

Jefferson County Circuit Court
Case Files - Civil
June 1842

Box

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Folder

34

Allen, Beverley

v.

Moss, William;
Moss, Thomas

Appeal

Plaintiff appealed from Justice of the Peace
Isaac Sallens on \$25 debt note for legal
services. Judgement in favor of defendants,
Bill of exceptions.

Matthew Thomas &
Anthony Thomas

William Steph &
Jusitt his wife
Claire Thomas &
others.

In case any with
sick cost of
funer costs, William

In consideration of services to

the vendors of the property above with the above cost
the promise to pay said Allen the sum of three
hundred dollars and the additional sum
of fifty dollars with the cost said said cost
sum and payment of the expenses there in the
estate sum to the said said sum of the sum
due at the date in consideration of the sum
8. Dec 1826

John H. H.
H. H. H.

Wm. M. P. } note
Thos. M. P.

Filed May 7th
1842

Isaac Tullong
(Justice)

Filed June 11th
1842. J. M. Weather
D. C. C.

Rec'd on the within turning five dollars

P. Holt

State of Wisconsin
County of Jefferson

The State of Wisconsin to the Boardable
County of Jefferson }
County of Little Rock Township in Jefferson
County greeting.

You are hereby commanded to summon any who and
who, who to appear before the undersigned one of the
Justices of the peace of Little Rock Township in Jefferson
County on the 11 day of June 1842: at ten of the
clock in the forenoon at office in the Town
Township to answer the complaint of Heccting.
Allen.

Given under my hand this 12 day of May 1842.
Chas. G. H. H. H.

(Justice)

I Executed the within Sum.
on Wm Mop and Tho.
Mop By Reading it in their
hearing and Presence on the
15th Day of May 1842

W B Richardson
const

Reverend Mr. Allen!

His

Mrs. Mop. &

Thos. Mop.

Just fees 18 3/4

paid June 11th 1842

W B Richardson

Attest

June Term

1842.

know all men by these presents, that I James Wallace of 34
Newbury Avenue my right heirs & William Wadsworth
in the sum of Twenty dollars for the payment whereof I
bind myself jointly by these presents given under my signature
and seal this 4th day of June A.D. 1842

The condition of the above obligation is such that where
as James Wadsworth as resident of St Louis County has con-
victed him against the above and James Wadsworth resident of
Jefferson County before peace officers a peace officer of the peace
of St Louis County in or among now if the said Wadsworth
shall pay all costs and charges in consequence of said conviction
then this obligation to be void, otherwise to remain in full
force

Witness my hand and seal of
the 4th day of June 1842
James Wadsworth

James Wadsworth

James Wadsworth

Beverly Allen,
vs
Wm J. Mass

(Bond)

filed June 11th 1842
J. M. Mather
Clerk,

State of Missouri } The State of Missouri to the
County of Jefferson } ~~Don~~ Constable of the Rock
Township in Jefferson County

Freezing.

We command you to summon the lawful men of
County to appear before me at office on the 4
day of June 1849 who are not of kin to these
exactly between plaintiff and John, who are
John, who defendants to make a jury between
said parties for as well the said plaintiff as
defendant have put themselves on the ba
nister for trial and have there the
names of the jury and this writ
will meet my hand and seal this 4 day of June 1849

James Dallas

(Justice)

Respectfully Ellen

Thos. M. W. 184

Bellevue

Went fees 24
My sister of the within
Her it's have turns

Mr. Park

at 5 hundred

at 1000

John Thomas

New York

old French

to compare of 1843

see 25th March 1843

free
110

June 11th 184

John Thomas

The
Jury find a verdict in favor of the defendants
considering the twenty five dollars created Dec. 13th.
1837 as the sum that was to be paid absolutely.

Wm. H. Keane
Foreman

filed June 11th 1842
Prof. McArthur
C.C.C.

