

Jefferson County Circuit Court
Case Files - Civil
September 1870

O'Fallon, John

vs.

Weaver, William B.

Unlawful conversion of property

2 yoke oxen, cow and calf;

\$350 damages

Box 27 Folder 41

John O'Fallon, Plaintiff } In the Circuit
Against } Court of
William B. Weaver, Defendant } Jefferson County
Missouri

Plaintiff States that Defendant in the
aforesaid County of Jefferson on or
about the 30th day of November
1869 did unlawfully and wrongfully
take the following described personal
property belonging to and being the
personal property of Plaintiff, to wit,
Two yoke of oxen each said yoke
being of the value of one hundred
Dollars also one Durham Cow and
Calf of the value of one hundred
Dollars, and being in the whole of the
aggregate value of three hundred Dollars
and has not returned the same or any part
thereof but has converted said property to
his own use, - Plaintiff avers that
by said wrongful act of Defendant in
the taking and conversion of said property
he is Damaged over and above the
value thereof in the sum of fifty Dollars
wherefore Plaintiff Prays Judgment
for three hundred Dollars ~~the value~~
the value of said personal property
and for fifty Dollars Damages in

attention there to and for other proper
relief

Wm. D. Hall and
Att. for Hall & Co.

John O Fallon

my

William B. Weaver

Official

Damages &c,

Clerk issue Process

Williams
for Plaintiff

John O'Hallon
r

Wm B. Weaver

Samuel &c

Child Aug 10th 1876
Clara B. Henry &c

Clark & Co. Jones
Williams
per Off.

THE STATE OF MISSOURI, } SS.
COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON—GREETING:

We command you, that you summon

William D. Weaver

*if he be found in your County, that he be and appear before the Honorable
Judge of our Circuit Court, on the first day of the next term thereof, to be
begun and held at the town of Hillsboro, within and for the County of
Jefferson, on the First Monday after the fourth Monday
of Sept. next, then and there to answer unto*

John O'Fallon

*upon his original petition, a copy whereof is hereunto annexed
and accompanies this writ, and have you then there this writ.*

Witness, ELIAS F. HONEY, Clerk of our said
Circuit Court, with the seal thereof hereto affixed,
at office in Hillsboro, this 10th

day of August A. D. 1876
Elias F. Honey Clerk Circuit Court.

By *L. H. Alford* Deputy.

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

Sept.

Term, 1870

John O. Hallen Plaintiff

AGAINST

W. B. Weaver Defendant

Original

Served the 19

day of August

The within was served on 19th Day of Aug & 1870, at Jeff Co Mo, by delivering
a true copy of the within writ and Petition as furnished to me by the
Clerk of the Circuit Court to the within named Defendant
W B Weaver

per 100

Fred Huntenger Sheriff
by Fred Vollmach
Deputy

John Fallon Plff
vs
Wm B. Means Defd

In the Circuit Court
of Jefferson County
May Term 1871.

Now comes the Defd. and demurs to
the petition of the Plff and for
grounds of demurrer assigns the
following grounds of objection

1. The property to wit, "Two yoke
of Oxen", "One Durham Cow & calf",
is not described with sufficient
certainty as that the defendant
can tell what property is claimed
nor what is intended to be paid
for by the plaintiff.

O. P. Phipps atty for Defd.

Jefferson Church
Leicester
Mass: Nov 1871

John D. Johnson

Wm D. Weaver

Members to Union
of P.M.

Dec 21 1871
Wm D. Boyce & Co



John O'Fallon Plaintiff
vs
William B. Weaver Defendant
In the Circuit
Court of
Jefferson County
Missouri March
3 1871

The defendant for answer to the petition of the plaintiff denies that on or about the 30 day of November 1869 at the County of Jefferson he did "unlawfully and wrongfully take the following described personal property belonging to and being the personal property of the plaintiff to wit Two yoke of oxen each said yoke being of the value of one hundred dollars, also one Durham Cow and calf of the value of one hundred dollars and being in the whole of the aggregate value of three hundred dollars and has not returned the same or any part thereof but has converted the same to his own use". Defendant denies that said plaintiff has been damaged by the alleged wrongful act of defendant in the alleged taking and conversion of said above described property, over and above the value thereof in the sum of

fifty dollars or any other sum

Defendant avers that, at the time stated in petition, ~~he~~ or at any other time, he unlawfully and wrongfully took the property described in plaintiffs petition or any other property belonging to the plaintiff, and converted the same to his own use. Avers that the property described belonged to the plaintiff. Avers that the property was or is of the value of one hundred dollars for said yoke of team cash and one hundred dollars for said cow or of any value whatever.

Wherefore Defendant prays the plaintiff ought not to have and maintain his said action and costs to be discharged with his costs.

P. Perkins
Deft's ally.

William Brewster Court
March 7. 1871

John Falconer
24

McLarn D. Weaver
 Right answer

Filed Mar 23^d 1871
Jas. Boyce &
By Atto. Horace A. A.

W. Pittman, Secy. 28th.

The State of Missouri,
COUNTY OF JEFFERSON.

To

Isaac Wager

You are Herely Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the 21st day of

Sept 1871

, at Hillsboro, then and there to testify and the

truth to say in a certain matter of controversy, now pending in our said Court, wherein

John O'Hallor is

Plaintiff, and

W B Weaver is

Defendant, on the part of Plaintiff; and herein you are in no wise to fail.

