

Jefferson County Circuit Court
Case Files - CIVIL
November 1835

Box No.

2

Folder # 45

Sheffield, John
vs
Withington, John

Appeal

Defendant appealed from JP
Allen Twitty on \$30 account
for hunting a mare and colt
and for trade in a horse

John Sheffield

vs { account filed
June 20th 1855

John Withington

The State of Missouri

To the Constable of Caloy Township in the
County of Franklin Greeting

You are hereby commanded to Summon John

Withinton to appear before the undersigned
one of the justices of the peace within and for said
County, on the eleventh day of July next at my
office in the township of Caloy, in said County
between the hours of ten o'clock in the forenoon
and three o'clock in the afternoon of the said day
to answer to John Shuffield in an action of
debt founded on an account

Given under my hand this 22nd day of June 1835

Alfred Twitty, J. P.

Served the with in summons on John
Wittinton by reading the same in his
presence on the 27th day of June 1835
at Johnathan Potts Esqr of Bucks
in Colver Township 3

Co Fees \$. 25-

John Sheffield
V^{er}
J^{no} Wittinton

State of Missouri }
County of Franklin }

We the undersigned John Withinton and Samuel B Rucker acknowledge our selves to be indebted to John Sheffield in the sum of Eighty Dollars to be levied of our respective goods and chattels lands and tenements, upon condition nevertheless that whereas the said John Withinton hath appealed from the Judgment of Allen Twitty Justice of the peace, in a certain action wherein the said John Withinton is defendant and the said John Sheffield is plaintiff: now if the said John Withinton the appellant, shall prosecute his said appeal with effect, pay and satisfy the condemnation money and all cost, or otherwise abide the judgment of the circuit court in said appeal, then this recognizance to be void otherwise to remain in full force and virtue

Test

Allen Twitty J. P.

John Withinton

Taken and certified this 15th day of Samuel B Rucker
August - 1835

Allen Twitty, J. P.

Recognition

State of Missouri }
County of Franklin }

This day personally appears before me Allen Twitty
a Justice of the peace within and for said County John
Withinton and makes application for an appeal from
the judgment of the above named Justice to the Circuit
Court in a certain action wherein John Shaffield
is ^{plaintiff} and the said John Withinton is defendant and
makes oath that the application for the appeal
is not taken for the purpose of vexation or delay
but because the affiant verily believes the appellant
to be aggrieved by the judgment of the Justice in
the above cause

Sworn to and subscribed }
before me this 15th day of }
August - 1835 }

John Withinton

Allen Twitty J. P.

Affidavit

John Sheffield before the undersigned a Justice
 versus } of the peace in the Township of Calby
 John Withinton } Franklin County, Illinois. in an
 action of debt founded on an account of \$30.00
 Summons issued June 22nd 1835 and returned by
 the Constable served by reading the summon in the
 hearing of John Withinton the defendant at Jonathan
 Patts in Calby Township on the 27th day of June 1835

On this eleventh day of July 1835 the day named
 in the Summons for the trial day of the above Cause upon
 the trial being called the defendant comes forward and
 and makes oath that he can not safely go into trial
 for the want of a material witness the trial is therefore
 continued to ^{the} eighth day of August next

On this eighth day of August the day set for the trial of
 the above case both parties present and enters into the
 trial of their case the same being submitted to ^{the} judg-
 =ment of the Justice. The plaintiff proves to ^{the} satisfaction
 of the Justice a contract or trade concerning a horse for
 =which it appears that the defendant promised to pay the
 plaintiff the sum of twenty Dollars as a rue bargain
 =for taking back a certain horse that he had pur-
 =chased from ^(the plaintiff) them the other part of the account
 not proved. The Justice therefore enters up judgment
 against defendant in favor of plaintiff for the sum
 of twenty Dollars, also for cost of suit against defen-
 =dant. This 8th day of August 1835

Debt

Amount of judgment

\$20.00

Justices fee for summons 18^{3/4} for issuing 4 sub^{stitutes}

=proving 18^{3/4} cents each, attachment for witness 25^{cts} 1, 18^{3/4}

for swearing 5 witnesses 6⁴ cents each - - - - - 3 1^{1/4}

" Judgement entering the same - - - - - 37^{cts}

\$1.87^{1/2}

Constable's fee for serving summons - - - - - 25^{cts}
 for serving Subpoena on 9 witnesses 25^{cts}, each - 2,25
 " serving attachment on witness - - - - - 25
 \$2,75

Witnesses fees James Woodland 2 days attendance 1,00
 { Jonathan Patts 2 days 50^{cts}, per day - - 1,00
 { Ambrose M. Twitty 2 days - - - - 1,00
 { John R. Twitty 1 day - - - - - 50
 { Alton Harness 2 days attendance - 1,00
 { A. W. Jeffries 1 day - - - - - 50

This day personally appears John Withinton the
 defendant in the above cause and makes applica-
 -tion for an appeal from the judgment of the justice
 to the Circuit Court and makes oath that the app-
 -eal is not made for the purpose of vexation or delay
 but because the affiant verily believes the appell-
 -ant to be aggrieved by the judgment of the justice
 in the above cause. whereupon the justice grants the
 appeal the defendant having first filed his aff-
 -idavit as above, and enters into a recognizance for the
 maintenance of his suit same day and date
 This 15th day of August 1835

Justice's fee for affidavit - - - - - 25
 " " for recognizance bond - - - - - 25
 for making out a certified copy of the appeal }
 for each hundred words (being 400 words) - } - 40
 19^{cts}

I Certify the above to be a true and perfect copy
 of the above named case as it stands on my
 docket
 Allen Twitty Justice of the
 peace for Caloy Township Franklin County
 Missouri State

Certified copy of
April 4-6 —

John Williamson Applebaum
John Applebaum

Filed Aug. 8th 1857
At Boston Mass

Filed 28th November 1835

Attest
J. D. May 21-5

COUNTY OF FRANKLIN, SCT.

