

Jefferson County Circuit Court
Case File - Civil

Box

17 Folder 46

May 1866, No. 36

Veth, Emma, by gdn

Veth, George

vs.

Tulloch, John W.

Malicious prosecution

Falsely accused plaintiff of killing
his mare; \$2,000 damages

Emma Veth, by George Veth,
her Guardian by nature, plaintiff
against,
John W. Tullech, defendant,
In the Jefferson
County Circuit Court
May Term 1866,
Action for malicious prosecution.

Plaintiff states, that the defendant, maliciously intending to injure her in her good name, fame and credit and to bring her into public scandal, infamy and disgrace, and thereby to impoverish, oppress and wholly ruin her, heretofore to wit: on the 3^d day of April 1866. in Platten Township, Jefferson County, State of Missouri, went and appeared before one Reed M^c, Cormack, a Justice of the Peace within and for said Township and County, and then and there before said Justice of the Peace, Reed M^c. Cormack falsely and maliciously and without any reasonable or probable cause whatsoever charged her, said Emma Veth, with having killed a certain bay mare, the property of defendant, and upon such charge the said defendant falsely and maliciously and without any reasonable or probable cause whatsoever caused the said Justice of the Peace Reed M^c. Cormack, to make and grant his certain Warrant for the apprehension and taking

of her, the plaintiff, and for bringing her before him, the said Reed (Mr. McCormack, Justice of the Peace, as aforesaid, to be dealt with according to law for the said supposed Offence, and the said defendant under and by virtue of said Warrant on the 3^d day of April 1866 aforesaid, in the Township of Platten, in said County, and State, wrongfully and unjustly and without any reasonable cause whatsoever caused and procured her, Emma Veth, to be arrested by her body, and to be carried and conveyed in custody before said Justice of the Peace, Reed Mr. McCormack, to be examined before said Justice, touching and concerning the said supposed Offence.

Plaintiff further states that said Justice of the Peace, having heard and considered all that defendant and other witnesses could say and did say against her, touching said ~~offense~~ supposed offence, by means of his Warrant of Commitment, directed to John St. Smith a Constable of said Platten Township and to the ~~Jailer~~ of Keeper of the jail of said Jefferson County, caused her, plaintiff, unjustly and unlawfully to be committed to the Jail of said County of Jefferson, on the 5th day of April 1866. in

which said Plaintiff was kept and detained about Twenty four hours; that Plaintiff on the 6th of April 1866, petitioned the Jefferson county court for a writ of habeas corpus, which was granted her, that in pursuance to said writ she was brought into said county court of Jefferson county, Mo, and the cause of her confinement inquired into by said court; and that after the hearing of the evidence against her said court adjudged and determined, that there was not sufficient legal cause for her confinement, and then, to wit. on the 6th of April 1866, caused her to be discharged out of custody, ~~fact~~

Plaintiff further states, that by reason of said several premises she has been and is greatly injured in her said credit and reputation, and brought into public scandal infamy and disgrace with and among all her good neighbors and other good and worthy citizens, and divers of those neighbors and citizens, to whom her innocence in the premises was unknown, have on occasion of the premises suspected and believed and still do suspect and believe that said Plaintiff has been and is guilty of the offence charged, and also that

said plaintiff has by means of the premises suffered great anxiety and pain of body and mind, and that plaintiff by means of the premises, ^{last} aforesaid has sustained damages Two thousand dollars for which she asks Judgment,

Thomas & Shivers

Attys for plaintiff

John L. Thomas, one of Attorneys for plaintiff makes oath and says that he believes, the foregoing petition and the matters and things as therein stated he believes to be correct,

Sworn to and subscribed before me
this 9th of April
1866
Henry F. Shivers
Notary Public,

John L. Thomas

Univ. of South
Jefferson County, Va.
May 10th 1866

Emma Beth

by George Beth
her guardian by
attorney

W.

John W. Bullock

J

as before
testimony for making
proceedings.

Filed April 9th 1866,
Samuel H. P. by Recorder

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

The State of Missouri

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

We command you, that you summon *John H. Fullack*

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 *May* next, then and there to answer unto

Emma Beth

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



Witness, *Samuel A. Reppy*, Clerk of our said Circuit
Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this *Ninth*
day of *April* A. D. 1866

Samuel A. Reppy

Clerk Circuit Court.

