

Jefferson County Circuit Court
Case Files - Civil
July 1841

Box No.

6 Folder 7

Williams, Wilson
^{vs}
Herrington, Samuel

Appeal

Defendant (as constable) improperly
executed a judgment against
Plaintiff; defendant appealed from
J.P. Solomon B. Wilson; Case
dismissed; Book #2, pg # 380

To the Constable of

Big River township, in the county of

L. Hanson

GREETING:

WHEREAS,
William
John
Greaves

Wright administrator of John

on the 18th

day of *January* 1840 obtained judgment before the undersigned, Justice of the Peace of the township of *Big River* in *Jefferson* County, *Missouri* vs *E. Brown* with on pay 77 Dollars and for

and also for

du Tourt \$ 8,50

37½ cents for

~~100~~ Dollars and

 $6\frac{3}{4}$ 8 9

cents

for costs—You are therefore commanded to levy the same, of the goods and chattels of the said *William Wilkins*
and Thomas Wilson according to law.—You are further commanded to return this writ to the
undersigned Justice, within thirty days from the date.

Given under my hand, this

the 22^d.

day of

January

1840

John Wilson

Justice of the Peace.

John Wright adm^r
of John Wilson Deced^t
vs
Wilson Williams
Ephraim Wilson

Debt	\$ 77. 37 1/2
Interest	8. 50
for summons &	37 1/4
Mo Attachment	25
Mo Judg by Default	37 1/2
oath	6 1/4
Judgement conferred	37 1/2
Notis	18 3/4
Constables fees	25
This Execution	25
\$ 15 24	\$ 87. 81 1/4

Henry ~~25~~ 25/84
written the order in fifteen Dollars
and wrote with the same

Shoring in
Dumastel

To Solomon B. Wilson Esq. an acting Justice
of the Peace within & for Big River Township
Jefferson County in the State of Missouri Greeting

The undersigned Wilson Williams complains
of Samuel Herrington, former Constable of Big
River Township in a plea of Infringement & damages
to wit - Whereas a certain writ of Execution was
delivered to said Herrington, (Constable as aforesaid) in favor
of John Wright administrator of John Wilson dec'd
and against your Complainant & Ephraim Wilson, for
the sum of \$77-37 $\frac{1}{2}$ together with Int, \$8,50 - Costs
&c - which execution was dated January 22^d 1840 &
returnable in thirty days from date, - Which Execution
that said Herrington Constable as aforesaid, did levy said
execution on the property of your Complainant, to wit -
a certain Bay mare, and sacrificed and sold said
property, on the 27th, or 28th day of July 1840 - being some
days after the command to return said Execution, Contrary
to the Statute in such cases made & provided and to the
damage of your Complainant (thirty Dollars - and
your Complainant further Represents, that said Herring-
ton did not return said Execution in due time, and also
that said Herring Contrary to the Statute become indirectly
the purchaser of the property aforesaid, sold at the
time aforesaid, to the damage of your Complainant
twenty Dollars, all to the great damage of your
Complainant fifty Dollars there fore he prays - that
said Herrington may be compelled to make
restitution of said Money - &c -

Jefferson County
May 20th 1841

Wilson Williams by
his agent

Filed the 20th
day of May 1841

Filed July 14th 1841

Wm. D. Weather

B. H.

State of New Jersey
County of Jefferson The State of New Jersey

Do the Constables of Big Rivers Township
in the County of Jefferson Greeting—
The Common Council of our said
said Township do hereby certify that
the undersigned Justice of the Peace in
Big Rivers Township, on Saturday the 14th day
of June next at the hour of ten o'clock
of that day to answer Nelson's Reclamation in
an action of damages of \$500.00 for damages done
by sale of a certain horse & pig, and a horse upon
them & their wife with a return thereon found
& in which answer you executed the same—
Given under my hand this 20th
day of May 1841—

