

Madaway County Circuit Court  
Circuit - Civil  
Term Oct 1860

Box 5 File 83

William KITCHEN

Box 16 File 82

vs  
URIAH GRAVES

Damages \$1,500.00

SHOOTING WITH INTENT TO KILL - BY DEFENDANT'S SLAVE NAMED LIN/LINN - 24 Aug 1860

KITCHEN SAYS LIN SHOT HIM 5 TIMES WITH A GUN WOUNDING HIM - CAUSING PAIN,  
SUFFERING + MEDICAL BILLS. HE SAYS THAT LIN IS WORTH \$1500 + HE ASKS FOR \$1500 IN DAMAGES.  
DEFENDANTS ANSWER TO PETITION DENIES ANY WRECKING BY HIS SLAVE, LINN, AND SAYS  
LINN WAS TRIED + FOUND NOT GUILTY IN THE OCT TERM 1860 COURT

SEE BOX 17 FILE 3

William Kitchen Plaintiff }  
  against }  
Uriah Graves Defendant }

In the Noctaway Circuit Court  
Plaintiff states that on or about the 24th  
day of August 1860 at the County of  
Noctaway and State of Missouri one Lin a  
slave being then and then the property of the  
defendant, did on purpose and of malice  
aforethought shoot at the plaintiff with a  
deadly weapon to wit a gun loaded with  
leadin balls and him the plaintiff the said  
Lin did by the said shooting dangerously  
wound with intent by the said shooting to  
kill him the said plaintiff

Plaintiff states that the wounds inflicted  
on his person by the said slave then and there  
shooting him as aforesaid were serious and  
dangerous and did produce great bodily  
harm and were likely to produce death. Plaintiff  
states that by said shooting he was hit in  
five several places with leaden balls which  
penetrated his body, the wounds that said  
balls produced confined him to a lounge  
of sickness and that his sufferings from  
said wounds were painful and great. Plaintiff  
states that in addition to his great and painful  
sufferings so produced by the shooting of  
him as aforesaid by the said slave Lin as  
as aforesaid he had to expend large sums of  
money for medical attention and other atten  
tion given to him by hired attendants and also

for board during the said sickness produced  
as aforesaid

He states that he has reason to believe and  
does believe that he can never entirely recover  
from the effects of said wounds

He states that said slave Lin was in the  
possession of and under the control of the  
defendant Graves at the time of the said shooting  
and that he was then the owner or master of  
said slave and that he had always exercised  
control of and ownership over the same.

Plaintiff states that said slave Lin is and  
was at the time of the shooting by him as  
aforesaid of the value of fifteen hundred  
dollars.

Wherefore plaintiff says that by reason  
of the wrongs and injuries so committed  
by the slave Lin as aforesaid upon the person  
of him (the plaintiff) he has been damaged  
fifteen hundred dollars and for which he  
prays judgment against the defendant and  
all costs of suit

Grippy atty for  
Plaintiff

William Kitchen the plaintiff makes oath  
and says that the foregoing petition and  
the matters and things therein as stated  
he believes to be true

William Kitchen

Subscribed and sworn to before me this  
8th day of October A. D. 1860

Jan B. Prather clerk

State of Missouri, }  
COUNTY OF NODAWAY. } ss

I, James B. Prather, Clerk of the Circuit Court, within and for said County, hereby certify that the within or foregoing is a full, true and perfect copy of the petition and affidavit in the case of Case of *William Kitchen* Plaintiff against *Unah Graves* Defendant

as amply and fully as the same now remain on file in my Office.

In testimony whereof I hereto set my hand and affix the Seal of said Court at office in Maryville, this *10<sup>th</sup>* day of *October* 1860  
*James B. Prather* Clerk.

