

Jefferson County Circuit Court
Case Files - Civil
Nov, 1874

Box

32

Folder 45

Hall, James C.

vs

Tubbsing, Herman

Rule on Justice

Order JP Henry H. Sane to
allow plaintiff's appeal on \$125
note and \$62 collected by defendant
for plaintiff

\$25.00

Eight months after date I promise to
pay to B. B. Bell or order Twenty five dollars
for value received March 10th 1869

Harmon T. Bell

Filed Jan 30th
1874

Wm. J. Rine
J. S.

J. H. Hall

Harmon Subsigner
to J. C. Ball on

1869

Notes from Cash received from J. C. Ball

collected

for me & not paid over

for interest on same

\$ 58.00

12.00

\$ 62.00

Filed Jan 30th
1874
Wm. J. Kirk
J. P.

SUMMONS.

State of Missouri,

JEFFERSON COUNTY.

TO the Constable of Little Rock Township, in the County of

Jefferson, GREETING:

We Command you to summon

Herman Tinsinger

to appear before the undersigned, one of the Justices of the Peace of Little Rock
Township, in Jefferson County, on the 20th day of February
A. D., 1874, at 10 o'clock in the forenoon, at his office, in the said
Township, to answer the complaint of J. C. Hall on Debt
on Note for \$5.00 and interest

Given under My hand, this 30th day of January, A. D. 1874.
W. H. Rink

Justice of the Peace.

SUMMONS.

J. C. Hall

Plt.

vs.

Herinom Tulsinger

Def.

Issued... 30 ... day of Jan ... 1874
Returnable... 10 ... day of Feb ... 1874

Amount of Plaintiff's demand... \$ 25.00
Justice' Fee... interest \$ 7.03

Wm. J. Kirk

Justice of the Peace.

Jan 31 ... 1874. Served this
Summons by reaching the same
to H. Tulsinger on
the 31 a g of January
1874 in Herinom
Tulsinger Jeff Co Mo

My Fees... \$ 3.50
Mileage... \$ 1.00

Mat Swaney

CONSTABLE.

SUMMONS.

State of Missouri,

JEFFERSON COUNTY.

TO the Constable of Little Rock Township, in the County of
Jefferson, GREETING:

We Command you to summon Herman Tubinger,

to appear before the undersigned, one of the Justices of the Peace of Little Rock
Township, in Jefferson County, on the 30th day of February
A.D., 1874, at 10 o'clock in the forenoon, at his office, in the said
Township, to answer the complaint of J. B. Hall on Suit for
Money received of J. Reigman to the amount of
\$450.00 and \$12.00 interest.

Given under My hand, this 30th day of January, A. D. 1874.
Wm. A. Kirk

Justice of the Peace.

SUMMONS.

J. C. Hall

Pl't.

vs.

Herman Tubinger

Def't.

Issued..... 30th day of Jan 1874
Returnable..... 20 day of Feb 1874

Amount of Plaintiff's demand..... \$ 62.00
Justice' Fee..... \$ 1.05

Wm J. Kirk

Justice of the Peace.

Jan 31..... 1874. Served this
Summons by sealing the

same to Herman Tubinger
on the 31 day of January
1874 in Merriam
Township, Jeff Co Mo

My Fees..... \$ 3.50
Mileage..... \$ 1.00

Mart Swaney

CONSTABLE.

THE STATE OF MISSOURI,

To *J. Reiman and Anna Reiman*

Greeting:

You are hereby commanded to be and appear personally before me

Henry H. Hawse, one of the Justices of the Peace within and
for *Madame Jack* Township, in the County of Jefferson, on the
20th day of *February* 1874, 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 *J. C. Hall*

Reiman is de-

fendant, in behalf of *Plaintiff* and hereof fail

not at your peril.

Witness my signature, this *20th* day of *January* 1874.

Wm. J. Kirk,

Justice of the Peace.

SUBPŒNA.

J. C. Hall - - } P. M.

VS.

Herm. Subbesingr } D. Ct.

Before

Henry McManne

Justice of the Peace.

WITNESSES.

J. Reimman

Anna Reimman

Served the within Subpœna on

*by reading the same to
J. Reimman and Mrs
Anna Reimman on the 31st day
of January*

My Fees.....\$ 5.00

Hart Swaney

Constable.

