

Jefferson County Circuit Court
Case Files - Civil
September 1873

Box 31 Folder 52

Klein, Bernhard

vs.

Meyer, Gottlieb

Appeal

Plaintiff appealed from JP
Robert M. Hunt on unlawful
seizure of $\frac{1}{8}$ barrel of beer
from plaintiff's bar in Kinnawick

Bernhard Klein, plaintiff,
against
Gottlieb Meyer, defendant.
Before Robert N. Hunt,
a Justice of the Peace of
Rock Township, Jefferson
County, State of Missouri.

Plaintiff states, that heretofore to wit: on or about the 28 day of December 1872 he was and still is the owner and in possession of a certain Brickbuilding, situate and being in the town of Kimmick, in Jefferson County, State of Missouri, in which he on said day kept a Barroom or dramshop; that on or about said day the defendant without leave and against the will of plaintiff and wrongfully entered said building, and seized and took into his possession one eighth of a barrel of Lager Beer, then being found and being in said brick building and belonging ~~and belonging~~ to plaintiff, and converted the same and disposed thereof to his own use, by means of which premises plaintiff was on or about said day, when defendant thus ~~to~~ unlawfully entered, hindered and prevented from carrying on and transacting in said building the business of a barkeeper or dramshop keeper.

Plaintiff states, that by reason of said wrong
ful and unlawful acts of defendant he
is damaged to the amount of fifty dol,
lars, for which he asks judgment.

Bernhard Klein, plaintiff
by Henry F. Ahlron,
his Attorney.

Richard Klein

1852

Garwick Meyer

Filed May 6th 1853
W. H. Hunt - put in

S U M M O N S .

State of Missouri,

To the Constable of *Little Rock* Township, in the County of Jefferson,

GREETING:

We Command you to summon

Gottlieb Meyer

to appear before the undersigned, one of the Justices of the Peace of
Little Rock Township, in Jefferson County, on the *24*
day of *May*, 187*3*, at *10* o'clock, in the fore-
noon, at his office, in the said Township, to answer the complaint of

Richard Thine for damages,

Given under my hand, this *6th* day of *May*, A. D. 187*3*

Robert A. Hunt

Justice of the Peace.

Request and Writ of the Plaintiff I authorize William Woods to
to this writ and return according to law, Robert A. Hunt
Justice of the Peace

SUMMONS.

Richard Klein

Pl't.

vs.

Collier Meyer

Def't.

Issued... 6th day of May 1873.

Returnable 24 day of May 1873.

Amount of Plaintiff's demand.....\$ 50.00

Justice' Fee.....\$ 1.00

R. A. Hunt

Justice of the Peace.

.....187 . Served this
Summons by in Tall Woods Township in

Jefferson County the 9th day of May 1873
Leaving a copy thereof at the usual place
of abode of the within named Defendant
with a person of the family over the age
of fifteen years

My Fees Man. Woods.....\$ 2.50

Mileage.....\$

Witness William Woods

CONSTABLE.

The State of Missouri, to Marion Mearns Constable of

Little Rock Township, in the County of Jefferson, Greeting:

You are hereby commanded to summon 24 good and lawful men of your town-

ship, qualified to act as Jurors in the Circuit Court, and in nowise of kin to either party, nor interested in the suit, to appear before me Robert W. Hunt one of the Justices of the Peace,

on the 24 day of May 1873, at my office in Winchester Little Rock

Township, in the County of Jefferson, to make a Jury for the trial of an action now pending before me, plaintiff and

said Justice, between W. B. Klein defendant, and have you then and there

this writ. Witness my signature this 6th day of May 1873.

Robert W. Hunt

Justice of the Peace.

Henry Edmund

of
St Louis

was

John

Just for 31-

I am among the following
Jens to wit: John Ogilvie

Michael Greene

Henry Longhorne

Henry Caswell

Just for \$1.00

THE STATE OF MISSOURI,

To John V. Bush and Adam Bush

Greeting :

You are hereby commanded to be and appear personally before me
Hosok V. Hunt, one of the Justices of the Peace within and
for Little Rock Township, in the County of Jefferson, on the
24 day of May 1883, at the hour of 10 of the clock in
the forenoon of that day, at my office in the township and county afore-
said, to testify on the trial of a cause wherein V. O. Kline

is plaintiff, and E. M. Mays is de-
fendant, in behalf of Plaintiff and hereof fail
not at your peril.