The State of Missouri,

TO THE SHERIFF OF SAID COUNTY—GREETING:

WE command you to summon

Shirley Williamson

that all excuses and delays set aside *she*

be and appear before the Judge of our Franklin Circuit Court, on the

third

day of our next term to be holden at the Court House in Union, on the first Monday in

December next, then and there to testify and the truth to speak on the

part of *John*

Williamson

vs

in a certain cause in our said

Court now pending wherein

John Williamson

vs

Plaintiff and

vs

defendant herein

vs is not

to fail, and fail not at your peril; and have you then and there this writ.

Witness

C. S. JEFFRIES, Clerk of our said

Court, at office, this *first* day

of *December* in the year of our

Lord, eighteen hundred and thirty

Ed Jeffries

CLERK.

Executed the within on Minerva Wilmington
by reading in her hearing the same on the
2nd day of December of W Leffairs Shd
by R R Jones Sept

John Shuffield
as } of Appa
John Wilmington
Minerva Wilmington

COUNTY OF FRANKLIN, MOY.

The State of Missouri,

TO THE SHERIFF OF SAID COUNTY--GREETING:

WE command you to summon

Marion Robinson

that all excuses and delays set aside

she be and appear before

the Judge of our Franklin Circuit Court, on the

third

day of our next term to be holden at the

Court House in Union, on the first Monday in

December

next, then and there to testify and

the truth to speak on the part of

John Hughes

in a certain cause in

our said Court now pending wherein

John Hughes

Plaintiff and

John Robinson

defendant herein

vs not

to fail, and fail not at your peril; and have you then and there this writ.

Witness, S. MANSFIELD BAY, Clerk of our said Court, at office,

this

day of

in the year of our Lord, eighteen hundred and thirty

S. Mansfield Bay

of
Franklin County
the 3rd Decr. 1833

Then I read the author
on Minerva nothing to
by Reading in the morning
sun

Mr. Jeffries

John Hightwick

As

John Hightwick

John Hightwick

John Hightwick

John Hightwick

COUNTY OF FRANKLIN, MO.

The State of Missouri,

TO THE SHERIFF OF SAID COUNTY--GREETING:

WE command you to summon *Amasa A. Smith* *County of Franklin* *State of Missouri*
that all recesses and delays set aside they be and appear before
the Judge of our Franklin Circuit Court, on the *3rd* day of our next term to be holden at the
Court House in Union, on the first Monday in *December* next, then and there to testify and
the truth to speak on the part of *John M. Smith* in a certain cause in
our said Court now pending wherein *said defendant* is Plaintiff and
John M. Smith defendant herein *you are* not
to fail, and fail not at your peril; and have you then and there this writ.

Witness, S. MANSFIELD BAY, Clerk of our said Court, at office,

this day of

in the year of our Lord, eighteen hundred and thirty

Wm. Smith

4th Dec 1835
Then served the within on James
Woodland, A. L. Quaker, Jonathan Potts
by Reading each of these hearing
The same A. W. Jeffries Shff
per \$150 Cts = 3 La Cty

A. McNulty I cannot find not having
sufficient time. and Jeffries Shff

John Jeffries
by
John Jeffries
John Jeffries
A. L. Quaker
A. McNulty
Jonathan Potts
James Woodland
for Plaintiff

Wetherston } appear from a justice of the
ad } Peace
Shuffled. The above-named John Wetherston
by his counsel moves the Court
- here to rule the said Plaintiff to give
Security of the costs in this case
for the following Reasons: -
- 1st. Because the said Plaintiff
John Shuffled is unable to pay
the cost of this suit -

- 2

Mullum & Merigues
Attorneys for Defendants
Wetherston

Attest

by

Myself

Notary

Bele

Apprentice

Cost

June 11th 1833

John Withington

vs
Geo Sheffield

On appeal

John Sheffield being sworn
On his oath states that A. L. Tucker ~~James~~
~~Swadlow~~ and Minerva Withington are mat-
erial witnesses for him in the above entitled
cause; & that he cannot safely go trial
without them, that they are not absent
by his procurement or consent; that
they have been subpoenaed to attend at
this term, & further that he knows of
no other persons by whom he can
prove the same facts. John Sheffield
sworn to and subscribed ^{in court} and open
court.

William Scott Judge

Attendant

John Hughes

dated Dec 11th 1835

County of Franklin St

The State of Missouri to the Sheriff of

Said County Greeting

We Command you to attach ~~the body of~~
Ambrose L Rucker and Minerva Withinton if they be found in
Your County so that you have their bodies before the Judge of
our Franklin Circuit Court on the first day of our next term
to be holden at the Courthouse in Union on the first Monday in
April next then and there to answer for a Contempt committed
by them in not appearing before our said Judge at our last
Term as witnesses on the part of ~~the State of Missouri~~ John Sheffield
in a certain Cause in our said Court then and now pending where
in the said John Sheffield is appellee and John Withinton Appellant
after having been duly summoned for that purpose herein you
are not to fail and have you then and there this writ —

Witness Our hands & Great Seal of our
said Court at Office the sixth
day of January in the Year of
our Lord One Thousand Eight hundred
& thirty six —

C. S. Jeffries Clerk

John Ashfield
M^r Westons

Attachment

for

At Rueter
& Piffard
Monroe Michigan

COUNTY OF FRANKLIN, MO.

