

Jefferson County Circuit Court
Case Files-Civil
July 1841, No. 8

Box 6 Folder 4

Greer, John G.

vs.

Pitzer, Duiguid

Malicious prosecution

Defendant accused plaintiff of being
accomplice to Stephen Cole who intended
to kill defendant; JP James Winn
arrested plaintiff, but grand jury failed
to indict; \$500 damages; dismissed by
plaintiff

Jefferson County - Ind.

In the Circuit Court

July Term 1841

John G. Greer complains of Deiguid
Petty of a plea of trespass on the case for
that whereas the said John G. Greer, is a
good and faithful citizen of the state, &
as such hath always ~~as such~~ conducted him-
self, yet the said Deiguid Petty well know-
ing the premises, but contriving and malici-
ously intending to injure the said John G.
Greer in his person and good name, fame and
credit, and to bring him into public scandal,
infamy and disgrace, and to cause him
the said John G. Greer to be imprisoned for
a long space of time, and thereby to impover-
ish, oppress and wholly ruin him heretofore
to wit on the 7th day of February in the
year 1841 and at the county aforesaid, went
and appeared before one James Wain Esq
then and there being a Justice of the Peace
within and for the county aforesaid, and there
and then before the said James Wain so being
such Justice as aforesaid, to wit on the day
and year aforesaid and at the county aforesaid,
said, falsely and maliciously, and without
any reasonable or probable cause whatsoever
detained the said John G. Greer, as an accom-
plice with others, with intent to kill him

charged the said John G. Green with being
an accomplice of Stephen Cole and others
who intended to kill said Petyer, and that
the said John G. Green was concealed a short
distance from his house in order to that purpose,
and upon such charge in the said District
Petyer falsely and maliciously and without any
to wit on the day and year aforesaid at the County of Jefferson
reasonably cause whatever, caused and procured
the said James Winn, so being such Justice
to make and grant his certain warrant for
the apprehending and taking of the said John
G. Green, and for bringing him the said John G.
Green before him the said James Winn Justice
of the Peace to be dealt with according to Law.
In the said supposed offence, and the said District
Petyer under and by virtue of said warrant
afterwards to wit on the 8th day of February
in the year 1841, and at the County of Jefferson
aforesaid, wrongfully and unjustly and without
any reasonable or probable cause whatever
caused and procured the said John G. Green to
be arrested by his body and to be imprisoned
and kept and detained in prison for a long
space of time, to wit for the space of thirty
six hours then next following, and whilst he
the said John G. Green, ^{and} did before said James
Winn Justice or Justice, without any reasonable
or probable cause, upon the charge aforesaid, cause
the said John G. Green to be recognized to appear
at the next term of the Circuit Court to

to be held within and for the County of
Jefferson aforesaid, to answer the same
and the said John S. Green in fact said that
in obedience to said recognizance, he did
appear at the next term of the circuit
court of Jefferson County in the year 1841, and
was then and there compelled to continue
and abide under and by virtue of said
recognizance for the space of four days ac-
cording said term, the said Perjured Pityer
being then and there, maliciously, falsely,
and without any reasonable & probable
cause whatsoever, before ~~the said~~ grand
jury empanelled, sworn & charged for the
county aforesaid as a witness, in order to
procure the indictment of the said John
S. Green for the crime aforesaid, which in-
dictment against the said John S. Green
for the offense aforesaid, the said grand jury,
did then and there refuse to find, and
the said John S. Green was thereupon, to wit
at the said next term of the circuit court
discharged of the premises according to
law, and to depart therefrom without day, to wit
of the county of Jefferson aforesaid. By which said
several premises in the said John S. Green both
been and is greatly injured, and both suffered great
anxiety and pain of body and mind, and both
been forced to lay out, and expend large sums of

money in defending himself, to wit the sum of
 five hundred dollars, & for the maintenance
 of his business in the premises, and both
 been hindered and prevented from following and transacting his
 lawful business, and both been, and is, other-
 wise greatly injured in his credit and circum-
 stances to wit of the county of Green, & the
 county of the said John G. Green five hun-
 dred dollars and therefor he brings this
 suit.

