

April 1838

Box

3

Folder

52

Triplett, William

vs.

Maupin, Charles W.

Appeal

Defendant appealed from JP Austin
Shelton on \$83.25 debt paid by
plaintiff as defendant's security;
depositions, Supreme Court

Charles. R. Thompson
To William H. H. H. H. H.

July 1837

do Amount of damage done me, and
paying a debt for you of \$83.25
to James MacFarlane — on a note.

83.25

23032
23032
1
Wm Toripster
bill of Damage

Filed Dec 11th 1837
J. Matthews clerk

Worth after date we on either of
 us know, to pay to James B. or his order
 on order the first sum of fifty pounds sterling
 eighty pounds per value of him &c. in with ten
 per cent from date until paid as interest
 on same and shall this day 18th 1834

J. B. B. B.
 J. B. B. B.

J. B. B. B.

J. B. B. B.

J. B. B. B.

J. B. B. B.

J. B. B. B.

J. B. B. B.

J. B. B. B.

864.84

J. W. McQueen
and Sonnet

Richard

Filed Dec 11th 1837

Matthew
Clerk

State of Missouri } The State of Missouri
County of Jefferson }

To the Constable of Joachim Township
in said County. Greeting— you are Comman-
ded, to summon Charles. W. Mauppin
that he ~~be~~ and appear before the un-
derigned Justice of the peace, at my
dwelling in said Township, on Saturday
the 9th day of the present month, Sept, at
the hour of Twelve o'clock of that day
to answer to William Truitt in an
action of Debt in damage of eighty
Three Dollars and ^{twenty dollars} have you then there
this writ, given under my hand this 1st
day of September 1834
Austin Patton Justice

I want of a proper officer Seasonably to
 be had, at the request & request of Plaintiff - I
 authorize - ~~John~~ ^{Silas} Williams to take and receive
 the writ.

Given under my hand this 15th day of -
 Sept. 1839 Austin Stetson Justice

Filed Dec 11th 1839
 J. Williams

William J. Allen
 W. J. Lawrence
 Charles W. Chapman
 James J. 1839 25

In obedience to the Court's command I
 executed the within document on the Motion
 of Charles W. Chapman by reading. Sept. 2nd 1839.
 John Williams
 J. Williams

I Do hereby certify that some time last winter
I sent to Henry Smith for collection made on Charles
W Chapman Samuel S Worthington and William Doylet
and that I received the amount of the said estate with the
interest from the above said Henry Smith and gave
the said Smith a receipt for the same
given under my hand this 4th day of September 1835

James Bracheridge

Filed Dec 11th 1837

Mathews & Co

The State of Missouri } To the Constable
County of Jefferson } of Joachim Town
Ship in said County greeting be
Command you that you summon
six Good and Lawful men of your
Township to come before the under
signed Justice of the Peace on Satur
day the 9 day of this instant at his
Deeling house at the hour of twelve
o'clock of that day to make a
Jury between William Torpelt
Plaintiff and Charles Willoughby
Defendant and have you then and
there this Precept given under
my hand this 6th of September
1837 — Austin Shetton Justice

Precept for
Jury as
William Tappan
Sett
Charles W
Myrin

Glennings Henry
Lucius S. Hollister
Joseph Purce
John Ogier
Mark Mops—
~~Frederick Stettin~~
William Stoll

Filed Dec 11th 1838

Matthew
Clerk

Recd of William Inghett the sum of eighty three
pounds ^{five pence} in full of debt sent to me for collection
by James Brackensidge and signed Charles McNaughtin
Journals & Merchants to & William Inghett the said
William Inghett having got receipt for and has
paid or will pay the same and in consequence thereof
I give this receipt for the same money
this 8th day of September 1837 Wm Inghett

65.85-
 33 $\frac{1}{2}$

 207.55
 20725

 22,800.5
 21

 23.01

Smith
 Recd

Filed Dec 11th 1837

J. Mathew
 Clerk

Mr William Triplett take notice that an
appeal has been taken to the Circuit Court to be
holden within & for the County of Jefferson on
the Second Monday of December next, from a
judgment rendered in your favor against
myself by Austin Shelton a Justice of the
Peace within and for said County of Jefferson
& Laachum Township for the sum of 83 -
dollars & ²⁵/₁₀₀ cents, and cost of suit

November 15th 1857 C W Mcnair

State of Missouri
County of Jefferson } 3d

Be it remembered that
on this 8th day of December in the year
1837 before me John S Mathews, the Clerk
of the Circuit Court in and for said county
of Jefferson ^{appeared} ~~Lucius I Hollenbeck~~ and
made oath that he did on the 16th day of
November in the year aforesaid deliver
a true copy of the within notice to Arthur
Shelton the justice therein mentioned, and
that William Triplett is a non resident
of said County of Jefferson, and has no
agent therein known to him

Subscribed &

Lucius I Hollenbeck

Sworn to before me

the date above

John S Mathews.

