

Jefferson County Circuit Court
Case Files - Civil
April 1838 No. 19

Box 3 Folder 51

Lee, Archelaus

vs.

Haverstick, William
McMullin, Hambleton

Definue

4 oxen and one wheeled ox
wagon; \$500 damages

State of Missouri Jefferson County Circuit Court
April term 1838 ninth judicial circuit

Archelous Lee complains of William Haverstick and
Hamilton McMillin ~~in~~ Custody of the
sheriff & of a plea that they render to the said Archelous
Lee certain goods and chattels of the said Archelous
Lee of great value to wit of the value of one hundred
and fifty eight dollars which they unjustly detain from him
For that whereas the said plaintiff heretofore to wit on the
~~twentieth~~ ^{fifteenth} day of January in the year eighteen hun-
dred and thirty eight at the County of Jefferson aforesaid
was lawfully possessed of certain goods and chattels
to wit one four wheeled ^{or} Wagon and four Oxen
of great value to wit of the value of one hundred and
fifty eight dollars as of his own property, and being so
possessed thereof he the said plaintiff afterwards to wit on
the day and year aforesaid at the County aforesaid, casually
lost the said goods and chattels out of his possession, and the
same afterwards to wit on the day and year aforesaid
at the County aforesaid came to the possession of the said
defendant by finding, yet the said defendant well knowing
the said last mentioned goods and chattels to be the property of
the said plaintiff, and of right to belong and appertain to
him, have not as yet delivered the said last mentioned goods
and chattels or any or either of them or any part thereof to
the said plaintiff, although they ~~was~~ afterwards to wit on the day
and year aforesaid at the County aforesaid requested by the said
plaintiff so to do but have hitherto wholly refused so to do, and
have detained and still do detain the same from the said
plaintiff to wit at the County aforesaid: To the damage of the
said plaintiff of five hundred ~~dollars~~ dollars and therefore
he brings Suit &c

And whereas also the said plaintiff heretofore took on the day and year aforesaid at the County aforesaid, was lawfully possessed of certain other goods and chattels, to-wit: One four wheeled ^{or} waggon and four head of cattle and two oxen of great value to-wit: of the value of one hundred & fifty eight dollars as of his own property, and being so possessed thereof he the said plaintiff afterwards took on the day and year aforesaid at the County aforesaid, Casually lost the said goods and chattels out of his possession, and the same afterwards took on the day and year aforesaid and at the County aforesaid, came to the possession of the said defendants by finding, yet the said defendants well knowing the said last mentioned goods and chattels to be the property of the said plaintiff and of right to belong and appertain to him have not as yet delivered the said last mentioned goods and chattels or any or either of them or any part thereof to the said plaintiff, although they were afterwards took on the day and year aforesaid at the County aforesaid requested by the said plaintiff so to do, but have hitherto wholly refused so to do, and have detained and still do detain the same from the said plaintiff to-wit: at the County aforesaid To the damage of the said plaintiff of five hundred — dollars and therefore he sues &c

Wm H Lewis per

State of Missouri }
County of Jefferson } SS. The State of Missouri to the Sheriff
of Jefferson County Greeting: we command you to take
William Hoorstick and Hamilton McMillen if they be
found in your bail work and them safely keep so that you
have their bodies before the Judges of our Circuit Court
to be holden within and for said County of Jefferson at
Herculaneum on Monday the ninth ——— day of
April next to answer Archibald Lee of a plea of
detinue damages five hundred dollars and have them there
this writ witness John S. Mathews, Clerk of our said
Court at Herculaneum this ~~ninth~~
twenty seventh day of January
January in the year Eighteen
hundred and thirty eight

John S. Mathews
Clerk

The Sheriff will admit the defendants to bail in double
the value of the property - The plaintiff has filed his
affidavit stating the value of the property to be one
hundred and fifty eight dollars

John S. Mathews
Clerk

I served the within Attachment on William
Hamerstick and Hambleton McMullen
as the 2nd day of February 1838. by
reading the same in their hearing and
presence and taking their bond with
William Foxton as security for their
appearance before the Circuit Court on
the ninth day of April 1838.