Beverly Allen
vs
William Allen and
Thomas Allen

June 4th 1842 before Jas. Sullivan a
Justice of the Peace of Little Rock Township in
Jefferson County State of Missouri

Personally appeared before me the undersigned Justice of the Peace within and for Little Rock Township in Jefferson County State of Missouri James H. Beall the agent of the above named Allen who being by me duly sworn upon his oath says that the said Allen does not appeal from the judgment of the Justice in the above cause for the sum of one dollar or assign but because said agent alleges that the said Allen is aggrieved by the judgment of the Justice

James and undersigned before me this

James H. Beall

4th day of June AD 1842

James Sullivan

(Justice)

Aphorism of
James A. Beal

filed June 11th 1842
Prof. Weather
D. C. C.

110 The undersigned John Hammond and John Lambell
acknowledge ourselves indebted to William Ross and Thomas
Moore in the sum of one hundred dollars to be paid upon
this execution whereas Beverly Allen has appeared from
the judgment Isaac Sullivan a trustee of the peace and
action between Beverly Allen Plaintiff and William
Moore and Thomas Allen defendants now if on due app-
ear, the judgment of the justice be affirmed or if on
the trial there is the verdict for the defendant be given
against the appellant and he shall satisfy such judg-
ment or if his appeal be dismissed and he shall pay
the judgment of the justice together with the costs of
the appeal the recognizance shall be void

Attest June 11th 1849

Isaac Sullivan

(Justice)

John Hammond
J. A. Campbell

B. Allen
our
Mrs J. M. Allen

Received from
11th Dec 1840

Recd from 11th Dec 1840
for the above
Edw. D.

Document Quality Target

Some of the following
scanned documents fall
below Imaging Standards.
These documents will be
scanned as received.

Beverley Allen vs
 Wm. Moss
 Thos. Moss
 Debt \$ 50.00
 Just fees 1.68 7/8
 Court fees 1.00

Action of on ^{on instrument of writing} ~~the~~ drawn by said Wm. Moss of
 which the following as a copy.
 Mathew Thomas &
 Anthony Thomas
 vs
 Wm. Moss &
 Judith his wife
 Claiborne Thomas &
 others.

Incheancery of the
 circuit court of Jefferson
 County. Missouri.

In consideration of services to be rendered by Beverley Allen
 in the above suits we promise to pay said Allen the sum of twenty
 five Dollars absolutely and the additional sum of fifty Dollars
 in the event said suit is determined in favor of the defendants
 therein the absolute sum to be paid ten months hence & the res-
 idue at the determination of the suit Wm Moss
 8 Mar 1836. assigned Thos. Moss

on which the following credit is endorsed.

Recd, on the within twenty five Dollars

13 Dec 1837.

J P Leale

summons issued May 12th 1842 to constable J B Richardson
 returnable on the 11 day of May 1842 at ten of the clock in the
 A.M. May the 11th constable returned summons duly served by
 reading on the 16 day of May 1842 thereupon the parties
 appear and Defendant Demando a Jury venire is issued
 and jury is got and summoned and sworn and
 and allegations is heard the jury brings verdict as follows
 on the 11 day of June 1842

We the Jury find a Verdict in favor of the defendants
considering the twenty five Dollars credited Dec 13th
1837 as the sum that was to be paid absolutely

W. Parks

foreman

thereupon defendants obtain Judgment for cost of suit
against plaintiff taxed at Two Dollars sixty eight
cents June 11th 1842 plaintiff comes and Demands
an appeal and files his affidavit and gives
Bond with approved security and the ^{same} is granted
and allowed

Isaac Gully
(Justice)

I certify the above to be a true transcript
from my Doce June 11th 1842

Isaac Gully
(Justice)

Justice fees Transcript	37 1/2	
Judgment	37 1/2	
Verdict	25	
Suencing Jury	25	
Bond	25	
Bond	12 1/2	1.62 1/2
Cost	\$ 1, 00	

COUNTY OF JEFFERSON, Sct.

~~FILED~~ ~~SEAL~~ ~~OF~~ ~~MISSOURI~~,

TO

Edwain Thomas

Benjamin Johnson

Witness W. H. Boyce

GREETING:

You are hereby commanded, that setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our *Peace* Court ~~on the~~ *for the* day of _____ at the town of Hillsboro', then and there to testify and the truth to say, in a certain matter of controversy now pending in our said Court, wherein _____ *Beverly Allen* is _____ plaintiff and *Wm. & Thomas Allen* is _____ defendant on the part of the

WITNESS, JOHN S. MATHEWS, Clerk our said *Peace*

Court, at the town of Hillsboro', this *21st* day of *March* _____ in the year of our Lord one thousand eight hundred and forty-*two*



Wm. H. Boyce

CLERK.