Clerk Circuit Court

Filed Dec 8th 1837

Mathews
Clerk

We the Jury find for the plaintiff
William Triple Eighty Three dollars
and twenty ^{five} ~~eight~~ cents
John. Dasher Foreman

Constable Silas Williams
for summons Jury fees — 75—
Jury Paid by plaintiff

Filed Dec 11th 1837
J. Matthews Clk

We the undersigned Charles W. Maupin as
principal and Aaron Cook and John Williams
as Securities, Acknowledge our selves jointly
Indebted to William ^{For} Tripitt in the sum
of One hundred Dollars to be levied of
our respective goods and Chattels lands
and Tenements. To be void upon this condition
Whereas, the above Charles W. Maupin
has appealed from the Judgment of Austin
Shelton a Justice of the peace within and
for the Township of Leachin and County of
Jefferson in the State of Missouri, in
an action between the above named William
Tripitt plaintiff and said Charles W.
Maupin Defendant. now if on such appeal
the Judgment of the above named Justice
be affirmed or if on the trial anew in the
Circuit Court Judgment be rendered again
= not the appellant and he shall satisfy
such Judgment or if his appeal shall
be dismissed and he shall pay the
Judgment of the Justice together with
the costs of the appeal this recognizance
shall be void, otherwise to remain in
full force and effect in law. given
under our hands this 18th September 1837

Attest

Justice

of the peace

C. W. Maupin

John Williams

Aaron Cook

Austin S. Shelton Justice

of the peace

to W. H. Thompson
Appeal Bond


Filed Dec 11 1837
J. Mathews
Clerk

William Triplett

action of Debt in damage

for the sum of \$3-25

Charles W. Maupin

Summons Issued September 1st 1837. Returnable to

Justice fees \$1.75-

Cost of writ 1.00

\$2.75-

9th of same month,

Wm. Shelton Security for cost

Came on this 9th day of September 1837. Came the Constable Elias Williams who returned the summons executed, and the parties appearing a trial is had by Jury, who after being duly sworn, return into Court the following Verdict. We the Jury find for the plaintiff \$3-25-

(Signed) John Dasher

Foreman

Whereupon a Judgment is entered up against the defendant Charles W. Maupin for the sum of eighty three Dollars, and Twenty five Cents, the amount of Verdict, together with costs of suit.

Came on this nineteenth day of September 1837. Came the defendant, Charles W. Maupin and prays an appeal to the circuit Court, and filing his appeal Bond, an appeal is allowed to the next Term of Circuit Court of Jefferson County.

I Austin Shelton a Justice of the peace for said County do certify the above to be a true copy from my docket Given under my hand

This 14th day of Oct 1837

Austin Shelton

Justice

64.85
<u>648.50.54</u>
2594.00
324-25
27
<u>29.45-25</u>
64-85
<u>94.10</u>

William Griffiths

Charles W. Chapman

Manuscript

Filed Dec 11 1837

Matthew
Wells

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of

Jefferson County, —GREETING:

You are hereby commanded to summon

Wineard,

Henry Smith J. Paul Walter

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 *ninth* day of *April*, 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 *William J. Gilbert applicant* is plaintiff,
and *Charles W. Mannie applicant* is defendant,
on the part of the *plaintiff* and have you then there, this writ.

~~Witness, Henry Smith~~ *William J. Gilbert*

William J. Gilbert, Clerk of our said Circuit Court, at the town of Her-
culaneum, this *thirty first* day of *January*
in the year of our Lord one thousand eight hundred and *eighty*

W. M. Atchew CLERK, C. C.

Wm. W. Smith & Co.
Shirts & Handkerchiefs

Subscribers for

Henry Smith & Co.
Walter Kincaid 19th
on Feb 7th 1838

Filed March 20th 1838
J. W. Smith
Clerk

Executed this writ by leaving a true copy thereof at
the dwelling house of Walter Kincaid, with
a white member of his family, over the age of
fifteen ^{years} on the 12th day of February; and by
reading the same to Henry Smith on the
1st day of March; 1838, in the County of St. Louis
James Brotherton Sheriff
By Joseph W. McClurg Esq.
Service \$1.00