Wm. Crismon Sheriff
G. H. Hammond Deputy
Sherrif

19. 365
Jefferson Circuit
Court
April Term 1838.
Archibald Lee
vs }
action of
detinue.
William Hamerstick
& Hambleton McMullen
Action of Detinue
Damages 500 \$ sum sworn
to 158 \$ =

Filed April 9 1838
J. Mathews Clerk

Same Witness for
Deer Term in part
10 cts

State of Missouri {
County of Jefferson } 55 Be it remembered that on
this 27th day of January, in the year Eighteen
hundred and thirty eight personally appeared before me
the undersigned Clerk of the Circuit Court in and for the
County aforesaid, Archelaus Lee who being lawfully sworn
upon his oath, deposes that he hath commenced an action
of Detinue in the Jefferson County Circuit Court against
William Havestock and Hamilton McMillen
for one four wheeled ^{on} wagon and four Oxen ^{Two ox yokes} and further
deposes that said property as mentioned in his declaration is
for which the action is brought belongs to him, that said
property is of the value of One hundred and fifty eight
dollars and that said William Havestock and
Hamilton McMillen unlawfully detain the same from
him

Subscribed and sworn to
before me the date above
John T. Matthews

Clerk.

Archelaus Lee

Archibald Lee
vs
William Weaverstick
& Hambleton M. Mullin
affidavit of
Plaintiff

Filed July 27th 1838
J. Mathew
Clerk

Know all men by these presents that we William
Haverstock and Hamilton McMillin as principals and William Foxton as
Security ^{are} held and firmly bound unto Archibald Lee in ~~the sum~~
in the penal sum of three hundred and
fifty dollars to the payment of which
well and truly to be made we bind ourselves our heirs Executors
administrators and assigns jointly and severally firmly by
these presents Sealed with our seals Signed with our hands
and dated this 2 day of February 1838

The condition of the above obligation is such that a
Capias in Detinere hath issued from the Clerk's office of
the Lifford County Circuit Court in favour of Archibald
Lee and against said Haverstock and McMillin
upon a declaration filed by said
Lee for a certain four wheeled waggon four oxen
and two ox yokes. Now if the judgment of said
Court shall be given against the said ~~in said action~~
~~and he shall deliver to the said Defendants~~ William Haverstock
and Hamilton McMillin ~~in said action~~ and they
shall deliver to the said Archibald Lee
the property thereby recovered, and pay the damages
for the detention thereof and the costs of suit then the
above obligation to be void else to remain in full
force and virtue in law

his
William Haverstock *Wm Haverstock*

James H McMillin *James H McMillin*

William Foxton *William Foxton*

Archibald Lee
vs } Bond
Wm. Weaverstick
S. J. M. Mullen

Filed April 9th 1838

Matthew
Clerk

COUNTY OF JEFFERSON, MO.

THE STATE OF MISSOURI,

To the Sheriff of

County—GREETING:

You are hereby commanded to summon

Jessie Westbrock, Fleming Menard
Gabriel Johnston, George Weaver
Lucas Weaver and Isaac Weaver

that, setting aside all manner of excuse and delay, to 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 Archie Lee ^{is} plaintiff, and William Weaver, John Weaver, and William Weaver ^{are} defendants, on the part of the defendants and have you then there this writ.

Witness, Chauncey Smith, Clerk of our said Circuit Court, at the

town of Herculaneum, this

twenty second

day of

February

in the year of our Lord one thousand eight hundred

and

thirty eight

John W. Weaver

CLERK, C. C.

