

Tafferson County Circuit Court
Case Files - Civil
November 1869

Box

25

Folder

10

Ems, George

vs

Tafferson County

Appeal

Defendant appealed from County
Court on damages assessed for
Hillsboro to Lemay Ferry gravel road

Geo. Emus
Jefferson County

In the County Court
July Term 1869.

Philip P. Phipps attorney for
the above plaintiff makes oath and
swears that the appeal taken from
the judgment of the Court in the
above Cause is not taken for
recreation or delay but because
the apparent ruling the appellant
is aggrieved by the judgment
of the Court.

Sworn to & sealed before
before me July
21st 1869
B. M. Mullin

P. Perkins

Geo. Ems

3

Jefferson County

affidavit for
appeal

Filed July 26th 1869
E. F. Henry cl10

George Emms

ⁱⁿ
Jefferson County

In the County Court
July Term 1869

I Philip P. Phipps atty
for the above plaintiff Obligate
myself to pay all costs which have
accrued or may accrue in
the above cause adjudged against
the plaintiff

P. P. Phipps

Geo. Enns

³
Jeff. County

appeal Bond

George Dms

Jefferson County

In the Jefferson
Circuit Court

Defendant moves the Court
to dismiss the appeal in the
above cause for the
reason that

1st No notice of the appeal
was given to the Road
Commissioner of said
County of Jefferson

Jos. J. Williams
Atty. for Defendant

Geo. Ems
vs
Jefferson Co.

Motion to
Dismiss appeal

Filed Nov. 19th 1869
E. H. Hays et

Geo. Dms

Jefferson County

3 In Jefferson Circuit Court

Defendant moves the court to
Tax against Plaintiff the
costs of witnesses & ~~sub~~
subpening of them on his
part for this term of court for
the reasons

1st That Plaintiff is liable by Law
for such costs

Williams
Atty. for Deft.

G. Imms
Jefferson Co,

Motion to
Discontinue

Filed Nov. 26th 1869
Elias P. Hopper

COUNTY OF JEFFERSON,

The State of Missouri.

To *Wm. H. Brown, Maria Kirk & Fred Langenhorn*

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 *2^d* day of *July* 1870 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 *Emad Ghah*

Plaintiff, and *J. H. and Leavell*

Defendant, on the part of *Leavell* 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 *14* day of

Jan *J. D.* 1870 *Clair H. Honey* Clerk.
By J. H. Alfred Berry

July, Term 1890

Conrad Glat 2945-

^{as}
Jefferson County

Frank Grinn + Francis

Kirk + Fred x

Lyncheneey

for Peffst ")

Some of the within by well tried the same to the within
Barned Strout, Auburn and Storrs and the within
Lansbury in these bearing and the of the
Lansbury in the bearing and the of the
of January 1870 at the same time 27 day

The of such ten days the with
by the of the with

Dec 8 1870

2 feet

COUNTY OF JEFFERSON,

The State of Missouri.

To Jacobt James Francis West.

And Langebury

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

24th day of July 1870 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

George Conrad

Plaintiff, and

Jefferson County

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 14 day of

January A. D. 1870

Wm. O. Henry Clerk.

By J. H. August 24th 1870

2944

Feb. Term 1870

George Ernst

vs

Jefferson County

Grimm + Kirk
+ Longhoney X

In Reff^d ④

Served the within by reading the same to the within named
Frank Grimm and Francis Kirk and Fred Longhoney
in their hearing and presence this 28 day of January
1870 at Jefferson County Mo

fees \$1.50

Fred Lusk Berneger Sheriff
By Fred Colburn atty

Departs

George Ems } In the County
 is } Court of Jefferson
 Jefferson County } County
 April Term 1890

Now comes the plaintiff and files
 his objections to the report of the
 Commissioner awarding damages
 to the plaintiff on the location
 of the Hillsboro and Lima Ferry
 gravel road and assigns the
 following grounds of objections

1. Because the said plaintiff has
 sustained more damages than has
 been awarded him
2. Because the road has
 damaged plaintiff more than
 the same has benefited him

George Ems.

is
 Jefferson County

} In the County
 } Court

P. Pipkin
 for plaintiff

We agree that no objections shall
 be taken in this case on account of
 any insufficiency of the Report of the
 Commissioner ^{in this case} of any such
 It is the only objection is as to amount of damages
 signed

This April 19th 1870

P. Ashton atty for
Geo. J. Williams
Atty. for the County

George Imb

Jefferson County

In the County
Court of
Jefferson County
(Missouri)

This affiant Joseph J. Williams for
the defendant on his oath says
that this application for an
appeal on the part of the
defendant in the above cause
is not made for vexation
or delay but because this
affiant believes that the
appellant is aggrieved by
the judgment of the Court
and the verdict of the jury

Sworn to and Subscribed Jos. J. Williams
before me May 18th 1870

Wm. M. Williams

B

Geo. Dins

by

Jefferson Co.

affidavit for
appeal

George Ens, — Plaintiff } In the County
Against } Court of Jefferson
Jefferson County, — Defendant } County Missouri

We the undersigned Jefferson County, By
Abner Green, her Attorney, &
acknowledge ourselves indebted to George
Ens, in the sum of Two hundred dollars,
to be void upon this Condition; Whereas,
Jefferson County by her Attorney has appealed
from the judgment of the County Court of
Jefferson County Missouri, in an action be-
tween George Ens, plaintiff, and Jefferson
County (in the State of Missouri) defendant,
Now, if on such appeal the judgment of
the County Court aforesaid be affirmed, or if
on the trial anew in the appellate Court,
judgment be given against the appellant,
and she shall satisfy such judgment, or if
her appeal shall be dismissed, and she
shall satisfy such judgment of said County
Court together with the costs of the appeal,
then this Bond shall be void, otherwise to
remain in full force.

