

Jefferson County Circuit Court
Case Files - Civil

November R33, No. 6

Box

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Folder 50

Farris, Alexander H.

vs

Burgess, James
Huskey, Silas

Ejectment

10 arpents near Little Rock Creek
5600 miles from theculaneam;
\$600 damages; depositions

In the Circuit Court

3^d Judicial Circuit November Term AD 1873.

Jefferson, to wit, Alexander H. Ferris complainant of
James Burgess ^{And Silas Hurkey} of a plea of trespass and ejectment

For that the said plaintiff heretofore, to wit, on the first
day of April in the year of our Lord one thousand
eight hundred and thirty three at the county of
said, was legally entitled to the possession of a certain
tract of land situate in the county aforesaid contain-
ing ten acres more or less in front by forty acres
more or less in depth lying near the little rock creek
about seven miles from the town of Herculaneum
being the same confirmed pursuant to act of Con-
gress respecting claims to land in the territories of
Orleans & Louisiana and territory of Missouri to
Joseph Horton's legal representatives for the quantity
of three hundred and twenty acres - also of a
certain other tract of land situate in the coun-
ty aforesaid containing three hundred and
twenty acres, and being so legally entitled to the
possession of the premises aforesaid the said defend-
ants afterwards, to wit, on the day and year aforesaid
at the county aforesaid with force and arms inter-
ed into the said premises and ejected him the said
plaintiff therefrom and took receipt detained &
applied to their own use from that time till now the
rents, issues and profits thereon accumulating and
therefrom arising of great value, to wit, of the value
of five hundred dollars and continues to take receive
detain and apply the same to their own use, to wit,

at the county aforesaid I cut down the timber
thereon growing and carried away the same I conti-
nued so to do, to wit, at the county aforesaid to the
wrong to the said plaintiff then I thus did, to the
great damage of the said plaintiff wherefore the
said plaintiff saith he is injured that sustained
damage to the value of six hundred dollars, therefore
he brings his suit &c.

Beverly Allen
att^y for pl^{ff}:

No 6

Alexander H. Ferris

vs
47 Nov^r

James Burgess &
Siler Humber

This is an action of

Ejectment, damages

600 dollars. The clerk

will issue a sum-

mons.

B. Allen

per q.

Filed 16th October 1833

L. Smith Clerk

For 1 copy fee paid

Read this ~~complaint~~ ^{writ} October 21th 1833

A. H. Knighton
Sherriff

Served the within writ of declaration by reading the same
in the hearing of the within named defendants then 31st of Oct^r 1833
Sh^{ll} fee \$200

A. H. Knighton
Sherriff

State of Missouri }
County of Jefferson }

The State of Missouri

To the Sheriff of said County "Greeting

You are hereby commanded to summon James
Bungee and Selas Hunkley (if they be found in your
Bailewick) that they be and appear before the Judge of
Our Circuit Court at the next term thereof to be held
at the Town of Herakleum within and for said County
on the third Monday of November next, then and there
to answer unto Alexander H. Parrie of a plea of trespass and
ejectment for a certain tract of land situate in said County
containing ten arpens (More or less) in front by forty arpens
(More or less) in depth lying near the Little Rock Creek originally
conferred to Joseph Horton legal representatives for the quantity
of three hundred and twenty arpens. to the plaintiff, damages
of Six hundred dollars. And have you there the return.

Witness Chauncey Smith Clerk of Our said
Circuit Court at affix this sixteenth day
of October in the year eighteen hundred
and thirty three

Chauncey Smith Clerk.

Alexander McHarris

23

James Burgess & John Mackay

The said James Burgess & John Mackay

by Bryan their attorneys come and
defend the ~~same~~ ^{cause} and crying shame and say that
they are not guilty of the said trespass and sustant
in the said declaration mentioned in manner
and form as the plaintiff hath above shewed in
his declaration alleged and of the ~~say~~ ^{say} just claim
relues upon the country &c.

Bryan for all

Alex^r H. Purvis

by Plew

James Burgess & John H. H. H. H.

Recd 18th Nov^r 1833

C. Smith & Co.

COUNTY OF JEFFERSON, MO.
THE STATE OF MISSOURI,

To the Sheriff of

County—GREETING:

You are hereby commanded to summon

Johnston Lewis
Jefferson
David Bryant & Benjamin

that, setting aside all manner of excuse and delay, he, he and appear in proper person before the Judge of our Circuit Court, on the *thirteenth* day of *March next*, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Alexander H. Harris* is plaintiff, and *James Briggs and John Mackey* are defendant, on the part of the *defendants*; and have you then there this writ.

Witness, CHAUNCEY SMITH, Clerk of our said Circuit Court, at the town of Herculaneum, this *fourth* day of *January* in the year of our Lord one thousand eight hundred and *thirty four*

Chauncey Smith CLERK, C. C.

Servid on the within named David
 Bryant by reading February 4th 1834
 Servid on the within named Benⁿ
 Johnston Jun^r by reading March 4th 1834
 A. Snighton
 Sheriff
 fees \$ 1.00

Jefferson County Court
 Minute Term 1834

Alexander H. Harris

vs
 Subⁿ

James Burroughs
 John Alenkey

David Bryant 4
 Benⁿ Johnston Jun^r 4
 for Dep't's
 4

COPY OF JEFFERSON, SECY.
THE STATE OF MISSOURI,

To the Sheriff of

Jefferson

County—GREETING:

You are hereby commanded to summon

David Bryant & Benjamin Johnston

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the *1st* day of *July next*, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Herculeas H. Harris* is plaintiff, and *James Bryant & John Hensley* is defendant, on the part of the *defendant*; and have you then there this writ.