I served this writ on Louis Wollenbeck Fleming
Hensley Paschal & Beaureau Rodolph Waverstick
George Waverstick March the 27th 1838

Served on G. J. Johnston on
the 9th of Sept 1838

John Manning Esq
Sheriff

Jeff Circuit Court
April Term 1838

Archibald Lee
vs { Subpoena
William Waverstick
Woolsten W. Mullin

Witnesses for Defendants

Lucius Wollenbeck
Fleming Wensley
Gabriel J Johnston
George Waverstick
Rodolph Waverstick
Paschall W. Buren

William Harvillide
Hambleton McMullen
ats.
Archibald Lee

In the Circuit Court,
Jefferson County.
April Term 1838.

And the said Defendants by their
Attorney come here into Court, and defend
the action when and where they ought &c
and for plea say, that the said plaintiff
of further having and maintaining his afore-
said action thereof against them the said
Defendants, ought to be barred and pre-
cluded. Because they the said Defend-
ants say, that they do not detain the
said goods and Chattels, to wit "one four
wheeled ox wagon and four oxen, four head
of Cattle and two ox yokes" or any or either
of them or any part thereof in manner
and form as the said plaintiff in his
said Declaration hath alleged.
And of this they the said Defendants
put themselves upon the Country &c

Bent & Brinkley attys for
Defendants.

and the plaintiff likewise

Cole & Evans pg

William Haverstick

Hamilton McMullin

@

Archibald Lee

And now at this day comes the
said defendants and move the Court here to quash the
Writ in this case for the following Reasons viz;

- 1st Because the said Writ does conform to the
declaration, but materially varies therefrom
- 2nd Because the declaration is in Trover, and the
Writ is in detinue.
- 3rd Because said Writ is in other respects, irreg-
ular, informal, and illegal.

Bent & Bricker

for depts

Handbook of the children

Edw. E. Moore to Grant
Archibald, etc

Yale April 9th 1838

J. Matthews

W. H. R.

Archdau Lee	}	Deftence
William Hoverstick		
Hambleton McMullin		
		In the Circuit Court
		Jefferson County
		Apr. Term 1838.

The Clerk of the Circuit Court will
Please to issue Subpoenas for the following
named witnesses on the part of the above
named Defendants. - to wit.

Daniel A. Fletcher. - George Hover-
stick; Fleming Hensley; Lucius S.
Hollinsbeck; Gabriel Johnson,
Rudolph Hoverstick. - Samuel M. Mullin
Austin Skellon: To appear and give
evidence at the next August Term,
also such others as either of the Defts
may name to you.

10. April 1838.

Geo. S. Bridgely Atty
for Defendants.

J. S. Matthews Esq
Clerk.

A. Lee

Mr.

Howard & McMillan

presque for

business

Chicago April 10th 1835

John A. McMillan
Clerk

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of

County,—GREETING:

You are hereby commanded to summon

*Lucius W. Hensbeck, Fleming Hensbeck,
Gabriel J. Johnston, George Hensbeck,
Anselm Hensbeck, Charles H. Hensbeck*

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 *eight* day of *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 *Richard Lee* Plaintiff,
and *William Hensbeck & Hamilton Hensbeck* Defendants,
on the part of the *Defendants* and have you then there this writ.

Witness, *my hand*

at the town of Herlanum, this

eighteenth day of *August*

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

John C. Hensbeck

CLERK, C. C.

I served this writ on L. Holsenbeck, Zelenin Hensley,
G. J. Johnston, Geo. Haverstick and Paschal W. Buer
Rudolph Haverstick July the 19th 1838

John Hammond

Deputy Sheriff

Left Circuit Court
August term 1838

Archives See
as reference
from Haverstick &

Warrant to the within
for

Deferments

Lucius. C. Holsenbeck,

Fleming Hensley

George J. Johnston

George Haverstick

Rudolph Haverstick

Paschal W. Buer

Filed Aug 7th 1838

John Hammond

Deputy

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of

County,—GREETING:

You are hereby commanded to summon

Joseph Wiley, Plaintiff, vs. William H. Nelson,
Defendant.