Witness my signature, this 6th day of May 1883.

Hosok V. Hunt,

Justice of the Peace

SUBPŒNA.

B. Klein } Plt.

vs.

G. Meyer } Def't.

Before

R. N. Kunk

Justice of the Peace.

WITNESSES.

John Bush &
Adam Bush

Juste per 35

Served the within Subpœna on

My Fees

\$ 60

Constable.

Recd. This writ in full the 1st
of June 1873
John Bush Adam Bush
May 24 1873
Mort. Swaney

THE STATE OF MISSOURI,

To Henry Smith & Co. Prindle

Greeting:

You are hereby commanded to be and appear personally before me
Walter Hunt, one of the Justices of the Peace within and
for Little Rock Township, in the County of Jefferson, on the
24 day of May 1873, at the hour of 10 of the clock in

the forenoon of that day, at my office in the township and county afore-
said, to testify on the trial of a cause wherein *Bonham Kline*
is is plaintiff, and *Godlieb Meyer* is de-
fendant, in behalf of *Plain tiff* and hereof fail
not at your peril.

Witness my signature, this 6th day of May 1873.

Walter Hunt

Justice of the Peace

SUBPOENA.

R. Kline } P'tt.
vs. }
D. Meyer } Def't.

Before

R. R. Hunt

Justice of the Peace.

WITNESSES.

Henry Herbert &

E. A. Russell
Justice's fees 35

Served the within Subpoena on

My Fees

\$60

Constable.

Received this writ in Little Rock Township
by reading the same to D. A. Russell
the 24th of May 1873
Wm. A. Starnes

THE STATE OF MISSOURI,

To George Seaman, Davis Jefferson, and John Bush Greeting:

You are hereby commanded to be and appear personally before me
Robert N Hunt, one of the Justices of the Peace within and
for Little Rock Township, in the County of Jefferson, on the

24 day of May 1873, at the hour of 10 of the clock in
the forenoon of that day, at my office in the township and county afore-

said, to testify on the trial of a cause wherein R. W. Line is de-
fendant, in behalf of Defendant and hereof fail
not at your peril.

Witness my signature, this 9th day of May 1873.

Robert N Hunt,

Justice of the Peace

SUBPŒNA.

H. Klein

Pl't.

G. Meyer

vs.

Def't.

Before

R. N. Hunt

Justice of the Peace.

WITNESSES.

George Deemman

Louis Hoffner

John Bush

Just. fee 34

Served the within Subpoena on

My Fees \$1.10

Constable.

Executed this writ in Little Rock Arkansas
by reading the same to George Deemman
Louis Hoffner John Bush &
May 16 1873
Wm T. Hume
Carroll

SUBPŒNA.

THE STATE OF MISSOURI,

To *Jacob Trudate, Adam V. Bush* Greeting:

You are hereby commanded to be and appear personally before me,
Potter A. Hunt, one of the Justices of the Peace within
and for *Sitte Rock* Township, in the County of Jefferson, on
the *24th* day of *July*, 187*8*, at the hour of 10
of the clock in the forenoon of that day at my office, in the township
and county aforesaid, to testify on the trial of a cause wherein
P. H. Meine is plaintiff, and *G. C. Meigs* is de-
fendant, in behalf of *Defendant* and hereof fail not at
your peril. Witness my signature this *24th* day of *July* 187*8*.

Potter A. Hunt

Excluded this week in Little Rock Township
by sealing the same to Jacob Stall
and Adam Bush May 24 1833
Wm T. Swaney
Const

Swb/s de nar
B Klein

vs
J Meyer

Sup^d for
Jacob Stall
Adam Bush

Acote for 35-

Cont for 50-

B. Plaine

1887

G. Meyer

Before Robert W. Hunt Justice

} We the jury find for the Defendant
} W. H. Caldwell

J. Hermann

Bernhard Klein, plaintiff,
against
Gottlieb Meyer, defendant.