THE STATE OF MISSOURI,

To *J. Reisman & Mrs Anna Reisman* ~~Reisman~~ *Greeting:*

You are hereby commanded to be and appear personally before me
Wm. J. Wink, one of the Justices of the Peace within and
for *Little Rock* Township, in the County of Jefferson, on the
20th day of *February* 1874, 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 *J. C. Hall*
is plaintiff, and *Bernard Lubinger* is de-
fendant, in behalf of *Plaintiff* and hereof fail
not at your peril.

Witness my signature, this *20th* day of *January* 1874.

Wm. J. Wink,

Justice of the Peace

SUBPŒNA.

J. C. Hall } P. C.

vs.

Herm. Tubinger } D. C.

Before

Wm. J. Kirk

Justice of the Peace.

WITNESSES.

J. Reymann
Mrs Anna Reymann

Served the within Subpoena on

by reading the same
to J. Reymann and
Mrs Reymann on the
31st day of January
1874

My Fees

\$ 50

Wm. J. Kirk

Constable.

J. C. Hall, Plff.

vs

Herm. Tubinger Sept.

} Before W. J. Kirk. J. P.

I the undersigned. Sept in the above
entitled cause. do move the Court to rule the
Plaintiff to give Security for Costs. for the
following reasons. to wit-
That he is a non resident of the County

Wm Tubering

Motion for Security
for costs in case
of -

J. C. Hall

vs

Herm. Tubbsinger

— H —

Filed Feb 20th / 1874

Wm. J. Kirk
J. R.

Sustained

— H —

~~J. C. Hall } Suit in case of costs vs
vs
Tubbsinger~~

J. C. Hall

Atty.

vs

Herman Fulsinger Deft.

} obligation for costs

We bind ourselves to pay all costs that have
accrued or may hereafter accrue in these cases

J C Hall
Wm Sweeney

Approved Feb 20th 1874

Wm. J. Kirk

Justice of the Peace

Obligation for
Costs
in case of
J. C. Hall
vs
Herman Dubbingen
— 11 —

Filed Feb 20th
1874

Wm. J. Kirk
J. P.

J. C. Hall Plff. } Before Wm. J. Kirk J.P.
vs } Little Rock Township
Herman Tubbsinger Deft } Jefferson Co. Missouri

The Defendant, Herman Tubbsinger
swears that he believes he cannot have a
fair trial in the above entitled causes
pending before the said Wm. J. Kirk Justice
of the Peace, and prays the Justice to grant
him a change of venue.

Herman Tubbsinger

Subscribed and sworn to before me
this 20th day of February A. D. 1874.

Wm. J. Kirk
Justice of the Peace,

Officially
for
Change of Venue
in cause of

J. C. Hall
vs
Herman Tubbsing

Before Wm. J. Hink
J. C.

Filed Feb 20th 1874
Wm. J. Hink
J. C.

J. C. Hall Prof. }
vs } Before Wm. F. Wick, J. C.
Herm. Judging Dept- }

I the undersigned, Defendant in the above
entitled cause do move the Court to grant me
a Change of venue. in the above entitled cause
or causes now pending before your Honor

Harmon Publishing

Motion for a
change of venue

—

Filed Feb 29/74

Wm. J. Kirk
J. P.

Granted
J

Transcript

February Term

J. C. Hall, Plff. } action for the recovery of money collected
Herman Tubbesing Def. } and not paid over.
Before Wm. J. Kirk, J. P. Little Rock Township

Wm. J. Kirk, J. P. fees,
Docket & indexing 20
Summons 35
Subpoena 35
Affidavit of ch of Venue 50
Transcript 1.00
\$ 2.40

January 30th 1874, Plaintiff filed the
following, to wit,
Herman Tubbesing

To J. C. Hall Dr

1869. October, By Cash received from J.

Const M. Swaney fees
~~paid return on papers~~ 32
Served summons 35
Mileage 1.00
Subpoening 2 Witnesses 50
\$ 1.85

Herman for mtd and collected and not paid over, 50.00

By interest on same 12.00
Total \$ 62.00

Jan 30th 1874

Issued summons for Defendant, returnable on
the 20th day of February at 10.00 clock A.M. And

delivered it to Martin Swaney Constable of Little
Rock Township,

Wm. J. Kirk J. P.