I executed the within summons at the County
of Jefferson Missouri on the 17th day of April 1866
on John W. Tullock by delivering to him a true
copy of the within summons



C. C. Fletcher Sheriff
per John Vinyard Deft

36
2495
TO JEFFERSON CIRCUIT COURT

May Term, 1866

Emma Veth

vs Summons

John W. Tullock

9 April 1866

Sheriff's fee 1.50

Emma Veth, by George Veth
her Guardian by nature, — Plaintiff
Against
John W. Tullock. — Defendant
In the Circuit Court of
Jefferson County.

The Defendant for Answer to Plaintiff's
petition, denies that he on the 3rd day of April
1866, went before Reed McCormack, a Justice of
the peace within & for Platte Township in Jeffers-
on County Missouri, and then & there falsely and
maliciously, and without any reasonable or prob-
able cause, charged Emma Veth ^{with} having killed
a certain Bay mare belonging to ^{said John W. Tullock} Plaintiff, &
denies that he falsely & maliciously made
any such charge, for the purpose of injuring
the good name, fame & credit of said Emma
Veth, or to bring her into public infamy,
scandal and disgrace. And Defendant de-
nies that he falsely and maliciously & without
any reasonable or probable cause whatsoever caused
said Justice of the peace, Reed McCormack to
issue a warrant for the arrest of the said
Emma Veth, to be tried for said offence of kil-
ling the Bay mare of said John W. Tullock & he
denies that he wrongfully & unjustly and without
any reasonable cause whatsoever caused said
Emma Veth to be arrested & carried before said
Justice, and tried for said offence. And De-
fendant denies that said Justice of the peace,
after trial of said cause, unjustly & wrongfully
issued his warrant of commitment & thereby

caused plaintiff to be committed to the jail
of Jefferson County aforesaid, on the 5th day of
April 1866. — But Defendant states that on
day of 1866, a Bay mare belong-
ing to Defendant was killed near the residence
of George Veth, the father of said Emma Veth
and from various circumstances, and threats
made against Defendant, by the family of
said George Veth, to wit, his wife, Louisa Veth,
Mary Diedalee, (a girl living with them as one
of his family) and ^{said} Emma Veth, ~~and from~~
the notoriously bad character they had in
the neighborhood, Defendant had good
reason to believe & did believe that said
three last named persons did kill said
mare through hatred & revenge against
Defendant. As Defendant was a material
witness against said Louisa Veth, Mary Died-
alee & Emma Veth, on their trial before said
Justice of the Peace, (two or three months
previous) charged with the stealing a cow
belonging to John Smeerman, & for which
offence they were bound over by said Justice,
and indicted by the Grand Jury of Jef-
ferson County for said offence, and soon
afterwards they made threats against this
Defendant. — Defendant therefore states
that, having reasonable and probable
cause, he did on the 3rd day of April 1866,
appear before said Reed McCormack, Jus-
tice as aforesaid, and make oath that
his Bay mare had been maliciously
killed by some person, & that he had good

reason to believe & aid believe that said
Louisa Veth, Mary Diedalee & Emma Veth
~~had~~ committed said offence, said Justice
thereupon issued his warrant for their ap=
prehension, & said persons were arrested
and tried before said Justice for said of=
fence, - and the Justice decided that there
was probable cause to believe said
Louisa Veth, Mary Diedalee, & Emma Veth
guilty of said offence; and thereupon he
required them to enter into a recogni=
zance for their appearance at Court, to ans=
wer to said charge, & upon their failing
to enter into a recognizance, the Justice
issued a warrant of commitment and
they were ^{lawfully} imprisoned in the Jail of Jef=
ferson County aforesaid, on the 5th day of April
1866, - and were discharged next day by the
County Court. But Mary Diedalee was, at
the June Term 1866, of the Circuit Court of
said County, indicted for said offence, and
which is still pending against her.
Defendant therefore states that he had
(and has now,) reasonable & probable
cause to believe said persons guilty of
said offence; and he denies that he
^{falsely} maliciously, and without reasonable and
probable cause, made said charge a=
gainst Plaintiff, - and he denies that he
made said charge against Plaintiff sing=
ly, but charged her jointly with said
Louisa Veth & Mary Diedalee, the last of whom
has been indicted for said offence. - And De=

