

Be it remembered that on the 25th day of
April in the year of our Lord one thousand
eight hundred and fifty at Cassopolis
in the County of Cass and State of Michigan
Ezekiel S. Smith attorney for all the defen-
dants except M^o Elvain and Abner Pratt
one of the attorneys for the plaintiffs in a
suit now pending in the Circuit Court
of the United States for the Seventh Circuit
and district of Michigan in which
Thornton Simbulake is plaintiff and
Josiah Osborn, Jefferson Osborn, Ellison
Osborn, Ishmael Lee, David T. Nicholson
William Jones and Ebenezer M^o Elvain
are defendants appeared before me D,
Davin Hughes a commissioner appointed
under the laws of the United States to take
affidavits and acknowledgments of bail
and consented and agreed that the de-
position of Evan J. Bonine a witness
residing in Cassopolis aforesaid and
more than one hundred miles from
the place where said suit is appointed
by law to be held should be taken
before me de bene esse on the part of
the defendants in said suit,
And the said Witness also appearing
before me at the time and at the
Office of Geo. B. Turner in the place
aforesaid I have proceeded with said
examination

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And the said Evan J. Bourne being care-
fully examined and cautioned, and duly
sworn to testify the whole truth and nothing
but the truth saith;

My age is twenty nine years
Cassopolis has been my place of residence
for the last three or four years. but I have
been travelling for about a year past. I am
acquainted with some of the parties to this suit
with ~~some~~ ^{all} of the Osborns, Nicholson, Gee, and
Jones. Am not acquainted with Mr. Hoain
I saw Thouton Jim (eldest the plaintiffs) while
he was here but I have no acquaintance with
him. I was here in Cassopolis at the time
the Kentuckians had the negroes here.
(A portion of the deposition of Charles Jones taken
on the part of the plaintiffs was then read to the
Witness relating to this witness taking a rifle
ball out of his pocket and saying he would
put it through some of these before they should
take away the Colored people.) Question State
all you know respecting the said matter referred
to by said Jones and whether you made
any such statement? Answer, I do
not recollect of saying any such thing or
of seeing Jones until the evening of the
day the negroes were liberated. Then I
saw him in the Court House. I have no
recollection of doing any such thing as taking
a rifle ball out of my pocket. Question
According to the best of your recollection
did you or did you not at the time the
Kentuckians were here carry a ball

about with you? (This question was objected to by Plaintiffs Counsel) Answer, I don't recollect any thing about it. Sometime I went a quinning and had balls in my pockets but don't recollect of having any at that time.

I do not recollect of having any conversation with Jones any when while the Kentuckians were here, I sometimes practice medicine, I did at that time here.

Question State whether at that time you did or did not sometimes carry pills of a large size in your pocket or about with you? (This question was objected to by Plaintiffs Counsel) Answer, I always carried pills in my pocket, I do not recollect of showing Jones any pills.

I was here the most of the time that the Kentuckians were in Cassopolis, It would be hard for me to state what was done here then was so much going on.

Question, State what you heard the defendants say or saw them do or any of them while the Kentuckians were here in town towards allaying or quieting the loud talk or excitement among the people? (This question was objected to by Plaintiffs Counsel generally and on the ground of tautology in the interrogatory) Answer I think I heard some of them telling the crowd to be quiet that they had given up to go to trial and that was all they wanted or something to that amount, I don't know that I saw

any of them use violence at all. Josiah Osborn is one that I heard cautioning the crowd that was about to be quiet. The most of the defendants there were opposed to a row. Question, Did you hear anything said by any of the defendants at that time to the people about keeping quiet for that all they wanted was a fair trial and that the Kentuckians had said they were willing to give a fair trial. If so state what was thus said and by whom? (This question was objected to by plaintiff's counsel) Answer, I have stated that I heard Josiah Osborn say they had better keep quiet all they wanted was a fair trial. This took place the first day, Several of us went out to meet them coming to town and it was coming in that I heard it. Don't recollect of any ~~one~~ in particular but I talked with most of the defendants and they said they wanted to see it tried fair and to see how it would come out or something to that amount. When we met the Kentuckians and the crowd coming in the Kentuckians said they were going to come to trial. I did not hear the defendants say or see them do anything to increase the excitement of the people.