Tolson on 13 Wilson Justice
of the Peace

Simon Williams
vs — 3 Luns
Chas. Herrington

He term executed
the within by preceding
on the 21 day of May
1841 W. G. Brown Court
reas 125

filed July 14th 1841

Wm. Weather
clerk

Wilson Williams

25

Samuel Huntington

for me & contact of

Big River (New York)

has obtained judgement

against Huntington for me

account of Sam & left

a draft of the sum of \$1000

each appeal for the purpose of relaxation

or delay but because he considers himself

agreed by the judgement of the court

on the 14th day

June 1841

Samuel Huntington

to & John & wife & John

the on above

This day pursuant to appeal

Samuel Huntington for me

contact of Big River (New York)

has obtained judgement against the said

Wilson Williams

on the 14th day

June 1841

Samuel Huntington

to & John & wife & John

the on above

Apparavit

Filed the 14th
day of June 1841

filed July 14th 1841

Mo. Mathew
clerk

COUNTY OF JEFFERSON, MO.
THE STATE OF MISSOURI,

To the Sheriff of

County, Stelling:

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 twenty day of August at the town of Wichita then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein James H. Hession is plaintiff, and James Hession is defendant, on the part of the

WITNESS, JOHN S. MATHEWS, Clerk of our said Circuit Court,
at the town of Wichita this twenty day of August in the year of our Lord one thousand eight hundred and

Clerk.

I Executed this writ on John M Wilson
v. John ~~At~~ Williams Eli McDaniel
by reading it in their hearing on the
18th day of June 1841 also on Leonard
Wilson by leaving a copy of the same
at his place of residence in the hand
of his wife on the 8th day of July 1841

M M of Sheriff
fee \$2.00

John M Wilson
July 1841

William Wilson

for self
Eli McDaniel
Leonard Wilson
John M Wilson
William Wilson

at \$2.00
July 1841

John M Wilson
July 1841

John M Wilson

John M Wilson

Of the Jury

Five for the County forty
~~forty~~ Dollars

Samuel M Palmer

Wilson Williams

W — —

Sam, Herrington

Verdell

Filed July 14th 1841

Wm J. Mathews

clerk

The State of Missouri }
County of Jefferson } ss

We the undersigned
Samuel Herington former Constable and John
Herington & Isaac Herington acknowledge our-
selves indebted to Wilson Williams in the sum
of Eighty Dollars to be void upon this condition
whereas Samuel Herington has appealed from
the judgment of Solomon B. Wilson a Justice of
the peace in an action between Samuel Herin-
gton former Constable Defendant and Wilson
Williams Plaintiff now if on such appeal
the judgment of the Justice be affirmed or if
on the trial anew in the circuit court judgment
be given against the appellant and he shall satisfy
such judgment or if his appeal shall be dismi-
ssed and he shall pay the judgment of the
Justice together with the costs of the appeal the
recognizance shall be void

Taken and acknowledged before me this the 14th
day of June 1841

Attest

Solomon B. Wilson
Justice of the Peace

Samuel Herington
Is. his Herington
John Herington
mark

filed May 12 1841
Wm. M. Atterton

Acknowledgment
Filed the 14th day of
June 1841

Wilson & Co. } action of damage for
fifty Dollars

Samuel Herrington former Constable of Big River Town-
ship — Summons issued 20th day of
May 1841. Returnable to the 5th day of June
Same year. Now on this ^{day} the ~~day~~ Summons being
returned by the Constable executed and the
parties appearing at the hour of 12 o'clock
and a Jury being demanded, one is accorded by
Summons, who after being duly sworn &
after hearing the proofs & allegations retire and
bring into Court the following Verdict — We
the Jury find for the plaintiff forty Dollars
(Signed) Samuel M. Palmer Whereupon
a Judgment is entered up against the defendant
Samuel Herrington for the sum of forty Dollars
with cost of Suit — Now the defendant app-
earing on the 4th day and prayed an appeal to
the Circuit Court and having filed his affidavit
and Bond, an appeal is allowed to the next
Circuit Court of Jefferson County —

Bills of costs
Justices fees \$2.56.14
Court do — 2.25

Solomon B Wilson
Justice of the peace

Witness fees — John M. Wilson 50
Eli McDonald — 50
John Williams — 50
Leonard Wilson 50
Thomas Ward — 50
Isaac Benton 50

State of Missouri
Jefferson County, I, Solomon B Wilson an
acting Justice of the peace within & for the State
and County aforesaid do certify the foregoing to be a
true copy from my docket —
Given under my hand this
13th day of July 1841 —

802

Wilson William

no 30 Dec 1841
Hemlock 1/10 evening 1841.

