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Document, Van Deventer Affidavit, April 18, 1850

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State of Illinois }
McLean County } ss.

John Vandeventer, the defendant to a certain Indictment pending in the circuit court of the County aforesaid, against him, for an assault with intent to commit a bodily injury, being first duly sworn, states on oath that he can not safely go to trial on said indictment at the present terms of this court, because of the absence of Aaron Buckler, who is a material witness for him on such trial, that he expects to prove by said Buckler, ^{James J. Stewart, alias James C. Black,} that the prosecuting witness in said indictment, said to said Buckler or in his hearing, that immediately before this affiant struck the blow for which he is prosecuted in said indictment, he, said prosecuting witness, struck at affiant with a common chopping axe, that affiant is informed and believes that on such trial, said prosecuting witness will deny so striking at affiant, and will deny having ever said he so struck at him; that affiant expects to prove a like declaration of said prosecuting witness, by one other witness, but as no person was present at the encounter except affiant, said prosecuting witness, and his supposed wife, and as affiant expects a conflict of testimony on this point, he deems it unsafe to go to trial without the testimony of said Buckler; that said Buckler has left this state with the fixed purpose of going to St. Joseph, as affiant understands, in the state of Missouri, and with some expectation of going on to California; but that from conversation with said Buckler, and for other reasons, affiant believes said Buckler will return to Illinois from St. Joseph, and that affiant can and will have him in attendance at the next terms of this court. Affiant further states, that after he learned what he could prove by said Buckler, he had no sufficient time to have him subpoenaed, to attend at this term, before

he left on the journey aforesaid, nor does affiant suppose
he would have remained if he had been subpoenaed.
and that this application is not made for delay, but
that justice may be done—
Subscribed & sworn to this }
18th day of April 1850 }
W. H. Allen Clerk } John Vandewater

People }
or } Affiant
Vandewater

Filed April 18. 1850