

Jefferson County Circuit Court
Case Files - Civil
February 1876

Box

35 Folder 22

Grall, C. J.

vs

McMullin, Thomas H.

Appeal

Defendant appealed from JP

J. Ed. Walker on \$4.30 delinquent
road taxes

Thomas H. McMullen Dr To C. F. Hall
Overseer of Road District No 30 Jeff Co Mo
To Road tax for 1875 \$4.30

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b F Grall

vs

Thos H McMullin

Filed Jan'y 29th 1876

J. Ed. Walker

Justice

SUMMONS.--J. P.

(Wagner's Statutes, pg. 815, Sec. 16.)

The STATE of MISSOURI, To the Constable of *Central*
Township, in the County of *Jefferson*, State of

MISSOURI, GREETING:

We Command You to summon *Thomas H. McMullen*

to appear before the

undersigned, one of the Justices of the Peace of *Central*
Township, in *Jefferson* County aforesaid, on the *Eleventh*
day of *February* 187*6*, at *ten* o'clock in the forenoon, at his office, in the
said Township, to answer the complaint of *C. F. Grall overseer of*
Road District No 30 Jeff Co Mo

Given under my hand this *31st* day of *January* A. D. 187*6*.

J. Ed. Walker

Justice of the Peace.

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The Winchell & Ebert Printing and Lithographing Company, Hannibal, Mo.

SUMMONS.

C. F. Grall Road overseer

Plaintiff.

vs.

Thomas H. McMullin

Defendant.

BEFORE

J. Ed Walker

Justice of the Peace.

Amount of Plaintiff's Demand, \$ 4.50

Costs already accrued, \$ 1.10

Constable's Fee, \$

Total, \$

See Wag. Stat. pg. 815, Sec. 15.

Plff. nonsuited

CONSTABLE'S RETURN.

(Wagner's Statutes, pg. 815, Sec. 10.)

I HEREBY CERTIFY, that I have executed the within Writ by *summoning*
Thomas H. McMullin by leaving a copy at
the residence of place of abode with the person in of the family
over sixteen years of age

the 4 day of May

County, Missouri

1872, in

Circuit

FEE, \$ 30

J. H. McMullin

CONSTABLE.

AFFIDAVIT IN APPEAL.

[Wagner's Statutes, page 848, section 5.]

C 7 Hall owner of road dist
in 30 Jeff Co Missouri Plaintiff
 VS.

Thos H Memmullin Defendant

Suit before *J Ed Walker*, Justice of the Peace,
Central Township, *Jefferson* County, Missouri.

Thos H Memmullin, being duly sworn, upon his oath, says,
 that *his* application for an appeal is not made for vexation or delay, but because
he believes the Appellant to be injured by the judgment of the Justice.

Thos H Memmullin Appellant.

Sworn to and subscribed before me this *19th* day of *July*
 A. D. 187*6*

J. Ed. Walker
 Justice of the Peace.

RECOGNIZANCE.

[Wagner's Statutes, page 847, section 4.]

We, the undersigned, *Thos H Memmullin*

acknowledge ourselves indebted to *Plaintiff*
 in the sum of *Fifty* DOLLARS,
 to be void upon this condition.

WHEREAS, *Thos H Memmullin*
 has appealed from the judgment of *J Ed Walker*, a Justice
 of the Peace for *Central* Township, in *Jefferson* County,
 Missouri, in an action between *C 7 Hall owner of road dist 30*
 Plaintiff, and *Thos H Memmullin*, Defendant.

Now, if on such appeal, the judgment of the Justice be affirmed, or if on trial anew in
 the Appellate Court, judgment be given against said Appellant, and *he* shall satisfy
 such judgment, or if *said* appeal shall be dismissed, and *he* shall pay the
 judgment of the Justice, together with costs of appeal, then this recognizance shall be void;
 otherwise it shall remain in full force.

Approved *The Nineteenth* day
 of *February*, 187*6*
J. Ed. Walker
 Justice of the Peace.

Thos H Memmullin
W. R. Dornell
 SEAL
 SEAL
 SEAL
 SEAL

4016

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

AFFIDAVIT OF RECOGNIZANCE
IN CASE OF APPEAL.

C. J. Grall ~~overseer of~~
Road Dist. No 30 Jaff

Plaintiff.....

VS.

Thos. H. McMullin

Defendant.....

BEFORE

Jed. Walker
Justice of the Peace.

Filed Feb. 27 1896
at Hannibal
Mo. J. H. Grall

C. F. Grall overseer of
 Road District No 30, Jeff Co Mo } Action on Delinquent road
 = vs. = } Lapses for 1875. = Filed January
 Thomas H. McMullin } 29th 1876. Total amt claimed \$4.50

On the thirty first day of January 1876 issued
 a writ of summons against the Defendant, returnable
 on the Eleventh day of February 1876, at ten O'clock A M
 and delivered the same to J. H. Williams Constable of
 Central Township.

On the 11th day of February 1876, the said Writ having
 been returned duly served on Defendant, as follows:
 "I hereby Certify that I have executed the within writ by
 "summoning Thomas H. McMullin by leaving a copy at the
 "usual place of abode with a member of the family
 "over fifteen years of age, on the 4 day of Feby 1876 in Cen-
 "tral Township Jefferson County Missouri

J. H. Williams Constable

And this Cause coming on for trial comes the De-
 fendant by attorney, but the Plaintiff although called
 comes not, but makes default. - It is therefore con-
 sidered that this Cause be dismissed, and that
 the defendant recover of the plaintiff his costs in
 this suit expended taxed at one dollar and forty
 cents

J. Ed. Walker. Justice. -

And now to wit Feby 11th 1876 comes the parties, viz the
 Plaintiff in person as well as by his attorney and the
 Defendant by his attorney, and by agreement this Cause

was again called up and a rehearing had - And this cause being submitted for trial to the Justice, who having heard all the evidence and argument of the parties, doth find for the Plaintiff in the sum of Four dollars and fifty cents. - It is therefore considered by the Court that plaintiff have and recover of the defendant the sum of Four Dollars and fifty cents the amount so found as aforesaid, together with the costs of rehearing taxed at fifty five cents.

J. Ed. Walker. -

Feb'y 19th 1876 Comes the Defendant and files his affidavit and bond for Appeal, and prays an Appeal to the Circuit Court of Jefferson County Missouri - which is allowed by me. - J. Ed. Walker Justice

Fee Bill

J. Ed. Walker Justice = 10^{cts} & Indgt ⁵⁰

afft for Appeal ³⁵ bond ⁵⁰ transcript ⁴⁰

cert to same ³⁵

\$2.15

State of Missouri }
County of Jefferson) I, J. Ed. Walker justice of the peace, certify that the foregoing is a complete transcript of all the proceedings had before me in the above entitled cause, as taken and copied from my docket

Given under my hand this 25th day of February 1876

J. Ed. Walker Justice.