

# **The Trial of Old Drum: Burden v. Hornsby Johnson County, Missouri, 1870**

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# Synopsis

- Charles Burden sent his dogs out to hunt on a full moon night in October 1869 and while they were out he heard a shot. Burden called his dogs in and one was missing, Drum. He confronted his neighbor and brother-in-law, Leonidas Hornsby, who denied shooting, but the dog was later found on the bank of Big Creek. The trial was the result of Charles seeking compensation for his loss, but the speech of George Graham Vest, “The Eulogy to the Dog”, changed the course of the trial. Most folks had little sympathy for a trespassing dog at the time, and the speech about the man’s faithful companion changed minds.



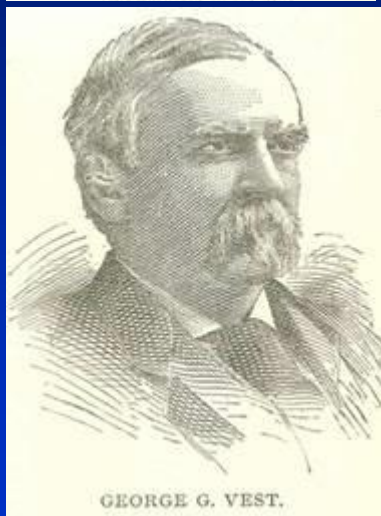
# The Trial

- One of the documents from the original trial over the shooting death of Charles Burden's dog, Drum in October of 1869. There were 4 "trials" in the county first with a local justice of the peace, but the final trial in the court of common pleas was held in Warrensburg. The case eventually went to the Missouri Supreme Court.

Charles Burden  
Plaintiff  
against  
Louisa Kinney  
Defendant

In the Johnson Court  
of Common Pleas, for  
Johnson County, Mo.

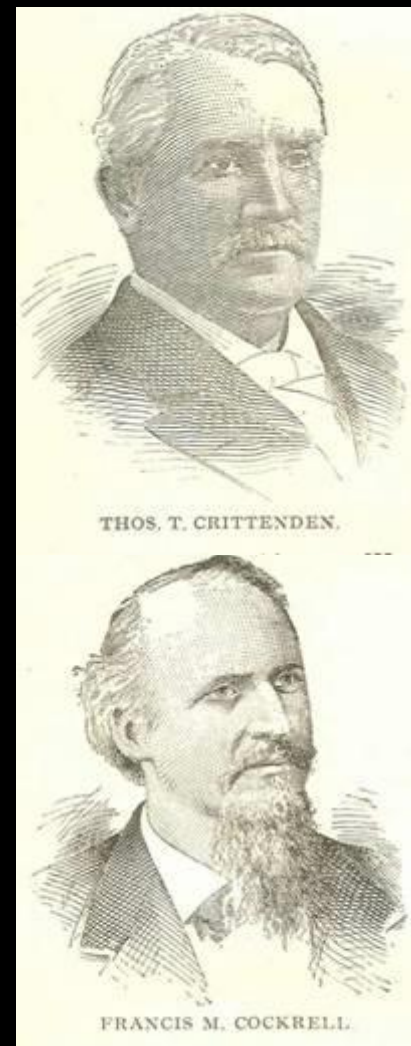
That it appeared that the September Term 1870  
of said court, the above entitled cause came on  
for trial in the court of said court, and a jury being  
impaneled, the following proceedings  
were had. The plaintiff the plaintiff in  
order to sustain the issue on his part in-  
duced the following evidence  
Charles Burden the plaintiff being duly sworn  
testified as follows: I reside in the western  
part of Johnson County and was the owner  
of the dog in controversy. It was about the  
21<sup>st</sup> day of Oct 1869 was the last I saw of  
him. About dark he came to my door.  
That night about 1 o'clock I heard the  
jaws of a gun in the direction of Mr Kinney's  
I went out to see if I could hear.  
I listened and could not hear anything  
was fearful they had killed one of my  
dogs. Called my dogs and he did not  
come up. I went up to Mr Kinney's  
next day and inquired if he had  
seen my dog. Went on after to Mr  
Kinney's. He was helping grind axle.



