

DeFerson County Circuit Court
Case Files - Criminal

April 1873

State

vs

Hink, Philip

Appeal

Defendant appealed from JP
Henry C. Banacker for threatening
John Nolan

Box 31 Folder 3

State of Missouri
County of Jefferson

Whereas Agnes Nollen of the County of Jefferson being
dearly Sworn. Says that on the 17th day of March 1873 One
Philip Hink of the aforesaid County and State
did Threaten to cut with his Ax in to the back of my
son John Nollen the said Philip Hink, ^{of Jefferson County} and that the said
Agnes Nollen, has just cause to fear and do fear that
the said Philip Hink, will ineger or best do some
unlawful acts to my son John or either of my
family of the said Agnes Nollen. Therefore this deponent
prays that the said offender may be bound by recognizance
to answer the said offense at the next Court of Session to
be held in the aforesaid County and in the meantime
to keep the Peace.

Agnes Nollen

Subscribed and sworn to before me this 17th day of March
1873

Henry C. Bonachee
Justice of the Peace

Complaint

against

Philip Hanks

Philip Hanks

Filed April 1st 1873

W. L. Boyce Clerk

By Geo. H. H. H. H.

Deputy

SUBPENA FOR WITNESS.

COUNTY OF JEFFERSON,

THE STATE OF MISSOURI.

To

Agnes Miller, John Miller, Mayrel Miller, John Hessionan

Miss Hessionan

to be and appear personally before me *The undersigned* one of the Justices of the

Peace within and for the Township of *Little Rock*, Jefferson County,

Missouri, on the *22* day of *March*, A. D. 18*73*, at the hour of ten

o'clock in the forenoon of that day, at my office in the township and county aforesaid,

to testify on the trial of a case wherein *the State of Missouri* Plaintiff,

and *Philip Hunt*

Plaintiff Defendant, in behalf of the

Hereof fail not at your peril. And the person or of-

ficer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

Witness my signature, this *22* day of *March* 18

Henry B. Bonacker, Justice of the Peace.

Subpoena duces
The
State of Missouri
vs
Phil Hink

To
Agnes Mollie
John Mollie
Margaret Miller
John Weseman
Mrs Weseman

Lexington 25^c

Cost duces 5^c within 125^c
mileage 5 miles each to witness

75^c
Filed April 16 1873

W. J. Boyce ad
D. O. Harmon depn

Romine Spitz 144

F. G. Gellert 144

Conrad Bauer 144

Prof. J. Fall 144

State of Missouri
County of Jefferson

The State of Missouri, To any

Constable of the County of Jefferson Greeting
Whereas Agnes Nolen hath this day made Complaint,
upon oath before me Henry C. Bonacker a Justice of the
Peace in and for the County of Jefferson and State of Mo.
that on the 17th day of March 1893. One Philip Wink of the
County of Jefferson and State of Missouri. Did threaten to cut
with his ax in to the body of my son John Nolen and that
she has just cause to and do fear that the said Philip
Wink, will do some unlawfull act to her or her family
and the said Agnes Nolen hath thereupon prayed Jurisdiction
of the Peace. Therefore We the People of the State of Missouri
Commands you forthwith to apprehend the said
Philip Wink, and bring him before me at my office in
Little Rock Township and County aforesaid to be dealt
with according to Law

Given under my hand This 22nd day of March 1893
Henry C. Bonacker
Justice of the Peace

Exceeded this writ on the 22nd day of March 1873
 by apprehended the within named offender Philip Hunk
 and delivered him to the Justice of the Peace Henry C.
 Bonacker at his office in Little Rock Township County
 of Jefferson

Henry C. Bonacker
 authorized Constable

Pross Warrant
 State of Missouri
 255
 Philip Hunk
 351
 354
 155
 Justiced
 Bonacker
 McLaure

Dated April 16 1873
 W. J. Bonacker
 D. C. The Justice

At the Request and the Oath of the Plaintiff I do authorize
 Henry C. Bonacker to execute and return this writ.
 Henry C. Bonacker J. C.

State of Missouri
County of Jefferson

To John Schwanner, Frederick Giller, Conrad
Kutner to be and appear personally before the undersigned
one of the Justices of the Peace, within and for
the Township of Little Rock Jefferson County Mo. on
the 29 day of March 1893 at the hour of ten o'clock
in the forenoon of that day at my office in the Township
and County aforesaid to testify on the trial of a case
wherein the State of Mo. Plaintiff and Philip Hink
is Defendant in behalf of the Defendant Herod
fail not at your peril

Witness my hand this 29 day of March 1893

Henry C. Bonacker
J.

Filed April 16th 1873
Wm Boyce Esq
By Chas. H. H. H. H. H.

Sealed and Delivered
State of Missouri
Philip vs Hunt

To
John Shwennier
Frederick Giller
Conrad Mutter

Justified for 350
Gastli's Matter
Fritz Giller
Kamm Spitz
John Gussall

Committed for serving & others
miles 3 miles to each witness
20, 100
145
105

State of Missouri }
County of Jefferson } ss.

