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Kansas Territory versus Jonathan J. Hussey for stealing hay

Douglas County. Funds for digitization provided by Mr. Steve Peckel in memory of William Chalfant.

Date: testimony April 2, 1858

Callnumber: Kansas Territory Criminal Case Files, Box 8, Folder 40

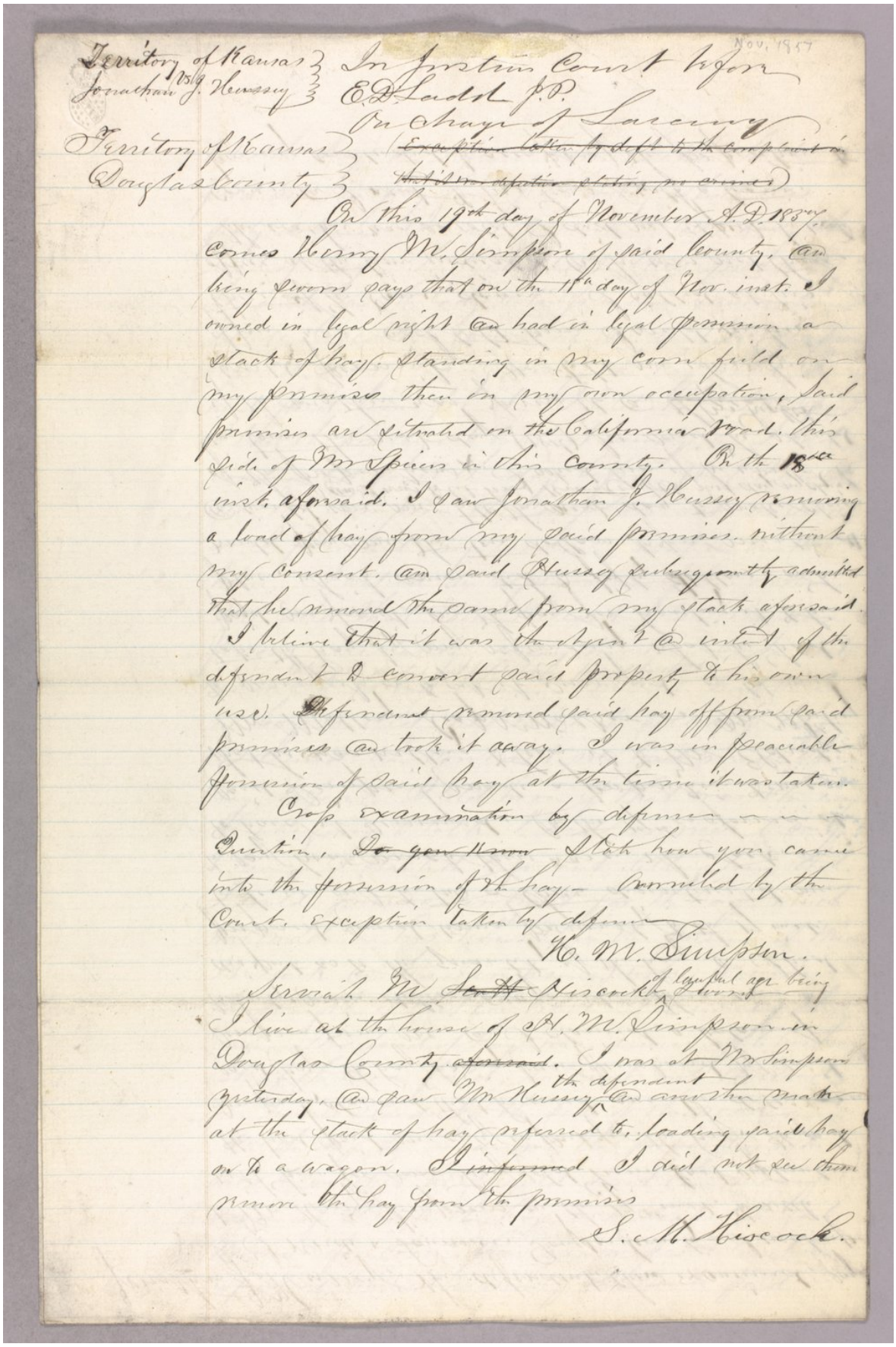
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Kansas Territory versus Jonathan J. Hussey for stealing hay



