

Jefferson County Circuit Court
Case Files - civil
July 1841, No. 9

Box 6 Folder 5

Cole, Stephen

vs.

Ritzer, Duquid

Malicious prosecution

Defendant charged plaintiff with assault
with intent to kill before JP James
Winn, causing plaintiff to be arrested
and indicted; \$500 damages

Jefferson County Ark

In Circuit Court July
Term 1841

Stephen Cole complains of Deigned
City of a plea of Trespass on the case.
For that whereas the said Stephen is a
soud and forthright citizen of the State of
N. Spuri, and as such hath always
conducted himself, yet the said Deigned
City well knowing the premises, but contri-
ving and maliciously intending to injure
the said Stephen Cole, in his person and
good name fame and credit, and to bring
him into public scandal infamy and
disgrace, and to cause him to be imprisoned
for a long span of time, and thereby to im-
poverish, oppress and wholly ruin him
heretofore to wit on the 7th February in the
Year 1841 and at the County of said, went
and appeared before one James Winn, then and
there being a Justice of the Peace within and for
the County of said, and then and there before
the said James Winn so being such Justice as of
said, to wit on the day and date of said, and at
the County of said, falsely and maliciously &
without any reasonable or probable cause what-
soever, charged the said Stephen Cole (& others
with an intent to kill him the said Deigned
City, and upon such charge, in the said Deigned
City falsely and maliciously, and without any
reasonable cause whatsoever, to wit on the day

and was of said, and at the County of said
County and procured the said James Wain
to being such Justice, to make and grant
his certain warrant, for the apprehending
and taking of the said Stephen Cole
and for bringing him the said Stephen before
him the said James Wain, Justice of the
Peace to be dealt with according to Law for the
said supposed offence. And the said District
Judge, 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 Jeffe-
rson of said, wrongfully and unjustly and
without any reasonable or probable cause ab-
sented, caused and procured the said Stephen
Cole to be arrested by his body and to be im-
prisoned and held and detained in prison
for a long space of time, to wit for the space of
thirty six hours then next following, and
then and then did before said James Wain
Justice of the Peace of said, without any
reasonable or probable cause, upon the charge
of said, commit the said Stephen Cole to be
recognised to be and appear at the next
term of the Circuit Court to be held at either and
for the County of Jefferson of said to answer
the same. And the said Stephen Cole
in fact saith, that in obedience to said
recognizance, he did appear at the next
Term of the Circuit Court for Jefferson County
of said in the Year 1841, and was there and
then compelled to continue and abide under

and by return of said writs in the
space of four days, during said Term,
the said Benignus Citye being then and there
known, maliciously, and without any
reasonable or probable cause whatsoever
before the Grand Jury, endeavored, wrong
and charged in the County of said ^{as a witness} in order
to procure the Indictment of the said
Stephen Cole for the charge of said
which Indictment against the said
Stephen Cole for the offense aforesaid, the
said Grand Jury, did then and there
refuse to find, and the said Stephen was
thereupon to wit at the said March Term of
the Circuit Court, discharged of the premises
and to depart therefrom without day, to wit
at the County of Jefferson aforesaid. By which
said several premises, the said Stephen Cole
both been and is greatly injured, and hath
suffered great anxiety and pain of body
and mind, and hath been forced to lay out
and expend large sums of money in expending
himself in the premises to wit the sum of
five hundred dollars, and in the maintenance
of his wife and in the premises, and hath been
hindered and prevented, by reason of the premises from
pursuing and transacting his lawful business &
hath been and is otherwise greatly injured in his
credit and circumstances, to wit at the County of said
to the damage of the said Stephen Cole five hundred
dollars and therefore he brings his suit.

A. both Attorneys

Jefferson Bennett
July 1841

William Cook

to \$

Perquimans Station

There is an action of trespass
on the case last brought

John

vs. Cook
do.

filed May 17 1841

Wm. W. W. W. W.
W. W. W. W. W.

Jefferson County Jct. In the Circuit Court
July Term 1841.