Witness our hands and seals this 18th
day of May 1870 } Jefferson County
By Abner Green, County Attorney } Seal
for said County }
John L. Mowen } Seal
Seal

Geo. Wms
Jefferson County

Bond for an
appeal

George Ems, - Plaintiff } In the County
Against } Court of Jeff-
Jefferson County, Defendant } son County
Missouri

To George Ems, - appellee;
You are hereby notified that Jefferson
County the above named Defendant, has by her
Attorney, taken an appeal from the judgment
of the County Court of Jefferson County Missouri,
in the above entitled Cause, to the Circuit Court
of Jefferson County Missouri,

August 18th 1870 } Abner Green County
Attorney for Jefferson
County

In Circuit Court
Jeff. Co, Sep. 4, 1890

George E. no
vs.
Jefferson County

Notice of appeal

Copy

Valerius & Ansanto.
before me this 6th day of
Sept 1890
4th Jefferson County Circuit Court

A. McAdams

Aug^t 22nd 1890

I execute, ordered the within Notice on the within named
George E. no - by delivering him a true copy thereof at
the County of Jefferson on the 22nd day of August 1890

The State of Missouri,
COUNTY OF JEFFERSON.

CO. OF JEFFERSON.

To Samuel Madison Esq. Clerk, due Treasurer
of the County of Jefferson

You are Herewith Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the 6th day of Dec^r, 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

Demetrius
Plaintiff, and

Plaintiff, and
Defendant, on the part of *Robert Cochrane*; and herein you are
in no wise to fail.

Quintess, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof
hereto affixed, at office, this 18th day of

Curran
A. D. 1870

Wm. H. Emory
Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

Sept.

Term, 1870

George Ems.

Geo Co.

Sam Marsden X

Chas Grace +

Platible h. & L. +

W. P. Hannon 15. +

Chas. H. Hargis +

all served this 18th day
of August 1870

The State of Missouri,
COUNTY OF JEFFERSON.

To

J. C. Wilson Esq. Justice

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 6th day of Sept, 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 George G. Mc

Plaintiff, and

J. C. Venable Defendant, on the part of Self; 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 22 day of

August A. D. 1870

Elias F. Honey Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

Sept Term, 1870

Geo Ems
vs
Jeff Co

Wm Mocklee &
J E. O. Mison &
for deft

Served the within subpoena this 7th day of September
1870 by exhibiting the same to the within named
Wm. Bucklee and J. E. G. Wilson in their presence
and presence of Jefferson Davis & one

Deed & 100

By Fred Luckenberry ex sheriff
J. H. Williams

By J. Davis

George Ems

ⁿ
Jefferson County Mo

In the Circuit
Court of Jefferson
County Sep
7. 1870

Now comes the plaintiff and
moves the Court to dismiss the
appeal taken in the above Cause
from the judgment of the County
in said Cause

Because the appeal was
not taken within ten days
after the judgment was
rendered.

P. P. Phipps
Phipps atty

George Ems
in
affairs on County

Motion to disqualify
Apparal

Filed Sept 13th 1876
E. H. H. C. R.

George Dms

vs
Jefferson County

} In the Circuit Court
of Jefferson County
Missouri

Defendant moves the Court to
set aside its judgment in dismiss=
ing the appeal in this cause on
motion of Plaintiff and to grant
Defendant a rehearing of said
motion for the reasons

152 ^{Because} ~~that~~ the decision and judgment
of the Court is against the Law

Green Williams
Atty. for Defendant,

2944

Geo. Imo

Jefferson County

Motion for new
trial

filed Sept. 16 1870

E. Honeycutt

George Ems, - Plaintiff } In the Circuit
 Against } Court of Jefferson
 Jefferson County, - Defendant } County Missouri,

This Affiant, Abner Green, County Attorney for Jefferson County aforesaid, states that the application by said Jefferson County, the Defendant in the above entitled cause, by her said Attorney, for an Appeal from the Judgment of the Circuit Court aforesaid ^{in the above entitled cause} to the Second District Court of Missouri, is not made for rescission or delay, but because this Affiant believes that the said Defendant - the Appellant - is aggrieved by the Judgment and decision of the said Circuit Court.

Subscribed and sworn to before me on 24th Nov
 Wm. Mullins Esq. County

Abner Green, County
 Atty for Jeff. Co.

