

Jefferson County Circuit Court
Case Files - Civil
February 1870

Box

25 Fold 41

Reed, Louisa
vs

Lawn, Francis

Mandamus

Order JP George McLamree to allow
appeal by defendant

State of Missouri }
County of Jefferson } In the Jefferson Circuit Court
Now again to Term. Feby 1870,
Febrary 4th 1870

Be it Remembered that on the 4th day
of Febrary A D 1870 among other things of that day
the following proceedings were had to wit

Lorisa Reed Plf }

^{vs}
Francis Law, Dft } Now at this day came
Francis Law and files his petition and
application for a Mandamus to compel George
McNamee a Justice of the Peace of Mennecke
Township Jefferson Co Missouri, to allow an
appeal & make return to this Court
of all proceedings had in a certain cause
wherein the said Lorisa Reed is Plf, & the
said Francis Law is dft, & for other
relief & the said application being read and
fully understood by the Court it is
ordered that George McNamee, a Justice
of the Peace of Mennecke Township Jefferson Co Mo
Shall cause on the first day of next term
of this Court, why a preceptary Mandamus
should not issue from this Court, Compelling
him said George McNamee, to allow an
appeal, & make his return to this Court

of all the proceedings had in said
Cause. Wherein the said Justice
is further ordered to return which have
all money made in the Execution
issued in said Cause Subject to
the further order of this Court. & it
is ordered that the Sheriff forthwith
Send a certified Copy of this
order to the said Justice.

A true Copy from the Record
In Testimony Whereof I have
set my hand & the Seal of said Court
at Springfield this 9th day of July 1840
Elias P. Hovey Clerk
By J. W. Alfred D. C.

Served the within Notice this 3rd day of March A.D. 1870
by delivering a copy to the within named
George McNamee at Jefferson County Mo.

Fred Luckemeyer Sheriff
By Thomas Melton

fees \$ 1.00

Sp

Deputy

Return March 1870

Recd

Copy of Order of

Lease to the within

George McNamee

justice of the

peace for

Menmuel

township

the 4th 1870

Orgl

This writ came to hand
the 24th day of February 1870

Lorine Reed & Jefferson Co Circuit
of Hawaiian Law } court do overrule
Hawaii Feb 1st 1870

Hawaiian Law

Your Petitioner respectfully shews to
this court that on the 15th day
of Jan'y 1870 one Geo. McKinnon a
Justice of the Peace of Meruwa Town-
ship Jefferson County do rendered
a judgement against your
Petitioner for the sum of ninety
dollars exclud or costs in an
action in which Lorine Reed
was Plaintiff and your
Petitioner was the defendant

That at the time said judgement
was rendered and in open court
your Petitioner gave notice
that he waived appeal from
the said judgement

Your Petitioner further shews
that on the 22^d day of Jan'y
1870 your Petitioner served on
the said Justice an affidavit in
the usual form for an appeal with
a copy of which is hereto attached
and also an appeal bond for
the sum of \$200 a copy of which
is hereto attached That said

land was signed by himself and
as principal and one James
Duff as security both residents
town holders of the said town-
ship and county.

That the said James Duff
owns & 120 acres of land in
said township and that the
sum is reasonable worth the
sum of \$250 per acre and that
he owns some cattle, hogs and
other stock of the value of the
sum of \$500, and is informed &
believes to be true. Your
Petitioner is also informed and
believes true that the said James
Duff owes very little or no
debts and that his said
Real and personal property is
not incumbered by any liens.

Your Petitioner further
states that the said Duff is
reputed to be one of the best
and most solvent men in said
township and he believes that
\$500, or \$1,000 dollars can be
made out of him at any time
excluding property exempt from

Execution 206

Your Petitioner further states that the said justice never objected to the sufficiency of the said Bond but required and this your Petitioner to give a bond for the sum of \$300, instead of \$200 and also to pay up all costs accrued in said action before he would grant said appeal.

And your Petitioner further states that it was too late to ~~perfect~~ procure the ~~the~~ bond exacted by said justice and perfect his said appeal ~~in~~ within the ten days in which to appeal, and your Petitioner further states that it is a hardship and not required by law to compel your Petitioner to pay up the costs accrued in the ~~court below~~ case before said justice.

Your Petitioner further states that said justice issued his execution in said case, and that John Denny your brother

levied upon, and on the 1st day
of Feby 1870 sold right head
of cattle the property of the
your Petitioner, and realised
from the said sale the sum
of \$186⁰⁰, as your Petitioner is
informed and believes to be
true

Your Petitioner further
states that the said Justice
refuses and neglects to grant
an appeal in said case

Wherefore your Petitioner
Prays that the Court to
make an order directing
the said Justice to recall his
Execution issued in said case
and require the said Constable
to make full return of all his
proceedings thereon, and to
for the order and require
the said Justice to make return
of all all proceedings had
before him in said case
to this Court, and also to
Order and require the said
Justice to return all money
made or collected on said

Execution to this court with
his return in said return
and for such other and further
relief as may be just and
proper in the premises

Your Petition further
states that the said Lovin Reed
is a poor person ~~ages~~ with
no personal or real property -
and that the said petition
did not require to give
any security for costs in
the said action

Francis Lawrence

By J. White

His atty

State of Missouri }
Jefferson County } ss

James White being duly
sworn says that the statements made
in the foregoing petition are true
of his own knowledge except
such matters as are stated on
information and belief and
as to those matters he believes them
to be true

James White

Sworn to & subscribed before me
this 4th day of Feb. 1870
J. H. Vail, Judge

Lovisa Reed } Before Geo. McNamee Justice
vs } of the Peace of Moreau Township
Francis Lownd } Jefferson County Mo

