

Ray County Circuit Court
Circuit - Civil Case
Feb Term 1842

4 of 4

Box 4 File 90

John a mullato

vs

Offutt, James

Freedom Suit

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190, 260, 308
362

70 images

John (a mulatto
vs.

James Offutt. The clerk will
issue subpoenas for the
same witnesses that were
examined at the trial on
the part of the plaintiff.
(See Bill of Exceptions.)
Rees & Dunn
for plff.

John (a mulatto)

vs. $\frac{3}{4}$

James Offutt.

Filed 24th Feb^y

1844. McMillian

clerk

Issued

STATE OF MISSOURI, }
COUNTY OF RAY, } SCT.

The State of Missouri, to

John B.
Slaughter, John Hariss, Senia Sanoy, Schibald
Tompkins, Litttan Oggett Grubing

You are hereby commanded to be and appear before the Judge of our Ray
Circuit Court, at the court-house in the town of Richmond, on the *first*
day of the next term of said Court, to be begun and held on the *second*
Monday in *March* 1844, to give evidence in a certain matter of
controversy depending in said Court, between *John (a mulatto)*

Oggett — Plaintiff and *James*
Defendant on the part of the *Plaintiff*
Hereof fail not at your peril.

WITNESS, W. C. WILLIAMS, Clerk of the said Court, with his private
seal affixed, (there being no seal of Court yet provided,) at office,
this *25th* day of *February* 1844.

W. C. Williams Ck
B. B. Oliver P.C.

I Executed the within Subpoena by Reading the same to the
 within named J B Slaughter Linoa Sanon Littleton offutt
 & by Leaving a True copyes with Mrs Sampkins wife female
 person over the age of fifteen Years & wife of A Thammings also by leaving a True
 Copy with Mrs Seimens's Son with Male Person over the age
 of fifteen Years at Ray City Mo on the 4th day of March 1848

843

J. B. (a mulatto)

Mrs J. Spae

James Offutt

March 1848

Offs. Witness

J. B. Slaughter

John Davis

Linoa Sanon

Archibald Sampkins

Littleton Offutt

Shuffe per \$2.50

Hardy Holman
 Sheriff of Ray County Mo.
 By H. Holman Sec

John (a mulatto)

^{vs.}
James Effutt.

To James Effutt the above named
defendant, Take Notice:

That on the 31st day of July A.D. 1844
at the clerk's office of the Circuit Court
of the County of Logan in the State of
Kentucky, in the town of Russellville
in the County and State aforesaid,
and between the rising and
setting of the sun of that day,
I will take the depositions of
witnesses to be read in evidence
on the trial of a suit now
pending in the Circuit Court
of the County of Ray in the State
of Missouri, wherein I am
plaintiff and you are defend-
-ant, pursuant to a commis-
-sion for that purpose, such
taking to be continued from
day to day at the place and
between the hours aforesaid
if necessary until comple-
ted - when and where
you are at liberty to attend.

Respectfully

June 25th A.D. 1844.

John the plaintiff
by Rees & Dunn Attorneys

Service of the above acknowledged
June 26th A.D. 1844.

Doriphan Edwards
attos for def

843

John (a mutatto)
vs. $\frac{3}{3}$ Trespass.

James Offutt.

Notice to take
Depositions.

Filed 25th June 1844

B. Oliver
clerk

1
Mr Charles Proctor is next friend of John Sewell
Moses Sarah & Sam infants in five several suits in
Vespas Vi et Armis now pending in the Logan
Circuit Court against me the undersigned. Take
Notice that on the twelfth of October in the year
1839 at the house of William Wiley in the County
of Fairfax in the State of Virginia I will take
the Depositions of Wm M. Offutt Esq. Eli Offutt Esq.
Smith Wm Wiley Eliza Smith Robert Johnson John
Jackson & Others to be Read as evidence in five several
suits in Vespas Vi et Armis now pending in the
Logan Circuit Court. John an infant against
me John Sewell an infant against me
Moses an infant against me Sarah
an infant against me Sam an infant
against me Each by their next friend Charles
Proctor Jun. at which time & Place I will continue
from Day to Day till said Depositions are taken.
D. Augt 1839. Yours &c Estie Offutt.

Executed by Delivering a True Copy of the within
Notice to Chas Proctor this 18th Sept 1839.

Jos B Biggs At for
J. S. Maughter &c.

Mr Charles Proctor is next friend of John
Sewell Moses Sarah & Sam infants in five several
suits in Vespas Vi et Armis now pending in the
Logan Circuit Court against me the undersigned
Take Notice that on the twelfth of October in
the year 1839 at the house of William Wiley in
the County of Fairfax in the State of Virginia
I will take the Depositions of Wm M. Offutt Esq.
Eli Offutt Esq. Smith Wm Wiley Eliza Smith Robert

(2)

Witness John Jackson & Others to be read as evidence
in five several suits, in Tazewell or it Armes now
pending in the Logan Circuit Court, to wit John
an infant, Against me Deft. Lewisell, an infant
against me Deft. Moses an infant Against me
Deft. Sarah an infant against me Deft. Sam
an infant against me Deft. Each by their next
friend, Charles Proctor junr at which time & place
I will, Continue, from day to day till Deposi-
tions are taken Yours &c Eli Offutt
22nd Aug 1829.

The Commonwealth of Kentucky,
To Messrs. Ball & John Parson, Justices of the Peace
in and for the County of Fairfax, and State of
Virginia. Greeting. Know ye that We
Trusting to your fidelity, and provident Circum-
stances, do diligently examining W^m M. Offutt
Eli Offutt, Saml Smith, W^m W. Eli, Eliza Smith,
Robert Wilson, John Jackson & Others Witnesses
as well on the behalf of Eli Offutt Deft. as
on the behalf of John an infant Lewisell an
infant Moses an infant Sarah an infant
Sam an infant by Charles Proctor junr the next
friend in five several suits, each of the afo-
said infants being a Plaintiff. Command you or any
two or more of you that at such certain times &
places as you shall Appoint you assemble your-
selves and the Editors aforesaid before you or
any two or more of you you Call and Cause to
Come and then diligently examine on oath or
Affirmation, as the Case may be and their
Examinations into our Logan Circuit Court
at the Courthouse in Russellville, distinctly and

Plainly Without Oblay you shall read and certify
under your hands & seals enclosed returning also
to us this writ. Witness Spencer Cusd. Clerk of
Our said Court at the Courthouse Aforesaid the
22nd day of Augt 1829. And in the 38th year of the
Commonwealth
Spencer Cusd.

State of Virginia Fairfax County Sub.
We the subscribers two of the Justices of the Peace,
in and for the County Aforesaid do hereby Certify
that by Virtue of the Within Commission to us
directed have taken the depositions of the Within
Named. Eliza Smith & Anne Smith Robert Hoxen
William Wiley Eli Offutt & William M. Offutt
& that John Jackson ~~the~~ other Witness did not attend
he being sick as we are informed. Given under our
hands this 12 Oct 1829. Matthew Ball
John Garrett

The Deposition of Eliza Smith aged sixty One years
taken this 12th day of October 1829 at the House of
William Wiley in the County of Fairfax in the
State of Virginia by Virtue of the Commission hereto
 annexed and to be read as evidence in five suits
depending in the Logan Circuit Court in the
State of Kentucky in which John an Infant is
Plaintiff and Eli Offutt is Defendant. Newell
an Infant is Plaintiff and Eli Offutt is Def.
More an infant is Plaintiff & Eli Offutt is
Def. Sarah an infant is Plf. & Eli Offutt is Def.
I am an infant is Plf. and Eli Offutt is
Def. each of said Infant Plaintiffs by their
next friend Charles Proctor Junr. The Defendant

being first sworn says that she is a Daughter of Roger Offutt deceased late of Fairfax County Virginia that she will know a Mulatto Woman named Love who belonged to the said Roger Offutt from her first recollection untill said Love and her three Children to wit Henry Moses and Emily Wondson by the said Roger Offutt to his son Eli Offutt that said Love & her Children were always treated and held as Slaves by her father from her first Recollections untill they were given to said Eli Offutt that she never heard from any any source that the said Love or Children were free or entitled to their freedom during that time and that she has no reason to believe that they are entitled to their freedom. This Depoant knew Cassy the Sister of the said Love who formerly belonged to William Offutt now dead of Montgomery County Maryland and never understood or heard that she had or claimed any pretence to her freedom. This Depoant knows that the said Love had a Black man Slave called Frank for her husband and that he belonged to the said Eli Offutt and further saith not.