Trephalt

Neapen

April 1838

Be it remembered that on the
trial of the above cause the
plaintiff in order to maintain
the issue on his part offered the
following bond in evidence having
first proved by a witness that the
subscribing witness to said bond
was alive and living in St Louis
County ^{Missouri} which bond & attestation
is in the words and figures following

~~the said bond~~ (here insert the
bond and attestation verbatim)
The said witness also proved
that he was present when the
said bond was executed and
he did not attest the same as
a witness but believed it to be
correct. The record for
the defendant objected to said
bond being to the jury upon
the above proof but the
court overruled said objection in
which opinion of the court
the defendant excepts and
says his bill of exceptions is
signed read and made a
part of the record which is clear

James Evans Esq

in evidence to the jury

Trilket
to } Not copying
to Mr. Macpherson

Trilket of June 9th 1888
J. Macpherson
to Mr. Macpherson

Troplett

vs
Chas. W. Maupin

3 April Term 1838

The defendant in the above cause
moves the court to dismiss the above
appeal, and remove the judgment
of the justice in the following manner
1. There was no account filed before
the justice who tried the cause, before
the inception of the writ, or at any time
as required by Law.

2. The summonses in the cause does
not pursue either formally or in
substance the statute in such case
made and provided

J. W. D. to a
y. H.

Presbyterian

Subject

Question to men
& women

Chicago 9th Avenue 1838

Wm. A. Phelps
111 R

Treflett
v
Maurice



April Term 1838

The defendant in the above
cause moves the Court for a
new trial, for the following
reasons

1st. The verdict of the Jury is against
Law

2^d. The verdict of the Jury
is against evidence

3^d The verdict of the Jury
is against the weight of
evidence

4. The Court permitted illegal
evidence to go to the Jury

Wm. H. Smith for deft

Triflett
as { Motion
 { Structural
Manspin

Filed April 9th 1838
J. Matheson
clerk

William Joseph Pitt

Charles W. McCauslin

{ Appointed from Justice
of the peace

Be it remembered that
appears the respondent named the Court for a
new trial in the above cause for the following
causes stated in writing to wit (here copy them)
which motion was awarded to ^{whom} opinion of the
Court the respondent excepts, and prays this
his bill of exceptions may be signed sealed
and made a part of the record which is
done accordingly

April 10th 1838

James Brown Clerk

Trifecta }
w } Receipt
Maurice }

Chloe & David 1783
John & Martha
Bless

William Hyllett

as { appeal from a justice
Charles W. Murphy } of the peace

The defendant in the above
cause prays an appeal from the ^{first} ~~second~~ ^{County} Court
and hereby avers sworn in open Court upon
his oath & says that his appeal is not made
of omission or delay but because the appellant
believes that the appellant is aggrieved
by the judgment or decision of the Court
in this cause

Done to this 10th/838

Wm. Hyllett.

Triplett
as
Mansfield

State of Missouri }
Jefferson County }

On the Circuit Court
April Term 1838.

The Grand Jurors for the body

Filed April 10th 1838

Wm. Matthews

Wm.

State of Missouri Act

Supreme Court Fourth Judicial District

Friday June 1st 1838

Court met pursuant to adjournment

Present all the Judges

Charles W. Maupin appellant

versus

William Triplett appellee

Now at this day come the
saide Plaintiff by Attorney

aforsaid and the Court now here being sufficiently advised
of and concerning the premises consider that the Judgment
aforsaid in manner and form aforsaid by the saide Circuit
Court rendered to be revised and for naught held and
reversed and it is considered and ordered by the Court that
this cause be remanded to the saide Circuit Court for
further proceedings in conformity with the opinion of this
Court delivered in this case and it is further considered by
the Court that the saide Appellant recover of the saide
Appellee his costs and charges by him about his suit
in this behalf expence and that that he have thing
his writ of Execution

