

Jefferson County Circuit Court
Case Files-Civil
SEPTEMBER 1867

Box No.

19

FOLDER NO. 41

Helterbrand, Philip

vs

Stephens, Charles
Stephens, Washington, Sr.
Shoults, Walthmore

Appeal

Defendants appealed from JP Thomas
Godfrey on \$27 damages for injuring a
cow while racing their horses on public
highway

Philip Hetterbrand p^{ly}
against
Charles Stephens
Washington Stephens Seignior
Walthmore Shewetts defendants

plaintiff states that
on the 4th day of August 1867 at his residence
in Jefferson County in the State of Missouri the
defendants Charles Stephens and Walthmore Shewetts
did injury to the plaintiff as follows that is to say
By unlawfully running their horses on the public
High way on the Sabbath day and By running
over and crippling and injuring a cow By which
plaintiff says he is Damaged to the amount of
fifty Dollars for which he prays Judgement against
Charles Stephens and Washington Stephens Seign
The Father of Charles Stephens and Walthmore
Shewetts Given under my hand this 18th day of
September 1867

Philip Hetterbrand

The State of Missouri, TO

Sebastianville Justice's Court Hannas & Smith

You are hereby commanded to be and appear personally before me, *Hannas & Smith*, one of the Justices of the Peace within and for *Sebastianville* Township, in the county of Jefferson, on the *24th* day of *October*, 18*67*, at the hour of *10* o'clock in the *fore*noon of that day, at my office in the township and county aforesaid, to testify on the trial of a cause wherein *Wm. Stephens* plaintiff, and *Charles Stephens* defendant in behalf of the *Sebastianville* and hereof fail not at your peril. *Wm. Stephens* *Charles Stephens*

Witness my signature, this *19th* day of *September*, 18*67*.

Hannas & Smith Justice of the Peace.

Presented the writ in Meenmac Township
this 2nd day of October 1867 by reading the
same the within named John & Rogers
John Black Sophia & will come & will
show to & set out our names in

John Jones & co. conductors

100

conductors

The State of Missouri, To the Constable of 2142 2 24 2142 C. Township, Jefferson County,
Washington Stephens Recd. & RETURNED:

Washington Stephens' RECEIPTING:

We command you to summon ~~Charles Shepherd~~ *Charles Shepherd* to appear before the undersigned, one of the Justices of the Peace for ~~Washington~~ *Jefferson* Township, in Jefferson county, on the ~~2~~ *5th* day of ~~October~~ *October* 1867, at ~~10~~ *10* o'clock in the ~~am~~ *am* noon, at my office, in said township, to answer the complaint of *Philip H. Clackson*

Given under my hand, this 14th day of 1867.

Thence, Feb/44. Justice of the Peace.

Received this writ in Quorum
 on the 20th day of September 1867 by reading the same
 by the clerk and Mr. Ashmun. Stephen Rogers and
 by leaving a copy thereof at the usual place of abode of the
 within named John Stephens of Attorne Shurtle
 with a writ power of the family over the age of
 fifteen years

John Stephens Bartable

Deputies \$ 50.00
 Justice fees 2.50
 Bartable fee 1.00
 1867

The State of Missouri

To John Kenagan Constable
of Merrimac Township in Jefferson
County Greeting

you are hereby commanded to summon
six Good and Lawful men of your
Township qualified to act as Jurors in
the Circuit Court and in no wise of
him to either party nor interested in the
suit to appear before me Thomas Godfrey
one of the Justices of the peace on the 5th
day of October 1867 at my office in merrimac
Township in the County Jefferson
to make a jury for the trial of an
action now pending before me said
Justice between Philip Hutterbrand
plaintiff and Charles Stephens Washington
Stephens Reigner Baltimore Shovels
defendants and there you then and
there this writ Witness my signature
This 21st day of September 1867
Thomas Godfrey J. P.

In obedience to this writ

I have summoned as
Jurors A J Crummett
Isaac Rungor

A J Hollansback

Frank Strove

John Tilaron

Alexander Smith

John Dungan Constable

Constable fees \$1.00

State of Missouri }
County of Jefferson, }

To Nathan Peppers,
Wm Sullens, and John Thomas.

