

Jefferson County Circuit Court
Administrative Records
December 1837

Box 3 Folder 42

Atkinson, Henry
Brant, Joshua B.
Palmer, Zalmon C.
Beaumont, William B.

Ad quod damnum

Assess damages for building saw
mill dam on Little Rock Creek
in 518T42R6E

The petition of Henry Atkinson Joshua B. Brant
Galmon C Palmer and Wm Braumant
To The Hon: The
Circuit court of Jefferson County, State of Missouri.

Your petitioners would respectfully represent, that they
are jointly seized and possessed in fee simple of a certain
tract of Land in the County and State aforesaid, through
which runs Little Rock Creek; The lands on each side
of which are a compact clay; near the creek north
is a bluff of rock and on the south arable land;
Their title to said Lands are derived from a purchase
made by Wm. Martin from the United States, by him
and wife sold and conveyed to Alfred Skinner, by
him and wife sold and conveyed to Galmon C Palmer
said Palmer and wife sold and conveyed an undiv-
ided two thirds of said Lands to Henry Atkinson &
Joshua B. Brant and by a subsequent agreement
Wm Braumant became a partner and is entitled to
a deed to an equal undivided one fourth part of said
Land which is known and described as the north east
fractional quarter in range ~~of section~~ of section 21/8
in Township N^o 42 North R^o 6 East containing 43.58 acres.
That for the purpose of obstructing the waters of said
Little Rock creek by a dam of nine feet altitude
and for using the waters in propelling a sawmill or a mill
for sawing timber, and for other Machinery should it hereafter
be deemed expedient, your petitioners ask from this Hon:
court a writ of Ad. quad. damnum directed to the
Sheriff of said County of Jefferson in order that a jury
may be empanelled to assess the damage to such Lands
as may be inundated by said dam or obstruction to the
waters of said creek, not the property or estate of your peti-
tioners and that all and singular may be done and
performed as required by Statute in such cases made and
provided, and for the honor of this honorable court your
petitioners will ever pray -

Hoculamus off: G. M.

Decr 1837

H. Atkinson
J. B. Brant
G. C. Palmer
Wm Braumant
By G. C. Palmer partner and
Agent for Apauation

The petition of S. S. Atkinson
of St. Paul, Minn. for
and Prussianman for
a writ of Habeas Corpus

D. Paul
and 1894/1895
350 and 1894
Hoffman's book

Filed Dec 11 1893
W. M. Atkinson
St. Paul

The petition of H. Atkinson C.B. Thurst 36 Palmer
and Wm Beaumont by J. G. Dalton Solicitor & agent
to the Honorable the Circuit Court now sitting at
New Orleans Appellant County State of Louisiana -

At the last term of this Honorable court, the
undersigned for the above named Appellant, petitioned
for a writ of Habeas corpus, which was
granted - On the 19th day of March 1838, the
Court with a jury met and examined the
prisoner and heard in said petition - agreed on
a report, and I have no doubt but a proper
return has been made - The undersigned with all
efficiency and respect now appears, asking the
action of this Honorable court on the audit
of said writ & report and for this Honorable
court he will ever pray

J. G. Dalton

April 9. 1838

No. 1111 on other
 Station { Price of
 120 } each good alumina
 to Stand &
 Austin Opera 363.

Chicago Office 9th 1838
 J. H. Mathews
 Clerk

The petition of Henry Atkinson Joshua B Brant Zalmou C Palmer and William Beaumont To the Hon the Circuit Court of Jefferson County State of Missouri.

Your petitioners would respectfully represent that they are jointly seized and possessed in fee simple of a certain tract of Land in the County and State aforesaid through which runs Little Rock Creek. the lands on each side of which are a compact clay. Near the creek north is a bluff of Rock and on the South arable Land. Their title to said Land are derived from a purchase made by William G. Martin from the United States by him and wife sold and conveyed to Alfred Skinner by him and wife sold and conveyed to Zalmou C Palmer said Palmer and wife sold and conveyed an undivided two thirds of said Land to Henry Atkinson and Joshua B Brant and by a subsequent agreement Wm Beaumont became a partner and is entitled to a deed to an equal undivided one fourth part of said Land which is known and described as the north east fractional quarter in range of section 8th 18 in Township 8th 42 North 8th 6 East containing $43\frac{58}{100}$ acres. That for the purpose of obstructing the waters of said Creek (Little Rock) by a dam of nine feet altitude and for using the waters in propelling a saw mill or a mill for sawing timber, and for other machinery should it hereafter be deemed expedient, your petitioners ask from this Hon Court a writ of ad quod damnum directed to the Sheriff of said County of Jefferson in order that a jury may be empanelled to assess the damage to such Land as may be inundated by said dam or other obstructions to the waters of said Creek, not the property or estate of your petitioners and that all and singular may be done and performed as required by Statute in such cases made and provided, and for the honor of this honorable Court

your petitioners will ever pray

W^m Atkinson

J^s B Brant

J^s C Palmer

W^m Beaumont.

