper.

Lois N. Miller  
1018 Sunset Drive  
Fayetteville, AR 72701-1737  
28 January 1996

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OBITUARIES 1997  
NORTHWEST ARKANSAS TIMES

Compiled by  
Lois N. Miller  
1018 Sunset Drive  
Fayetteville, Arkansas 72701-1737

ORANGE COUNTY CALIFORNIA  
GENEALOGICAL SOCIETY



To the best of my ability and knowledge, these obituaries are complete for the year 1997.

The hand written data on each obituary indicates the day of the week when published, section and page, and the date of the newspaper.

Lois N. Miller  
1018 Sunset Drive  
Fayetteville, AR 72701-1737  
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ORANGE COUNTY CALIFORNIA  
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OBITUARIES 1998  
NORTHWEST ARKANSAS TIMES

STANISLAUS COUNTY CALIFORNIA  
GENEALOGICAL SOCIETY

Compiled by  
Lois N. Miller  
1018 Sunset Drive  
Fayetteville, Arkansas 72701-1737





To the best of my ability and knowledge, these obituaries are complete for the year 1998.

The hand written data on each obituary indicates the day of the week when published, section and page, and the date of the newspaper.

Lois N. Miller  
1018 Sunset Drive  
Fayetteville, AR 72701-1737  
15 January 1999

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