

Jefferson County Circuit Court
case file - civil

Box

14

File

57

June 1863

Miller, Jackson
vs.

Lee, Josiah
Simpson, William B
Wilson, Isaac

Assault and battery

\$500 damages

Jackson Miller Plaintiff

vs

Josiah Lee

William Simpson

Isaac Wilson Defendants.

In the Circuit Court
of Jefferson County
Missouri

The plaintiff stated that on the 17th day of November 1862, at Jefferson County Missouri, the defendants assaulted and beat plaintiff with rocks, threw fire and stabbed plaintiff with a Knife and inflicted too great personal injury upon plaintiff by which plaintiff became sick and confined to the bed for a long space of time and thereby suffered a great deal and was prevented from following any business or occupation and had to expend a large sum of money for hands to attend to him and his business and for medical aid ^{viz} about twenty dollars. By reason of which wrongs and injuries, plaintiff has sustained damages to the amount of five hundred dollars, for which he asks judgment

J A Deuel

Atty for Plaintiff

Jackson Miller stated on oath that the foregoing petition and the matters therein stated he believes to be true

Subscribed & sworn to
before me this 9th day
of December 1862

Elias J. Honey etc

his
Jackson Miller
mark

Jackson Miller

"

Johns Lee

Wm D. Simpson

Deane Wilson

Adel May 4th 1863

Edw Honeycutt

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

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

We command you, that you summon *Isiah Lee,*
William B Simpson Isaac Wilson

if they be found in your County, that they
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 *May* next, then and there to answer unto
Lucks or Miller

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

Witness, ELIAS F. HONEY, Clerk of our said Circuit

Court, with the seal thereof hereunto affixed, at office

in Hillsboro, this *Fifth*

day of *May* A. D. 18*63*

Elias F. Honey

Clerk Circuit Court.



Judgt for Plaintiff July 11th 1864 book No
 5 page 60 for 50.00
 cents 26 76 \$76.76

TO JEFFERSON CIRCUIT COURT

June 3rd, 1863

Isaac Miller

or J. Burman one

Joshua Lee

William B Simpson

Isaac Miller

Shaw's fee 2.50

Adm June 3rd 1863

Chas. F. Horney etc

Chas.

I executed the Within Writ in the County of
 Jefferson State of Missouri on the 7th day
 of May 1863 by delivering Joshua Lee
 a True copy of the Within Writ
 and a next partition as furnished
 to me by the clerk also on the 8th day
 of June by leaving a True copy
 of the Within Writ at
 Isaac Wilson Place of about 10th
 a free white member of his family
 over the age of fifteen years old
 and William B Simpson not far
 in my County this 1st day of June 1863

J. B. Burman Sheriff
 by J. C. Burman Deft

Jackson Miller

^{vs}
J. H. Wilson & Sprialdin }

Now at this day come the Defendants
before the Court to rule Plaintiff to file in
this a bond ^{with security} for costs.

Because he is insolvent & the of-
ficers are in danger of losing their
costs.

Thomas Williams

Robert Miller
or
Miller & Son

Motion for writ
for cert.

Filed June 11th. 1863
William J. Honery
Clerk

Jackson Miller, Plaintiff
Against
Josiah Lee, Wm B. Simpson and
Isaac H. Wilson, Defendants

Now at this day come said defendants & for answer to the petition of the Plaintiff heretofore filed in this behalf, deny that on the 17th day of November 1862 or at any other time, at the County of Jefferson, Missouri, they unlawfully assaulted and beat ^{Plaintiff} ~~Defendant~~ with rocks, knives and their fists and stabbed him said Plaintiff, or inflicted great personal injury upon him. They deny that by reason of any act of Defendants, Plaintiff was so injured, as to be confined to his bed for a long space of time, or was prevented from following any business or had to spend large sums for hands to attend to him and his business and for medical aid in the sum of twenty dollars or any other sum. They deny that Plaintiff by any unlawful act of theirs has been damaged in the sum of five hundred dollars or any other sum.

William L. Thomas
Atty. for Defendants.

Josiah Lee one of said defendants makes oath & says he believes the above answer to the matter as therein stated and true.
Sworn to & subscribed before me Sept. 5. 1863.
Josiah Lee

Sworn to and Subscribed
before me August 5th 1863
Elias J. Hoarey Clerk



Subscribed and sworn to
before me August 5th 1863

[Faint, mostly illegible handwritten text, likely the body of a legal document or affidavit.]

[Faint handwritten text at the bottom of the page, possibly a signature or additional notes.]

Jackson Mills

3

Revised

Chorus

Filed Sept 27th 1863

Wm. D. Stanley

Wm. D.

