

Jefferson County Circuit Court
Case Files - CIVIL
December 1838

Box No. 4 Folder No. 38

Gooch, Drury

vs

Roberts, Joel

Appeal

Defendant appealed from JP
John J. Buren on \$10 account
for wintering 11 head of cattle

The State of Missouri to the Constable of Jackson
County in Jefferson County. We command
you to take Post Roberts and bring him forthwith
before the Justice residing there at the place of
his residence in the Township & County above named
to answer the Complaint of Henry Leach of a
Warrant Subtitled by Act Enin under my hand
this 10th day of Nov. 1838

John D. Brown Justice

North with
Drury Cove

Abel Roberts

Justice fee
Cath to Pff. \$0.86
Warrants 18 3/4

\$0.25
Cust 25-
Fees

Filed Nov 28th 1838

Matthew
clk

Received By Letting the
defendant Prisoner May 19 day
of Nov 1838 Edward
Carr

Doc Roberts Dr to Dr South

1838
The University

to wintering 11 head of cattle
Price a piece on \$10 dollar

W. C. Roberts
To 3 Act
Drury, Leach
\$10.00

Issued on
Nov. 10. 17838

Filed Nov 28th
/38
J. Mathews
Wk

The State of Arkansas to Eliza Vernon Constable in
Washington Township Jefferson County Arkansas: We command
you to summon Eliza Vernon ^{Comp. John Strickland} John Cook, and
Rascal H. Burn to appear before the undersigned
Justices at his residence forthwith to give evidence
and to testify the truth of their knowledge of a matter
of controversy in which Henry Cook is ~~claimant~~ ^{party} and
Jesse Roberts ^{Def.} in behalf of the Plaintiff. and that
saying aside all manner of Excuse that they be and
appear then & there as before named.

Given under my hand this 10th Nov. 1836

John D. Burns Justice

Sub Poena
For 3 P^{ly}
E Vernon
John Cook
P. H. Owen

Justices fees $\frac{1}{2}$ \$0.18 $\frac{3}{4}$
Sub.

Fees — 0.50 —
0.25 —

0.75 —

Filed Nov 28th /38

Mathew
clerk

Executed by acknowledgment of
the within witnesses this 14 day
of November 1838. Elyah Vernon
Clerk

the state of Missouri. As the court of Jackson St. in Jefferson
County, holding we command you to summon a good and lawful
jury of six householders to appear before the undersigned Justice
of the Peace at the residence of S. J. Tucker to try a cause now
pending and herein said not.

Nov. 1858.

Given under my hand this 15

Wm. A. Brown

Serve a Corwin to Sam
Ely & Davenport
Cost

George Blue
Henry Cook
~~James Smith~~
John McCombs
A. H. Hill

Venue for
Jury
Jury Books

Vol Roberts

Surfces. \$ 0.25 ⁵/₄

fee — .75

Filed Nov 28 / 38

Mathews

clerk

We find for the month
the full amount of ten dollars
the 14 day of September 1838
Spots being for m^o

Order of

Pay to

Wm. W. W. 28/38

Wm. W. W.

10/11

And the undersigned Joel Roberts and Richard W.
Wells & Henry Cook do hereby declare and certify to
Denny Cook in the sum of Fifty Dollars, to be paid on
the condition: Whereas Joel Roberts has appeared from the
Judgment of John W. Duran, a Justice of the Peace in an action
between Denny Cook Plaintiff & Joel Roberts Defendant, now if on
such appeal, the Judgment ~~shall~~ ^{be} affirmed, he shall appear
affirm or if on the trial anew in the circuit court. And
must 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. The recognizance shall be given
November 17th 1838.

Joel

John W. Duran

Joel Roberts Secy

Wells & Henry Cook

Charles Bonar
Lord Roberts
to
Dumfries
Dumfries

Chichester Nov 28 1783
John a. H. H.
H. H.

Copy of
2000

Filed Nov 28 1888

Matthew
A. H.

366
The West Hill Mount
Decr 1838

Wm Roberts

20 } Wm Roberts from
2 } Wm Roberts from
Dwight Smith

Decr 1838

Wm Roberts
Dwight Smith

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of Jefferson County, — GREETING:

You are hereby commanded to summon

Richard W. Shuman
James Smith
William Shuman

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 October, 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, Jacob Roberts is plaintiff appellant and, David Shuck is defendant appellee on the part of the appellee and have you then there this writ.

James H. Hanks, Clerk of our said Circuit Court, at the town of Her-

culaneum, this 22 day of December in the year of our Lord one thousand eight hundred and 58

John W. Matthews, C. C.

I enclose this write on pth Buren &
By leaving the same in their presence
on James Smith by Copy Delivered
to James Hickman at his residence

John Hammond Smith

For Jeff. Harrison
Dec 1838

Del Roberts

as before

Every week

for Spectator

George W. Buren

James Smith

William Buren

Filed Dec 15th 1838

Wm. H. H. H.

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of

County,—GREETING.

You are hereby commanded to summon

William H. H. H.

