

Jefferson County Circuit Court
Case Files - Civil

Box 22 Folders 65

January 1869

Byrns, Isaac N.

vs.

Byrne, Patrick P.

Appeal

Plaintiff appealed from JP
Patrick Denigan on \$41.75 account
for corn; depositions

111

November 3rd 1867

Patrick P Byrnes to	
One Hundred and sixty	
bushels of Corn at one	
dollar per bushel	\$160:00
paid by cash	118 75
balance due	\$41:25

V. P. Byrnes

J Wilkerson
 John Weare
 Linn Weare

The State of Missouri }

To Jacob Wilkison

John Weas John Wilkison James E Weas
Reared Berens you are hereby commanded
to be and appear personally before me
Patrick Durnigan one of the justices of the
Peace within and for Boone Township
in the County of Jefferson on the 17th day
of December A D 1868 at the hour of
Ten of the o'clock in the forenoon of that day
at my office in the Township & County aforesaid
to testify on the trial of a cause wherein
D. C. Byrnes is plaintiff and Patrick C
P Byrnes is defendant in behalf of
the plaintiff and thereof fail not at your
peril

Witness My Signature this is the 3rd day
of December A D 1868

Patrick Durnigan J. P.

Created this writ in Merrimac Township
This 17 day of December 1868 by reading the same
to the within named Jacob Wilkerson John Wease
John Wilkerson James L Wease Beavers
John Fanning Constable

Forfeited fee 1.25

Filed Aug 21st 1869
D. J. Hargreaves

The State of Missouri }

To The Constable
of Merrimac Township in Jefferson County
Greeting

We command you to summon Patrick
P Byrne to appear before the undersigned
one of the Justices of the Peace for
Merrimac Township in Jefferson County
on the 19th day of December 1868 at
Ten O'clock in the forenoon at My office
in said Township to answer the complaint
of J N Byrne

Given under My hand
this 3 day of December A D 1868

Patrick Dunigan
Justice of the Peace

Presented this writ in Merriam Township
this 4 day of December A.D. 1868
by reading the same to the defendant
Patrick P Byrne this 19 day of Dec
1868

John Francis Constable

J P Byrne

vs
Patrick P Byrne

Debt \$41: 25

Juric fee 55

Constable 35

Filed Jan 21 1869

E P Honey CLK

State of Missouri, }
 } To J. N. Byrne
 } Sheriff of Washington
 }

You are hereby commanded to be an officer
personally before me, David H. Jennings one of the
Justices of the Peace within and for Merriam Town-
ship in the County of Jefferson, on the 19th day of
December 1868, at the hour of ten o'clock in the
forenoon, at my office, in the townships and County
aforesaid, to testify on the trial of a cause wherein
J. N. Byrne is Plaintiff and J. J. Byrne Defendant
in behalf of Defendant, and thereof fail not at your
peril. Witness my signature this 19th day of December
A. D. 1868

~~David H. Jennings~~ J. N. Jennings J. N.

J N Byrne
vs
Patrick P Byrne
not for Def
J N Byrne &
Michael Byrne &
Thomas MacKlint

Costable fees 75

Filed July 21 1869
EP Henry CK

Presented this writ in Meekins Township this
19 day of December 1868 by reading the same
in the within named J N Byrne Michael Byrne
Thomas MacKlin John Burns Jan Costables

The State of Missouri to John Dunningan Constable of Meriwine
Township in County of Jefferson 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 or vice of them to either
party, now interested in the suit to appear before me,
Patrick Dunningan one of the Justices of the Peace, first
with at my office in Meriwine Township in the County
of Jefferson to make a Jury for the trial of an action
now pending before me said Justice between J. W. Hanna
Plaintiff and J. J. Boyd, Defendant, and have
you there and there this writ.

Witness my signature this 19th day of December 1868

Patrick Dunningan
J. P.

in obedience to this writ I have
summoned as jurors

Samuel Perry
Oliver Townsend

John

Howe

Peter Stanley

John Barry

Two Teams
of the Township

Good and Lawful Men

John Swanson Constable

Filed May 21/1869
E. P. Howey CLK

Count & Fee \$1.00

State of Michigan }
County of Jefferson,
L. K. Bryner

vs
Patrick D. Bryner
Justice of the Peace

Patrick D. Bryner being sworn upon his oath says that
his application for an appeal is not made proper
or delay but because he believes the appealant to
be injured by the judgement of the Justice
shown to and submitted before me
This is the 26th day of Dec 1868

Patrick D. Bryner
Justice of the Peace

J. A. Byres
affiant for
an appeal

Filed July 21 1869
E. P. Honey, CLK

141

55
20
20
433
577

Branch removed by the jury
as the jury found for the defendant
I be of too fame

Recd Jan 21 1869
C. H. Kennedy

We the undersigned J. N. Byrnes, and
acknowledge ourselves indebted to the State of Missouri
in the Sum of Five Hundred Dollars to be void upon
this condition whereas J. N. Byrnes has appealed from
the judgement of Patrick Duniogan a Justice
of the Peace in an action between J. N. Byrnes plaintiff
and Patrick P. Byrnes defendant now if on such
appeal the judgement of the Justice be affirmed
or if on the trial anew in the appellate Court
judgement 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 Justice together with the costs of the appeal
this recognizance shall be void otherwise remain
in full force

Approved this is the 26th day of Dec 1868

Patrick Duniogan

Justice of the Peace

J. N. Byrnes

his
mark

J. A. Byrnes
Bond for an
appeal to the
Circuit Court
Justices

L. J. Byrnes

Filed Jan 21 1869
E. F. Henry, Clk.

December Term 1868

W. H. Pymmes
Patrick D. Pymmes } vs. Patrick Dunigan J.P.

December 1st 1868 Plaintiff ^{filed} an account against
said defendant for the sum of Forty one Dollars
and Twenty five cents dated November 3rd 1867
a Summons directed to issue which is done &
delivered to John Dunigan Const made
returnable December 17th 1868

Patrick Dunigan J.P.
December 17th 1868 The Summons issued in this
Cause is returned executed as the law directs and
the Cause coming on to be heard the defendant
being duly called came A jury having been demanded a
precept issued therefor and being returned the following
named persons were sworn as jurors to wit
Samuel Perry Oliver Cromwell John R. Stow Peter Farley
John Caney & August Vellson who after hearing
the evidence returned into court the following verdict
We the jury find for the defendant John R. Stow
It is therefore adjudged that the plaintiff pays all costs
on said suit Thereupon plaintiff tendered his affidavit
and appeal bond for five hundred Dollars of himself
and John Vlied as security and prayed an appeal
to the Circuit Court of Jefferson County from
our said judgement which being deemed sufficient
It is ordered that an appeal as prayed be allowed
plaintiff Patrick Dunigan J.P.