Witness, CHAUNCEY SMITH, Clerk of our said Circuit Court, at the
town of Herculaneum, this *1st* day of

May in the year of our Lord one thousand eight hundred
and *thirty four*

Chauncey Smith CLERK, C. C.

Jefferson Circuit Court
July Term 1834

Alexander H. Harris
vs
Sub

James B. Breyer &
Silas Hensley

David Breyer
Benjamin Johnston Junr
for Deft

Served by reading the return in the hearing of David
Breyer on the 1st of July 1834, and on Ben^g Johnston Junr
by reading in his hearing on the 6th of July 1834

W^h fee \$100

A. Knighton
Thresh

COUNTY OF JEFFERSON, MO.
THE STATE OF MISSOURI,

To the Sheriff of Jefferson

County—GREETING;

You are hereby commanded to summon

Benjamin Johnston for *John
Robt. Hannum* Dams.

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our
Circuit Court, on the *fourteenth* day of *November*, at the town of Hercu-
laneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said
Court, wherein *Alexander H. Harris* is plaintiff,
and *James Burgo & Elias Hunt* are defendants,
on the part of the *Defts* ; and have you then there this writ.

Witness, CHASNOEY SMITH,

James Harrison
Clerk of our said Circuit Court, at the

town of Herculanenum, this

twelfth

day of

October

in the year of our Lord one thousand eight hundred

and

thirty four

Sam. Proctor CLERK, C. C. *Jefferson*

Executed by ~~me~~

J. S. M. Crutcher, Sheriff

Nov. Term 1834

Wm. H. Thomas

vs } Jura

James Thompson
vs Thomas Thompson

for
Wm. H. Thomas vs

John A. Bate

Wm. H. Thomas
vs

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of *Harrison*

County—GREETING:

You are hereby commanded to summon

Samuel Burns, John Doty, David Doty & Benjamin Johnson Juniors,

that, setting aside all manner of excuse and delay, ^{he} be and appear in proper person before the Judge of our Circuit Court, on the *twentieth* day of *March* next, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Alexander H. Stearns* is plaintiff, and *Samuel Burns & John Johnson* are defendant, on the part of the *Defendants*; and have you then there this writ.

Witness, ~~DEAN~~ *Samuel Woodson* ~~SMITH~~, Clerk of our said Circuit Court, at the

town of Herculaneum, this *twelfth* day of *January* in the year of our Lord one thousand eight hundred and *thirty five*

Samuel Woodson,
CLERK, C. C.

Jefferson Circuit Court
March Term 1833.

Alexander H. Harris

vs E. Chen

Jas: Burges & Elias H. H. Key

Dea

Sam: Burns

John Boly

David Boly &

Benj: Johnston Jr.

on hand Depts.

The within witnesses all summoned except
David Boly not to be found in my bailwick
J. M. Christian Sheriff

COUNTY OF JEFFERSON, MO.
THE STATE OF MISSOURI,

To the Sheriff of *David*

County—GREETING:

You are hereby commanded to summon

William Skinner

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the *eleventh* day of *March* next, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Alexander H. Davis* is plaintiff, and *James Thompson and John H. Huxley* is defendant, on the part of the *Deftdants*; and have you then there this writ.

Witness, *CHAMUNEE SMITH* *James C. Booth* Clerk of our said Circuit Court, at the town of Herculaneum, this *twelfth* day of

February in the year of our Lord one thousand eight hundred

and *thirty* five

James C. Booth CLERK, C. C.

Jefferson Circuit Court
March Term 1835.

Alman W. Morris
vs
James Benson & Elias Henkey
+ for Wm Skinner

on part of Deft.

Execute this writ by reading it to
William Skinner on the 12th day of
March 1835 in the County of St Louis
Shrotherton Shff
Service 50 cts
by J. Hamman Dep

State of Missouri }
County Saint Louis }

The State of Missouri

To the Constable of Saint Louis township in said County, Greeting

You are commanded to summon Joseph V Garner that all excuses and delays being set aside he personally be and appear before the Circuit Court of Jefferson County on the first day of the next term thereof to be held at Herculaneum in said County on the third Monday of March instant to testify on the trial of two cases pending in said Court wherein Alexander H Farris is Plaintiff and James Burgess & Silas Huskey are defendants in the one case - And Alexander H Farris is Plaintiff & Aaron Smirc & John Richardson are defendants in the other case, on the Part of the Plaintiff in each suit, and of this he is not to fail at his peril, nor are you, and have you then there this writ -

Given under my hand this 12th day of March
A D 1835 -

Daniel Hough Justice of the Peace
County Saint Louis

Executed by Edmund
arriving the million and
-med Atkins in the
body of St Louis -
March 12th 1835

Witnessed by Robert
By Gordon St
Clara Leases —

Service \$=50

COUNTY OF JEFFERSON, MO.

THE STATE OF MISSOURI,

To the Sheriff of *Howard*

County—GREETING:

You are hereby commanded to summon

William Skinner

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the *seventh* day of *July next*, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Alvanor W. Davis* is plaintiff, and *James Burgess and Elias Huebner* are defendants, on the part of the *Defendants*; and have you then there this writ.

Witness, *James Woodson* CHAUNCEY SMITH, Clerk of our said Circuit Court, at the

town of Herculaneum, this *thirteenth*

day of

April and *thirty five*

in the year of our Lord one thousand eight hundred

James Woodson CLERK, C. C.