Confederate Senator

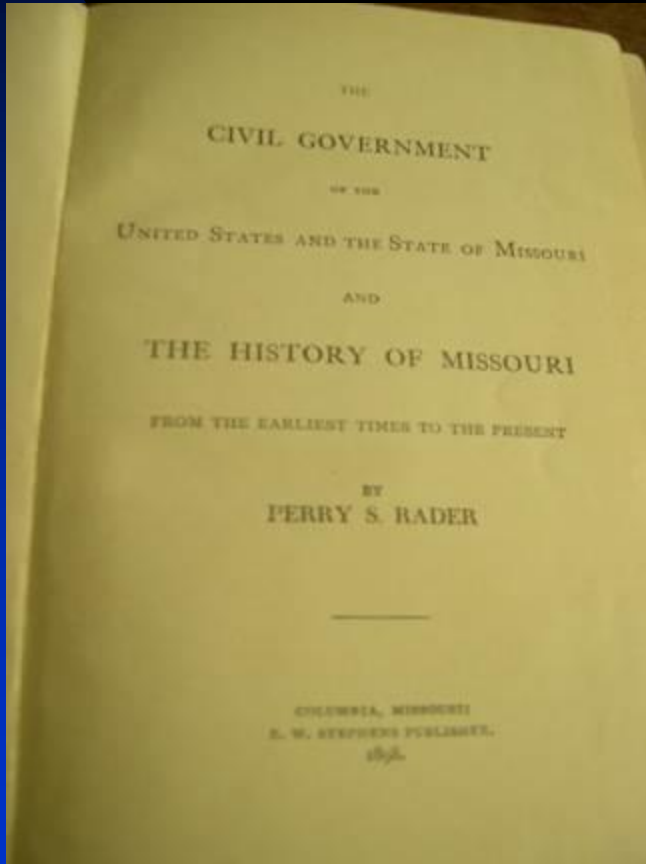
# Major Players

- Both teams of attorneys, were veterans of the Civil War and each partnership included a Union man and a Confederate who had teamed up after the war



Confederate Brigadier General

# Historical Significance



The portraits in the preceding slide came from this book which documented the subsequent lives of all four men in the political arena. All four were U.S. Representatives later and 2, Vest and Cockrell, had long term U.S. Senatorial careers.

# The Old Courthouse, 1838

- The original site of the trial is operated by the Johnson County Historical Society as a museum, since 1965. The building is the last remaining example of the popular Federal style courthouse in Missouri and the trial is reenacted within at irregular intervals.

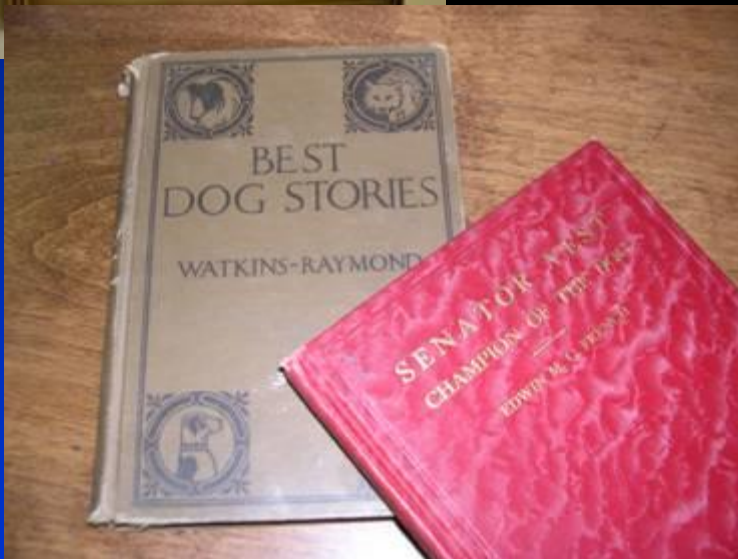


# Drum was a beloved part of the Burden Family

- One sweet story came from a letter in the 1960s. Mr Burden married 3 times, and had motherless babes along the way. The letter says that the woman's grandmother had been one of these children and when as little girl she had wandered off, they would often find her asleep in the orchard with her head resting on Old Drum's side.

# The True Story of Old Drum

Has been reprinted and told in many forms, and has the qualities of a legend, but the first comprehensive account was written by Walter Chaney.



# Vest's Speech

- Has been translated into many languages and was commemorated with the statue of Old Drum, placed by the town in 1959. It has been read into the congressional record on more than one occasion



# Johnson County Historical Society



Maintains the Old Courthouse and three other buildings on the Original Town Square, and is dedicated to preserving history related to the County, especially our “best friend” Drum— a reenactment is being planned and will be announced on our website [jocomohistory.org](http://jocomohistory.org)

# The Interior of the Old Courthouse



# College Student Sharing the Story of Drum with 4<sup>th</sup> Graders



# A great story of Reconstruction and one man's Best Friend...



County court documents  
are archived at the  
JCHS

*Drum: "Faithful and True Even Unto Death"*  
*A Re-Enactment of the 1870 Missouri Trial*

Performances on:

- September 22<sup>nd</sup> 7:00 p.m. (pie supper follows)
- September 23<sup>rd</sup> 2:00 and 7:00 p.m.
- September 29<sup>th</sup> 7:00 p.m. (pie supper follows)
- September 30<sup>th</sup> 2:00 and 7:00 p.m.

Place:  
The Original Site of the Trial  
THE OLD COURTHOUSE  
of Johnson County, Mo.

Reserve tickets for these performances,  
Seating is limited, but standing room is available, too.  
Please send reservations (\$5 per ticket) to:  
Johnson County Historical Society,  
Attn: Drum, 302 North Main, Warrensburg, MO 64093  
Or call (660) 747-6480