Nov. 1857

Territory of Kansas } In Justices Court before
vs } E. D. Ladd J.P.
Jonathan J. Hussey } On charge of Larceny

Territory of Kansas } ~~Exception taken by dft to the complaint &~~
Douglas County } ~~that the complaint states no crime~~

On this 19th day of November A.D. 1857
comes Henry W. Simpson of said County, &
being sworn says that on the 18th day of Nov. inst. I
owned in legal right & had in legal possession a
stack of hay. standing in my corn field on
my premises then in my own occupation, said
premises are situated on the California road. this
side of Mr Spiers in this county. On the 18th
inst. aforesaid. I saw Jonathan J. Hussey removing
a load of hay from my said premises. without
my consent. & said Hussey subsequently admitted
that he removed the same from my stack aforesaid.
I believe that it was the agent & intent of the
defendant to convert said property to his own
use. Defendant removed said hay off from said
premises & took it away. I was in peaceable
possession of said hay at the time it was taken.

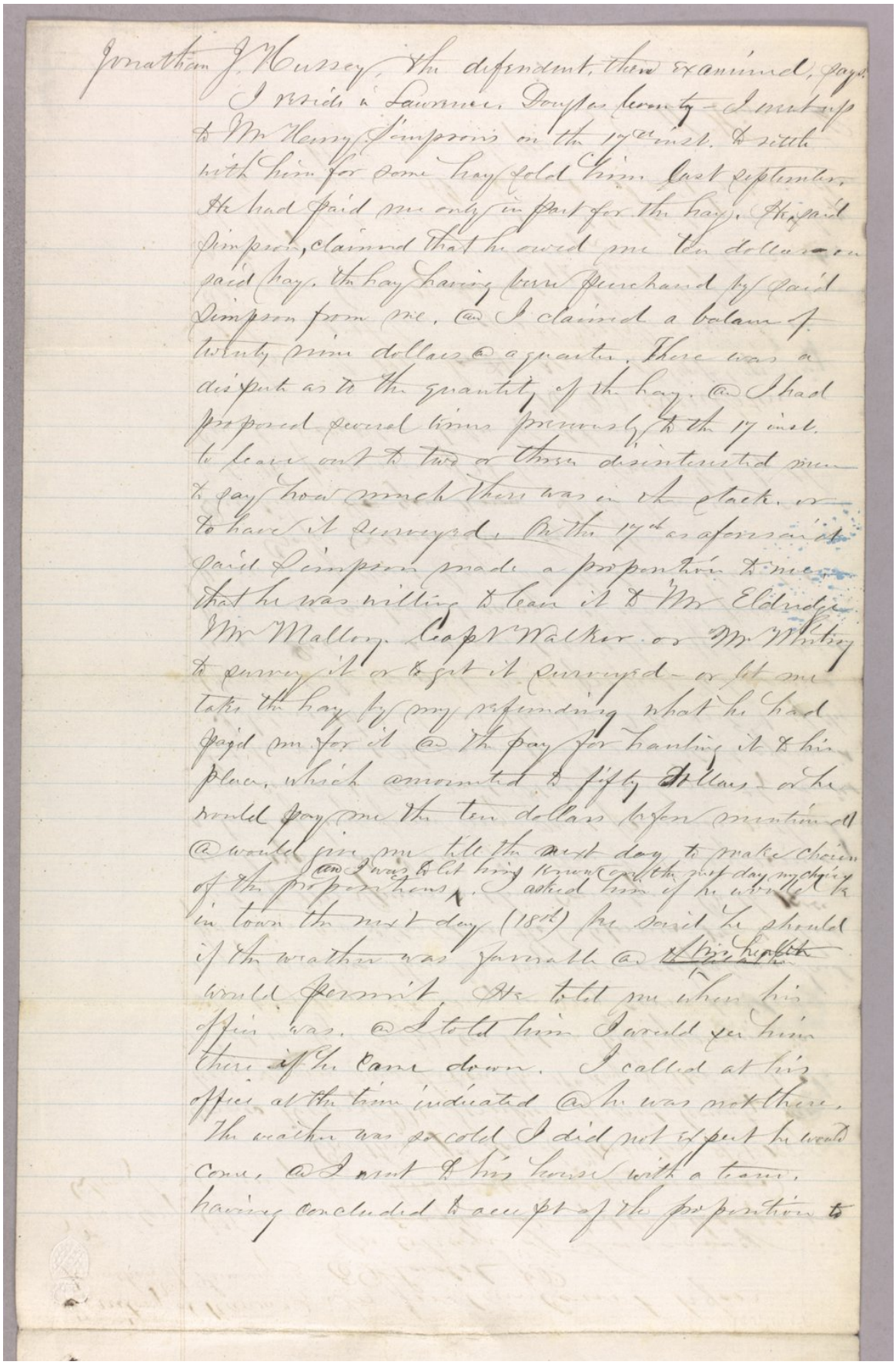
Cross examination by defence - - - -
Question, ~~Do you know~~ State how you came
into the possession of the hay - Answered by the
Court. Exception taken by defence -