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

Riley Barr. *John Barr.* *Jess Shoults*

GREETING:

You are **Hereby Commanded**, That setting aside all

manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the

18th day of December 1863 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

Joas Williams

Plaintiff and

William Barrick

Defendant on the

part of *Plaintiff* 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

24th day of *December* A. D. 1863

Elias F. Honey

Clerk.

TO JEFFERSON CIRCUIT COURT.

10 December Term, 1863

Isaac Willson

vs

William Borer

for Plaintiff

Riley Rorr

John Rorr

& Shoulz

J Borer shd \$ 1.50

I. Eagerly testify this court on Riley Rorr for Rorr
& I shoud by my meeting the same in their presence
and hearing this 50th day of November 1863

Jerome Borer Sheriff

Jackson Miller

vs

Josiah Lee & others

In the Circuit Court
of Jefferson County
Mo

We the undersigned obligate our
selves as securities for plaintiff to pay all costs
that have or may accrue in the above cause
Decr 8 1863.

J A Deal

J C Anderson

Jackson Miller

185

Journal Dec 24

From for each

Arch Dec 8 1863

Edw Moorey
Clerk

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Samuel Macaerath Malcom*
Graben, Sarah Miller

GREETING:

You are **Hereby Commanded**, That setting aside all

manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the

17th day of December 1862 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

Graben Miller is

Plaintiff and

Josiah Lee and others are

Defendant on the

part of *Plaintiff*

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

The day of *November* A. D. 1862

Elias F. Honey
Clerk.

Served on Grayham on 11 Dec 63.

TO JEFFERSON CIRCUIT COURT.

7 December Term, 1863.

Spa

Jackson Miller

vs

Jonah Leeschal

Gaut Maseraft

Wanak Buttick

Sheriff fees 2.00

230
210
265
45
855

I served the, that West by Reading
the same in the presence and hearing
of Alastair Grayham on the 11 day
Dec 1863 J. J. Ames J. J. Hoff
deceased the within writ on
Hannah Buttick by reading
the same her parents and hearing
on the 11 day of Dec 1863 J. J. Ames Sheriff
by J. J. Ames Deputy

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI

To

Riley Barr. Arthur Barr. J. Shively

GREETING :

Now are **Hereby Commanded**, That setting aside all

manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the
25th day of *February* 18*68* 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 *Joacab W. Malone is*
Plaintiff and *Wm Barr* Defendant on the
part of *both* 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

24 day of *December* A. D. 18*65*

Elias F. Honey
Clerk.

TO JEFFERSON CIRCUIT COURT.

Dear Jan, 1863

Isaac J. Wilson

vs

Wm. Forew

for Plff

Riley Ross
John Ross
J Shoulz

J. B. Dwyer Shff \$1.50

I, the undersigned, do hereby certify that this writ on John Forew on the 2nd
of January 1863 and on Riley Ross on the 2nd
of January 1863 the same in their presence and hearing
by the undersigned.

Jerome B. Dwyer Sheriff

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

*Samuel Hancock, the Hancock
Heirs, the heirs of Hancock*

GREETING:

You are **Hereby Commanded**, That setting aside all

manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the

5th day of February 1864 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 *Jackson Wheeler*

Plaintiff and *Josiah Lee Abrahams* are

Defendant on the

part of *Plaintiff* 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

5th day of *January* A. D. 186 *3*

Elias F. Honey
Clerk.

TO JEFFERSON CIRCUIT COURT.

Decem^r Jam, 1863

Jackson Miller

vs
Isiah Lee et als

for. Peff

Saml. Mascraft

Mrs Mascraft

Mary Miller

Madison Graham

J. B. Denerd \$2.00

I Executed this writ on Samuel Mascraft on
Mrs Mascraft Mary Miller & Madison Graham
by Reading the Service in their presence and
returning this 27th day of January 1864

Jerome B. Denerd Sheriff

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To Jackson *Leffers*.

GREETING:

You are *Hereby* Commanded, That setting aside all

manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the
Fifth day of February at Hillsboro, then and there

to testify, and the truth to say in a certain matter of controversy, now pending in our said
~~William~~ *Isaac Wilson*

Court, wherein

Plaintiff and *William Brown* Defendant on the

part of *Plaintiff* 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

12th day of *May* A. D. 1864

Elias F. Honey

Clerk.

per D. L.

TO JEFFERSON CIRCUIT COURT.

February Term, 1864

Isaac Wilson
vs.
William Boren
for Plaintiff
Jackson Peppers.

J. B. Doremus, Dec. 30

It is ordered that this writ be executed by
returning the same in his presence and hearing
this 24th day of January 1864

Jerome B. Doremus Sheriff

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

Wm. Fisher Evans, Deak Royce, Elias Williams
And. Johnson

GREETING:

You are **Hereby Commanded**, That setting aside all

manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the

Wednesday of February 1864

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

Seaborn & Co. v. Seaborn

Plaintiff and

Seaborn & Co. v. Seaborn

Defendant on the

part of

Seaborn & Co.

and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court,

with the Seal thereof heretofore affixed, at office, this

27

day of

January

A. D. 1864

Elias F. Honey

Clerk.