State of Missouri
County of Jefferson

J. A. Byrns Plaintiff
against

Patrick P. Byrns defendant

I Patrick Dunigan a Justice of the Peace
within and for the Township & County aforesaid
hereby Certify that the above and foregoing is a full
true and complete transcript of all the entries made
in my docket relating to said case of J. A. Byrns Plaintiff
& P. P. Byrns defendant and that such transcript is
accompanied by all the process and other papers
filed with the Justice relating to such suit
Given under my hand this is the 18th Day of
January A D 1869

Patrick Dunigan J. P.

Debt

Justices fees	\$41.25
Constables fees	\$4.00
Witness Jacob Wilkersons fees	3.60
Witness John Neaves fees	" 50
Witness John Wilkersons fees	" 50
Witness Neaves Bevers fees	" 50
Witness Michael Byrns fees	" 50
Witness Thomas Macklows fees	" 50
Jurors Samuel Perry's fees	" 50
Jurors Oliver Cromwells fees	" 50
Jurors John R. Howes fees	" 50
Jurors Peter Farleys fees	" 50
Jurors John Ganey	" 50
Jurors August Veltson	" 50

Transcript in the
Case of J. M. Byrne
against P. P. Byrne

J. M. Byrne
P. P. Byrne

Filed July 21st 1869
E. P. Hony, Cl.
By C. H. Hony Dep.

COUNTY OF JEFFERSON.

The State of Missouri,

To Samuel Perry. Oliver Cornwall
John Gaines

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

May 1869 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

Defendant, on the part of

fail.

Witness, ELIAS F. HONEY, Clerk of our said

Court, with the seal thereof hereto affixed, at office

this 20 day of March A. D. 1869

Clerk.

E. F. Honey
By Alexander B. B.

SUBPOENA.

To Jefferson Circuit Court.

May Term, 1869
Byrne
vs
Byrne

For plaintiff of
Samuel Perry
Oliver Cromwell
John Grainey

The within was served by reading the same to the within named John Grainey
Oliver Cromwell and Samuel Perry at Jefferson County Mo on the 23rd day
of April A D 1869

For
Fred Smithmeyer Sheriff

Attest
J. M. T.

COUNTY OF JEFFERSON.

The State of Missouri,

To

Michael Canell & George Dawson

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

day of May 1861 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

as Defendant,

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 20th day of June A. D. 186

Elias F. Honey, Clerk.

By J. Stafford J. H.

SUBPOENA.

To Jefferson Circuit Court.

May

Term, 1869

Byrne
vs

Byrne

for Deft

Nicholas Carroll +
Peter Dunningan +
Joseph Shoultz +
George Dawson

marriage

Shipp fees 2.00

Presented this morn^g in Jefferson
County this 6 day of May 1869 by reading
the same to the within named Michael Bartle
Peter Sumner Joseph Alvord George
Donner

John Sumner Copmable

The
State
of
Missouri,

To John Mearns

before our Circuit Court for the County aforesaid, on the

11th day of May

1869

matter of controversy, now pending in our said Court, wherein

Place on paper

Plaintiff, and

Dr P. Evans is

Defendant, on the part of
tail.

Plauti

and herein you are in no wise to

Court, with the seal thereof hereto affixed, at office

this

day of May

A. D. 1804

this **7th** day of *May* A. D. 186*9*
Glad I have met Clerk.

Van der Aghend VdC

SUBPOENA.

To Jefferson Circuit Court.

Term, 186

Byrne
vs
Byrne

Served the within on the 11th day of May 1869, at Jefferson County Mo
by reading the same within the presence and hearing of the within named,
John Mead
per St

Good kind neighbor
St

COUNTY OF JEFFERSON.

The State of Missouri,

To *John H. Ware*

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

May 1869 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 *D. A. Ryann,*

Plaintiff, and

vs. D. A. Ryann

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

3rd day of

April A. D. 1869

Clerk.

Elias F. Honey
By A. H. Cuyler, Atty

143.

Due May 11th 69.

SUBPOENA.

To Jefferson Circuit Court.

May

Term, 1869

J. P. Byrne

J. P. Byrne

for Plff.

John W. Lease

fee 50¢ paid

The within named John Lease cannot be
found in my County.
The said
John W. Lease
Shirley

COUNTY OF JEFFERSON.

The State of Missouri,
To John Wilkinson

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 11th day of May

1869

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

J M Payne

Plaintiff, and

J P Payne

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 _____ day of _____ A. D. 186

Elias F. Honey

Clerk.

By J. Stappell & Co

SUBPOENA.

To Jefferson Circuit Court.

May

Term, 1869

J N Byrns

vs

J D Byrns

for

Plaintiff

John Wilkinson

The within was served, on the 11th day of May a D 1869, by ~~deputy~~ residing
the same, within the precinct and hearing of the ~~within named~~ John Wilkinson
ad Jefferson County Mo

Geo Edmunds or Sheriff
Jefferson County Mo

fees 50 cts

COUNTY OF JEFFERSON.

The State of Missouri,

To

James M. Lane, John D. O'Leary, Robert
Stewart & Michael Stewart

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

Eleventh day of
May 1861 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

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 25 day of March A. D. 1861

Elias F. Honey Clerk.

Copy to Circuit Clerk

SUBPOENA.

To Jefferson Circuit Court.

May

Term, 1869

J M Byrnes

is

D P Byrnes
The M. L. W. D. Delany

Robert Stewart

Robert Burns.

for Deft.