The State of Missouri,

TO THE SHERIFF OF SAID COUNTY--GREETING:

WE command you to summon

Minerva Mithing

that all excuses and delays set aside

she

be and appear before

the Judge of our Franklin Circuit Court, on the

~~the first~~

day of our next term to be holden at the

Court House in Union, on the first Monday in

April

next, then and there to testify and

the truth to speak on the part of

John Mithing

in a certain cause in

our said Court now pending wherein

John Mithing

do

Plaintiff and

and said Mithing

defendant herein

you are not

to fail, and fail not at your peril; and have you then and there this writ.

Witness,

W. J. Jeffries

Clerk of our said Court, at office,

this

21st

day of

March

in the year of our Lord, eighteen hundred and thirty

by

W. J. Jeffries

Executed the within on Minerva Withings
In the County of Franklin on the
21st day of March 1836 by Reading on
his hearing the same

per J. D. C. C.



A. D. C. C.
J. D. C.

John Shuffen
John Withings
- Minerva Withings

COUNTY OF FRANKLIN, MO.

The State of Missouri,

TO THE SHERIFF OF SAID COUNTY--GREETING:

WE command you to summon

Andrew Smith

that all excuses and delays set aside

by

he and appear before

the Judge of our Franklin Circuit Court, on the

Court House in Union, on the first Monday in

fourth

day of our next term to be holden at the

the truth to speak on the part of

John Thompson

next, then and there to testify and

in a certain cause in

our said Court now pending wherein

David Thompson

is Plaintiff and

John Thatcher

is

defendant herein

they can not

to fail, and fail not at your peril; and have you then and there this writ.

Witness,

this

Edw. H. H. H.

Clerk of our said Court, at office,

day of *April*

in the year of our Lord, eighteen hundred and thirty *th*

Edw. H. H. H.

~~Receivable~~
of the day

The Service

at the duty

I Poles

has no other

Shall be
by the
the service

I as the
the service
the service

John Wittington Appellant

vs

John Shuffield Appellee

Appeal from Jonathan Fox
a Justice of the Peace within &
for the County of Franklin

Franklin County Circuit Court
April Term A.D. 1836.

Be it remembered that at the
December Term of this Court, ~~at~~
A.D. 1835 Appellant moved the
Court to rule Appellee to give
security for ^{for reasons filing} Costs (here insert them)

Whereupon a rule was entered
of Record by consent of parties
(here insert it)

At the April Term A.D. 1836 - The
Appellant moved the Court
that this cause should be dismissed
& above rule enforced, security
for costs not having been filed
~~by~~ by Appellee who was plaintiff
before the Justice - which motion
to dismiss ~~by~~ the cause the
Court overruled, to which ~~no~~ judg-
ment of the Court overruling the
motion of Appellant to dismiss
the cause, because security for costs
were not filed, the Appellant
excepts & presents this as his
bill of exceptions, which he

plays may be signed and sealed
by the Court here and made
part of the Record in this cause

William Scott ~~seal~~

John Washington Appleton
is
John Appleton
bill of lading

Recd Apr 8 1836
J. Appleton
J. W. Appleton

COUNTY OF FRANKLIN, MO.

The State of Missouri,

TO THE SHERIFF OF ~~THE~~ COUNTY--GREETING:

WE command you to summon

Gale Dixon

that all excuses and delays set aside

he be and appear before

the Judge of our Franklin Circuit Court, on the

4th day of our next term to be holden at the

Court House in Union, on the first Monday in

August next, then and there to testify and

the truth to speak on the part of John Whinston Apple and in a certain cause in

our said Court now pending wherein John Apple and as Plaintiff and

and Whinston is defendant herein he is not

to fail, and fail not at your peril; and have you then and there this writ.

Witness, C. Jefferson Clerk of our said Court, at office,

this 11th day of June

in the year of our Lord, eighteen hundred and thirty six

C. Jefferson Clerk



John Thompson
John Williamson

Wm

Wm
+ Polite Japan 20

3rd day

Served this writ by Reading it to
Polite Japan on the 2nd day of
July 1836 in the county of St
Louis

Served to James Brotherton M^{ff}
By M Brotherton D^{ff}

COUNTY OF FRANKLIN, MOY.

THE STATE OF MISSOURI,

TO THE SHERIFF OF SAID COUNTY--GREETING:

WE command you to summon *William McKimton*

that all excuses and delays set aside *he* be and appear before

the Judge of our Franklin Circuit Court, on the

1st day of our next term to be holden at the

Court House in Union, on the first Monday in

August next, then and there to testify and

the truth to speak on the part of

in a certain cause in

John McKimton is

Plaintiff and

John Sheffield is

defendant herein *he* is not

to fail, and fail not at your peril; and have you then and there this writ.