P. B. Atto
 for plaintiff

8

Jefferson Circuit Court
 July Term 1841

John G. Green

vs

Augusta Pitner

This is an action of
 trespass on the case.
 Let process issue.

P. Bole
 Attorney

filed May 17 1841

W. D. Weather

Jefferson County, &c. In the Circuit Court
July Term 1841

John G. Green complains of Duquida Pitzer of a
of trespass on the case, for that whereas the said John
G. Green is a good and faithful citizen of the State
and as such hath always conducted himself, yet
the said Duquida Pitzer well knowing the premises,
but contriving and maliciously intending to injure
the said John G. Green in his aforesaid good name
fame and credit, and to bring him into public
scandal infamy and disgrace, and to cause him
the said John G. Green to be imprisoned for a long
space of time, and thereby to impoverish and wholly
ruin him, heretofore to wit on the 7th day of February
in the year 1841. and at the County aforesaid
went and appeared before me James Winn then and
there being a Justice of the peace within and for the
County aforesaid, and then and there before the
said James Winn so being such Justice as aforesaid
to wit on the day and year aforesaid and at the
County aforesaid, falsely and maliciously, and
without any reasonable or probable cause, whatsoever
charged the said John G. Green with being an ac-
-complice of Stephen Cole and others who intended
to kill said Pitzer, and that the said John G. Green
was concealed a short distance from his house in order
to that purpose, and upon such charge he the said
Duquida Pitzer, falsely and maliciously and without
any reasonable cause whatsoever, to wit on the day
and year aforesaid & at the County aforesaid, caused
and procure the said James Winn so being such Justice
to make and grant his certain warrant for the appreh-
-ending and taking of the said John G. Green and for
bringing him the said John G. Green before him the

said James Winn Justice of the peace, to be dealt
with according to law for the said supposed offence
And the said Duquias Pitzer under and by virtue
of said warrant afterwards to wit, on the 8th day of
February in the year 1841 and at the County of
Jefferson aforesaid, wrongfully and unjustly and
without any reasonable or probable cause, whatsoever
caused and procured the said John G Green to be
arrested by his body and to be imprisoned and kept
and detained in prison for a long space of time to wit
for the space of thirty six hours then next following
and did before said James Winn Justice as aforesaid
without any reasonable or probable cause, upon the
charge aforesaid, cause the said John G Green to be
recognised, to appear at the next term of the Circuit
Court to be held within and for the County ^{of Jefferson} aforesaid
to answer the same, and the said John G Green
in fact saith that in obedience to said recognizance
he did appear at the March Term of the Circuit
Court of Jefferson County in the year 1841. and was
then and there compelled to continue and abide
under and by virtue of said recognizance, he did
appear at the March Term of the Circuit Court
of Jefferson County in the year 1841. and was then
and there compelled to continue and abide under
and by virtue of said recognizance for the space
of four days during said term, The said Duquias Pitzer
being then and there maliciously falsely and without
any reasonable or probable cause whatsoever before
the grand jury empanelled sworn and charged
for the County aforesaid as a witness in order to procure
the indictment of the said John G Green for the
charge aforesaid which indictment against the said
John G Green for the offence aforesaid the said
grand jury

= grand Jury did then and there refuse to find, and
the said John G. Green was thereupon to wit, at
the March Term of the Circuit Court discharged
of the premises according to law, and to depart
therefrom without day to wit at the County of Jefferson
aforesaid. By which said several premises he the
said John G. Green hath been and is greatly injured
and hath suffered great anxiety and pain of body
and mind, and hath been forced to lay out, and
expended large sums of money in defending himself
to wit the sum of five hundred dollars, & for the man-
-ifestation of his innocence in the premises, and hath
been hindered and prevented by reason of the premises
from following and transacting his lawful business
and hath been and is otherwise greatly injured in
his credit and circumstances to wit at the County
aforesaid. To the damage of the said John G. Green
five hundred dollars, and therefore he brings his suit.