TO JEFFERSON CIRCUIT COURT.

Ag^d Deer Jan, 186 *Q*

Jackson Miller

vs

Isaac J. Miller et al

for debt

Wm. Richardson

Reuben Royle

Lucas Williams

And. Johnson

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

Jackman DePue

GREETING :

You are **Hereby Commanded**, That setting aside all

manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the

5th day of February 1864 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 *Doan & Co. vs. Wells* is

Plaintiff and *Wm. J. DePue*

Defendant on the

part of *Wm. J. DePue* 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

27 day of *January* A. D. 186*4*

Elias F. Honey
Clerk.

TO JEFFERSON CIRCUIT COURT.

Ap^o Licer Jan, 1864

Isaac. & Nelson

Mr. Buren

for. Peff
Jacks Pepper



COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

John Eagle McLean Davis
Miranda Eagle

GREETING:

You are **Hereby Commanded**, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the *26th day of February 1864* 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 *Jackson Webster is* Plaintiff and *Jesse J. McLean et al* 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

4th day of *March* A. D. 186*4*

Elias F. Honey
Clerk.

TO JEFFERSON CIRCUIT COURT.

Adj. Term Term, 1864

Jackson Miller

vs

Isaac J. Wilson et als

for debt

John Ogle

William Davis

Miranda Ogle

Sheriff Fees \$ 1.25

I Represent This petition, Miranda Ogle by Reading
The same in her presence & hearing This 16th day
of February 1864
Wm C Davis

If the jury believe that the defend-
ants wilfully and intentionally assaulted and
beat Miller they will find damages for
the purpose of punishing defendants
for the intentional assault & beating
of defendants

If the Jury find from the evidence that there
was no common design entered into as
stated in the ~~Bill~~ indictment, they
may nevertheless find a verdict ag-
ainst one of the defendants, ~~but they~~
~~shall~~ for any assault he may have
committed, and acquit as to the other
~~or they may acquit all of them,~~

Although a combination between the
parties to do the act in question may be in-
ferred from the circumstances of the case
still the fact that defendants acting in
concert should jointly beat & wound another
raises no presumption of law that they are
severed with the intent or that they are
severed they acted mutually to assist
one another to inflict such wounds.

If the Jury find for the Plaintiff they should allow such damages as will compensate him for his loss of time in consequence of the injury inflicted by the defendants, and in addition thereto, may allow such further sum for exemplary damages, or smart money as they may under ^{all} the circumstances and facts deem right.

1 If the Jury find for the Plaintiff it is for them to determine whether they will ~~find~~ allow exemplary damages or not, and if so how much. In determining the question of exemplary damages they should consider all the facts and circumstances connected with the inflicting the injury, and the motives and conduct of the defendants at the time if the injury was inflicted by them.

2 The Jury are further instructed that before they can find one of the guilty of the act of the other, they must find from the evidence that the assault was made by the defendants in pursuance of a common design previously entered into between them. It is of course not necessary to prove any formal or express agreement or intent but it may be inferred from the circumstances and is a question of fact for the Jury.

We the Jury find for Plaintiff
by the balance due to Mrs. D. from
her son

16 copy net 25° Cent Seal 50	45
net 1/2 3 copies 60¢ aff d 10	170
Stamp 65¢. leave 10° ans 25	100
aff 10¢ rule 25¢ Bond 50	85
3 Spas 75 Smea early long 25	100
net 50¢ Judy 50° Indat 20¢	70
vered 25. files 60¢ another 20¢	105
	79.05

Over shaft	2.50	
Spas	3.25	
Calls 6 mts 30 ans 20	50	
San Day 75° Paid 25	1.00	paid
		7.25
Wb Davis	5.20	
	1.30	
Moran or Gll	2.70	
~~is m~~	2.20	
M. Ruth		8.40
Jury fee		11.00
		25.70

Now again at this day comes said plaintiff
by his attorney, and the said defendants
failing to appear and show cause to set
aside the default herein entered, and this
cause coming on to be heard the Court doth
find from the petition and evidence submitted
by said ~~plaintiff~~ ~~defendant~~, in Done Re. O.
Wideman the father of said defendants
on the 20th day of November 1858 conveyed
by deeds of that date to said defendants
the following described lands Situate in Leffers-
lee. Mo. to wit.

for the purpose of defrauding his creditors, that
said H. O. Wideman was largely indebted to
said plaintiff, who purchased said land at
Sheriffs Sale under execution, as alleged in his
petition. It is therefore considered ~~and~~ ad
just and reasonable that the same should be