

JEFFERSON COUNTY CIRCUIT COURT
CASE FILES - CIVIL
Dec 1837 ND. 18

Box 3 Folder 41

MOON, ALLEN R, by next friend
MOON, JOSEPH
VS

MOURTRY, JAMES
MOURTRY, AUGUSTUS
MOURTRY, LUNESTON
MOURTRY, SEPTON

ASSAULT & BATTERY

\$1,000 damages

Jefferson County, Ky.

In the Circuit Court - December

Term 1837 -

Allen R Moon an infant under the
age of twenty one years, and who was by
his next friend Joseph Moon appointed
according to law complain of James
Mourtry Augustus Mourtry ^{Livingston Mourtry} and Septon
R Mourtry of a plea of trespass. For that
the said James Mourtry Augustus Mourtry
Livingston Mourtry and Septon R Mourtry
on the eleventh day of November in the
year 1837 and at the county aforesaid
assaulted the said Allen R Moon, beat
at the County of Jefferson aforesaid, and then
and then spit in the face of him the said
Allen, and with great force and violence
seized and laid hold of the said Allen,
and then and then plucked, pulled
and tore divers long quantities of hair
from and off the head of him the said
Allen R Moon and then and then
with a curtain stick, and with their fists,
force and struck the said Allen R Moon
a great many violent blows and strokes on
and about his head, face, breast, back
shoulders, arms, legs, and divers other parts
of his body; and also then and then shake

with great force and violence, shook and pulled about him the said Allen R. Moon and cast and threw him the said plaintiff down to and upon the ground, and then and then violently kicked the said Allen and gave and struck him a great many other blows and strokes; and also then and then with great force and violence sent and tore the clothes of him the said plaintiff, which he the said Allen then and then wore and was clothed with. By means of which said several premises he the said Allen R. Moon was then and then greatly hurt, bruised and wounded, and other wrongs to the said plaintiff then and ^{against the peace and} then did, to the damage of the said Allen R. Moon one thousand dollars, and therefore he sues.

And also for that the said James Mowbray, Lexington Mowbray, Augustus Mowbray and Septon R. Mowbray on the Eleventh day of November in the Year 1837, with force and arms at the County of Jefferson aforesaid made another assault on the said Allen R. Moon, to wit at the County of Jefferson aforesaid, and then and then again beat, bruised, wounded and ill-treated him, inasmuch that his life was thereby then and then greatly endangered, and other

wrong to the said Allen R Moon then
and then did, to the damage of the said
Allen R Moon other one thousand
dollars and against the peace and
therefore he brings his suit.

J. L. H. Att^y
for plaintiff

338

William A. Moore
 who was by his most
 friend Joseph Moore
 Esq
 James Moore Esq
 Augustus Moore Esq
 & William Moore Esq
 Captain A. Moore Esq

This is an action of
 trespass. John Moore
 vs John A. Moore
 and c

Filed Nov 26th 1837

Matthew
 Clerk

State of Missouri
County of Jefferson
The State of Illinois To the Sheriff of said County
Greeting You are hereby commanded that
you summon James Moutry Augustus Moutry
Livingston Moutry & Septon R. Moutry that
they be and appear before the Judge of
our Circuit Court at a Court to be held
at Mercurianum in and for said County
on the second Monday in December next
then and there to answer the complaint
of Allen R. Moon and have you then and
there this writ

Witness John S. Matthews
Clerk of our said Court at Office
in the Town of Mercurianum
this 20th day Nov^r 1837
J. Matthews Clerk.

Jefferson County Jct.

In the Circuit Court Decem^r Term 1837.

Allen R. Moon an infant under the
age of twenty one years and who sues by
his next friend Joseph Moon appointed
according to law. complains of James Moutry
Augustus Moutry Livingston Moutry and
Septon Moutry on the eleventh day of
November in the year 1837 and at the
County aforesaid against the said
Allen and with great force and violence
R. Moutry to wit at the County of Jefferson
aforesaid and there and then spit in the
face of him the said Allen and then and

there spit in the face of the said Allen and
with great force and violence seized and
laid hold of said Allen and then and
there plucked, pulled, and tore divers large
quantities of hair from and off the head
of him the said Allen R. Moon and
then and there with a certain stick and
with their fists gave and struck the said
Allen R. Moon a great many violent
blows and strokes on and about his head
and face, breast, back, shoulders, arms, legs
and divers other parts of his body and also
then and there with great force and
violence shook and pulled about him the
said Allen R. Moon, and cast and threw
him the said Plaintiff down to and upon
the ground, and then and there violently
kicked the said Allen, and gave and struck
him a great many other blows and strokes
and also then and there with great force
and violence rent and tore the clothes of
him the said Plaintiff which he the said Allen
then and there was clothed with. By means of
which said several premises he the said Allen
R. Moon was then and there greatly hurt
and bruised and wounded, and other dam-
ages to the said Plaintiff then and there
done against the peace and to the damage
of the said Allen R. Moon one thousand dollars
and therefore he sues