Executed this writ by reading it to William
Shinner on the 16th day of May 1835 in the
County of St Louis

Service 50 cts

J Brotherton Shiff
by J Hammond Dep^t

Jefferson Circuit Court

July Term 1833

Alexander M. Harris

vs
E. Shoff

James Burgess
alias Hensley

William Shinner 16th

The Defendants

COUNTY OF JEFFERSON, MO.

THE STATE OF MISSOURI,

To the Sheriff of Jefferson

County—GREETING:

You are hereby commanded to summon

David Betty and Benjamin Johnston

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the seventh day of July next, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein Almon H. Harris plaintiff, and James Burges and Elias Huntley are defendant; on the part of the Defendants and have you then there this writ.

Witness, CELANCEY SMITH Clerk of our said Circuit Court, at the

town of Herculaneum, this thirteenth day of April in the year of our Lord one thousand eight hundred and thirty five

David Brewster CLERK, C. C.

Samuel Burns John Boly & Ben Johnston are
summaried David Boly not to be paid
J. M. Christian Sheriff

July Term 1833

Alexander H. Morris

3 E. Cha

James Burgess &
Alex. Hough

Samuel Burns

John Boly

David Boly &

Ben Johnston

the Dpts

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of Jefferson

County—GREETING:

You are hereby commanded to summon

Johnson and Williams vs. Daniel Wells on and
Daniel Wells

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our
Circuit Court, on the *Twelfth* day of *July*, at the town of Herculaneum,
then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court,
wherein *Alvanor H. Travis* is plaintiff,
and *James Burgett and Elias Hunkley* are defendant,
on the part of the *Plaintiff*; and have you then there this writ.

Witness, ~~CHANCELLER~~ *James Burgett*, Clerk of our said Circuit Court, at the

town of Herculaneum, this *23rd* day of *May* *1861*
in the year of our Lord one thousand eight hundred and

Sam. M. Smith CLERK, C. C.

All Summoned; except William Smelt &
Samuel Wilson & Samuel Price not to be
present
J. M. Christian Sheriff

Before Court is
July Term 1835

Alexander H. Harris

vs
The

James Hensley &

alias Hensley

vs
The Sheriff of Hamilton Co.

vs
The Sheriff of Hamilton Co.

vs
William Smith

vs
Sam. Wilson &

Sam. Price

The J. M.

COUNTY OF JEFFERSON, MO.
THE STATE OF MISSOURI,

To the Sheriff of Jefferson

Country—GREETING:

You are hereby commanded to summon

You are hereby commanded to summon
 John W. Rogers, Benjamin
 Robinson Junior, William de Meane and
 William Brewster -

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the dec 20th day of July next, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein Alenacou W. Harris is plaintiff, and Jamies Briggs and Elias Hunkley are defendants, on the part of the plaintiff and have you then there this writ.

Witness,

CHANDLER SMITH,

town of Herclaneum, this twenty ninth day of May. Charity bene.

Executed
J. S. M. Christian Sheriff.

Stephen Abbott Esq
July Term 1834

Decreed on 14th Term

to

James Burgess &
alias Henry

Thomas W. Lloyd
Jury, returned
William M. Christian
Wm D. Smith

for 12th.

THE STATE OF MISSOURI,

To the Constable of *St Louis*

Township, in the County of *St Louis*

GREETING:

YOU are commanded to summon

Joseph W. Garrison

that all excuses and delays being set aside

he personally be and appear before the *Judge of the Circuit Court* ~~and the Circuit Court~~ *in said State* ~~of the Peace within and for the County aforesaid, on the~~ *on the seventh day of July next*

~~at his office, in the Township of~~

, to testify on the trial of a case wherein

A. H. Davis is

plaintiff, and

James Dwyer & John Stucky are

defendants, on the part of the

Plaintiff, and of this

he is

not to fail at his

peril; and have you then there this writ.

Given under my hand, this *twenty sixth* day of

June, A. D. 1835

Alfonso

Justice of the Peace.

St Louis County Mo

Justice for hand
by Jeff 18⁵/₄

Executed by
Summing the
death named
Witness in
the City of
St Louis
June 27th 1835

D. Busby Const
By Wm. Hull D.C.

(L. \$ - 25
Paid by
Jeff)

Wm. James Price Franklin County

Spencer Court
July Term 1835

Alexander H. Ferris

4 } 4th

James Bungeband
Elias Ruskopf

Spencer
Benj. Johnston Senr.
William Drummond
Eden Harrington
William McMillen
Eden Kyle
Joseph Kyle &
Wm Smirl -

On part of Defts -

Exempts all except William Smirl
not to be found

J. M. Christian Sheriff

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of *Franklin* County—GREETING :

You are hereby commanded to summon

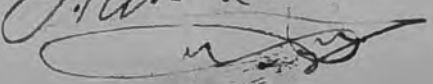
Samuel Price

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the *third* day of *November* next, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Samuel Price* is plaintiff, and *James Burgess & Elias Stuckey* are defendants, on the part of the *plaintiff* ; and have you then there this writ.

Samuel Price
Witness, ~~SAMUEL PRICE~~ *Samuel Price*, Clerk of our said Circuit Court, at the town of Herculaneum, this *twenty* day of *September* in the year of our Lord one thousand eight hundred and *thirty five*

Sam. Price
CLERK, C. C.

Sworn the within Suppement on the
 within named Samuel Price at his dwelling
 in the County of Gasconade on or about the
 20th day of October last by holding by holding
 the same to him Read & his Reading the same
 & acknowledging the same those of
 Sworn to in open Court
 Nov. 4th 1835.
 Sam Woodson clerk

Almon H. Harris


Jefferson Circuit Court
 Nov. Term 1835.

Almon H. Harris

Wm E. Price
 James Burgess and
 John H. Hickey

for

Sam Price

on part of M.

