

Tofferson County Circuit Court
Case files - Civil

Box 22 Folder 42

November 1868, No. 203

Brachvogel, Herman
Brachvogel, Albert

vs

Williams, John, Sheriff of Tofterson County

Injunction

Enjoin execution of \$20 Judgment
in favor of Phillip Blank

Hermann and Albert Brachvogel,
plaintiffs,

against
John Williams, Sheriff of Jeffer-
son County, Mo. Defendant.

To the above named defendant,

Sir.

Take notice,
that at the next adjourned term of the county
court of Jefferson County, Missouri, to be begun
and held on the 3^d Monday of August 1868, and
on the first day thereof, or as soon thereafter,
as I can be heard, I shall present to said court
a petition, praying for a writ of injunction
against you to enjoin and restrain you from
enforcing, levying, and selling under an execu-
tion, issued by the clerk of the circuit court
of said county in favor of Phillips Blank,
and against us, the above named plaintiffs,
for \$90. and costs, which is dated July 17th
1868. and the reasons for which injunction
are stated in said petition,

Hermann & Albert Brach-
vogel, plaintiffs, by Henry F.
Akers, their Attorney,

H. & A. Brachvogel
vs.
John Williams

Notice
of application for
injunction.

Filed Aug 19th 1868,
E. J. Honey & Co.

Acknowledged service of the within
notice upon me this 12th day of August
1868,
John Williams Sheriff

Hermann and Albert
Brachvogel, plaintiffs,
against
John Williams, Sheriff
of Jefferson Co, Mo, Defd.

Petition to County
Court of Jefferson Co,
for writ of injunctio
returnable to next
Term 1868, of Circuit
Court.

Plaintiffs state, that in August 1867, Phillip
Blank instituted an action on account for \$90.
against them before Justice B. S. Kessy
of Valle Pannship in said county; that said
action was tried before said Justice on the
14th of September 1867, and Judgment given
against plaintiffs for said sum; that plaintiffs
appealed from said Judgment to the Circuit
Court of said County of Jefferson, and that
in this latter Court said case was tried on
said appeal on the 12th day of May 1868,
before a Jury of 12 men, and that said
Jury found a verdict against plaintiffs
for ninety dollars and costs, Plaintiffs
further state that within the time prescribed
by law, they filed a motion for a new
trial, that said motion was heard by said
Court on the 15th of May 1868, ^{said verdict set aside} and a new
trial granted in said case upon the plain-
tiffs paying the costs of the term of said
Court, accrued in said case; that the clerk

of said court however by mistake, entered of the records of said court, that the new trial was granted, as aforesaid, upon payment of all the costs in said case, which mistake the plaintiffs ^{will, per corrected} further state, that on the 17th July 1868. the clerk of said circuit court issued an execution for said ninety dollars and all the costs in said case in favor of said Phillip Blank and against plaintiffs, before a new trial, granted by said circuit court was had, and placed the same in the hands of the Sheriff of said county, the defendant herein, and that said clerk did so against law and in misuse of his official authority, and that said Sheriff is about to levy upon and sell plaintiffs property to satisfy said execution, and that the said Sheriff will do so, unless restrained from it by an injunction.

Plaintiffs further state, that they always have been willing and are still willing, to pay the costs of the term, adjudged against them as aforesaid, and tender the same here in court, and that said Phillip Blank is entirely insolvent.

Plaintiffs therefore ask the Honorable the County Court of Jefferson Co. Mo., to grant a writ of injunction, against de

pendant, thereby enjoining and restraining him from enforcing the execution issued as aforesaid, except as to the costs of the May Term 1868. of said Circuit Court, which plaintiff here tenders.

Plaintiffs further state, that there is not now any Circuit in session or any Judge thereof within the County of Jefferson.

Wormam & Albert Brash
vagel by their Attorney
Henry F. Ahlerss,

Hermann & Albert
Brachnagel, petts
against

~~Philip Blank~~
John Williams

Petition for and
pinotian.

Filed Aug 19 1868
E. H. Honey Cl

Filed Aug. 17th 1866

Wm. Mullin &


Hermann and Albert
Brachvogel, plaintiffs,
against
John Williams, Sheriff
of Jefferson Co, Mo, deft.

We, Hermann Brachvogel and Albert Brachvogel as principals, and Eugene Amos, as security, acknowledge ourselves indebted to John Williams, Sheriff of Jefferson County, Mo, in the sum of Two Hundred dollars, for the payment of which we bind ourselves, our heirs, executors and administrators,

Upon condition however as follows:
Whereas We Hermann and Albert Brachvogel have obtained a writ of injunction, granted by the County Court of said County of Jefferson at its adjourned term, being August Term 1868, against John Williams Sheriff of Jefferson Co. Mo, to enjoin and restrain the latter from enforcing an execution, issued by the Clerk of the Circuit Court of said County on the 17th of July 1868, in favor of William Blank and against the plaintiffs herein for \$90. and costs, and if the plaintiffs herein shall abide the decision, which will be made on said

injunction, and pay all sums of money,
damages and costs that shall be adjudged
against said defendants, if the injunction
shall be dissolved, then that bond is to
be void, otherwise to remain in full
force.