Being Cross Examined by Mr Pratt on behalf of the Plaintiff Witness says:

At the time of the occurrence I resided in the village here. I went out for

assisting in
 the purpose of getting the Kentuckians and
 Slaves back, I think it was about sunrise
 that I went, I started I believe at the
 request of Walter G. Beckwith, He said he
 wanted me to go along with him to ^{bring} the Ken-
 tuckians and Slaves back as the Kentuckians
 had been stealing some negroes. He said
 they had been stealing them out at Stephen
 Bogue and at Phugarts, I called started
 a few moments after he called ~~on~~ me to go,
 Beckwith and Histed went with me, I
 saw Stephen Bogue in here that morning to
 raise men to go. We met the crowd about
 six or seven miles from here, I don't recollect
 how many Kentuckians there were but I guess
 about nine or ten, there was a good many
 with the Kentuckians, think some twenty five
 or thirty, I don't think there were a great many
 more I did not count these, there were some
 blacks with them but don't know how many,
 have no idea how many there was besides
 the Slaves, think there were more than
 were white people, I am not able to say
 how many blacks there were that were said
 to be slaves, there was five or six I think,
 The Kentuckians had charge of them, I
 knew pretty near all the whites that were there
 following the Kentuckians and presume I
 knew them all, I recollect seeing Bill
 Jones ~~there~~, This was William Jones, I also
 think Jefferson Osborn & David Rowe, were there
 and I don't recollect any others in particular
 except those that went out with me. There

were others there, Josiah Osborn I think was
 there, Did not see Ellison Osborn there
 Zachariah Shugart was there, Don't
 recollect that I saw Ishamuel Lee there
 Did not see Nicholson there, Don't know
 that I saw Stephen Bogue there, Question
 Will you please name over the names of the
 neighbors that ^{you} know living near when the
 slaves were taken? (This question was ob-
 jected to) Answer, there is Charles Jones,
 William Jones, James Bourne, William
 Allen, John Odell, Nathan Odell, and
 Jacob S. East, and I believe they are all I
 recollect as living near except those that I
 have stated before. James Bourne was in
 the crowd before we got to town but I don't re-
 collect of any others being there, Think the
 crowd increased before we got to town, they
 kept dropping in, I believe Josiah Osborn
 was on foot but I am not positive, There
 was some quarrelling between the Kentuckian
 and some of the crowd or some words as
 we came along and when we first met
 there, One of the negroes was walking and
 he was handcuffed and his head was
 bleeding and he appeared to be tired and
 William Jones wanted the Kentuckian to get
 off from his horse and let the negro ride,
 The Kentuckian told him he would not do it
 or something like that and they had some
 words, Don't recollect what the words were
 I told them to hush there was no use of
 making a ~~full~~ fuss. (The counsel for

the plaintiffs objects to the last statement of the witness as to what he himself said as being no part of the answer to the Counsel's question)

I don't recollect of anything else being said between the people and the Kentuckians on the road, When we first came to them they were standing still and then when some persons wanted to turn the negroes loose and others objected to it, I don't recollect of any expressions from the crowd from the time we met them until we came into town except what I have stated, Question Did you not hear expressions in the crowd on the way to the village in regard to whether the Kentuckians should or should not take away the Slaves? (This question was objected to) Answer, I don't recollect that I did, I presume I was talking with some of the crowd all of the way down, I must generally do, I don't recollect any particular subject but presume we talked about the Kentuckians and negroes as much as upon any subject and may be more, I presume I did have conversation in relation to the Kentuckians taking away the Slaves. I don't recollect of hearing any one express themselves upon the subject of taking the Slaves away unless it was one or two that I was talking with, I don't recollect who those were that I talked with, On arriving in the village some of the Kentuckians and Slaves went to the tavern, Question, Was there not a consultation by individuals after the ar-

