

Jefferson County Circuit Court
Case Files - Civil
November 1851, No. 36

Box

7

Folder

28

Smith, George A.

v.

Pitzer, Duiguid

Debt

Debt \$159.12 for medical services received;
Verdict in favor of plaintiff for \$49.77

Jefferson Co Mo Sept^r 1857

W. Duquid Pigai

D^r L. G. Smith M.D.

1850

April 14	A Journey	to wife	4.50
	A Blist ^r . & Powders & Linc		1.00

1851

Jan 25	A Journey	to wife	4.50
-	A Powder Mixture	-	02½
31	A Journey	-	4.50
-	A Mixture	-	50
9	A Journey	-	4.50
-	Surgical Attendance to Leg. Removing	-	
-	Carius Bone. L	-	1.50
-	The Mixture	-	50
16	A Journey	-	4.50
-	Surgical Attendance to Leg. Removing Bone	-	1.50
23	A Journey	-	4.50
-	Surgical Attendance L & L	-	1.50
-	A Mixture	-	50
March 2	A Journey	-	4.50
-	Surgical Attendance Apply ^r Baytons	-	
-	Bandage.	-	1.50
9	A Journey	-	4.50
-	Surgical Attendance Apply ^r Bandage L	-	1.50
17	A Journey	-	4.50
-	Surgical Attendance Apply ^r Bandage	-	1.50
-	A Mixture	-	50
20	A Journey	-	4.50
-	Surgical Attendance Apply ^r Bandage.	-	1.50
30	A Journey	-	4.50
-	Surgical Attendance Apply ^r Bandage	-	1.50
	Carried forward		\$05.12½

		Brought forward			65. 12½
March	31	Surgical Attendance Apply Bandage			
		at my House			1. 50
April	1	Surgical Attendance	S.	S.	1. 50
	2	Do	Do	-	1. 50
	3	Do	Do	-	1. 50
	4	Do	Do	-	1. 50
	5	Do	Do	-	1. 50
	6	Do	Do	-	1. 50
	7	Do	Do	-	1. 50
	8	Do	Do	-	1. 50
	9	Do	Do	-	1. 50
	10	Do	Do	-	1. 50
	11	Do	Do	-	1. 50
	12	Do	Do	-	1. 50
	13	Do	Do	-	1. 50
		Remedy for Child Pains	S.	-	50
May	4	A Journey			4. 50
		Surgical Attendance Apply Bandage	S.		1. 50
	12	A Journey			4. 50
		Surgical Attendance Apply Bandage			1. 50
	20	A Journey			4. 50
		Surgical Attendance Apply Bandage			1. 50
June	5	A Journey			4. 50
		Surgical Attendance Apply Bandage			1. 50
	11	Surgical Attendance Apply Bandage			
		at my House			1. 50
	12	Do	Do	-	1. 50
	13	Do	Do	-	1. 50
	14	Do	Do	-	1. 50
	15	Do	Do	-	1. 50
	16	Do	Do	-	1. 50
	17	Do	Do	-	1. 50
	18	Do	Do	-	1. 50
		Carried forward.			\$122. 52½

	Brought forward	122.02½
June 30	A Saimey	4.50
-	Surgical Attendance Appl's Bandage	1.50
July 7	A Saimey	4.50
-	Surgical Attendance Appl's Bandage	1.50
13	A Saimey	4.50
-	Surgical Attendance Appl's Bandage	1.50
24	A Saimey	4.50
-	Surgical Attendance Appl's Bandage	1.50
Aug 19	A Saimey	4.50
-	Surgical Attendance Appl's Bandage	1.50
Sept 1	A Saimey	4.50
-	Surgical Attendance Appl's Bandage	1.50
-	A Box of Pills	25
10	A Saimey	4.50
-	Surgical Attendance Appl's Bandage	1.50
16	A Saimey	4.50
-	Surgical Attendance Appl's Bandage	1.50
24	A West. (Papery)	" "
-	Attendance on self.	
June 30	Two Mixtures	1.00
July 13	A Mixture	50
Aug 19	A Mixture	50
Sept. 10	A Box of Pills	50
-	A Mixture	50
16	A Mixture	50
-	Cash advanced A. Kelso for Sundry Expenses	50
Credits		174.87½
By Cash Received	10.00	15.75
Ans. Hat	4.00	
Ans. Turkey	75	
2 Bushels Meal	1.00	
	<u>\$15.75</u>	
		<u>\$159.12½</u>