Before Justice Robert
N. Hunt, of Little Rock
Tannhip, Jefferson County,
Missouri.

Now comes Bernhard Klein, the plaintiff in
the above case and appeals from the judgment
rendered in the above case and Justice Hunt,
and for that purpose makes oath and says,
that said application for an appeal is not
made for vexation or delay, but because he
believes that in the appellant is injured
by the judgment of the justice.

Sworn to and sub-
scribed before me
the 24th day of May
A.D. 1873.

Robert N. Hunt
Justice of the Peace

Bernhard Klein

Adair & Co. Appal

W. H. Hines

W. H. Hines

W. H. Hines

We the undersigned Bernhard Klein,
the plaintiff in the above case, as principal and
Louis Lomann ——— and ———
as securities acknowledge ourselves indebted to
Solomon Meyer, the defendant in said case, in
the sum of Twenty five dollars, for the
payment of which we bind ourselves, our heirs,
executors and administrators, upon con-
dition however as follows:

Muncas said Bernhard Klein has appeal-
ed from the Judgment of the said Justice
in the above case, to the highest Court of
said County of Jefferson, Missouri.

Now if said appellant shall prosecute his appeal with due diligence to a decision, and if, on such appeal, the judgment of the said Justice be affirmed, as upon a trial anew in the appellate Court judgment be given against him.

he will pay such Judgment, and
if his appeal be dismissed, he will
pay the Judgment of the Justice, together
with the costs of the appeal, then
this bond is to be void, other-
wise to remain in full force,

In Witness whereof we have here-
unto set our hands and seals this
24th day of May AD. 1873,

Bernhard Klein, Seal
Dr Louis Lohmann, Seal
Seal

Appl Bonds
B. H. Hines

1882
G. H. Hines

Heiler Anna Appointed
May 24th 1873
Robert A. Hunt
price of the
piece

No 15

May 24th 1873.

Benhard Kline

=vs=

Gblebet Mayer

Justice Fees

\$5.55

Constable "

4.15

Jury fees paid by Plaintiff

2.50

Witness fees

2.50

Suit on Complaint For damages of Fifty Dollars. (\$50.00) Summons issued May 6th 1873, to William Nides another Constable Returnable, May 24th 1873, Summons Returned duly served by copy, Now on this 24th day of May 1873 Comes Plaintiff and Defendant And Ready for trial, Defendant demanding a jury, Jury Summons

Issued for said jury, And there upon Cometh the jury summoned by the Constable To wit: John Ogle Michael Fiedertze, Henry Goughenay, Henry Leaden-gallader, and Hermann Engelhaent, Five good and Lawfulmen of the body of the County Agreed to by Plaintiff and Defendant, Whom were duly sworn, and Having heard the Evidence, Returned there verdict the same day, as follows. We the jury find for the Defendant. W. H. Ledwallader, Hermann, Where upon it is adjudged by the Justice that the Defendant Gblebet Mayer, Recover of the Plaintiff Benhard Kline the sum of the sum of thirteen Dollars, (\$13.00) For his Costes of Suit, and have Execution therefor, Now on this 24th day of May 1873, Plaintiff demanded and gave Notice that he intended to take an appeal from said judgement to the Circuit Court of Jefferson County Mo.

Robert W Hunt Justice

Now on the 24th day of May 1873, Comes the said Plaintiff and files his affidavit and Bond for Appeal with Louis Gormann as Security, Which is granted by the Justice and Transcrip and all papers in the Case sent up to Circuit Court of Jeff. Co Mo.

Robert W Hunt

Justice of the Peace

State of Missouri }
County of Jefferson }

I Robert W Hunt a justice of the
within and for Jefferson County, do Certify the foregoing
to be a full true and complete transcript of the
entries and proceedings in the case of Bernhard
Meine vs: Glibet Mayer, as the same are of
Record on my desk, and that the papers thereto
attached are all the original papers on file in
my office.

Witness my hand this 10th day of June 7th 1873.

