Carter Circuit Court

Benjamin J. Rice, Plaintiff

Against

John Duncan } Defendants

Dillard Duncan }

Taylor Duncan }

 The plaintiff Benjamin J. Rice states that he is the owner of two very valuable milk cows. One white with some red about her ears. The other white & blue speckled. That the defendants John Duncan, Dillard Duncan, & Taylor Duncan did on the day of September 1867; in Carter County willfully and maliciously beat, bruise, cut and lame said cows, inside of the enclosure of the defendants they not having a lawful fence. Whereby plaintiff has been damaged in the sum of seventy dollars.

 Wherefore plaintiff prays judgment for the sum of one hundred and forty dollars damages and for other proper relief.

Wm. Bowling

For plaintiff

Carter Circuit Court

Benjamin J. Rice plaintiff }

Against } Answer

John Duncan et al defendant }

 The defendants John Duncan, Dillard Duncan & Taylor Duncan state that it not true that they on the day of September 1867 or any other day in Carter County or any other county willfully and maliciously or any otherwise that injured or lamed the cows of the plaintiff inside of his enclosures or any other place or damaged them in any way whatever. They state that the cause spoken of in the plaintiff’s petition as they are informed, got into the corn field of the defendants and eat a great deal of corn, so much that they was badly foundered and lame and if the plaintiff was injured it was by reason of the glutton of his cows wherefore he prays that the plaintiff petition removed and they recover their costs herein.

State of Kentucky, Carter County

John Duncan states that the statements of the foregoing answer are true.

(Signature of John J. Duncan, and initials of who signed for him. Possibly Dillard Duncan? If John couldn't read or write, Dillard may have signed John's name and initialed that he signed for him.)

Sworn to before me by John Duncan this the 11th day of Oct. 1867 H. Henderson, CCCC (Carter County Circuit Court)

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Per Vicki Pasterik

By the way, this is a common occurrence in cows. If they find corn,

they will eat it. In September, the corn would be ready to harvest, and

the cows likely ate too much corn, got acidosis and went down. They

would be bloated and not be able to get up. If they went through barbed

wire fence, that would explain their being cut up. I'd say the Duncan’s

had a good case. How did it turn out? Any farmer or anyone with cows

would know this.