

Jefferson County Circuit Court
Case file - Civil
July 1877

Box

37

Folder 48

Graham, John M.

VS

Herrington, Benjamin F.
Herrington, Eliza

Appeal

Plaintiff appealed from JP William
Bryan on \$56 balance due on note

Twelve months after date We or either of us promise
to pay to John Graham or Order the sum of
Two hundred and sixty Dollars, for value received
bearing interest at the rate of ten percent per annum from
date.

This 11th day of May 1876.

J. B. Watson
A. Gould.

Benjamin F. ^{his} Herring for
Ely a hearington

Received on the within
note 204 00. this 11 Day
of October 1876 -

Clear

Gold July 9 1877.
J. M. Dorn

Wm. G. Cunningham
N.Y.
9260.

SUMMONS.

THE STATE OF MISSOURI,

To the Constable of *Big River* Township, in the County of Jefferson,

GREETING:

We Command you to summon *Benjamin F. Harrington*
and *Eliza Harrington*

to appear before the undersigned, one of the Justices of the Peace of
Big River Township, in Jefferson County, on the *23rd*
day of *June*, 1877, at *10* o'clock in the forenoon,
at his office, in said Township, to answer the complaint of *John*
M. Graham, in an action for the
sum of *Twenty one and 00/100 Dollars*

Given under my hand, this *31st* day of *May*, A. D. *1877*.

Wm. Bryan,

Justice of the Peace.

Debt, \$71.10
 Constable's Fee 1.00
 Justice's Fee .50
 \$72.60

Filed July 9 - 1877
 Chas. W. Horne
 Clerk

I executed the writ in rit by leaving
 a copy of the same at the house
 of Benjamin A. Manning on this 8th
 day of June 1877

Elijah Mennick

Const

Debt
 Constable's Fee

\$1.00

SUBPOENA FOR WITNESS.--J. P.

The State of Missouri, To

H. M. Barrows

YOU ARE HEREBY COMMANDED to be and appear personally before me,

Wm. Bryan

, one of the Justices of the Peace with-

in and for the Township of *Big River*

, in the County of

Douglas State aforesaid, on the *23rd* day of *June*

A. D. 1877, at the hour of ten o'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

Plaintiff,

John M. Graham vs

and *Elizabeth H. Herrington and Eliza Herrington* are Defendants,

on behalf of the *Defendants*. And hereof fail not at your peril.

And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

WITNESS my signature, this *4th* day of *June*, 1877.

Wm. Bryan

Justice of the Peace.

Missouri, on

I hereby certify that I served the within Writ in the County of Jefferson

the 20th

day of

June 1877, by

reading the same to
the within named S. M. Barrows.

Elijah Marshall,
Constable,

FEE, \$.35

SUBPENA FOR WITNESS.

John M. Graham

Plf.

VS.

Benjamin F. Herrington
and
Ezra Herrington Defs.

BEFORE

Wm. Bryan

J. P.

ELIGIBLE

WITNESSES:

S. M. Barrows.

Justice's Fee \$.35-

Filed July 9 - 1877
C. M. Shinn
Clerk

V E N I R E .

THE STATE OF MISSOURI, To the Constable of *Big River*
Township, Jefferson County,---GREETING:

We command you to summon six good and lawful men of your township, qualified to serve as jurors in the Circuit Court of said county, and who are, in no wise, of kin to either party, nor interested in the suit, to appear before me, at my office, in the township of

Big River county of Jefferson, on the *23rd* day of *June* 1877, at 10 o'clock, A. M., to make a jury for the trial of

an action between *John M. Graham* Plaintiff, and *Benjamin F. Worthington & Eliza Worthington* Defendants, because as well the said Plaintiff as the said Defendant have put themselves on the country for trial. And have you then and there this writ. Given under my hand this *23rd* day of *June* A. D. 1877

Wm. Bryan
Justice of the Peace.

VENIRE.

John M. Graham } Plt.

vs.
Benjamin F. Herrington
and
Eliza Herrington } Def't.

Before
Wm. Bryan

Justice of the Peace.

June 23rd 1877. In obedience
to the Writ, I have summoned as Jurors

Jacob M. Wideman

Gi. W. Wiley

H. S. Wiley

Thomas Wiley

Jacob Stroop

J. H. Wideman

Good and lawful men of the County of
Jefferson.

Justice Fee
Fee, ...

\$1.35

\$1.00

\$1.35

Etigob. et al. 1877
Constable.

Filed July 9th 1877

L. M. Norine

clerk

EXECUTION.--J. P.

(Wagner's Statutes, Page 841, Section 4.)