And also for the said James Moutry
Livingston Moutry Augustus Moutry and
Septimus R. Moutry on the eleventh day of
June in the year 1837 with force and arms
a County aforesaid made an

Septon R. Mouty on the Eleventh day of
November in the year 1837. with force and
arms at the County aforesaid made another
assault on the said Allen R. Moom to
wit, at the County of Jefferson aforesaid
and then and there again beat ~~the said~~
~~Allen R. Mouty~~ bruised wounded and ill
treated him in so much that his life was
thereby then and there greatly endangered
and despaired of and other wrongs to the said
Allen R. Moom then and there did
to the damages of the said Allen R. Moom
then ~~three~~ thousand dollars, and against
the peace and therefore he brings this suit.

D. Cole Atty
for Plaintiff

A true Copy attest

J. Mathews Clerk
Circuit Court of the 2d Div.

I served the within Summons on James Montroy & Livingston Montroy & Seper R. Montroy. by reading the same in their hearing and presence in the County of Jefferson on the 24th day of November A.D. 1837. and I served the same on Augustus Montroy by leaving a copy at his last place of residence on the 24th day of November 1837. in the hands of James H. Montroy a person of the family of over the age of fifteen years

R. M. Christian Sheriff of
Jefferson County Mo.

Jefferson Circuit Court
Dec Term 1837

Allen B. Mann
vs
James Montroy
Augustus Montroy
Livingston Montroy
Seper R. Montroy

Filed Dec 11th 1837

J. Mathews
Clerk

Epiphany Church Corns December Term 1837

James Mottley Augustus Mottley

Demingston Mottley & Septen Mottley

as,

Allen 12 Morn by his own friends

Joseph Morn

perhaps Charles & William

the said defendants by their attorneys and

the Court to search the book of names in this cause because
the same does not run in the name of the State of New Jersey
and is void in law

Verdict for defendants

shortly
and } mention
Mason

Filed Dec 12 1837

Wm. A. Thomas

Clerk

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of

County,—GREETING:

You are hereby commanded to summon

Samuel M. McArthur
vs. Nathan Smith,
Shuman Wright.

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 December, 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 William H. Brown is plaintiff, and James M. Blevins and others are defendant and on the part of the defendant and have you then there this writ.

Witness, ~~my hand~~ Clerk of our said Circuit Court, at the town of Herculaneum, this twelfth day of December in the year of our Lord one thousand eight hundred and 37

CLERK, C. C.

Jeff. Lewis's Court
December 1837

J B Brown
vs J Chapman
James Brown & others
for
Sam M. Mullens
Johnathan Smith
Amos Foughton

Sheriff J. B. Smith

Filed Dec. 11th 1838
J. B. Smith

I served the within Subpoena
by reading the same in the Town
of Herkeseanum in the hearing
and presence of Samuel M. Mullens
Johnathan Smith & Amos Foughton
on the 12th Dec. Inst 1837.

J. B. Smith Sheriff

Jefferson County 3d 2d the 9th
Judicial Circuit
in the state of
Missouri
Per - Leroy 1837 -

To the Honorable James E. Cook Judge
of the County and Circuit aforesaid, the
petition of Allen R. Moon would
respectfully shew, that on or about the
14th of this Inst. James Mowbray and
certain ^{Livingston Mowbray} Mowbray, and Setton R.
Mowbray fell upon your petitioner
who is a man, under arms and
beat him without cause in a
cruel manner, he is therefore desirous
to proceed at law against said indivi-
duals for the injury aforesaid, and prays
your honor to appoint Joseph Moon his
father-in-law to be his next friend in
man to this suit. And as in duty
bound &c -
Nov. 1837 -

Allen R. Moon
~~by~~

I consent to be the next friend of
Allen R. Moon in the above action
Nov 17th 1837 Joseph Moon

State of Missouri 1st application having been
made to me the undersigned Judge of the Cir.
Court for the 9th Judicial Cir. in the State upon
by Allen R. Moore ~~and~~ Infant to be permitted
to sue by his next friend Joseph Moore having
chosen as the next friend & having appeared, as such
the said Allen R. Moore is permitted to bring
suit against James Country ^{Livingston County} & ^{Septon R. Country} ~~Septon R. Country~~ in
the Jefferson County Cir. Court. Given under my
hand this 17th Nov. 1833 James Evans

James Evans
Judge 9th - Lu. Cir.