H. W. Simpson.

Sworn to ~~Scott~~ Hiscock, by lawful age being
I live at the house of H. W. Simpson in
Douglas County ~~aforesaid~~. I was at Mr Simpsons
yesterday, & saw Mr Hussey & ~~and~~ the defendant
at the stack of hay referred to, loading said hay
on to a wagon. ~~I informed~~ I did not see them
remove the hay from the premises

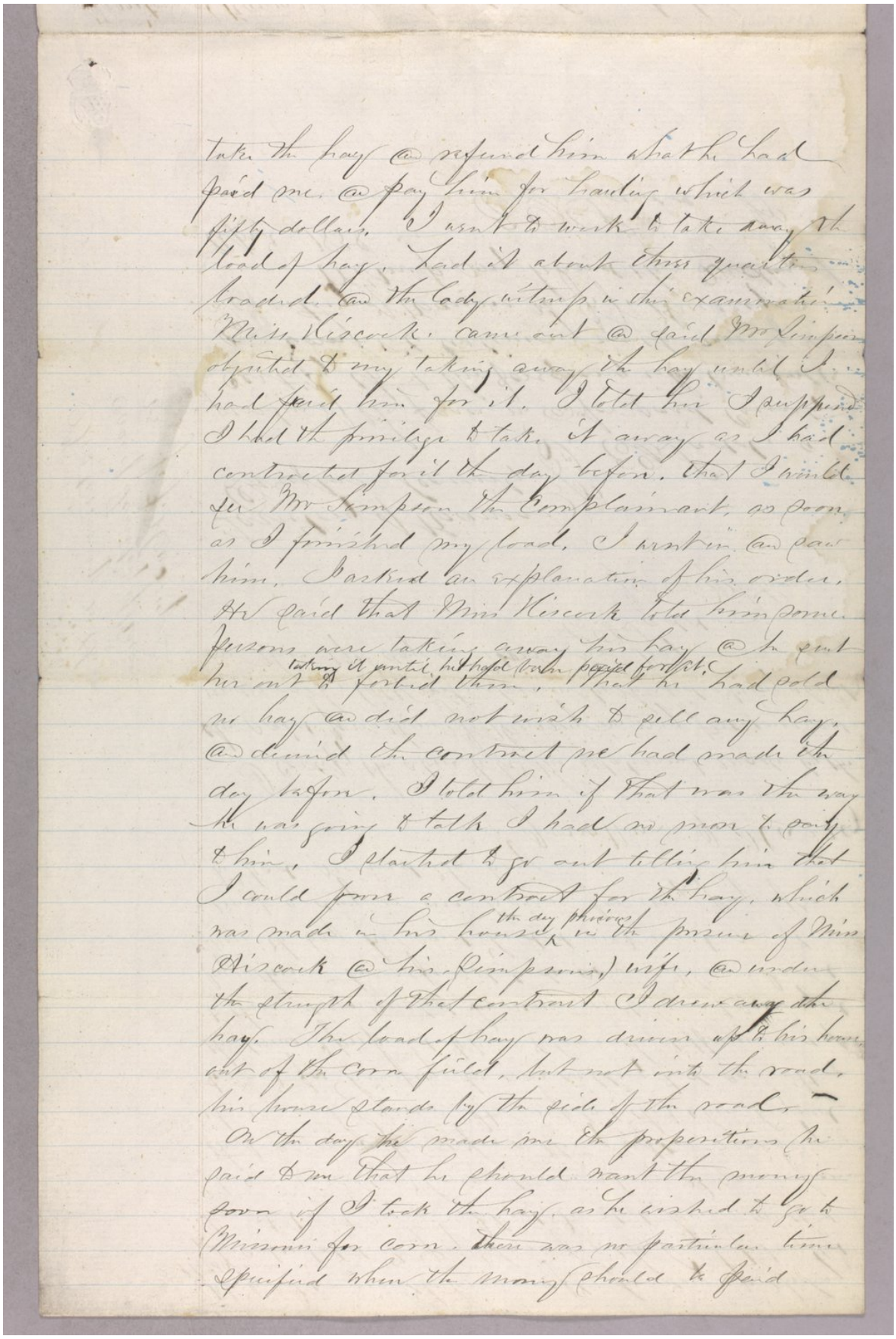
S. M. Hiscock.