George A. Smith Plaintiff } In the Circuit Court

vs } Jefferson County

Surguind Pitzer Defendant }
Plaintiff states that he has been the family Physician in the family of said defendant for some time. That when said defendant was on the eve of starting to California in the Spring of 1858, he requested plaintiff to attend to his family in all cases in his absence. Accordingly in compliance with said request ~~he was~~ ^{being} called on by Mrs Pitzer wife of defendant to prescribe for an ulcerated leg which had been under plaintiff's treatment before defendant left for California, and his services as ~~and~~ ^{& surgeon} physician in the treatment of said complaint and in prescribing for the wife of defendant in the absence and after the return of defendant and in prescribing for defendant himself, ^{after his return} amounts to the sum of \$174.37. The amount of the account hereto attached, exclusive of the sum of \$15.75. credits to which said account is entitled, leaving a balance of \$159.12 due and owing to plaintiff.

The particulars of which account for medical ~~and~~ services and the credits thereon will appear by said account hereto annexed and made part of this petition. Plaintiff asks judgment for \$159.12 being balance due him. G. A. Smith by

Pepkin & Co.

G. A. Smith plaintiff makes oath and says he believes the above petition and the matters therein as stated are true
Sworn to & Subscribed G. A. Smith

before me Oct 16th 1857.

Thos B Thatcher.

ack.

No. 36.

In the circuit court

Nov Term 1857.

10883

George A Smith.

vs

Abigail Pidgeon

Settlement of
partition etc

Filed Oct 16th 1857

Thos B Thatcher
ack

George A Smith Plaintiff

vs

Amiguid Pitzer Defendant

In the Circuit Court
Jefferson County.

Plaintiff states that he has been the family physician in the family of said defendant for some time, and that when said defendant was on the eve of starting to California in the Spring of 1850, he requested Plaintiff to attend to his family in all cases in his absence, accordingly in compliance with said request, being called on by M^{rs} Pitzer wife of defendant to prescribe for an ulcerated leg which had been under plaintiffs treatment before defendant left for California his services as physician and surgeon in the treatment of said complaint and in prescribing for the wife of defendant in the absence and after the return of defendant and in prescribing for defendant himself after his return amounts to the sum of \$174.37 the amount of the account hereto attached exclusive of the sum of \$15.75 credits to which said account is entitled, leaving a balance of \$159.12 due and owing to plaintiff, the particulars of which account for medical & surgical services and the credits thereon will appear by said account hereto annexed and made part of this petition Plaintiff asks judgment for \$159.12 being balance due him

By A Smith by Pipkin atty.

G A Smith plaintiff makes oath and says he believes the above petition and the matters therein as stated are true,

By A Smith

sworn to and subscribed before me Oct 16th
1851. Tho C Fletcher Clerk,

a true copy of the original petition and
affidavit on file in my office.

In Testimony whereof I hereunto
set my hand and affix the
seal of said Court at office
Oct 20th 1851. Tho' C. Fletcher

Clerk

No 8.

do Circuit Court
November 20th 1851.

George A Smith
vs }
Margaret Pilgrimage

Filed October 1851.

Thos. C. Fletcher

Recorder

Shelley Bee 91

The State of Missouri,
To The Sheriff of The County of Jefferson, Greeting:
We command you that you summon
Augustus Pitzer if he be found in your
County that he do and appear before the
Judge of our Circuit Court on the first
day of the next term thereof, to be begun
and held at Stillsboro: on the fourth Mon-
day of November next, then and there to
answer unto George A Smith upon his
original petition a copy whereof is hereto
attached and have you then there this writ
Witness Tho C Fletcher Clerk
of our said Circuit Court
at Office this 20th Oct 1851.
Tho C. Fletcher
Clerk

I executed the foregoing writ in the County of
Jefferson on the 20th day of October A.D. 1851
by reading the same and the petition hereto annexed
in presence & hearing of Augustus Pitzer
James McCalloch Sheriff

George A Smith
vs
Duquid Pitzer } In the circuit court
Jefferson County Mo

The answer of Duquid Pitzer states that he did not request plaintiff in the Spring of 1850 to attend as physician to his family in all cases in his absence in California