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-
lanum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein Archibald Lee plaintiff, and William H. Nelson defendant, on the part of the

~~Defendants~~, ~~HENRY BATES~~, John C. McAtthey

Clerk of our said Circuit Court, at the town of Her-
culanum, this twenty day of August,
in the year of our Lord one thousand eight hundred and thirty eight

John C. McAtthey CLERK, C. C.

Serve this note on Pinkney Will and
Joseph Wiley Elijah H. Neilson on the 4th day
August 1838 John Hammond Deputy Sheriff

Sheriff fee \$150

Jefferson Circuit
Aug Terms 1838
Archibald Lee
vs J. Dubois
William J. Waverstick &
Wamboldt vs McMillan
for Sheriff

Joseph Wiley
Elijah H. Neilson
Pinkney Will

Filed Aug 7th 1838
J. H. at the
Clerk

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of Jefferson County,—GREETING;

You are hereby commanded to summon

James M. McMillin &
John C. Shelton

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 eight day of August next, 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 John C. Shelton vs James M. McMillin plaintiff and William Weaver defendant on the part of the defendant and have you then there this writ.

Witness, my hand at the town of Her-
lanum, Missouri, this eighteenth day of July 1885.

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

John C. Shelton CLERK, C. C.

DeMair Court
August Term 1838

Achilas Lee
vs J. Subpnea
William Waverly
vs
Wm Stetson & Muttin

for
Defendants
James Muttin
Austin Shelton,

Filed Aug 7th 1838

Wm A. Thews
ck

I send this note on Austin Shelton
July the 25th 1838 Wm Waverly & Muttin

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of

You are hereby commanded to summon

Jefferson County, — GREETING:

Daniel A. Fletcher

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 next, 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 Wm. A. Childs vs James M. Bennett Plaintiff and Wm. A. Childs Defendant on the part of the Defendant and have you then there this writ.

James M. Bennett Clerk of said Circuit Court, at the town of Her-

laneum, this eight day of August in the year of our Lord one thousand eight hundred and thirty eight

John A. B. B. B. CLERK, C. C.

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of

County,—GREETING:

You are hereby commanded to summon

Joan Harner

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 eight day of Aug. 1865, 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 Charles Lee is plaintiff,
and Wm. Lee is defendant,
on the part of the

Witness, John W. Harner, Clerk of our said Circuit Court, at the town of Her-
laneum, this seventh day of Aug.
in the year of our Lord one thousand eight hundred and 38

John W. Harner, Clerk, C. C.

I should this write in Isaac Carver
August the 7th 1838

Mr Hammon & Dept
Dreht

Wicks Aug 7th 1838
Wm Hammon
W/C

For Dept
Isaac Carver

I should this write in Isaac Carver on the
7th 1838 Archibald Lee
as I suppose
William Hammon
& Wm Hammon

COUNTY OF JEFFERSON, SCT.

JAMES STANLEY OF MISSOURI,

To the Sheriff of

Jefferson County, -GREETING:-

You are hereby commanded to summon

Wardlaw Lee

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 eight day of May next, 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 Richards Lee is plaintiff,
and Wm Montgomery & Wm McArthur are defendant,
on the part of the Defendant; and have you then there this writ.

James Stanley
Clerk of our said Circuit Court, at the town of Her-
culanum, this eight day of May
in the year of our Lord one thousand eight hundred and 1838

John W. Atchey
CLERK, C. C.

I served this writ on Hanson Lee on the
8th ~~1838~~ of August 1838

John Hammond
Deputy Sheriff

In Jeff Birbanc
Aug Term 1838

A Lee }
vs }
Hanson & Co

for Debt

Warrison Lee

Filed Aug 8th 1838

Wm. A. Hines
clerk

Archelous Lee
vs.
Hawerstock &
McMullin

In the Circuit Court
Jefferson County.
August Term 1838.