Eliza Smith.

The Deposition of Samuel Smith aged fifty years this 12th day of October 1829 at the house of William Wiley in the County of Fairfax in the State of Virginia by Virtue of the Commission hereto assigned and to be Read as evidence in the first suit mentioned in Caption of the foregoing Deposition of Eliza Smith. The deponent being first sworn says that he knew a Mulatto Woman called Love about thirty years ago she then

belonged to Rezen Offutt of Fairfax County Va
 and continued his until 19 or 20 years ago when she
 and her children were given by the said Rezen Offutt
 to his son Eli Offutt. he also knew Love's sister Casy
 he saw her when she came to see Love, a little
 before Eli Offutt moved. Love & her children told him
 they saw Casy at another time at William Offutt's
 in Montgomery County Maryland. This deponent
 was frequently at the house of Rezen Offutt from
 the year 1863 until the time of his death and
 married his daughter in December 1865 from
 which circumstance he well knew. He said
 Love and knows that she was considered treated
 & held by the said Rezen Offutt as a slave he
 never knew or heard that she claimed any right
 to her freedom whilst she remained in this state
 but has heard that she has been set at liberty by
 some of the Courts in Kentucky. he has never heard
 that Casy Love's sister ever claimed her freedom
 or that she considered herself entitled to it.
 Love & Casy were both bright mulattoes and
 differed but little if any in colour. This depon-
 ent knows that the said Love had a black man
 slave called Frank for her husband. who
 belonged to the said Eli Offutt and was by
 him taken to Kentucky sometime before his
 father gave Love & her children to him and
 further this deponent saith not
 Saml Smith

The Deposition of Robert Nixon aged seventy one
 years taken this 12th day of October 1839 at the house
 of William Wiley by virtue of the Commission
 hereto annexed in the County of Fairfax and

State of Virginia. to be read as evidence, in the five
Suits mentioned in the Caption of the foregoing
Deposition of Eliza Smith. The deponent being first
sworn. Says that he resided or lived within One mile
of the residence of Rezen Offutt. deceased. late of
this County for many years and well knows a
Mulatto Woman. who belonged to the said Rezen
Offutt by the name of Love. he knew said Love from
the time the said Rezen first bought her until he
gave her and her children to his son Esli Offutt.
from the best of his recollection, he believes it to be
between thirty & forty years since he first knew
said Love and well knows that she was always
treated and considered by the said Rezen Offutt
as a slave and as his property. he never heard or
supposed that the said Love was free or entitled
to her freedom whilst she remained in this State.
he knows that said Love had a black man called
Frank for her husband. who belonged to Esli Offutt
and further this Deponent saith not.

Robert ^{his} Hemm
made

The Deposition of William Wiley, aged forty six years.
taken at the time and place mentioned in the Caption
of the foregoing Depositions of Eliza Smith and to be
used as evidence in the five Suits therein stated. This
Deponent being first sworn deposes and saith
that he has resided within one and half miles of the
farm where Rezen Offutt lived & died. more than
thirty years and well knows a bright Mulatto
Woman called Love. who belonged to the said
Rezen Offutt that she was always while he
knew her esteemed & reputed ~~xxx~~ to be a slave and
was treated as such this deponent never saw

Yours Truly
Wm. Wiley

The Deposition of Eli Offutt aged forty three years taken this 12th day of October 1811 at the house of William Wiley in the County of Fairfax in the State of Virginia by Virtue of the Commission hereto annexed admissible Read as evidence in five suits depending in the Logan Circuit Court in the State of Kentucky in which John an Infant is Plaintiff and Eli Offutt is Defendant & Leobellus an Infant is Plaintiff & Eli Offutt is Defendant & Moses an infant is Plaintiff & Eli Offutt is Defendant each of said Infants represented by their next friend Charles Proctor Esq. The deponent being first sworn says that he was well acquainted with a Mulatto Woman named Love formerly the Property of the Defendant Eli Offutt together with the two other Negro Children named Ennis & Chloe who were given to the said Eli Offutt by his father Pezcu Offutt of Fairfax County Virginia in November or December 1809 at the same time the said Pezcu Offutt gave to this deponent five other Slaves all of which the said Eli & this deponent in January 1810 took to the State of Kentucky in which state the said Eli resided and this deponent intended to make his residence that after their arrival in Kentucky and sometime in the year 1810 the said Love had a son by the name John who this deponent is informed is Plaintiff in One of the Suits above named that in April 1811 this deponent

left Kentucky but in the year 1814 returned again
 where he saw the said Love and her children.
 And again he saw the said Henry and John in
 the year 1822 in the possession of the Deft Eli Offutt
 in Logan County in the State of Kentucky this
 Deponent knew the said Love from his first reced
 tions more than thirty years ago. She then belonged
 to this deponents father the said Reuben Offutt
 who then resided on the farm on which this
 deponent now lives she continued his property
 until the year 1809 when she was given to the said
 Deft Eli Offutt. The said Love has a sister by the
 name of Cassy now residing with Zaddock Offutt
 of Montgomery County Maryland about 9 or 10 miles
 from this deponents. This deponent when a small
 boy lived some months with his Grand Mother who
 lived about one or two miles from the said Cassey
 then Master William Offutt the said Zaddock Offutt
 father where this Deponent was frequently in
 the habit of going from which circumstance
 he became acquainted with the said Cassy
 since which he has frequently seen her. The said
 Love used to visit each other in the character of
 sisters and claimed each other as such ever
 since this deponent ^{first} knew them the said Love
 and Cassy are both bright Mulattos this deponent
 did not know the mother of the said Love and
 Cassy but has been informed by Samuel Offutt
 now deceased that she was a white woman
 slave named Christian and that she belonged
 to Lyon Beall of Montgomery Maryland and
 was given to said Beall by his father in Law
 Enos Campbell that said Love & Cassy were taken
 in execution as the property of said Beall by the Sheriff

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of Montgomery County, Maryland & whose purchase
is by ^{the} said Samuel Offutt from the said Sheriff at
private sale by the Consent of said Dealt. that the said
Cassy now lives and has lived for more than thirty
years not more than 9 or 10 miles from the place
where Leon Dealt lived and not more than 6 or 7
miles from Montgomery Courthouse as this
deponent has been informed. This deponent has
never heard that the said Cassy ever did at any
time claim her freedom nor has he ever heard
from any source that she was entitled to it neither
did he ever hear that Joe claimed her freedom
or that she was in any manner entitled to it
until he was informed that she had been set at
Liberty in Kentucky this deponent has no cause
to believe that either the said Joe or Cassy or their
children are entitled to their freedom. The said Joe
had a black man slave named Frank for his
husband who belonged to the said Esq. Offutt and
was by him taken to the State of Kentucky some
time in the early part of the year 1807 and further
this deponent saith not. E. Offutt.