Feb 20th 1874. Summons returned, and served
as the law directs, Both parties present and
ready for trial. The Deft files a Motion, ruling
Plaintiff to give security for costs, and said Motion
is sustained. And Plff fills obligation for costs
with Mart Swaney as surety, and said Defendant

Tubbesing files his affidavit for a change of venue, which is
granted And the above entitled cause is sent to H. H. Sanner,
of Meramee Township, Jefferson Co. Mo, for trial

Wm J. Kirk. Justice of the Peace

Witness fees
none claimed

(217)

Printed and for sale by Van Beek, Barnard & Tinsley, Blank Book Manufacturers, Printers and Stationers, St. Louis.

Certificate of Justice to Transcript.

Whittlesey's Form, 370.

State of Missouri, } ss.

COUNTY OF Jefferson

I,

Wm. J. Kirk

of Jefferson

a Justice of the Peace within and for the County
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 J. C. Hall

versus

Herman Tubbesing

as the same are of record on my Docket, and that the papers thereto attached are all the original papers
appertaining to said cause, on file in my office.

Witness my hand, this 20th day of February A. D. 1874,

Wm J. Kirk

Justice of the Peace.

Manuscript

J. C. Hall

vs
Herm Lubinger

Suit for recovery of
money collected

Change of venue from
Justice W. J. Kirk
to Justice H. H. Somme
Feb 20/74.

Transcript

February Term

J. C. Hall

Plff } Suit on Note for 25,00 dollars and interest
vs }
Herman Tubbesing Def } Before Wm. J. Kirk, J. P. Little Rock Township

W. J. Kirk, J. P. fees

Dock & indexing .20

Summons 35

Sub poena 35

affidavit of Ch. of Venue 50

Transcript 1.00

\$ 2.40

Const. M. Swaney fees

Summons 35

Mileage 1.00

Subpoening 2 witnesses 50

1.85

Witness fees

none claimed

Jan 30th 1874. Plff filed a Note drawn by Herman Tubbesing (Defendant) payable to J. C. Hall Plff, for the sum of twenty five dollars dated March 10th 1869. due Eight months after date, Summons issued and delivered to Martin Swaney, Constable of Little Rock Township, Mo, Returnable Feb 20th 1874 at 10 o'clock A. M

Wm. J. Kirk, J. P.

Feb 20th 1874. Summons returned, duly served as the law directs. Both parties present

And ready for trial. The Defendant files a motion ruling the Plaintiff to give Security for costs. And said motion was sustained. And Plff. fills obligation for costs. With Martin Swaney as Surety. And further upon application and affidavit of the Defendant. (H. Tubbesing) stating that he cannot have a fair trial, on account of the Plff having influence in the neighborhood &c. And praying the Court for a change of venue, to be granted. Which is done And it is ordered that a change of venue, be granted in this cause And that the same be tried before

H. H. Sarned. A Justice of the Peace of Meramec Township. in Jefferson Co. Missouri

Wm. J. Kirk.
Justice of the Peace

(217)

Printed and for sale by Van Beek, Barnard & Tinsley, Blank Book Manufacturers, Printers and Stationers, St. Louis.

Certificate of Justice to Transcript.

Whittlesey's Form, 370.

State of Missouri, } ss.

COUNTY OF Jefferson

I, Wm. J. Kirk, 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 J. C. Hall versus Herman Tubbesing

as the same are of record on my Docket, and that the papers thereto attached are all the original papers appertaining to said cause, on file in my office.

Witness my hand, this 20th day of February A. D. 1874,

Wm. J. Kirk

Justice of the Peace.

Transcript

11

J. A. Hall

vs

Herm Subbasing

1

On Note for 25.00

1

Change of Venue

from Justice

W. J. Kirk to Justice

H. H. Leanne

Feb 20th 1874

1

Original

1st

J C Hall, Pltff,

versus

Herman Tubbsing Deft
Lane

1st

an action for the Recovery
of money collected and
not paid over \$62 00
Lane

J C Hall Pltff.
Herman Tubbsing Deft

an action of promissory
note for the sum of
Twenty five Dollars

To J. C. Hall. Plaintiff in the above Entitled
Causes. You are hereby notified, that a Change
of venue taken in the above Entitled Causes before
Wm J. Kirch, Justice of the Peace for Little Rock
Township, Jefferson County Mo, Where Certified
to my Office with all the Original papers of the
Cause, and will be tried at my Office in Meramec
Township, Jefferson Co, Mo, on the 14th fourteenth,
Day of March AD 1874 at the hour of ten
10 O'clock in the forenoon, therefore fail
not at your peril.