view of the Kentuckians in the village in
 relation to the course to be pursued in order
 to prevent the Kentuckians from taking
 away the Slaves? (This question was
 objected to) Answer, Not that I know of.
 Question Did you not hear in individual
 talking upon that subject after your arrival
 and did you not consult with individuals on the subject,
 in the village? (This question was objected
 to) Answer, There was something said
 after we came in about what legal
 course should be taken, I presume I
 consulted about it considerably. I wanted
 to see the matter investigated fairly (The
 last part of the witnesses answer was objec-
 ted to by plaintiffs counsel as no answer
 to his question) Question, Was there not
 consultation during that first day as to sending
 for Ebenezer M. Train to come here And
 did you not talk with individuals upon
 that subject? (This question was objec-
 ted to) Answer, I dont recollect of any
 consultation neither did I know there was
 such a man until after he was sent for
 I did not know there was such a man
 In the course of the first day I should
 think there was something near a hundred
 people here in the village, I dont think
 there was three hundred, I dont think
 there was two hundred, I have no idea
 what portion of them were blacks, I dont
 recollect anything about it. There were some
 blacks here, I presume there was more
 than a dozen, I dont know how many.

I did not go around to examine who was black and who was white, I saw some of the defendants here Thompson Metcalen, and I think Ichmael Lee, were here, I saw William Jones here but dont recollect as to Josiah Osborn, I dont recollect as to whether there were more here the second day than the first, I think I went away in the forenoon the second day and returned before night.

I think I was in the Court room both days, I saw defendant McElvain there the second day, but cant tell how many there were there I did not pay any attention to the crowd to know how many was there, Dont know that there were more blacks here the second day than the first, When I met the crowd on the first day some of them had sticks or cudgels, Dont know that I saw any on the second day, It has been so long I do not recollect anything about whether there was a good deal of audible talk here in the village on either day, Question, Did you after the affair here in the village was over have any conversation with either of the defendants within any time thereafter? (This question was objected to) Answer, I do not recollect of any particular conversation with any of them, I presume I might have had a conversation with Josiah Osborn about the affair but I dont recollect any particular conversation, Question, Did not one of the defendants tell you when some slaves were kept that the Kentuckians were

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not able to get that morning? (This question was objected to) Answer, I do not recollect of any thing of the kind, Question By way of refreshing your recollection Witness I ask you whether one of the defendants did not tell you after the affair was over, about some of the Slaves having been kept concealed and fed for a few days and then taken off? (This question was objected to) Answer, Not to my recollection, I don't recollect of having a conversation with one of the defendants in regard to that subject, Question, Did you start away on the morning of the first day to prevent the Kentuckians from taking off the Slaves? Answer We did) The last question was objected to immediately after it was answered by the witness, and the answer was given immediately after the question was put) There was some excitement on the part of the people the first day about the Kentuckians and the negroes, I think it was on the subject of the Kentuckians taking away the Slaves. It was about the same on the second day.

Being examined by Mr Smith in behalf of all the defendants except Mr Isaac Witness says:

There was a good many citizens in favor of the Kentuckians taking the negroes away. The talk was about Slavery and abolition. That was the extent

There was a difference of opinion among the people on the subjects discussed. I understood the intention to be when we went out the first day to see that the negroes had a fair trial. There was no intention that I know of on the part of those that went out to take the negroes away from the Kentuckians by force without a fair trial. My understanding when I went out was that the prosecuting attorney sent the people out.

Being well advised on the part of the plaintiffs witness says: I am not able to say what portion of the crowd were in favor of ~~taking~~ the Kentuckians taking the negroes. I don't know that I could form any opinion. I don't know the opinion of every man. I think there was a great many opposed to ~~them~~ ^{Kentuckians} taking them away without a trial. I think there was a majority of the people opposed to it. I can't say there was a large majority.

E. J. Bonin

And I do further certify that the preceding deposition was reduced to writing by me and signed by the said Evan J. Bonin and that I am not of Counsel or attorney for either of the parties to the said suit nor am I interested in the event thereof.

D. Darwin Hughes
Commissioner &c

71° 2077.

Cir. Ct. U. S. for the 7th
Cir. & Dist. of Michigan

Josiah Astor et al
vs
Thomson Tibbelske

Deposition of Evan J. Bonine

I certify that on the
20th May 1850 I rec^d
the within Deposition
from the Post office
in Detroit and on the
18th day of Dec^r 1850
in open Court I took
open & filed the same
J. W. Winder
Clerk