Defendant is informed that during his absence, his wife sent twice to the plaintiff to attend on him as physician, plaintiff was engaged in milling & refused to attend on him. his wife had to call on another physician who attended on her a considerable time - During this time plaintiff's mill dam broke, he then unsolicited came to her plaintiff's wife more for the purpose of getting into business than any thing else. So that plaintiff was not employed by defendant and is not entitled to one cent. ^{soon as} after defendant came from California he dismissed plaintiff from attending on his wife. Plaintiff then presented a bill amounting to \$144. They could not settle. Plaintiff after that commenced suit for \$174.87. Defendant begs the court to

Notice this fact for he charges that such
 an proceeding is evidence of wrong and an
 intension to take dishonestly from another
 by making out a false & erroneous acc-
 ount. one for 144\$ and because he wishes
 to get all he can by some hook or crook
 he falsifies vouchers or interlopes other items
 to \$174.87

Plaintiff is owing to defendant sundry
 items of account here below set forth & which
 defendant pleads as a set off & prays them
 to be allowed him against plaintiff viz
 George A Smith or

1852 To Dringuid Peter
~~Feb~~ To one day locating mill site \$3.00
 (previous) " do 4 do 3 d 12.00
 " 1 night logging 1.00
 " serving about dam of mill 3.00
 " 1 do 3.00
 " 1 night logging 1.00
 " serving to mill dam 3.00
 " 1 night logging 1.00
 " serving to mill dam 3.00
 " night logging 1.00
 " serving to mill dam 3.00
 " one night going to Potok 1.00
 " board of wife Chapman and white about 35.50

	ant ford	35 50
To same another time		1 00
" self & horse fed		50
" self & " one night		1 00
" 5 trips to see mill dam of plf		15 00
" black sand & gold dust mixed		20 00
" 2 pieces of gold	50	10 00
" 2 pieces of quartz Rock		5 00
" one level & going after it 10 x 3		13 00
Nov 1849 " Cash loaned		55 00
Interest on same 6 "		3 30
1851 July Cash		10 00
		169 80

all of which items defendant pleads & offers
as an set off & prays an allowance for
same
Duquid Peter

Duquid Peter defendant being sworn up
on his oath says that he believes that the
facts as set forth in the foregoing answer
are true as stated

Sworn to & Subscribed
before me February 19th 1852

Duquid Peter

Witness my hand and the seal of the Circuit
Court at Stillson. This 6th March
Clerk

Geo A Smith
vs
Augusta Pithers

Answer

Filed Jul 19th 1852.
Jno. B. Fletcher
Clerk

COUNTY OF JEFFERSON, SCT.,

THE STATE OF MISSOURI.

To Moses Parrish, Noah Row, Riley Reiss
and A. C. Pigeon

GREETING:

You are hereby commanded, that setting aside all manner of excuse
or delay, you be and appear in proper person before the Judge of our
Circuit Court, on the 29th day of
May at the town of Wentzboro', then and there to testify
and the truth to say, in a certain matter of controversy, now pending in
our said Court, wherein Geo. A. Burchard is
Plaintiff and Abner C. Pigeon is
on the part of the deft.

Geo. A. Burchard
Witness, JOHNSON H. ALFORD, Clerk of our

said Circuit Court, at the town of
Wentzboro', this 26th day of March
A. D., eighteen hundred and fifty-two,

Geo. A. Burchard CLERK.

I executed this writ on D. B. Pitzer by reading it in
 his presence and hearing on the 13th day of April 1852
 also on Noah Rowe by reading it in
 his presence & hearing on the 10 day of
 May 1852 James McHallock Sheriff

To Vincennes Court
 May Term 1852

Geo. A. Smith
 vs
 Benjamin Pitzer

for debt

Moses Barnum

Noah Rowe 11

Riley Row

A vs Pitzer 13

6th day

Sh feed 1, 1852

Moses Barnum Riley Row not found this

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To Henry Dillick and ———— Wickesham (son of
John Wickesham)

GREETING:

You are hereby commanded that, setting aside all manner of excuse or
delay, you be and appear in proper person before the Judge of our
Circuit Court, on the 29th day of
May at the town of Wellbore; then and there to testify
and the truth to say, in a certain matter of controversy now pending in
our said Court, wherein *Geo A Smith* is
Plaintiff and *Virginia Alden* is defendant.
on the part of the Plaintiff

Geo A Alden
Witness, ~~JOHNSON H. ALFORD~~, Clerk of our

said Circuit Court, at the town of
Wellbore, this 30th day of March
A. D. eighteen hundred and fifty two

Geo A Alden CLERK.