The Deposition of William M. Offutt Aged Seventy five
years taken at the time and place mentioned in the
Caption of the foregoing Deposition of Eliza Smith
and he used his oath in the first suit therein
sworn by virtue of the Commission hereto annexed
The deponent being first sworn deposes and
saith that he was well acquainted with a
mulatto woman named Joe who formerly
belonged to his brother Peter Offutt of this County
that the said Peter Offutt purchased her from
his brother Samuel Offutt of Montgomery County

Maryland. Who as this deponent was informed by
 the said Samuel purchased her and three other young
 Slaves at Private Sale from the Sheriff of Montgomery
 County who had them under Execution as the property
 of Leon Beall by the Consent of said Beall to the best
 of this deponent's recollection it must have been
 forty years or more since he first knew said Love
 and from that time until she and her children
 were seen by said Regu Offutt to his son Asli
 Offutt she has always continued treated considered
 and reputed to be a Slave that he frequently saw
 her and during that time never heard that she
 claimed or set up any pretention to her freedom
 nor has he any reason to believe that she in any
 manner entitled to it. This deponent also well
 knew said Love's sister named Cassy who was
 one of the four young Slaves purchased by said
 Offutt from the Sheriff above mentioned she was
 sold by the said Samuel Offutt to William Offutt
 of Montgomery County Maryland and was held
 by him as a Slave until his death and ^{this} deponent
 is informed that she is still a Slave and belongs
 to Zedek Offutt a son of ^{the} William Offutt
 the said Love & Cassy are both light mulattoes
 and discolored but little in colour if any. This
 deponent did not personally know the mother
 of the said Love and Cassy but has understood
 and heard that she was a mulatto woman
 slave before she to said Leon Beall at the
 time said Offutt purchased said Slaves
 the said Beall did not live more than 9 or 10 miles
 from said Regu Offutt's place of residence
 whom he owned Love and not more than the same
 distance from William Offutt who owned Cassy

And that said William did not live more than six or seven miles from Montgomery Courthouse. This deponent also bought one of the said four slaves from said Effutt called Milly and some years ago a Negro Woman who Represented ⁱⁿ herself to be the Mother of said Milly. Came to see her and in conversation she informed this deponent that she and said Love's Mother were sisters this Woman was so dark that she could not possibly be called a Mulatto. This deponent knows that both Love & Casey had Negro men for their husbands. The deponent thinks it is between 19 or 20 years since the said Negro Effutt gave the said Love & her Children this son Eli Effutt and further this deponent saith Not

William M. Effutt.

State of Virginia Fairfax County. We Matthew Ball and John Garrett two of the Justices of the Peace in and for the County of Fairfax in the State of Virginia do hereby Certify that the foregoing depositions of Eliza Smith, Samuel Smith, Robert Keipson, William Miles, Eli Effutt and William M. Effutt were taken & sworn to and subscribed before us at the house of William Miles in the County of Fairfax in the State of Virginia this 12th day of October 1829. Signed under our hands and seals this 12th day of October 1829

Matthew Ball. (Seal)

John Garrett. (Seal)

W Charles Proctor agent friend of John an Infant in a suit in Equity vs William now pending in the Local Circuit Court against

me the undersigned Take Notice that on Monday
the 5th day of April 1831 at the Tavern House of
Reuben B. Watling in Poplarville Montgomery
County Maryland I will take the Depositions
of John Beall Joshua Chilton & Others. Also on
Wednesday the 7th day of April 1831 I will take
the Depositions of Anne Rose and Others at the
House of John Rose in Leesburg Loudon County
Virginia. To be read as evidence in the Above
mentioned suit against me at which time and
place or times and places I will continue from
day to day. til said Depositions are taken
10th May 1831. Yrs. Edli Affult.

Executed by delivering a true Copy of the Within
Notice to Charles Proctor also four other Copies
of the Within Notice to said Proctor as the Next
friend of Sewellyn Moses Sarah & Samuel this
13th May 1831. Jas. A. Biggs, Atty. for
Thos. S. Hightower & L.C.

The Commonwealth of Kentucky to Wm. H.
McCalla & Saml. M. Edwards Justices of the peace
in and for the County Loudon and a tale of
Virginia. Gentlemen Greeting. Know ye that we
trusting to your fidelity and provident
circumspection in diligently examining
Anne Rose Witness as well on the behalf
of Edli Affult as on the behalf of John
Sewellyn Moses Samuel & Sarah people
of Color. by Chas Proctor & their next
friend is Plaintiff Command you or any
two or more of you that at such certain times

And places as you shall appoint you assemble
 yourselves and the Witness aforesaid before you or
 any two or more of you. You Call and Cause
 to Come and hear diligently the Examination on Oath
 or Affirmation as the Case may be. And hear
 Examination into our Logan Circuit Court at
 the Courthouse in Russellville distinctly and plainly
 without delay. you shall send and Certify under
 your hands and Seals enclosed returning also to
 us this writ. Witness Spencer Curd Clerk of
 our said Court at the Courthouse aforesaid
 the 1st day of March 1830 and in the 3rd year of
 the Commonwealth
 Spencer Curd.

The Deposition of Anna Rose taken at the house
 of John Rose in the Town of Leesburg in the County
 of Loudon & State of Virginia on the sixteenth day
 of April 1830 between the hands of Sup. and Jms
 Wet. pursuant to a Commission hereto annexed
 to be read as evidence in the five suits named
 in said Commission. Whereon Estli Offutt is
 Defendant & John Russell, Moses, Hannah
 & Sarah People of Colour each & individually
 by Ch. Ametor. You their next friend is Wm
 depending in the Logan Circuit Court in the
 State of Kentucky. The deponent being first
 sworn deposes and saith that she is a
 young Girl knew a Negro or Mulatto Woman
 named Christiana who belonged to her brother
 Leon C. Beall that said Woman Christiana
 was given by Eneas Campbell to his daughter
 in the wife of Deponent's Brother the said
 Leon C. Beall that said Christiana was held
 as a Slave and died the Slave of the said Leon

C. Beall that said Christian was a Bright Mulatto and had several Children. One of which deponent knew well named Julia who is still a Slave this deponent understands in the State of Maryland. said is a ^{very} Bright Mulatto indeed she would ^{never} be taken by those who did not know her. ^{Original} For a white Woman deponent thinks Christian had a son named Wood by a black man who was of a darker colour but of this deponent will not be positive said Christian was always held considered a Slave and deponent never heard the least intimation that the said Christian was a free Woman or had any pretensions to freedom I further say not Anna Rose.

Virginia Loudon County &c.

We John A. McCabe and Paul M. Edwards two of the Commonwealths Justices of the Peace in & for the County aforesaid do hereby Certify that the foregoing Deposition of Anna Rose was taken subscribed and sworn to before us at the time and place in the preamble stated given under hands & seals this 7th day of April 1830.