Witness,

C. J. Jeffery

~~James H. Bae~~ Clerk of our said Court, at office,

this

day of *Aug*

in the year of our Lord, eighteen hundred and thirty *six*

C. J. Jeffery

John. Shipfield

(10)

John Withinton

Spa

Minerva

Withinton

per 30

Served the within on Minerva Withinton
in franklin county by her acknowledging the same
July 21st 1836

A. W. Jeffries sheriff by
C. R. Jeffries Dep't shff

County of Ocean Bluff Fla

The State of Missouri

In the Sheriff's Office of said County

I do hereby certify that the within and foregoing

is a true and correct copy of the original

as the same appears in the records of said County

and is true and correct as the same appears in the

records of said County and is true and correct as the

same appears in the records of said County and is true

and correct as the same appears in the records of said

County and is true and correct as the same appears in

the records of said County and is true and correct as the

same appears in the records of said County and is true

and correct as the same appears in the records of said

County and is true and correct as the same appears in

the records of said County and is true and correct as the

same appears in the records of said County and is true

and correct as the same appears in the records of said

County and is true and correct as the same appears in

the records of said County and is true and correct as the

same appears in the records of said County and is true

and correct as the same appears in the records of said

County and is true and correct as the same appears in

State of Mo-pouri { 5c
County of Franklin } The State of Mo-pouri to the
Sheriff of said County Greeting We command you
to summon S. J. Rucker to appear ~~before~~ tomorrow
before the Judge of our Franklin Circuit Court to give
testimony on the part of John Shaffeld wherein he
is appellee and John Withington is appellant in
a certain Cause now pending and undetermined
hence he is not to fail and fall not at
your peril and have you there and there this
must

Wm. C. Shaffeld
of our said Court this the 8th day
of Aug. A.D. 1836
W. C. Shaffeld

Exceeded the within an Ambrose I. P. M. after
in the County of Strafford on the 3rd
day of Aug. 1831 by Reading the ~~list~~
of the Dr. his bequest —

per 67

Josephus

Sept.

John Shuffield

^{or}
John Watlington
Spa

W. M. P.

S. G. Rucker

4th day

COUNTY OF FRANKLIN, SCT.

The State of Missouri,
St. Louis,

TO THE SHERIFF OF ~~SAN~~ COUNTY—GREETING:

WE command you to summon

Polite Weston

that all excuses and delays set aside

he

be and appear before the Judge of our Franklin Circuit Court, on the third day of our next term to be holden at the Court House in Union, on the first Monday in December next, then and there to testify and the truth to speak on the part of John Williamson in a certain cause in our said Court now pending wherein John Williamson is Plaintiff and David Williamson is defendant herein he is not to fail, and fail not at your peril; and have you then and there this writ.

Witness,

C. S. JEFFRIES, Clerk of our said Court, at office, this fourteenth day of October in the year of our Lord, eighteen hundred and thirty six

C. S. Jeffries — CLERK.

John Sheffield
vs J. P. A.

John Withington

Polite Tibson

2^d day Decr 7 1836

Executed this writ by Reading
it to Polite Tibson in the county
of St Louis on the first day of
~~October 1836~~ November 1836

Service to James Brotherton Mff
By M Brotherton D Mff

COUNTY OF FRANKLIN, SCT.

The State of Missouri,

TO THE SHERIFF OF SAID COUNTY—GREETING :

WE command you to summon *Daniel Woodcock* *Attorney at Law* that all excuses and delays set aside *they* be and appear before the Judge of our Franklin Circuit Court, on the *first Monday* day of our next term to be holden at the Court House in Union, on the first Monday in *December* next, then and there to testify and the truth to speak on the part of *John Huffield* in a certain cause in our said Court now pending wherein *Said Huffield* is Plaintiff and *John Withington* defendant herein *they* are not to fail, and fail not at your peril; and have you then and there this writ.

Witness,

C. S. JEFFRIES, Clerk of our said

Court, at office, this *Eighteenth* day
of *October* in the year of our
Lord, eighteen hundred and thirty *four*

C. S. Jeffries
CLERK.

I counted the within are Jas Woodman
A L Rucker & Jonathan Potts in
the City of Frankl in the 12th
day of Nov. 1836 by reading
in their hearing the same
I am Ambrose Thutty on the 14th day of
Nov. 1836 by reading in his hearing
the same
Wm Lippincott, Clerk

John Shufflete
vs
Jas Woodman
Jonathan Potts
Ambrose Thutty
Jas Potts

John Withinton }
vs } appeal - In the Circuit
John Sheffield Comr. of Franklin County
The said John Withinton

States to the Court here that he believes
he cannot have a fair trial of this
case in this Court on account
that the inhabitants of this (Franklin)
County are prejudiced against him
the said Petitioner he therefore prays a change
of the venue in this case to some other County -

State of Missouri } John Withinton
Franklin County } At -

The above named Petitioner John
Withinton deposes & saith that the
facts stated in the above Petition are
true according to his best knowledge
and belief - John Withinton
Sworn & subscribed to
in Open Court this the
9th day of Dec. 1836
C. H. H. H. H. H.

For Administrators
or
Pro Chancellors
Petition &
affidavit
for change of venue

Filed Nov 4th 1886
D. J. Lippincott
clerk

State of Michigan }
County of Franklin } We it Remembered that On
the twenty Eighth day of November in the Year of our
Lord one thousand Eight hundred and thirty five Allen
Trotter Esq a Justice of the peace within and for said
County Calvary Township filed in the office of the Clerk
of the Circuit Court of Franklin County a Certified
Transcript from his docket in the words and figures
following) Court.