P. C. de Atty pro filff

A true copy attest

J. M. S. Mather Clerk Dist.

I executed this writ & Declaration
in Duquind Pitzer by reading it in his hear-
ing on the 25th day of May 1841

M Mof Sheriff
fee \$1.00

478
County Clerk
Duquind Pitzer
Jury Clerk 1841
John Green
as Juror.
Duquind Pitzer
Jury Clerk 1841
M Mof Sheriff
fee \$1.00

County of Jefferson, ss.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, GREETING:

We command you to summon *Quigley, Fitzgerald*
~~that~~ he be and appear

before the Judge of our Circuit Court, on the first day of the next
term thereof, to be held at the Town of *Millboro*
within and for the County of Jefferson, on the ~~second~~ ^{third} Monday
of *July* next, then and there to answer unto *John*
G. Greer on an action of *breach of contract* (a copy
of which is hereto attached)

to the damage of said plaintiff

Five hundred dollars.

And have you then there this writ.

Witness, JOHN S. MATHEWS, Clerk of our said Court,
with the Seal thereof hereto affixed, at office in the Town
of *Millboro* — this *seventeenth* day
of *May*, in the year of our Lord eighteen
hundred and *forty one*

John S. Mathews Clerk.

John G. Erar

"

Quind Fitzger

{
3

Jefferson Circuit Court

July Term 1841

And the said defendants and
~~defendants~~ the wrong and injury when ~~he~~ and says
that he is not ^{of the said supposed Trustees} guilty in manner and form as
charged upon in the Declaration of the said
plaintiff and of this he puts himself upon
the Country ~~he~~.

Hudson for def^t

and the plaintiff with the life

P. Cole Atty

John & Susan

" } Not Built
Osgood Porter

Free

Free Body 19 7/1841

Wm. M. M. M.

Wm. M.

COUNTY OF JEFFERSON, SOI.
THE STATE OF MISSOURI,

To the Sheriff of

County, greeting;

~~YOU are hereby commanded to summon~~

James C. Green
Joseph L. Lott

William Brown
William L. Brown

George L. Brown
James Brown

You are hereby commanded to appear in proper person before the Judge of our Circuit Court, on the 1st day of October at the town of Willsboro 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. Green is plaintiff, and James C. Green is defendant; on the part of the defendant; and have you then there this writ.

WITNESS, JOHN S. MATHEWS, Clerk of our said Circuit Court,
at the town of Willsboro this 1st
day of October in the year of our Lord one thousand eight
hundred and forty

Clerk.

I executed this writ on Samuel 7
 Greer & George L. Smith by reading it
 in their hearing on the 22nd day of October
 1841 also on James Wynn by reading it
 in his hearing on the 26th day of Oct 1841
 also on Wm Drinnin by reading it in his
 hearing on the 30th day of October 1841
 also on Joseph Leffler by reading it in
 his hearing on the 3rd day of Nov 1841
 per \$2.50 M M Co Sheriff

Wm Drinnin's account
 Nov - Dec 1841

John A. Greer
 as Justice
 Duquoin Ill

Writ for arrest
 James A. Greer
 Joseph Leffler
 William Drinnin
 George L. Smith
 James Wynn
 Nov 14th
 Wm C. Jones

James Wynn to bring
 his account in
 & case
 filed Nov 12 1841
 Geo. W. Drinnin
 Wm C. Jones

COUNTY OF JEFFERSON, SOU.
THE STATE OF MISSOURI,

To the Sheriff of

County, Missouri:

~~You are hereby commanded to summon~~

*I on this 1st day of
November 1891
Elizabeth Davis
Franklin
Butler Clark*

You are hereby summoned

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 *November* at the town of *Willsboro* 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. Green* is plaintiff and *Elizabeth Davis* is defendant, on the part of the *defendant*; and have you then there this writ.

