

Jefferson County Circuit Court
Case Files - Civil

Box

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January 1873

Rendrick, John Cummings
vs

Bryan, Charles

Slender

Defendant accused plaintiff of
stealing blacksmith and carpenter
tools from his shop in DeSoto;
\$5,000 damages

John Cummings Kendrick, Plaintiff
against
Charles Bryan, Defendant
In the Circuit
Court of
Jefferson County
Missouri

Plaintiff states on or about the 4th day of May 1872 at Desoto in the County of Jefferson aforesaid the Defendant spoke the following false and slanderous words concerning the Plaintiff that is to say "Cummings Kendrick (meaning the Plaintiff and being understood by a large number of persons to whom he was speaking to refer to and mean the Plaintiff) is the identical man that stole them tools" thereby intending to charge the Plaintiff and being understood by a large number of persons to whom he was speaking to charge the Plaintiff with stealing a lot of Blacksmith's and Carpenters tools from a shop owned by Defendant in the possession of one James Luther in said Town of Desoto on or about the 6th of May 1872 also the following false and slanderous words viz, "I am satisfied that Kendrick (meaning Plaintiff and being understood by the persons to whom he was speaking to mean Plaintiff) stole them tools" thereby charging & intending to charge and being understood by divers citizens of said County, Town & State there present and hearing said statement of

Defendant to charge Plaintiff with the crime
of Larceny committed in the stealing of
a lot of Blacksmith & Carpenters Tools from
a shop owned by Defendant and in the
possession of one James Luther situate in
said Town of Desoto,

by which the Plaintiff says
he is Damaged to the amount of Five
Thousand Dollars for which he
prays judgment.

Jos. Williams
Atty. for Plaintiff

John L. Kennick

vs

Charles Bryan

action for slander

original

Dated Dec 10 1872

N.S. V. Dwyer &

By C. H. Keene

depos

black issue process

for Williams
for stamp

John Cummings Kendrick Plaintiff } In the Circuit
Against } Court of Jefferson
Charles Bryan Defendant } County Missouri

Plaintiff states, ~~that~~ on or about the 7th day of May 1872, at DeSoto in the County of Jefferson aforesaid, the Defendant spoke the following false and slanderous words concerning the Plaintiff, that is to say "Cummings Kendrick (meaning the Plaintiff, and being understood by a large number of persons to whom he was speaking, to refer to and mean the Plaintiff) is the identical man that stole them tools." Thereby intending to charge the Plaintiff, and being understood by a large number of persons to whom he was speaking, to charge the Plaintiff with stealing a lot of Blacksmiths and Carpenters tools from a shop owned by Defendant in possession of one James Luther in said Town of DeSoto, on or about the 6th of May 1872.

Also the following false and slanderous words viz: "I am satisfied that Kendrick (meaning Plaintiff and being understood by the persons to whom he was speaking to mean Plaintiff) stole them tools" thereby charging and intending to charge, and being understood by divers citizens of said County, Town and State there present and hearing said statement of Defendant, to charge Plaintiff with the crime of Larceny ~~that~~

committed in the stealing of a lot of Blacksmiths
& carpenters Tools from a Shop owned by Defendant
and in the possession of one James Luther
situate in said Town of Desoto. by which
the Plaintiff says he is Damaged to the
amount of Five Thousand Dollars. for
which he prays Judgment.

Jos. J. Williams
Atty for Plaintiff

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

Witness, W. S. Boyce clerk of said
court, with the seal thereof. hereunto
affixed, this 12th day of December 1872

W. S. Boyce Clerk

By Chas. Horne Depy

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

The State of Missouri,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON---GREETING:

We command you, that you summon

Charles Bryan

if he be found in your County, that he be and appear before the Honorable 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 and for the County of Jefferson, on the *Second* Monday ~~after the fourth Monday~~ of *January* next, then and there to answer unto

John Cummings Kendrick

upon *his* original petition, a copy whereof is hereunto annexed and accompanies this writ, and have you then there this writ.