COUNTY OF JEFFERSON, MO.

THE STATE OF MISSOURI,

To the Sheriff of Jefferson

County—GREETING:

You are hereby commanded to summon

Jesse Lee? William Jackson, William Smith
and Samuel Jackson

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the 1st day of Nov. next, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Samuel Jackson* is plaintiff, and *James Jackson and John Jackson* are defendants, on the part of the plaintiff; and have you then there this writ.

Witness, JAMES JACKSON, Clerk of our said Circuit Court, at the

town of Herculaneum, this

20th

day of September

in the year of our Lord one thousand eight hundred and thirty five

Sam. Jackson CLERK, C. C.

THE STATE OF MISSOURI,

To the Sheriff of Jackson

You are hereby commanded to summon

County—GREETING:

You are hereby commanded to summon
 Johnston James? Williams etc etc etc and Mr
 Deane

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the third day of April, at the town of Herculano.

laneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Alonzo H. Drake* is plaintiff,

Court, wherein *Johnston* is plaintiff,
 and *James Thompson* is defendant,
 on the part of the *defendant*; and have you then there this writ.

and have you then there this writ.
 CHANNICE SMITH Clerk of our said Circuit Court, at the

town of Herculaneum, this *marvelous* *wealth* day of

Septimber in the Year of our Lord one thousand eight hundred
and thirty five
Wm. Harrison CLERK, C. C.

Nov. Term 1833.

Ad. J. H. Murray

to E. M. M.

James Murray & Co.
Hunkery.

Thos. W. Floyd, Pres.
Johnston & Co. William
McMullen & Co. Lawyers

for J. M.

all the within Subpoena executed on all of the
within witnesses

J. M. Christian Sheriff

THE STATE OF MISSOURI,

To the Constable of *St Louis*,

Township, in the county of *St Louis* GREETING:

YOU are commanded to SUMMON

Joseph V Garrison

that all excuses and delays being set aside

~~circuited Court of Jefferson County, in the Peace within and for the County aforesaid, on the~~

he personally be and appear before *the judge of this*

~~at his office, in the township of at St Louis~~ *to testify on the trial of a case wherein Alexander*

St Dennis is

plaintiff, and

James Burgess & Elias Strader

defendant, on the part of the

defendant

, and of this

he is

not to fail at

his

peril; and have you then there this writ.

Given under my hand, this

19th

day of

October A. D. 1835

Edwngd

Justice of the Peace.

A H Lewis

⁴
George Huskey

Justice fee 18⁰/₄
p^d by P^lff

Executed by summoning the within named
witness in the City of St Louis
October 19th 1835

D. Busby Const
By W^m Mull D.C.

p^d by P^lff

Gr^d - 25

State of Missouri
County of St Louis On this 19th day
of October 1835 appeared W^m Mull
offy Constable for said County
and made oath that he executed
the within summons by summoning
the said Joseph V Garnier this
day agreeably to said summons
sworn to & subscribed W^m Mull
before me the day and
year aforesaid
C. Hough J.P. 25 cts p^d by
P^lff

Tenn

⁶⁷
Bungy Sal

Tenn

⁴
Smile Sal

The plaintiff in the above cause makes oath that Joseph V. Garnier Samuel Price are material witnesses on his behalf in the above cause that they have been subpoenaed to attend at this term of court, & are not in attendance that they are not absent by the court's order or consent or procurement of ~~that~~ he knows of no other witnesses within his knowledge ~~that~~ this affiant ~~that~~ he expects to have the facts said are in attendance their testimony by the next term of this court that he expects to prove by said Garnier the execution of a power of attorney from Thomas Dempster to Charles Dempster which is a material document in this cause constituting a link in his chain of title which he here presents to the court for inspection, also by said affiant the translation of a document in the Spanish language which is material in this cause it being referred to in a conveyance by one James Smil to George Smil as identifying the land conveyed by said James Smil to George Smil and ^{that is James Smil} where this affiant & the said claim the land sued for, which conveyance & power of attorney are submitted for the inspection of the court, that he expects to prove by said Price the execution of the conveyance by said James Smil to George Smil of record & the identity of the land then conveyed with

The land paid for.

Wm H Harris

Sworn to in open Court
Nov. 4th 1844

Sam. Woodron etc

Filed 4th Nov. 1833

Sam. Woodron etc

Filed 4th Nov. 1833

Sworn to in open Court
Nov. 4th 1844

Wm H Harris

COUNTY OF JEFFERSON, MO.

THE STATE OF MISSOURI,

To the Sheriff of

County—GREETING:

You are hereby commanded to summon

Johnston & Co. John D. Johnson, John Smith, Samuel Wilson, Wood W. Wagon, Henry Johnston Jr., William McMillen & Wm. Smith

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the *25th* day of *March* next, at the town of Herculaneum,

then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein

and *John D. Johnson & Co. the day are* plaintiff,

on the part of the *plaintiff*; and have you then there this writ.

Witness, CHABNEY SMITH, Clerk of our said Circuit Court, at the

town of Herculaneum, this

25th

day of *March*

in the year of our Lord one thousand eight hundred and *thirty five*

John D. Johnson CLERK, C. C.

Executed on all except Wm Smirl and
Samuel Wilson
not found J. G. W. Christian Sheriff

March Term 1836

Alanson H. Harris

vs E. A. A.

James Burges &

A. Cas. Harkney

Clarissa Thomas

Benj. Johnston Adm.

Wm. Freeman, Adm.

Sam. Wilson, Adm.

Benj. Johnston J.

Wm. McMillan and

Wm. Wright

On the part of the Adm.

