April 23, 1859

The Territory of Kansas
county of Wyandott

Daniel Powell Plaintiff
against
Moses Grinter Defendant

In the District Court for the third District sitting within & for the county of Wyandott

Depositions will be taken in the above entitled action, by the Plaintiff, at the office of Hadley and Bartlett in the City of Wyandott, County of Wyandott, and Territory of Kansas on the 23rd day of April A.D. 1859 between the hours of nine o'clock A.M. and four o'clock P.M.—

Hadley & Bartlett
Attys. for Plaintiff

- We have notice of the
Within April 19th A.D. 1859

Rec'd notice of within by copy
this 20th day of April A.D. 1859
Stockton & Emerson
Attys for Deft

Depositions of Rial Hoisington taken in an action pending in the District court for the third district of the Territory of Kansas sitting within & for the county of Wyandott wherein Daniel Powell is plaintiff and Moses Grinter is defendant, for said plaintiff and at the time & place stated in the enclosed notice =

Present Mr. Hadley for Plaintiff

Rial Hoisington of said County of Wyandott, being first duly sworn, deposes and of lawful age deposes and says =

Question by Mr. Hadley

State what your intention is about staying in or removing from this county.

Ans. I intend to move from here to Michigan & shall start to-morrow morning.

Q. by same,

State your age & occupation.

Ans. Fifty seven years of age, I am a Carpenter & by profession & have worked at Boat building considerably before coming to Kansas, & also here in Kansas.

Q. by same, Latter Clause of above Answer objected to.

For whom did you work as a Carpenter

& Boat-builder last year, during Spring & Summer?

Ans. During part of the Spring & Summer I worked for Mr. Daniel Powell the Plaintiff in the above Case on Boats for a Ferry at Delaware Crossing in this County for Moses Grinter Deft. in above case.

Q. by same

State what you know as to who gave directio about the manner in which said Ferry should be built & where. Objected to by Deft's Counsel.

Ans. At Delaware Crossing Mr. Powell & Mr. Grinter were talking in my presence, Mr. Powell said to Mr. Grinter, I am at your disposal as you say it shall be done I will do it. Mr. Grinter's reply was "very well" heard no more as I was about my work. Mr. Grinter directed as to where to place the Ferry at a subsequent time this was during the building of the last buoy Boat built that we

Q. by same.

State when the first Conversation between Mr. Powell & Mr. Grinter took place, to which you have allu ded above.

Ans. I At that time the Boats were all on land.

Q. by same

State what occurred to the Boats after launching them: if they were launched at all.

Question objected to by ~~Plaintiff's~~ Defendant's Counsel

Ans One end of the rope was fastened on the North shore of the Kaw River & I think there were

(buoy) Boats attached to the rope, & the rope

before of the Kaw River & I think there were

nine (buoy) Boats attached to the rope, & the rope was not long enough to reach down to the Ferry on this side. ~~after~~ While we were eating supper a log came down the River & hit the Boats & broke the wires that (attached) the ropes to the Boats and carried the Boats down the River.

Q. by same.

State in what manner the workmanship on said Boats was performed.

Objected to by Defendants Counsel.

Ans. I called them well made Boats. whether or not they were well made for that purpose I do not know. as they were the first Boats I ever saw for a Ferry of that kind. they were made in a workman like manner.

Q. by same.

State what you know in regard to the launching said Boats after the occurrence you have above related.

Ans.

The next time we fitted them up we ~~attached~~ attached the Ferry Boat to the rope & then Mrs Grinter, his wife, Mr. Powell & the hands that worked the Ferry got into the Ferry Boat & went across the River taken by the current & back again I do not recollect as we crossed but twice.

Q. by same.

State how the Ferry worked.

Ans. It worked well.

Q. by same.

State whether you heard any conversation at that time between the parties to this suit & if

so what it was.

