

Jefferson County Circuit Court
Case Files - CIVIL
March 1837

Box No.

3

Folder No. 13

Payse, Augustus

vs

Wheeler, Solomon B.

Defence

One horse; \$150 damages

State of Missouri
County of Jefferson } Set

This day personally appeared
before me Nathl J Givins Deputy Clerk for Henry P Bates
Clerk of the Circuit Court for the County aforesaid Augustus
Payre and made oath that, a certain Chestnut sorrel
horse for which he has this day instituted an action
of detinue, against Solomon B Wheeler, is the property
of the said Augustus Payre that the said Solomon
B Wheeler unlawfully detains said horse, and that
said horse is of the value of Seventy dollars Given
under my hand this 17th day of November 1836

Subscribed & Sworn to
before me the date
above Nathl J Givins
Deputy Clerk

Augustus + Payre

Augustus Payse
Affidavit

State of Missouri }
Jefferson County & Circuit } Sec Southern District Circuit

Augustus Payre complains of Solomon B Wheeler
in custody of a plea that he render to the said Augustus
Payre a certain Chestnut Sorrel horse of the value
of seventy dollars which he unjustly detains from him -
For that whereas heretofore to wit on the 1st day of
November in the year Eighteen hundred and thirty six
at the County and Circuit aforesaid the said plaintiff, or as
lawfully possessed of a certain Chestnut Sorrel horse
of great value to wit of the value of seventy dollars law-
ful money of the United States, as his own property,
and being so possessed thereof he the said plaintiff after
was or to wit on the day and year aforesaid ^{at the County and Circuit aforesaid} he lawfully
lost the said Chestnut Sorrel horse out of his possession
and the same afterwards to wit on the day & year
aforesaid at the County & Circuit aforesaid, came to
the possession of the said defendant by finding, yet
the said defendant well knowing the said last mentioned
Chestnut Sorrel horse to be the property of the said
plaintiff and of right to belong and appertain to
him, hath not as yet delivered the said last mentioned
Chestnut Sorrel horse to the said plaintiff although
he the said defendant was afterwards to wit on the
day and year aforesaid at the County and Circuit aforesaid
requested by the said plaintiff to do so, but hath hitherto
wholly failed and refused so to do, and hath detained
and still doth detain the same from the said plaintiff
to wit on the day and year aforesaid at the County and Circuit aforesaid
on the day and year aforesaid to the damage of
the said plaintiff One hundred and fifty dollars and
therefore he sues O B Cole atty for Augustus Payre

State of Missouri
Jefferson County Sch

The State of Missouri to the sheriff of Jefferson County
Greeting, These command you to take Solomon B Wheeler
of late of your County, if he be found in
your bailiwick, and him safely keep so that you have
his body before the Judge of our Jefferson Circuit Court at
a term thereof to be holden, at Herculaneum, on Monday
the Sixth day of March next to answer unto
Augustus Payre of a plea of Trespass on the case, in
Detinue, damage one hundred and fifty dollars, &c. of
fail not at your peril, and have you then there this
writ and make due return how you execute the same

Witness my hand & Seal Clerk of
our said Court at his office this
Seventeenth day of Novem-
ber in the year eighteen hundred
and thirty six

Henry O. Bates Clerk
By A. F. Given Deputy

The plaintiff Augustus Payre hath filed in the Clerk's office
of the Jefferson Circuit Court an affidavit of himself that
the property for which this action is instituted is the property
of him the said Augustus Payre that the defendant Solomon
B Wheeler unlawfully detains the same, and that the
same is of the value of seventy dollars, you are therefore
commanded to let the defendant to bail in double
the value of said property

Henry O. Bates Clerk
By A. F. Given Dk

323
Augustus Payse
vs { Decl. Detained
Solomon B Wheel

323
To March term 1837

Filed Nov 17th 1836
A F Givins Db

I served the within writ in the ordinary
form, and taking a bond and security
for his appearance at the next term
of the Circuit Court for the County of
Jefferson Mo
J M Emerson Sheriff

COUNTY OF JEFFERSON, MO.

THE STATE OF MISSOURI,

To the Sheriff of

County—GREETING:

You are hereby commanded to summon

Jefferson *Carroll* &
Shawnee *Carroll* his *lawful* *heirs*

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 *24th* day of *March*, 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 *Strawberry* *Pay's* is plaintiff,

and *Shawnee* *Carroll* is defendant, on the part of the *plaintiff*, and have you then there this writ.

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

town of *Herculaneum*, this *25th* day of *January* *1880* in the year of our Lord one thousand eight hundred and *thirty* *seven*

Channing D. Smith
CLERK, C. C.