John Sheffield } Before the undersigned a Justice
vs } of the peace in the Township of
John Withington } Calvary, Franklin County Michigan
in an action of Debt founded on an account
for \$30 - Summons issued June the 27th 1835 and
returned by the constable, served by reading the sum-
mons in the hearing of John Withington the defendant
at Jonathan Potts in Calvary Township on the 27th
day of June 1835.

On this eleventh day of July 1835 the
day named in the summons for the trial day of the
above cause, upon the trial being called the defendant
comes forward and makes oath that he cannot safely
go into trial for want of a material witness, the
trial is therefore continued to the eighth day of August
next. On this eighth day of August the day set for
the trial of the above case, both parties present and
enter into the trial of their case the same being
submitted to the judgement of the Justice the plaintiff
proves to the satisfaction of the Justice a contract or
trade concerning a horse wherein it appears that the
defendant promised to pay the sum of twenty dollars
as a new bargain for taking back a certain horse
that he has purchased from him (the Plaintiff), the
other part of the account not proved the Justice
therefore enters up judgement against defendant
in favour of plaintiff for the sum of twenty
dollars, also for costs of suit against defend-
-ant. this 8th day of August 1835

Amount of Judgement Debt - \$20.00

Docket.

Justices fees for summon 18³/₄ Cts for issuing 4 subpoenas
 18³/₄ each attachment for witness 25 ————— \$1. 18³/₄
 For Swearing 5 witnesses 6¹/₂ Cts each ————— 31¹/₂
 " Judgement entering the same ————— 37¹/₂
 \$1. 87¹/₂

Court table fees for serving summons ————— . 25
 For serving subpoenas on 9 witnesses 25 Cts each — 2. 25
 " serving attachment on witness ————— 25
 \$2. 75

Witness fees

James Woodland 2 days attendance ————— 1. 00
 " Jonathan Potts 2 " 1 Cts p day ————— 1. 00
 " Ambrose Mc Twitty 2 days ————— 1. 00
 " John R Twitty 1 day ————— . 50
 " Altow Harnes 2 days attendance ————— 1. 00
 " A W Jeffers 1 day ————— . 50

This day personally appeared John Withington the
 defendant in the above cause and makes applica-
 tion for an appeal from the Judgement of the
 Justice to the Circuit Court and makes oath
 that the appeal is not made for the purpose of
 vexation or delay but because the affiant verily
 believes the appellant to be aggrieved by the
 Judgement of the Justice in the above cause,
 Whereupon the Justice grants the appeal. The
 defendant having first filed his affidavit as
 above, and entered in to a recognizance for the
 maintenance of his suit same day and date
 this fifteenth day of August 1835.

Justices fees for affidavit ————— 25
 for recognizance bond ————— 25
 for making out a certified copy of the
 appeal for each hundred words 10 Cts (being 400 words) 400

I Certify the above to be a true and perfect copy
 of the above named case as it stands on

90 Cts

my docket Allen Tuthy Justice of the
peace for Calvey Township Franklin County
Missouri State

and also on the day of filing the said returns
in the clerk's office the following account was also
filed to wit-

Account-

June 20th 1835 John Withington Dr
To John Shuffield
To Services for hunting a mare and colt
in the Year 1833 \$10.00
To a trade in a horse in the winter 1834 20.00
\$30.00

John Shuffield

The following is a copy of the return
summons

The State of Missouri
To the Constable of Calvey Township
in the County of Franklin Greeting;
You are hereby commanded to summon John Withington
to appear before the undersigned one of the
Justices of the peace within and for said County
on the eleventh day of July next at my office
in the Township of Calvey in said County between
the hours of ten o'clock in the forenoon and
three o'clock in the afternoon of the said day
to answer to John Shuffield in an action of
Debt founded on an account

Given under my hand this 22nd day of June
1835 Allen Tuthy J.P.

The following is a copy of the affidavit for
an appeal State of Missouri }
County of Franklin } this day personally

11. Entered on said summons in the following
served the within summons on John Withington by
leaving the same in his hands on the 27th day of
June 1835 at Constance Potts Esq in Calvey Township
Summons A. Tucker

affiant.

appears before me Allen Switty a Justice of the peace within and for said County John Wittington and makes application for an appeal from the judgment of the above named Justice to the Circuit Court in a certain action wherein John Sheffield is plaintiff and the said John Wittington is defendant and makes oath that the application for the appeal is not taken for the purpose of vexation or delay but because the affiant verily believes the appellant to be aggrieved by the judgment of the Justice in the above cause

Sworn and Subscribed before me this 15th day of August

1835 Allen Switty J.P.

Recognizance

The following is a copy of the recognizance State of Missouri }
County of Franklin } We the undersigned John Wittington and Saml B Rucker acknowledge ourselves to be indebted to John Sheffield in the sum of Eighty dollars to be levied of our respective goods and chattels lands and revenues upon condition nevertheless that whereas the said John Wittington hath appealed from the judgment of Allen Switty a Justice of the peace in a certain action wherein the said John Wittington is defendant and the said John Sheffield is plaintiff now if the said John Wittington the appellant shall prosecute his said appeal with effect pay and satisfy the condemnation money and all costs or otherwise abide the judgment of the Circuit Court in said appeal then this recognizance to be void otherwise to remain in full force and virtue

Test Allen Smith J.P. } John Withington
 Taken and Certified this 15th day of August 1835
 Allen Smith J.P.