Defendant denies that he made said charges maliciously to injure the good name, fame, & credit of the Plaintiff; for he denies that the Plaintiff, (from her ^{evil conduct and} associations with said Louisa Veth & Mary Dredalee) ^{at the time a prior to said prosecution} sustained a good name, fame, or credit in the neighborhood, where she is known. Defendant therefore states that he made said charges in good faith, without any malicious motive against Plaintiff, believing from all the facts & circumstances, ^{& the threats aforesaid} & the notoriously bad character of Plaintiff, in connection with said Louisa Veth & Mary Dredalee, that he had reasonable & probable cause to believe her guilty of said offense, in connection with said other two persons. Defendant therefore denies that Plaintiff has sustained damages in the sum of two thousand dollars, or in any sum whatever, by reason of said charges and prosecution as aforesaid.

A. Green & J. J. Williams
Attorneys for Defendant

John W. Tallock, defendant, makes oath and says the above Answer and the matters therein as stated to be true.

Sworn to and Subscribed
before me this 7th day
of Nov, 1866

Samuel A. Reppy

John W. Tallock

In Circuit Court
Jefferson County

Emma Beth by
her Natural Guardian

vs.
John W. Fortlock

Answer of
Beth,

Filed Dec 2 1866.
Entered to pay etc

COUNTY OF JEFFERSON.

The State of Missouri,

To Read M^e Cormack Wm Knorrph and
Mrs Wm Knorrph

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 14th day of November next, 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

Emma Salt is
Plaintiff, and

John M Fulloch is
Defendant

and herein you are in no wise to fail.

WITNESS, SAMUEL A. REPPY, Clerk of our said Court,

with the seal thereof hereto affixed, at office, this

20th day of October A. D. 1866

Samuel A. Reppy Clerk.

I executed the within
writ in the Township of
Vale in Jefferson County
Mo this 6 Day of November
1866 by reading the same
in the presence and
hearing of Wm J Knorpp
and Mrs Wm J Knorpp
the within named
Jeser Rudolph Washburn
Carr of Vale Township

SUBPENA.

TO

Jefferson Circuit Court

...November... Term, 1866.

Emma Beth

vs
John W. Pulloch

Witnesses for Deft.

Reed M. Carmack X

Wm Knorpp and

Mrs Wm Knorpp. X

Fletcher Sheriff 150

Serve Knorpp & wife.

McCarmack is served

COUNTY OF JEFFERSON.

The State of Missouri,

To

Christian Link, Charles Schmidt,
John Knorff and George McCormick,

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 ~~14th~~ day of November next 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

Plaintiff, and

J. M. Fullock, is
Defendant on the part of Plaintiff

and herein you are in no wise to fail.

WITNESS, SAM'L A. REPPY, Clerk of our said Court,

with the seal thereof hereto affixed, at office, this

8th day of October A. D. 186

Samuel A. Reppy Clerk.

SUBPENA.

TO

Jefferson Circuit Court

November.....Term, 1866

Emma Veth

^{vs}
J. N. Pullock

Witnesses for Off.
Christian Pirk 4
Charles Schmidt 4 5
John Kropsch and 3
George M. Cornack

Sheriff fee \$2.00

I executed the within in Jefferson County Missouri
the 12th Day of October 1866 by Reading the same
Christian Pirk Charles Schmidt John Kropsch
and George M. Cornack

Ed McChesher Sheriff
By John Williams Dept

COUNTY OF JEFFERSON.

The State of Missouri,

To *Green Battwell*

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 *14th day of November* 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

Emma Beth
Plaintiff, and

John W. Fullock
Defendant on the part of *Plaintiff*

and herein you are in no wise to fail.

WITNESS, SAM'L A. REPPY, Clerk of our said Court,

with the seal thereof hereto affixed, at office, this

18th day of *October* A. D. 186*6*

Samuel A. Reppy Clerk.