WITNESS, JOHN S. MATHEWS, Clerk of our said Circuit Court,
at the town of *Willsboro* this *11th*
day of *October* in the year of our Lord one thousand eight
hundred and *ninety one*

John S. Mathews
Clerk.

I executed this writ on Butcher Clark
and Sarah Drannen by reading it in
their hearing on the 22nd day of October
1841 also on John the Drannen by read-
ing it in his hearing on the 30th day of
October 1841 also on Elizabeth Davis

M Mops Shff

\$2.00

Wm. Wickham
July 1841

John A. Green

or { Sophia

Quigley & Co

Writs for debt

Donation Drannen

Shutting Davis

Small Drannen

Butcher Clark

Nov 16th

Elizabeth Davis

Filed Nov 12. 1841

Wm. Wickham
all

COUNTY OF JEFFERSON, MOI.
THE STATE OF MISSOURI,

To the Sheriff of

County, St. Louis:

YOU are hereby commanded to summon

Arthur Brown
Joseph Reed Foster
John McKeim
William H. Chandler
your executor
you are hereby summoned to

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 *fifteenth* day of *Nov* at the town of *Northtown* then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *John H. Foster* is plaintiff, and *David Foster* is defendant, on the part of the

WITNESS, JOHN S. MATHEWS, Clerk of our said Circuit Court,
at the town of *Northtown* this *twenty fifth*
day of *October* in the year of our Lord one thousand eight
hundred and

John S. Mathews
Clerk.

I executed this writ on John Williams
 Willis Chandler & Austin Brown by
 recding it in their hearing on the 25th
 Day of October 1841 also on Chapel
 Foster by recding it in his hearing on the
 2nd day of Novr 1841

M. M. Sheriff
 fee \$2.50

John W. Belmont
 1841

John W. Belmont

Original Order

John W. Belmont

Chapel Foster

Austin Brown

John Williams

Willis Chandler

John Foster

Nov 16th

Filed Nov 12th 1841

Wm. W. Belmont

I executed this writ on John Williams
 Willis Chandler & Austin Brown by
 recding it in their hearing on the 25th
 Day of Oct 1841

COUNTY OF JEFFERSON, SOIT.
THE STATE OF MISSOURI,

To ~~the Sheriff~~

~~Courty~~ *Meeting;*

~~YOU are hereby commanded to summon~~

Willie Chanacee
Anthony Daniels

You are hereby summoned

that, setting aside all manner of excuse and delay, ~~he~~ ^{you} be and appear in proper person before the Judge of our Circuit Court, on the *13th* ~~15th~~ day of *Nov* ~~Nov~~ at the town of *Webster* then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Stephen Cole* is plaintiff, and *Deligior Webster* is defendant, on the part of the *defendant*, and have you then there this writ.

WITNESS, JOHN S. MATTHEWS, Clerk of our said Circuit Court,
at the town of *Webster* this *15th*
day of *October* in the year of our Lord one thousand eight
hundred and *forty one*

John S. Matthews Clerk.

I executed this writ on Willis Chandler by reading it in his hearing on the 21st day of October 1841 also on Anthony Daniels on the 25th day of October 1841

M. Mogg Sheriff

fee \$1:00

Wm. Leake
Jury 10th 1841

Wm. Leake
vs. J. A. A. A.
Dwight A. A.

Willis Chandler
Anthony Daniels.

Nov 16th

Filed Nov 12. 1841
Prof. A. A. A.
Wm. Leake

of Messrs. to wit
John H Green } the Circuit Court
District of Columbia } Nov Term 1841

Account will please retain of the above entitled
cause from the docket & charge me with
the costs. — Yours
J. H. Green