Maupin Appellant

versus

Triplett Appellee

Triplett sued Maupin before
a Justice of the Peace for —

^{upon which the Justice rendered Judgment against Maupin for \$83.25}
Against Maupin for \$33.25 and Maupin appealed
to the Circuit Court. On the trial in the Circuit Court
Triplett had verdict for \$94-07 for which sum the Court
rendered Judgment against Maupin and thereupon
Maupin moved for a new trial which Motion the
Court granted and Maupin appeared to this
Court — On the trial Triplett offered in evidence a
bond given by Maupin Worthington and Triplett
to James Buckenridge for \$65-85 as evidence Maupin
owed him his demand of \$33-25 to which bond I as
A McDonal was a subscribing witness A witness proved
that McDonal the subscribing witness was alive and

in St Louis County in this State. This Witness also proved that he was present when this bond was executed - that he saw the obligor sign it and that Inglett signed it as security. Witnesses did not attest it but believed it the same note - The first error assigned is - that illegal evidence was admitted on the part of the plaintiff. "If any suit or set off be founded upon any instrument of writing purporting to have been executed by the opposite party and the same shall have been filed with the Justice ^{according} to the preceding provisions of this act such instrument shall be received in evidence on the trial unless the party by whom the same is sworn or the trial submitted to the Justice charged to have executed the same shall deny the execution thereof on oath." S. 18. R. C. 1835 - page 361.

To entitle a party to read an instrument in evidence without proof of execution two things are required - first there must be an instrument purporting to have been executed by the other party - and second - that the instrument must have been filed with the Justice as the foundation of the action in support of which it is offered in evidence 3 Mo rep. 196 - 16 - R. C. 1835 - p 356 & S. 18. R. C. 1835 p 361 -

The bond offered in evidence to support Inglett's action was not the instrument filed with the Justice as the foundation of the action as required by the sixth section just referred to. It could not therefore be offered in evidence without proof of its execution and that by the subscribing witness unless his absence was accounted for. If the instrument produced in evidence purport to have been attested by one or more witnesses whose names are subscribed one of the witnesses at least must be called - The law requires the testimony of the subscribing witness because the parties themselves by selecting him as the witness

have mutually agreed to rest upon his testimony in
proof of the execution of the instrument & by the
circumstances which then took place and because
he knows those facts which are probably unknown to
others - And so again is this rule that it is not superseded
in the case of a deed - by proof of any admission or
acknowledgement of the execution by the party himself
The rule applies whether the question be between the
parties to the deed or strangers 1 Stan. Ev. 3204. The party
must call the attesting ^{witness} or show that the usual proof by
means of the attesting witness has become impossible. For
this purpose it may be shown that the attesting witness
is dead or is blind or that he has become insane
or that he is abroad and beyond the process of the
Court 1 Stan. Ev. 325. In this case the witness was alive and
living in St Louis County and within the reach of
the Court - It was error then to give the deed in
evidence without proof of its execution by the subscribing
witness - The next error assigned is that the
Judgment is erroneous - The plaintiff below demanded
\$33.25 only - The Judgment is for \$94.07. If the Jury
find greater damages than the plaintiff has
counted for and the Court render Judgment according
to such finding it is error 1 Mo. rep 137. 615 For these
errors the Judgment of the Circuit Court ought to be
reversed and the other Judges concurring it is reversed
and remanded

Wm B Edwards

We concur

Geo Thompson
M M Pike

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of St Louis County,—GREETING.

You are hereby commanded to summon

Henry Smith
Platter Bincaie
James W D Snider

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 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 William Driscoll is plaintiff,
and Charles W. Snider is defendant,
on the part of the plaintiff; and have you then there this writ.

WITNESSES, John W. Driscoll, Clerk of our said Circuit Court, at the town of Her-

culaneum, this nineteenth day of September
in the year of our Lord one thousand eight hundred and thirty-eight

John W. Driscoll CLERK, C. C.

In Jeff & Co's Court
December Term 1838

William Triplett
vs
Stephen
Charles McKeupin

for Plaintiff

Henry Smith
Walter Kincaid
James McDonald

Filed Dec 10th 1838

Matthew
Clerk

Executed this writ in the county of St Louis
by readin it to Walter Kincaid on the 17th day on
Henry Smith on the 18th day and James McDonald
on the 19th day of October 1838

Service \$1.50 }

Marshall Brotherton Sheriff
By Benjamin Lacy Dpt Sheriff

William Griffith
vs
Charles W. Harpini

ST. LOUIS CIRCUIT COURT.

TAKE NOTICE, That on the *thirtieth*

day of *November* in the

year of our Lord one thousand eight hundred and thirty-

ninth

, between the hours of

eight o'clock, in the forenoon and *six o'clock*, in the afternoon, of that day, at

the dwelling-house of Henry Smith in Sanbourne

parish in the County of Adams in the State of Missouri

depositions will be taken by the undersigned, to be read on the trial of the above entitled case, on

behalf of the

Plaintiff

; and that the taking of said depositions, if not completed

on that day, will be continued from day to day, at the same place and between the same hours

until completed.

