

Jefferson County Circuit Court
Case Files - Civil
July 1834 - Case No. 3

Box #

/ Folder #

55

Lucas, James S.
^{vs}
Thomas, Claiborne

Malicious Prosecution

Defendant accused plaintiff of kidnapping
a "free Negro named Sipid" with the
intention of selling him into slavery; \$500
damages

In the Circuit Court

Shelby Term 1834

Jefferson County, Tenn. James S Lucas, By Petition his
attorney, complains of Claiborne Thomas of a Plea
of Indisposition on the Case &c. For that whereas, the said
James S Lucas now is a good, true, honest, Just and
faithful Citizen of this State, of a fair and
as such hath always behaved and conducted himself
and hath not ever been guilty or until the time of the
Committing of the several grievances by the said
Claiborne Thomas, as hereinafter mentioned, been
suspected to have been guilty of any felony or of Rob-
bery or Stealing any person free or entitled to his
person, by means whereof in the said James S Lucas,
as hereinafter mentioned had deservedly obtained the
good opinion of all his neighbors & other good
and worthy Citizens of this State, to wit at the County
aforesaid. Yet the said Claiborne Thomas, well
knowing the premises, but contriving & maliciously
intending, to imprison, harass, oppress & injure the
said James S Lucas in his aforesaid good name
fame & credit &c. bring him into public scandal
& disgrace &c. by causing him to be im-
prisoned for a long space of time, to impoverish,
oppress & wholly ruin him, heretofore to wit, on the
thirtieth day of December in the year of our Lord
One thousand Eight hundred and thirty three, at
the County aforesaid by the said Claiborne
Thomas, went and appeared before one Can-
ey Smith Esquire, then and there being one of
the Justice of the peace within and for the
County of Jefferson aforesaid assigned to keep
the peace of the State of Missouri within & for

Said County of Jefferson, and also to hear & determine
divers felonies, trespasses & other misdemeanors Com-
mitted in said County, and then and there before
the said Chauncy Smith so being a Justice of
the Peace as aforesaid Took at the County
aforesaid falsely & maliciously, and without
any Reasonable or probable Cause whatsoever
Charged the said James & Lucas with having
arrested & taken a certain free Negro named
Lepio, with the intention of carrying the said
Negro Man Lepio out of the State of Missouri
for the purpose of selling him as a slave.
And upon such Charge in the said Claiborne Thom-
as falsely & maliciously, and without any
Reasonable or probable Cause whatever Caused
and procured the said Chauncy Smith, so
being a Justice as aforesaid, to make and
grant his certain Warrant under his hand
and Seal for the apprehending & taking the
said James & Lucas & for bringing him the
said James & before him the said Chauncy
Smith or some other Justice of the Peace in
Said County of Jefferson, to be dealt with
according to law for the said supposed
offence: And in the said Claiborne Thomas
hath not further prosecuted his said complaint
but hath deserted and abandoned the same, and
the said Complaint & prosecution is wholly void
and determined to nix at the County of Jefferson
aforesaid. Wherefore the said James & Lucas, says he
is injured and has sustained damage to the

Amount of Five hundred dollars, and there-
fore he dies, &c.

Paid for self.

State of Missouri } Set
County of Jefferson }

The State of Missouri

To the Sheriff of said County, Greeting

You are hereby commanded to summon
Clairborn Thomas that he be and appear before the
Judge of our Circuit Court at the next term thereof
to be held at the Town of Herculaneum within and
for said County on the third Monday of July instant
then and there to answer unto James J. Lucas of a
plea of trespass on the case to the damages of the said
Plaintiff of Five hundred dollars. And have you then
therein return.

Witness my hand and Seal of our said
Circuit Court at Office the second day
of July in the year of our Lord eighteen
hundred and thirty four

Chauncey Smith Clerk.

Served the within writ and election on the within
named Clairborn Thomas by reading the same in his hearing
in the County of Jefferson the 3^d day of July 1834

per \$100

A. Lighten
Sheriff

No 3

In the Circuit Court

Shelby Jan 1834

2545

James Shivers

vs
Shelby

Clairborn Thomas

July 3^d

Shelby is an action on
the debt for share in
procurement.

Shelby a witness

Per J. D.

Shelby 2^d July 1834

to Sheriff Shelby

Per J. D. per J. D.

COUNTY OF JEFFERSON, MO.
THE STATE OF MISSOURI,

To the Sheriff of Jefferson

County—GREETING:

You are hereby commanded to summon

William A. Hordace, Hugh E. J.
Deed and Hecker Dyck

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the *third Monday of March next*, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *James H. Deear is* plaintiff, and *Charles Thomas is* defendant, on the part of the *Plaintiff*; and have you then there this writ.

Witness, *CHARLES SMITH*, Clerk of our said Circuit Court, at the

town of Herculaneum, this

twenty third day of

December

in the year of our Lord one thousand eight hundred

and

thirty fourth

James Crookston CLERK, C. C.

The within witnesses Summoned
J. S. M. Christian's Sheriff

Concord Court
Jefferson County
Chancery 1835

James L. Lucas

vs
E. Skayton

Christian Thomas

Attor. L. Kewale

Wm. C. P. Lucas &

Austin Bird

For Plaintiff

COUNTY OF JEFFERSON, SCT.
THE STATE OF MISSOURI,

To the Sheriff of Jefferson

County—GREETING :

You are hereby commanded to summon William Wright, Thomas Wright
and Aaron Smith

that, setting aside all manner of excuse and delay they be and appear in proper person before the Judge of our
Circuit Court, on the *third* *mon*-day of *March* *and* at the town of Herculaneum,
then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court,
wherein *James D. Head* is ——— plaintiff,
and *Leicester Howard* is ——— defendant;
on the part of the *Plaintiff* ; and have you then there this writ.