Stephen Cole complains of Duquid Pitzer of
a plea of Trespass in the case. For that whereas the
said Stephen is a good and faithful citizen of the
State of Missouri, and as such hath always conduc-
ted himself. yet the said Duquid Pitzer well
knowing the premises, but contriving and maliciously in-
tending to injure the said Stephen Cole in his aforesaid
good name fame and credit, and to bring him into
public scandal and infamy and disgrace, and to
cause him to be imprisoned for a long space of time
and thereby to impoverish oppress and wholly ruin him
heretofore to wit on the 7th February in the year 1841
and at the County aforesaid, went and appeared before
one 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
& without any reasonable or probable cause whatsoever
charged the said Stephen Cole (& others) with an intent
to kill him the said Duquid Pitzer, and upon such
charge, he the said Duquid Pitzer falsely and maliciously
and without any reasonable cause whatsoever to wit
on the day and year aforesaid and at the County aforesaid
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 Stephen
Cole, and for bringing him the said Stephen Cole
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 Duquid 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 Stephen Cole to be arrested by his body and to be imprisoned and held and detained in prison for a long space of time, to wit the space of thirty six hours then next following, and then and there did before said James Winn Justice of the peace aforesaid without any reasonable or probable cause, upon the charge aforesaid cause the said Stephen Cole to be recognized to be and 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 Stephen Cole in fact saith that in obedience to said recognizance he did appear at the March Term of the Circuit Court for Jefferson County aforesaid 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 Duquoin Pitzer being then and there falsely maliciously 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 Stephen Cole for the charge aforesaid, which indictment against the said Stephen Cole for the offence aforesaid, the said grand jury did then and there refuse to find, and the said Stephen was thereupon to wit at the said March term of the Circuit Court discharged of the premises, and to depart therefrom without day to wit at the County of Jefferson aforesaid. By which said several premises he the said Stephen Cole 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 expend large sums of money in defending himself
in the premises to wit the sum of five hundred dollars
and for the manifestation of his innocence in the
premises and hath been hindered and prevented by
reason of the premises from following and transacting
his lawful business & hath been and is otherwise
greatly injured in his credit and circumstances to wit
at the County aforesaid to the damage of the said
Stephen Cole five hundred dollars, and therefore
he brings suit.

P Cole atty for plff

A true copy. Attest

Jno. T. Matthews, Clerk

I Executed this writ and Declaration
on Duquid Pitzer by reading it in his
hearing on the 25th day of May 1841

Mark M. J. Sheriff

for \$1:00

303

Writ in Court

July Term 1841.

Stephen Cole

vs } Summons.

Duquid Pitzer

filed July 1st 1841

W. M. J. Sheriff

CLK

County of Jefferson, ss.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, GREETING:

We command you to summon *Quinn Pitzer*
if he be found in your County that he be
and appear before

before the Judge of our Circuit Court, on the first day of the next
term thereof, to be held at the Town of *Hillsboro* —
within and for the County of Jefferson, on the ~~second~~ ^{third} Monday
of *July* — next, then and there to answer unto *Stephen*
Hole on an action of "Trespass on the case" 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 *Hillsboro* this *seventeenth* day
of *May* —, in the year of our Lord eighteen
hundred and *forty one*

John S. Mathews Clerk.

As said before

as

Stephen Cook

3

July Term 1841

The land returned to Henry

the Court here for a full upon the land as
found out to give security for each in this case
Because the land returned is abundant

Sharon for Stephen

bole }
vs } Motion to
Pitzer } rule to costs

filed July 19th 1841
Wm. Mathews
clerk

State of Missouri
County of St Louis
Marguid Pitzer
advs
Stephen Cole

Jefferson Circuit Court
July Term 1821

And the said defendant by
Hudson his attorney comes and defends the wrong
and injury when done and says he is not
guilty of the said supposed trespass in
the declaration mentioned in manner and
form as the said plaintiff hath above
thereof complained against him the said
defendant, and of this he puts himself
upon the Country of

Hudson
for deft.

and the plaintiff doth the like

P. Cook. clero

This cause Dismissed in vacation Oct 28th 1821
by plff see Book No 2 page 380

Test

Wm. Mathews clrk

July Term 1841

August 21st
as E. A. Smith
Stephen Cole

John

Filed July 20th 1841
Hood Mather
Edw

Mr Matthew Clark's account
due

You will please accept my
action in the Lib Court against D. J. G. -
Oct 28th 1841. Stephen Cole

514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600