Witness my hand this 28th of February 1874

Henry H. Lamm

Justice of the Peace
at Meramec Township

Original
 Note to J. C. Hall
 against
 Herman Subbing
 in action for money
 paid March 14th 1871
 paid February the 28th
 Justices 35^{cts}
 Constable 35^{cts}
 Collage

This Original Note
 must be returned with
 the Return enclosed thereon
 J. H. Sumner
 J. H.

Executed this
 Office in Jefferson
 County this 9th day
 of March 1871
 by Delivering a copy
 thereof to the witness
 named J. C. Hall

John Dunningan
 Constable

SUBPŒNA.

THE STATE OF MISSOURI,

To *John Remmer and Johna Remmer* Greeting:

You are hereby commanded to be and appear personally before me,

Henry H. Lane, one of the Justices of the Peace within
and for *Meramec* Township, in the County of Jefferson, on
the *14th* day of *March*, 187*4*, 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 *J. C. Hall*

is plaintiff, and *Germana D. Dunning* is de-
fendant, in behalf of *the Plaintiff* and hereof fail not at
your peril. Witness my signature this *24* day of *February* 187*4*.

Henry H. Lane

Justice of the Peace.

Subpoena

J. C. Hall, p[er] p[ro]p[ri]e

Herman Juliusz Deft

before

H. H. Sanne

Justice of the Peace

Witnesses

Fritz Reimer

Johanna Reimer

Served the within writ
on the 11th Day of March
1874 by Reading the
same to the within
Named Witnesses in
Meramec Township Jefferson
County Mo

John Dungee

Constable

SUBPENA.

THE STATE OF MISSOURI,

To *Joshua Lee John Duffguth* Greeting:

You are hereby commanded to be and appear personally before me,
H H Chance, one of the Justices of the Peace within
and for *Attanunc* Township, in the County of Jefferson, on
the *14th* day of *March*, 187*4*, 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 *J C*

Hall is plaintiff, and *Herman Tushking* is de-
fendant, in behalf of *D. Schenker* and hereof fail not at
your peril. Witness my signature this *14th* day of *March*, 187*4*.

H H Chance

Subpoena
to Josiah Lee
to John Duff

in Cause of
J C Hall vs

Herman Tubbs

Justices 70

Constables 56

\$120

Served the
within writ this
14 day of March
1874 by reading
the same to the
within named
witnesses in
Marion Town
in Jefferson
County Mo
John Dungeon
Constable

Cedar Hill Mo 1869

J. C. Hall:

L. Herman Subleasing Dr.

Feb 25 th	1 ^{lb}	Candles 25	one tin dipper 15	40
"	"	One deck of Playing cards 25	4 ^{lbs} nails 35	60
"	26	20 doz Eggs	12 ¹ / ₂ per doz	2.50
March 10 th	"	one pound Candles		25
"	12	22 doz Eggs	at 12 ¹ / ₂ per doz	2.75
"	"	one box Sardines 30	& Crackers 10	40
"	15	2 fishing lines		25
"	24	20 doz Eggs	at 15 cents per doz	3.00
"	"	2 empty boxes	10 cents a piece	20
June 24	"	6 7 ¹ / ₂ lbs Spikes	nails @ 8 cts per lb	6.00
"	29	2 7 ¹ / ₄ lbs	of Rope @ 25 ¹ / ₂ cts per lb	7.00
July 16	"	6 feet	Rope	50
"	"	horse brush	& Curly Comb 25 cts	1.00
"	21	Whiskey	& bot	55
Aug 17	"	1 bot	liniment	25
"	"	order per Duffey	for food	9.65
"	"	12 doz Eggs	@ 10 cents per doz	1.20
Oct 4	"	3 lbs	of nail	25
"	"	To Lease Medley on order for		
		1 1/2 days work	@ 1.75 per day	2.62 1/2
Nov 12	"	Order per John Collins		18.95
				58.32 1/2

Nov. 2nd

1869 To amt due by said Hall on
Settlement of Store
account

46.75

104.57 1/2

By credit from last
item of \$46.75

15.00

89.57

this \$15.00
from last
item remitted

Bal due,

J C Hall. per
ay
Herman Tubbery & Co
Set off filed by the
Defendant March the
14th. 1874, &c.