The Defendants here move the
Court to set aside the verdict and finding
of the jury ^{and grant a new trial} in this Cause for the following
reasons. to wit:

1. That verdict of the jury is against Law.
2. Because the verdict of the jury is
against Evidence.
3. The verdict of the jury is against
Law and evidence.
4. The jury found a verdict against the
Instruction of the Court.
5. The Defendants were taken by
surprise in consequence of their
evidence being excluded from the
jury.
6. Because, the verdict of the jury is
extravagant and Oppressive.

7.

Benj V Bricker for
Defendants.

A. Lee

as

Harvard &

McMillen

Proctor for two trials

Filed 8. Sept. 1838.

John H. Hays

Clerk

A Lee

21.

W. Harversteck &
H. McMullin

Jefferson Circuit Court
August 7. 1838.

Be it remembered that on the trial of this Cause, after the plaintiff had closed his evidence, being the testimony of Joseph Wiley the only witness examined by plaintiff who deposed as follows - (then insert the evidence of Wiley word ^{this may be the evidence on the part of the} for word) the Defendants then offered to read in evidence before the Jury ^{two} transcripts of judgments and two Executions from a justice of the peace as follows (then insert them word for word) to the introduction of which papers as evidence to the Jury for Defendants the plaintiff by his Counsel objected - which objection was by the Court sustained. And the papers and transcripts excluded - to which opinion of the Court in sustaining said objection and excluding said transcripts and papers the Defendants by their Counsel except. And thus excepting pray the Court that the same may be signed sealed and made a part of the Record in this Cause which is now done accordingly. - August 8. 1838.

James Evans (seal)

by the Court composing, and the Supreme
Court composed included - to which opinion
of the Court for its claims, and
the Court excluding said "handwritten"
and "Supreme" the defendants by their Court
at court, and there accepting from the
Court that the Supreme Court
has been so printed.



Wm. H. Burdett. - Feb. 2, 1832

[illegible]

Waverley St
W. McCutcheon
103 Brooklyn
Astoria Ore

Fried Aug 8th 1898
All Astoria
W. McCutcheon

It is well known that the
 old the world the will and
 that I promised the great
 the old the will and the
 the old the will and the

To the Hon. Secy of the Navy
 Washington D. C.
 Sir,
 I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above subject.

2nd. 1838. I hope

Archlaus Lee
vs
William Harvsted
and Hamilton
McMullin

A Choir of Detinues

Be it remem-
bered that upon the 6 the defendants
filed their motion for a new trial in the
above cause which is in the words
and figures following to wit (here insert
motion) which motion the Court sustained
and granted a new trial in the cause
to which opinion the plaintiff excepts
and prays this his bill of exceptions
may be signed sealed and made
a part of the record

James Evans 

See
no
Haworth's
& the others
Exposition

Chilman Aug 9 #1838

A. Lece

vs.

McMullen &

Harvestick

Subsue in Jefferson Cir-
cuit August Term 1838.

The Defendants moved the Court to
give the jury the following instructions.

1. If the jury find from the Evidence
that Harvestick one of the Defendants
never had possession of the property in
Dispute - then the jury ought to find
their verdict for the Defendant
2. If the jury believe from all the evi-
dence given in this Cause, that McMullen
alone took possession of the property and
not Harvestick then the jury ought to
find for the Defendants -
3. Unless the jury believe from the
Evidence that the Plaintiff had the right
to the property, in question at the time
this suit was brought; they ought to find
a verdict for the Defendants -

Benl & Brinkley for
Defts.

4. ~~That the jury have a right, and it is
their duty to consider all the evidence
and circumstances ^{given in evidence} in making up
their verdict in this case -~~
5. ~~That the jury may acquit Harvestick
one of the Defts - and find against
the other Defendant~~

Act's Instructions
to the Secretary

Filed Dec 11 1838

[Signature]

[Faint, mostly illegible handwritten text, likely bleed-through from the reverse side of the page. The text appears to be organized into numbered sections.]

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of

You are hereby commanded to summon

County,—GREETING:

Willis Donnell
Joseph & Wiley
Residence No. 11111111

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 December, 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 Michael Lee is plaintiff, and William Haverstick & Associates (defendant), on the part of the plaintiff; and have you then there this writ.