Robert W Hunt
Justice of the peace

Bernhard Klein } Fee Bill
 vs } Before R N Hunt Justice
 Gebert Mayer } Fees due the following persons

To Mr
 R N Hunt Justice, 1 Commons 35) 4 Supradinas (\$1.40) \$ 1.75
 " 1 Jury Summons 35) ~~Jury Summons~~ .35
 " Swearing Jury 25) 10 oaths 50) .75
 " Judgment 50) indet & docket 20) .70
 " Affidavit for Appeal .50
 " Bond for Appeal .50
 " Transcript .100
 \$5.55

Martian Swamy Constable, 1 Summons .35
 " " " 9 Supradinas (\$3.25) Mulaga 55) \$2.80
 " " " 1 Jury Summons 1.00
 \$4.15

Jury Fees paid by Plaintiff \$ 2.50

Witness Fees to Jacob Stull 50) Adam Bush 50) \$ 1.00
 " " " Louis Heffner 50) John Bush 50) 1.00
 " " " Enquiry Privile .50
 Total \$3.50

State of Missouri }
 County of Jefferson } ss
 I Robert N Hunt a Justice of the
 Peace in and for the County aforesaid do Certify
 the above fee Bill to be correct.
 Robert N Hunt Justice

Transcript

to Elaine

3-28-20

Maym

Justice fees & Court	\$ 5.55
Cost Maryam	\$ 4.15
Surors fee by Plat	\$ 2.50
Witness fees	\$ 2.50
	\$ 14.70

Dated July 23rd 1873

L. Boyce Clerk

I executed the within subpoena at the County of
Jefferson Missouri on the within named, John Busch
Adam Busch, Craco Diesel, by reading the same
to them on the 5th of Sept. 1873

J. B. Mays Sheriff

Sept 7 1873

P. Klein
vs
Mayer

John Busch Sept 5
Adam Busch
Craco Diesel Sept 5

Sept 10 1873

STATE OF MISSOURI,

COUNTY OF JEFFERSON,

To John Bush Adam Bush Charles Shuly

You are hereby commanded, that setting aside all manner of excuse and delay,
you appear before our ^{Grand Jury} ~~Circuit Court~~, for the County aforesaid, ~~on the~~

^{Interdict} at Hillsboro, then and there to testify
and the truth to say in a certain matter of ~~controversy~~ ^{before}, now pending ~~in our~~ said
Court, wherein ^{Grand Jury} ~~Grand Jury~~

Plaintiff, and

Defendant on the part of _____; 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 ^{Ninth} day of

^{Sept} A. D. 1873.

W. S. Boyce Clerk.

John Bush
Adam Bush *Journals*
Charles Shuford

Bernard Klein
by
Godwin Meyer

Now comes the
defendant to rule the plaintiff
appellant to give additional
security for cash, because
the bond totine in the case
is insufficient.

R. P. Klein
for deft

Supplement Court Book

Kline

vs

Meyer

Motion for additional
security for costs

Filed Sept 12 1873

W. S. Boyce Clerk

Klein

vs

Meyu

}

The Court instructed the jury ~~that~~ that if they find from the evidence that the title to the half keg of beer in question never passed from Meyu to Klein and that the borders of Plaintiff were occupying the Saloon of the Plaintiff by his permission, Consent and knowledge: that Defendant was invited by said borders to enter said Saloon: that at the invitation of the said borders entered therein, then Defendant was guilty no trespass in letting the said borders and others drink said beer in said Saloon and receiving pay therefor from them and the verdict should be for Defendant.

Revised

Filed Sept. 18 1873
W. S. Boyce Clerk

The very price for the
Abundant - Pa' d. Hunter
Homer

Bernhard Klein, plff.,
against
Gustlieb Meyer, defd. } On the Circuit Court
of Jefferson County,
Missouri,
Sept. Term 1873.

Now comes plaintiff by his attorney, and moves the Court to set aside the verdict of the jury and judgment of the Court in the above case, and grant a new trial for the following reasons to wit;

- 1st because the court gave instructions for the defendant, which should have been refused,
- 2^d because instructions, ~~not~~ given at the instance of defendant, were against the evidence,
- 3^d because instructions, given for defendant, were against the law,
- 4th because instructions, given for defendant, were against the law and evidence;
- 5th because the verdict of the jury, was against the evidence,
- 6th because the verdict of the jury was against the instructions,
- 7th because the verdict of the jury was against the evidence and instructions,
- 8th because the verdict should have been for plaintiff and against defendant.