Ans. Mr. Powell asked Mr. Grinter if that was not going at pretty good speed? Mr. Grinter replied he thought it was getting along pretty well, they were talking back & forth that it was much easier than poling it across, Mr. Powell says "How do you like it? Mr. Grinter says "Very well, they were talking some other matters & things mostly in jokes, Mr. Grinter added that he thought the Ferry would do but did not know but it would need some more buoy boats, this was on Saturday afternoon I think in the forepart of last summer, the next day Mr Powell Mr. Green Mr. Sawyer & myself came home,

Q. by same.

State what was said by Mr. Grinter previous to the completion of the Ferry touching the hitching of the rope, & the Kaw River.

Objected to by Defts Counsel.

Ans. Mr. Grinter said he thought such a point was the place to fasten the rope, & he & Mr. Powell went to the point & hitched the rope there first & when they came to estimate the distance they did not have rope & iron enough to reach down, Mr Grinter said the River was crooked & rather of a bad place for the buoys to keep in a line.

of a bad place for the buoys to keep in a line.

Q. by same. At whose direction was the rope moved from the place where it was fastened at the first time?

Ans Mr. Grinter & Mr. Powell both agreed it should be moved the second & third times from the place where it was first attached & agreed where it should be hitched each time,

Q. by same, State to what the ~~Buoy~~ Rope was hitched, the last time, & who helped to hitch it? Objected to by Defts Counsel.

Ans, It was hitched to a post driven down at the butt of a tree partly buried in the sand, & there were iron rod links fastened from this post to a tree above, on shore, Mr Grinter's Ferry men Mr. Grinter, Mr Powell & his hands assisted in putting up this Rope. Mr. Grinter appeared to be pretty much the Boss in telling what would stand, I told Mr, Grinter a freshet might wash it away, he said he would risk it there,

Q by same, In what condition did Mr Powell leave that Ferry when he came home?

Objected to by Defts Counsel,

Ans, He left it in a condition that one man could go & take hold of the wheel turn the prow of the Boat up stream & run it across the river & then turn the other way & run back again,

Cross Examination by Defendant.

Question,

What is your name?

Ans. Rial Hoisington.

Q. by same.

How long have you resided in Wyandott County, in Kansas Territory?

Ans, I should judge about six Months, possibly seven.

Q. by same, In what business have you been engaged during said six or seven Months?

Ans, principally at Carpenters work & on Boats, have worked some at farming.

Q. by same, State when & where before coming to Kansas you were engaged considerably in Boat building & also at what point in Kansas?

~~Objected to by Plaintiff's Attorney.~~

Ans. I was engaged in Boat building in Livingston Co. in Michegan, I helped build two fishing Boats in Michigan & also worked with atherson athes Boats there. & helped build two fishing Boats in New York State before this, that is all the work I had done on boats before coming to Kansas. In Kansas what I have worked on Boats has been with Mr Powell. I worked on the St. Paul awhile for him & worked on a Skiff which was taken up to Delaware Crossing & also at the Delaware Crossing for Mr. Powell making those buoy Boats,.

Quest. State how long you were engaged for Mr Powell in building buoy Boats at said Delaware Crossing;

Ans. Two weeks. I commenced work there in the latter part of May or the first of June. twelve of those boats were built here at Wyandott & three or more at the Delaware Ferry. I think I worked three or four days on those buoy Boats here before I went to Delaware Crossing.

Quest. State what you know about the material of which said Boats were built, with what material they were caulked & whether they were pitched, & painted.

Ans. (they were built of) Pine & Oak, caulked with Cotton wool, & pitched with Tar & Rosin two Coats, & they were painted by Mr. Powell with two Coats, They were pitched ~~inside~~ here at Wyandott with Tar & Rosin one coat, then at Delaware Crossing ~~Crossing~~ with another coat of Tallow & rosin.

Quest. Are you a Ship Carpenter by Profession?

Ans. I am not.

Quest. State, if you know, when said buoy Boats were first launched:

Ans. I should judge it was some 4 or five days after I went to work at the Ferry. I think there were eleven or twelve launched at that time. & they

be by noon the same evening that they were

in place of the Iron rod with the exception of some ~~Ten~~ Eight or ~~twelve~~ ten rods at the lower end where the Iron rod was still used.

Ried Hoisington