WITNESSES,

Henry P. Bates

Clerk of our said Circuit Court, at the town of Her-

lanum, this seventeenth day of September
in the year of our Lord one thousand eight hundred and 1880

John W. Matthews CLERK, C. C.

I Executed this will on Eliza Small by Leaving a
a copy at his ^{with his wife} residence on the 25th of November
1838 on Elijah Nelson by Reading the same in his
presence and hearing on the 28th of November
1838

Executed on Joseph Wiley by Reading the same in his
presence and hearing on the 4th day of December 1838

John Hammond Sheriff

Attest &c
December Term

1838

Archives Sec

Wm. H. H. H.

William H. H.

William H. H.

for
H. H. H.

Eliza Small

Joseph Wiley

Elijah Nelson

Attest Dec 8 1838

John H. H.

COUNTY OF JEFFERSON, SGT.

THE STATE OF MISSOURI,

To the Sheriff of Jefferson

County,—GREETING:

You are hereby commanded to summon

John C. McArthur

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 11th day of Decr, 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 C. McArthur* plaintiff, and *Henry Bates* defendant, on the part of the

John C. McArthur; and have you then there this writ.
Witness, HENRY BATES, Clerk of our said Circuit Court, at the town of Her-
culaneum, this day of
in the year of our Lord one thousand eight hundred and

John C. McArthur CLERK, C. C.

I executed this writ on John T Mc Millen
by Reading in his hearing on the 10th
day of December 1838

M. M. O. S. deputy
Sheriff
Fees 50

He appeared this 10th

Dec 10th 1838

A. Lee

vs J. H. Lee

& McMillen

for
J. McMillen

Deduction

Deduction

Deduction

Declaration

Quintable Stone

THE STATE OF MISSOURI,

You are hereby commanded to summon

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 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 Archibald Lee is plaintiff, and William Haverstick & Son are defendant, and on the part of the Defendants; and have you then there this writ.

CLERK, C. C.

I Executed they write on W Havestick P H Buren & Austin
 Shelton Daniel & Fletcher Loucous J Holensbeck
 Flemen Wensley G I Johnston Rodolph Havestick Samuel
 Mc Mullin G W D Havestick on the 14th
 day of November 1838 By Reading the
 same in their presence and John Hammond Sheriff
 Hearing

McJefferson Circuit
 December Term 1838
 Archibald Lee
 vs E. E. Gupha
 W Havestick &
 Hamillons W Mullins
 Attorneys for Defendant
 Daniel & Fletcher
 Geo W Havestick
 Lucius Holensbeck
 Fleming Wensley
 Rodolph Havestick
 Gabriel Johnston
 Gaschal W Buren
 Samuel Mc Mullin
 & Austin & Shelton

Filed Dec 8th 1838
 J. Hammond
 C/K

A. Lee
Haverstick
McMullen

Defence In the Circuit
Court, Decr Term 1838.

And the said Defendants
Come here and now move the Court
to Set aside the verdict and finding of the
of the Jury in this Cause, and grant
the said Defendants a new trial for
the following reasons. to wit.

1. — Because the verdict of the Jury is
against Evidence
2. — Because the verdict is against Law
3. — Because, the verdict is against
Law and evidence
4. — Because the Court misinstructed
the Jury as to the Law.
5. — Because the Court refused to
give the instructions asked by the
Defendants.

Poll. Put & Mitty for
Defendants.

McMurtrei &
Hansbuck

Es.

24. Dec

Pro. for mus trail

paid Dec^r 13 - 1838.

Attest Dec^r 13th 1838

J. M. M. M. M.
Hansbuck

We the jury find for the Plaintiff in this Account
 2 Bolls Cotton a \$40
 1 Bx Magon

\$80.00

67.00

\$147.00

J. J. Lumbard
 J. J. Lumbard
 J. J. Lumbard

A. Lee

1838

The Haverhill
The Mullins

between them and 24 miles travel

from to Aug 9th 1838.