John A. McCabe Secy
Paul M. Edwards Secy

The Commonwealth of Kentucky,
To Henry A. Collins & Henry W. Abbott Justices of the Peace in and for the County of Montgomery and State of Maryland Gentlemen Genting
Know ye that we trusting to your fidelity and prudent Circumspection in diligently examining John Beall Joshua Critton Attorneys as well on the behalf of Eli Affitt, Deft. on the behalf of John Beall, Moses, Samuel,

A Sarah People of Colony by Charles Proctor for their
next friend is p^{ss}. Com^{and} you or any two or
more of you shall at such certain times & places
as you shall appoint you assemble yourselves
and the witness aforesaid before you or any
two or more of you you call and cause to come
and then diligently to examine on oath or aff-
irmation as the case may be, and their examina-
tion give into our ^{Logan} Circuit Court at the Courthouse
in Russellville distinctly and plainly without
delay you shall sign and certify under your
hands and seals enclosed returning also to us
this writ. Witness my hand and Clerk of our
said Court at the Courthouse aforesaid the
5th day of March 1831 and in the 38th year of
the Commonwealth
Spencer Clerk

The Deposition of John Beall of Lewis of Lawful
age taken this 5th day of April in the year 1831 at
the Tavern of William B. Casley in Poolsville in
the County of Montgomery and State of Mary-
land by virtue of ~~Order~~ of the Commission
and notice hereto annexed to be read as evidence
in the suits named in said Commission Charles
Estli Offutt is Defendant and John L. Llewellyn
Moses, Samuel & Sarah People of Colony by
Charles Proctor for their next friend each and
individually is Plaintiff depending in the
Logan Circuit Court in the State of Kentucky
The deponent being first sworn and question-
ed deposes and says that he is the son of George
C. Beall deceased late of this County and that
he well knows a mulatto woman by the name

of Christian who belonged to his father, Sheldas.
 Given by ^{his} grandfather Eneas Campbell to his
 this deponent, brother and died about forty
 one years ago Sheldas a slave and continued
 a slave to the time of her death, that said Christian
 in had four children. named, Love, Casy,
 Julia, & John Wood, all of whom the deponent
 Well know. that said Love and Casy were sold.
 When small girls to a Mr Offutt whose Christian
 name he does not now recollect for debt and
 that said Julia & John Wood now belongs to the
 Reverend Mr Armstrong of Frederick County
 in this State that the said Christian has a brother
 named Phil who deponent Well know.
 & who now belongs to Mr Brinner of this County
 that some two or three years ago he saw the
 said Casy at the Courthouse of this County.
 The deponent further saith that he
 has after heard his Grand father Eneas
 Campbell say that a white woman
 named called Monica who belonged to him said
 Campbell was said Christian's mother the
 deponent further saith that his father
 died about thirteen years ago and that he de-
 posit is the only one of the family now
 living further the deponent saith not

John Ball of Levine

We the undersigned two Justices of the peace of Mont-
 gomery County State of Maryland do Certify that the fore-
 going deposition of John Ball of Levine was taken subse-
 led and sworn to before us at the time & place
 therein mentioned

Henry J. Collins Secy
 Henry W. Talbot Secy

The Deposition of Doctor Richard Lyles. of full age
 taken at the time and place mentioned in the Caption
 of the foregoing deposition of John Beall of Leominster
 to be read as evidence in the same suits, The deponent
 being first sworn and Questioned deposes
 and swears that between forty and fifty years ago.
 he was the family Physician of Leominster Beall
 deceased of this County, that between the period
 before mentioned he knew a mulatto Woman
 called Christian who belonged to the said Leominster
 Beall and that she was always while he knew
 her treated as and considered to be a slave and
 that he has no reason to believe she was not a
 slave and further the deponent swears not
 Richard Lyles.

We the undersigned two Justice of the Peace of
 Montgomery County State of Maryland do
 Certify that the foregoing deposition of Dr. Richard
 Lyles was taken subscribed and sworn to before
 us the 5th of April 1831 at the Tavern house of
 Reuben B. Carley in Poolsville.

Henry H. Collier Secy
 Henry W. Talbot Secy

M^r Charles Proctor jur met friend of John M. W.
 allye, Moses, Sarah, & Sarah infants in five several
 suits in Trappap. Vi et Amis now pending in the
 Logan Circuit Court against me the undersigned.
 Take Notice that on the sixteenth day of September
 1829 at the house of Elizabeth Offutt in the County
 of Jessamine and State of Kentucky I will take the
 Deposition of said Elizabeth Offutt & Others also
 on the eighteenth day of September 1829 I will

Attended at the Courthouse in Clarke County State
of Kentucky & take the Deposition of Charles Tracey
& Others to be read as evidence in five several suits
in Tassap Vi Et Armas now pending in the Logan
Circuit Court. To wit, John an infant against
me Deft. Shewellyn an infant against me
Deft. Moses an infant against me. Deft Sarah
an infant against me Deft Sam an infant against
me Deft Each by their next friend Charles Proctor
Jnr at which time & each place I will continue
from day to day till said Depositions are taken
Sept 9th 1839

Yrs Geo

Eoli Offutt

Executed on the within named Charles Proctor
Jnr by Relinquing him a true Copy of the within
Notice this 10th Sept 1839

Jos B Bigger for
Thos S. Maughes Esq.

The Deposition of Charles Tracey taken at the Court
house in the town of Winchester Clarke County
Kentucky and to be read as evidence in five
several suits now pending in the Logan Circuit
Court for Tassap Vi Et Armas Wherein John an
infant Shewellyn an infant Moses an infant
Sarah an infant and Samuel an infant by their
next friend Charles Proctor Jnr is Plaintiff and
Eoli Offutt is Defendant on this 18th day of
September 1839. Agreeably to the Notice herewith
filed. Said Charles Tracey being About twenty
years aged and duly sworn deposeth & saith
to interrogatories by Defendant, That he was
acquainted with Levin Peall of Montgomery
County in the State of Maryland that he lived

With the said Leon Beall. Shortly after his inter-
 marriage with Betty Campbell. A daughter of Enos
 Campbell. and that the wife of said Beall shortly
 after their marriage brought with her a Negro
 Woman named Christany who had a child
 some time after called Love a girl and the said
 child was a very bright mulatto he states that
 he knew the woman well that he saw the child
 that was called Love when she was about a
 week old. and frequently afterwards he further
 states that the woman Christany was always
 during his acquaintance with her and at
 the time she had the daughter called Love was
 considered and treated as a slave. and that the
 daughter of said Christany called Love was
 sold as a slave to Samuel Offutt by Leon Beall
 and was afterwards sold by Samuel Offutt
 to Rezin Offutt of the State of Virginia. and
 remained in their family until she was
 about forty years old. as he thinks the said
 girl or woman Love was brought to the State of
 Kentucky and the County of Montgomery
 where the witness last saw her. And asked
 her if she was the daughter of Christany
 and formerly the property of Leon Beall.
 She told witness that she was the same. he
 further states that the said woman Love was
 set free by the Montgomery Court from her
 white appearance. Without any ^{evidence} ~~appearance~~
~~and~~ going to establish her title to freedom he
 further states that he was present at the
 Montgomery Court in the State of Kentucky
 when the woman Love was freed and did
 not hear the least testimony whatever going to show

that she was entitled to freedom and also that she
 knew the Mother and a Sister of said Love's Mother
 and that the Mother and her Sister was Slaves in
 the State of Maryland. The Negro Love was said
 in the Neighbourhood to be the Daughter of Levin
 Ball, Question by Defendant How many
 Irish or English Servants did you ever know em-
 ployed in the Offutt family. Ans I never knew any
 Question by Cause. What age was Christy
 the Mother of Love when you last knew
 her. Ans she was forty years old or upwards
 as I think from her Appearance and still remai-
 ned a Slave. And further he said not
 Charles Tracy.

Alaska County, Neb.

I do hereby Certify, that the foregoing Deposition
 of Charles Tracy was this day taken subscribed
 and sworn to before me at the time and place
 mentioned in the Caption. Given under my
 hand as Justice of the Peace for said County
 this 18th day of September 1839
 Justice fees \$1.00 paid. Wm. F. Rockaday
 by Defendants
 W. F. R.