State of Missouri }
Jefferson County } Set

Whereas Samuel Price was Summ-
oned to appear at our Circuit Court held at Heru-
laneum on the first Monday of November 1835 to testify
for the plaintiff in a suit where Alexander Mc Harris is
plaintiff and James Murgess and Silas Huskey were
defendants and the said Samuel Price failing to appear
on said summons therefore the Court ordered an attach-
ment to issue against him Returnable on the first
day of March Term next being the seventh day thereof

To the Sheriff of Franklin County Greeting
You are hereby commanded to attach the body of
the said Samuel Price that all excuses and delays
set apart he be and appear before the Judge of our said
Court on the first Monday in March next at the town
of Herulaneum to testify and the truth say in a
controversy where the said Alexander Mc Harris is plan-
tiff and James Murgess and Silas Huskey are defen-
dents on the part of the plaintiff and have you then
and there this writ of attachment

Witness Abraham Jarrett Clerk of our
said Circuit Court at the town of Herulaneum
this 27th day of february in the year of our
Lord one thousand eight hundred and thir-
ty six
Abraham Jarrett CLK for C

1896
Attachment to the
Sheriff of Franklin
County - adj -
Samuel Price

State of Missouri }
Jefferson County }

Whereas Joseph V. Garmie
was summoned to appear at our Circuit Court
held at Herculanum on the first Monday of Nov-
ember 1835 to testify for the plaintiff in a suit
where Alexander H. Harris is plaintiff and
James Burgeffs and Silas Huskey were defendants
and the said Joseph V. Garmie failed to appear on
said summons - Therefore the Court ordered an
attachment to issue against him Returnable
on the first day of March Term ^{next} being the seventh
day thereof

To the Sheriff of St. Louis County Greeting
You are hereby commanded to attach the body
of the said Joseph V. Garmie that all excuses and
delays set apart he be and appear before the
Judge of our said Court on the first Monday in March
^{next} at the Town of Herculanum to testify and the truth
say in a controversy where the said Alexander H.
Harris is plaintiff and James Burgeffs and Silas
Huskey are defendants on the part of the plaintiff
and have you then and there this writ of attach-
ment

Witness Abraham Jarrett Clerk of
our said Circuit Court at the Town of
Herculanum this 27th day of February
in the year of our Lord one thousand
eight hundred and thirty six

Abraham Jarrett Clerk Cir Ct

1836

Attachment to
the Sheriff of St Louis
County agt
Joseph V Garvie

State of Missouri }
County of Jefferson } Set

The State of Missouri

To the Sheriff of St Louis County Greeting

We command you to attach Joseph V. Garnie if
he shall be found in your Bailiwick and him have
before the Judge of our said ^{Circuit} Court at the next Term
thereof to be held in the Town of ~~St~~ ^{Circular} ~~St~~ St Louis in
the County of Jefferson on the first Monday in July
next then and there to answer unto a certain Contempt
by him committed in not attending as a witness at the
Last November Term ~~in~~ the said Court in the Case of
Alexander H. Harris against ^{Jarvis} Burgess and Silas
Huskey wherein you were duly summoned by the
Sheriff of St Louis County and have you then
and there this writ

Witness Abraham Jarrett Clerk of our
said Circuit Court at his office this
twenty fourth day of March in the
year Eighteen hundred and thirty
Six -

Abraham Jarrett Clk Cir Ct

July Term.
1836

Wm H. Harris
vs

James Burgess &
John Stoddard

Attestment to
St Louis County
for Joseph N. Harris.

Not Executed by order of Beverly Allen
Attorney for plaintiff

James Brotherton Mff
By M Brotherton Mff

Ferris
 Burroughs & Co. } In Circuit Court
 Ferris } Jefferson County
 Smith & Co. } Nov. 1876.

The plaintiff in the above cause makes oath
 that Joseph V. Garrison Samuel Price are material
 witnesses on his behalf in the above cause, that they
 have not been attached pursuant to attachments issued
 at last term & issued accordingly for the reason that
 the plaintiff was informed by the clerk of this court
 that the agent of Beverly Allen the attorney
 of plaintiff was informed that subpoenas were not
 issued for the other witnesses heretofore subpoenaed
 in this cause who are material, that about
 eight days before the commencement of this term
 his said agent applied at the clerk's office of this
 court (Circuit Court of Jefferson County) for the attachments
 according to the order of this court made at its last
 term & obtained them, at same time said agent
 inquired of the clerk whether the subpoenas had
 been issued for the plaintiff's witnesses to this term &
 was informed they had not. That said agent thereupon
 requested the subpoenas issued for the last term to be
 renewed that the clerk made examination
 for the former subpoenas & could not find them &
 therefore informed said agent that he could not
 renew them which information was communicated
 to said agent to said attorney who thereupon
 declined having the attachments executed for the
 reason that if executed the ~~attach~~ causes could
 not be tried as the other witnesses were not sub-
 poenaed who this affiant states are material.
 That since the commencement of this term 1876
 before it has become known to this affiant that
 attorney that subpoenas were issued by the clerk now
 deceased on the 20th Nov; last which however was too
 late for the service of the attachments - That this af-
 fiant left this state on the 19th Nov: last for New
 York & did not return till last Friday morning