STATE OF MISSOURI,

THE STATE OF MISSOURI,

COUNTY OF Jefferson

To the Constable of

Big River Township, in

ss.

the County of Jefferson, Greeting:

Whereas, On the

23rd

day of

June

A. D., 18

77,

Benjamin F. & Eliza Huntington

Big River

obtained judgment before the undersigned Justice of the Peace of the Township of

in Jefferson County, Missouri, against

John M. Graham

Dollars

and _____ Cents for his debt, and _____

Dollars

and _____ Cents for Damages, with _____

per cent. interest from date of Judg-

ment until paid; and also the sum of

Eight

Dollars and

35

Cents, costs:

You are therefore commanded to levy said Debt, Damages and all

Legal Costs, of the Goods and Chattels of the said

John M. Graham

according to law. You are further commanded to return this writ to

the undersigned Justice within

sixty

days from the date hereof.

Witness my hand, this

23rd

day of

June

A. D., 18

77,

W. W. Bryan

Justice of the Peace.

ISSUED BY

ISSUED BY
Wm. Bryan
Justice of the

Justice of the Peace.

John McGraham, Jr.

 ρ, P, f

VS.

VS.
Benjamin F. Harrington
and Eliza Harrington, Def'ts

Debt \$.....

Damages \$

Interest since Judgment \$.....

Justice's Fees \$ 2.57

Constable's Fees..... \$ 2.35-

Witness..... \$ 182

Witness *Richard Burns* 2^d

Witness.....

Witness *Wiley*

Witness, *W. H. H.*

Leob. St. 4 8 5

..... 50

TOTAL \$ 8.35 -

Return Day *Aug. 22nd* 1857

Received this Execution on the

day of *April* A. D. 18*7*

Filed July 9 1877 Geo. H. Hume
Constable.

Constable

The Plaintiff having appealed from the Judgment
of the Justice, this execution is hereby revoked.
This 6th day of July, 1877, Wm. Bryan J.P.

FEE, S

Constable

Obligation for Costs.

John M. Graham, Plaintiff
vs

P. F. Herrington } Defts.
and Eliza Herrington }

Before Wm. T. Bryan, J.P.

Filed July 9th 1877
to Thos. S. Merine
Clerk

John M. Graham, Plaintiff
against
Benjamin Werrington and
Eliza Werrington Defendants

Before Wm. Bryan
Justice of the
Peace.

Defendant, answering says, that the
consideration of the note in the above entitled
cause has wholly failed, that there never was
any consideration, and that ~~they do~~ not owe
Plaintiff the amount of said note, or
any part thereof.

J. C. Booth
att'y for Def't

Plaff
Defendants
in Cause of
John M. Graham.
vs.
Benjamin F. Herrington,
and
Elija Herrington.

Filed July 9th 1877
L. M. Morris
clerk

Me, the jury, find for the Defendant.
James Wiley,
foreman

Filed July 9 1874
L. The. Sturges
Clerk

John M. Graham, Plaintiff.

Benjamin B. Harrington, {
and Elizabeth Harrington, } Defendants.

Before Wm. Bryan, Justice of the Peace.

This affiant, John M. Graham, being duly sworn, states that the application for an appeal by John M. Graham, plaintiff in the above entitled cause, is not made for vexation or delay, but because this affiant verily believes that the appellant ~~has~~ is injured by the judgment of the justice.

Subscribed and sworn to } John M. Graham.

before me, this ~~5th~~^{2nd} day of

July, 1877.

Wm. Bryan,
Justice of the Peace.

Affidavit for appeal.

In the Cause of
John M. Graham, Plaintiff.

vs.
Benj: F. & Eliza Harrington, Defs.

Before W. F. Bryan, C. P.

Justice's Fee, 85¢.

Filed July 9th 1877
W. F. Bryan
Clerk

John M. Graham, Plaintiff.
against
Benjamin F. Herrington
and Eliza Herrington

Defendants } Before W. F. Bryan, Justice of the Peace

Recognizance for Costs.

We, the undersigned, John M. Graham, W. F. Graham and M. Graham, acknowledge ourselves indebted to Benjamin F. Herrington, and Eliza Herrington, in the sum of One Hundred Dollars, to be void upon this condition, Whereas, John M. Graham has appealed from the judgment of ~~the justice~~ Wm. Bryan, a justice of the Peace, in an action between John M. Graham, plaintiff, and Benjamin F. Herrington and Eliza Herrington, Defendants; 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 the appellant, and he shall satisfy such judgment, or, if his appeal shall be dismissed, and he shall pay the judgment of the justice, together with the costs of the appeal, this recognizance shall be void; otherwise, of full force. In testimony whereof, we have hereunto set our hands and seals, this 30th day of June, 1877.

John M. Graham (Seal)

W. F. Graham (Seal)

M. Graham (Seal)

Approved, July 1st, 1877.

W. F. Bryan, Justice of the Peace.

Special Bond

Robert W. Graham

W. P. Graham, Securities
and W. Graham

for the Cause of

Robert W. Graham

Benj. F. and Eliza Corrington,

Before Wm. Bryan, J. C.

Justice's Fee \$.35-

Filed July 9th 1877

Wm. W. Shreve
Clerk

Fee Bill

John M. Graham,
Plaintiff
against

Benjamin F. Harrington
and Eliza Harrington
Defendants

Before Wm. Bryan, J. P.