Henry F. Ahlborn
Atty. Gen. Jett.

In the Jefferson
County Circuit
Court
Sept. 10, Term 1873,

Bernhard Stern,
Plff.;

vs.
Esther Meyer,
Defendant,

Verdict
for new trial.

Filed Sept. 13 1873
W. D. Boyce clk.

Bernhard Klein
G. Meyer

The Defendant moves
the Court to require Plaintiff
to give a new appeal bond in
this cause for the following
reasons:-

1. Because the security on
the present bond is insolvent.
2. Because the present
bond is not sufficient in
amount to secure the probable
costs of the case.

D. Ripke
Atty for Deft.

B. Clin

7

G. Meyer

Not to require

Filed Sept 19 1873

W. S. Boyce cl

Devered the within at the county of
Alft no on John Busch and. ad. Busch
and John Hugel on the 6 day of Jan 1822

W.B. Hugel the ff

Klein
no
Mayer

Plff.
John Busch
Adam Busch ^{son}
John Dressel

Shff for 150

Although the jury may believe
from the evidence that the defendant
was all the time as stated by the
witness yet if they believe the ^{plea with} defendant
was not damaged thereby they
will find for defendant

Given

Wm. J. [unclear]

The Court - instructs the jury that
if they believe from the evidence
that plff purchased from
defendant the key of her in
question it makes no difference
whether ^{or not} plff paid or how
paid def - Therefore ~~or not~~ -

Bernhard Klein, plaintiff
against
Gottlieb Meyer,被告.

Instruction, asked by plaintiff,

Given
Of the Jury find from the evidence, that Bernhard Klein
the plaintiff, on or about the 29th of December 1872, was
the owner and in possession of a certain Brickbuilding
in the town of Kimmewick, Jefferson County, Missouri,
and that at or about said time the defendant, Gott-
lieb Meyer, wrongfully and without the permission
of said Bernhard Klein entered said building, and
seized and took into his possession one eighth, of a
barrel ^{or any quantity} of lager beer, then being in said building,
and belonging to plaintiff, and converted the
same and disposed thereof to his own use, then
the Jury will find for the plaintiff, and assess
such damage, as they may think, the plaintiff
has sustained, not exceeding \$50.
Dollars

Instructions
asked by Plaintiff,

R. Klein

vs.
G. Meyer.

Given by the Court - only
from

The Court instructs the jury that
if they find from the evidence
that I deft had sold and de-
livered to pff the Keg of beer in
question he, ^{at deft-} could not, ^{by any act of his} demand
the pff of the title to the same in
the absence of pff and
without his knowledge and con-
sent

The jury are instructed that
if they find for the plaintiff
the measure of damages in
this case is the value of the
Keg of beer in question at the
~~time~~ time of its conversion
by deft -

given

The jury are further instructed that in making up their finding on the question as to who was the owner of the dog of her in question they are authorized to take in consideration all the circumstances connected with the transaction both at the time and subsequent and the conduct of the parties in reference to the same.

The court instructs the jury that
if they find from the evidence
that defendant ^{wrongfully} took the key of
beer in question the personal prop-
erty of plaintiff and converted same
to his own use they will
find for plaintiff and assess
his damages at such sum
~~dollars~~ as they believe he has
sustained thereby not exceeding
fifty dollars.

Given

If the jury shall find from the evidence ^{and in the possession of} that the plaintiff was the owner of the premises mentioned in the complaint, and that the same was occupied by certain boarders of the plaintiff at the time of the alleged trespass, that the defendant went there at their instance and request to settle with said boarders for their work, and that while there the said boarders and the defendant together opened and drank up a keg of beer which said defendant had ^{that day} sent to said premises and which, ^{they or he} the plaintiff had ^{neither received nor} ~~accepted~~ ^{they will find for the} ~~paid for they will find for the debt,~~

Given

The court instructs the jury that before the title to the keg of beer in question could pass from the defendant to the plaintiff there must be a delivery of the same, and that the mere placing of the same in the house occupied by Kline's boarders constitutes ~~no delivery~~ of itself no delivery.