being called to New York in the on charge of filial duty -
to see a mother who was sick and expected to die &
had requested said affiant to visit her, that he made
an arrangement with her brother the agent here in before
referred to for the preparation of these records - for trial
which has resulted as her infirmity stated - that this
affiant when he left the State expected to return
in time to prepare these causes for trial but was un-
expectedly & unavoidably detained & could not return
sooner than he did - that one witness for plaintiff John
Henington Senr. is however yet unsupplied and that
affiant considers material for him - that the said
Joseph O. Garrison & Samuel Price are not in atten-
dance, that they are not absent by the connivance
consent or procurement of this affiant, that he
knows of no other witnesses ^{who are in attendance} by whom he can prove the
same facts expected to be proved by them that he expects
to have their testimony by the next term of this court
that he expects to be proved by said Garrison the execution
of power of attorney for Thomas Hempstead to Charles
Hempstead which is a material overment in this
cause constituting a link in his chain of title which
he has presented to the court for inspection, also by
same witness a translation of a Spanish document
which is material in this cause on his behalf, it be-
ing referred to in a conveyance by one James Smith to
George Smith as identifying the land conveyed by said
James Smith to George Smith under whom that is
James Smith this affiant & the ^{also identifying} claim of the land
land for, which conveyance Spanish document are
also submitted for the inspection of the court - that
he expects to know by said Price the execution of the
conveyance by said James Smith to George Smith
apprising of the identity of the land then conveyed with
the land land for.

Abel H. Ferris

Deposed to in open court
March 8th 1836

Stam

Bayly & Co.

Stam

Stam & Co.

Stam

Stam & Co.

Stam & Co.

Alexander McHenry
vs
James Burges
vs
Wm. Hardy

} In the Circuit Court, for the County
of Jefferson, State of Missouri.

TO the above named defendants

YOU ARE HEREBY NOTIFIED, That Depositions of Witnesses to be read in evidence in the above cause, on the part of the Plaintiff, will be taken, at the Residence of Samuel Price, in the County of Jackson and State of Missouri, on the second day of April Next, between the hours of 8 o'clock in the forenoon, and 6 o'clock in the afternoon.

March 24th 1836

Respectfully yours &c
Wm. McHenry
214

Alex H Harris

vs { Notice Depositions

James Burgess +
Silas Huskey

Sheriff fee - \$1.00

I served the within notice on James Burgess on the 24th day
of March 1836 by reading and delivering him a copy in
his hearing and presence - and advised in Silas Huskey
by leaving a copy at his place of residence on the 24th
day of March 1836

J J M Croston Sheriff
of Jefferson County Mo

COUNTY OF JEFFERSON, MO.

THE STATE OF MISSOURI,

To the Sheriff of Jefferson County—GREETING:

You are hereby commanded to summon

Benjamin Robinson and
William Dierks William McMillen Benjamin
Robinson son of William Knight, Thomas W
Stacy John Herington William Bonnett.

John Wilson (Little Rock) and Calvin
Thomas — James Thomas

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our
Circuit Court, on the 4th day of July next, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said
Court, wherein Alexander H. Harris is plaintiff,
and Daniel Burgess & Silas Hensley are defendants,
on the part of the Plaintiff.

; and have you then there this writ.

Witness, ~~CHARLES SMITH~~ ^{Abraham Parson}, Clerk of our said Circuit Court, at the

town of Herculaneum, this twenty fifth day of

March — in the year of our Lord one thousand eight hundred

and thirty six
Abraham Parson CLERK, C. C.

1896

July Term —

Alex^r H. Ferris
vs

James Burgess &

Silas Huskey —

Summons for the
Plaintiff

+ Merijⁿ Johnston Sen^r

+ Wm Drennon

+ Wm McMillin

+ Merijⁿ Johnston Sen^r

+ Wm Wright

+ Thos W. Hays

+ John Herington

+ Wm Bartlett

x John Wilson L. B. B.

+ Claiborn Thomas

James Thomas

issu^d Aug. 22nd

of the within subpoena executed by reading
in the presence and hearings of all the
witnesses in due time as the law directs

J. M. Crustman. Sheriff

[Handwritten scribbles]

COUNTY OF JEFFERSON, SCT,
THE STATE OF MISSOURI,

To the Sheriff of Jefferson County—GREETING:

You are hereby commanded to summon

Johnston Sen^r and Benjamin Johnston Sen^r Benjamin
Harrison Sen^r William Mose—James Thomas
William Thomas Overton Boyd

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the fourth day of July next, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein Alexander H. Thomas is plaintiff, and James Mose and John Mose are defendant, on the part of the defendants and have you then there this writ.

Witness, ~~CHARLES SMITH~~ ^{William Mose}, Clerk of our said Circuit Court, at the town of Herculaneum, this fourteenth day of April, in the year of our Lord one thousand eight hundred and thirty six.

William Mose—
CLERK, C. C.

1836

July Term

Alexander H. Harris

vs

James Burgess and
Silas Houshey

Sup^a on the part
the defendants

- + William Drennon Sen^r
- + Wm^r Johnston Sen^r
- + Wm^r Johnston Jun^r
- + John Herrington Sen^r
- + William Moss
- + James Thomas
- + Claiborn Thomas
- Overton Byrd

the within subpoena executed as set of the within
named witnesses as the law directs except Overton
Byrd not found in my bailiwick
H. M. Johnston. Sheriff

20th Aug^r 1836

THE STATE OF MISSOURI,

County—GREETING :

You are hereby commanded to summon

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the fourth day of July next, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein Alexander H. Travis is plaintiff, and James Dwyer & John Henry are defendant, on the part of the defendant; and have you then there this writ.

Witness, ~~CHARLES STRELL~~, Clerk of our said Circuit Court, at the

town of Herculaneum, this

27th day of April.

in the year of our Lord one thousand eight hundred and *fourty six*

Astram Daneth

CLERK, C. C.

