

Jefferson County, Circuit Court
Case Files - Civil

Box 1 Folder 43

November, 1829

Friswell, Willard

vs

Friswell, Mason
McKain, John

Mandamus

Order JP Berry T. Hunsell to issue
execution of judgment in favor of
plaintiff

Personally appeared in open court John
McKean and made oath that a certain
Willard Frigell ^{on the day of} ~~last December~~ brought an
action against this office and a certain woman
Frigell his partner, on an account for \$88.50
due as is recollect, before Perry & Howell a justice
of the peace for the county of Jefferson on the day
of ^{in December last} ~~December~~ a judgment was rendered by the said woman
without giving this office an opportunity of presenting
his objections which he ~~states~~ ^{had} against the said claim
to the amount of \$88.50 and which in justice
should have been allowed him in credit when the
justice entered the office believing himself oppressed
and injured by the proceeding, prayed an appeal to
this court which was granted, and this office entered
into bond and security according to law, at the last
term of this court this office not finding his appeal
in court and that there had been no transmission of
papers by the registry, did believe that the posts
had been convinced of the injustice of the proceeding
and had vacated his judgment, or had directed the
magistrate to do so, and it is but recently that this
office has discovered that the said Willard intends to enforce
his judgment and has taken out execution from the
said judgment and is now coercing this office
for the money. This office states that the appeal
was taken by him in good faith that he has never
withheld the said registry to withhold the papers now
to pursue the course that has been pursued. The said
woman and Willard Frigell are relatives, and this office
believes have acted conjointly in this business, to the manifest
entirement of this office.

Sworn to in open Court. June 27th 1828. C. Smith Clk

John McKean

John W. Davis
Affiant.

Filed June 24th 1843
Eby Smith Clerk

State of Missouri
County of Jefferson

This day personally -
Came James Steen before the undersigned
a Justice of the peace within and for the County
afore said who makes oath that he the said
Steen was personally present when an arrangement
of certain matters & things took place before
Berry T. Hansel Esq. Justice of the peace where
- in Willard Higbee was plaintiff and John
McKean & Major Higbee was Defendants. That
the said McKean, on a decision of said case
being had in favor of the plaintiffs an Appeal
was demanded by said McKean as one of the
Defendants, which being granted, a compromise was
proposed between the parties, by whom this deponent
does not perfectly recollect but is confident that
the proposition was acceded to in the following -
manner as well as this deponent recollects. That is to say
that on the points which had been decided by Lewis
Baldue, Shadrach Green, & Henry Brown as referees -
previously chosen by the parties, he said McKean, would
agree to, & that notwithstanding he had claimed an
Appeal he would withdraw his said Appeal on
having the following credit given on said judgment
to wit the sum of thirteen Dollars Twenty Eight Cents as
being due from Major Higbee to him said McKean

Subscribed & Sworn to
the 27th day of July 1828
Johnston J.
Justice of Peace
James Steen

Willard Fripell

John McKain &
Mason Fripell

Be it remembered that on this twenty
first day of July 1829 Samuel Woodson being duly
sworn in open Court before the Circuit Court
of Jefferson County upon his oath says that
about two years since a judgment was ren-
dered by Perry T Hansell a Justice of the Peace
of the County of Jefferson in favour of Willard
Fripell against John McKain & Mason
Fripell for an amount not now remembered
that upon such judgment several ~~are~~
as he is informed and believes one to his own knowledge
- cutions have been issued, and that the
said Perry T Hansell now refuses to issue
any other execution on the said judgment
This affiant further states that he believes
that there is now a balance due on the
said judgment of about thirty ^{and thirty} five dollars
to which the said Willard Fripell is entitled

Sworn to & subscribed
in Open Court this

21st July 1829

Chamney Smith Clerk
by J. P. Bent.

Sam. Woodson

William T. Fitchell
as E. F. Fitchell
John M. Kinn and
Alvare Fitchell

Filed July 21st 1879
L. Smith Clerk

State of Missouri & Jefferson County Circuit Court
County of Jefferson
November Term 1829

Willard Tripell &

vs

Mason Tripell &

John McKain &

On Motion and affidavit of Samuel Woodson, it is ordered by the Court that a mandamus do issue against Berry T. Russell a justice of the peace for Big River Township in the County of Jefferson, directing and commanding him either to issue an execution on a certain judgement rendered by him as a justice of the peace as aforesaid in favor of the said Willard Tripell against Mason Tripell and John McKain, or that he be and appear at the next Term of this Court to show cause why he refuses to issue said execution.

I Chauncy Smith Clerk of the Circuit Court for the County of Jefferson in the State of Missouri do hereby certify that the foregoing is a true copy of the original record of said Court in my office.

Given under my hand and seal of office
at Herculaneum this 17th day of October in
the Year eighteen hundred & twenty nine.
Chauncy Smith Clerk

executed this writ on the within named
Berry J. Hunsell by reading to him the same
Nov. 4th 1899.

Mr. R. Evans
Deft. Sheriff

Sum \$11.00

85
Jefferson Circuit Court
November Term 1899

William Hunsell

vs

William Hunsell

John W. Hunsell

Not on

Berry J. Hunsell

Filed Oct. 17th 1899
C. Smith Clerk