STATE OF MISSOURI, }  
COUNTY OF NODAWAY. } ss

The State of Missouri to the Sheriff of Nedaway County, GREETING:

We command you to Summon *Unah Graves*

that *he* be and appear before the Judge of our Nodaway Circuit Court, at the Court House, in Maryville, in said County, on the first day of the next term thereof,

then and there to answer the complaint of *William Kitchen*  
*Hereof full note and have you then and there this writ.*

Witness, James B. Prather, Clerk of said Court, with the Seal thereof affixed at office, in Maryville, this *10<sup>th</sup>* day of *October* 1860  
*James B. Prather* Clerk.

~~STATE OF MISSOURI, }  
COUNTY OF NODAWAY. } ss~~

~~I, James B. Prather, Clerk of the Circuit Court, within and for said County, hereby certify that the within or foregoing is a full, true and perfect copy of the petition, affidavit, certificate and writ in the case of~~

~~against~~

~~In testimony whereof I hereto set my hand and affix the Seal of said Court at office in Maryville, this \_\_\_\_\_ day of \_\_\_\_\_ 1860~~

1860  
Trial \$10

William Kitchen

Against

Uriah Graves

---

Copy & writ

App for \$1

Return

I Executed the within Petition & writ on the 11<sup>th</sup> day of October 1860 in Wadaway county Missouri by delivering a certified copy of Petition & writ to the within named Uriah Graves in Person Tho<sup>s</sup> J Mcquiddy Sheriff Wadaway Co Mo

William Kotchen

vs  
Nicol James

Defendant moves the Court  
to rule Plaintiff to give security for  
costs in this <sup>whole</sup> entitled cause for the  
following reasons;

1st That the said Plaintiff is a young  
man without property, and unsettled.

2<sup>d</sup> He is without means, and is  
insolvent.

Herein I subscribe  
Att for Defendant

no 4

Mr. Fisher

3

Mr. Stewart

order for cash

24

4<sup>th</sup> Dec 30<sup>th</sup> 1880

Jas. & S. Fisher

William Kitchen Plaintiff }  
Against }  
Ulrich Graves Defendant }

In the Circuit Court of Wodaway  
County State of Missouri: At Term thereof A.D. 1860-

Defendant, for answer to Plaintiff's Petition herein,  
Denies that on or about the 24<sup>th</sup> day of August 1860-  
or at any other time, at the County of Wodaway and State  
of Missouri; One Sinn, a Slave being then and there the  
property of the Defendant, Did on purpose and of malice  
Aforethought, Shoot at the Plaintiff with a deadly weapon,  
to wit, a Gun loaded with leaden balls, and that the Plaintiff  
the said Sinn, did by the said shooting dangerously wound,  
with intent by the said shooting to kill him the said  
Plaintiff -

Defendant further answering Plaintiff's Petition;  
Denies that said Slave Sinn; inflicted any wounds  
on the person of Plaintiff, as charged in Plaintiff's Petition;  
And as to Plaintiff's suffering from wounds; that being  
serious, and dangerous, and likely to produce death, and  
having to expend large sums of money; for medical atten-  
tion, and other attention given to him by hired attendants;  
and Board, Defendant has no knowledge or in-  
formation thereof sufficient to form a belief -

Defendant Denies that by reason of  
any wrongs, or injuries committed by the said  
Sinn; upon the person of him (the Plaintiff) he  
the said Plaintiff has been damaged to the amount  
of Fifteen hundred Dollars, or to any other amount  
Whatever -

Defendant further answering States that  
at the October Term, of the Circuit Court, within and  
for the said County of Wodaway A.D. 1860 -



That the Grand Jury within and for the  
Said County of Modaway preferred a Bill  
of Indictment Against the Said Slave  
Linn; Said Bill of Indictment Charging  
Said Slave Linn, with shooting at and  
wounding said Plaintiff, as charged in  
Said Plaintiff's Petition, upon which  
Charge, as preferred in Said Indictment, the  
Said Slave Linn, was put upon his Trial  
at the Said October Term, of the Said  
Circuit Court of Modaway County. And  
was found not Guilty, by the verdict of  
a Jury after being duly empaneled and  
Sworn to try the case. And the Said Slave  
Linn, was duly discharged and acquit-  
ted, as will appear by the records of the  
Said Circuit Court, in the Circuit Clerk's  
Office of Said County. And the Defendant  
having fully answered Plaintiff's Petition  
Prays to be discharged and for his costs  
in this behalf expended.