Wilson William
Sam. & Herrington
Transcript

Filed Aug 14 1841

Wm. H. Herrington
W. H. Herrington

Melior Melior

Journal Hervey

} July 21 1841

The plaintiff in the above case makes
oath that, Eli McDowell and Leonard
Winn are material witnesses in his
case the trial of the above case, and without
their testimony he could not properly
to trial them, that the said witnesses
have been subpoenaed to attend at the present
time to testify in the above case, and
do not attend, that they are not absent
by the court or through the connivance
of this plaintiff, and he desires to be
able to prove their attendance by the
next term of this court. That this
application for a continuance is not
made for the purpose of delay, but
that justice may be done in the
above case

Sworn to & subscribed by Nelson ^{his} William
in open court July 21st Mark
1841 Geo. H. Mathees
clerk

W. B. Brown

Wilmington

affixed 1 per cent

Price Club 21st 1884

Alfred M. Matheson

Calif

Oct 1884

Wilson William,

vs

Samuel Hannington



Appeal

The defendant in this cause moves
the court to rule the plaintiff in this
cause to security for costs on account his
being unable to pay the costs of suit

M. Fripell Atty
for deft-

25
25
25
50
122
1.37 1/2

Wilem Williams

as S

Samuel Downing for

Motion to order

Att-to security for

costs

1000 July 21st 1841

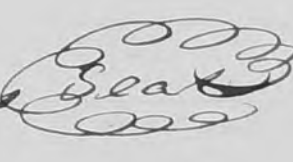
Wm O. Matthews

6/11

Know all men by these presents that we
Wilson Williams as principal and Aaron
Cook and Jesse Jones ————— as securities
are held and firmly bound unto Sam^l Merring-
ton and the Officers of Jefferson County Circuit
Court, in the full sum of fifty dollars law full
money of the United States to be levied of our
respective goods and chattels lands & tenements
and to be fully paid. ~~nevertheless to be void~~
upon conditions. That whereas the above bound
Wilson Williams is plaintiff in a certain action
now pending in said Circuit Court and said
Samuel Merington is defendant, now if
the said Wilson Williams plaintiff aforesaid
if the payment of said Court should be against
him ~~that he~~ will pay all costs which may
be adjudged against him by said Court
in favor of said defendant and the Officers
of said Court. then this obligation to be
void else in full force.

Given under our hands this twenty first day
of July 1841.

Taken and approved
by me July 22^d 1841
J. M. Mathews.

Wilson Williams 
his mark.

Aaron Cook 

Jesse Jones 

William Williams
of the corporation
Banc

Filed July 21st 1841

Wm. Williams
Attc

COUNTY OF JEFFERSON, MO.
THE STATE OF MISSOURI,

To the Sheriff of

County of Jefferson;

YOU are hereby commanded to summon

Willelmo Daniel
Sequene Wilson
John W. Wilson
John W. Wilson

You are hereby summoned

that, setting aside all manner of excuse and delay, ^{you} be and appear in proper person before the Judge of our Circuit Court, on the thirteenth day of November at the town of Willsboro then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein William W. Wilson is plaintiff, and Samuel W. Wilson is defendant, on the part of the plaintiff; and have you then there this writ.

WITNESS, JOHN S. MATHEWS, Clerk of our said Circuit Court, at the town of Willsboro this twenty fifth day of September in the year of our Lord one thousand eight hundred and ninety one

John S. Mathews
Clerk.

I: Executed this writ on John M
Millson Leonard Millson and John
Williams by reading it in their hearing
on the 21st day of October 1841 Eli McDani
el cannot be found in Jefferson Coun
ty Mo
M. W. S. Sheriff
fee \$1.50

John Leonard
Nov 12 1841

John Williams

David Overington

Writ for 1st

Eli McDani

Leonard Millson

John Williams

John Williams

Nov 16th

Filed Nov 12 1841

W. W. S. Sheriff
W. W. S.

At John Weather's Clerk's Office. Jefferson County
Va.

You will please assign the case
in the Circuit Court of William Withering against
Sam'l Warrington ~~and his heirs~~ from the next
Oct 26th 1841.

Yours &c
Geo Warrington

Assigned to Sam'l Warrington No 2 page 380
Dost

John Weather Clerk