Am. Haverhill

An Off. Sec. Account

Aug. Term 1838

Joseph D. Wiley claims one day

\$10.70

Joseph D. Wiley

Filed Dec 12th
1838

(S) M. H. H. H.
C/K

Filed Dec 12th 1838

J. M. Atkinson

~~Mr. Lee~~ A. Lee

Mr. Thacker

Dr. Professor Viceri's exact Stupend term

Chies. B. Will a writing claiming

days attendance 1 dollar per day \$1.00

Travelling 50 miles 5 cts per mile

Living to Aug 1838

Amount due \$

L. S. M.

\$2.50
\$3.50

Filed Dec 12/1838
Matthew
C. H.

at Dec 3 In the Jeffersonville
Aug - Term 1838

Shaver's & Co Merchants

Debit to Shaver & Co Merchants in the above Case
claim two days' interest ——— 100

\$ 20 Shaver's Name ———

100

Dec. Term 1838

2 days' interest ——— 100

100

Amount to Dec 12th 1838

Shaver's Name ———

\$400

Matthews & Co

August & Cotton

Wm. M. Mather & Co.

Filed Dec 12th 1888

Wm. Mather

Wm. M.

Archie & Co } On the Jefferson Circuit Court

Wm -
William Harvotch & Sons & Wm. Harvotch

Sept Term 1838

Hennings Henry & Nichols

claim - 2 days attendance at 50¢ p. d. - 100
do - 20 miles travel at 5¢ p. m. - 100

Decr Term 1838

2 days attendance at 50¢ - 100
20 miles travel - 100

\$4.00

Amount to

Decr 12th 1838

Hennings

William Harvotch

Henry

Filed Dec 12th

1838

A. Mathews

CLK

A. L. W.

for the
Hepburn &
Circuit Court

1838 Haverstick & McMillan
Dec Term 2 days attendance & extra day \$1.00
20 miles travel at 5 cts per mile 1.00

\$2.00

Amount to Dec 12 1838 Laurey & Hottenbeck
Alfred H. H.

Filed Dec 12th 1838
A. Mathew Esq

Arch Lee

Am left her account

As

Decr 1838

1838

Forwards to Mr. Wm. L. G. Wiley claims his attendance
in the above case at two terms 2 days at 50 each
+ 24 miles travel at 50 per mile — \$22.20

Drawn to Decr. 12th 1838

Wm. L. G. Wiley

J. B. Wiley

John S.

John S.

John S.

John S.

Filed Dec 12th 1838

Matthews & Co.

Arch Lee

as

Nearest to the station

when it was in the above case at this time

2 days at 50 p ea 15 miles travel at 5¢ \$1.75-

down to Dec 12th 1838

Wm. H. Lee

J. H. Brown

for J. H. Brown

Dec 1838

J. H. Brown

Matthews

Matthews

Matthews

Matthews

Filed Dec 12th 1838

Matthews & Co

Wm. D. Brown
Dec 20 3 The Lib
The Lib
The Lib

J. Lee

Amosite's & W. S. McCallin

In the
Appron C. &
Court Sept
Term 1838

J. S. Hunter a Party's claim

2 day advance at 50¢/m 81.00

3 22 miles horse at 5¢/m 1.10

Dec 2 1838 to 2 day advance 1.00

3 22 miles horse 1.10

Nov 10 Dec 12th 1838 84.20

Amosite's & W. S. McCallin

Amosite

3 - Amosite's & W. S. McCallin

J. S. Hunter

Filed Dec 12th 1838
J. Mathews clerk

Wholesale

3 Bu 10 off 1000

10

4th 3 days attendance

Weaver took 20 of 1/16 often took 20 of 1/16

in this course

1.50

1 day of 1/16 1838 20 miles travel

1 " day

" 20

" "

1.50

3.00

Money to Aug 8th 1838

Amount to 10/12

Laurens of 1/16

Filed Dec 12th 1838
J. Mather
clerk