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 12th day of Decr, 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
on the part of the

James H. H. H. is

defendant

and have you then there this writ.

Witness, Henry P. Bates, Clerk of said Circuit Court at the town of Her-

culanum, this

5th

day of

in the year of our Lord one thousand eight hundred and

John H. H. H. CLERK, C. C.

I execute this writ on the Totten Esq on
the 8th day of December 1838 by Reading the
same in his presence and hearing

John Hammond Sheriff

John Self & Co. Court
December Term
1838

Boel Roberts
vs J Chapman
Orany Stock

vs Appellants

William Totten

Filed Dec 10th 1838

Wm. Totten
Clerk

Dwight Gooch }
#1. }
Joel Roberts }

On Appeal from Justice
In the Circuit Court

Oct. Term 1838.

The Defendant Roberts, here moves
the Court to Reverse the Judgment of the Justice
given against him in this Cause - and dismiss
this suit for the following reasons -

1. Because the Plaintiff did not file
an affidavit before the Justice to obtain
a warrant as required by law -
- 2^d Because, there is no affidavit to
authorize the Justice to issue a Warrant
in this Cause, as required by law -
- 3^d Because the Justice of the Peace impro-
vidently issued a warrant against this de-
fendant, when the original process ought
to have been a "Summons"
4. Because the whole proceedings
of the Justice in this Cause is irregular
illegal and void -
5. Because the plaintiff did not make
any affidavit before the Justice "of a subsisting
"and unsatisfied Cause of action against the
"Defendant." which the law requires to
authorize the Justice to issue a warrant.

Brickley Ally for ~~Joel~~
Roberts.

Henry Hovey

in

for Roberts

motion to remove &
reimburse the cause

filed Aug. 19 - 1838.

Wm. Hovey
Att. Hovey

Henry Brock
as
Jest Roberts

Official Justice of the
Peace

He is at New Orleans that
the plaintiff in the above cause pursued by
Elihu Brown that the defendant told him
nothing, that he saw the plaintiff be dealing
for purchasing cattle and that he was to pay
the same in meeting, some time in the last
Spring or four weeks of summer, ^{the Courtroom together} this was
all the testimony given there upon the defendant
swore the Court sitting as a jury to find ^{as}
in case of a non suit which was done
to reject the plaintiff's receipts and pay the
his bill of exchange to be signed and made
made a part of the record which is done
accordingly

James Brown

Arch }
as } By expectations
Robert }

Alma Dec 13th 1838
Amherst Mass

D. Goveh

²⁷
J. Roberts

} On Appl. In the Jefferson
Circuit Court Dec. 7 1838

Be it remembered that the
Defendant Roberts filed his motion
before the Cause was called for trial in
the words and figures following to wit,
(here insert the motion to dismiss the
Cause & reverse the judgment word for
word) which motion being seen
and heard by the Court, the Court
has overruled the said motion.
to wit the Opinion of the Court in over-
ruling the said mo. and refusing to
reverse the Judge, and dismiss the
Cause the Deft by his Counsel has
objected and excepted. And thus excepting
tenders this his bill of Exception
and prays that the same may be
made a part of the Record in this
Cause which is here done accordingly

Dec. 13 - 1838

James Evans (seal)

Robert }
for } Boy captives
Kroch }

Alfred Dec 13 1838
Wm. H. H. Co
J. H. H.

Sherry Beach } in Upper county circuit court Dec^r Term 1838 entering
vs } in the above case 2 exp. 50. Ea. 1.00 12 mds a. 5.55. 40

See Roberts }
Planned to Decr 13th 1838 \$ 1.40

Wm a Thees & Co
James Smith
and

Sherry Beach } in Upper county circuit court Dec^r Term 1838
vs } in the above case 2 exp. 50. Ea. 1.00 13 mds a. 5.55
See Roberts } .45-07
Planned to Decr 13th 1838 \$ 1.45-
Wm a Thees & Co
William Tipton

State of Wisconsin } Chas. M. Bennett Clerk Decr Term 1839

Jefferson County }

Deputy Book } Expense from a Justice of the Peace

as } Payment for Defendant. Price of cents to

John A. Leary } he paid by Plaintiff

John A. Leary } Clerk, Wisconsin

\$0.00

John A. Leary } Sheriff

\$2.50

John A. Leary } Certificate & Fee

\$8.50

State of Wisconsin } Fee of the Book

\$0.00

Jefferson County } John A. Leary Clerk of the Circuit

Court within and for the County of Wisconsin do hereby certify

that the above is a true bill of the acts in the foregoing entitled cause

In Testimony whereof I have hereunto set

my hand and affixed the seal of said Court

at Office in Beaverdam this 20th day of

August A.D. 1839

John A. Leary Clerk

Witness my hand and Seal of the

A. Jefferson & Son
Deer Run 1839

Drury Buck

22

See Roberts

fee hire for 1/2 hr. stand

W. Whitting 1/16 \$0.02

W. W. and 1/16 2.50

This fee hire

Notes

Computation

\$9.50
\$9.50
1033
1033
\$14.83