Served the within on the 8th day of April. a. d. 1869 by reading the
same in the presence & hearing of the within named Thomas McLean
W. B. De Bary, Foster & Stewart, ~~Walter~~ W. W. W. at 9 o'clock
per 200

Tested and sworn at Sheriff's
per David Holman

Deputy

COUNTY OF JEFFERSON,

The State of Missouri,

To

James Mead & Co

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

28th

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

vs

Plaintiff, and

J. C. Dymond

Defendant, on the part of

Plaintiff

fail.

and herein you are in no wise to

Witness, ELIAS F. HONEY, Clerk of our said

Court, with the seal thereof hereto affixed, at office

this *27* day of *March* A. D. 186*9*

Elias F. Honey Clerk.

By J. H. Westcott Secy

SUBPOENA.

To Jefferson Circuit Court.

May Term, 1869
J. W. Byrne
vs.
P. P. Byrne
for Plff
James Wease
Jacob Mckinson

The within was served by reading the same within the precinct and hearing of the said
James Wease and Jacob Mckinson on the 8th day of April A.D. 1869 at
Jeff & me
Fred Mckinson Sheriff
per Fred Mckinson

Deputy

L. N. Byrne, Plaintiff

vs

Patrick Byrne, Defendant

In the Jefferson

Circuit Court,

Appeal from

Justice of the Peace.

To Patrick Byrne, the above named
Defendant,

You are hereby notified that depositions
of witnesses to be read in evidence on the
trial of the above entitled cause on the
part of the Plaintiff will be taken at
the office of John L. Thomas, at Hillsboro
Jefferson County Mo on the 27 day of
February 1869 between the hours of nine
o'clock in the forenoon and six o'clock
in the afternoon of that day.

John L. Thomas,

Atty for Plaintiff.

Served on the twenty third of February

I hereby Certify that I did serve the
within notice, Patrick Byrne the
within named Defendant in
Jefferson County Missouri on
~~the third day of February~~ the
Twenty Third day of February
1869 by delivering to him a True
and perfect copy

Sworn to and
Subscribed before
me this 27th day of
February 1869
Samuel A. Rippey
Notary Public

Whitfield Williams

J. A. Byrns

Patrick Byrne

(Original)

Isaac N. Byrnes, Plaintiff }
vs }
Patrick Byrne, Defendant }

In the Circuit Court of
Jefferson County, Missouri
on appeal from Justice
Court -

Depositions of witnesses
produced, sworn and examined
on the 27th day of February
1869 between the hours of
nine o'clock in the forenoon
and six o'clock in the afternoon
of that day at the Office of
John L. Thomas at Hillsboro
in Jefferson County, Missouri
before me Samuel A. Kopp
a Notary Public within and
for said County of Jefferson
in a certain Cause now
depending in the Circuit Court of
Jefferson County in the State
of Missouri on appeal from
the Court of Patrick Dunningan
a Justice of the Peace within
and for said County, between
Isaac N. Byrnes Plaintiff and
Patrick Byrne Defendant on
the Part of the Plaintiff

Jacob Wilkinson of Lawful age
being Produced, Sworn, and
Examined on the Part of the
Plaintiff deposes and sayeth

Question Do you know Isaac St.
Byrns and Patrick Byrne?
Ans. I do.

Question do you know anything
about Patrick Byrne the Defendant
getting any ~~Coon~~ Corn at any
time from the farm of John
Wease in Jefferson County Mo.
and if so when?

Ans. I do, he got Corn from that
place some time in last Novem-
ber 1867-

Question do you know who the
Corn belonged to which Patrick
Byrne got from the farm of John
Wease?

Ans. I do, it belonged to I. St. Byrns
when it was gathered & cribbed

Question did you ~~at any~~ have any
thing to do with the gathering and
putting that Corn in the crib or
pen?

Ans. I helped gather all of it -
 Question how much did you help
 to gather & put in the Pen ?

Ans. we put in that pen at one
 time one hundred and eighty
 bushells measured this was
 done at the time the corn was
 gathered -

Question Did you at any time after
 the corn was gathered & put
 in the Pen see Patrick Byrne
 take any of the corn away ?

Ans. I did see him haul it away.

Question how much of it ?

Ans. when he commenced to
 haul it away there was
 one hundred and eighty bushells
 in the Pen and he hauled it all
 away except about fifteen
 Bushells -

Question Did Byrne take the corn
 away in the husk or did he
 husk it before he measured it ?

Ans. a part he took in the husk

and a part he husked before
 he put it in his ~~wagon~~ Waggon

Question what proportion of the
 corn did he husk before he
 put it in his wagon ?

Ans. I saw him haul away
about one third of the 180,
Bushells of Corn which was
husked before he put it in
the waggon -

Question Do you know whether
Byrne measured the Corn
before it was put in the ~~wagg~~
waggon or not?

Ans. I did not ~~to~~ see him
measure it,

Question Did you see Byrne put
the Corn in the waggon before
hauling it away?

Ans. I did,

Question Did he measure it before
putting it in the waggon
or did he husk it and
put it in the waggon without
first measuring it?

Ans. as Byrne would fill this
waggon bed with Corn he
would husk about one third
of it and put in about two thirds
with the husk on - from what
I saw him load in the waggon
& from the amount of husks left
at the Corn pen I would say

Byrne husked as much as one third of the whole amount of corn before putting it in his waggon,

Question, In hauling away the corn did he or did he not waste and destroy any corn at the pen?

Ans, I saw him feeding his oxen out of J. St. Byrne's corn and there was a good deal wasted by Byrne about the corn pen,

Question Can you give an estimate of the probable amount of corn wasted & fed away by Byrne out of J. St. Byrne's corn?

Ans, I would say ten or twelve Bushells were fed away and destroyed by J. Byrne from Isaac St. Byrne's corn pen where he Byrne got the corn, Cross Examined by H. J. Ahlvers
Defendants Attorney,

Question did you have any interest in the corn you have been testifying about?

Ans. I did not have any interest in the corn in the pen,

6
Question on whose farm was this
corn raised?

Ans. It was raised on the farm

of John Wease in Jefferson
County Mo.