To the above named

Defendant

William Griffith
by *J. A. Smith*

State of Wisconsin, County of Adams ss This day personally appeared
before the undersigned Notary Public
over on his death with ~~that~~ on the 12
day of Novem-
ber 1883 high ten hundred and thirty eight he served the within
notice on Charles W. Thompson that within named defendant
and he delivered the said Thompson a true copy of said notice
to be leaving a true copy of said notice to the ^{sole} ~~one~~ ^{only} ~~member~~
of the family of said Mary on over the age of fifteen years
on the said day in
person
from to said records before me
this 19th day of November 1883

Sam'l. Miller

Justice of the Peace

Chico Dec 11 1883

J. W. H. Coe

Att'y

day personally appeared
who being duly
day of Novem-
the within
defendant
said notice
member
years
County of
person

Depositions of witnesses, produced, sworn and examined on the 19th Day of November in the year of our Lord Eighteen hundred and thirty eight between the hours of eight of the clock in the forenoon and six of the clock of the afternoon of that day at the house of Henry Smith in the Township of Bonhomme in St. Louis County and State of Missouri, before me Danl. Miller; a Justice of the peace within and for the county of St. Louis, in a certain case now depending in the circuit Court of the county of Jefferson in the state of Missouri between William Triplett plaintiff and Charles W. Maupin Defendant, on the part of the plaintiff, ~~Depositor and saith~~ Henry Smith of lawful age being produce and sworn on his oath saith (That to the best of his recollection) that in the latter part of the year 1835 or ~~in the year 1835 or~~ eighteen hundred and thirty six, James Beach - enridge sent me a note for collection signed by Charles W. Maupin, Samuel L. Worthington and William Triplett the amount of the note I do not recollect, but I saw the same note in the circuit Court at Hannibal on a trial in said court between William Triplett and Charles W. Maupin, and the said William Triplett paid to me the amount in full of the said note with interest, the amount I do not recollect, but if my recollection serves me right the amount he paid is in figures marked on the note and the time when he paid it, or rather the time that the interest was calculated up to and further reference can be had to a receipt which I gave to William

William Triplett which shews the amount
he paid on said note and I paid the same
over to James Brakenridge, at my house
some time after I received it

Question by plaintiff, Did I or did I not pay said
note without a suit,

Answer by witness, you paid it without a suit,
and I gave you up the note when you paid it,

Henry Smith

Sworn to and subscribed before me the undersigned
Justice of the peace this 19th Day of Nov. 1838.
Daul Miller J. Peace

I Daul Miller a Justice of the peace within and for the
county of St. Louis in the State of Missouri do hereby
certify that Henry Smith the deponent was by me
sworn to testify the whole truth of his knowledge
touching the matter in controversy aforesaid; that
~~he~~ was examined and his examination reduced
to writing and by him respectfully subscribed
in my presence on the day, between the hours, and
at the place, in that behalf first aforesaid;
Daul Miller J. Peace

Triplett
vs
Manfins } Depo

Filed Dec 11 1838

J. Matheson
clerk

7

COUNTY OF JEFFERSON, SCT.
THE STATE OF MISSOURI,

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

Arthur C. Helton

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 12th 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
and *William Christy* plaintiff,
vs *Harvey M. McFarlin* defendant,
on the part of the *Defendant*; and have you then there this writ.

Witness, ~~HENRY R. HARRIS~~, *Henry R. Harris*, Clerk of our said Circuit Court, at the town of Her-
culanum, this 12th day of December
in the year of our Lord one thousand eight hundred and 38

John W. McClellan, C. C.

Entered the writ
in the 1st Registry
Chas

John H. H. H. H.

Dec 12th 1838

1st Registry

Filed Dec 12th 1838

J. Mathews

In Jeff Lewis Court
Dec 12th 1838

Propeller
as per
Memorandum

for Dept
Austin & Weston

Tripoli

Marshall

Σ

De Term Court
Court 1838

The respondent in the above case
moves the court for a new trial -
for the following reasons.

1st The verdict of the court sitting
on a jury is against Law.

2nd it is against evidence

3rd The verdict is against the
weight of evidence

4th The damages assessed, are
greater than the demand
of the Plaintiff. —

5th Illegal evidence was permitted to
be introduced on the trial on
part of Plaintiff.