Henry H Lamm
Justice of the Peace

GC Hall per

Herman Tuckering Sept 3

22
6600

The Defendant moves that the two
Causes be Consolidated which is granted
by the Justice. Plaintiff Requested to the motion
and ASP, to have it made Exception

J C Hall
as
Herman Publishing
Motion for
Consolidation
of Acton
filed March
the 14th 74

Sustained

verdict

We the jury find for the defendant
the sum of 20 twenty dollars
and costs of D Barker so we say

J D Barker

foreman

verdict of jury
filed March 14
H H Sanne
J P

J C Hall plaintiff
vs

Herman Tubbesing Dept

} Before H W Farnne
} Justice of the Peace

This affiant states that the application for an
appeal by J C Hall plaintiff in the above entitled
Cause is not made for venation or delay but because
this affiant believes himselfe injured by the judg-
ment of the Justice

J C Hall

Sworn and Subscribed to afore-
me this 14th day of March 1874

Henry H Farnne Justice of the Peace

J. A. Hall plbt
vs
Norman Tubbsing
affidavit for appeal
filed March 14th 1874
H. H. Tanner
JP

James C. Hall vs

Warren Lubbock

Appel Bond for H. C. Hall
Notice of Bond

We the undersigned J. C. Hall as principal and John M. Frederitz as surety acknowledge ourselves bound and indebted to the Defendant Warren Lubbock in the sum of One Thousand Dollars to be paid upon this condition, Whereas J. C. Hall has appeared for the Judge out of H. C. Hall as Justice of the Peace in and to between J. C. Hall as Plaintiff and Warren Lubbock as Defendant in such Appeal the Judge out of the Justice be performed on or on the trial time in the Appellate Court Judge and he gives against the Appellate and he shall satisfy such Judgment on if his appeal be dismissed and he shall pay the Judge out of the Justice together with all costs of appeal then this recognition be void other as in Yale Geo - James C. Hall

John M. Frederitz

Appointed this 13th day of October
1874

Received the above Bond of the 13th 74 being 35 Day after application made for appeal therefore not approved

John M. Frederitz is hereby responsible as surety to the above
J. C. Hall

Bond of Appeal
in Case of

McKee vs

vs

Harmon Lubbsinger & Co

Transcript

No 1

from Docket of H H Sanne J P

James C Hall Plaintiff } Received February the 28th of 1874
 Herman Subbising Dept }
 by Change of Venue taken by the above named Defendant from
 the office of Wm J Kirk a Justice of the Peace of Little Rock Township
 Jefferson Co Mo, the following Counts (January 30th Plaintiff filed
 a state drawn by Herman Subbising payable to J C Hall for the sum
 of twenty dollar, payable Eight months after date bearing date March the
 10th 1869, ^{\$22.50} Secondly an action on money collected by Defendant
 and not paid over, as follows January the 30th 1874 Plaintiff filed
 the following to wit. Herman Subbising Debtor to J C Hall
 1869 October, By Cash Received from Fritz Kinnermer, for me collected
 and not paid over fifty dollar; interest on same twelve dollar ^{total \$62.00}

Received the above Transcript, Feb 28, 74 Writures issued to both parties
 Friday 28th to notify them of the time and place of trial and return
 to John Dunigan Constable made Returnable March the 14th 1874

Henry H Sanne J P.