1836

Alex^r H Harris

vs

James Burges &

Silas Huskey

Summons for
Mary P Leane

Jefferson County
Circuit Court

Perman 5003

James Burges
Huskey

Shuntles this writ on Mary
Philip Leane in the city of
Harrison the 3^d day of May
1836
James Burges
Huskey

20 Aug 22

The execution of this commission appears by a schedule herunto
annexed Given at Samuel Price this 2nd day of April A 1836
Hiram Pinnell Jp

Deposition of Witneps produced sworn & examined on the second day
of April in the year of our Lord eighteen Hundred and thirty six
between the hours of Eight of the Clock in the forenoon and Six
of the Clock in the afternoon of that day at the House of
Samuel Price in the Township of Barbours and County of
Gasconade in the State of Missouri, before me Hiram
Pinnell a Justice of the peace within and for the County aforesaid
in a certain Cause now depending in the Circuit Court of the
County of Jefferson in the State of Missouri —
between Alexander H. Harris, Plaintiff & Jas. Burge & Elias Husky
Defendants and between Alexander H. Harris Plaintiff & Aaron Smith
& John Richardson Defendants on the part of the Plaintiff
Samuel Price of lawful age being produced sworn & examined
on the part of the Plaintiff Deposeth & saith — after examining
an Instrument of Writing purporting to be a Deed or transfer
of a land the original or body of the Deed in Spanish or French
and the first or upper assignment on the back of said Deed is from
Wm. Brenins to Jas. Smith the other or lower one from Jas. Smith
to Geo. Smith the margin marked by Witneps thus &c

Question, Mr Price do you believe this to be the transfer made in
your presents from Jas. Smith to Geo. Smith

Answer. — Yes

Question do you believe that Jas. Smith signed the above named
transfer — Answer. Yes. I saw him sign it

Question do you know this signature of your name as a Witneps
to be your own hand writing Answer, Yes

Question, Did you see Samuel Wilson subscribe his name as a Witneps
Answer, Yes

Question, Did you see Geo Smith pay Jas Smith any money
on the aforesaid transfer of Land

Answer, I did but am ^{not} positive how much

Question, Was Samuel Wilson present when the money was paid as above
Answer, yes Wilson the other witness was present when the money was paid

Question, Do you know where the land lay that was transferred
by Jas Smith to Geo Smith, that you was a witness to

Answer I do it lay in Jefferson County in this State
a little below the mouth of Little Rock Creek on the bank
of the Mississippi River

{Signed}

Samuel Price

Sworn and subscribed to before me on the Day at the place
and within the hours first aforesaid

Hiram Pinnell Justice of the Peace

I Hiram Pinnell a Justice of the Peace within & for the
County of Gasconade in the State of Missouri do here by

Certify that Samuel Price the Deponent were by me sworn

to testify the whole truth of his knowledge touching the matter

in Controversy aforesaid that he was examined and his examination

Reduced to writing and by him subscribed in my presence on the

Day between the hours and at the place in that behalf

first aforesaid

April the 2d 1836

~~April the 2d 1836~~

Hiram Pinnell

Justice of the Peace

State of Missouri
Gasconade County } Court

I John B Harrison Clerk of the
County Court for the County of Gasconade
and State of Missouri. Do hereby certify that
Hiram Fennell whose name is subscribed to the fore-
going Deposition or examination as a Justice of
the peace is and was at the time of signing
the same an acting Justice of the peace duly
Commissioned as such and that due faith and
Credit should be paid to his official acts
as such

In Testimony whereof I have here
unto set my hand and affixed my
Official Seal Done at my office
in Mount Sterling this 4th day
of April 1836

J B Harrison Clerk

Filed July 6th 1836

Given
under my hand & official seal
at Mount Sterling
this 17th day of July 1836

COURT OF JEFFERSON, MO.

THE STATE OF MISSOURI,

To the Sheriff of Davis County—GREETING:

You are hereby commanded to summon

John M. & Mary J. Deane.

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the *25th* day of *November*, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Alexander H. Stebbins* is plaintiff, and *James Ring up & Elias Housley* are defendant, on the part of the *defendants* and have you then there this writ.

Witness, *Henry C. Bates*, Clerk of our said Circuit Court, at the

town of Herculaneum, this *25th* day of

December in the year of our Lord one thousand eight hundred

and *thirty* six

Henry C. Bates CLERK, C. C.

Jefferson Circuit Court

Nov. Term 1836

Alex. H. Ferris

W. J. Dubois

James Burgess &

Giles Hussey

Mary P. Ladue

for Defendant

Served this Supoena on Mary P. Ladue on the
26th day of August 1836 in the County of St
Louis by offering to read it to him which
he refused to hear & acknowledging service
thereof

James Brotherton Sheriff

Service - 50cts by Louis Dubreuil
Deputy Sheriff

COURTY OF JEFFERSON, SOE.

THE STATE OF MISSOURI,

To the Sheriff of

County—GREETING:

You are hereby commanded to summon

Edwards
Ed. Benjamin Johnston & John Herrington & William
Wm. James Thomas Johnston Thomas and
Benjamin Boyd

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the *Eighth* — day of *November* —, at the town of *Herculaneum*, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Alexander H. Harris* is — plaintiff, and *James Boyd and Elias Hawley* are — defendant, on the part of the *defendants*; and have you then there this writ.

Witness, *Henry P. Bates* Clerk of our said Circuit Court, at the

town of *Herculaneum*, this

29th

day of

in the year of our Lord one thousand eight hundred

and

August

Henry P. Bates

CLERK, C. C.

Stephen Circuit Court

Nov. Term. 1836.

Alex^r M. Ferris

vs. J. B. Sub.

James Burgess &

Etica M. M. M.