Witness, W. S. BOYCE, Clerk of our said

Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *twelfth*

day of *December* A. D. 18*72*

W. S. Boyce Clerk Circuit Court.
By *Thomas Horne* Deputy.

I Executed the within in the county of Jefferson
State of Missouri on the within named Charles
Bryne by Delivering him a true copy of the
Writ and Petition as furnished me by the
Clerk of said Court on the 27.th day of Decem-
ber 1872

J. B. Moss Sheriff

3586

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

January TERM, 1873.

Hendrick

^{vs}
Bryan

Original

848.59.61.67.70-

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L. 27 Sec 100

Sheriff Fee 1.00

STATE OF MISSOURI,

COUNTY OF JEFFERSON,

To

C. I. Charleston John Seaggs Hugh Hendrick
Joseph Duckworth

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 *17th day of May 1873*, 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 *Jos. C. Hendrick is Charles Bryan's*

Plaintiff, and

Defendant, on the part of *Off*
in no wise to fail.

; and herein you are

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof
hereto affixed, at office, this *12th* day of

May A. D., 1873.

Clerk.

W. S. Boyce
R. D. Ho (Horne) Deft

I executed the within subpoena at the County of
Jefferson State of Missouri on the within named
D. F. Charlton John Scagg Hugh Kendrick Joseph
Duckworth by reading the same to them on the
8th day of May 1877

J. D. Moss sheriff
By J. S. Williams

Kendrick
vs
Bryan

P.
not in case
D. F. Charlton
John Scagg
Hugh Kendrick
Joseph Duckworth

Sherriff \$5.00

Kendrick
vs
Bryan

Plff

James Luther +
Wm Porter

Wm Bredell +
John Tubinger Jr. +

Shriffs fees \$2.00

may 8

I executed the within subpoena at the County
of Jefferson. State of Missouri on the within
named James, by their Wm Porter Wm Bredell
+ John Tubinger Jr. reading the same
to them May 8th 1873

J. B. Maceo Sheriff

By Geo. W. Williams

Deft

John Cummings
Kendrick, Plaintiff.

vs
Charles Bryan,
Defendant.

In the Circuit-
Court of Jefferson
County, Mo., May Term 1873.

Defendant, by his Attorneys, answering
the petition of Plaintiff,

Denies that on the 9th of May 1872,
or at any other time, at Desoto, or
any other place, he spoke the words
or sentences, or words of similar tenor,
as set out by Plaintiff.

He denies that, defendant, has, by
any words of his, damaged the
Plaintiff in the sum of five
thousand dollars, or any other
sum.

Wm E. Leonard,
Attorneys & Resp -
Atty for deft

John Cum. Kendrick

Wm. H. H. R

Charles Bryan,

Asst.

Answer,

Ira C. Leonard -
Raymond R. R. R.

Wm. H. H. May 2 1873

Wm. H. H. R. R.
R. C. H. H. R. R.
R. C. H. H. R. R.

John Cummings Kendrick	In the Circuit
Plaintiff	Court of Appeals
vs	Security
Charles Bryan	May Term 1873
Defendant	

Now at this day comes the defendant
 & moves the Court to rule the plaintiff
 to security for costs in the above
 entitled action

1st For the reason that the plaintiff is
 insolvent & has no property to indemnify
 the plaintiff in case judgment for costs
 should be awarded defendant

Ira Leonard
 Atty aty

John C. Hendricks
Plaintiff

vs
Charles Bryan
Defendant

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Motion for Security
for Costs

Filed May 14 1873
H. D. Boyce Clerk

STATE OF MISSOURI,
COUNTY OF JEFFERSON.

To

W. S. Boyce

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 *seventeenth day of May 1873*, 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 *C. Kendrick* is Plaintiff, and

Chas Bryant is Defendant, on the part of *Plaintiff*; and herein you are in no wise to fail.

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof
hereto affixed, at office, this *15* day of
May A. D., 1873.