March the 14th the parties all present and status returned served
 Defendant filed an ass set in account for \$ 89, ⁵²/₁₀₀ Dated
 Nov, 1869, Defendant likewise filed a motion for an Order
 to have the Causes consolidated which was sustained, and judgment
 rendered against plaintiff for cost of one cause unnecessarily brought the said
 cost being taxed at Seven Dollar and herewith adjudged against the plaintiff
 J C Hall, at jury having been demanded a precept issued therefor
 and being returned the following named persons were sworn
 in as jurors, to wit, Patrick Galvin David Galvin Michael
 Galvin James Galvin Fred Ludeman et D Harber who after hearing
 the evidence returned into Court the following verdict
 We the jury find for the Defendant the Sum of Twenty Dollar
 and Cost. So we say et D Harber foreman
 It is thereupon considered by the Justice that the Defendant have
 judgment for the Sum of Twenty Dollar and all cost of Suit

3540
Transcript
JC Hall pp 11
Herman Tuppering

Appeal to the Circuit
Court Jefferson Co MO

April the 18th 1874

J. H. Danner
J. H.

Filed May 11th 1874
W. S. Boyce clk
B. H. Harwood

Cash of Cir. Ch
Paid by H. H. H. 15th
W. S. Boyce
amb 4.80

Transcript,

No 2

from Docket of H H Sanne J P continued

and that he have Execution therefore, H H Sanne J P
and thereupon coming the plaintiff James C Hall and
make application for appeal and filed affidavit therefore
which is Excepted by the justice and said Hall is ordered
to file a Bond for one Hundred Dollars in twenty Days from
Date being March the 14th 1874 Henry H Sanne J P.

and on the 20th of March 1874 the plaintiff sent by mail
a Bond for appeal in the sum of one hundred Dollars with
Martin Swainy as Security, which was held insufficient
and is objected and returned to the plaintiff J C Hall
for better Security, Henry H Sanne J P

and on this the 18th of April the plaintiff J C Hall
filed by mail another Bond with Michael Freepretze
as Security in the sum of one hundred Dollars, which
I have not approved of as Reason that it was not filed in
the time prescribed by law, it having been received on
the 18th of April or 35 Days after the Day of Trial but
submit the Cause to the consideration of the Court at the
plaintiffs Request, Henry H Sanne

State of Missouri }
County of Jefferson }

James C Hall plaintiff }
against }
Herman Tubbering Deft }

I H H Sanne a Justice of the Peace within and for the
Township of Meramec in the County of Jefferson aforesaid hereby
Certify that the above and foregoing is a full True and Complete
Transcript of all the Entry made in my Docket Relating to the
Case of J C Hall Jft vs Herman Tubbering Defendant and that
such Transcript is accompanied by all the papers in the Cause
filed with me the Justice in Relation to the Suit

Given under my hand this 18th Day of April 1874

Henry H Sanne

Justice of the Peace

(*Wag. Stat.*, pg. 618, Sec. 1.)

March the 18th 1914

James C Hall

SA

Plaid with

Before Henry H. Adams

Justice of the Peace

Herren du Herrg.

Defendant.

Alfred
Jefferson

..... Township,
County, Missouri.

[illegible]

THE STATE OF MISSOURI to the Constable of

County, in the State of Missouri, GREETING:

Township,

I Herby Certify that the foregoing True Bill is a true abstract from my Docket in the above entitled cause, that the above mentioned fees and costs remain due and unpaid ~~and that Eighty three Dollars and no cents~~ *Eighty three Dollars and no cents* properly chargeable with, and liable for the payment of the same; therefore

James O'Donnell
Justice of the Peace

The Winchell & Ebert Printing & Lithographing Co., Hannibal, Mo.

No. 1

FEE BILL,

VERSUS

ISSUED BY

April the 18th 1877

Henry H. Clanne

Justice of the Peace

of

Jefferson

County,

Received the within Fee Bill for collection

on the _____ day of _____

A. D. 187_____

Constable

CONSTABLE'S RETURN.

Executed the within Fee Bill by _____

Constable.

James C. Hall, - Plaintiff
Against
Herman Tubbesing, - Defendant

To the Honorable the Circuit Court
of Jefferson County Missouri;

The undersigned petitioner states that
on the 30th day of January 1874, he filed
a Note for \$25.⁰⁰ and an Account for
\$30.⁰⁰ before William J. Kirk, a Justice
of the peace of Jefferson County Mis-
souri, and instituted two suits thereon
against the above named Defendant,
and that a change of venue was
taken by the Defendant of said suits,
to Henry G. Sanne, a Justice of the peace
within & for said Jefferson County, And
on the 14th day of March 1874, said Jus-
tice ordered said two suits to be con-
solidated, and thereupon a trial was
had on said day before said Justice,
and a Judgment rendered for the De-
fendant, - And the Plaintiff there-
upon filed his Affidavit for an ap-
peal, - and the Justice required him
to give Bond in the sum of one hun-
dred dollars, for said appeal, and
which Bond was written by the