I executed this writ on Bryn Johnston
& W^d Flaia & Claiborn Thomas
By reading it in their Hearing
on the 21st day of Nov 1842

W. M. Osb Sheriff
fee \$1.50

Benny Allen

Wm & Thos Huff

for & of the
Claiborn Thomas
Bryn Johnston
of the County etc



Beverly Allen }
Thos & Wm Mop } In the Jefferson Cir. Court
Nov. 7. 1844 -

Instructions for the Defendants -

refused
If the jury believe from the evidence that the plaintiff has failed to comply with his contract as entered into by him & defendants then they must find for the defendants -

given
That it is the province of the jury to inquire into the consideration of the bond sued on, & if it has failed in whole or in part, they shall find accordingly -

refused
That the jury can not find for the plaintiff, if they believe ^{from the evidence} that said plaintiff has failed to comply fully with his contract -

given
That if said plaintiff had agreed to attend to the suit mentioned in said bond here sued on & failed to attend to said suit, then they must find for the Defendants -

no trusting given.

filed 28 Dec 21 1842

Wm. Weather
BMS

We the juries find for the Defendant
Wm. Dr. H. H. H. H.
Stor & Co.

Verdict

filed Nov 21 1842
Prof. Mather
C.W.

Beverly Adams } In the circuit court of
vs } Jefferson county Mo Term
~~Thomas Adams~~ } a p 1842

William Moss }
Thomas Moss }

The plaintiff by his
attorney moves the court to set aside the find-
ing and verdict of the jury in this case
and grant him a new trial for the following
reasons to wit

- 1st Because the verdict is against
law
- 2^d Because the verdict is against
evidence
- 3^d Because the verdict is against law
and evidence and also against the
weight of evidence
- 4th Because the court misunderstood
the jury
- 5th Because the court permitted illegal
evidence to go to the jury

James A Beall atty for
plaintiff

Beverly Allen

15 March
for new
trial

Thomas Murr & William

Meeds

filed Mar 22 1842

Wm. Meads to Mr.

Beverly Allen }
vs }
William Moss }
and }
Thomas Moss }

In the circuit court of Jefferson
county Nov Term 1840

Be it remembered that on the
trial of this cause, the plaintiff Beverly Allen moved
the court to set aside the verdict of the jury and
grant him a new trial which motion is in the
words and figures following to wit

(here insert the motion word for word)
with motion the court overruled and refused to
grant the said plaintiff Beverly Allen a new
trial to which opinion and decision of the court
the plaintiff excepts and tenders this his bill of
exceptions and prays that the same may be
signed sealed and made a part of the record
which is done accordingly

David Stenger Seal

Reverend Mr

vj

William Mars. D.
Hornas Mars.

Price of Excelsior

No. 1

Price Nov 23 1842

Pro. W. A. Thayer
B. W.

Beverley Allen
vs
William Moss &
Thomas Moss

In the Circuit Court of Jefferson
County Nov Term 1842

Be it remembered that on the
trial of this cause the plaintiff Beverley Allen in
order to sustain the case on his part offered in
evidence ^{and read} the following note or instrument of writing
and the endorsement thereon
in the words & figures following to wit

(here insert the note word for word)

The plaintiff then further offered and did read in
evidence to the jury following papers

(here insert all the answers in chancery word for
word) which said papers were proven to be in
the hand writing of Beverley Allen the above plaintiff
by Philip Cole a witness for the said plaintiff

And furthermore the plaintiff showed by the record
of the court that the suit in chancery Mathew &
Anthony Thomas against William Moss & Judith his wife
Clairborn Thomas and others had gone off in the cir
cuit court in favor of the defendants which ch
ancery suit is in words and figures following
to wit