The Deposition of Susanah Manuka taken at
 the house of Elizabeth Offutt in Assamini County
 on the 16th day of September 1839 to be read as
 evidence in the five several Suits in trespass now
 pending in the Logan Circuit Court wherein
 Charles Proctor is Plaintiff and Eli Offutt
 Defendant being of lawful Age and first sworn
 Deposeth and saith, Question by the Defendant
 How long have you been in the Offutt family
 What was your age and name when you

became a servant to that family. Answer I have
 served five years in the family as an English
 servant. I have been intimately acquainted in
 that family (the Offutt family) for ^{than}
 fifty years past I think my age. ^{when}
 18 or 20 years. When I first became a servant
 to William Offutt. and my name was at that
 time Susannah Valinto I have ^{been} ~~twice~~ since that
 time married and have taken the names of
 Borne & Maneka. Successively 3 Questions how
 many children have you had and how long
 have they lived. Answer I have had One child
 and that was a boy who lived to be not three
 weeks old 3 Question by the same. How many
 servants have you known to be in the Offutt family
 of English Irish or any other white race. Answer
 none except myself 4 Question by same. Was
 you acquainted with Regim Offutt of Virginia.
 And did you know a Molatto Girl Love that
 belonged to the said Regim Offutt. Answer I was
 well acquainted with Regim Offutt of Virginia
 and have lived in his family for ^{more} years as a hire
 ling to spin &c And was well acquainted
 with the Molatto Girl Love all the time I lived
 with the said Reg Offutt. And do know that
 the said Molatto Girl Love was a slave to the
 said Regim Offutt. And was said to be the daug
 ter of a Coloured slave. And further the Depo
 nit with not. ^{her} ~~her~~ Maneka &c
^{mark}

The foregoing Deposition was taken & sworn
 before me a Justice of Peace for Sassamine
 County this nineteenth day of September 1829
 In testimony whereof I have hereunto set my hand
 and the seal of said office at the day first said
 Andrew M. Campbell J.P.

The Deposition of Elizabeth Offutt taken at the house of Elizabeth Offutt in Jessamine County on the 16th day of September 1827. to be read as evidence in the said several suits in the said now pending in the Supreme Court. Whereas Charles Parrot & Son's Plaintiffs and Esli Offutt Defendants being of lawful age and full service Deposition and sworn, Question by the Defendant Was you acquainted with Love the Slave that Reagin Offutt gave to his son Esli Offutt the Defendant the Mother of Fanny and others Answer I was for we lived here several years and then let Reagin Offutt have her and she remained as a Slave in the Offutt family for forty odd years. Question by same Did you ever see Love's Mother Answer I did. I saw her at Leon Beall's and understood that she was several times at my house to see her ~~daughter~~ Love while we lived here. Question by same Did you know Love's Mother's name and what was her complexion and was she not a Slave belonging to Leon Beall. Answer Her name was Christina and she was a Dark Molatto with Dark Curled hair and which I know her. she was a Slave the property of Leon Beall and she remained a Slave as far as I know. Question by same Was it or was it not supposed Love the Daughter of Christina was a white man's child. Answer yes it was and it was my opinion that she was a white man's child from her colour. Question by the same how long have you been acquainted with the Offutt family and how many Irish or English servants did you ever know to be in the

Offutt family and had they any Children to live
 known I have been acquainted with the Offutt
 family. fifty Eight years and above
 known but And White servant in the family and
 that was a English Woman by the name of Susannah
 Valiant and Afterwards married a man by the ^{name}
 Moses. Bennet and he died And she Afterwards
 married a man by the name of Joseph. Manska
 I have been intimately acquainted with her
 ever since and I never knew her to have a Child
 to live to be six months old and further the Dep-
 onent saith not being seventy years of age

Elizabeth Offutt Esq

The foregoing deposition was taken and sworn
 to before me a Justice of the Peace for Jefferson
 County this sixteenth day of September 1839

Michael M. Campbell J.P.

M^r Esli Offutt
 Take Notice I shall take the depositions of Daniel
 St. John, William Smith & Benjamin East at
 the Court house in Mount Vernon Montgomery
 County Kentucky on the 9th day of October
 1839 and also the depositions of Elizabeth
 Lewis Joseph Praker, William Frause and Susan-
 ah Frause at the house of John David in the
 County of Montgomery State of Kentucky
 on the 21st day of October 1839 to be read as evi-
 dence in suits at Law now depending and
 to be determined in the Local Circuit
 Court in which John a Man of Color by
 his next friend Charles Proctor and also
 Luwellyn, Moses Sam & Sarah by David
 Proctor their next friend are plaintiffs.

(24)

And you are defendant I shall attend from
day to day until the whole are taken

John D. by
Charles Proctor
By Morehead & Norton their
Attorneys.

Executed on the 8th of October 1829 on the within named
Eoli Offutt by delivering him a true Copy of
the within Notice E. H. Schenck Clerk

The Deposition of Roger A. Gist taken on the 19th day
of October 1829 at the Courthouse in the Town of
Montgomery to be read as evidence in a certain
Matter of Controversy depending and undi-
sturbed in the Logan Circuit Court wherein
John a man of colour by his next friend
Charles Proctor and Alice Luwelly Moses
saml. & Sarah by said Proctor their next friends
are Plaintiffs and Eoli Offutt is Defendant
who being lawfully sworn duly sworn
deposes and saith that he moved into the
County of Montgomery in the year 1818
that soon after his removal into said
County he became acquainted with Love
Bell who has been liberated by the Circuit
Court of Montgomery County some time
previously in consequence of her colour.
Said Love Bell having been held as a slave
by Eoli Offutt proper having examined the said
Love Bell with a view to ascertain her colour
this deponent is of the opinion that she is
a white woman many circumstances relative
to the trial of Love Bell and the subsequent

running off her Children After She had been
 declared free Confirmed this Deponent in that Opin-
 ion Love Bell has light Brown hair inclining to be
 sandy She has lillimish Gray eyes her skin though
 tanned from exposure is quite fair beneath her Clothes
 The distance from ^{Montgomery} ~~Maryland~~ to Pupillville is
 About two hundred Miles from the best evidence
 this Deponent has and further this Deponent thinks
 not ~~Witnes~~ ^{Witnes} claimed his attendance ^{at} R. H. List

Also the Deposition of William Smith taken at
 same time and place to be used as evidence in
 same Sub. Who being of Lawful age and
 duly Sworn Deposeth and swears that some
 twenty years since he saw Love Bell in the
 possession of Eoley Offutt as a Slave and was
 well acquainted with her until After her
 Liberation by the Circuit Court of Montgom-
 ery This Deponent believes from her Complex-
 ion the Colour of her eyes and hair that she
 is a white Woman this Deponent has on many
 Occasions seen the Colour of her skin under
 her Clothes that is her Arms &c and believes
 from that as well as every feature about her
 that she is a white Woman this Deponent
 was also present at her liberation by the
 Court and knows she was freed on account
 of her Colour & by Consent Do you know the
 names of the Children belonging to Love Bell
 Asst. Harrietta Called Henrietta Mozer Emily
 and John the youngest While held by Offutt
 as a Slave This Deponent also knows these
 Children were held as Slaves by said Offutt
 This Deponent also knows that these Children

Were shortly After Love Bells liberation removed
from the County and ~~have~~ not as he believes
been seen in the County since and further this
Deponent saith Not William Smith
Witness Claimed his Attendance 50^c

Also the Deposition of Benjamin Hart taken
at same time and place to be used as evidence
in same suit who being of Lawful Age and
duly sworn deposes and saith I Myself Comptd were
you acquainted with Love Bell and do you
know that she was held by Esley Offutt as a
Slave and in what manner and for what
Cause she obtained her freedom. Ans. Some
twenty years since I was acquainted with
Love Bell and at that time she was held
by Esley Offutt as a Slave and that her freedom
was obtained by a Decree of the Montgomery
Circuit Court. As this deponent believes
from her having exercised the privileges of a
free Woman ever since I by same Do you
believe that Love Bell is really a white Woman
Ans. I am of Opinion that Love Bell is from
the Colour of her skin eyes and hair a white
Woman and entirely clear of Negro blood,
I by same Do you know the names of her
Children. Ans. Moses, Henry, Emily and
John the youngest which were held by
said Offutt as Slaves. — I by same Do you
know what has become of these Children
Ans. I believe they were taken off shortly
After their liberation of their Mother and
they have not as this deponent believes been
in the County since and further this depon-
ent saith not
Witness Claimed his Attendance 50^c Benjamin Hart

(27)

The foregoing depositions were taken subscribed
and sworn to on the 19th of October 1839 at the Court
house in the Town of Mount Sterling before me.
L. P. McIlhenny J. Mc

State of Kentucky
Logan County Set 3 I Alexander Hull an acting justice of
the peace in and for the county aforesaid and one of the
magistrates composing the County Court of Logan being a Court
of records do hereby certify that Marmaduke P. Morton
the clerk of the Logan Circuit Court this day made
oath before me in due form of Law that the
foregoing depositions are true copies of the Originals
now on file in his office in the suits specified
in said depositions notices &c as fully and completely
as the same remain on file in his office.