Witness our hands and seals this
16th day of August 1868.

Wm. A. Williams.

(Seal)

J. B. Williams.

(Seal)

L. J. Jones.

(Seal)

Brachvogel
vs.
Ino Williams

Approved & filed
August 17th 1868
R. M. Mendenhall

Filed Aug 19th 1868,
E. F. Honeyd

Hermann and Albert,
Brachvogel. Plaintiffs
against
John Williams Sheriff
of Jefferson Co Mo, defd,

} Petition to County
Court of Jefferson Co
for writ of injunction
returnable to next
Term 1868, of Circuit Court.

Plaintiff states, that in August 1867

Philip Blank instituted an action on account
for \$90, against them before Justice R. D. Peppy
of Valle Township in said County; that said
action was tried before said justice on the
14th of September 1867 and judgment given
against plaintiffs for said sum; that plain-
tiffs appealed from said judgment to the
Circuit Court of said County of Jefferson,
and that in this latter Court said case was tried
on said appeal on the 12th day of May 1868, before
a jury of 12 men and that said jury found
a verdict against Plaintiffs for ninety dol-
lars and costs. Plaintiffs further state that
within the time ~~prescribed~~ of law they filed a
motion for a new trial, that said motion
was heard by said Court on the 15th of May
1868 said verdict set aside and a new trial
granted in said case upon the plaintiffs pay-
ing the costs of the term of said Court,
accrued in said case; that the Clerk of said
Court however by mistake, entered of the records
of said Court, that the new trial was granted
as aforesaid, upon payment of all the costs
in said case, which mistake the Plaintiff

will be corrected. Plaintiffs further state that on the 17th July 1868, the clerk of said Circuit Court issued an Execution for said ninety dollars and all the costs in said case in favor of said Philip Blank and against plaintiffs, before a new trial, granted by said Circuit Court was had, and placed the same in the hands of the Sheriff of said County, the defendant herein, and that said clerk did so against law and in misuse of his official authority, and that said Sheriff is about to levy upon and sell plaintiffs property to satisfy said execution, and that the ^{said} sheriff will do so, unless restrained from it by an injunction. Plaintiffs further state, that they always have been willing and are still willing to pay the costs of the term, adjudged against them as aforesaid, and tender the same here in open court, and that said Phillip Blank is entirely insolvent. Plaintiffs therefore ask the Honorable the County Court of Jefferson Co Mo to grant a writ of injunction against defendant, thereby enjoining and restraining him from enforcing the execution issued as aforesaid, except as to the costs of the May Term 1868, of said Circuit Court which plaintiffs here tender. Plaintiffs

further state that there is not now any Circuit
in Session or any judge thereof within the
County of Jefferson,

Hermann & Albert Brachvogel,
by their attorney Henry R. Ahlers,

A true copy of the original petition now
on file in my office,

Witness my hand and the seal
of said Circuit Court at office
this August 19th 1868,

Chas. F. Honey Clerk
Per C. J. Horne Sept

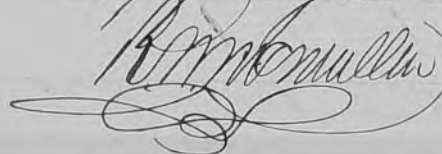
State of Missouri } In the County Court
Jefferson County } August ~~1868~~¹⁸⁶⁸ A.D., 1868

The following proceedings were had - to wit
Herman & Albert Brachvogel } On Petition for Injunction
vs }
John Williams Sheriff of Jefferson County Mo. } Now at this day comes
said Plaintiffs and present their Petition stating, that on the
12th day of May 1868, Philip Blank obtained a judgement a-
gainst them in the Circuit Court of Jefferson County, for the
sum of ninety dollars and costs, that within the time prescribed
by law, they filed a motion for a new trial, that said motion
was heard by said Court on the 15th day of May 1868, and a
new trial granted, And the verdict set aside upon the Plaintiffs
paying the costs of the term of said Court, accrued in said case,
that the Clerk of said Court, However, by mistake entered of
the records of said Court, that the new trial was granted as
aforesaid upon the payment of all the costs in said case,
that on the 17th day of July 1868, the Clerk of said Circuit Court
issued an execution for ninety dollars and all the costs
in said case, in favor of ^{said} Philip Blank and against these Plain-
tiffs before any new trial was had, and placed the same in the
hands of the Sheriff of Jefferson County, the defendant herein, that
they have always been willing to pay the costs of the term adjudged
against them as aforesaid, that said Philip Blank is en-
tirely insolvent, and that ~~is~~ there is not now any Circuit
Court in session or any Judge thereof within the County of
Jefferson, and pray for an injunction against defendant
enjoining and restraining him from enforcing the
execution issued as aforesaid, except as to the costs of the