Henry Bittick not found this 31st
of May 1852 James H. Blackwell

To Circuit Court
May Term 1852

Geo: a Smith
vs
Darius Pittger

for Debt

Henry Bittick

Henry Bittick
(son of the defendant)

for 6th day

Shenck 10 cents

I executed this writ on Henry Bittick by
reading it in his presence and hearing on the 15 day
of April 1852

COUNTY OF JEFFERSON, SCT.,

THE STATE OF MISSOURI.

To Lucinda Piger, Virginia Piger and
John Merriam (aka John)

GREETING:

You are hereby commanded, that setting aside all manner of excuse
or delay, you be and appear in proper person before the Judge of our

Or civil Court, on the 29th day of

May at the town of Wellbore, then and there to testify
and the truth to say, in a certain matter of controversy, now pending in
our said Court, wherein Geo A Smith is —
Plaintiff and Virginia Piger is — defendant
on the part of the Defendant

Witness, *John C. McLecher*
JOHNSON H. AFFORD, Clerk of our

said Or civil Court, at the town of
Wellbore, this 20th day of March
A. D., eighteen hundred and fifty two

John C. McLecher CLERK.

I executed this Will in D. R. Pitzer by reading it in
his presence and hearing in the 13 day of April 1852
also on John Herrington (Little John) by reading
it in his presence & hearing on the 7 day of
May A.D. 1852 also on Lucretia Pitzer by
reading it in her presence and hearing
on the 14 day of May 1852

20 Circuit Court
May Term 1852

Geo. A. Smith
vs
2 pm

Lucretia Pitzer

for Debt

Lucretia Pitzer 14

Lucretia Pitzer 13

John Herrington 1

(Little John)

6th day

Sherriff \$1.50

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To Mrs H E Monds

GREETING:

You are hereby commanded that, setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our District Court, on the 23rd day of May at the town of Webbboro; then and there to testify and the truth to say, in a certain matter of controversy now pending in our said Court, wherein *Geo A Smith* is Plaintiff and *Samuel Pitzer* defendant on the part of the *Defy*

Wm B McTeeher
Witness, JOHNSON H. ALFORD,

Clerk of our said District Court, at the town of

Webbboro, this 29th day of May
A. D. eighteen hundred and 52

Wm B McTeeher
CLERK.

I Executed this writ on John H. Morse
by reading it in his presence and hearing
on the 29th of May 1882

James McIlloch Sheriff

By a Sheriff
D. Pollock

for all

one at morce 29

Sheriff fees \$1.50



COUNTY OF JEFFERSON, SCT.,

THE STATE OF MISSOURI.

To Peter Sullivan, Dr. Wm. E. Dixon, and

Wash. Rowe

GREETING:

You are hereby commanded, that setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our ^{civil} ~~civil~~ Court, ~~on the~~ ^{day of} ~~at the~~ town of Hillsboro', then and there to testify and the truth to say, in a certain matter of controversy, now pending in our said Court, wherein Geo. A. Smith is Plaintiff and August Pilger is defendant on the part of the Plff

Sholey A. L. Thomas
Witness, JOHNSON H. ALFORD, Clerk of our

said civil Court, at the town of Hillsboro', this 31st day of May A. D., eighteen hundred and fifty two

Wm. E. Dixon
CLERK.

I Executed the within writ on peter
Sullivan Wm C Nixon and Noah Rowe
by reading in their presence and hearing
this May the 31st day 1852

James M Colloch Sheriff
By Augustine Wiley Deft Sheriff

Dr. by a Smith
do
Augustine Wiley
for writ
Peter Sullivan
Wm C Nixon
Noah Rowe

Sheriff's fees \$1.50



George A. Smith In the Jefferson Cir-
cuit May/June 1852
Defendant Peter —

The Replication of plaintiff to ^{answer} ~~answer~~ filed by Defendant at Court says
that the facts set forth in his Petition
are true and denies the allegations in
the Answer of Peter and that so
far as the object of defendant
is concerned and the items thereof
they are totally false and untrue
^{hereafter} ^{stated} that he had a settlement in full
of all demands against him with
said Smith up to Dec 17. 1849.
and that he has had no payment
of defendant is entitled to no item
of account except as is mentioned
in Peter's and a account except on
spirit level mentioned, which the plaintiff
states that at the time of being
his house (plaintiff) was then closed
but which could not be worth
more than from one dollar and half
to two dollars.