Given under my hand and seal this 14th day of
February 1844.

A. Hull

(Seal)

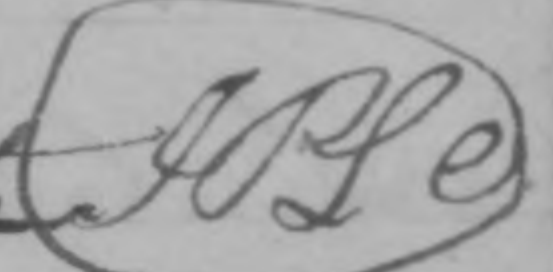
State of Kentucky Logan County Set
I Marmaduke P. Morton as clerk of the said Logan
County Court do hereby certify that Alexander Hull
Esqr whose name is signed to the above certificate
now is and was at the time of signing the same the clerk
of the said Logan County Court duly commissioned
and qualified according to law and that
faith and credit is and ought to be given to all his
official acts as such in testimony whereof I have
Set my name and affixed the seal
of said County Court this 5th day of
August 1844 and in the 5th year of
the Commonwealth

Marmaduke P. Morton
Clerk of Logan County Court



113

State of Kentucky Logan County Set
David T. Smith presiding justice of
the peace in and for the county aforesaid
and President of the said Logan County Court
(being a Court of record) do hereby certify that
Marmaduke B. Morton whose name is signed
to the within certificate now is and was at the
time of signing the same the clerk of the said
Logan County Court duly appointed and qualified
as such and that said certificate and attestation
is in due form of law and by the proper officer
Given under my hand and seal this 7th day
of August 1844.

David T. Smith 



John (a mulatto)
vs. $\frac{2}{3}$ Trespass.-

James Offutt. -

The clerk will
issue a Subpoena for all the
witnesses heretofore summon-
ed on the part of the plaintiff.

August 17th Rees & Durin
A.D. 1844. - Attorneys for plaintiff

813

John (a Mulatto)

as 3rd Sub

(Carpenter)

James Offutt

— " —

Filed 17th Augt.

1844. B. Oliver

Clk

3rd day

STATE OF MISSOURI, }
COUNTY OF RAY, } SCT.

The State of Missouri, to

Archibald
Tampkins, Sarah Saynor, John Hariss, Littleton
Offutt, Joel H. Hughes & Wife & Michael Saynor
Granting David Thompson & Mrs Thompson Granting

You are hereby commanded to be and appear before the Judge of our Ray
Circuit Court, at the court-house in the town of Richmond, on the *Third*
day of the next term of said Court, to be begun and held on the *Second*
Monday in *September* 1844, to give evidence in a certain matter of
controversy depending in said Court, between *John (a Mulatto)*

Offutt Plaintiff and *James*
Offutt Defendant on the part of the *plaintiff*

Hereof fail not at your peril.

Witness, *Benjamin Oliver*
~~Wm. Williams~~ Clerk of the said Court, with his private

seal affixed, (there being no seal of Court yet provided,) at office,

this *4th* day of *September* 1844.

B. Oliver
Clerk

I Executed the within subpoena by Reading the same to
 the within named Mrs Thompson David Thompson A
 Thompkins John Davis Littleton Offutt Joel D Hughes
 & Michael Saylor and by Leaving true Copies with Joel
 D Hughes & Michael Saylor for Mrs Hughes & Sarah Saylor
 at Ray County Mo on this 7th day of September 1844

Sheriff of Ray Co Mo
 H. Coleman

113

John (a Shuttle)

as J Sillman

James Offutt

Sept. 1844

John Thompson

Mrs Thompson

David Thompson

A. Thompson

John Saylor

John Hancock

Littleton Offutt

Joel D Hughes

and wife &

M. Saylor

STATE OF MISSOURI, }
COUNTY OF RAY, } SCT.

The State of Missouri, to *Porterfield*
Toland Greeting

You are hereby commanded to be and appear before the Judge of our Ray
Circuit Court, at the court-house in the town of Richmond, on the *third*
day of the next term of said Court, to be begun and held on the *second*
Monday in *September* 1844, to give evidence in a certain matter of
controversy depending in said Court, between *John (a mulatto)*
Plaintiff and *James*
Offutt Defendant. on the part of the *plaintiff*
Hereof fail not at your peril.

WITNESS, *Benjamin Oliver*
~~W. O. WILLIAMS~~, Clerk of the said Court, with his private
seal affixed, (there being no seal of Court yet provided,) at office,
this *17th* day of *August* 1844.

B. Oliver Clerk

I accept the service of this Subpoena
this 20 day of August 1844
Davis County Mo. For the said John

8113

John (a Thelatto)

20 M. Subpoena

James Oglethorpe

10 Sept. 1844

John Oglethorpe

W. Oglethorpe

John (a mulatto)
vs ³ ~~Freepress~~
James Offutt.

The clerk will
issue a subpoena for the
following witnesses - To wit:
John Davis Archibald Lomp
- Kings, and Mrs Michael Garro
& Doel D. Hughes ^{& Benjamin Brown} and a
separate subpoena for
Porterfield Lohin & forthwith
on the part of the Plaintiff -

Rees & Dunn
Attorneys for Plaintiff

11843

843

John (a mutatto)

vs. }

James Offutt

Principle, -

Filed March 15th
1845 - B. Allen
Clerk

Issued & Caus
Set for 1st day

to submit his case to the jury, and the former judgment would only have been conclusive if pleaded in bar to the action by way of estoppel which the defendant has not done.

6 That if the jury find from the evidence that the defendant was a witness in the former suit they for the defendant in the former suit they will disregard the former judgment. -

7 That if they find from the evidence that the former verdict and judgment were obtained by fraud they will not disregard them. -

8 That if they find from the evidence that the former verdict and judgment was obtained by collusion between Charles Proctor and Esly Affitt they will disregard them. -

found
refused

given

9 That unless they find that the former suit was brought by the consent or direction of John the plaintiff they will disregard the former decision.

10 That unless they find from the evidence that the parties in the former suit were the same as those in this suit they will disregard the former verdict & judgment.

11 That if they find from the evidence that the mother of the plaintiff was a white woman, and no such entitled to her freedom, then the plaintiff is entitled to his freedom and if they further find that the defendant held the plaintiff in slavery at the commencement of this suit they will find for the plaintiff.

Ewing & Dunn
Attorneys for plaintiff.

That

843
Plainiff's
Instructions

Giles March
26th 1848-
B Oliver
ccr

STATE OF MISSOURI, }
COUNTY OF RAY, } SCT.

The State of Missouri, to *Littleton*

Offutt and Benjamin J Brown Greeting

You are hereby commanded to be and appear before the Judge of our Ray
Circuit Court, at the court-house in the town of Richmond, on the *2nd*
day of the next term of said Court, to be begun and held on the *2nd*
Monday in *March* 1845, to give evidence in a certain matter of
controversy depending in said Court, between *John (a Milatto)*

Plaintiff and *James*

Offutt — Defendant on the part of the Plaintiff

Hereof fail not at your peril.