Allen D. Moon

9.

W

James Montgomery

Petition for adjustment
of account of Great Britain

Filed Nov 20 74/83

John A. Mearns
D.D.

COUNTY OF JEFFERSON, MO.
THE STATE OF MISSOURI,

To the Sheriff of

County—GREETING :

You are hereby commanded to summon

You are hereby commanded to summon
William Henry Berry of the County of Warren in the State of New York
William Henry Berry of the County of Warren in the State of New York
William Henry Berry of the County of Warren in the State of New York
William Henry Berry of the County of Warren in the State of New York

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 eleventh day of March ¹⁸⁵⁶ ~~1857~~, 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 William B. McLean vs James H. McLeastry,
McLean plaintiff,
McLeastry defendant,
on the part of the Defendants; and ~~have~~ ^{have} then there this writ.

Witness,

CHANNING SMITH, Clerk of

town of Herculaneum, this *twelfth* day of *February*

in the year of our Lord one thousand eight hundred and *1867*

CLERK, C. C.

$$\begin{array}{r} 230 \\ 280 \\ \hline \end{array}$$

Jefferson Circuit Court
April Term 1838

Allen R. Meow
 vs 3 Japers
 James McMeorty

Witnesses for Defendant

+ William Barry
 + Zebedee Meow
 + Anthony Wilkinson
 + Samuel McMillin
 + James McMillin
 + Franklin Perry

Filed & April 9th 1838

Matthews Clerk

I served the within subpoena on all the within witnesses as the Law directs at least ten days before the return day

fee \$3.00
 J. M. Christian Sheriff

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of

County—GREETING:

You are hereby commanded to summon

Samuel M. Mullens Jonathan Smith and
Amos Knight

that, setting aside all manner of excuse and delay, he and appear in proper person before the Judge of our
Circuit Court, on the eleventh 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 Allen R. Allen by his next friend is plaintiff,
and Samuel Mullens on or others are defendant,
on the part of the plaintiff; and have you then there this writ.

Witness,

John C. C. Clerk

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

town of Herculaneum, this twelfth day of February
in the year of our Lord one thousand eight hundred and thirty eight

John C. C. Clerk
CLERK, C. C.

Peerson Circuit Court
April Term 1838

Allen R. Mccon
vs { Chapman
James & McCarty & others

Witness for Plaintiff
Saml M. Mullin +
Jonathan Smith +
Amos Knighton +

Filed & April 9th
1838

W. Mathews
Clerk

I Served the within Subpoena on
all of the within witnesses by
reading the same in their hearing
and presence at least ten days
before the return day.

Fee \$1.50

L. M. Christian Sheriff

COUNTY OF JEFFERSON, MO.

THE STATE OF MISSOURI,

To the Sheriff of

County—GREETING:

You are hereby commanded to summon

These Names Before the Meeting
At the Place Between them
At the William H. McLean

that, setting aside all manner of excuse and delay, he or she and appear in proper person before the Judge of our
Circuit Court, on the 1st day of April 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 William H. McLean plaintiff;
and James McLean 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

1st day of

March

in the year of our Lord one thousand eight hundred and

thirty eight.

John A. McLean
CLERK, C. C.

John A. McLean

John A. McLean

I served this writ by Reading
the same in the presence of Samuel
McMullin Alfred Wade Elisha Moon
John Butt William McMoon on the 27th
of March 1838 John Hammond Deft
Sherriff

Jefferson Circuit Court
April Term 1838

Allen McMoon
vs 3 Deft a
James McCountry

Plaintiff
Sam. & Mc. McMullin.

Alfred Wade
Elisha McMoon
John Butt
William McMoon—

Filed April 11th / 1838

W. Weather
Clerk

Jefferson Circuit Court April Term 1838

James Mootry, Augustus Mootry
Livingston Mootry & Lepten Mootry
att

Apparet & Buttery

Allen R. Moon by his next friend

Joseph Moon

And the said defendant James Mootry

1st
Plas
Comes & defends the face & injury when & and says that
he is not guilty of the said supposed trespasses above laid to his
charge or any or either of them or any part thereof in manner
& form as the said plaintiff hath above complained against him
and of this he puts himself upon the Country to
prove, for afo