By J^s C Palmer Partner and
agent of Association

A True Copy from the original filed in this
Office - Attest John S. Mathews

Clerk.

This copy 504.

I certify the within Court by summoning before the men of
Jefferson County, to meet at the time and place designated in
the within writ, who met and returned to me the following
report: Resolved accompanying the return of this writ
the within Sheriff J^s C. Mathews Sheriff

Jefferson County

Seized & Seized

Office Term 1838

Writ of assize & return

on the petition of

W^m Atkinson

J^s C Palmer et al.

Filed Office 9th 1838

Mathews Clerk

State of Missouri }
County of Jefferson }

The State of Missouri to the Sheriff
of Jefferson County Greeting. Whereas H. Atkin-
son, J. B. Brant, Z. C. Palmer, & William Beaman on
the 11th day of December 1837 presented a petition
to the Circuit Court of said County praying for
a writ of "ad quod damnum" and proposing to erect
a dam across Little Rock Creek in the County
aforesaid. Alleging that they are the owners in fee
of a certain tract of Land in said petition specified,
situated in the County of Jefferson aforesaid, with
an abstract of their title to the same as the Law directs,
and further stating that said Land lies on both sides
of said Little Rock Creek, upon which they are desirous
to erect a dam for the purpose of working a Saw Mill
and other useful Machinery. They being the owners
in fee simple of both sides of the said Creek at the
point where they propose to erect said dam of about
nine feet in altitude. and praying the Court for a
writ of ad quod damnum to issue according to Law

The Court therefore in consideration of the said peti-
tion and in virtue of the Statute in such case made
and provided, did order in this behalf that a writ
of ad quod Damnum be issued under the seal
of the Court directed to the Sheriff of Jefferson
County commanding him to summon twelve fit
persons of his County to meet at the place the said
H. Atkinson and others petitioners, propose to erect
their dam as set forth in their petition on the
1st day of March in the year 1838 then
and there to enquire by the said Jury touching
the matter contained in said petition.

These therefore are to command you to summon
and cause twelve fit persons of your County to
meet at the place designated in said petition
to erect said dam on the day of
1838. then and there to enquire of the matters in
said petition mentioned (a copy of which is here
to attached) first to enquire what will be
the amount of damages to each proprietor by
reason of any inundation consequent upon the
erection of the dam as proposed. Secondly
whether the mansion house of any such proprie-
tor or the out houses curteiges gardens or orchard
thereunto immediately belonging will be overflowed
thereby. Thirdly. to what extent ordinary naviga-
tion and fish of passage will be obstructed
by such erection and whether and by what
means the same may be prevented or diminished.
Fourthly. whether the health of the neighbourhood
will be materially injured by such erection.

And have you then there this writ. and
that you make due return how you execute
this writ at the next term of our said
Circuit Court to be held on the second
Monday in April next. in the year 1838

Witness John S. Mathews
Clerk of our said Circuit Court
at office in Merculanum this
30th day of December 1837
John S. Mathews
Clerk

Palmer 3 on writ of a & speak
E-Track clearance
Joh of 1838

Elizabeth Beall of whom I learned
in court and names that the
order issued in the above case
or before the record, and
that a writ for ascending to
court to make him to contact
the signature of the long retained
in the above case

P. Beall
at the

Palmer
or } Martin
(rank }

Theresa Spring, 1895
Alma Thomas
Calk

State of Wisconsin
County of Jefferson In pursuance of a
Writ of Adquaddamun to me the Sheriff
of the County of Jefferson directed in due
by virtue of an order of the Circuit Court
of said County made at the December Term
of said Circuit Court. I summoned Twelve
good and lawful men of said County
(Jury) Benjamin Hunt, John Richardson, George W. Harrison,
William M. Millin, Alexander Haie, Allen J. Hendal, Miller =
Cochwaller, Dennis Armstrong, James Wimer, William
Everett, Jonathan Smith & William Rogers.
As a Jury to meet at the place designated in
the petition of H. Atkinson. J. B. Brant & C.
Palmer, & William Beaumont, and at the time
specified in said writ to enquire into the matters
named in said petition and into such other
matters in this behalf as the Law directs and
I the Sheriff having attended with said Jury
at the time and place aforesaid. The said Jury
after being by me sworn proceeded to enquire
and make a full investigation, first what would
be the amount of damages to each proprietor by
means of inundation by reason of the erection
of said dam as proposed. In said writ
Second whether the Mansion House of any
such proprietor, or the out houses, outhouses
or gardens thereunto immediately belonging, as
inured will be overflowed thereby. Third
whether and to what extent navigation and
the passage of fish would be obstructed by
the erection of said dam, and whether and
by what means the same may be prevented.
Fourth whether the health of the neighbor-
hood would be materially injured in conse-
quence of such dam, and the said
Jury after a full and particular investigation
of the premises, made and returned to me the
Sheriff the following Inquisition in writing,
being severally subscribed by them
J. M. Crismon Sheriff