W. S. Boyce Clerk.

Kendrick

Bryan

Sheriff per 50

2.03. New York

I hope within the month of the country of St. Louis
Reading the same to L. H. Bick on the 15 day
1873

John C. Kendrick } In the Circuit
vs } Court of
Charles Bryan } Jefferson County,
Missouri

We acknowledge ourselves bound to pay all costs which may be accrued or which has accrued and be taxed against the Plaintiff in the above Cause

May 13th 1873

John O Kendrick
Rud McCormack

J. C. Kendrick

vs

Chas. Bryan

Bond for costs

Filed May 17 1873

W. B. Bryan

STATE OF MISSOURI,

COUNTY OF JEFFERSON

To A. J. Boas, Wm. Bredell La. Bonds & Lu. Bond

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 19th day of May 1873, 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. W. Hendricks is

Plaintiff, and Charles Bryan is

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

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof
here to affixed, at office, this 17th day of
May A. D. 1873.

W. S. Boyce Clerk.
By Esth. Hering Deft.

I. Execute the within at the county of Eff. Mo
by Reading to Wm Breckel due Birce on the 17. day of
May 1873 and and further I certify that it was done
on day Birce and R. S. Boase

J. B. Moberg Sheriff

Kindred
no
Bryan

R J Boas Shredd
M Bredell Shredd
La Byrd Shredd
Lu Byrd Shredd

Sheriff. fee 200

STATE OF MISSOURI,

COUNTY OF JEFFERSON

To

John Scaggs & James Luther

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 19th day of May 1873, 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 Jos Hendricks is

Plaintiff, and John Bryan is

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

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 17th day of

May A. D. 1873.

W. S. Boyce Clerk.

By J. H. Stone Clerk

I've cut the wither at the county of Pitt. My by
Reading the Jan to Paq Luther and John Higgs
Not found in my county. J B Prop. Higgs

Kendrick
no
Bryan

John Scaggs
James Luther ~~Scaggs~~

Shroff pu 78

John Cummings Kendrick,
Plaintiff.

vs

Charles Bryan,
Defendant.

In the Circuit
Court of Jefferson
County, Mo.
May Term 1873.

Defendant, by his Attorneys, comes and
^{amended} for answer to the petition of plaintiff here-
in, says:

He denies that on the 7th of May 1872,
or at any other time, at DeSoto, or at
any other place, he spoke the words
set out by plaintiff in his petition - or
words of similar tenor or effect.

He denies that ^{plaintiff} ~~defendant~~ has been, or
is damaged by any words of defendant
in the sum of five thousand dollars, or
in any other sum.

For further defense to this action he
avows, that on or about the 7th of May
1872, at DeSoto, in the County and State
aforesaid - certain Blacksmithing and
Carpentering tools, then and there being the
property of defendant, were unlawfully and
feloniously taken, stolen and carried
away by some person to this defendant then
unknown - that defendant enquired of

plaintiff when said tools were - that plaintiff said he could find them, that one ———— had stolen them, and hid them. That thereupon, plff. did find, or pretend to find said tools, and that the defendant then remarked that he believed, as the plaintiff found said tools so easily, and knew who had stolen them, that he was as bad as the thief himself, and that it looked to him, the defendant, very much like the plaintiff had himself stolen them.

He. aft. says said words were neither false, nor slanderous, but the truth, and the true expression of the belief of defendant concerning said transaction. He further says, in mitigation, & in justification, ~~of~~ that the character of plaintiff ~~as an honest man~~ is so bad in the neighborhood in which he lives and in that form which he came, among those acquainted with him, that no such charge could damage him any, or give his acquaintances a worse or a different opinion of him than they formerly

entertained,

Isa C. Leonard,
Geo Rywoods & Repr
Attys for left;


In Circuit Court
John C. Kendrick
vs
Jeff

Charles Bryan
clerk

"
Amended Answer

"

Filed May 19 1873
W. D. Boyce
clerk

STATE OF MISSOURI,

COUNTY OF JEFFERSON

To

G. J. Johnston *Pl. Kenneth*

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~~ *fourth*, 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. O. Sanders vs*

Plaintiff, and

Chas. Bryan vs

Defendant, on the part of *Def. Ch.*; and herein you are in no wise to fail.

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this *19th* day of

May A. D. 1873.

Clerk.

W. S. Boyce
By C. H. Hume Depy,

I Executed the within Deed upon at the County of Litch. Mo. by
Reading the same to G. B. Johnson and P. G. Kennett on
the 19 day of May 1873

G. B. Johnson

Kennett
as
Bryan

Def
G. J. Johnston & wife
P. G. Kennett & wife

Shuff 100