Platte County Circuit Court
Circuit Court
November Term 1864 No. 15

Box 64 File 11

Smith, Harold

vs

Baldwin, William M.
Morton, Benjamin R.

Unknown

- Case fragment (Depositions)
- Depos refer to a deed and a mortgage upon a slave

No 15

Harold Smith
as deputation of
James Drummond
v Baldwin & Morton

Judgment
November Term 1864,
Book K Folio 6,

Due to the deteriorated condition of these records all files may not be complete.

Deposition of Witness produced, sworn and examined, on the 13th day of May in the Year of our Lord 1864 between the hours of eight o'clock in the forenoon, and six o'clock in the afternoon of that day, at Platte City in the County of Platte and State of Missouri, before me Gilbert Clarke of the Platte Circuit Court, in a certain Cause now pending in the Circuit Court of the County of Platte in the State of Missouri, between Harold F. Smith Plaintiff and Benjamin T. Newton William M. Goldman Defendants, on the part of Plaintiff.

James M. Moore, of Lawful age, being produced, sworn and examined, on the part of the Plaintiff, deposeth, and saith,

1st. State what you know in regard to the deed of Trust given by John S. Bright to Harold Smith June 18th 1864.

Bright and his wife had a difficulty and separated a short time before the date of the deed of Trust. He was anxious that his wife should come back and live with him, she was unwilling to do so unless he would put the property so mentioned in the deed of Trust in the hands of a Trustee or Trustee for the benefit of their Children, He agreed to do and appointed a day to fix it up, And Har

-old Lincoln was agreed upon by them as the
basis. They met on the day appointed which
was the day of the date of deed of trust was
made, at Hazardtown, Breathitt County
Kentucky. They made and acknowledged
the deed of trust to be exhibited here
in my presence, marked Exhibit "A."
Stephen, a brother-in-law of Arthur D. Bright.
Clem Hill acquainted with his hand writing
having often seen his writing and I re-
cognize the signature attached to and
marked in Exhibit "A" as his signature
And although not as well acquainted
with Harold Lewis' signature, I believe
the signature, attached to the deed of
trust Exhibit "A" to be Harold Lewis.
I know that Fannie attached to the
deed of trust was one of the negro girls
owned by my father-in-law. to Arthur D. Bright
has well acquainted with the negro from
infancy. She was the mother of the negro
in controversy between the parties, in this
suit, Arthur D. Bright died and his
widow Mamie Eugene M. Clifford, ab
Camden Pruitt - Breathitt County Kentucky
At that time she was in possession of
Fannie and one of her children

upon their marriage he with the consent of the mayor. I can Clifford get some money from Martin and to give a mortgage upon the mayor in Centerway. I think the sum was about three hundred dollars. The mortgage from Clifford to Martin contained in it a power of sale and the mayor was authorized upon the power and William Sr. Baldwin became the purchaser at the sale which was and sold. I was present at the sale and heard the bid in any heard the bid of $300 and forbid the sale,

James. M. Moore

Subscribed and sworn to before me, on this day and at the place aforesaid, the same

Geo. H. Belt Clerk

I, Geo. H. Belt, Clerk of the Circuit Court within and for the County of Platte and State of Missouri, do certify, that in pursuance of the annexed summons of notice came before me at Platte City in the County and State last aforesaid James M. Moore who was by me sworn to testify the whole truth of his knowledge touching the matter in controversy aforesaid; that he was examined, and his examination reduced to writing, and subscribed by

in my presence, on this day, between the hours, and at the place in this behalf first aforesaid, and his acid deposition is now herewith returned. And I further certify that said James M. Moore is a resident of said County of Platte in said State of Missouri,

Given Platte City in the County of Platte and State of Missouri this 13th day of May 1864. I further certify that the within and annexed Exhibit-Oracle "A" is the same referred to in the foregoing deposition

In Testimony, Whereof I have hereunto set my hand and affixed the Seal of said Circuit Court at my office in Platte City this 12. day of May A.D. 1864.

Geo. M. Bell-Clerk

Filed May 12. 1864
Geo. M. Bell
Clerk.

This agreement and Conveyance Witnesseth
That I John Bright of Harrison County
Kentucky party of the first part in consideration of
of the love and affection I bear my wife and
for one dollar in hand paid by the said
and Lucy A. Hord & F. Smith Trustees
and party of the second part all the property
and interest real personal, or mixed of whatever
kind it may be, also my negro girl named
Fany about 18 years of age now in my possession
also all my household furniture to have and
to hold said property to him said Smith in trust for the
following uses and purposes that is to say for the
use and benefit of my wife Lucia J. Bright and
my child Cynthia and to such other and further
child or children as I may have by her, the
property to be used, held and enjoyed equally for
my wife and all my children by her and to be
divided by taking a child share at any time after
my death or whenever she may deem it expedient
to have such division, This deed is made but

Smith

pect to my funeral debts and said, at the written
request of my wife may take any property to pay
such debts and at the like written request and
consent of my wife may sell, convey, with absolute
Change or substitute the property being conveyed
or substitute another trustee with like power by
his will & testament or by conveyance & deed with
my wife's approbation, and said Smith may by his request
of my wife sell, lay out, expend and convey the
property thereby conveyed for the support, education
and maintenance of herself and children or child. The
purpose and object of this instrument is to provide for
my wife, child or children, for such as trustee to
hold it, for it to be divided, changed or substituted at
her discretion, she never taking absolutely more than
a child's part. The trustee in all things is to be governed
by my wife's written direction and the use and profit of
the property to be governed and go as afsd. if the said Smith
being Executor to and accept the trust herein but
is to be under no personal responsibility for accident
or loss of the property and my wife under direction of the
disposition of the property are in all cases to be his
indemnity. Witness our hands this June 18th
A.D. 1846.

John A Bright

Harold H Smith

Mercer County Set June 18th 1846

The foregoing deed of trust was this day produced to me in my office and acknowledged by John S Bright & H. F. Smith parties to be their act and deed whereupon I have made the same of record

Attest

Tho. Allen. C.C.

I certify that this is the instrument referred to in the deposition of James M. Brown taken in case of Harriet Smith against Benjamin B. Morton and Wm M. Baldwin. This 18th day of May 1864. As witness my hand and official Seal.

Geo W. Scott. Clerk.

Bought
Deed
to
Trust
Deed
1846 June 18th
acknd & to record
by J.P.S.

Recorded Book 2?
Page 18

Exhibit "A"

I waive the notice for the taking
of the deposition of Jas. M. Moore
in case of H. L. Smith vs Benj-
jamin — but do not waive any
other legal right, — that I have, to
make any objection to said depos'-
tion — as respects the time, place or
person before whom the same may be
taken — Nov 13 1882

Clark & Smith
attys for Defts —

Harrod F. Smith — Plaintiff

vs

Benjamin R. Morton Defft.

The Defft. moves the court to compel plff. to file bond for cost —

The plff. is a non-resident of Iowa at the date of the institution of the suit.

2 — That his residence on the bond given when suit was instituted, was Linn the last term of this court, became insolvent and left the state.

Clark & Smith

H. F. Smith

vs

B. R. Morton

Ver. for
No. to dismiss
Suit —

Filed in open court
1 Dec 1st A.D. 1864
Hall Clerk