You are hereby commanded to be and
appear personally before me Thomas
Godfrey, one of the justices of the peace
within and for Meramec Township, in
the county of Jefferson, on the 5th day
of October 1867, at the hour of ten o'clock
in the forenoon of that day, at my
office in the township and county afore-
said, to testify on the trial of a cause
wherein Phillip Hildebrand is plaintiff
and Charles Stevens, defendant Washington
Stevens sen. & Waldimar Shoults
defendants in behalf of the defendants
and hereof fail not at your peril.
Witness my signature this 27 day September
1867

Thomas Godfrey
Justice of the peace

Executed This writ in Muskegon Township
This the 4 day of October A.D. 1867 by reading
the same to the within named Nathan
Peppers William Sullans John Thomas

John Sanger Constable

Comdable fees 75

Philip Helsterbrand. plf
against

Charles Stephens
Washington Stephens heirs
Walter Shoultz depts

obligation for
costs we bind our selves to
pay all cost that have
occured or may hereafter
accure in this Cause

Philip Helsterbrand
Christen his pilleu
mark

Alas the young since you
the plaintive the sound of
twenty five dollars

2500 Stollenebach
at
seamen

Philip Melabrand plf. }
Against
Washington Stephens
Charles Stephens
Waltamore Shoultz }

We the undersigned
Washington Stephens, and John H. Hollenbeck,
acknowledge ourselves indebted
to Philip Melabrand, in the sum of fifty
dollars, to be void upon this condition
whereas Washington Stephens has appealed
from the judgement of Thomas Godfrey
a Justice of the Peace in an action
between Philip Melabrand Plaintiff and
Washington Stephens, Charles Stephens
and Waltamore Shoultz, Defendants,
now if on such appeal the judgement
of the Justice be affirmed or if on the
trial anew in the appellate Court judg-
ment be given against the appellant,
and he shall satisfy such judgement
or if his appeal shall be dismissed, and he
shall pay the judgement of the Jus-
tice together with the costs of the appeal
this recognizance, shall be void.

Washington Stephens,
John H. Hollenbeck,

approved This 9th day of
October 1867

Thomas Godfrey Justice of the peace

2284

Philip Melburn

2d,

Washington, September

Alfred French

Dated Oct 23rd 1867
Chas J Henry

Philip Hillatson & Co.,
Against
Washington Stephens
Charles Stephens
Walter Shoulby.

Before
Thomas Godfrey
Justice of the peace

This affiant states that
the application for an appeal by Was-
hington Stephens, Defendant, in the above
entitled cause is not made for vexation
or delay but because this affiant believes
that the appellant is injured by the judg-
ment of the Justice -

Washington Stephens

Subscribed and sworn to

Before me this 9th day of October 1867

Thomas Godfrey Justice of the peace

Philip Hetherbrand plf

against

Charles Stephens

Washington Stephens Seignior

Waltimer Shewetts defts

Plaintiff states that on the 4th day of August 1867 at his residence in Jefferson County the defendants Charles Stephens and Waltimer Shewetts did injury to the plaintiff as follows by unlawfully running their horses over and crippling and otherwise injuring a Cow by which plaintiff says he Damaged fifty Dollars for which he asks Judgement Charles Stephens Washington Stephens Seignior as parent and Guardian of Charles Stephens and directed a summons to issue which is done and delivered to John Donagan Constable Made returnable October 5th 1867

Given under my hand This 18th day of September 1867 Thomas Godfrey Justice of the peace
October 15th 1867

The parties all present for this case a Jury having been demanded a precept issued therefor and being returned the following named persons were sworn in as Jurors to wit C D Cromwell Isaac Burgen C D Hollandsback Francis Stowe John Elliottson Alexander Smith after hearing the evidence returned into Court the following verdict viz the Jury find for the plaintiff the sum of Twenty five Dollars C D Hollands Back Foreman it is therefore considered that the plaintiff recover of the defendants the sum of Twenty five Dollars and all costs of suit and that he have execution there for thereupon

Dependents tendered their affidavit and appeal
Bond for fifty Dollars for themselves and John H
Holland as security and prayed an appeal to
the circuit court from our said Judgement which
being deemed sufficient it is ordered that an appeal
as prayed be allowed dependents

Thomas Godfrey Justice of the peace

State of Missouri
County of Jefferson

Philip Hutterbrandt plf
against
Charles Stephens
Washington Stephens Deign
Walter Shawts defts

I Thomas Godfrey
a Justice of the peace within and for the Township
of Merrimac in the County of Jefferson aforesaid
thereby certify that the above and foregoing
is a true and complete Transcript of the Judg-
ment rendered in said cause as the same appears
in my Docket

Thomas Godfrey
Justice of the peace

Costs	Justice fees	\$ 5 10
	Constable fees	7 80
	witness fees	2 50
	Jury fees	3 00
Total Costs		15 90

Philip Hetherbroad, Appellee

Appeal from J. P.

Washington Stephens et al

Appellants.

Now at this day comes Washington Stephens one of said appellants moves the Court to dismiss the Cause of action as to this appellee for the following reason -

Because the Complaint filed in this Cause shows that there is no cause of action against said appellee.

John L. Thomas
Atty for Washington Stephens.

S Mullerhouse

to

Washington Stephens
Esq

Wrote to admiral
on 10 March. Stephens.