State of Missouri }
County of Jefferson } Be it remembered that we
the undersigned Jurors being inhabitants of
the County of Jefferson aforesaid having been
Sworn by the Sheriff of said County in
virtue of an Order of the Circuit Court of
said County, and a writ of ad quod damnum
upon the Petition of H. Atkinson, J. B. Brant
Z. C. Palmer & William Beaumont. We have
met together, on this 17th day of March 1838. at
the place designated in the petition of the said
Atkinson, Brant, Palmer, & Beaumont, in the
County of Jefferson aforesaid, and after making
diligent inquiry into the matters, contained in
the said petition and such other and further
matters in this behalf as the Law makes it
necessary that we should enquire into. We do
find that the said Atkinson, Brant, Palmer
& Beaumont are the owners in fee simple of the
said Land described in their petition, that the
little Rock Creek runs through the same, that
it is situated in Jefferson County, that at the
point where the proposed dam according to said
petition was to be erected we found a dam already
erected of eight feet seven inches altitude, at which
altitude we found said dam to cause the inun-
-dation of about four Acres of Mr Austin Byrds
Land, and we assess the damages thereof to said Byrd
at \$13,50 — We also find the inundation caused
by said dam liable to injure the Spring of water
belonging to Mrs Elizabeth Nash, also to injure
some seven or eight Apple Trees belonging to said
E. Nash, We assess the damages to said E. Nash
at \$10,16 $\frac{2}{3}$ —

We find no damage as to navigation or
fish of passage by the erection of Said dam.

We are of Opinion that the health of the
neighbourhood will not be materially injured
by the erection of Said dam

Given under Our Hands this 17th day of
March 1838.

Wm Rogers

Benjamin Hunt
John Richardson
George W. Harrison
William M. Miller
Alex^r Hail
Atton J. Kendal
Miller Cadwallader
Dennis Armstrong
James Winn
W^m Everett
Jonathan Smith
William Rogers

Report of the
Jurors called to
assess the damages done
by the dam
—
Agreed with above
The Jurors

Witness my hand
this 17th day of March 1838

State of Missouri. County of Jefferson
County of Jefferson

The State of Missouri to the
Sheriff of Jefferson County. Greeting.

You are hereby commanded that you
summon Elizabeth Nash and Austin Byrnes
that they be and appear before the Judge of our
Circuit Court at a Court to be holden on the
eighth day of August next in the Town of Mercurian-
eum. then and there to shew cause if any they
have, why the verdict of the Jury on a writ of
Ad quod damnum in the case wherein Henry
Atkinson, J. C. Palmer and others are Plaintiffs
and the said Elizabeth Nash and Austin Byrnes
are defendants. should not be affirmed, and
have you then there this writ.

Witness John S. Mathew Clerk
of our Circuit Court at office
in Mercurianum This 27th day
of June in the year 1838

John S. Mathew
Clerk

I Enclosed the within write on Elizabeth Nash by Reading
the same in her presence and hearing July 10th 1838 and
on Austin Byrd on the tenth By Reading the same in
his presence & hearing July 11th 1838 James D. McClellan Sheriff

By John Hamman and Deputy Sheriff

Jeff Circuit Court
August Term 1838

W. Atkinson
J. C. Palmer et al
vs J. Hammon
Elizabeth Nash
Austin Byrd,

Filed Aug 6th 1838

Matthew
Clerk

THE STATE OF MISSOURI,
COUNTY OF JEFFERSON, SCT.

To the Sheriff of Jefferson County,—GREETING:
You are hereby commanded to summon

William B. Ellis
Benjamin 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 eight day of March, at the town of Her-
laneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein
and Christian Davis is plaintiff,
on the part of the defendant

John C. McArthur, Clerk of our said Circuit Court, at the town of Her-
laneum, this seventh day of March,
in the year of our Lord one thousand eight hundred and 38

John C. McArthur CLERK, C. C.

I served this write on Benjamin
Johnston Sr & William Ellis on the
7th 1838

John Hammond Deputy
Sherriff

Del'd to in B/L
24 Aug 1838

Wm & Thimmon & Coe
as before
& Brock
Bark.