2nd And for further plea in this behalf the said defendant says
that (as to assaulting, spitting in the face and with great force
& violence seizing & laying hold of, & plucking, pulling & tearing
down, large quantity of hair from & off the head of said plaintiff
& with a stick & fist giving & striking said plaintiff a great many
violent blows & strokes, & as to shaking & pulling about said
plaintiff, & throwing him down to & upon the ground, & kicking
him & giving & striking him a great many other blows & strokes
& as to unbuttoning & tearing the clothes of said plaintiff, & as to hurting
bruising & wounding said plaintiff, the said plaintiff in the first
Count of the plaintiff's declaration mentioned, the said plaintiff
ought not to have and maintain his aforesaid action thereof
against him said defendant, because he says that said defendant
plaintiff just before the said time when said supposed trespasses
were committed, in said first Count mentioned to wit on the
day and year in that Count mentioned at the County of Jefferson

with force & arms made an assault upon said defendant, & would then & there have beat bruised & threatened him said defendant, if he had not immediately defended himself against said plaintiff; wherefore he the said defendant did then & there defend himself against said plaintiff as he lawfully might for the cause aforesaid, and in so doing did commit the said several supposed trespasses in the introductory part of this plea & said first count mentioned, doing no more or any damage to said plaintiff on the occasion aforesaid, and so the said defendant saith, that if any hurt or damage then & there happened said plaintiff or his said wearing apparel, the same was occasioned by the said assault so made by said plaintiff on said defendant & in the necessary defence of said defendant against said plaintiff which are the same supposed trespasses in the introductory part of this plea mentioned, & whereof the said plaintiff hath above complained against said defendant. & thus he is ready to verify wherefore &c

Verdict for defl

3^d and for further plea in this behalf the said defendant says that (as to the said ~~trespass~~ supposed trespasses in the introductory part of the said defendant's second plea, and in the first count of the said plaintiff's declaration mentioned) said plaintiff ought not to have maintained his aforesaid action thereof against said defendant, because he says that said plaintiff, just before the said time when said supposed trespasses were committed in said first count mentioned to-wit on the day & year in that count mentioned at the County of Lifford, with force & arms assaulted William Mootry, then & there being the son of said defendant, & would then & there have beat bruised & threatened his said William, if said defendant had not immediately defended him said William wherefore said defendant did then and there defend said William so then and there being his son as aforesaid against said plaintiff as he lawfully might for the cause aforesaid & in so doing did commit the said several supposed trespasses in the introductory part of said second plea and said first count mentioned

doing no unnecessary damage to said plaintiff on the occasion aforesaid
so the said defendant saith that if any hurt or damage then & there
happened to said plaintiff or his said wearing apparel the same
was occasioned by the said assault so made by the plaintiff
upon said William & in the necessary defence of said William
against said plaintiff. Which are the same supposed trespasses
in the introductory part of said second plea mentioned, & whereof
said plaintiff hath above thereof complained against said defendant
& this he is ready to verify, wherefore &c. Verdict for defendant

4th And for further plea in this behalf the said defendant saith
that (as to ^{assaulting} beating, bruising, wounding & threatening the said plaintiff
in the second Count of the plaintiff's declaration mentioned) the
said plaintiff ought not to have & maintain his aforesaid action
thereof against said defendant, because he says that just
before the said time when said supposed trespasses were
committed in said second Count mentioned, to-wit on the day
& year in that Count mentioned at the County of Jefferson, with
force and arms against the said defendant, & would then &
there have beat, bruised & threatened said defendant if he had not
immediately defended himself, wherefore the said defendant
did then & there defend himself against said plaintiff as he law-
fully ought for the cause aforesaid, and in so doing did commit
the said several supposed trespasses in the introductory part of this
plea & said second Count mentioned, doing no unnecessary damage
to said plaintiff on the occasion aforesaid, so the said defendant
saith that if any hurt or damage then & there happened to said
plaintiff or his said wearing apparel, the same was occasioned by the said
assault so made by said plaintiff on said defendant & in the necessary
defence of said defendant against said ~~assaulted~~ plaintiff
which are the same supposed trespasses in the introductory part of
this plea mentioned & whereof said plaintiff in said second Count hath
above thereof complained against said defendant & this he is ready
to verify, wherefore &c. Verdict for plaintiff

5th and for further plea in this behalf the said defendant saith that
(as to assaulting beating bruising wounding & threatening the said
plaintiff in the second count of the plaintiff's declaration mentioned
the said plaintiff ought not to have & maintain his aforesaid
action thereof against said defendant, because he says that
just before the said time when ~~when~~ said supposed trespasses were
committed in said second count mentioned to wit on the day &
year in that count mentioned, at the County of Jefferson the
said plaintiff with force and arms assaulted William Mooty
then & there being the son of said defendant & would then & there
have beat bruised & threatened said William if said defendant
had not immediately then & there defended said William
wherefore said defendant did then & there defend said William
so being the son of said defendant against said plaintiff as
he lawfully sought for the cause aforesaid & in so doing
did commit the said several supposed trespasses in the introductory
part of this plea & said second count mentioned, doing so
incurring damage to said plaintiff on the occasion aforesaid
so the said defendant saith that if any hurt or damage then & there
happened to said plaintiff, the same was occasioned by the said
so made by said plaintiff on said William & in the necessary
defence of said William against said plaintiff, wherefore the
said supposed trespasses in the introductory part of this plea men-
tioned & whereof the said plaintiff hath above therein complained
against said defendant, & this he is ready to verify, wherefore
hever for all

Filed Nov 29th 1838 ..