Question, had you any interest in the
Products of the Wease farm for
the year 1867

Ans. I had a farm rented in St Louis
County in 1867. John Wease ~~bought~~
bought the farm I had rented in
St. Louis County in that year
and in the fall I changed
with Wease the corn I raised
on the farm in St Louis Co.
for corn on the farm of Wease
in Jefferson Co. the contract
between us was that I was
to have the same amount of corn
on the Wease farm in Jefferson
Co. that I let Wease have on the
farm I had rented in St Louis
Co. the corn I received from Wease
on his farm in Jefferson Co. was
received separate from the corn
which Isaac A. Byrns had on
the Wease farm in Jefferson Co.
I had nothing to do with the corn
which Mr Byrns owned on the

Wease farm in Jefferson County
 I cept I was hired by Mr
 Isaac St. Byrns to gather & crib
 his position,

Question were the 180 Bushells referred
 to all the Corn raised on
 Weases' place

Ans. no sir;

Question have you received your
 share of the Corn from
 Mr. Wease?

Ans. I have,

Question was the 180 bushells
 you have spoken of as
 being put in the Pen for J. St.
 Byrns set apart for him?

Ans. It was.

Question how was this 180 Bushells

measured ^{by measuring}
 Ans. It was measured the
 waggon bed in which we
 gathered the Corn the bed
 held 18 bushells

Question how did you measure the
 waggon bed,

Ans. we ascertained how many
 barrells of Corn with husk on
 the waggon bed contained

and also how much Shelled Corn
Each such barrell contained
after it was husked & shelled,

Question how many barrells with husk
on did the waggon bed contain?

Ans. 14 barrells & about one half,

Question how much Shelled Corn
would the barrell contain?

Ans. one Bushell & a peck & a fraction
over,

Question were you present all the time
when the amount of Corn
which the waggon bed held
was measured as you have
just stated

Ans. I was & measured it ~~myself~~
myself,

Question who was present when the
waggon bed was measured
I cept you

Ans. my son John R. Wilkinson &
James Wease,

Question how many loads of Corn did
you put in the Pen for J. A.
Byrnes?

Ans. Ten waggon Loads

Question did you count all these
Loads?

Ans. I did markle each Load down as

As it was put in the Pen,
Question about what time did you
gather this Corn?

Ans. About the Last week of
~~Nov.~~ or October or first
of November 1867,

Question were you on the ~~wease~~ Wease
farm during all the time from
the time the Corn was gathered
until Patrick Byrne took his
Corn away?

Ans. Not all the time,
Question about what portion of the time
were you absent?

Ans. About six days I was away
from the Wease farm during
the day time but there at night,
Question might not some of the 180
Bushells of Corn been taken
out of the Pen when you
were away?

Ans. I think not without myself
or my family knowing it,
Question how far was the Corn
pen away from the house?

Ans. about 160 yards in full view,

Question did you feed from this
Corn

Ans. no Sir.

Question how much did you see Mr. Byrne haul away?

Ans. I was ~~pres~~ present while he was Loading one Load & saw him taking one more away.

Question how did he husk the Corn?

Ans. he took the husk off Clean,
Question how much did you see him husk?

Ans. from what I saw him husk & from the look of the Corn in the waggon I would say that about every third year was shucked, of the Load which he took at the time I was present.

Question how did Byrne waste the Corn?

Ans. I saw the oxen eating the Corn at one time and also Corn thrown & scattered about the pen Byrne must have this scattered the Corn,

Question when Byrne had taken the Corn away did you measure the remainder?

Ans. I did not, I judge from the pile that there was about 15 bushells left when Byrne was

done hauling.

Question was it your interest to see
that the Corn held out in
measuring?

Ans. I had nothing to do with that
matter.

RO2 Examined by Jos. J. Williams
Atty. for Plaintiff.

Question What is the full name of
the Patrick Byrne you
refer to as the Party who
took the Corn from the Corn
pen on the farm of John
Wease?

Ans. The man who got the Corn &
of whom I have been speaking
speaking is Patrick P. Byrne.

Question if you saw but one
waggon load of Corn filled
at the Corn pen on the Wease
farm by Patrick P. Byrne
how do you judge that
he husked one third of the whole
amount of the Corn which was
hauled by him from the pen?

Ans. from the amount of husked

which were left at the Pen

Subscribed and Sworn to } Jacob Wilkerson
before me, this 27th day of

February 1869. Samuel Hepp, Notary Public
John R. Wilkerson of lawful age being
produced sworn and examined on the
part of the Plaintiff deposes & says.

Ques. Are you a son of Jacob Wilkerson?
Ans. I am.

Ques. Did you help your father get the
corn in the fall of 1867 on the Meade
place?

Ans. Yes Sir.

Ques. Did you see him put any corn
+ in the pen for J. N. Byrnes? If so
how much?

Ans. Yes Sir. I saw him put in 180
bushels.

Ques. How do you know how much
was put in to the pen for J. N. Byrnes?

Ans. I saw it measured. It was
measured in a wagon bed. The
bed held 18 bushels.

Ques. Did you see any one take any of
that corn away afterwards? If so, whom?

Ans. Yes Sir. I saw Mr. Patrick P. Byrne
take corn away from that pen. I saw ^{him}

take one wagon load away, that is I saw him ^{put} the Corn in the wagon & haul it off. I saw him hauling away two or three other loads. The corn he put in the wagon was partly shucked. I suppose about one third was shucked. he shucked the Corn as he put it in the wagon. The Corn while in the pen was all in the shock.

Ques. After Mr. Byrne was done taking the Corn away was there any indications there that much Corn had been shucked & if so what were they?

Ans. Yes sir. There was a great quantity of shocks there at the pen.

Ques. How much of the 180 bushels of the Corn did Dependout take away from the pen?

Ans. He took it all but about 15 bushels.

Ques. Can you form any estimate from the quantity of shocks at the pen after Dependout was done removing the Corn, what proportion of the Corn had been shucked?

Ans. That would be pretty hard to do, but I suppose about one third.

Ques. Did you see ~~dependent~~ feeding
 any of J. N. Byrnes Corn out of that
 crib & if so how much?

Ans. I saw him throw Corn out of
 that crib ~~several~~ once to feed
 his oxen.

Ques. Did you see any signs of dependent
 having wasted any of the Corn around
 the pen?

Ans. Yes Sir. I saw the Corn strewed
 around the pen - saw ^{where} the oxen had
 wasted the Corn.

Cross Examined.

Ques. How old are you.

Ans. I am sixteen years old last
 November.