Be it remembered

that on the 29th day of March in the year
of our Lord 1873 personally came before me
Henry Bonacker a justice of the peace
within and for the County of Jefferson
aforesaid, Philip Hink and Romain
Spitts of the said Jefferson county and
acknowledge themselves indebted to the State
of Missouri that is to say Philip Hink
in the sum three hundred dollars and the
said Romain Spitts in the like sum
of three hundred dollars to be paid of
their respective goods and chattels lands
and tenements. The condition of this recogni-
zance is such that if the above named
Philip Hink shall personally appear at
the Circuit Court on the first day of
the next term thereof to be holden for
the County of Jefferson on the 3rd
Monday of May 1873 ~~and then and~~
~~then to answer concerning a charge~~
~~of unlawfully assaulting and beating~~
+ ~~that he will during the pendency~~
of the appeal in this cause keep the
peace towards the people of this State
and particularly against the complain-
ant Agnes Nolan and that he will
appear to answer the charges against
at the said next term of said Court
then this bond to be void, { Philip Hink Seal
Romain Spitts Seal
Approved this 29th day of March 1873. Henry C. Bonacker
Justice of the Peace

Bond

The estate against

John G. Smith

Filed April 16 1873
Wm. L. Boyce & Co
By J. H. Morris Clerk

State of Virginia

by

Philip Stirk

Before Henry C.
Bonacker Justice
of the Peace

March 29th 1873.

Philip Stirk makes oath and
swears that he never before
aggravated by the verdict and judgment
rendered in the above entitled case

Philip Stirk

known to subscribe
before me March

29th 1873 -

Henry C. Bonacker

Justice of the Peace

Off-davit
State against
Philip Henk

Filed April 16 1873
W. S. Boyce Clerk
By O. M. Horine
Deputy

State of Missouri

23

23

Philip Hink

An action of Breach the Peace
Now the 18th day of March 1833 Comes Agnes
Nolen and makes oath and says that one Philip
Hink of the County of Jefferson and State
of Missouri did threaten to beat with his Be
in to the body of my son John Nolen the said
Philip Hink, in the County of Jefferson, and the
said Agnes Nolen, fears and does fear that the
said Philip Hink, will do some unlawful act
to my family. Therefore to issue a state warrant forth
with to apprehend the said Philip Hink, to be dealt
with according to law. Henry C. Bonacker J. P.
March the 22^d 1833. The Constable returned the warrant
and delivered the offender Philip Hink, to me at my
office in the Township of Little Rock in the aforesaid
County and State, the Defendant tendered his
affidavit and Bond for Continuance which was granted
and set for trial on the 29th day of March 1833

Henry C. Bonacker J. P.
March the 29th 1833 the parties appeared and
the Council of Defendant Philip Piptin presented
motion to dismiss the cause on the ground
first. That the affidavit do not say where the crime
was committed, and the Court overruled the
same on the ground that the Justice has a right to
arrest it. Second, motion to dismiss the
cause on the ground that the writ states the the
people of the State of Missouri commands the
constable to apprehend the Defendant, and the mo
tion was overruled by the Court on the ground, that the
Justice verily believes that the Justice and the
people has a right to command the Constable to apper
hand the offender. At the request of Philip Piptin
the Council of the defendant I recourted the matter
in my docket

Justice fee	
for issuing warrant	35
for subpoena Dft	35
" Subpoena Dft	35
" Issuing venire	35
" Docketing	10
" indexing	10
" recognizing	35
" Taking affd	35
" Certifying affd	15
" ending continuance	35
Second day of trial	
for swearing jury	25
" swearing the jurors to	
answer question	45
for swearing Jurors	
Witness	55
for swearing Jurors	
interlocutory	10
for issuing venire	35
" Taking affd	35
" Certifying affd	15
" Taking recognizance	35
" Docketing	10
" indexing	10
" ending continuance	35
for transcript	140

Total \$3 55

Constable Henry C. Bonacker	
for serving the writ	75
mileage	15
" for summons seven witnesses	
for Defendant	125
mileage	105
for summons five witnesses	
for Plaintiff	125
mileage	75
first day summons jurors	100

Second day summons
jurors 100

Total 470

Plaintiff witness fee	
Agnes Nolen	50
Magdalen Miller	50
John Nolen	50
John Rosemen	50
Mrs Rosemen	50
Total	250

Defendants witness fee	
Roman Spitz	50
John Zuffall	50
Fritz Gilbert	50
Geoff. B. Ruter	50
Agnes Ruter	50
Daniel Sweney	50

Total 300

Georas fee
 Joseph Madubuck 50
 Jacob Baker 80
 Jas Johnston 50
 Mary Eblers 50
 Peter Paul 80
 Fritz Dietz 50
 Total 300
 Paid by proccutor
 Agnes Nolan