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Jonathan J. Hussey, the defendant, then examined, says:
I reside in Lawrence Douglas County - I met up
& Mr Henry Simpson in the 17th inst. & settled
with him for some hay sold him last September.
He had paid me only in part for the hay. He said
Simpson, claimed that he owed me ten dollars on
said hay. the hay having been purchased by said
Simpson from me, & I claimed a balance of
twenty nine dollars & a quarter. There was a
dispute as to the quantity of the hay. & I had
proposed several times previously to the 17 inst.
to have out & two or three disinterested men
to say how much there was in the stack. or
to have it surveyed. On the 17th as aforesaid
said Simpson made a proposition to me
that he was willing to leave it to Mr Eldridge
Mr Mallory Capt Walker or Mr Whitney
to survey it or to get it surveyed - or let me
take the hay by my refunding what he had
paid me for it & the pay for hauling it to his
place, which amounted to fifty Dollars - or he
would pay me the ten dollars before mentioned
& would give me till the next day to make choice
of the propositions. I was to let him know on the next day my choice
& asked him if he would be
in town the next day (18th) he said he should
if the weather was favorable & his health
would permit. He told me where his
office was. & I told him I would see him
there if he came down. I called at his
office at the time indicated & he was not there.
The weather was so cold I did not expect he would
come. & went to his house with a team,
having concluded to accept of the proposition to