In Circuit Court
Jefferson County

George Ems
vs,
Jefferson County

Affidavit

Filed Oct 24th 1870
B. J. Hargy
Wm. H. Hargy
Wm. H. Hargy
Wm. H. Hargy

George Ems, - Plaintiff } In the Circuit
Against } Court of Jefferson
Jefferson County, - Defendant } County Missouri

We, Jefferson County, by Abner Green, County Attorney for said Jefferson County, as principal, and John Williams and Abner Green as securities acknowledge ourselves indebted to George Ems in the sum of Three hundred dollars, to be void upon this condition; - That whereas the said Jefferson County by her Attorneys has appealed from the judgment of the Circuit Court of said County in an action wherein the said Ems is Plaintiff, and Jefferson County (in the State of Missouri) is Defendant, to the Second District Court of Missouri. Now if the said Appellant shall prosecute her said Appeal with due diligence to a decision in the said Second District Court, and shall perform such judgment as shall be given by the Second District Court, or such as the Second District Court may direct the Circuit Court to give, and if the judgment of the Circuit Court, or any part thereof be affirmed, that she will comply with and perform the same, so far as it may be affirmed, and will pay all damages and costs, which may be awarded against the said Appellant, by the said Second District Court, - then the above Bond shall be null and void, otherwise to remain in full force,  Witness our hands and

Read this copy of October 1870,

of Jefferson County

By John Green, County

Attorney for said County

Geo W. Williams

John Green

John Green

Witnessed on 24th 1870

John Green

By J. Williams

In Circuit Court
Jefferson County

George Emms
vs.
Jefferson County

Bond

Filed Oct 24th 1870
E. P. Hovey Jr

George Emms

^{vs}
Jefferson County

In the Circuit Court
of Jefferson County
Missouri

Be it remembered that on the 15th day
of September 1870 and during the September
Term of the aforesaid County of Jefferson for the
Year 1870 the Plaintiff filed in said Court a
Motion to Dismiss the appeal in the above
Cause which Motion is as follows viz (Here
Copy Motion to Dismiss appeal) and thereupon the
Defendant for the purpose of proving that the
County Court of said County of Jefferson
adjourned on the 23rd day of April 1870 till
the 3rd Monday in May 1870 and also that
there was a session of said County Court
held on the 3rd Monday in May 1870 and
also that such May Term of said County
Court was an adjournment of said April
Term and also that said appeal was taken
at said May Term Read in evidence from the
Record of said County Court and entry of Record
purporting by said Record to be an order of
adjournment of said County Court made on
the 23rd day of April 1870 as follows viz
(Here copy order of adjournment of April Term)
and also read from said Record an entry of
Record purporting to show that a session of
said County Court convened on the 3rd Monday

of May 1870 ~~being the day of said month~~
which said entry of Record so read is as
follows, viz, At an adjourned Term of the
County Court of Jefferson County, Missouri ~~begun~~
began and held on the third Monday in May
A. D. 1870 were present Hon. G. Johnston P. J. Antoine Yerger
and William Hendrickson associate Justices H.
Luehtemyer Sheriff and H. W. McMullin
Clerk of said Court,

and also read from said Record of said County
Court an entry of Record in the proceedings of
said Court had on said 16th day of May 1870
purporting to be an order of adjournment of
said Court from said 16th day of May till the
next day and ~~also~~ which entry is as
follows viz (Here copy order of adjournment on
the 16th day of May 1870 till the next day) and also
^{an entry of adjournment by said Court from the 17th to the 18th of May 1870 as follows}
Defendant read from said Record for the purpose of
showing that when the appeal in said Cause was
taken an entry of Record in the proceedings
of said Court had on the 18th day of May
1870 which entry is as follows viz, (Here
copy order allowing appeal) and the fore-
going was all the evidence in said Cause
and thereupon said Circuit Court did
sustain Plaintiff's motion to dismiss
said appeal and did dismiss said appeal
to which action of the Court in dismissing

(Here copy entry of adjournment from May 17th to the 18th)

Said appeal Defendant at the time
accepted, and afterwards on the same day
Defendant filed a motion for a new Trial or
rehearing of said motion to dismiss said
appeal which motion is as follows, viz, (Here
Copy motion for rehearing) which said motion
the Court overruled and to which a motion of
the Court in overruling said motion for a
new Trial or rehearing the Defendant at
the time accepted, and then on the 24th day
of said month of September 1870 said
Circuit Court did with the consent of both

Plaintiff and Defendant make an order
extending the time for Defendant to prepare
and file an affidavit for appeal, appeal
Bond and Bill of Exceptions till thirty days
after said 24th day of September 1870
which order is as follows (Here copy same)
and now here in pursuance of said
order on this 22nd day of October 1870
Defendant tenders this Bill of
Exceptions and prays that the same
may be signed sealed and made a
part of the Record which is done

J. H. Vail Judge 15th Cir. Ct. {Seal}

George Dms
Jefferson County

Bill of Exceptions

Conect
Thomas
Res.
Green Treasurers
for 1870/1871

Filed Oct. 24th 1870.
Elias J. Haney, clk
