

Jefferson County Circuit Court
Case Files - Civil

Box 21 Folder 22

May 1868

Murphy, Patrick

vs.

Ball, John

Appeal

Defendant appealed from JP
James C. Power on \$163 account
for work done; depositions;
file includes loyalty oath
for jurors

Mr. John Bell

To Patrick Murphy Dr.

Jan'y & Feby 1867. To 27 days work at \$2.00 per day, \$54.00

Dec 1866 To sent \$9.00 overcharged for board, as per contract

in the month of December 1866,

for rest days & Sundays in violation

of contract

\$9.00

Amount due January 20th 1867 - \$63.00

Justices fees of 175-
Constables fees - 70-

Filed July 4th 1868
E J Connelley

John Ball
in acct with-

Patrick Murphy-

Demand \$63.00

Filed Sept 21st 1867

J. C. Powers J. P.

Murphy Dr.
\$2.00 per day.

County of Jefferson

The State of Missouri
To the Constable of Central Township
Greeting We command you to summons
John Ball To appear before me the
undersigned Justice of the peace within
and for Central Township in the County
of Jefferson on the ¹⁸th day of ~~September~~ ^{October} 1867
at my office in said Township
To answer the complaint of Patrick
Murphy Given under my hand
this 4th day of ~~September~~ ^{October} 1867

Gas C Power Justice
of the peace

Summons

Patrick Murphy
vs

John Ball

Debt \$63.00

J P fees

85

Const fees

75

Filed July 4 1868

C J Harey clk

Patrick Murphy, Plff } Before James B.
Against } Power, J. P. Central
John Ball, Defendant } Township, Jefferson
Co. Mo.

Patrick Kelly Plff }
v } Do
John Ball, Defendant }

John Holman, Plff }
Against } Do
John Ball, Defendant }

To John Ball, the above named defendant
in all the above causes,

You are hereby notified that depositions
of witnesses to be read in evidence on the
trial of the above entitled causes, on
the part of the Plaintiffs, respectively will
be taken at the office of John A. Christo-
pher, Notary Public, No 224 Chestnut Street
St. Louis, Missouri, on the 9th day of ~~September~~
^{October} 1867, between the hours of eight o'clock in
the forenoon and seven o'clock in the afternoon
of that; and if not completed on that day, the
taking thereof will be continued from day
to day, at the same place and between the
hours aforesaid.

John L. Thomas
Atty for Plaintiffs

Patrick Murphy

by

John Ball,

Patrick Kelly

by

same -

John Holman

by

same

(original)

Notice to take depo
sitions -

James Constat

cts
50

Notice
I send the within ~~to~~ on the
William James ~~James~~ ^{John} Dale
copy of the same ~~to~~ ^{to} James
James in Jefferson County, on the 26
day of September 1869

John James
James & James Sept 26

Deposition of witnesses, produced, sworn & examined on the 9th day of October A.D. 1867, between the hours of Eight O'clock in the forenoon, & six O'clock in the afternoon of that day at the City of St. Louis, in the County of St. Louis & State of Missouri, before me, John A. Christopher, a Notary Public, duly commissioned & qualified, within & for the State & County aforesaid, in a certain cause now depending before James C. Power, a Justice of the Peace of Central Township, Jefferson County, Mo. between Patrick Murphy, plaintiff, and John Ball, defendant, on the part of the plaintiff:

Patrick Murphy of lawful age, being produced, sworn & examined on the part of the plaintiff, deposes & says:

I am the plaintiff in this action, I have worked for Mr. Ball, he owes me for $21\frac{3}{4}$ days work in the month of January 1867, and for $5\frac{1}{4}$ days in the month of February, for which work he agreed to pay \$2.00 per day - I did the work for Mr. Ball on a levee in the State of Louisiana, he agreed to board me besides paying me \$2.00 per day for my work, he kept \$9.00 from me in the month of December 1866, for board for wet days & Sundays -

he agreed not to charge me any board for wet
days & Sundays - in case I loafed around
& failed to work on good days, then I was to
pay \$1.00 per day for board - I did not idle
away any time, I worked every day that
a man could work - I have received no
pay on the account owed above.

Patrick ^{and} Murphy -
wrote

Sworn to & subscribed before me,
this 9th day of October A.D. 1867,
on the day place & persons first aforesaid.

Jno. A. Christopher.

Notary Public,
St. Louis County,
Mo.