W B Boyel

Witness, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof

hereto affixed, at office, this

11th

day of

Sept A. D. 1871

W B Boyel Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

Sept Term, 1871

A. Gallon

vs

Weaver,

for Debt

Jacob Hager

The State of Missouri,
COUNTY OF JEFFERSON. }

To Herman Kethmann

You are Herely Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the 2nd day of September, at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

John O'Shaelien is Plaintiff, and Amos Weaver is

Defendant, on the part of Plaintiff; and herein you are in no wise to fail.

W. D. Boyce
Witness, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 18th day of

Sept A. D. 1871

W. D. Boyce Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

Sept

Term, 1871

John O'Dallan
vs
W B Weaver

Herman Scatterman

I served the within subpoena on Herman Scatterman by reading the same to him in the county of Jefferson State of Missouri the 20th day of Sept 1871

John Williams Sheriff
By J. B. Smith Deputy

The State of Missouri,
COUNTY OF JEFFERSON. }

To J. J. Mince

You are Herby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the 27th day of September, at Hillsboro, then and there to testify and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

John C. Halcov is Plaintiff, and J. J. Weaver is

Defendant, on the part of Plaintiff; and herein you are in no wise to fail.

Witness, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 18th day of

Sept. A. D. 1871

W. J. Mince Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

Sept

Term, 18 *77*

John O'Hallow
vs
Miss Weaver

J. A. Manner

Recd 12/13/19

Sheriffs fees

50

I presented the within Supra in Jefferson County Mo on
J^d & M^d Adams by on the 19th day of September 1887
by reading the same to him in his presence and hearing
this the 20th day of September 1887

Chas. Morine Corbitt
Jy M^d Adams

O'Fallon }
vs }
Weaver }

187 The Court declares the Law to be that—
if Plaintiff was the owner of the property
mentioned in his petition & if the same
was left by him or his employees in the
possession of Mrs Wilson who sold
the same to Skaggs & if Skaggs sold
the same to Defendant who had
notice of Plaintiff's claim upon
said property then in that event
Defendant having failed to prove
any authority or right of Mrs Wilson
to sell or dispose of said property
the Plaintiff is entitled to recover
in this action so much as the Court
may find from the evidence that said
property was reasonably worth at the
time Defendant received the same with six
per cent interest on the amount from
the 10th day of August 1870 the time
when this suit was commenced—

2nd The Court further declares the Law to be that if the Plaintiff was the owner of the property mentioned in his petition ~~and~~ and if the same was left in Mrs Wilson's possession by his servants & if he sold it - to Skaggs who sold it to Defendant then in that event the Defendant having failed on the Trial of this Cause to prove any right on Mrs Wilson's part to sell or dispose of said property the Plaintiff is entitled to recover the value of said property at the time it was received by Defendant with six per cent interest from the commencement of this suit whether Defendant had notice of Plaintiff's title when he received said property or not

given

why

~~Refused~~

If the court find from the evidence
that Maave bought the cattle
of one Skaggs for valuable
consideration and in good faith,
the court will find for
the defendant -

Shallard
as
Hearner

John O'Fallon } In the Circuit Court
 Wm B^{vs} Weaver. Sept Term 1871

Dismissed at cost of Plaintiff
 Fee Bill,

E F Honey clk. cap pet. ²⁰ file ⁰⁵ exs ⁰⁰ .75⁰⁰
 writ & cap ¹¹⁰ Doc ⁰⁵ Dis ³⁵ 1.50 \$ 2.25

J Luchtemeyer Shff. Serv Sept ¹⁰⁰ Calls ¹⁵ 1.15⁰⁰
 H S Boyce Doc Judgt ¹⁰ & B ¹⁰ making cash ¹⁵ 35⁰⁰
\$ 3.75

John O'Fallon } In the Circuit Court, Sept Term 1871
 W B^{vs} Weaver } Judgt for Plff Oct 2 '78 / Vol 6 p 400.

Amount of Judgment (Intleprct) \$ 267.07

E F Honey Clerk. cap pet ⁴⁰ raffos ³⁰ \$ 70⁰⁰
 exs ⁰⁰ writ & cap ¹¹⁰ ord Seliv ³⁵ exs ⁰⁰ 2.45 3.35

H S Boyce clk

Cert Copy Demur ²⁰ rule ²⁰ ans ²⁰ Cont ²⁰ appr ¹⁰ .90⁰⁰

Jud ¹⁰⁰ sub ³⁰ ver ⁰⁵ Indgt. ⁵⁰ 1.00⁰⁰
 Fee Bill 75

& B ¹⁰ Doc Judgt. ¹⁰ making cash. ²⁰ 40⁰⁰

Doc ¹⁰ & Spas ¹⁰ 90 3.30

J Luchtemeyer Serv Sept 1.00⁰⁰

Jno Williams Shff & Spas ¹⁵⁰ Calls ³⁰ 1.80⁰⁰

J A Manefo 2d 16 m 3.28

H Lederman 1d 12 m 1.96

Aggregate 1644 50 00

5.48
 \$ 281.76

Callan
no
Heaven
Pie of Food