Ques. How much of husks did you
 see around the pen?

Ans. I cant say how many. There
 were a good many - they were scatter-
 ed all around. ~~I suppose there~~
 are

Ques. About how many barrels of
 husks do you suppose were there?

Ans. About fifty if put in loose.

Ques. About how much waste Corn did
 you see about the pen?

Ans. I cant tell exactly - but I suppose

there must have been some ten or twelve bushels.

Ques. How often did you see Deft load his corn out of that corn?

Ans. One time.

Ques. Were you immediately present when he loaded his wagon on it?

Ans. I was right there.

Ques. About how many ears of shucked corn did he throw into the wagon?

Ans. I can't say - but I suppose about one third that he threw in he shucked.

Ques. Was any one present when Deft loaded his wagon?

Ans. Yes. My father was present & also a hand that Deft had with him.

Ques. Was Jim Meese there?

Ans. No Sir.

Ques. Were you present when the corn was taken out of the field & put into the pen?

Ans. Yes. I helped gather it.

Ques. How do you know the wagon held contained 18 bushels?

Ans. Because we measured it.

Ques. What do you mean by "we"?

Ans. My father, myself & Jim Meese.

Ques. How did you measure the wagon?

Ans. We took a flour barrel & filled it full & shelled the corn & the barrel held one bushel & a peck & a fraction over, we then ascertained how many barrels the wagon held & all found it held fourteen & one half barrels.

Ques. Did you see the corn taken out of the wagon bed & measured in the barrel & then did you see the corn that was shelled put in a measure?

Ans. Yes Sir.

Ques. Did you count the barrels taken out of the bed?

Ans. I did.

Ques. Did you have a talk with any body about what to swear here to day?

Ans. No Sir.

Ques. Did you count the wagon load taken out of the field to the pen?

Ans. Yes Sir.

Ques. How many wagon loads were there?

Ans. Ten.

Ques. Were you present all the time while the corn was taken out of the field & put in the pen?

Ans. Yes Sir. I helped gather every load.

Re Examined.

Ques. Was all the Corn that you & your father gathered & put in that pen, there when Dependout commenced taking it out?

Ans. Yes sir it was all there. No one else took any away that I saw.

Ques. Were you there all the time and if so could any one else have taken any Corn from that pen without your knowing it?

Ans. I was there all the time & I don't think any one could have taken any Corn away from there without my knowing it.

Ques. Was the pen sufficiently close to prevent stock from getting the Corn out?

Ans. It was. The Corn was in a pen and then the pen was fenced in by another fence?

Ques. Did you see the pen a short time before Dependout commenced taking the Corn away?

Ans. Yes sir, I did. The pen seemed to be as full then as when the Corn was first put into the pen.

Re Cross Examined

Ques. How long before Dept commenced hauling the Corn, did you see the

Corn in the crib?

Ans. I saw it the same day in the morning.

Ques. Were you not in St Louis Co. with your father gathering corn when Sept hauled his corn from Weore's farm?

Ans. I helped my father gather corn in St Louis Co. but while Sept was hauling corn from the Weore farm I was at home on the Weore place.

Ques. Did you not your father gather corn in St Louis Co. the same week that Sept hauled his corn from the Weore place?

Ans. Yes sir, but I was not with him.

Re examination

Ques. Was your father at home any of the time while you Sept was hauling his corn from the Weore farm?

Ans. Yes sir. He was at home a part of the time. He was in St Louis Co some of time but not all the time.

Suorato and John R Wilkison
Subscribed before me on this 27th day of Feb. A.D. 1869

Samuel A. Peppy Notary Public
Jacob Wilkison being called
deposes & says-

Ques. Did you see the corn which you had cribbed for J. N. Beym's a short time

before Sept commenced hauling the
Corn away?

Ans. Yes Sir. I think I saw it the day
before

Ques. Was that pen of corn as full then
as it was when ^{you} put it in?

Ans. I think it was. ^{the corn} It had only been
gathered about ^{a week or two} ~~week~~, before Sept
commenced taking it out. & I don't
think any corn had been taken out.

Subscribed and sworn to before
me, this 27th day of February
A.D. 1869.

Jacob Wilkins
Samuel H. Papp
Notary Public

Reveries Bevin being produced sworn
and examined on the part of Plaintiff
deposes and says.

Ques. Did you pass the farm of John
Weese in this County in the fall
of 1867 & if so did you see Sept
hauling any corn away from that
farm?

Ans. I did pass said farm & saw Sept
hauling corn therefrom.

Ques. Did you see him put corn in
his wagon on that farm & if so
where was he getting it?

Ans. I did. He was getting the Corn out of a rail pen.

Ques. Did you know whose pen of corn that was out of which Sept was taking Corn?

Ans. Not at that time. The pen was on the Meore farm & was about one hundred and sixty yards from the residence of Meore & from which Meore had moved.

Ques. Was Sept shucking the Corn.

Ans. He was shucking some of it.

Ques. About what proportion of the Corn do you think that he shucked?

Ans. He had the bed of the wagon about two thirds full when I ^{came} up. I stopped at the fence. I was there only a short time & I could not tell exactly how much was shucked, but from the looks of the Corn in the bed I suppose nearly one third was shucked.

Ques. Who was then at that loading?

Ans. Sept & his son.

Ques. Did you see any indications then that much of the Corn had been shucked?

Ans. Yes sir. There was a quantity of

shucks around the pen. & outside

Crane Examined.

Ques. How long did ~~the~~^{you} remain when
Sept was loading his wagon?

Ans. About ten minutes I suppose.

Ques. How far were you from the
wagon?

Ans. I was right at it.

Ques. How many barrels of hucks do
you suppose were there?

Ans. I can't ^{say}. If they had been put
in a pile there would have been
a good big pile of them.

Ques. What did you while you were
there?

Ans. I was in conversation with Sept
whom I did not know at that
time.

Ques. Did you look into the pen at that
time & if so about how much
corn was there?

Ans. I can't ^{say} how much corn was
in the pen. I suppose there had
been a load or two taken out

Ques. Judging from the distance the pen
was from the house do you think
any one could have taken corn out
of the pen without there being in

The house seeing it?

Ans. I think they might; of course ^{corn} could have been taken out at night.