SUBPENA.

TO

Jefferson Circuit Court

November Term, 1866

Emma Beth

John W. Pullach

Witness for Plff

Green Battwell &

John William Dept

Sheriff fee 50

I Executed the Within in Jefferson County Mo
on the 17th Day of October 1866 by ~~attending the~~
~~same~~ ~~at~~ ~~the~~ on Green Battwell by sealing
same copy at his usual place of
abode with all his person of the
then the age of fifteen years
to be taken down by John William Dept

COUNTY OF JEFFERSON,

The State of Missouri,

To *Levi Kleinwilt, James Beville*
and George Wilson

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 *14th* day of *November* next, 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

Emma Beth is

Plaintiff, and

John W. Fullack

Defendant on the part of *Defendant*

and herein you are in no wise to fail.

WITNESS, SAM'L A. REPPY, Clerk of our said Court,

with the seal thereof hereto affixed, at office, this

20th day of *October* A. D. 1866

Samuel A. Reppy, Clerk.



SUBPENA.

TO

Jefferson Circuit Court

November Term, 1866.

Emma Beth

vs
John W. Pullock

Witnesses for Deft.
Lewis Kleinsmith X
James Belville X and
George Wilson X

John Williams Deft
Sheriff fee 1.50

I Executed the Within in Jefferson County Mo
on the 29th day of October 1866 by Recalling the
Name to David Kleinsmith James Belville
and George Wilson

C. H. Fletcher Sheriff
By John Williams Deft

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To *Whitaker strike Whale Schmidt and John Knecht*

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 *Fourth* ~~Day~~ *of May* 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 *Emma Vert*

Plaintiff and

John W. Willock

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

6th day of *April* A. D. 1867

Elias F. Honey

Clerk.

SUBPOENA

TO JEFFERSON CIRCUIT COURT.

May — Term, 1867

Emma Veth

vs
John W. Fullock

for Plff

Christian Fink

Charles Schmidt

John Knorpp

Sheriff fee \$150

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To *George McElmuck & Samuel Battall*

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 *10th day of May 1867* 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 *Cecilia Dech*

Plaintiff and

John W. Dillbeck

Defendant on the part of

Heunity

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

One day of *April* A. D. 186*7*

Elias F. Honey

Clerk.

SUBPOENA

TO JEFFERSON CIRCUIT COURT.

May Term, 1867

Emina Veth

vs

John W. Tullock

for Peff

George M. McCormack

Green Catterwell

Sheriff fee

\$1.50

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *John Becker, Jacob Haverstick, James Bellwill*
John A Smith

GREETING :

You are Herby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the *10th day of May 1867* 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 *Lemona Veltz*

Plaintiff and *John W. Dullock*

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

3d day of *April* A. D. 186*7*

Elias F. Honey

Clerk.

SUBPOENA

TO JEFFERSON CIRCUIT COURT.

May Term, 1867

Emma Vech

John W. Tullock
vs. n
for debt.

John Decker x

Jacob Harvestick x

James Bellville x

John A. Smith x

Sheriff fee \$2.00

*I executed the within Jefferson County Missouri
on John Decker and Jacob Harvestick and James Bellville
and John A. Smith on the 9th day of April 1867*

By Reading the same to each of them

John Williams Sheriff

Wm. R. G. W. Hitehead Deputy

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To Lewis & Son the Messrs. Knapp, Reed & Lovernicks

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 *10th day of May 1867* 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 *Emma Beth*

Plaintiff and *John W. Lulloch*

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

30 day of *April* A. D. 1867

Elias F. Honey
Clerk.

SUBPOENA

TO JEFFERSON CIRCUIT COURT.

May Term, 1867
Emma Veth.

vs.
John W. Tullock
for debt
Louis C. Smith +
William Renopp +
Reed McCormack +
Sheriff fee
\$1.50

April 10

Executed the within in Jefferson County Missouri on
June 6th and William Knopp and Reed McCormack
on the 10th day of April 1867 By Reading the same to each of
them.

John Williams Sheriff

By R. G. Whithead the Deputy