State of New York } Circuit Court December
 County of Franklin } Term 1835

Be it Remembered that on this 7th day of
 December in the Year of Our Lord one thousand
 Eight hundred & thirty five, personally appeared at the Court
 house in Minerva the place appointed for holding courts
 the Honorable William Scott Judge of said Court &
 by his order Schellus Waffers Sheriff of said County
 gave out by making public proclamation thereof
 at the Court house door.

Among the Records of said Court on the ^{fourth} ~~7th~~
 day of said Term, is the following to wit -

John Sheffield appellee } Now at this day come
 John Withington appellant } the said parties by
 their attorneys and the appellee files his affidavit
 for a continuance which being seen and heard
 It is ordered by the Court that this cause be
 continued until the next Term of this Court at
 the costs of the said appellee

The following is a copy of the affidavit filed

John Withington } On appeal

John Sheffield } John Sheffield being sworn
 on his oath states that J. G. Rucker and
 Minerva Withington are material witnesses

Continued

affidavit

Ben^{ting} + Shuffield

mark

John Shuffield

The defendant in the above Cause rules the plaintiff to security for costs and files his reasons therefor, which being seen and heard, by consent of Parties, It is ordered that the plaintiff thirty days before the next Term of this Court give security for the payment of costs in the said Cause.

and at the April Term of the Circuit
aforesaid in the Year 1830. The following
appears on the record of said Court

John Sheffield appellee
vs
John Matheridge appellant } On appeal
Continued

and at the Term last aforesaid the following appears on the record of said Court

11 Copy of "Reasons" filed
 Nottingham (1837) Shaftfield. appeal from a Justice of the peace
 the above named John Shaftfield for by his counsel moves the Court to rule that
 said plaintiff to give security for costs in this case for the following reasons
 1st Because the said plaintiff John Shaftfield is unable to pay the costs of this suit
 2nd Because the said plaintiff is a pauper for defendant.

John Sheffield Appellee } Appeal from
John Wittington Appellant } a Justice of the Peace

Now at this day comes the appellant and moves the Court to dismiss the said cause and files his reasons therefor. which being seen and by the Court fully understood it is considered that the said motion be overruled to which opinion of the Court in overruling of the said motion the said appellant excepted and prayed his Bill of exceptions might be signed sealed and entered which is accordingly done

Copy of Bill of Exceptions filed

John Wittington Appellant

John Sheffield Appellee }
on Trinity a Justice of the Peace within &
for the County of Franklin -

Franklin County, Vermont
April Term A.D. 1856

Be it Remembered that at the December Term of this Court A.D. 1855 Appellant moved the Court to rule appellee to give security for costs for reasons filed (here insert them)

Whereupon a rule was entered of Record by consent of parties (here insert it.) At the April Term A.D. 1856 the appellant moved the Court that this cause should be dismissed & above rule enforced, security for costs.

Motion

Bill of Exceptions

not having been filed by appellant who
was plaintiff before the Justice, which motion
on to dismiss the cause the Court overruled
to which judgment of the Court overruling
the motion of appellant to dismiss the cause,
because security for costs were not filed, the
appellant excepts & presents this As his
bill of exceptions which he prays may
be signed and sealed by the Court, ^{here} and
made part of the record in this cause

William Scott ~~Justice~~

And at the August Term of said
Court in the year last aforesaid
The following appears on the record of
said Court

John Withington } Appeal from a
John Sheffield } Justice of the peace
Continued

And afterwards to wit, at the December
Term of said Court in the year aforesaid
The following appears on the record of said
Court

John Withington Appeal
John Sheffield } On Motion of the plaintiff
by his attorney. it is ordered
that the venue in this cause be changed
to the Circuit Court for the County of Jefferson
being one of the Counties in the Seventh Judicial
Circuit. The plaintiff having filed his
petition & affidavit and the defendant
having notice of the application for a
Change of venue

Copy of Petition & affidavit for
a change of venue &

John Withington } Appeals in the Circuit
in

John Sheffield } Court of Franklin County

The said John Withington states to the
Court here that he believes he cannot have
a fair trial of this cause in this Court
on account that the inhabitants of this
Franklin County are prejudiced against
him the said petitioner. He therefore prays
a change of the venue in this cause
to some other County

John Withington

State of Missouri
Franklin County

The above named petitioner
John Withington deposes and says that the
facts stated in the above Petition are true
according to his best knowledge and belief

Sworn and Subscribed to
in open Court this 7th
day of Decr. 1886

C. H. Haffner Clerk

State of Missouri & B. C. Jeffries Clerk of
 County of Franklin do hereby Certify, that the foregoing
 is a full transcript of the record and
 proceedings in the above cause with all
 the original papers filed in the cause, form-
 ing a part of the record.

In testimony whereof I have
 hereunto set my hand & affixed
 the Seal of said Court at
 office in the Town of Union
 this 9th day of March in the Year
 of our Lord Eighteen hundred
 and thirty seven
C. S. Jeffries Clerk

Fee Bill

Saml M. May late Clerk	\$ 8 1/4
C. S. Jeffries Clerk	10.00
Sheriff of Union County	1.00
Sheriff of Franklin County	10.00
Witness Jonathan Potts	2.80
" Jas Woodland	4.80
" A L Rucker	4.40
" A M Turthy	2.70
Fees before Justice	2.79
Justice fees -	

Leont Bucken	2.75-
Wm. J. Woodland	1.00
Jonathan Potts	1.00
A. M. Twitty	1.00
Wm. R. Twitty	.50
Alton Harney	1.00
A. W. Jeffries	.50
O. S. Jeffries	715

301

John Humphreys

as

John Huntington

Joseph Reed

301

Stiles Sept 11th 1833

M. B. B. B.

at the

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of *St. Louis*

County, --- GREETING:

You are hereby commanded to summon

Allen Smith, an ~~unlawful~~

party,

[Handwritten flourish]

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 *5th* day of *April*, 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 *John H. Hafford* is plaintiff, and *John McWhorter* is defendant, on the part of the *defendant*; and have you then there this writ.