(here copy the record showing the dismissal
of this chancery suit word for word)
This was all the evidence offered in behalf the
plaintiff Beverley Allen

The defendants then offered to prove and did
prove by Clairborn Thomas a witness that the
note here sued upon was given in consideration
of the services of the plaintiff Beverley Allen
as attorney and counsellor at law to defend said
suit in chancery of Anthony and Mathew Thomas
against William Moss & Judith his wife Clairborn
Thomas and others above stated and that the said

~~William Moss and Thomas~~

~~The defendants employed H R Gamble
another lawyer and the defendants
further offered to prove and did prove
by Thomas W Lloyd a witness that
the defendants William Moss and Thomas
Moss employed the plaintiff Bevers Allen
to attend as attorney and counsellor at law to
the said Chancery suit of Thomases against
William Moss and others as above stated and
that the said plaintiff never appeared to the
said Chancery suit of Thomases against Will-
iam Moss and others and that Benjamin
Johnston employed H R Gamble another
attorney and counsellor at law and that
said Johnston paid the said Gamble and
that the above note in controversy was given
by the said defendants William Moss and Tho-
mas to the said Allen in consideration of his
services in the said Chancery suit as above
stated -~~

The above being all the evidence offered on
behalf of the defendant to the introduction
of which and every part thereof, the plaintiff by
his attorney objected but the court overruled
the objection and did permit said evidence to
go to the jury to which opinion and decision of
the court the plaintiff by his counsel objects
and excepts and thus objecting and excepting
tenders this his bill of exceptions and prays
the court here that the same may be signed

The note or instrument here shown was offered in evidence & the judgment by P. Cole of the payment of the twenty five Dollars by the Defendants and it was proved by said Thomas that Benj Allen did not attend himself or any person for him at the term of the Court ~~at which said~~ next after the filing of the ^{plea} ~~averments~~ that the Defendant Benjamin Johnson employed Mr Gamble to attend to the suit, Mr Allen the plaintiff failing to attend at that term of the Court

It was also proved ^{by other witnesses} that Mr Allen had been employed to attend to said suit in the Circuit Court, and that Mr Allen at the time when suit was dismissed did not appear himself nor any one for him to attend to said suit and that Benjamin Johnson one of the defendants employed Mr Gamble an atty at law on the part of the Defendants to attend to said suit & that upon his motion to rule plaintiffs to give security for costs in said Bill in Chancery was dismissed - Mr Allen not appearing to attend to same -

Said bill in Chancery was amended by plaintiffs filing another bill for same substantive matter

and Mr Allen never attended to same in any wise and Defendants employed Philip Cole and the lawyers to attend to same & paid him one hundred Dollars - It was

It was proved that said Bill ^{of said} in Chancery was determined on motion of Mr Gamble at the term of the Court when it was determined -

It was proved that Mr Allen had received one hundred Dollars for the services he rendered from all the Defendants in said suit - twenty five being paid by the other Defendants to the suit

and sealed and made a part of the record in
this cause which is here done accordingly
November 23rd 1842

David T. Tye



They find a receipt in favor of the defendant
amounting to twenty five dollars and the amount
of the sum that was to be paid to the plaintiff.

Beverly Allen } In the circuit court of Jefferson
vs } county Nov Term 1840
William Moss & }
Thomas Moss }

Be it remembered that on the trial of this cause and before the jury retired from the bar to consider of their verdict the defendant moved the court to give the jury the following instructions to wit

(here insert the instructions word for word)
To the giving of which instructions to the jury, the plaintiff by his counsel objected but the court overruled the objection and did give the instructions to the jury to which opinion and decision of the court the plaintiff accepts and tenders this his bill of exceptions to the court now here and prays that the same may be signed sealed and made a part of the record which is done accordingly

David Stenger Seal

Beverly Allen
is 3
William May
Thomas Ward

Bill of Exchange

No. 3-

Dec. 23 1842
Prof. W. A. May
B. W.

On Jefferson County Census Court
Pro term 1842

Bevery Allen

vs

William & John McGee

John McGee claims an

attendance in the above case as returned
1 day's attendance & 12 miles travel \$1.10

Wm McGee