B. J. Oliver
WITNESS, W. C. WILLIAMS, Clerk of the said Court, with his private

seal affixed, (there being no seal of Court yet provided,) at office.

This *5th* day of *March* 1845.

B. J. Oliver clerk

I executed the within subpoena by reading the
same to the within named Littleton Officer
I by leaving a true of the same with

a free white male person over the age
of fifteen years and B J Browns family at
Ray County Mo on this 3 day of March 1845
Shunbs for \$100. Henry Holman Shunbs

8113

John (a Mulatto)

1833 Apra

James. Offutt

30 March 1845

1845

Placerville

Placerville

STATE OF MISSOURI, }
COUNTY OF RAY, } SCT.

The State of Missouri, to *Littleton*
Offutt *Esceutary*

You are hereby commanded to be and appear before the Judge of our Ray
Circuit Court, at the court-house in the town of Richmond, on the *2nd*
day of the next term of said Court, to be begun and held on the *2nd*
Monday in *March* 1845, to give evidence in a certain matter of
controversy depending in said Court, between *John (A. Muelles)*
Plaintiff and *James*

Offutt Defendant on the part of the *Defendant*
Hereof fail not at your peril.

B. Oliver
WITNESS, ~~W. C. WILLIAMS~~, Clerk of the said Court, with his private
seal affixed, (there being no seal of Court yet provided,) at office,
this *5th* day of *March* 1845.

B. Oliver *clerk*

I Executed the Within Subpoena by Reading the
Same to the Within Named Littleton Offutt at
Ray County Mo on this 17th day of March AD 1845

Hardy Holman
Sheriff of Ray County Mo

Shiffs fee \$ 50

Calling Witness $\frac{6}{56}$

843

John (a Mulatto)

1838

Jamies offutt

13

Y March 1845

1845-

Dependent

Witness

1 That the verdict of the jury and the
Judgment of the Circuit Court of the
County of Logan in the State of Kentucky
between John as plaintiff and Esli
Offutt as Defendant which has been
read to this jury in evidence is
conclusive evidence that the said
John is a slave.

2 That if they find from the testi-
mony that the John mentioned
in the transcript of the Cause tried
in the Circuit Court of Logan
County in the State of Kentucky
is the same John who has brought
this suit that then the Jury will
find that said John is a slave
& not entitled to a verdict for
his freedom in this Cause &
will find for Defendant.

3 That if the jury believe that the John
named in the record of the Cir-
cuit Court of Logan County Kentucky
is the same that has brought this
suit & that the Defendant is entitled
to obtain the possession of said slave
by a writ with Esli Offutt who was
Defendant in that suit or by the con-
sent of said Esli Offutt they will
then find for Defendant.

That the transcript read in this case
of the trial & judgment in the case of
John vs. Walker is no evidence in

15
this cause & should be excluded
from the jury.

5 That the Court will exclude from
the jury all the evidence of Plaintiffs
witnesses as to the common report
in Montgomery County Kentucky
as to Lohr's mother having been a
white woman;

6 That although the jury may be-
lieve from the evidence that Lohr's
mother was as fair as white
women usually and yet if the jury
believe from the evidence that
she was ^{born} a black & had any negro
blood in her however small that
she nor her children are entitled
to freedom by reason of her com-
plexion.

7 That the fact of Lohr's being a
slave & held in servitude for
a number of years by Defendant
is evidence that he is a slave
of Defendant & it devolves on Lohr
to prove his right to freedom
& not an effort to prove that
he is a black.

Wm. March
26th Nov 1845-
B. Oliver

Wm. March
26th Nov 1845-
B. Oliver

State of Missouri

County of Ray } The State of Missouri
To Peterfield Holin Greeting

You are hereby Command
ed to be and appear before the Judge
of the Ray Circuit Court at the Court-
house in the Town of Richmond
on the first day of the March ad-
-ourned Term of said Court. It being
the 31st day Instant, to give evi-
dence in a certain matter of
Controversy depending in said
Court wherein John (a Mulatto)
is Plaintiff and James Offutt
Defendant on the part of
the Plaintiff. View of said not
at your peril

Witness Benjamin
Oliver Clerk of our
said Court with his
private Seal affixed
thereby no Seal of
office provided at
office this 22nd day of
March A.D. 1845
B Oliver Clerk

I Executed the Within Subpoena by reading
the same to the Within named Porterfield
John Solin of Ray County MO on this 22nd
day of March 1845

Hardy Newman
Sherriff of Ray Co MO

Sherriffs fee \$ 55

843

John A. McCulloch

12th Apr

James Offutt

2nd March 1845

Thos. 1845

Plainville
Miss

State of Missouri 3rd Set
County of Ray 3 The State of Missouri
To John Davis Archibald Thompson Joel D Hughes
Jms Michael Sanor & Benjamin I Brown
Greeting

You are hereby Comanded
to be and appear before the Judge of our
Ray Circuit Court at the Court House in
the Town of Richmond on the first day of
the March adjourned Term to be begun
and held on the fourth (Monday) of said
Month it being the 24th day Instant -
to give evidence in a certain matter of
controversy depending in said Court
wherein John A Mulatto, is Plaintiff
and James Offutt Defendant and the
part of the Plaintiff. and hereof fail
not at your peril

Witness Benjamin Oliver
Clerk of our said Court
With his private Seal affixed
there being no Seal of office
(It provided at office this
15th day of March A.D. 1845)

B Oliver Clerk

Presented the within by reading the same to the within
names John Daves Archibald Thompson John D Hughes
and Mrs Michael Saynor at Ray County Mo on this
22nd day of March 1845
Sherriffs fee \$2.00

Hardy Holman Sheriff
By AS Holman Es

843

John A Mulatto

1843

James Effert

To March Term
adjourned 1845

Plaintiffs

Witness

John Man of color
James Offutt Plaintiffs Evidence

John B Slaughter states that he does not know
John the plaintiff in this suit - that he had a

conversation with the defendant shortly after the
commencement of this suit in which the defend-

ant said either that John was the son or the reputed
son of a woman by the name of Love in Kentucky
and that he defendant had brought John from

Logan County in the state of Kentucky - He also
spoke of Love as having belonged to some of his

relations in Upper Kentucky - He also spoke of
Love's having obtained her freedom by suit in the

Circuit court of Montgomery County Kentucky - In
the same conversation the defendant stated that

Love had been a slave of his father who had bought
her in Maryland ~~and that said Love had been~~
~~his father's slave for 50 years ago~~ and that when

she sued for her freedom she was old and afflicted
and that the defendant in that suit did not pay
much attention to it - And that he the defend-
ant did not know that John had ever claimed his
freedom until he was taken out of his hands by process
in this suit -

John Davis states that he expects he knows
the plaintiff John - that he has seen him since

the commencement of this suit - that he

15
Knew his mother Love - and had seen
John seeking her - that John was born in
a half mile of his father's residence in Ken-
tucky - that Love was a free white woman.

Esley Offutt brought her from Virginia to
Kentucky as a slave - that she lived in Mount
Sterling Kentucky and obtained her freedom

until which time she had lived with
Esley Offutt as a slave - the general repu-
tation of Love was that of a servant, and

that her mother had been an English servant
who had been sold to the father of Esley Offutt
as a slave to pay her passage from England to

Virginia - Love had three children while
in Virginia - and John was her fourth and
born after she came to Kentucky - Witnup

is satisfied that she had no Negro blood in her -
her hair was inclined to be red and ^{was} straight
and her skin and complexion were fair
and her eyes were of a bluish cast.