Wrote to Wm
on 10 March. Stephens.

Philip Hetterbroun, Appellee
Against
Washington Stephens Sr. et al
Appellants

} Appeal from
Justice of
the Peace.

To Philip Hetterbroun - You are hereby
notified that an appeal has been taken
by the Defendants in the above entitled cause
from the judgment of the Justice therein
to the Jefferson Circuit Court.

Washington Stephens Sr.
et al, Defendants

By John L. Thomas, Atty.

22824

P. Heltbreand

or

W. Heltbreand

Notice of appeal
John Williams
Sheriff fee 50

I served this notice in Jefferson County Mo on
the 10th Day of April 1868 on Phillip
Heltbreand by Delivering to him
above copy of this notice
John Williams Sheriff

COUNTY OF JEFFERSON,

The State of Missouri,

To

Lucie Muel, & Thomas E. Arch,

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 *12th day of May,* 1868, 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 *Philip H. Hollenbrand*

vs

Plaintiff, and *Washington Stephens* is

Defendant, on the part of *Plaintiffs* 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 *20th* day of *April*, A. D. 1868.

Elias F. Honey
Clerk.

SUBPŒNA.

TO

Jefferson Circuit Court

May TERM, 1868.

P. Ketterbrand
vs
W. Stephens et al

for Plaintiff

Curtis Null
vs
The Circuit

1868.
Recd of this writ in Meramec Township
by reading the same to the within named
Curtis Null Thomas L. Smith this 8th day of May

John Williams Sheriff
Per John Dunning
Constable

Dec 11/68

COUNTY OF JEFFERSON,

The State of Missouri,

To *John C Rogers Wells Ritchie*
Johna Arce,

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 *12th day of May*
1868 at Hillsboro, then and there to testify and the truth to say in certain
matter of controversy, now pending in our said Court, wherein *Julius Weststrand*

Plaintiff, and *Washington Stephens et al* vs

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 *20th* day
of *June*, . . . A. D. 1868.

Elias F Honey Clerk.

SUBPENA.

TO

Jefferson Circuit Court

May ... TERM, 1868

P. Hetter and
vs
W. Stephens et al

for Plt

J. C. Roques & Co. Pittick
Sophia Neale,
John Williams
Sherriff fee \$1.50

Exceeded this writ in Mercantile Township by reaching
the same to the within named William Pittick and
Sophia Neale and John Williams & Roques not served in
my County this the 11 day of May 1868
John Williams Sheriff
per John James an Constable

COUNTY OF JEFFERSON.

The State of Missouri,

To

John Sullivan & John Thomas

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 *12th* day of *May 1868*, 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

Charles Hutchinson is

Plaintiff, and

Washington Stephens is

Defendant, on the part of

Witness, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof hereto affixed, at office, this *29th* day of *April*, A. D. 1868.

Oliver A. Hunt Clerk.

Per O. D. Davis

SUBPŒNA.

TO

Jefferson Circuit Court

May. . . TERM, 1868

~~Stephens~~

vs

Hutterbrand

vs

Stephens

For Debt

Wash Stephens Sr

Wm Sullens

John Thomas

Executed this writ in Meramec Township by reaching
the same in the within named Washington Stephens Sr
and John Thomas and by serving a true copy of the
usual place of a board of the within named William Sullens
with a white person of the family over the
age of fifteen years this 9th day of May 1868

John Williams Sheriff

Per John Dunningan Constable

See #1160

Philip Heltetrand, - plaintiff	} On the Circuit Court of Jef- ferson County Missouri, - vs Appeal.
Against	
Charles Stephens	
Washington Stephens Sr, Waltimore Shontts,	

The Plaintiff by leave of the Court amends the form of his statement of the case filed before the Justice, - and states that the Defendants on the 4th day of August 1867, at the County of Jefferson aforesaid, unlawfully and wrongfully ran a horse over a Cow then & there being in the Public highway, the Property of Plaintiff, & of the value of fifty dollars, and crippled and injured her so that she died, - and that the said Charles Stephens is a minor son of the said Washington Stephens Sr. and was at the time living with and performing labor for said Father, who as such is responsible for the trespasses of his said minor son, - Plaintiff states that he has been damaged by the wrongful acts and doings of the Defendants in the sum of fifty dollars, and for which he asks Judgment.

Philip Heltetrand
Plaintiff, By A. Green his
Attorney.

Philip Westbourne

18,

Charles Stephens.

Washington Stephens, Jr.
St. Baltimore & County

Announces

Statement of the case

Charles May 12th 1865,
of Henry Co,

P. Nettibond

vs
W. Stephens et al

} Appeal from J. D.

