

DeForsen County Circuit Court
Case Files - Civil

Box

27

Folder 57

January 1871

Mette, Louis
Hanna, Julius

vs

Miller, Julius

Appeal

Plaintiff appealed from JP A.M.
Tyler on \$20.10 account for
Raspberry and peppermint

Middle Island

3

Julien, Michel

Filed for seal-

Dec 9-1870

SUMMONS. (J. P.)

The State of Missouri,

To the Constable of *Valley* Township,
in the County of *Jefferson* - GREETING:

We command you to summon

Julius Miller

to appear before the undersigned, one of the Justices of the Peace of *Valley*
Township, in *Jefferson* County, on the *22^d*

day of

December 1870, at 10 o'clock in the forenoon, at his office, in the said Township, to

answer the complaint of

*Louis Mett & George Leanne,
Carthage and in the name and firm of
Mett & Leanne - Plaintiffs*

Given under my hand this *9th* day of *December*, A. D. 1870.

A. M. Fyke
Justice of the Peace.

SUMMONS.

Wm & Rame Plffs

vs.

Julius Miller Def't.

BEFORE

A. M. Tyler
Justice of the Peace.

Amount of Plaintiff's Demand, - - - \$ *20.10*
Costs already accrued, - - - \$ *55*
Constable's Fee, - - - - - \$

TOTAL, - - - - - \$

[See Act concerning Justices of the Peace, approved March 4th, 1869.—Sess. Acts, '69, page 61.]

I enclose this writ in the Township of
Wade in Jefferson County, Mo. this 10 day of
December A D 1870. by reading the same in
the presence and hearing of Julius Miller the
within named Defendant

He - - - *35 ct*
10
45 ct *Can of Wade Township*

Mette & Hanne Elffs
vs
Julius Miller, Defendant } Before
Justice
A. M. Tyn

Now at this day comes said
Plaintiffs and move the justice
to set aside the non-suit rendered
herein & grant them a new
trial for the following reasons.

1. The defendant owed the money
laid on.
2. Judgment should have been
rendered for Plaintiffs instead
of Defendant.

John L. Thomas
Atty for Plaintiffs

Mette Thorne

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Julius Miller

Motion for New
Trial.

Filed with Justice

Dec. 28-'70

Kette Thanne Hoff } Before Justice
n } A. M. Lytle.
Julius Miller, Dep't }

This affiant makes oath
that ~~he~~^{they} does not take an
appeal in the above entitled case
for vexation or delay but because
they feel themselves aggrieved
by the judgment of the Justice
sworn to & subscribed } John L. Thomas
before me Dec. 26th 1870 }

W. S. Boyce Clerk
By Thos. Herme Depy,

We Mett J Thorne as principal
and John L. Thorne as security
acknowledge ourselves indebted
to Julius Miller the above named
defendant in the sum of twenty
dollars upon Condition that
they prosecute in the appeal in the
above case with effect & without
delay and pay all damages and
costs which the Circuit Court may
adjudge that they shall pay.

Mette & Anne
By L. H. Mowar at
John L. Mowar.

Mette Hauke

Julius Miller

Affidavit &
Bond for appeal

Filed with Justice

Dec. 28-1870

Louis Mette & George Kamm, Plffs. -
 vs
 Julius Miller, Deft.

} Suit on a/c for \$20¹⁰/₁₀₀

Dec. 9. 1870 Plaintiffs filed a bill of particulars of their account, as follows:

St. Louis, Mo. Nov. 10. 1870

Mr Julius Miller, De Soto, Mo.

Bought of Mette & Kamm -

10 Galls Reg. 1.25	Raspberry 1.50	-	\$16.25
2 " do 1.00	Peppermint 1.50	-	3.60
Drayage -			.25
			<u>\$20.10</u>

Dec. 9. 1870 Issued summons for defendant returnable on the 22^d day of Dec. 1870 at 10 o'clock in the forenoon of that day, and delivered the same to R. Washburn, Constable of Valle Township.

Dec. 16. '70 Summons returned, "served by reading the same in the presence and hearing of Julius Miller, defendant" on the 10th day of Dec. 1870 in Valle Township of Jefferson County, Mo.

Dec. 22. '70 1 o'clock P.M. Plaintiffs fail

to appear, but make default,
this therefore considered
that their cause be dis-
missed, and that the de-
fendant recover of the
Plaintiffs his costs in this
suit expended, taxed at
Two dollars & forty cents - \$2.⁴⁰

Dec. 28. '70 Now comes the Plaintiffs
and move to set aside the
judgment of disinculpation
in rendered against them,
but failing to show good
cause therefor their motion
is overruled.

Dec 29. '70 Now comes the Plaintiffs and
file affidavit & recognizance
for appeal, and pray an
appeal to Circuit Court of
Jefferson County Mo., which
is allowed by me.

A. M. Tyler
Justice of the Peace
Vall Township
Mo.

Justice Fees-

Summons -	- ,35
Docketing -	- ,10
Indexing -	,10
Judgment	,50
Transcript	<u>1.00</u> \$2.05

Constable Fees-

Serving Summons -	35
Mileage -	- ,10
Serving Notice	
to take depositions -	<u>,35</u> ,80
	\$2.85

A. M. Tyler
Justice of the Peace

(194)

Certificate of Justice to Transcript.

(Whittlesey's Form, 370.)

STATE OF MISSOURI, }
County of Jefferson } ss.

I, A. M. Tyler, a Justice of the Peace within and for the
County of Jefferson and State of Missouri, do certify the foregoing to be a
full, true and complete Transcript of the Entries and Proceedings in the case of Louis Mute &
George Kamm versus Julius Miller,
as the same are of record on my Docket, and that the papers thereto attached are all the original papers on file in
my office.

WITNESS my hand, this 3^d day of January A. D. 1871.

A. M. Tyler
JUSTICE OF THE PEACE.

2829
Louis Miller &
George Kamm
vs. pffs.

Julius Miller Dep't.

Transcript on Appeal

Judgment for costs Mar 23 1871
Volume 6 page 281

Filed January 5th 1871.

W. S. Boyce clerk
By C. H. Kamm Dep't.