Appealed to Circuit Court

Justices fees See Wm. Bryan, J. P.

Issuing Summons	35-
Docket and Index	20
Issuing Venue for Jury	25-
" Subpoenas	25-
Swearing Jury	15-
Swearing 3 witnesses @ 5-¢	15-
Rendering Judgment	35-
Issuing Execution	35-
Writing and approving Appeal Bond	35-
" and taking Affidavit for appeal	70
Making and certifying Transcript of Docket Entries	70
	<u>\$3 90</u>

Constable's Fees See Elijah Mann, Constable

For serving Summons 2 subpoenas 30-¢ and 6 miles @ 50-¢	35-
" Serving 1 Subpoena 25-¢ and 2 miles traveled @ 50-¢	1 00
" Serving one Jury Summons	<u>\$2 35-</u>

Jurors' Fees:

Jacob M. Wideman, for one day	50
G. H. Wiley	50
H. S. Wiley	50
Thomas Wiley	50
Jacob Thoup	50
J. H. Wideman	50
	<u>\$3 00</u>

Witness' Fees:

S. M. Barrows, Witness one day	50
Total amount of Fees	<u>\$9 25-</u>

State of Missouri, County of Jefferson, ss:

I, Wm. Bryan, do hereby certify that the foregoing Fee Bill is correct and true, as shown by my Docket.

Given under my hand this 2nd day of July, 1877.

Wm. Bryan, Justice of the Peace.

Fee Bill.

case of

John W. Grabam, Plff

vs.

Benjamin J. Harrington

and

Eliza Harrington, Defs.

Before Wm. Bryan, J. R.

Amount \$9.75-

Filed July 9 1877

Wm. Bryan

clerk

John M. Graham, Plaintiff,
against
Benjamin F. Harrington,
and
Elijah Harrington } Defendants.
Before Wm. Bryan, J. P.

Action on Balance on Note.

Now, on this 31st day of May, 1877, plaintiff files for
suit, a promissory Note, for Two Hundred and Sixty
Dollars, executed by defendants, dated May 11th, 1876,
due one year from date, with ten per cent. interest,
on which there is a credit, October 11th, 1876, of Two
Hundred and Four Dollars, and directs that sum-
mons be issued, which is done on the ~~23rd~~ 31st day of
May, 1877, and made returnable on the 23rd day of
June, 1877, and delivered to Elijah Mauss, Constable
Wm. Bryan, J. P.

June 23rd, 1877, the defendants in the
above entitled cause, by their attorney, filed
a plea, that their consideration of the note in the
above entitled cause has wholly failed, that
there never was any consideration, and that
they do not owe plaintiff the amount of said note,
or any part thereof. A jury having been demand-
ed, a summons issued therefor, and, being
returned, the following named persons were sworn
as jurors, to wit: Jacob M. Wideman, G. W.
Wiley, S. S. Wiley, Thomas Wiley, Jacob Stroup, and
J. H. Wideman, who, after hearing the evidence, returned
into court the following verdict: "We, the jury,
find for the Defendant - Thomas Wiley, foreman.
Judgment is, therefore, rendered against the
plaintiff for the costs of this suit, and it is
ordered that execution issue therefor."

Wm. Bryan, Justice of the Peace

Execution was issued June 23rd, 1877, on the above judgment. — Wm. Bryan, J. P.

Fees of Wm. Bryan, Justice,	\$ 2.50
Elijah Manness, Constable	2.35
S. M. Barrows, Witness	.50
Jacob M. Wideman, Juror	.50
G. M. Wiley	.50
S. S. Wiley	.50
Thomas Wiley	.50
Jacob Stroup	.50
J. H. Wideman	.50
Total,	\$8.35

Now, on this 2nd day of July, 1877, plaintiff files his affidavit and appeal bond, and makes an appeal from the judgment of the justice, which is allowed.

Wm. Bryan, J. P.

State of Missouri }
County of Jefferson } ss:

John M. Graham, Plaintiff
against
Benjamin F. Herrington
and
Eliza Herrington } Defendants

I, Wm. Bryan, a Justice of the Peace within and for the Township of Big River, in the County of Jefferson, aforesaid, hereby certify that the foregoing is full, true, and complete transcript of all the entries made in my Docket, relating to said case of John M. Graham, plaintiff, against Benjamin F. Herrington and Eliza Herrington, defendants, and that such transcript is accompanied by

all the process and other papers
filed with the justice relating to such
suit.

Given under my hand this 2nd day of July, 1877.
W. D. Ryan,
Justice of the Peace.

46742

John A. Graham, Off.

against,

Benjamin H. Herrington, Sept
and Elizabeth Herrington

Before Wm. Pryor, D.P.

Transcript of Record.

Fees:

Cost before Justice

Appeal Bond

Affidavit for appeal

Writing Certified Transcript

~~\$3.35~~

.35-

.35-

.70

~~\$9.75~~

215

Filed July 9 1877

J. C. W. Warner

Chk