State of Missouri }
Franklin County } ss:

Francis Lownd being duly
sworn upon his oath states
that on the fifteenth day of
January 1870 there was a trial
before the above named justice
in a civil action on account
wherein Lovisa Reed was Plaintiff
and the said Francis Lownd
was defendant, that said justice
rendered a judgement in favor
of the Plaintiff and against the
defendant on the said day for
the sum of ninety (\$90) dollars
of costs & interest That on
~~the 22^d day of Jan'y 1870~~ the
~~defendant~~ the same day this
defendant gave notice that he
appealed from the said judgement
and that subsequently and on
the 22^d day of January 1870
and within ten days from the
day on which said judgement
was rendered ^{he filed} his bond and

affidavit for an appeal a
true copy, of said bond being
hereto attached marked exhibit
"A" and a true copy of said
affidavit being hereto attached
marked exhibit "B" That the
said bond was executed by
himself as principal and on
James Duff as security, and
that the ^{said} justice refused to
swear this deponent to his said
affidavit, and that he was
obliged to pay for the same
before one Julius Kahnmann
another justice That this
deponent is well acquainted
with said James Duff who
signed his said bond, and
also with his circumstances
and that he is worth in personal
and real property over and
above debts and liabilities
at least the sum of three
thousand dollars, and deponent
believes much more That the said
justice never objected to the
responsibility of his said security,
but that after the expiration

Of the ten days in which to make his
said appeal, the justice gave
this deponent notice that he
would require a bond of three
hundred dollars, and require the
defendant to pay, all the costs of
the action before he would grant
an appeal. This deponent further
states that immediately after
the judgement was rendered and
after the clerk had given notice
of appeal, the justice issued
Execution and on the 21st day
of June 1870 the constable
(John Denny) made levy on
ten head of stock and that
on the 1st day of July the writ sold
eight head of stock of this def-
and that the amt of said sale
amounted to about the sum
of \$186, as this deponent was
informed. That this deponent
served notice on the constable
that he had taken an appeal and
objected to said sale before
the same had commenced.

This deponent further states
that soon after said trial it
was extensively reported throughout

the neighborhood of the justice and
this deponent that the justice
~~would~~ send he would exact
security to the amount of
one thousand dollars before
he would ^{allow} the defendant to
appeal from his judgment which
report tended to prevent this
deponent from giving other security.

Deponent further says that he
sent the said James Duff on
both residents and householders
of Lawrence Township Jefferson Co
Missouri Francis Law

Sworn to before me
the 2^d day of Feb, 1870
Julius Kahmann
Notary Public.



Louisa Reed P^{ff} } Before Geo McNamee
 or } Justice of the Peace
 Francis Lawnduff }

We the Undersigned Francis
 Lawnduff, and James Duff
 acknowledge ourselves indebted
 to Louisa Reed in the sum
 of \$200, to be paid up on this
 condition; Whereas Francis
 Lawnduff has appealed from the
 judgment of Geo McNamee a
 Justice of the Peace, in an
 action between Louisa
 Reed Plaintiff and Francis
 Lawnduff defendant; Now if said
 appeal the judgment of the
 Justice be affirmed, or if
 on trial award 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, this recognizance
 shall be void

Francis Lawnduff (Seal)
 James Duff (Seal)

Lorina Reed Pff

vs

} Exhibit "B"

Francis Lacon def

State of Missouri }
Jefferson County } ss

Francis Lacon being duly
sworn upon his oath states
that the ~~affidavit~~ application
for an appeal in the above
case is not made for
vexation or delay, but
because he believes the
defendant is aggrieved and
injured by the judgment of the
Justice

Sworn to before {
on this 22^d day { Francis Lacon
of Jan'y A.D. 1870 {
Julius Kahrenmann J.P.

3027

Louisa Reed
or

Francis Lamm

Recd July 5th 1870
Efficiency etc

8 97
628

The State of Missouri, }

COUNTY OF JEFFERSON.

To George M. Hance. John D. Morgan & Michael
M. Hance John D. Morgan

You are Herby Commanded, That setting aside all manner of excuse and delay, you
appear before our Circuit Court, for the County aforesaid, on the *seventh day*
of March 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
G. F. Hance *Plaintiff*.

Francis L. Davis Plaintiff, and
Plaintiff 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 *seventh* day of
March A. D. 1870.

Elias F. Honey
By J. H. Honey Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

M. H.

Term, 1870

Lovina Reed

vs

Francis Sawon,

M. M. Name Gen. Nicholas
John Tramm - John Dunnington

Shuff fee \$2.00

Clk fee

25

2.25

Sund March 7th a D 1876 by riding to George at Mr Manue
at Mr Manue John Dunningan and John Treane and Jeff
Mr
Geo Lister

Good but no energy
by Geo Treane
Dunningan

Louisa Reed Plaintiff } On petition for Mandamus
vs. against George M^r
Francis Lowen, Defendant } Same. Justice of
the Peace.

Now at this day comes George M^r
Same & moves the Court to dismiss this case
proceeding against him for the following
reasons.

- 1st Because this purports to be an action
in favor of Louisa Reed and against
Francis Lowen & the petition is for a man-
damus against George M^r Same.
2. Because John Dunne for this included
in the petition is not served with process.
3. Because the writ issued in this cause was
not delivered to this defendant.
4. Because the writ is defective & does not
comply with the law.
5. No copy of the petition was served on this
defendant.
6. Because Louisa Reed has had no notice
of this proceeding.

Green & Thomas
Attys for Geo. M^r Same

Louis Reed

21

Thurs. Jan 21

motion & discussion
proceeding.

Wed March 7. 1876
Edw. J. Howard