Now at this day, comes Washington
Stephens one of said defendants and
moves the Court to dismiss this cause
as to him for the following reason:

1. Because there is no cause of action
stated in the amended Complaint filed

Thomas

Atty for defendant.

Northwood

B

~~Admission~~ ~~charge~~

Author is admitted
as to Mr. ~~Admission~~.

Quoted in my 10th MS
of A. H. H. H. H. H.

Quoted in

County of Jefferson, ss.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, Greeting:

We command you to attach *Sophia Null*

by *her*

body, and safely keep, so that you have *her* body before our Honorable
Circuit Court, *Forthwith*

then and there to answer a contempt by *her* committed, in not attending said
Court as a *witness* after being
duly Summoned to do so. Herein fail not, and have you then there this writ.

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

with the seal thereof hereunto affixed, this *14th*

day of *May* A. D. 1868

Elias F. Honey

Per J. Hornum CLERK.

TO THE CIRCUIT COURT OF

JEFFERSON COUNTY.

May Term, 1868

Wellenbarn

vs
Stephens

Sophia Muel

There is no law in this State regulating the
speed with a man may travel on the
public highways -

1412

2 - Of the jury believe that the Defendants
were acting unlawfully, but, while pass-
ing the House of Parliament,

The jury are instructed that if they
find evidence, that the
defendant, defendant were both engaged
in doing an unlawful act on the public
high-way and while so engaged one of
committed a trespass upon the property
of another person - ~~and~~ then both of
defendants are responsible for the
trespass and the jury should find
against those defendants, to the
amount of damages they believe from
the evidence plainiff has sustained
by the damages injury to said cows.

Philip Hellerboud
vs
Charles Stephens et al }

The court instructs the jury that if they believe from the evidence that Mortimer Shouty ran over the cow injured here they will find for the issue for Charles Stephens unless they further find that Charles Stephens & Mr. Shouty agreed to run over & injure said cow.

If the jury believe from the evidence that Mortimer Shouty & Charles Stephens were on a public road at ^{the time} the injury to the cow occurred that they were not running a race, ^{but} that their horses got scared at the dog of Hellerboud & ran away with them and unavoidably ran over the cow then they should find for both defendants.

The jury are authorized to acquit or condemn
and to find the other guilty of the offences.

Philip Veltetrama

vs,

Charles Stephens &
Wattimore Shoults,

The Plaintiff asks the Court
to give the jury the following instructions

Refused, - If the jury believe from the evidence
that the Defendants were on the 4th of
August 1867, riding their horses rapidly
while passing the House of Plaintiff,
in the public highway, and that in
consequence of such fast riding they
or either of them ran their horses over
or against a cow, belonging to Plaintiff,
and crippled and injured such Cow,
then the Defendants are both liable,
and the jury should find for the
Plaintiff, such damage as they think
he has sustained by such injuries
so done to such animal.

2284
Refers

Wellerbrunn

Stephens

Instruction
issued by Staff
x Defences

~~James~~
We the Jury find the Defendants both the
Esquirely Guilty and Assess the damage at
twenty dollars

J. Mitchell
Foreman

Phil Kitterbrand
 Chas Stephens & Mortimer Shoults.

Fee Bill,

Thomas Godfrey Justice,	\$ 5.10
Jno Dinnigan Const,	4.80
Witness Fees	2.50
Jury Fees	<u>3.00</u>
	15.40

E. H. Honey Ct, files $\frac{75}{100}$ motion $\frac{20}{100}$ rule $\frac{20}{100}$ dis $\frac{35}{100}$ dock $\frac{10}{100}$	\$ 1.40
affs $\frac{10}{100}$ sur & ent jry, $\frac{1}{100}$ Judgt $\frac{50}{100}$ ~~aff~~ $\frac{15}{100}$ Jno $\frac{15}{100}$ motion $\frac{20}{100}$	1.95
used comp $\frac{20}{100}$ Cont $\frac{25}{100}$ 3 sps $\frac{75}{100}$ attach $\frac{50}{100}$ org $\frac{20}{100}$	1.90
making cost, $\frac{40}{100}$ P.B. $\frac{10}{100}$ Cts $\frac{50}{100}$ 100 aths $\frac{50}{100}$	<u>1.50</u>
	\$ 6.75

John Williams Shff, serv, 8 sps -	\$ 4.00
1 attach for mit	1.00
Serv jry,	1.00
10 Calls @ 5,	<u>.50</u>
	\$ 6.50

T. B. North, 5 days, 36 miles,	\$ 7.88
W. S. Schulz, 3, 32 "	\$ 5.56
Willis A. Dietrich 5, 36,	7.88
Wm Ramey 1 -	<u>1.00</u>
	\$ 22.32

Jury Fee	12.00
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Miss

W. H. H. H.

W. H. H. H.

W. H. H. H.

W. H. H. H.