And the case coming on to be heard a jury was demanded, a precept issued therefor and the constable returned the following named persons as chosen as jurors, Joseph Madewick, Jacob Baker James Johnston Henry Ehlers Frederick Dicks and Peter Paule. Who after hearing the evidence returned in to court the following verdict, We the jury find the Defendant Guilty, James Johnston from thereupon Defendant Phillip Wink tendered his affidavit and appeal Bond for Three hundred Dollars of himself and Raman Spitz as sureties and prayed an appeal to the Circuit Court

from our said judgment which being sufficient it ~~was~~ is
ordered that an appeal as prayed to be allowed Defendant.
State of Missouri } Henry C. Perach J. P.
County of Jefferson }

State of Missouri, Plaintiff
against

Philip H. n. R. DeFontaine

I Henry F. Bonacker a justice of the within and for the Town-
ship of ^{Little Rock in} Jefferson County, aforesaid hereby certify that the above, and
foregoing, is a true and complete transcript of the judgment
rendered in the said Cause, and the papers filed with the Justice
relating to the Suit, as the same appears in my Docket.

Henry C. Bonacker
Justice of the Peace

1714

The State
against

Philip H. B.

Filed April 16 1897
W. J. Boyce Ent.
By O. H. Plaine Depy.

W. J. Boyce Esq.

By Thos. Haine Esqr,

STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To *Romine Smith, Conrad Keyser, And Gillard*
v John Huffall

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the *12th day of May 1873*, 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 *The State is*

Plaintiff, and *Philip Hink is*

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

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof
hereto affixed, at office, this *28th* day of
April A. D., 1873.

W. S. Boyce Clerk.
Ry. C. Tho. Corwin Depy

I certify that the within Subpoena was served on
R. Spotts Esq. Reader of the Court at the residence of
the said Spotts Esq. at the residence of the said Spotts Esq.
on the 9th day of June 1873

J B Mosey Sheriff

State
vs
Philip Hink

Deft.
Romine Spotts
Conrad Reyder
Fred. Gilliard
John Shuffall

Shuff 200

State of Missouri } In the Jefferson
as } Circuit Court
Philip Hink } May Term 1873.

Defendant moves the Court to
dismiss this Cause for the following
reasons.

1. Because the alleged offence
~~was~~ not charged to have been committed
in the County of Jefferson or State
of Missouri,

2. Because the writ issued by the
Justice of the Peace does not state
where the alleged offence was
committed,

3. Because the said writ is
defective and informal in
that said ^{writ} ~~process~~ ^{is} ~~was~~ that
the people of the State command
the Constable to arrest defendant
whereas it should be that the
said Justice Commanded
said Constable to arrest the
defendant

P. P. Hink

for Deft

14 Because the ^{magistrate} official does not nor
warrant charging any offence punishable
for which defendant ought
to be bound over

P. P. Skin
for Sept.

State

so

Drink

Proctor to account
and -

Miss Marye 1873
L
C. H. H. H.
L
L
L

State (Prosecutors Agnes Nolan, plth,) In the Sup-
against } erior Court of
Philip Henick, defendant. } Jefferson County,
Massachusetts.

Now comes Agnes Nolan, the prosecutrix in the above case, by her Attorney, and moves the Court, to amend and correct the judgment, rendered at the last term of this Court, for the reason, that it is irregular and not warranted by, but in diametrical opposition to, the law; and for specification of said reason states, as follows:

This action was brought against defendant, before a Justice, to Keep the peace; defendant was found guilty, and appealed to this Court; and at the last term of this Court the action was dismissed upon motion of defendant, upon technical points, not upon merits, judgment of dismissal was entered then and that the prosecuting witness pay the costs of the case.

This judgment as far as it is against the prosecuting witness for costs, is irregular and against law, ^{as the County is liable for costs according to law,} and the prosecutrix therefore moves for its amendment and correction to that extent.

Henry F. Ahlness
Atty. for Prosecutrix

State

vs.
Philipps Hermit,
Defendant. —

Madam
by Agnes Malan,
Prosecutrix,
to correct judgment

Filed Sept 12 58/3
W. S. Boyce Clerk

State } dismissed at cost of
 vs } Agnes Nolan, May 12 1873
 Philip Hink. } Book 7. page 37.

H.B.

Henry Bonacker	Justice.	//	7.35	
Henry J Bonacker	Const.		7.70	
Agnes Nolan	mit		.50	
Margaret Miller	"		.50	
John Nolan	"		.50	
Mrs Mesemen	"		.50	
John Mesemen	"		.50	
Romane Spitz	"		5.50	in ch. 4.52
John Zufall	"		5.50	4.52
Fritz Gierh	"		5.00	4.52
Gottlieb Rüter	"		.50	
Conrad Rüter	"		5.50	4.52
Daniel Sraney	"		.50	
			<u>38.83</u>	38.83

Barcel CLK.		
10 Files ³⁰ (dock ¹⁵)	65	
10 ³⁰ Judg ³⁰	85	8.08
12 ²⁵ (dock Judg ¹⁰)	35	
motion ²⁰ (rule ²⁰)	40	
H.B. ¹⁰ (making cost ³⁰)	40	
Exp	<u>1.00</u>	// 3.65

T.B. 10p 4 Spas ^{2.00} / calls ²⁰ 2.20
24.68

3915

The State with
Agnes & Helen proo.

vs

Philip Nink