Ques. Is there any thing to obstruct the view from the house to the pen.

Ans. Nothing but a big elm tree.

The pen could be seen easily from the house & any one taking corn in the day could have been seen.

Ques. How ^{long} did you see Sept's corn in the wagon bed while you were there?

Ans. Just a little ^{while}. As soon as I got there he got down to feed the cattle.

Reever ^{his} Bever
mark

Subscribed and Sworn to
before me this 27th day
of February A.D. 1869.

Samuel A. Rappaport
Notary Public

State of Missouri } ss.
County of Jefferson }

I, Samuel A. Rippy
a Notary Public within and for the
county aforesaid, do hereby certify that the
above and foregoing depositions were taken
before me at the office of John L. Thomas
Esq. in the Town of Hillsboro in the county
of Jefferson, and State of Missouri, on
the 27th day of February A.D. 1869, and
that the Same was reduced to writing
in my presence, and was subscribed
and sworn to by the witnesses, at
the place aforesaid, and within and
between the hours of nine o'clock in the
forenoon and six o'clock in the af-
-ternoon of that day, when the Same
was taken.

In Witness Whereof, I have
hereunto set my hand and
affixed my Notarial Seal
at office in Hillsboro on
this March 1st A.D. 1869.
Samuel A. Rippy
Notary Public of
Jefferson County, Missouri

L. H. Dyson.
Exd
District Engineer -

Deposition of Mr. Thomas
for Exhibit -

Tree of
Saml. A. H. & Co. & Co.
5.35 Paid by J. H. H.

Week May 11th 1869
Elmer W. H. & Co.
By J. H. H. Capt. & Co.

82
28
36



COUNTY OF JEFFERSON,

The State of Missouri,

To Michael James Perry Oremwell,

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 day Monday 16th 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 E. N. Dyne Plaintiff, and E. N. Dyne Defendant, on the part of E. N. Dyne 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 20 day of Oct

A. D. 1869

Elias F. Honey

Clerk.

Wm. D. H. Oremwell

Served the within Supena in Jefferson
Ct. on Michael Burn Samuel Perry and
Oliver Cromwell. on the 29th Oct 1869.
By reading it in their presence and hearing

J. Luchtemeyer
Sheriff
By M. C. Namee D. C.

SUBPOENA

To Jefferson Circuit Court.

Bryant

vs

Bryant

Michael Burn

Sam. Perry

O. Cromwell

Sherriff's fee \$1.50

COUNTY OF JEFFERSON,

The State of Missouri,

To

James Isaac Jackson Helmsman for Isaac

Robert Field

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

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

Defendant, on the part of 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 day of A. D. 186

Clerk.

SUBPOENA

To Jefferson Circuit Court.

J. A. Pryme

P. A. Pryme

James Mease 29

John Mease 29

Jacob McKinnis 29

for Deft

Reff

Robert Kidd

John Mease

Sheriff's fees \$1.50

I served the within subpoena on Jacob McKinnis on the 29th day of October 1899 by reading it to him in Jefferson County Missouri, and I did on the same day serve the same on John Mease in At-
torney County Missouri, by reading it to him and I did on the same day serve the same on James Mease in Jefferson County Missouri, by
leaving a copy at his usual place of abode in said County with a member of the family over the age of 15
years.
Thee \$1.50
By M. C. Warner
D. McKinnis

COUNTY OF JEFFERSON,

The State of Missouri,

To *John Schuchty & John Deringer*

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 *16th day of Nov*
1869 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 *L. H. Byrne*
L. H. Byrne Plaintiff, and
Defendant, on the part of
fail.

Witness, ELIAS F. HONEY, Clerk of our said

Court, with the seal thereof hereto affixed, at office

this *20* day of *Oct* A. D. 186*9*

Elias F. Honey Clerk.

Aug 24 1869

Served the within Supercord on
Jno Shoults & John Damigan by reading
it in their presence & hearing in
Jefferson Co. Mo. on the 29th Oct 1869

H. Luchtmeyer
Sheriff

Fees \$100

By M. McNamee
D. &

SUBPOENA

To Jefferson Circuit Court.

By me

is

By me

In 28th

Shoults 29

~~John Damigan~~

John Damigan

Shoults fees \$100

COUNTY OF JEFFERSON,

The State of Missouri,

To: George M. Bennett, John Thompson

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 16th day of November

before our Circuit Court for the County aforesaid, on the 16th day of November 1889 at Hillsboro, then and there to testify, and the truth to say in a certain

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

De Lyne

Defendant, on the part of *John* 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

to this day of Dec A. D. 1869

Edward P. Kennedy Clerk.

was I never Clerk
my dr. No record & I

served the within Subpoena in Jefferson Co. Mo.
 on Peter Durigan on the 28th Oct. and on Jno Gaine
 on the 29th Oct. 1869 and I did serve the same
 on M J Carroll on the 8th Nov 1869. By reading
 it to each of them in their presence and hearing

J Luchtemeyer
 Sheriff
 By M. M. Names D. A.

Fees \$1.50

SUBPOENA

To Jefferson Circuit Court.

Jury

By one

for 24

J. Gaine 29

M. Carroll 28

P. Durigan 28

Sherriff's fee \$1.50

COUNTY OF JEFFERSON,

The State of Missouri,

To *James M. L. Williams* *Deputy Sheriff* *Deputy*

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 *21st* day of *Nov*

1869

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 *J. N. Rymer* is

Plaintiff, and *J. D. Rymer* 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 *20th* day of *October* A. D. 186*9*

Elias F. Honey

Clerk.

J. D. Rymer

SUBPOENA

To Jefferson Circuit Court.

Pyrene

Byrne

Thos M^o Linn

Wm Delaney 28th

Robert Stewart

Depth

Sherriff fees 81-25

Dec 1-25

Dr. J. A. Stewart
Dr. A. B. Stewart

Devised the within Supreme on 24th. M^o Jan and Wm Delaney
in Jefferson 18th Feb on the 1st of Nov - 1889 by reading of
to each of them in their presence and hearing
Robert Stewart of on that

COUNTY OF JEFFERSON,

The State of Missouri,
To Willie Ann Walters

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 16th day of March 1869 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, J. N. Ryans Plaintiff, and J. P. Hyams Defendant, on the part of 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 6 day of March A. D. 1869

Elias F. Honey
Clerk.
J. N. Ryans

SUBPENA

To Jefferson Circuit Court.