Justice and signed by the Plaintiff, and the Plaintiff then asked the Justice if Martin Swaney would be sufficient Security on said Bond, and the Justice then replied that he would, and that if the Plaintiff said Martin Swaney to sign said Bond, and sent it to him, (by registered Letter) within twenty days from that date (the 14th day of March 1874) as Plaintiff was a non-resident of said Jefferson County, he, said Justice, would approve said Bond, and grant the appeal. - And Plaintiff states that, in pursuance to such agreement, he got said Martin Swaney to sign his name to said Bond, and sent it to the Justice, by registered Letter, - and that said Justice received said Bond on the 20th day of March 1874, - and retained the same until ~~about~~ the 10th day of April 1874, when he sent said Bond back to Plaintiff, by Letter, and stating that he had ascertained that Martin Swaney was not sufficient as security, and required Plaintiff to send him another Bond, - which Plaintiff immediately

did, - but, when Justice received it, he then said it was too late, and refused to grant the appeal,

The Plaintiff therefore states that the Justice, after stating to Plaintiff, on the day the Judgment was rendered that he would approve of said appeal Bond if signed by Martin Swaney as security for Plaintiff, - and after receiving said Bond on the 20th day of March 1874, and making no objection to it, but retaining it until it was too late to appeal, and then sending ^{it} back to Plaintiff, acted in bad faith, and wrongfully towards Plaintiff, - and Plaintiff avers that after he had thus accepted said Bond, and retained it, until the time for taking the appeal had passed, he had no right then to reject the Bond, and refuse the appeal, - In consideration of the premises, Plaintiff, prays the Court to order, by rule and attachment, compelling said Justice to allow Plaintiff an Appeal in said Case, and to require him to return his proceedings, in the suit, together with all the papers there in, to this Court, as required by law,

J. H. Hall

Sworn to & Subscribed before
me May 12th 1874

W.S. Boyce Clerk
By Chas. Marvin Deft

Jan. C. Hoall

vs,

H. Gu Breeding

Motion

for leave on the

Justice to show

cause why he did

not grant appeal

filed May 12 1874

W.S. Boyce Clerk

State of Illinois }
County of Jefferson } In the Circuit Court
Tuesday May 12th 1874 } May Term 1874

among other proceedings the
following appear of record to-wit:

James C. Hall

vs.

Henry Lubbesing }

Now at this day comes the
above named Plaintiff, and presents
his petition, verified by his affidavit,
praying the Court for an order on
Henry Same, a Justice of the Peace
within and for Jefferson County Missouri
to allow an appeal in the above en-
titled cause, or show cause why he
refused Plaintiff an appeal, —
And upon examination whereof the
Court doth order that the said Henry
Same, allow an appeal in the
above cause, & that he return his pro-
ceedings therein together with the
papers in said suit to this Court, on
or before 9 o'clock on the 13th day
of May 1874, — or show cause why
he refused to allow an appeal
therein.

A true copy of the record.

Witness my hand and the seal of said
Court at office May 13th 1874.

W. S. Boyce Clerk

By C. M. Horine Deft

To the Circuit Court of Jefferson County Mo.

May the 15th 1874

In Obeyance to an Order made by the Circuit Court of Said County May the 13th 74. and order to Henry H. Sanne Justice, to Show cause why an appeal has not been allowed in a certain Case wherein James C. Hall, is plaintiff and Henry Tubbering Deft., Gives as his Reason that there is no such Cause on Record in his Docket as Entitled by Said Order., that Said Justice has allowed an appeal in a Cause between James C. Hall, plft and Herman Tubbering Deft on Condition that the plaintiff file a Sufficient bond in time that the plft filed Such a bond with one Martin Swaney as Security which was not approved of on account that the Justice held that Mr Swaney was not a Responsible Security. The Bond was Returned to plaintiff by mail with notice to file a Sufficient bond in time. another bond was then Received April the 18th being thirty five days after the Day application for appeal had been made with Mr. Frederick as Security, which was held to be void by the Justice on Reason that Said bond had not been filed in time according to Law, and the time for appeal having Expired. Subt.

Henry H. Sanne Justice of the Peace