I served the withdrawing Subj. on all
of the within with by reaching
the same it days beverages to the side
of the current resort

Dr. W. G. Mission Society

Payse
as { spec
Apprentice
to March 1st
1837
Benjamin Bernal
Seamus Bernal
Walter Bernal
Bernal

Know all men by these presents that I ~~principal~~ Solomon
Wheeler principle & Samuel M. Palmore security
are held and firmly bound unto Augustus Park
in the penal sum of one hundred and fifty dollars
to the payment of which well and truly to be made to
the said Augustus Park — we bind ourselves
our heirs Executors and administrators jointly and severally
firmly by these presents sealed with our seals and dated
this 7th day of February 1837

The condition of the above bond is such that whereas
Augustus Park has instituted an action of
Detinue in the Jefferson Circuit Court for a certain Ches-
nut Sorrel horse against the above bound Solomon
Wheeler and the said Augustus Park
having filed an affidavit in the Clerk's
office of said Court stating that said horse is of the
value of twenty dollars; and a capias in detinue
having been issued from said Court directed to the
Sheriff of said Jefferson County with an endorsement
on said capias to take bail of the said Solomon
Wheeler in double the value of said
horse now if the said Wheeler — shall deliver
the said Chesnut Sorrel horse to the said Augustus
Park if Judgment shall be rendered
against him and pay all damages which may be
rendered against ^{him} for the detention of the same together
with the costs of said suit provided judgment
shall be rendered against him then the above ob-
ligation to be void other wise to remain in full
force and virtue in Law

given under our hands and seals
this 7th day of February 1837

J. B. Wheeler *Seal*

Samuel H. Palmer *Seal*

Solomon Wheeler
do } Bond

\$150.00

Salomon 13 October

a 87

Shy water Days

Salomon

The eight moves the count to

Cancel the bond in the above case he cannot

the same ~~was~~ was not cancelled by the

fact of the case, and the difficult in informing

Carbon

Salomon 13 October

Telid a^{pl} 10 1834.

H. P. Bates.

Clerk

Salomon B Wheeler

vs

Augustus Payre

{ Action of Detinue

{ And the said defendant

comes and defends the wrong and injury when
where & and saith that he doth not detain
the said horse in the plaintiffs declaration
mentioned in manner and form as is
therein alleged and this he pray may be
requred of by the court

A J Givens atty for
defendant

and the plaintiff

doth the same J. Givens atty

Paris April 11th 1837

THE STATE OF MISSOURI,
COUNTY OF JEFFERSON, SCT.

To the Sheriff of Jefferson County,—GREETING:
You are hereby commanded to summon

Chas. Barnes

vs

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 *Eightth* 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 *Augustus Payne* is plaintiff, and *Salomon B. Walker* is defendant, on the part of the *plaintiff*; and have you then there this writ.

Witness, HENRY P. BATES, Clerk of our said Circuit Court, at the town of *Herculaneum*, this *25th* day of *July* 18*85* in the year of our Lord one thousand eight hundred and

Henry P. Bates
CLERK, C. C.

Jefferson County
Circuit Court

August Term 1837

Augustus Taylor.
vs. { Supra
Solomon B. Wheeler

Benjamin Carrell
Susan Carrell
for Plaintiff

I served the within Subpoena by reading
in the hearing & presence of the within
witnesses eight days previous to the
return day

J. M. Cristine Sheriff

THE STATE OF MISSOURI,
COUNTY OF JEFFERSON, SCT.

To the Sheriff of

Jefferson

County, -GREETING:

You are hereby commanded to summon

Thomas Benton.

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 *Twelfth* 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 *Henry Bates* is plaintiff,
and *Thomas Benton* is defendant,
on the part of the plaintiff ; and have you then there this writ.

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

culaneum, this

seventh day of *August*

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

Henry Bates CLERK, C. C.

I served the within Subpoena on Thomas
Benton by reading in his hearing
and presence at the Town of Thetford
on the 7th day of August 1837

for \$0.50

E. M. Crustion Sheriff

Jefferson County

Circuit Court

Aug. Term 1837.

Augustus Payer

vs. S. S. Sayer

Colman B. Wheeler

Thomas Benton.

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of Jefferson County, — GREETING:

You are hereby commanded to summon

James
~~Robert~~ *James Smith*
William H. Maitley *Deane*

that, setting aside all manner of excuse and delay, ~~he~~ *he* be and appear in proper person before the Judge of our Circuit Court, on the *Eight* day of ~~August~~ *August*, at the town of Her-
lanum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *James Smith* is plaintiff,
and *James Smith* is defendant,
on the part of the *defendant*; and have you then there this writ.

~~Witness~~ *Witness*, HENRY P. BATES, Clerk of our said Circuit Court, at the town of Her-
culanum, this
day of
in the year of our Lord one thousand eight hundred and

Henry P. Bates — CLERK, C. C.

Deputy Clerk Payre
m { Spa
Salmon B Whaler

1st Day 2nd term 1837

2nd day

witnesses for deft
James
James Smith, ~~James~~
Hopper & Westley
Pearce

I served the within subpoena on all of
the within witnesses by reading
except Measley, Pearce, not found
J. M. Christian Sheriff

in the long hair the you for the beauty
* of the brown of the hair in the
certain manner to turn the hair

dark hair