J. J. P.

d. N. Byrne

vs
J. J. Byrne

for Debt

Milie Ann Watkins



COUNTY OF JEFFERSON,

The State of Missouri,

To Robert Ward & John Stokes

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

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. P. Byrne is

Defendant, on the part of the 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 November A. D. 186

E. F. Honey

Clerk.

Robert Ward & John Stokes

John Stokes

2909

SUBPOENA

To Jefferson Circuit Court.

L. Byrne

P. D. Byrne

for Plff

Robert Kidd

John Stokes

29

Fee 75 Cts

I served the within subpoena on Robert Kidd in Jefferson County Missouri by leaving a copy of the same at his usual place of abode in said County with a member of the family over the age of fifteen years, on the 29th day of October 1879 & I could not find John Stokes in time of service

J. Lechtenmeyer Sheriff
By E. H. McFarlane Deputy

J. N. Byrne Plaintiff }
against } In the Jefferson
P. P. Byrne Defendant } County Circuit Court

Now at this day comes Jesse Kidd
and gives notice to the parties in
the above entitled cause that he
will not hold himself for any
cost that may accrue in this
suit after this date & further
asks the Court to release him
from ^{any further} ~~the~~ ^{liability as said} ~~bond~~ given by him as
security for costs in this suit
This 17th Nov. 1867 Jesse Kidd
By N H Thomas his
atly

L. A. Byrne

vs

P. P. Byrne

Notice of Jesse Kidd
to be released from
appeal Bond

Filed Nov 17 1869
E. F. Henry clk

COUNTY OF JEFFERSON.

The State of Missouri,

To Patrick J. Hyman & Michael Hyman.

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 8th day of March 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 J. H. Hyman is

Plaintiff, and J. H. Hyman is

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 8th day of March A. D. 1890

E. F. Honey, Clerk.

SUBPOENA.

To Jefferson Circuit Court.

March Term, 1867

Byrne
vs

Byrne

The within was served on the 8th day of March A.D. 1867 at Jefferson County Mo by
serving the same to the within named Patrie P Byrne and Michael Byrne in
their presence and hearing
for 1.00

And Subpoena served
by Fred Woodcock

Deputy

COUNTY OF JEFFERSON.

The State of Missouri,

To Isaac H. Boone

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 8th

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

vs
Plaintiff, and J. P. Boone.

Defendant, on the part of the 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 8th day of March A. D. 1870

Elias F. Honey
Clerk.

2909

SUBPOENA.

To Jefferson Circuit Court.

March Term, 1867.

By
James
Dyane

I served the within on the 8th day of March A.D. 1870 at Jefferson
by reading the same in the presence and hearing of the within
named Isaac M. Hyman
per 50

I do hereby certify that
I read the within
per 50

[Signature]

COUNTY OF JEFFERSON,

The State of Missouri.

To

James Chace ~~vs~~ *John McWhorter*

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

~~March~~ 1876

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

J. N. Payne

Plaintiff, and

J. J. Payne

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 22nd day of

February A. D. 1876

E. F. Honey Clerk.

~~*By J. J. Payne*~~ *Agent of*

March Jan 1870

J. N. Byrne

^{or}
P. P. Byrne

per Plph

John Wilkinson ^{honest} & 16

James Thase + 8

served the within subscribers this 1st day of March
1870 by reading the same to the within named James Thase
in his dwelling and presence at Jefferson County Mo
the within named John Wilkinson was not before me
in my County

Feb 75 to

Fred Buchtemayer Sheriff
Jy. ~~Shel~~ De Kalton Depy

By

Depends

COUNTY OF JEFFERSON,

The State of Missouri.

To

Jacob Whitman & Will A. Riedel

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

March

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

of M. Byrne

Plaintiff, and

of M. Byrne

Defendant, on the part of _____ and herein you are in no wise to fail.

Plaintiff

WITNESS, Elias F. Honey, Clerk of our said Court, with

the seal thereof hereto affixed, at office, this

July

A. D. 1870

22nd day of

E. F. Honey, Clerk.

By & Maynard St

March Term 1870

J N Byrne

^{to}
P R Byrne

For Pltff

Jacob Meltkisen + C

Robert Kidd + R

John. Stoker - + R

Served the within subpoenaed this 1st day of March 1870
by reading the same to the within named said
Meltkisen and Robert Kidd and John Stoker
in their hearing and presence at Jefferson
County Mo

fees \$ 1.50

By Fred C. Ashmeyer Sheriff
C. Salton Deput

By Deput

COUNTY OF JEFFERSON,

The State of Missouri.

To Samuel Perry, John Faney, Thompson
McJannet, John C. Morgan & Patrick Morgan

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 Eighth
day of March 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
Wm. A. Payne is
Plaintiff, and J. J. Payne 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 2nd day of
March A. D. 1870

Elias F. Honey Clerk.

Circuit Court
March Term 1870

~~By me~~
w

By me

for self

Samuel Perry

John Barry

M. J. Carroll

John Dennygan

Patrick Dennygan

~~P Dennygan~~

COUNTY OF JEFFERSON,

The State of Missouri.

To Michael Byrne, Thomas Macklin Melville Delany
and Oliver Koonwill, George Jordan

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 Eighth day
of March last 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
Isaac A. Byrne is
Plaintiff, and J. P. Byrne is
Defendant, on the part of Defendant ~~is~~ 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 2nd day of
March A. D. 1870
Elias F. Honey Clerk.

Circuit Court
March Term 1870

Isaac A. Byrne

vs

O. P. Byrne

For debt

M. Byrne Thomas M. Coi

W. D. Delany, Oliver C. Russell

George L. Loran



Recd to! This wit in afternoon
County this 5 day of March 1870
by reading the same to the within
signed George Jacobson & in

W J Delaney Peter Lummel &

W
Borne

Recd 2.510

By John Davis Secretary
of the Board of Supervisors

J. H. Byrne
vs.

J. Byrne,

accused by
defendant.

If the jury believe from the evi-
dence, that any witness has sworn ~~truly~~ false
as to any one material fact, they may
disregard the whole evidence of such
witness.