Hudgen, Proseberg & Heren  
Attys for Deft<sup>n</sup>

Wreak Grove the defendant, upon  
his oath states that the above  
answer and the matter therein  
set forth he believes to be true

Uriah Grainger  
Subscribed & sworn to before me this  
20<sup>th</sup> day of Dec<sup>r</sup> 1866

Jas B. Prather Clerk

24

William Withers

No. 3 Damages

Which I receive

Defendants Answer

Wm. Secy. 20<sup>th</sup> Nov  
Jas. M. Hunt

William Kitcher Plaintiff

against

Oriskany Grains Defendants

In the Rodaway Circuit Court

The plaintiff moves the Court to strike out that part of defendant's answer commencing at the words "Defendant further answering states" beginning at the 3<sup>rd</sup> line from the bottom of the 1<sup>st</sup> page including all of that part of said answer <sup>down</sup> to the words "And defendant having fully answered" on the second page, for the following reasons

1<sup>st</sup> Because the same is irrelevant and redundant matter

2<sup>nd</sup> Because the same affords no defense in law to the cause of action set forth in plaintiff's petition

Guppy + Co. vs  
atty & for Pet'ns.

No ~~24~~

W. T. T. T. T.

at

Oral Exam

Motion & Still

one part of

Sept 15 1861

W. T. T. T. T. 29 1861

Jan 23, Boston

Pauls

STATE OF MISSOURI,  
COUNTY OF NODAWAY. }  
SS

The State of Missouri, to

*Wm. A. King, Sheriff,*  
*vs. J. B. Prather, Clerk,*  
*Declarators*

We command you to be and appear before the Judge of our Nodaway Circuit Court, at the Court House in Maryville, in said Nodaway County, on the *29<sup>th</sup>* day of *April* 186*7* to give evidence in a controversy pending in said Court, between Plaintiff, and *Wm. A. King* vs. *William Prather* Defendant, on the part of *Wm. A. King*; hereof fail not at your peril.

WITNESS, J. B. Prather, Clerk of said Court, with the seal there-  
of affixed, at office this *1<sup>st</sup>* day of *Feb'y* 186*7*

*J. B. Prather*  
Clerk.

Open kitchen

On

Break Ground

Off Open

King

Week Ground

Y A Rang R

On R Steamers

Sherry all the

Sherry

I served the within open by reading

the time to the within named

Sherry Ground Y A Rang R

Sherry on the Sherry A Sherry

1861 down in at Secaucus County

Sherry of M's Sherry

Sherry

I agree to share responsibility  
for all the costs that have been  
incurred or that may accrue in the  
case of William T. Titcher or  
his heirs in the Perryway  
Locusts Locusts. Given under  
my hand & seal this 14 day  
of February 1861

Joseph H. C. Hopkins

Approved Feb'y 14<sup>th</sup> 1861

James M. Austin Clerk

Post for Alvarado  
To Mr. Bond  
The Caravan  
Mexico Yucatan  
or  
Oriskany

Green Valley 14th 1861  
Jas. P. Hartman  
Care



State of Missouri, }  
COUNTY OF NODAWAY. } SS

The State of Missouri, to

*John P. King*

We command you to be and appear before the Judge of our Nodaway Circuit Court, at the Court House in Maryville, in said Nodaway County, on the *29<sup>th</sup>* day of *April* 186*1* to give evidence in a controversy pending in said Court, between

*William Stitchen*  
Plaintiff, and *Uriah Ennes*

Defendant, on the part of

*Doth*

hereof fail not at your peril.