Timothy Holmessey of lawful age,
being produced, sworn & examined, deposes
& says -

I know the plaintiff in this
action, Patrick Murphy - he worked under
me as his foreman for Mr. Ball, in the
State of Louisiana - I have kept the time
he has worked in my books - he worked
 $21\frac{3}{4}$ days in the month of January 1867,
and $5\frac{1}{4}$ days in the month of February 1867,
he never received any pay for that work -
I was present when Mr. Ball employed the
plaintiff, and he agreed to pay him \$2.00
per day & board, & he agreed not to charge
any board for wet days & Sundays - he
further agreed should the plaintiff idle
about in good working days, he was to
be charged board out of his wages -
the plaintiff was charged \$9.00 for board
in the month of December 1866, which
was taken out of his wages, for wet
days & Sundays - the plaintiff was hired
in St. Louis - I went with the plain-
tiff to the work in Louisiana - he worked
under my control all the time, the \$9
deducted from plaintiffs wages, was in direct
violation of his contract, as the plaintiff did
not idle away any of his time -

Timothy Hennessy
Crop examined:

I reside in the City of St. Louis,
I did not pay the hands, but just
Kept the time they worked -

Timothy Hennessy
Sworn to & subscribed before me on the day,
at the place & within the hours first aforesaid.
Geo. G. Christopher.
Notary Public
St. Louis & Mo.

I, John G. Christopher a Notary Public, duly
commissioned & qualified within & for the State &
~~County~~ of Missouri & County of St. Louis,
do certify that in pursuance of the annexed
notice, came before me at St. Louis, in the County
& State aforesaid, at No 224 Chestnut St. Patrick
Murphy & Timothy Hennessy, who were by me
severally sworn to testify the whole truth of their
knowledge touching the matter in controversy aforesaid,
that they were examined, & their examination re-
duced to writing & subscribed by them respectively
in my presence, on the day, between the hours,
& at the place in that behalf first aforesaid & their said depositions are now herewith
returned.

Given at the City of St. Louis in the County
of St. Louis & State of Missouri on this the 9th
day of October A.D. 1867.

Geo. G. Christopher.
Notary Public

Notary's fee \$2.50

December 26th 1867

are the price paid for the prints

\$400

John Will Carey

farmer

State of Missouri,

COUNTY OF JEFFERSON.

Brigs William John Williams Jackson Muller R J Hays
James Jackson & John McCreery

do solemnly swear that..... well acquainted with the Third Section of the Second Article of the Constitution of the State of Missouri, adopted in the year eighteen hundred and sixty-five, and..... have carefully considered the same; that..... have never, directly or indirectly, done any of the acts in said section specified; that..... have always been truly and loyally on the side of the United States, against all enemies or opposers thereof, foreign and domestic; that..... will bear true faith and allegiance to the United States, and will support the Constitution and laws thereof, as the supreme law of the land, any law or ordinance of any State to the contrary notwithstanding; that..... will, to the best of..... ability, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved, or the Government thereof to be destroyed or overthrown, under any circumstances, if in..... power to prevent it; that..... will support the Constitution of the State of Missouri; and that..... make this oath without any mental reservation or evasion, and hold it to be binding on.....

Sworn to and subscribed before me, this 20.
day of Dec., 1867

J. C. Pomeroy Justice
of the Peace

John Williams
mark
Richard Hays
John W. McCreery
James Jackson
mark
Jackson Muller
mark
Brigs William
mark

Patrick Murphy
vs

John Ball

Filed July 11th 1868
E. J. Hurley
Clerk

Circuit Court Jefferson County.

Patrick Murphy

Respondent

against

John Ball

Appellant

Bond on Appeal from

Judgment rendered before J. C. Lower Esq.

Dec 20th 1867.

Patrick Murphy vs John Ball -

We the undersigned John Ball ^{as principal} and Ira E. Leonard M. P. Lynch
as sureties acknowledge
ourselves indebted to Patrick Murphy in the sum of one hun-
dred and thirty dollars to be void upon this condition.

Whereas John Ball has appealed from the judgment of
J. C. Lower Esq. a Justice of the Peace in an action between
Patrick Murphy plaintiff and John Ball defendant
now if on such appeal the judgment of the justice be
affirmed or if on the trial anew in the appellate court
judgment be given against the appellant and he
shall satisfy such judgment or if his appeal shall
be dismissed and he shall pay the judgment
of the justice together with the costs of the appeal
then this recognizance shall be void and of
no effect.