WITNESSES, HENRY P. BATES, Clerk of our said Circuit Court, at the town of *Herculaneum*, this *10th* day of *June* in the year of our Lord one thousand eight hundred and *thirty seven*.

Henry P. Bates CLERK, C. C.

Go out to the within, on Broth Potts & Allen
Twenty. In the County of Franklin on the 2^d
day of Aug 18 37 by Reading In there being
The same -

A. M. Jeffries Sheriff

Jefferson County Court Book
August Term 1837

John Sheffield

W. E. Saps

John Witherspoon

Witnesses for Jeff

X. Allen Twenty 25⁰⁰

+ Jonathan Potts 3⁰⁰

Sh. H. P. 1.00

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of *St. Louis*

County,—GREETING:

You are hereby commanded to summon

John D. Bates

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 *Eighth* day of *August*, 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 *John D. Bates* is plaintiff, and *John W. Thurston* is defendant, on the part of the *defendant*; and have you then there this writ.

WITNESS, HENRY P. BATES, Clerk of our said Circuit Court, at the town of *Herculaneum*, this *Thirtieth* day of *June* in the year of our Lord one thousand eight hundred and *Thirty Seven*.

CLERK, C. C.

Henry P. Bates

Jefferson County
Circuit Court

August Term 1837

John Sheffield

vs { vs a

John Withnorton

John Withnorton

for defendant

Executed this writ by reading it to
Hypolite Tison in the county of St Louis on
the 23rd day of June 1837

James Brotherton Sheriff
By J Gordon Deputy

Service ff-50

COUNTY OF FRANKLIN, SCT.

The State of Missouri,

TO THE SHERIFF OF SAID COUNTY—GREETING:

WE command you to summon

Meriva Woodbeck

that all excuses and delays set aside

she

be and appear before the Judge of ~~the~~ *the* Circuit Court, on the *1st*

day of our next term to be holden at the Court House in ~~the~~ *the* on the first Monday in

August next, then and there to testify and the truth to speak on the

part of *John Withington* in a certain cause in our said

Court now pending wherein *John Sheffield* Plaintiff and

John Withington defendant herein *she is* not

to fail, and fail not at your peril; and have you then and there this writ.

Witness, C. S. JEFFRIES, Clerk of our said

Court, at office, this *Seventeenth* day

of *July* in the year of our

Lord, eighteen hundred and thirty *Seven*

C. S. Jeffries
CLERK.

Executed the within on Manerva Withington
In the County of Franklin on the 3rd
day of Aug^r 1837 by Reading in his
bearing the name

A. D. Pefferies Sheriff

Mrs Shupfield

res^d in Spar

Wilmington

Witness

Minerva Woodcock

Shd per 57

chk per 50

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of Franklin

County,—GREETING:

You are hereby commanded to summon

Andrew Buckner,

James B. B. Thomas, William

James Woodling, & Andrew C. C. C.

to appear in proper person before the Judge of our

Circuit Court, on the Eighth day of August, at the town of Her-

laneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said

Court, wherein

and

John W. C. C. C. C.

plaintiff,

on the part of the defendant; and have you then there this writ.

Witness, HENRY P. BATES, Clerk of our said Circuit Court, at the town of Her-

culaneum, this

24th

day of August.

in the year of our Lord one thousand eight hundred and

seventy seven

Henry P. Bates, CLERK, C. C.

Executed the within on P. Potts; J. L. Tucker
 Jas Woodland & Thomas Withington in
 the County of Grant Co. on the 3rd
 day of Augt 1837. By Reading in
 each of them hearing the same —
 and on Ambrose Smith on said day by leaving
 a copy at P. Potts where I often see him
 Alvin H. Smith

Jefferson County Circuit

Term August Term 1837

John Sheffield

vs. E. E. E.

John Withington

vs. Ambrose Tucker &

James Woodling

vs. Thomas Withington

James Woodling

vs. Ambrose Smith &

for Plaintiff

\$12.50

1837

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of

Jefferson

County, — GREETING:

You are hereby commanded to summon

Alden Marnock

[Signature]

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 *Eighth* day of *August*, at the town of Her-
laneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *John Chipfield* is plaintiff, and *John Marnock* is defendant;
on the part of the

; and have you then there this writ.

WITNESS,

HENRY P. BATES, Clerk of our said Circuit Court, at the town of Her-

culaneum, this

25th

day of *July*

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

Henry P. Bates
CLERK, C. C.

I served the within Subpoena by
reading the same in the hearing and
presence of Alden Harnes at the
4th day of December A.D. 1837.

J. M. Christian Sheriff

Jefferson County
Circuit Court
August Term 1837

John Sheffield
vs. { Sup.
John Withington.