William Doremus Sr.

vs. J. B. M. M. M.

vs. J. B. M. M. M.

John M. M. M.

William M. M.

James M. M.

Blair M. M.

& Weston M. M.

for Defendants

I summoned all of the within
witnesses in due time & except
Weston M. M. not found

J. B. M. M. Sheriff

COUNTY OF JEFFERSON, SOF.

THE STATE OF MISSOURI,

To the Sheriff of

County—GREETING:

You are hereby commanded to summon

William McMillin Benjamin Johnston Jr. William Drennon
Trigitt, Thomas M. Lloyd John Hemmings William
Bartlett John Wilson Jackson Thomas Charles and
James Thomas

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our
Circuit Court, on the *Eighth* day of *November* —, at the town of Herculaneum,
then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court,
wherein *Alexander H. Harris* — is — plaintiff,
and *James Burgess & Elias Heasley* are — defendant;
on the part of the *Admitted*; and have you then there this writ.

Witness, *Henry Phillips*, Clerk of our said Circuit Court, at the
town of Herculaneum, this *29th* day of *August*
in the year of our Lord one thousand eight hundred and *thirty six*

CLERK, C. C.

High Court Circuit Court

Nov. Term 1836.

Alex^r. H. Harris

vs. J. S. S. S.

James Parsons &c.

Edw. H. H. H.

Benjamin Johnston Jr.

William Doremus &

William McMillin &

Benjamin Johnston Esq. &

William Wright &

Thomas M. H. Lloyd &

John Herrington &

William Blount &

John Wilson &

Alaborn Thomas. &

James Thomas &

for Plaintiffs

I Summoned all of the within
witnesses in due time

J. M. Christian Sheriff

COUNTY OF JEFFERSON, MO.

THE STATE OF MISSOURI,

To the Sheriff of

Saint Louis -

County—GREETING:

You are hereby commanded to summon

Joseph A. Farmer.

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the Eighth day of November, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein Alexander H. Ferris is plaintiff, and James Burrough and Elias Housley are defendants, on the part of the

; and have you then there this writ.

Witness, Henry, Clerk

of our said Circuit Court, at the

town of Herculaneum, this

29th day of August

in the year of our Lord one thousand eight hundred and

thirty eight

Henry A. Harty - CLERK, C. C.

Served this Supena on Joseph V. Garner,
on the 27th day of August 1836 in the County
of Illinois by offering to read it to him which he
refused to hear & acknowledge the service
thereof

James Brotherton Sheriff
Service - 500th by Louis Dubruin Deputy
Sheriff

Jefferson Circuit Court
Nov. Term 1836.

Alexander H. Ferris

W. E. Supa

James Burgess &

Giles Huey

Joseph V. Garner

for Plaintiff

State of Missouri
County of Jefferson 3 Oct.

To the Sheriff of Jefferson County Greeting.
You are hereby commanded to summon Thomas W. Floyd
Querc Tenu, that setting aside all manner of excuse
and delay he be and appear in proper person before
the Judge of our Circuit Court on the Eighth day of Nov-
ember next in the Town of Herculaneum and that he then
and there produce and bring into Court a paper purporting
to be a deed executed by James C. Smith to the said
Thomas W. Floyd and Murry McConnell bearing date
the twenty eighth day of July Eighteen hundred and
twenty one. To be read in evidence in a certain matter
of Controversy now pending in our said Court
wherein Alexander H. Ferris is Plaintiff and James
Burgess and Silas Huskey are defendants on the
part of the plaintiff and have you then and
there this writ. (Querc Tenu)

Witness Henry P. Bates Clerk of our
said Circuit Court at the Town of
Herculaneum this Twenty second
day of August 1836.

Henry P. Bates Clerk C.C.

I served the within notice on Thomas W Floyd in
the County of Jefferson by reading in his hearing
and presence on the 3rd day of October 1836

J. M. Christian Sheriff

Jefferson Circuit Court
November Term, 1836

Alexander H. Stern

vs.
W. M. Christian

James Burgess &

John H. McKee

Thomas W. Floyd

for Plaintiff

Alexander Stewart
James Stewart
James Stewart

in our honorable Circuit

Count for Jefferson County March Term
1835 James Stewart a witness in the above
Case Elvins and Dags attendance
50 miles Ride

260

allowance, Sanction
for attendance 50.

J. Burns
Writings attended

A. H. Ferris

^{vs}
James Burgess &
Silo Hubby

Summoning nineteen witnesses	\$9.50
Calling 19 witnesses	1.18 $\frac{3}{4}$
Summoning Lury	50
Calling Lury	25
Calling Caire	10
Calling each party	20
Serving. Dues & fees	50
	<u>\$12.23$\frac{3}{4}$</u>

A. H. Ferris

^{vs}
Smirrell &
Richardson

Summoning 10 witnesses	\$5.00
Calling 5 witnesses	31 $\frac{1}{4}$
Summoning Lury	50
Calling Lury	25
Calling Caire	10
Calling parties	20
	<u>\$6.36$\frac{1}{4}$</u>
	\$12.23 $\frac{3}{4}$
	6.36 $\frac{1}{4}$
	<u>\$18.60</u>

Sheriff
Fechill

Alexander Davis

James Bayley

Now for last time
Jefferson County

1834

For off-hand - 10 in. sup. in the corner corner
for shipped out and returned at the same

from - one

\$. 50

3rd series from

2.60

shown to be from one

then 17th Nov. 1834

Shroton

\$ 3.10

James L. Baynes

Alexander Harris

is in

James Burgess father

James Burgess witness

See bill

Ejectment.

Henry vs Burgess Huskey

Henry vs Mil Richardson.

275