Witness, *James D. Head* ;
~~James D. Head~~ *James D. Head*, Clerk of our said Circuit Court, at the
town of Herculaneum, this *23* day of *December*
in the year of our Lord one thousand eight hundred and *thirty seven*

Samuel D. Head
CLERK, C. C.

Jefferson Circuit Court

March Term 1833

James D. Lucas

vs
John

Clueborn Thomas

William Wright

Thomas Wright

Adonijah

The within Nitreper Summoned

J. M. Christian Sheriff

COUNTY OF JEFFERSON, SCT.
THE STATE OF MISSOURI,

To the Sheriff of Jefferson —

County—GREETING:

You are hereby commanded to summon

*Thomas C. Cops, Sanders Burgess
Clement B. Fletcher and James Thomas and
William Cops.*

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our
Circuit Court, on the *seventeenth* day of *March next*, at the town of Hercu-
laneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said
Court, wherein *James S. Lucas is* plaintiff,
and *Leiborn Thomas is* defendant,
on the part of the *Defendant*; and have you then there this writ.

Witness, *Samuel Woodson*
CHAUNCEY SMITH, Clerk of our said Circuit Court, at the
town of Herculaneum, this *eighteenth* day of

February in the year of our Lord one thousand eight hundred

and *thirty five*

Sam Woodson CLERK, C. C.

The within attested Summons
J. S. M. Christian Sheriff

Stephen Conner & Co. v. C.

March Term 1833.

James D. Lucas

vs. E. A. A.

Chas. M. Thomas

for

Thomas A. A.

James D. Lucas

Clement A. A.

James Thomas &

James M. A.

the Court of D. A.

COUNTY OF JEFFERSON, SCT.
THE STATE OF MISSOURI,

To the Sheriff of Jefferson

County—GREETING:

You are hereby commanded to summon *Attor J Rendall, Hugh L. P.*
Lucas and Austin Byrd

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our
Circuit Court, on the *seventh* day of *July next*, at the town of Hercu-
laneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said
Court, wherein *James J. Lucas is* plaintiff,
and *Clairborne Thomas is* defendant,
on the part of the *plaintiff*; and have you then there this writ.

Witness, CHAUNCEY SMITH, Clerk of our said Circuit Court, at the
town of Herculaneum, this *thirteenth* day of

April in the year of our Lord one thousand eight hundred
and *thirty five*

Sam. Woodson CLERK, C. C.

All Summons; except Hugh C. P. Lucas
not to be paid
J. M. Christian Sheriff

July Term 1835

James S. Lucas
vs
E. M. A.
Clarborne Thomas

Attorney J. Kendall
vs
H. C. P. Lucas
Austin Byrd

For plaintiff

COUNTY OF JEFFERSON, SCT.
THE STATE OF MISSOURI,

To the Sheriff of Jefferson

County—GREETING :

You are hereby commanded to summon Thomas Moff, Sanders Burgess
Clement B. Melcher, James Thomas and
William Moff

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our
Circuit Court, on the seventh day of July next, at the town of Herculaneum,
then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court,
wherein James A. Lucas is plaintiff,
and Claiborne Thomas is defendant,
on the part of the Defendant; and have you then there this writ.

Witness, CHAUNCEY SMITH, Clerk of our said Circuit Court, at the
town of Herculaneum, this thirtieth day of April
in the year of our Lord one thousand eight hundred and twenty five

Sam. Woodson CLERK, C. C.

Exempted
J. M. Christian Sheriff.

July Term 1833-

James L. Lucas
vs
E. Elph
Elbourne Thomas.

Worn as deap
Anders Burgers
Clement B. Helsted
James Thomas and
William deap

For Defendant

COUNTY OF JEFFERSON, SCT.
THE STATE OF MISSOURI,

To the Sheriff of *Jefferson* County—GREETING :
You are hereby commanded to summon *William Wright, Thomas Mopp &*
Aaron Smith

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our
Circuit Court, on the *seventh* day of *July next*, at the town of Herculaneum,
then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court,
wherein *James S. Lucas is* plaintiff,
and *Claiborne Thomas is* defendant,
on the part of the *Plaintiff*; and have you then there this writ.

Samuel Woodson
Witness, CHANCELLER SMITH, Clerk of our said Circuit Court, at the
town of Herculaneum, this *thirtieth* day of *April*
in the year of our Lord one thousand eight hundred and *thirty five*

Sam. Woodson

CLERK, C. C.

Granted
J. M. Christian Sheriff.

July Term 1835-

James S. Lucas
vs. E. Ma
Claiborne Thomas

William Wright
Thomas cleop.
Baron Smith

For Plaintiff

Clackson & Thomas

James Lucas.

per a malice
document.

And the said Clackson says that the said
petitioner ought not to have and maintain his
action against them of said but the said
defendant, by reason of my motion is that the
said document contained, because he says that
he is not fairly in measure and form as the
said petitioner hath in his declaration issued
in this behalf above accepted, and of this he
put himself upon the jury.

P. Robt
att.

William Thomas
in
James Thomas
John
Prof. Smith.

Clackson. Thomas ~~of~~ for Melvin J. J. J. J. J.
James S. L. L. L. L. L.

and the said expenses - for further fees in the
help according to the statute in such case
made and proved, says, that the said plaintiff
ought not to have maintained his action against
them of against him, by reason of any matter or
thing by said James in his said declaration in
the help above alleged, because he says, that
the said James did arrest and take a certain free
woman named Alice, with the intention of
carrying her away out of the state for the purpose
of selling her as a slave ^{being the room in the enclosed apartment} and this he the said
Clackson says is ready to verify, wherefore the said
defendant says 9. 1. 2

P. J. J.
att.

Christian Thomas

in S

James Adams

them in
particular