

1320
North Carolina
Cumberland County

Spring 1871
Superior Court.

State vs Asa Embanks.

Charles Embanks, makes oath
that he is brother of the defendant, &
is the party acquitted of the crime charged
in the indictment.

He says that upon the Sunday in
question he was at the house of Asa, which
was also his mother's home, his own being then
a quarter of a mile distant. On Saturday
morning, to the best of his recollection, he had
agreed to haul a load of chickens to Raleigh for
his brother, starting on Sunday. It was agreed
that they should start on Sunday, & go on to ac-
company an older brother who was to start with
a wagon from a neighbor's about one & three
quarters miles distant on the road to Raleigh.
Asa was to go after the chickens on Sunday & bring
them home, they had been already ^{brought} engaged & were
at Mr. Hsey Mitchell's. Affiant had seen the
witness Holland in the forenoon of Sunday, & had
been told by him that he wanted to go to Raleigh - that
he wanted to buy molasses & other things for his family,
& asked whether affiant would haul them back. He
promised to do so. Holland lived on the land of affiant's
mother, nearly a quarter of a mile from the house.

1520

Affiant went to his mother's home about 2 o'clock on Sunday, but Ase did not return with the chickens until about 2 hours from sunset when he came, with Alsey Mitchell, driving the wagon & chickens. Affiant changed the horses, & started after sunset for Raleigh. Some work had to be done upon the coop. Just after Ase came with the wagon, the witness, Woodard came ^{from his home} up in company with Steve (witness). They had on their harnesses, as if to travel; Woodard then asked Ase's permission to go to Raleigh, & Ase said that if affiant was willing that Woodard should lose his time he might; affiant expressed his indifference, & pretty soon thereafter, affiant having said that there was no chance for them to ride, they started off on the road towards Raleigh. Affiant saw no more of either of them until next day, about 10 am., in Raleigh. The witness Joe Dick had come up about witness was changing the horses, & had stopped. Alsey Mitchell & Ase started some 300 yds before affiant. Affiant's mother went on to the Cooper, which was on road towards Raleigh, as affiant drove off, and he passed a few words with her there. About 1/2 a mile from home he passed Alsey Mitchell sitting on his heels at the place where his father turned off from the road & Joe Dick was with him, & Ase, the latter got into the wagon & went on with affiant, and remained with him until they reached Raleigh, between day break & sunrise, near the gate.

Affiant knows that day Susannah Boyer had two cows at that time - & that one was dry. He saw it from time to time along

1520
then, sometimes, at intervals perhaps of two weeks or so. He did not see it to the best of his recollection & belief, upon the Sunday in question, he has no recollection whether he had seen her the day before. Asa said nothing to him about the car upon that day: He never said anything to him about taking the car, or having it done. Affiant has no knowledge or information to the effect that Asa had that car or any car, driven to Raleigh upon the night in question. Affiant did hear Huxley afterwards that Mrs. Bryan's car was ~~missing~~, all that he has ever heard showing that Asa had anything to do with it, was what was said upon the trial upon yesterday. Affiant moved to Mississippi in ^{about one month before} Feb'y 1870, & returned to D.C. last Christmas. He intended to live there, but returned because of his health.

At affiant's mother's residence some two months ago, and again at the house of Allen Stone's daughter, within this month - the witness Allen Stone told this affiant that he never did drive Mrs. Bryan's car for Asa to Raleigh: At first occasion he also told affiant about what the Huxley had said to him about the matter, much as he stated it upon trial yesterday. The first time affiant met Allen before Xmas, affiant asked him about what he had said to Mrs. Scott, ^{and Allen said that what he had said} was true, that is, that he had never driven Mrs. Bryan's car for Asa, or for any body.

132
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State vs Ore Embanks.

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He says that upon the Sunday in
question he was at the house of Ore, which
was also his mother's home, his own being then
a quarter of a mile distant: On Saturday
morning, to the best of his recollection, he had
agreed to haul a load of chickens to Raleigh for
his brother, starting on Sunday. It was agreed
that they should start by dinner, & go on to ac-
company an older brother who was to start with
a wagon from a neighbor's about one & three
quarters miles distant on the road to Raleigh.
Ore was to go after the chickens on Sunday & bring
them home, they had been already ^{braght} engaged & were
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