

Tofferson County Circuit Court

Case File - Civil

December 1859, No. 32

Box

11 Folder 79

Maggover, Parker J,

vs

Sherman, Francis

Damages

Defendant took and converted to
his use plaintiff's bull; \$40
damages

Reuben G Waggoner Plaintiff
against

Francis Sherman Defendant

In the Circuit Court
of Jefferson County Missouri

The plaintiff states on the 25th Day
of December 1857 the defendant without leave
and wrongfully took the following property of
the plaintiff and has not returned the same
viz one white bull of the value of
forty Dollars and afterwards killed, and
consumed and disposed of the same to his
own use with force and arms at Jefferson
County aforesaid To the damage to the
plaintiff of forty Dollars for which
he asks judgment

J. W. Beal Atty
for Plaintiff

Reuben G Waggoner makes oath &
says that the foregoing petition & the matter
as therein stated, he believes to be true
Subscribed & sworn to
before me this 3d
Day of October 1859
Elias J. Honey Clerk

R. G. Waggoner

Reuben & Mary Jones
vs
Francis Sherman

Filed Oct. 3rd 1859
Shaw & Hickey
Clerks

Copy put-	15
off	12
copy	10
du ck	20
from Hays	120
Lease	10
cont	80

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

To the Sheriff of the County of Jefferson--Greeting:

We command you, that you summon *Francis Sherman*

if— he be found in your County, that he
be and appear before the Hon. Judge of our Circuit Court, on the
first day of the next term thereof, to be begun and held at the town of
Hillsboro, within and for the County of Jefferson, on the second
Monday after the fourth Monday of *November*
next, then and there to answer unto *Reuben J. Waggoner*

upon *his* original petition, a copy whereof is hereunto annexed and
accompanies this writ, and have you then there this writ.

Witness, **ELIAS F. HONEY**, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at office
in *Hillsboro*, this *Fourth*
day of *October* A. D. 18 *59*

Elias F. Honey

Clerk Circuit Court.

No 22

To Jefferson Circuit Court
December Term 1859

1746

Robert J. Waggoner
vs. J. Summons

Francis Sherman

Sheweth fees \$1100

Chd

Filed Oct 24th 1859

Oliver Attorney at l

verified by MFF
Arthur Cook Notary at l

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I Executed the within Summons in the County of
Jefferson State of Missouri on the 18th day of October
AD 1859 by Deliver Francis Sherman
a True Copy of the within writ and next
partition as furnished by me by the
Clerk
Oscar Davis Sheriff
by J. C. Farmer Deft

Reuben J. Waggoner, Plaintiff }
Against }
Francis Sherman, - defendant }
In the Circuit Court
Jefferson County

The Defendant for answer to Plaintiff's petition in the above cause, denies that he on the 25th day of December 1859, or on any other day, without leave and wrongfully took from Plaintiff one white Bull of the value of forty dollars ^{as} the property of Plaintiff. And denies that he afterwards killed ^{converted} & disposed of any Bull belonging to the Plaintiff.

Defendant states that, on the 25th day of December 1857, a white Bull, near two years old, marked with two swallow forks, & the inside of the ears red, was lawfully taken up ^{by Defendant} on Defendant's plantation in Platte Township in Jefferson County Missouri, as a stray ^{& porter} ~~sheep~~ J. W. Weaver, a Justice of the peace of said Township & County, and was duly appraised by E. J. Miner and John Smith, two disinterested householders of said Township, after being duly sworn for that purpose,

Then certificate
who duly certified the same, con-
taining a full description of said
stray, - which was entered upon the
Justice's Stray Book, and three copies
of said Certificate was immediately
after said posting, set up at three
of the most public places in said
Township. - And that Defendant after-
wards, to wit, on the 7th day of January
1858 ~~deposited~~ in the Post Office at
Sole-a-bans, in said County of Jefferson
a Letter, directed to the Clerk of the
County Court of said Jefferson County,
containing a true copy of said
Justice's entry on his stray Book, of
said Stray; which ^{Letter} according to the
regular course of the mail, should have
reached the Hillsboro Post Office in
two days. - But, the same was not recorded
till the 11th of January 1858, owing
doubtless to ^{delay} a miscarriage of said Letter
in the mail.

Defendant therefore alleges that
he duly posted said Stray according
to law, - that he duly complied with
the law in such cases made & provided, -
and having kept said Stray for one
year from the time of posting the

same, & performed all those acts which
~~the~~ law requires, in order to vest said
property in him, and no owner
appearing during said year, & proving
said stay, Defendant alleges that
he acquired thereby a complete title
to said stay.

The Defendant says he has no knowl-
edge sufficient to form a belief whether
said stay belonged to plaintiff before
the expiration of one year from the time
he was posted or not. But, if he did,
then Defendant says he became the
legal owner of the same at the end
of one year from the time of posting
the same; and had a legal right to
kill & dispose of the same, (which he ad-
mits he did) as he pleased.

Defendant therefore denies plain-
tiff's right to ~~recover~~ \$40, or any
other damages of Defendant.

} Green & Thomas
Attys for Defendant,

Francis Sherman, defendant, make oath
and says the above Answer, & the
matter therein as stated he believes to
be true.

L. Sherman,

Subscribed & sworn to before me
this 10th August 1860

A. K. Blesser Clerk Co. Ct.

In Circuit Court
Jefferson County
Helen J. Waggoner
vs,
Francis Sherman

Answer

Filed Aug 27th 1860
Oliver S. Hooley
Clerk

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *J. J. Boyd & Luther W. Boyd*

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Legislate* Court for the County aforesaid, on the *15th day of December 1860* at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *R. H. McGowan* is Plaintiff and *James Sherman* Defendant on the part of *defendant* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court with the Seal thereof hereto affixed, at office this

16th day of *December* A. D. 18*60*

Elias F. Honey

Clerk.

I executed the within for in the County of Jefferson
on John T Byrd & Luther R. Byrd by recording
it to them on the 20th day of November 1860
Oscar Dover Sheriff

20 percent Court

Deer Creek 1860

R. G. Waggoner

Francis Sherman

Indefinite

John T. Byrd

Luther R. Byrd

Sheriff fees \$1.00

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To James Weaver for W Weaver & Co. Barneo for Smith. Jackson Nevada

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Court for the County aforesaid, on the

15th day of December 1880 at Hillsboro, then and there

to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein R H Wagner is

Plaintiff and Frances Sherman is Defendant on the

part of Defendant and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court with the Seal thereof hereto affixed, at office this

16th day of Dec A. D. 1880

Elias F. Honey Clerk.

20 Percent Court

Deer Run 1860

P. B. Magner

James Sherman

for debt

James Weaver

for H. Weaver

Allen, Barnes & West

for Smyth

Jackson Mills

Shewitt & Co \$2.25

I executed the within writ in
the County of Jefferson the 21st day
of November 1860 by Reading
the same in the presence and
hearing of Jas Weaver Jackson
Wives John Smyth or John
Weaver all of whom do not live
in my County Jas C. Powers
Sheriff