May Term 1868, of said Circuit Court. Whereupon it appearing to the Court that the Defendant herein has been duly served with notice, and the Plaintiffs filing Bond in the sum of Two Hundred Dollars, which is approved by the Court, the Court doth order that the Injunction be granted, and that the clerk of this Court, certify to the Clerk of the Jefferson County Circuit Court, these proceedings, that an injunction may be granted as asked for, returnable to the next November Term of said Circuit Court;

A true Copy of the proceedings herein as the same remains of Record in my office,

Witness my hand and the Seal of said Court Hereunto affixed this 18th day of August A.D. 1868.

 clerk Co. Court,

Wm. Mullin's fee \$1.75

Filed Aug 19 1868,
E. H. Honey Cl,

County of Jefferson, Sch
The State of Missouri

To the Coroner of the County of Jefferson, Greeting

Whereas the County Court of Jefferson ^{County} State
of Missouri at an adjourned Term thereof
began & held on the 17th day of August, A.D. 1868,
& on the first day thereof, upon the petition of
Albert & Herman Brachvogel a certified copy
of which is hereto annexed, and upon the filing
of a bond by said Albert & Herman Brachvogel
with approved security, (which bond has been
approved by said court) has ordered and adjudged
that the prayer in said petition be granted and
that a writ of injunction returnable to the
November Term 1868 of the Jefferson Circuit
court, be issued enjoining and restraining
John Williams Sheriff of said county from
enforcing and collecting a certain Execution
issued from the Clerk's office of said Jefferson
Circuit Court on the 17th day of July A.D. 1868
in favor of Philip Blank and against Albert
& Herman Brachvogel for ninety Dollars
and all the costs in said case, which said
Execution was issued upon a judgment rendered
in said Circuit Court on the 12th day of May
1868,

These are therefore to command
you that you notify the said John Williams
Sheriff, that he is hereby enjoined, restrained
and prohibited from enforcing or collecting
said judgment or execution, except the

costs accrued in said case at the May Term of the Jefferson Circuit Court, aforesaid. And you are further commanded that you summon the said John Williams Sheriff of said County that he be and appears 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 & for the County of Jefferson on the seventh Monday after the fourth Monday of September 1868 then and there to answer unto Albert & Herman Blackvogel upon their original petition a copy whereof is hereto annexed and accompanies this writ and have you then there this writ.

Witness Elias D Honey Clerk of our said Circuit Court with the seal thereof hereunto affixed at office in Hillsboro this Twentieth day of August and 1868,

Elias D Honey Clerk
Per Catharine Horine Deft

I directed the within writ at the County
of Jefferson on the 2nd day of Sept 1868,
by delivering to John Phillips the
within named defendant a true copy
of the within writ & petition and
furnishes me by the Clerk

W. H. Higgins

(signed)

No 208

Albert & Herman Brachvogel

2714

To the Jefferson Circuit Court,

Nov Term 1868,

Albert & Herman Brachvogel

= vs =

John Williams Sheriff

(original)

Stagman fee \$1.00

County of Jefferson. Sch

The State of Missouri,

To the Coroner of the County of Jefferson Greeting

Whereas The County Court of Jefferson County, State of Missouri, at an adjourned Term thereof begun & held on the 17th day of August A.D. 1868 & on the first day thereof, upon the petition of Albert & Hermann Brachvogel a certified copy of which is hereto annexed, and upon the filing of a bond by said Albert & Hermann Brachvogel with approved security (which bond has been approved by said Court,) has ordered and adjudged that the prayer in said petition be granted, and that a writ of injunction returnable to the November Term 1868, of the Jefferson Circuit Court, be issued enjoining and restraining John Williams Sheriff of said County from enforcing and collecting a certain Execution issued from the Clerk's office of said Jefferson Circuit Court, on the 17th day of July, A.D. 1868, in favor of Philip Blain and against Albert & Hermann Brachvogel for Ninety Dollars and all the costs in said case which said Execution was issued upon a judgment rendered in said Circuit Court on the 12th day of May 1868, These are therefore to command you that you notify the said John Williams Sheriff that he is hereby enjoined, restrained and prohibited from enforcing or collecting said judgment or Execution, Except the costs accrued in said case at the May Term of the Jefferson Circuit Court aforesaid, And you are further Commanded that you summon the said John Williams Sheriff, of said 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

for the County of Jefferson on the seventh Monday
after the March Meeting of September 1868,
then & there to answer unto Alford & Newman's Petition
regard upon their original petition a copy whereof is
hereunto annexed and accompanied this with and have
you then there this with,

Attest Charles Henry clerk of our said
Circuit Court with the seal thereof here-
unto affixed at office in Winchester this
seventeenth day of August A.D. 1868,

Chas. H. Henry Clerk
Per John Stone atty

No 203

Drachvogel
vs
Williams