Byrne

no 3
Byrne 3

The Court instructs the Jury that if they believe from the Evidence that Plaintiff sold Defendant 5 Loads of Corn at the rate of one dollar per bushel to be taken from Plaintiff's Corn pen, and if the Jury also believe from the Evidence that Defendant proceeded under said Contract to take said Corn and that he took from said Corn pen more than $118\frac{3}{4}$ bushels then the Jury should find for the Plaintiff for so much Corn as they may believe from the Evidence the Defendant took from such Corn pen over and above $118\frac{3}{4}$ bushels at the rate of one dollar per bushel,

D. A. Byrne }
D. Byrne. } Instruction asked by defendant

If the jury find from the evidence, that there was a contract between plaintiff and defendant, according to which defendant bought 100 bushels of corn of plaintiff, to be delivered shucked, that this contract was afterwards rescinded, so that defendant should take the corn in shuck, and that in consideration of such rescission of the contract plaintiff agreed to let defendant have 5 or six bushels of corn free and gratis, then the jury will allow the defendant that amount of 5 or six bushels, beyond what they find, the ~~plaintiff~~ ^{defendant} has paid for, ~~and if the jury finds the facts as aforesaid, they the finding should be for defendant.~~

Byrne
vs
Byrne

Isaac N. Byrne

vs,

Patrick P. Byrne

Defendant asks the court
to instruct the jury as follows,

1 - If the jury believe from the evidence
that Defendant by his contract with the
Plaintiff bought only five wagon Loads
of corn, ^{estimated at} ~~at one dollar~~ the time to contain
19 barrels, and each barrel containing
one bushel and a quarter, and the whole
amounting to one hundred and eighteen
bushels and three pecks, at one dollar
per bushel, and that Defendant has
fully paid Plaintiff ^{for} that amount of
corn, then Plaintiff cannot recover in
form of action, and the finding should
be for the Defendant,

Refused

Pyrene

60

Pyrene

Instructions
Refused

O. A. Byrne }
P. Byrne. } Instruction asked by defendant.

Refused

The jury is instructed that they must weigh off the evidence in the case, given on each side; if therefore the jury find that the weight of the evidence, given on the part of defendant, is equal to the weight of that, given for plaintiff then the jury will find for the defendant, as the plaintiff must give more evidence in weight, than defendant.

Refused

If the Jury believe from the evidence that the Defendant ^{did} not haul from Plaintiff's Pen of Corn, more than five wagon loads of Corn, and that the quantity of Corn contained in each of said Loads, was about ^{the same} in amount to that contained in the first Load, which was loaded in the presence of the Plaintiff, then the finding should be for Defendant.

Refused

3 - Even if the Jury should believe from the evidence that the rail pen, from which the Defendant got the Corn, ^{he brought} from Plaintiff, did not contain, after Defendant had hauled therefrom five loads, more than one wagon load, - yet this circumstance of itself is no evidence that Defendant took from said rail pen more than one hundred and eighty bushels and three pecks of Corn.

3 - All evidence in regard to the amount of Corn Plaintiff caused to be put into the rail pen, before Defendant hauled any Corn therefrom, - and the amount of Corn left in said Rail pen, after the Defendant had quit hauling therefrom, is excluded from the consideration of the Jury

We the jury find for defendant J. P. Hyman

John Burton

Foreman

J. Ches Coman

- vs. -

24 Laiz & Leam M^r R. A. Co.

Trind Jan 23^d

1889.

John Geidr

Ther's rule

T. B. man

Joseph L. Caldwell

& W^r C. Castle

Sworn Jurors

5 & agreed at Court's

Deputy - Rem to Sur & Ref in Plt.

Billings & Caldwell for Debt

Frank Refray Sur in Plt. Cross Et. by Debt

John Graham " " " " " " "

T. H. Beckett " " " " " " "

Geo. Mithelton " " " " " " "

W. T. Hunt " " " " " " "

John Slaughter " " " " " " "

Brant " " " " " " "

Agreed to Jury by Billings for Debt

" " " " Pipkin " Plt.

Jury retire & bring in the hollow's
verdict - the Jury find for Plt

in sum of \$75. - W. R. Castle Foreman

appeal entered by B. Debt. Same Day

Jan 23 / 89

Common } Jan 23/69
- 25 -
~~2 Apr 1872~~

~~July 17, 2, 1872~~

5-

May Term 1869

~~John Mase~~	~~1.~~	~~26^m~~	~~= 353~~	
Jacob M. M. M.	1	40.	4.20	
L. R. M. M.	1.	70	4.20	
J. M. M.	1	70	4.20	
J. M. M.	1.	40	4.20	
M. D. M.	3.	80	9.40	
Samuel Perry	2.	17.	3.36	
M. Byrne,	3	15.	3.20	
M. J. M.	2.	40	5.20	
R. E. M.	2.	15	3.20	
Thomas M. M.	2.	15.	3.20	47.69

March Term 1870

J. M. M.	2.	40 —	5.20	
Robert K. M.	1.	36	3.88	
~~John Mase~~	1.	36	~~3.88~~	
M. M.	2.	50	6.00	
M. M.	2.	40.	5.20	
M. M.	2.	40	5.20	
Samuel Perry	2.	36 —	4.88	
John M.	2.	36 —	4.88	
Oliver M.	2.	36 —	4.88	
John Mase	2	50	7.76	
John M.	2.	36	4.88	
William M.	3.	40	6.20	61.83
				47.69
				109.52

Thickmeyer Line 24 mts, @ 55¢ = 13.00
 Calcutt parties 20th Calcutt mts. 120 1,40 1340

E. J. Henry issue 24 spca 8.00 Seed 24 mts. 120 9.20
 Centur. 906, Birds 105, Mts 20th high 50th 10. 10. 15. 3.40
 Fee Bill 50th 1000 1.50
 14,10

Snapper two times Cent 24.00 24.00

P. D. D. 4.00 J. D. D. 3.60 7.60
 Mts 300, July 3.00 6.00
 174.62

109.52
 2450
 24,00
 002

109.52
 2450
 2400
 16102
 1360
 17462

Byrne

~~Byrne~~

De Bie

174.63

McFarland