For B/L
William Ellis
Beny Johnston

Filed Aug 7th 1838

Wm & Thimmon & Coe
Brock
Bark

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of

Jefferson County, —GREETING:—

You are hereby commanded to summon

Benjamin Johnston & William Ellis
James Burgess & James Burgess

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 *December*, at the town of Her-
laneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Henry Atkinson et al* are plaintiff
and *Robert Atkinson et al* 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 Her-

laneum, this

24th

day of

October

1838

in the year of our Lord one thousand eight hundred and

Wm. H. H. Bates

CLERK, C. C.

I presented this writ to Benjamin Thurston Esq
by Reading the same in his hearing on the
24th day of October 1838

Executed on Samuels Burges & James Burges on the
1st day of November 1838 By reading the same in their
hearing on William Ellis by leaving a copy with his wife Sarah
Ellis on the 4th day of December 1838 John Hammond Sheriff

On left Sir Court
Decr Decm 1838

W. Atkinson
vs
A. Pryor & Co. Debt

for Debt
Benjⁿ Johnstons
Wm Ellis
James Burges
Samuels Burges

Filed Dec 8th 1838
W. Mathews
clerk

COUNTY OF JEFFERSON, SCT.

JAMES STANTON OF MISSOURI,

To the Sheriff of

Jefferson County, — GREETING:

You are hereby commanded to summon

John Richard Dyer
William McMillan
No other Accomplished

Dennis Armstrong

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 11th day of December, 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 *McMillan vs. Dyer* is the cause, as *plaintiff* and *defendant* respectively; and have you then there this writ.

Witness my hand and seal of office, this 15th day of December, 1878.

in the year of our Lord one thousand eight hundred and

1878

day of

1878

John W. Hasty, C. C.

I Executed this writ on John Richardson
 on the 4th day of December 1838 By
 reading the same in his hearing
 on the Mc Mullin Keller Caawall & Dennis
 Armstrong by Reading the same in their presence
 and hearing on the } John Hammond Sheriff
 1 day of December 1838 }

The D^y Sheriff
 Dec 10th 1838
 Mc Mullin et al
 vs J^y Supra
 & Pryor & Co and
 Writs for 9000
 John Richardson
 Wm Mc Mullin
 Writen & executed under
 Dennis Armstrong
 Dec 10th 1838
 Mc Mullin
 B/H

I Executed this writ on John Richardson
 by Reading the same in his presence & hearing on the
 1838 on William Mc Mullin by Reading the same in his
 hearing on the 4th day of December 1838 on Dennis
 Armstrong on the 4th of December 1838. John Hammond Sheriff

COUNTY OF JEFFERSON, SCT.
THE STATE OF MISSOURI,

To the Sheriff of Jefferson County, — GREETING:
You are hereby commanded to summon

James Deane and
William Wright
James Deane & wife

that, setting aside all manner of excuse and delay, they be and appear in proper person before the Judge of our Circuit Court, on the eleventh day of December, at the town of Her-
lanewm, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein
and James Deane & wife are plaintiffs
on the part of the plaintiff; and have you then there this writ.

Witness, John C. Hedges, Clerk of our said Circuit Court, at the town of Her-

culanewm, this twenty fourth day of November
in the year of our Lord one thousand eight hundred and 38

John C. Hedges CLERK, C. C.

I executed this write on Booker Richardson
by leaving a copy of this write with Mrs
Richardson the wife of the said Booker Richardson
at his residence on the 7th day of December
1838 on Jures of the Justice on the 10th
on William Wright on the 10th of
December 1838 John Harmona Clerk

For Debt & Service
Deed of 1838
William Wright
Booker Richardson
William Wright
James Bell & Son

Eleazeth Ross	{	In the Circuit Court Decr Term	1838
do		James J. Mc Givision a Witness	
William & others		on the above said claims	
3 days attendance & 36 miles travel			
present to before me		John Givision	\$3.30
Dec 18th/838			
Matthew Holt			

E. Pack on the Circuit Court Dec^r Term 1838
vs William B. Miller Damages as a Plaintiff
Admission on the above Case 3 days & 18^c miles Travel \$1.40
 sworn to Dec 13th 1838 Anna Theod^r & H. M. M. and John

Roberts in the Circuit Court Dec Term 1838
as { Melvin Wright Cleaves as a
Catherson & others { Partners in the above Case 3 days at \$1.50
shown to Dec 13th 1838
Matthews 10/12 }

com. Wright

Atkinson & others } In this account
do } Decr Term 1838
& (with & by me) } Miller's Deed & Deed
claiming his attendance in the above cause
3 days attendance & 6 miles travel \$11.80
born to Decr 13th 1838
Atkinson & others } Miller's Deed & Deed
do } Miller's Deed & Deed

Atkins and all

for Jeff Davis Receipt

no

Dec 1838

Byrd & Clark

John Richardson claiming his

attention as in the above cases

3 days attention as 20 mile travel \$250

Amount to Dec 18 1838

Matthews Bill

John Miles 50