M. A. Thayer
Clerk

Jefferson Circuit Court ^{April} ~~December~~ Term 1838

James Morty, Augustus Morty
Livingston Morty & Lepten Morty
at

} Assault & battery

Allen R Moon by his next friend
Joseph Moon

And the said defendant Augustus Morty comes and defends the force and injury when & says that he is not guilty of the said supposed trespasses above laid to his charge or any or either of them or any part thereof in manner and form as the said plaintiff hath above complained against him, and of this the said defendant puts himself upon the country &
and the plaintiff with the
for

James Morty, Augustus Morty
Livingston Morty & Lepten Morty
at
Allen R Moon by his next friend
Joseph Moon

P. b. b. etc.
} Assault & battery

And the said defendant Livingston Morty comes & defends the force & injury when & says that he is not guilty of the said supposed trespasses above laid to his charge or any or either of them or any part thereof in manner & form as the said plaintiff hath above complained against him and of this the said defendant puts himself upon the country &
and the plaintiff with the
for defendant
P. b. b. etc.

James Morty, Augustus Morty
Livingston Morty & Lepten Morty
at

Assault & battery

Allen R Moon by his next friend
Joseph Moon

And the said defendant Lepten Morty comes and defends the force and injury when & says that he is not guilty of the said supposed trespasses above laid to his charge or any or either of them or any part thereof in manner and form as the said plaintiff hath above complained against him and of this the said defendant puts himself upon the country

and the plaintiff with the
for
P. b. b. etc.

Given for defendant

L. Mooty &
adrs { Please
Allen Morn

Filed Mar 29th 1838
J. Mathew.
Clerk

Allen R. Moon

by his next friend

—

James Mouton et al

April Term

1838.

And the said Plaintiff as to the first-
plea of said James Mouton in this behalf
averred, by which he puts himself
upon the country with the like and as to the
second, third, fourth and fifth pleas of
said James in manner and form, the
same are in this behalf averred, he
says that he ought not to be bound from being
and maintaining his action against them
against him by reason of any matter or things
in the said second pleas contained, because
he says that the said James did commit
the said several crimes in the said
plaintiffs declaration mentioned in
manner and form as therein alleged
and set forth, and that for and on account
of the said crimes alleged and set-
forth in the said second pleas of
the said James and of this he the
said Plaintiff puts himself upon
the country.

P. R. R.
Att.

And the said defendant as to the replication of
the said Plaintiff to the defects which he
hath prayed may be argued of by the Country
with the like
James for deft

Allen R. Brown
by next freight

Lowes Drugs -
Sale.

Refraction to
1. 2. 3. 4. 5. 6. 7. 8. 9. 10.
of Lowes Drugs

Chicago office 9th 1888
J. H. H. H. H. H.
Black

Low

COUNTY OF JEFFERSON, SCT.
THE STATE OF MISSOURI,

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

John Linpreuss
Joseph Westerman

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 eleventh day of April 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 William R. McLean is plaintiff, and James McManis 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 ninth day of April 1888
in the year of our Lord one thousand eight hundred and eighty eight

John A. McManis CLERK, C. C.



Executed By Reading the same ~~in~~ in
the presence of Peter Wingard on
the 9th of April A/1838

John Hammond Dep't Sheriff

Jeff. Burdett Count
of the Term 1838

Allen R. Moore

or Joseph
W. McHenry

Witness for Plaintiff

Joseph Watson

Peter Wingard

Given & sworn 11th

1838

Alfred H. Coe

W. H.

Wm B. Brown

In the Circuit Court

James M. Prouty

vs

James M. Prouty

April Term 1838.

Elizabeth Brown claims this attendance

as a witness in the above case

two days at 50¢ per day

James

forby eight miles traveled at 50¢ per mile \$4.00

drawn to before me.

Elizabeth Clark

Sept 3 1838

John C. Matthews

Notary

A R Mow
J. H. Mow
Wit
& Mow

Filed Aug 3 1838
Matthew
C. K.