He therefore emphati-
cally denies that any portion of
said items of account filed as offered
is true but on the contrary it is utterly
false and untrue — G. A. Smith

George Smith deposes at his own
his oath States that he believes that the
facts asserted in foregoing ^{Reproduction} answer, are true
as stated

G. A. Smith

Sworn to Subscribed
before me this 1st day of June
1832 Thos C. Melcher
Clerk

bring frequently back & forth to his father in law in my neighborhood

bring frequently back & forth to her father in laws in my neighborhood

was summoned & gone to Oregon, & aff
icant has not been able to obtain
his testimony, his testimony is also
material & without whose testimony he
can not safely proceed to trial, and
he knows of no other witness by
whom he can prove the same facts

This application is not made for
vacation or delay but because appl
icant believes he has a meritorious
defense and prays a continuance
and if an adjournment be allowed, app
licant believes that he will be able
to ~~secure~~ procure the attendance of
first mentioned witness and that
he will obtain the deposition of
said witness in Oregon

Sworn to & subscribed before

me June 1st 1852

Thos B Fletcher

CLK

Quiguid Pitzer

Smith
or
Pitzer

aff for contn

Filed June 1st 1852
Thos B Fletcher
CLK

George Smith
vs
Dequid Pitze

In the circuit Court
Jefferson Mo
May Term 1852

To the judge of the circuit court
within & for Jefferson County Mo
Your petition Dequid Pitze states
that he has good cause to believe
and does believe the judge of said
Court is prejudiced against him petiti-
on on account of which he believes he
can not have a fair trial, for the cause
alleged he therefore prays a change
of venue to some court where the
cause complained does not exist

Entered & Subscribed
before me June 1st 1852

Thos C Fletcher Clerk

Dequid Pitze

George A Smith

As

Augustine Rogers

Officers for Charge of
Bureau

Green
That if the Jury believe from the Evidence that
That Mr. Pitzen in the absence of Mr.
Pitzen while in California received the ser-
vices of Dr. Smith in the absence and absence
of Pitzen, and Dr. Smith did perform those ser-
vices, then plaintiff is entitled to ~~the~~ recover
what his services are worth.

Green
California
That if the Jury shall believe from the Evidence
that Defendant Pitzen left his wife at home to go to
his son to attend to his business & family,
then plaintiff is entitled to the value
of his services for the services rendered
by plaintiff & received by the wife with
nature of Medical services in the absence
of said Pitzen — then plaintiff is entitled

Green
That if Mr. Pitzen or the son of defendant left
to attend to business & family of defendant were
not willing to receive the services of plaintiff,
then it was their duty to inform the Doctor of
their unwillingness to receive his services; but
if no such communication was made to the Doctor
& Mr. Pitzen continued to receive his medical atten-
tion, then plaintiff is entitled to recover
the value of his services =

That pleasant is not required to know any
road or path - on every shore of the ocean
to suit the wind to receive, it is only necessary
that he should know such landmarks as
accord, & the few will perform the correct
map of them of such a correct generally
known to the correct and no fact, known
as to any particular them.

Dr Smith

ag't

Dr. Pitman

1. That the plaintiff having agreed

Refused
in his Declaration can express employment by Pitman
it is incumbent on him to show it and unless such express
employment is shown he cannot recover.

2. That if Mrs Pitman agrees Dr Smith

Refused
to attend her in her sickness & she refused to attend her
~~should~~ if they find that afterwards he voluntarily attended
her without her request, he is not therefore entitled to
recovery

Refused
3. That a physician can not voluntarily
shut his services upon a man's family and nevertheless
practising on them unless he was employed & that his
services were accepted by them having the right to employ

4. If the jury find that ~~the~~ Smith
for ~~any~~ the purpose of running up a bill against Pitkin made
more visits than was necessary, he cannot recover for
such unnecessary visits.

5. If the jury believe that Smith by
unskilful treatment of Mrs. Pitkin prolonged her sickness
& did her no good, then good faith required him to
direct his attention so even as that fact was apparent &
he cannot be answer for services rendered beyond that
point.

6. That the jury have a right to consider all
the facts and circumstances present in this case and
render such a verdict as will comport with the
substantial justice of the case.

Smith
Pitzer
Instructions
refused.

Filed June 12/852
Rob Fletcher
OK

Left instructions

Are the Jury find for the Plaintiff
forty nine dollars and Sixty Seven
cents

Wm L. Davis
Attorney

350

250

40

160

800

490

250

740

570
6

Inv fee paid
by Refs \$3