Approved Dec 28th 1867

James C. Pamer

Justice of the Peace

John Ball
Ira E. Leonard
M. P. Lynch

Circuit Court
Jefferson County
~~James~~
Patrick Murphy
Respondent
Against
John Ball
Appellant
~~James~~
Bond on Appeal
J. C. Paves fees 25-

W. Ed. July 4/86
E. H. Honeycutt

Circuit Court Jefferson County

Patrick Murphy

Respondent

against

John Ball

Appellant

Affidavit on Appeal from

Judgment of Justice

J. C. Power Esq

Justice Peace.

Filed & judgment rendered Dec. 20th/86.

State of Missouri

Jefferson County } S.C.

John Ball being duly sworn deposes and says that the application for appeal from the judgment of the Justice rendered against him by J. C. Power Justice of the Peace wherein Patrick Murphy was plaintiff & John Ball was defendant and which judgment was rendered on the 20th day of December A.D. 1867, at Wellsboro in said County is not made for vexation or delay but because he believes the appellant is injured by the judgment of the justice.

John Ball

Subscribed & sworn to before

me this 26th day of Dec 1867

A. E. Leonard

Notary Public



Circuit Court
Jefferson County
Patrick Murphy
Respondents
against
John Ball
Appellant
Affidavit for Appeal

J. C. Powers per
J. C. 25

Filed Dec 27th 1867

Jas C Powers Justice
of the Peace

Filed July 4th 1868
E. J. Money

Patrick Murphy }
against } account filed September
John Ball }
21st 1867 for forty three Dollars Summons
issued returnable on the 18th day of October 1867
now on this day the constable returns the Summons
on Duley served according to Law and the
Defendant comes in to Court and renders his
affidavit asking for a continuance which is
considered by the Justice that the Defendant
have until the 20th day of December 1867 for
trial now on this day the parties being ready
comes a jury to wit John Williams John W Mc
Creery Jackson Miller James Mc Jackson
Richard J Manpin and Bridges Williams
all good and lawfull men householders of Central
Tennessee after being sworn the matters are
submitted to the jury who after hearing the
proofs and allegations of the parties find
for the plaintiff the sum of Fifty ^{four} Dollars
it is therefore considered and adjudged by
the Justice that the plaintiff have and recover
of the Defendant the aforesaid sum of fifty four
Dollars for his Debt and Damages and also his proper
costs herein expended and that he have Execution
there for James C Pomer Justice of the Peace
now on this 27th day of December 1867 comes the Defendant
John Ball and renders his his affidavit and now
asking for an appeal in the above case to the Circuit

Court of Jefferson County Missouri which
is granted by the said Justice.

James C. Pauer Justice of the
peace

State of Missouri
County of Jefferson

I James C. Pauer Justice
of the peace within and for Central Township
in the County aforesaid hereby certify that
the above Transcript is a true and correct
one of my Record as it now stands on
file in my office given under my
hand this 4th day of February 1868

James C. Pauer Justice
of the peace

Patrick Murphy

John³ Ball

Transcript of Appeal

Filed July 4th 1868

Elias F. Moorey, clk

Dismissed May 13th 1878,

(Book 5 p 333,

my
Transcript

Patrick Aburphoy

vs

John Ball

J. C. Parnes fees for trial

Amount

\$1.00

Patrick Murphy }
 against }
 John Ball } Fee Bill

Jas C. Pomeroy Justice fees
 To Docters case & indenter 20
 Summons 35
 Jury ven 35
 Swearing to the oath & to try the case 50
 Swearing 1 witness 5
 Judgment 50
 affidavit for appeal 35
 Bond 35
 Transcript of Docket 100
 \$360

& James Constable fees
 To Swearing Summons 75
 Summons jury 100
 175

Jury fees paid by
 John L. Harwood plaintiff attorney 3,08

Total amount \$840

The above is a true
 and correct amount of fees
 Due the parties in the above
 case this 4th day of February 1868

J. C. Pomeroy Justice
 of the peace

Justice fee bill

Patrick Murphy

vs

John Ball

Filed July 4th 1868

E. J. Morrey, clerk

COUNTY OF JEFFERSON.

The State of Missouri,

To

John Bell

You are Hereby Comanded, 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

Patrick Murphy is

Plaintiff, and

John Bell 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 *17th* day of *April* . . . A. D. 1868.

Elias F. Honey Clerk.

Per C. A. McInnis Esq

SUBPŒNA.

TO

Jefferson Circuit Court

May TERM, 186

Murphy

Ball

Pro. Def.

John Ball

John M. Williams

Sheriff's fee

50

I certify the within in Jefferson County Mo on
the 12th day of May 1865 at John Ball his Secy
the same to him

John M. Williams
Sheriff