P. Marshall
Att^y for Def^t

Highest
or
Maufoai

Motion for a
New trial

Filed Dec 13 1838
Attest
Wm

Testament

Manuscript

3

Decr Term 1838

Be it remembered that on the trial of
the above cause the plaintiff in order
to maintain the ^{on his part} ~~cause~~ produced ~~the~~ on
~~the~~ ^{the} instrument in writing in the
books and papers following (here insert
it) and then produced the subscribing
witness to said instrument, in order
to prove the execution thereof ~~that the~~
~~to said~~ instrument, for in evidence, -
and said subscribing witness stated
that said instrument was lost to him
by Mr Brinkman and Mr Mansfield
some time in August 1834, and the
signatures of the persons to the instrument
were on it - when brought to this wit-
ness, and Mansfield the above defendant
acknowledged said instrument to be his
note, and this witness attested said
instrument as a debt and witness thereto
in the presence of Brinkman & said Mansfield
by the request of Mr Brinkman. The other
two obligors to said instrument were
not present, nor did they, or either
of them sign, or acknowledge said instru-
ment to this witness, or in his presence.
The plaintiff then produced another wit-
ness to authenticate said instrument, who

stated upon his oath, that said Instru-
ment was written and executed by
each of the obligors in his presence, that
he cannot state the date when done, that
~~he~~ was not called upon to attest the
same as a witness, and did not, and
that at the time referred to, there was
no subscribing witness to said instru-
ment, whereupon the defendant object-
ed to said instrument going in evidence
upon the facts averred, but the court
permitted said instrument to go in
evidence, to which decision of the
court the defendant excepts and
prays his bill of exceptions to be
signed sealed and made a part
of the record in the above cause
which is accordingly done

James Evans 

X That in consequence of that he could not - he ~~was~~ here on this day
and stated further that he had been subpoenaed to attend as a witness
in this case, and that he felt himself under his obligation to do so.

The People
vs
Mansfield

{

Nov Term
1838

Be it remembered that on the trial
of the above cause, the plaintiff
was able to maintain the case on
his part, offered to read the deposition
of Henry Smith in evidence, to the
reading of said deposition ~~and~~ ~~the~~
~~with the same~~ the defendant
objected to it as first proved
that said witness Smith lived
twenty miles from the place of trial
of this cause. Whereupon the
plaintiff introduced a witness
who proved that said Smith ^{lately}
lived about thirty five miles
in St Louis County. - That some
time about the first of November
last - that he had a conversation
with said Smith who told witness
that he was going to ^{some} ~~some~~ ~~some~~
county, on the Boone river to build
a house not far from Jackson
to move his family to +
prove that Smith's family are
in St Louis County where they all
now reside, that he has not seen

said Smith's ruin in November or Jan-
uary, and does not know whether
he is with his family at this time or
not, it was further proved that ^{said} ~~Smith~~
Purvis is no more than ~~twenty~~ miles from
the place of trial of this case,
to the introduction of which ~~disposit~~
ion upon the part of ~~the~~ ^{the} court, as
evidence in this case, the
defendant objected, but the court
permitted said deposition except
the ~~proof~~ ^{proof} ~~fore~~ said to go in and
then to which decision of the
court the defendant excepts
and prays his exception to be
re^{ad} ~~read~~ and made a
part of the record in the above
case which is accordingly done

James Evans

Exceptions

Filed Dec 13 1888

W. M. Mathews

CLK

Amplett } By setting
as }
Maurice }

Filed Dec 12th 1838
Matthews & H

Treplett
to
Mansfield

In the circuit court
Decr Term 1838

Be it remembered that after the trial
of the above cause had been closed
on the part of the plaintiff, and he
had stated upon being asked, that the
case was closed on the part of plaintiff.
The defendant then moved the court
to commit the plaintiff upon the
ground that the demand in writing
upon which the suit was brought before
the justice of the peace had not been
offered and read ^{although filed among the papers in the cause} on the present trial
which demand is in the words and
figures following (here is a copy
of the paper referred to, but the court
refused to commit the plaintiff, on the
ground aforesaid, to which decision of the
court the defendant excepts and prays his
bill of exceptions to be signed sealed and
made a part of the record in the cause
which is done.

James Evans

Trilless }
20 }
Maurine }

Filed Dec 13th 1838
J. M. H. H. H.
W. H.