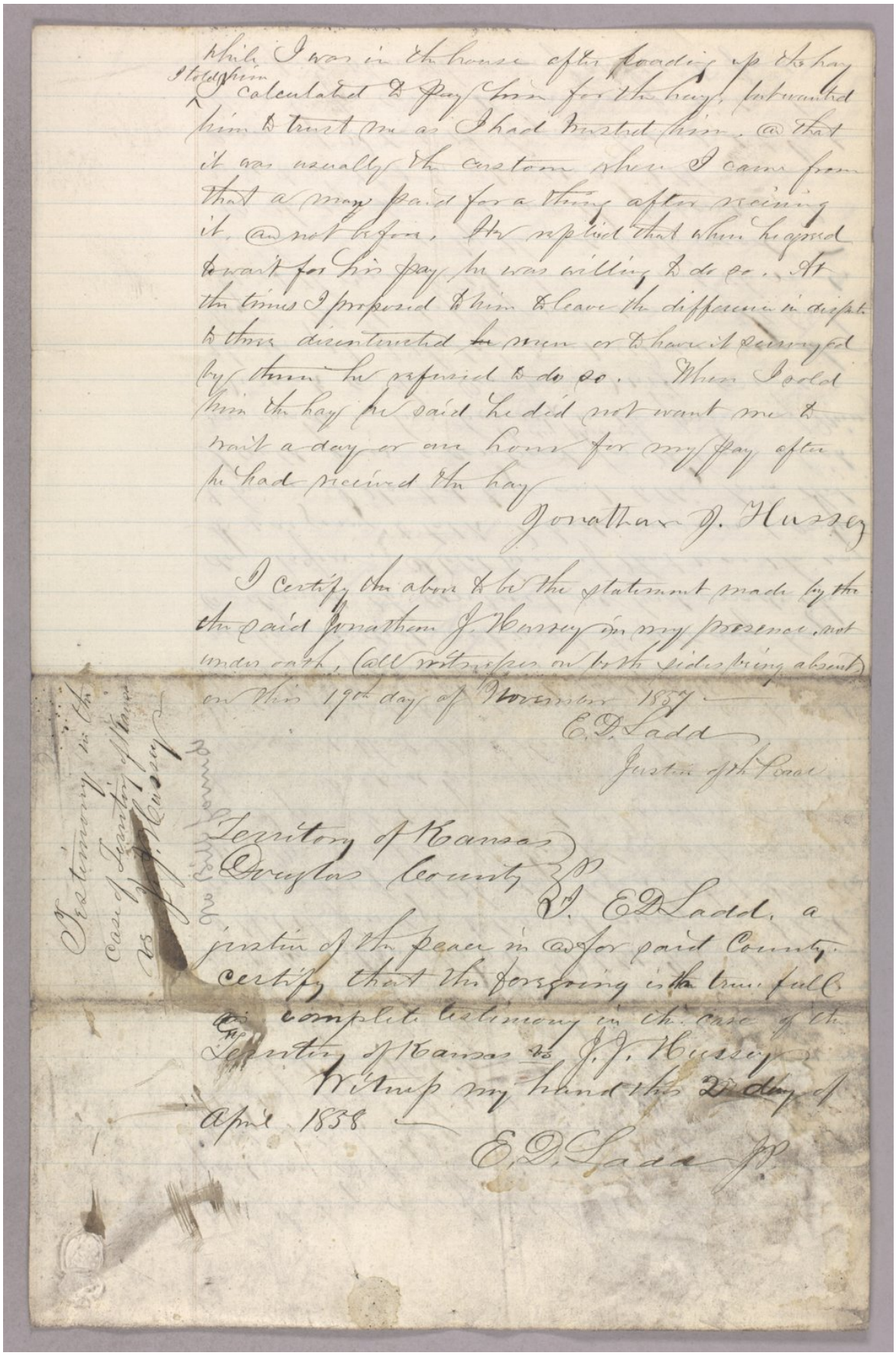
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take the hay & refused him that he had paid me & pay him for hauling which was fifty dollars. I went to work & take away the load of hay. Had it about three quarters loaded & the lady stump in the examination Miss Kincaid came out & said Mr Simpson objected to my taking away the hay until I had paid him for it. I told her I supposed I had the privilege to take it away as I had contracted for it the day before. that I would let Mr Simpson the Complainant, as soon as I finished my load. I went in & paid him. I asked an explanation of his order. He said that Miss Kincaid told him some persons were taking away his hay & he sent her out & forbid them. That he had sold no hay & did not wish to sell any hay, & denied the contract we had made the day before. I told him if that was the way he was going to talk I had no more to say to him. I started to go out telling him that I could prove a contract for the hay, which was made in his house the day previous in the presence of Miss Kincaid & his (Simpsons) wife, & under the strength of that contract I drew away the hay. The load of hay was drawn up to his house out of the corn field, but not into the road. his house stands by the side of the road.

On the day he made me the proposition he said to me that he should want the money for corn if I took the hay, as he wished to get Winnie for corn. There was no particular time specified when the money should be paid

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while I was in the house after loading up the hay
Stole him calculated & pay him for the hay, but wanted
him & trust me as I had trusted him. & that
it was usually the custom when I came from
that a man paid for a thing after receiving
it. & not before. He replied that when he agreed
& wait for his pay he was willing & do so. At
the time I proposed & him & leave the difference in dispt.
& three disinterested men or & have it decided
by them he refused & do so. When I sold
him the hay he said he did not want me &
wait a day or an hour for my pay after
he had received the hay

Jonathan J. Hussey

I certify the above & be the statement made by the
the said Jonathan J. Hussey in my presence not
under oath, (all witnesses on both sides being absent)
on this 19th day of November 1857

E. D. Ladd
Justice of the Peace

Testimony in the
case of Territory of Kansas
vs J. J. Hussey

Territory of Kansas
Douglas County } ss

I, E. D. Ladd, a
justice of the peace in & for said County
certify that the foregoing is the true, full &
complete testimony in the case of the
Territory of Kansas vs J. J. Hussey
Witness my hand this 2nd day of
April 1858

E. D. Ladd JP

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