Witness, J. B. Pather, Clerk of said Court, with the seal there-  
of affixed, at Office, this *5<sup>th</sup>* day of *March* 186*1*

*Geo. D. Bainter*

Clerk.

I executed the within subpoena  
by reading the same to the within  
named John W. King on the  
6<sup>th</sup> day of March 1864  
To wit Rodaway Joseph G. Alexander  
County Mo.

Hitcher

M

Graves

deputy

John W. King

State of Missouri, }  
COUNTY OF NODAWAY. } ss

The State of Missouri, to

*Wm. Belland*

We command you to be and appear before the Judge of our Nodaway Circuit Court, at the Court House in Maryville, in said Nodaway County, on the 30<sup>th</sup> day of *April* 186*7* to give evidence in a controversy pending in said Court, between

Plaintiff, and *Wm. Barnes*

Defendant, on the part of

*Wm. Barnes*

hereof fail not at your peril.

WITNESS, J. B. Prather, Clerk of said Court, with the seal there-  
of affixed, at Office, this 24<sup>th</sup> day of *April* 186*7*,

*Jas. B. Prather* Clerk.

From Michigan

My  
Friend Graves

dear friend

Alex. Clelland

Stuyvesant

I send you the within also by enclosing  
the same to the within persons  
Rev. Clelland on the 29<sup>th</sup> day of  
April 1861

Wm. M. Garrison  
Rev. Mr. W. Bay Dept

State of Missouri,

COUNTY OF NODAWAY.

} ss

The State of Missouri, to

*Eraves,*

*Dallas*

*Eraves, Melvin*

We command you to be and appear before the Judge of our Nodaway Circuit Court, at the Court House in Maryville, in said Nodaway County, on the 30 day of April 1861 to give evidence in a controversy pending in said Court, between

Plaintiff, and

*Wm Kitchener*

*Veriah Eraves*

Defendant, on the part of

*Pltff*

hereof fail not at your peril.

WITNESS, J. B. Prather, Clerk of said Court, with the seal thereof affixed, at Office, this 29 day of April 1861

*Jas B Prather* Clerk.

I demand the within by executing the same to the within named  
Deborah T on the 29<sup>th</sup> of April 1861

~~Wm Graves~~

I demand the within by making the same to the within  
named Deborah Graves dam in Chancery County

Me on the 30<sup>th</sup> of April 1861  
Wm Graves

By His Honor the Deputy

A. J. Coover on his oath says that he knows the making of an order  
by return; the same to him in extraordinary county, Me. on the 29<sup>th</sup> day of April 1861.  
I being a free white person and being a competent witness  
in this cause.

Shown to and subscription before me  
this 30<sup>th</sup> day of April 1861.

Wm Graves

Wm Graves

Wm Graves

Your Kitchen  
Wm Graves

Wm Graves

STATE OF MISSOURI,  
COUNTY OF NODAWAY. } SS

The State of Missouri, to

*J. P. Glasgow*

We command you to be and appear before the Judge of our Nodaway Circuit Court, at the Court House in Maryville, in said Nodaway County, on the ~~23<sup>rd</sup>~~ <sup>25<sup>th</sup></sup> day of *Apr* 186*6* to give evidence in a controversy pending in said Court, between  
*Wm. A. Graves* Plaintiff, and  
*Wm. A. Graves* Defendant, on the part of

*Wm. A. Graves*; hereof fail not at your peril.

WITNESS, J. B. Prather, Clerk of said Court, with the seal there.

of affixed, at office this *25<sup>th</sup>* day of *April* 186*6*

*J. B. Prather*  
Clerk.

Served the within  
by reading it to H. R.  
Magowan on the 29<sup>th</sup>  
day of Apr. 1861  
Wm J McCurdy

Shirley

Shirley Jan 18

Wm J McCurdy

Wm J McCurdy

Shirley

Wm J McCurdy



Return to box No. 16

File No. 82

William Kitchen

vs

Uriah Graves

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