Driflett }
 The Post Office Account
 Dec 17 term 1838 }
 Receipts }
 Paid for the purchase of a certain lot of land
 and claims his attendance and mileage }
 1 day attendance at 80 miles travel at 5¢ } \$5.00
 Amount to Dec 12 1838 }
 \$11.00 }
 Wm. H. H. }
 Wm. H. H. }

Wm. H. Wood

Walter Rinehart

fee bill

filed Dec 12th 1838

J. Mathew

W/L

Chapelle } The Jeff Davis Court Dec 21st 1838
Weeping } James & the Donalds claiming his
attention in the above case

1 day attendance of 80 miles traveled at 5¢ \$4.00
Return to Dec 12th 1838 }
Matthews & H. }
Was at Mt Donalds

Jas A. McDonald
Free bill

Tripletto
w
Meaupin

filed Dec 12th 1893

W. Mathew
612

Nov 11
An Jeff Davis Court
Spring 1839

William Triplett

or
Charles W. Thompson

Ernestine

3824

Filed

W. M. Thayer
1841

COUNTY OF JEFFERSON, MO.
THE STATE OF MISSOURI,

To ~~David B. B. B. B.~~

~~County~~ ^{County} ^{resting}

~~YOU are hereby commanded to summon~~

James A. McDaniel
& *Patience (Princess)*

You are hereby commanded

that, setting aside all manner of excuse and delay, ^{you} ~~he~~ be and appear in proper person before the Judge of our Circuit Court, on the *seventh* day of *August* next at the town of *Wescent* and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *William Phillips* is plaintiff, and *Leaves Phillips* is defendant, on the part of the *plaintiff*; and have you then there this writ.

WITNESS, JOHN S. MATHEWS, Clerk of our said Circuit Court,

at the town of *Wescent* this *seventh* day of *August* in the year of our Lord one thousand eight hundred and *thirty* nine.

John S. Mathews Clerk.

In Jefferson County, Mo. doct
August Term 1839

William Triplett
vs
Charles W. Mansfield

Writ for Off
+ Walter Kincaid
James et al vs Donald
Aug 7 1839

filed Dec 11 1839
Mo. J. C. Weathered
clerk

Executed this writ in the County of
St Louis by reading it to Jas. A. M. Donald
on 3^d & Walter Kincaid on the 20th June 1839

Service \$1.00

Marshall Bootherton Sheriff
by Mrs. M. Knight Depy

COUNTY OF JEFFERSON, SOU.
THE STATE OF MISSOURI,

To the Sheriff of

County of *Jefferson* :

YOU are hereby commanded to summon

Justin H. Heltman

You are hereby summoned to appear

that, setting aside all manner of excuse and delay, ^{*you*} ~~he~~ be and appear in proper person before the Judge of our Circuit Court, on the *tenth* day of *December* at the town of *Wassell* then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *William Wright* is plaintiff, and *Charles W. Whitman* is defendant, on the part of the *Defendant*; and have you then and there this writ.

WITNESS, JOHN S. MATHEWS, Clerk of our said Circuit Court,
at the town of *Wassell* this *25th*
day of *September* in the year of our Lord one thousand eight
hundred and *thirty-nine*

John S. Mathews
Clerk.

I Executed this Write on Austin
Shelton Esq By Reading the Same in
his Hearing on the 10th of September
1839

John Hammann Sheriff

Jeff Davis Court
December 1839

William C. Phillips

as J. J. Phillips

Charles W. Hargis

for D. J. Phillips

Austin Shelton Esq
10th December

filed Oct 21st 1839

W. J. Phillips
Clerk

COUNTY OF JEFFERSON, SOU.

THE STATE OF MISSOURI,

To the Sheriff of *St. Louis*

County, *St. Louis*

YOU are hereby commanded to summon

Walter Lincoln
James H. Donahoe

that, setting aside all manner of excuse and delay ^{they} ~~he~~ and appear in proper person before the Judge of our Circuit Court, on the *tenth* day of *December* at the town of *Wescelawann* then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *William Whitely* is plaintiff, and *Charles W. McLaughlin* is defendant, on the part of the *plaintiff*; and have you then there this writ.