Given

Before the jury can find for the plaintiff they must believe from the evidence, that the defendant took and converted the beer to his own use.

Alexis
us

Meyer

Dr. H. S. instructions

Deputy

Klein
m.
Meyer.

The court mistook the
jury that under the law and evidence
in the case, the plaintiff is entitled
to at least nominal damages.

Kline
&
Mayer

Refused
instructions
of Jeff

We the Jury find for
the Defendant

John H. Winter

Bernhard Klein, plff, } On the circuit &
as. } Court of Jefferson Co.,
Gottlieb Meyer, defdt } Missouri,
January Term 1874.

We the undersigned Bernhard Klein, the plaintiff (as principal, and Hans Henry Langeheming, as security, acknowledge ourselves indebted to Gottlieb Meyer, the defendant in said case, in the sum of Sixty dollars, for the payment of which we bind ourselves, our heirs, executors and administrators,

Upon condition however as follows

Whereas said Bernhard Klein has appealed from the Judgment of the ~~said Justice in the above case~~ Robert N. Hunt, a Justice of Little Rock Township in Jefferson County, Missouri, in the above entitled case, to the Circuit Court of said County of Jefferson, State of Missouri,

Now if said appellant shall prosecute his appeal with due diligence to a decision, and if on such appeal the Judgment of the said Justice be affirmed, or upon a Trial

a new in the appellate court
Judgment be given against
him, he will pay such judg-
ment, and if his appeal be
dismissed, he will pay the
Judgment of the Justice
together with the costs of
the appeal, then this bond
is to be void, otherwise to
remain in full force.

In Witness whereof we
have hereunto set ~~their~~ hands
and seals this 13th day of
January AD. 1874,

Bernhard Klein (seal)
J. J. Leroy (seal)

Bernhard Rand

vs
Eustace Meyer,

Appeal Bonds

—

Filed Jan 15th 1874
W. H. Boyce clk

"Bernard Klein } January 19th 1874.
 G^{ro} Mayer } Henry Longhenning, Security.

R. A. Shank Justice	\$ 5.55-	
M. Swaney Const.	4.15	
Jury fee pd by plff	7.50	
Jacob Stahl	50	
Adam Bush	50	
Louis Keppner	50	
John Bush	50	
Gregory Orisell	50	/ 14.70

W. S. Bayce.

17 files ¹³⁵ motion ²⁰ rule ²⁰ jury ⁵⁰ verd ²⁰ Judgt. ⁵⁰	\$ 3.00	
motion ²⁰ rule ²⁰ motion ²⁰ motion ²⁰ rule ²⁰	1.00	
order ³⁵ Bond ⁵⁰ dockets ⁴⁰	1.75	
Jury ⁵⁰ Verd ²⁰ Judgt. ⁵⁰ motion ²⁰ rule ²⁰ 30 fees ⁷⁵	2.40	
making cash ⁷⁵ & B ¹⁰	85	/ 8.50

3 Bellows Shff. 6 Spas ^{3.00} calls ⁴⁰	3.40	
~~2 fees~~ Jury Sept. 3. 100, Jury Jan. 3. 100	2.00	5.40

Gregory Orisell	4 days 44 miles	7.52	
John Bush	5 " 72 "	10.76	
Adam Bush	6 " 76 "	12.08 ¹⁰⁰	/ 30.36
			58.96

Bernhard Klein }
vs
L. Meyer }

Now comes defendant by his Attorney
and moves the Court to set aside the verdict
in judgment, and grant him a new trial for
the following reasons to wit:

- 1st because ~~said~~ the Court gave instructions,
asked by defendant, which should have been
refused,
- 2^d because the Court gave instructions on its own
motion which should not have been given,
- 3^d because the ~~last~~ verdict is against the
evidence,
- 4th because the verdict is against the weight
of evidence,
- 5th because the verdict is against the law,
- 6th because the verdict is against the
law and evidence in the case.

Merry F. Ahlman
Atty for pl. App.

don't want
up Jefferson St. Mo.
Sammy P. 1874

R. Reed,
press 3587

in
L. Meyer, dep.

Madison
by press for
a new one,

Filed Jan 22nd 1874
W. S. Boyce Clk