She was he supposes about 30 years old when
she brought suit in Montgomery circuit court -

was came
She had at the time she commenced suit and
ever since Witnup ^{knew from} her the white swelling
in one of her limbs - he does not know the
reputed father of John -

After she brought suit for her freedom, the report was that John and her other children were run off - He never saw John afterwards

until he saw him here - Some of Loves children it was removed were sent to Alabama - One of John's sisters it was said afterwards said for

and obtained her freedom in Louisville Kentucky, When John was small Ely Offutt proposed selling him to Witnep when he examined him closely - He refused to buy John giving as a reason that the bear might ultimately hurt him. Ely Offutt and he being great enemies he did not give the true reason ~~which was~~ that Mrs & Mrs Lacey, who had come from Virginia said he was free. He had been burnt in the hand and the same scar is there now - He saw Love frequently at the time she lived at his fathers - that she

lived at his fathers some ^{three or four years} ~~time~~ and had married one of his fathers black men. Her nose and other features were like those of a white person that he was as well acquainted with her as he was with his ^{sisters} ~~sister~~ ₃ She had no negro features - He does not know that Loves Mother ever was in Kentucky - The common rumor in Kentucky was that Loves Mother had been an English Servant - And it was also

said that she had been held as a slave by the father of defendant - She Love was white because she looked so, and because she was so reputed -

He judged that she was a white person from her appearance and from the rumor that was in Kentucky,

Witnep was in Mount Sterling on the day that

Love's suit for her freedom was tried - but had nothing to do with it - John was born

Several years before Love got her freedom - John was about one year old when Witnep spoke of buying him of Esly Offutt as aforesaid

He understood that Love succeeded in obtaining her freedom on the ground that she was white - The rumor with regard to Love's ancestry, was brought from Virginia to Kentucky by persons who removed from Virginia to Kentucky and who said they were personally acquainted with the parties and all the circumstances -

Porterfield Toland states that he knew a woman in Kentucky by the name of Love who was always reputed the mother of the plaintiff John -

thinks the plaintiff is the same person - that he saw him when he was about 8 years old in Kentucky,

Love had every appearance of being white - her hair inclined to be sandy - Esly Offutt had

papered for her owner - Witnep was in court when her suit for freedom was tried in Kentucky - That when the judge pronounced judgment in

the cause he said she was as white as he was. And thinks that the evidence offered on the trial tended to establish the fact that she was white -

Witness thinks the case was tried by a Jury -
and not by the court sitting a Jury - Witness
but it was so long ago he would not be positive -
has lived many years in the neighborhood of
Esley Offutt - There was a general rumor in
the neighborhood that Love's Mother was ^{was free and that her free} ~~from~~
and a white woman and from
~~English~~ Ireland - ~~and that she was a~~
~~white woman~~ - Esley Offutt it is said moved

from Kentucky to Alabama. Witness never
saw ~~Love's~~ Love's Mother - Rumor said that

she had lived in ~~Kentucky~~ Virginia - Thinks
the rumor was brought to Kentucky by persons

813
from Virginia - who said they were acquainted with
the circumstances - He knew Love intimately for years
and is satisfied that she was a white woman and had no negro
blood in her - And there was a report that Love's
Children were run off as soon as she was declared free -
And that he has not seen any of them since till he saw John here -
Simeon Sarror states that she knew Love the

Mother of John the plaintiff - that Love had
lived with her ^{and her mother} in Kentucky for some ^{5 or 6} years -
She was as white as Witness - She and Witness

have shown their arms together and witness
gave it up that Love was the ^{fairer} ~~whiter~~ - Love's

Mother was generally reported an Irish Woman
^{that} ~~and~~ had been held as a slave of Esley Offutt's father in
law - having

These rumors were brought to Kentucky by persons from Virginia who professed to be acquainted with the circumstances.

Loves hair was sandy, and her other features ~~she had blue eyes~~ - she had blue eyes, and wore long hair tucked up with a curl-like whip-bow, like those of a white person. Witness knows that Love procured her freedom in Montgomery

Circuit Court in the State of Kentucky - She

had seen John sucking Love when he was a baby and believes that the plaintiff is

the same person - And it was removed

that Esly Offutt had run off Loves children as soon as she had obtained her freedom - She is certain that Love had no Negro blood in her - that if witness ~~was~~ is white Love was white -

Archibald Thompson states that he knows the plaintiff from all the circumstances -

Knows that Love got her freedom by suit

in the Montgomery Circuit Court. And

it was removed that her children were ^{as soon as her suit was determined} run off by Esly Offutt to Alabama - If

John be the same boy he has often heard his

Mother say that he had a burn on his shoulder -

And if he is the same boy he has the scar yet.

Love's skin was as fair as that of the common
run of white folks if she had been well kept.

He supposes that Love was of Irish ancestry
on the maternal part. From what was

generally stated in the neighborhood Love's mother
This understanding got to Kentucky by persons who
had removed from Virginia
was white, but the witness is not able to say
~~how the rumor got there~~ - He was well

acquainted with Love in Kentucky - and
has no doubt she was a white woman and
had no negro blood in her

Littleton Offutt states that he removed from
Kentucky to Missouri with his father the

defendant, and that defendant brought John

with him as a slave - that he knows of his
being retained in that character by his father

until ^{at or about the} ~~a short time before~~ of the institution of
this suit

Defendants Evidence

The defendant then ^{read} ~~offered~~ in evidence the deposition of Eli Offutt (here insert it)

Settleton Offutt states that he was present in Kentucky when John's suit against Esley Offutt was tried. And knows that John is the same

boy who with others sued Esley Offutt by their

next friend Charles Proctor in the Logan Circuit

Court in the State of Kentucky - Witness knows

that his father the defendant swapped another mulatto boy slave for John the plaintiff

John was nearly grown at the time he brought the said suit.

State of Missouri }
 County of Ray } The State of Missouri
 To the Sheriff of Ray County

John A. Melatto,

vs

James Offutt

Writs for false imprisonment

To W. Williams C. D.

Nov. 1841

"

Filing 22^d Issuing Writs Copying Orders &c \$1.50

"

Copying Orders 1.00

"

Filing 4 papers .25

Feb. 1842

Entering Appearance 3 .20

" "

Locking Suit .25

Filing plea 06

Issue Summons 25

Order to Continue 25

June Term 1842

Entering Appearance 20

" "

Filing Process 06

" "

Issuing 3 Subpoenas \$1.50

" "

Filing notice to take depositions 06

Order to Continue 25

Order to hire doct out 25

Copying same 25

Sept. 1842

Entering Appearance 20

Issuing 5 Subpoenas 2.50

Filing 28 papers 2.25

Filing Pet & Affidavit for change process 25

Certificate and Affidavit for process 25

Swearing & empanelling Jury 30

Swearing 10 Witnesses 88

Recording verdict of Jury 25

Judgment &c 1.00

Order for Execution 25

Entering 3 Recognizance of 75

For two Commissions to take Depos 1.00

\$16.22

To B. A. Brown Shff Dr	
Executing writ of Summons	1.00
" 2 orders & taking out John	2.00
" Marraux & Summons	3.00
" Summoning J. Dittys	2.50
To H. Holman Dr	5.50
Executing order & hearing out J. Ditt	1.00
Summoning J. Dittys	3.50
baluing same	43
" Part & action	30
" Jury	25
	41.48

Dittys Claims		
June Term 1842	Portfield Island 1 do, 90 miles	5.30
	M. J. Rogers 1 " 24 do	1.70
	John Davis 1. 32. "	2.10
Sept. Term "	James Rogers 2. " 44 "	2.20
	Archibald Thompson 1. 32. "	2.10
	John Davis 2. 32	2.60
	Port. Island 2. 90	6.50

16.53
- 7.50
3.48
23:20
52:71

513

13 16:33 6th / 16.33