Alden Harnes

for Plaintiff

Dec. 4th 1837

Eliz. Wright
to the Methodist
in
to the Methodist

W
received here
1833

The Methodist in the above case
knows the court to receive the
part of the court and the portion
in the case and also of the
court in the case that the judge
has one of the portion of the court
is necessary to the court in the case
of the court

W. A. Wright
att.

John W. H. L. L.

in S
John W. H. L. L.

Eli H. H. H.

Notice

John Ashpford

August term 1837

By John Witherspoon } This day carried Allen
that he was determined in behalf of def-
endant in the above case & all a verdict
for which he charges - \$1.00
Travel going & coming 80 miles - \$4.00
August 8th 1837 - \$5.00

Sum to this 8th day of Allen's entry

Aug 7 1837

J. W. Witherspoon

We the undersigned for the sum of
Twenty five Dollars do hereby
dedicate to the use of the
Library of the
City of New York

20 Jan. 1891

in
Lyonne *Artichers*



August 1837

1837

9. Continued on May 24 - the above
town or a village for the purpose of
the above mentioned in town &
and returned from the above of
the above mentioned in town &
the above mentioned in town &

Suwan to this 8th day of Aug 1887

Chrysothrix polycarpa
 flowers white
 fruit

141, 130, 120, 110, 100, 90, 80, 70, 60, 50, 40, 30, 20, 10, 0

more

John Chipchelle

as

John Withington

Agitation Society Secret-
ary Aug. 1837.

John Thorne Pitts Attorney

his attendance in the above cases as
follows to wit

For. One day attendance

1.00

" 70 miles travel @ 5¢ per mile

3.50

Second to before me this

41.50

8th day of Aug. 1837.

For the Pitts

Henry P. Pitts Clerk

John Humphreys } This day having received
 12 d } - and a paper & making out
 John Withington } that the way to summer
 in the above can be paid a receipt & clearing
 our day's attendance - - - 100
 for traveling 35 miles going - - - 3.50
 and coming from "Franklin City"
 August 1837
 Sworn to before me this
 8th day of Aug^r 1837
 Wm. P. C. Clerk

Henry Westland

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of said County,

County, — GREETING:

You are hereby commanded to summon

Thomas Northerton, James Morahan, and
Arthur 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 1st day of December —, at the town of Her-
laneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said
Court, wherein *John H. Phillips* is plaintiff,
and *John Northerton* is defendant,
on the part of the

Witness, HENRY P. BATES, Clerk of our said Circuit Court, at the town of Her-
culaneum, this 11th day of October,
in the year of our Lord one thousand eight hundred and 37.

Henry P. Bates

CLERK, C. C.

Served the within Inquest on Jonathan Potts
and Ambrose Switty by reading the same in their presence
Served on A. L. Rucker James Woodland and
Thos. Wittington by Coffey S. L. Bay
Constable

Jefferson Circuit Court

December Term 1837

John Sheffield

vs
J. S. Rucker

John Wittington

Ambrose Rucker

Jonathan Potts

Thomas Wittington

James Woodling

Ambrose Switty

for Plaintiff

John Huffstiles in the circuit court
and December Term 1837.

John Northward {
Helen Thompson { his attendances in the above
cause. One days attendance at 450 per day — 450

Thirty miles travel to and from the court House

at 45 per mile —

Attest: Nathan ^{1.42} 2.00

Given to Doe 13 1837

See p 2 of the three 6th

In the circuit court

28
John Breathing

December 1837

James Howard as a Witness in the above
Case One day's attendance out of the County
at One shilling per day —
Several times Dravid to and from
the court of —

Starr to Dec 13. 1839

卷八

0.5 4 8

My dear Mr. Beecher

his

James Thompson

March 21

COUNTY OF JEFFERSON, SCT.

To the Sheriff of the County of Jefferson - KENTUCKY.

at our Circuit Court, before our Judge

us of record: These are therefore to command you, that of the goods and chattels, lands and tenements of the said John were adjudged, as appears to

us of record; These are therefore to command you, that of the goods and chattels, lands and tenements of the said William Whittington whereover turned in your bailiwick, you cause to be made the aforesaid damages over costs; that you have the same before the Judge of our said court, on the next Monday of April next, to render to the said John the Officer and the Officer

be found in your bailiwick, and

safely keep, so that you have
 bod before the same Judge, on the
 to satisfy the said of the

costs, and that you certify to our said **Judge** how you execute this writ; and have you then and

John J. Matheson
~~Attorney~~, **HENRY P. BATES**, Clerk of our said Court, at HERCULANEUM, the

twentieth day of February in the year of our
Lord, one thousand eight hundred and thirty eight

John J. McArthur
CLERK, C. C.

A. Maffie Esq
 of ^{London} N. Y.
 B. R. R. 100 sph

Union Hill 1st March
1838
New York the Co. of
3rd Artillery 1st March

John Sheffield

vs 3 Fees
Chl Hyatt

Fees in Frank County 47.50
Jefferson County
W. P. Bates late Clerk

Docketing case — 1.00

Filing 22 papers — 1.37

Issuing 4 Subp^{ns} 2.00

2 Continuances — .50
4.87

Matthew Clerk

1 Motion — 25

1 Subpoena — 50

Trial before the Court 50

Swearing 4 W^{ts} 25

Engagement — 25

1.75
30
2.05

A. J. M. Quistin

1 Subpoena 50

Calling action — 10

Calling parties — 20

Calling 4 Witnesses — 25

4 Witnesses each 4.50 18.00

J. C. Jeffries Sheriff

7 Summons — 3.50

J. Brotherton Sheriff

1 Subpoena 50