WITNESS, JOHN S. MATHEWS, Clerk of our said Circuit Court,

at the town of *Wescelawann* this *twelfth* day of *September* in the year of our Lord one thousand eight hundred and *thirty nine*

W. S. Mathews
Clerk.

in Jeff^{rs} Vincent Court
December Term 1839

William Triplett

vs } Supra

Charles Williamson

for Jeff^{rs} out 1st

Walter C Kincaid

James M Donald

10th December

filed Dec 10th 1839

W. J. M. M. M.

W. J. M. M. M.

11th

Executed this writ in the county of St Louis by
reading it to Walter C Kincaid on the 1st day
of October and leaving a true copy at the residen-
ce of James M Donald on the 16th day of November
1839 with a white person over the age of fifteen years

Service \$1.00

Marshall Brotherton Sheriff
By Benjamin Lacy Dep

William Smith }
Charles W. Stephens }

To the above named Applicant
 Please take notice that on the fourteenth day
 of August A.D. 1841 between the hours of nine
 and six o'clock of the afternoon of that day at
 the Office of Henry Steward in the town of New
 Chester in the County of Adams so late of Ohio
 some negotiations will be taken to be read on the
 part of the above entitled case on the facts
 of that case. Plaintiff and that the taking
 of the same if not satisfied on that day
 will be continued from day to day until the
 same shall be completed.
 J. O. M.

Triplets
no
Maupin

Notice

filed Dec 9th 1839

Wm Mathews

OK

Served the within Notice on Charles W Maupin the
within named defendant in the County of Jefferson
in the Month of Aug^r 1839 at St Louis in Missouri
and testified by delivering him a true copy of the
same on the day aforesaid and testimony before
and
John Hannum Sheriff

Deposition

of Henry Smith being produced sworn and examined on the fourteenth day of August in the year of our Lord eighteen hundred & thirty nine between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of that day at the office of Henry H Duval in the Town of Manchester and County of St Louis in the State of Missouri before me Henry H Duval a Justice of the Peace within and for the County aforesaid in a certain cause now depending in the Jefferson Circuit Court of the County of Jefferson in the State of Missouri between William Triplett plaintiff and Charles W Maupin Defendant on the part of the plaintiff Deposition and oath

That about the month of December 1836 or the first of January 1837 James Brackinridge sent a note to me for collection on Chas W Maupin S. L. Worthington & William Triplett dated on the 18th day of May 1834 payable months after date for sixty five dollars $\frac{85}{100}$ - Which amount was paid by William Triplett with the Interest as calculated on the note which amounted to $\$83 \frac{25}{100}$ which will appear by a receipt given to William Triplett by me marked filed December 11th 1837 by J Matthews clerk

The money was Paid by William Triplett to me without suit which money was paid over by me to James Brackinridge which will appear by his certificate marked filed December 11th 1837 J Matthews clerk. The above named note is marked filed December 11th 1837 J Matthews clerk which is the same note that James Brackinridge sent to me and further the Deposition and oath

Sworn to and subscribed before me on the day at the place and within the hours first aforesaid Henry H Duval
Justice of the Peace

Henry Smith

I Henry H Davall a Justice of the Peace within
and for the County of St. Louis in the State of Missouri
do hereby Certify That Henry Smith was by me sworn
to Testify the whole Truth of his Knowledge Touching
the matter in controversy of a said that he was
examined and his examination reduced to writing
and by him subscribed in my presence on the day
between the hours and at the place in that behalf
first aforesaid

Henry H Davall

Justice of the Peace

Tripletts }
or } Departures
Mansfield }

Filed Dec 9th 1839

J. W. Matthews Clerk

Jefferson District Court December 1839
Exhibits

Receipt } Charges of Mr. O'Connell
 } claiming attendance as follows

Money taken in and out of County \$100
As will travel to & from

down to & back to do as a Marshal \$50.00

Decr 10th 1839

Prothonotary G. H. C.

filed Dec 10th 1839

J. Mathew Clerk

Triplets

Offered by St. Paul 1839

no

Manufin

Walter Thineis claiming. This
settlement was verified as follows

1 day at the source out of bounty Dec 10th 1.00

40 miles travel to & from — 80.

4.00

Wm to & subscription

Dec 10th 1839

Walter Thineis

\$5.00

No. 6 Pres. Mearns

filed Dec 10th 1839

W. Mcathens
W

William Wright } an African Society Court
Charles M. Chapman } Dec^r term 1839

Acct^t of the Court a return in the above
Cause Clearing his fees as follows—

1 day attendance ————— 50

20 miles horse going & returning ————— 100

down to before me ————— \$11.50

Dec^r 10th 1839.

Christine Shearer

Pro^o M^o W^o H^o C^o

2/11/39

pay the within to J. Mathews.

Deus Tuus Shelton

Triplets
vs
Maupins.

Filed Dec 11th 1839

W. J. Mathews
W. M.