

Tofferson County Circuit Court
Case Files - Civil

July 1858

Masth, Wenzel

vs

Sweet, John

Appeal

Defendant appealed from JP

Elisha Gaston on \$20 note

Box

10 Folders 17

Mar 6h. 9. 1857

twenty Dollars twelve
Days after date I prom
as to pay the bearer
for value received

John H Sweet

The State of Missouri, } S.S.
COUNTY OF ST. LOUIS.

To

Morton Sweeney Constable of Little Rock Township
in Jefferson County

You are hereby commanded, that, all excuses and delays being set aside, you personally be and appear before the undersigned, a Justice of the Peace within and for the Township of St. Louis, in the County of St. Louis, on the

day of

185 , at the hour of

o'clock,

M., at his

office in said Township, to testify on the trial of a case, wherein

plaintiff , and

defendant , on the part of the

; and

of this you are not to fail, at your peril.

Given under my hand, this

day of

A. D., 185 .

JUSTICE.

The State of Missouri, } SS.
COUNTY OF ST. LOUIS.

To

Wm. Massey, Nicolas & Rush, Mechanics
John M. Daniel
County on the 16th day of April

You are hereby commanded, that, all excuses and delays being set aside, you personally be and appear before the undersigned, a Justice of the Peace within and for the Township of *Little Rock* in the County of St. Louis, on the

185 , at the hour of

o'clock;

M., at his office in said

Township, to testify on the trial of a case, wherein

plaintiff , and

defendant , on the part of the

; and

of this you are not to fail, at your peril.

Given under my hand, this

day of

A. D., 185

JUSTICE.

(Spa)

Monel Mesh
Blue v. Locust

Matthew McDaniel

R. D. Massey

Moses Parby
John M. Daniel

Justice for 25

Constable for \$100

Minute

McDaniel

Assured the author's opinion by reading to the
of the 19th day of April 1855. Author's name
of the 19th day of April 1855. Author's name
of the 19th day of April 1855. Author's name

345
95
290
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5

345
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290
95
5

McDaniel

McDaniel

McDaniel

The State of Missouri,

To any Constable of ^{Littlerock} ~~St. Louis~~ Township, in ^{Jefferson} ~~St. Louis~~ County—Greeting:

WE COMMAND YOU TO SUMMON John H. Sweet of ^{Littlerock} ~~St. Louis~~ Township in the County of Jefferson

to appear before the undersigned, one of the Justices of the Peace of ^{Littlerock} ~~St. Louis~~ Township in ^{Jefferson} ~~St. Louis~~ County on the seventeenth day of April A.D. 1858, at 9 of the clock in the forenoon, at his office in the same Township, to answer the complaint of Wm. J. Smith on a note of hand for \$20. filed for suit

Given under my hand, this twenty second day of February A.D. 1858

Calisha Horton JUSTICE.

served the within as I am commanded by
reading to John H. Sweet on the 10th day of
April 1888
Martin Lurway
J P Constable

Summons
Wenzel Mesth
n 1

John H. Sweet
note - \$ 20.00
interest - 1.00
postage - 25
Comd of J. H. 25.

State of Missouri }
County of Jefferson }

The State of Missouri to the Constable of Little
Rock Township in the County of Jefferson greeting

We command you to summon the lawful men of your
County qualified to serve as jurors in the Circuit Court of
your County and who are not of kin to either party to appear
before me at my office in the Township of Little Rock for Missouri
to make a jury in an action between Wm. H. Smith Plaintiff
and John Smith defendant because the as well the said
Plaintiff as the said defendant have put themselves on the
County for trial and have given the names of the jury and
them and thus this writ

Witness my hand this 16th day of April A. D. 1858

John H. Davidson

Justice of the Peace

1. Joseph Conrad Christen Larsson

Memorandum No. 1

Wenzel Meisth

no 5

John H. Sweet

Justice of the Peace - 25-

County of Lee 1875-

Nelson Valen

Mrs. Valen

Mrs. Griller

Harmon Carver

Joseph Conrad

Andrew Larsson

Samuel Adams

The State of Missouri

To the Court of White Rock in the County of Jefferson, greeting.
We command you to summon six lawful men of your
County qualified to serve as jurors in the Circuit Court of
said County and who are not of kin to either party to appear
before me at my office in the Township of White Rock on the 18th
day of June A.D. 1858 at 9 o'clock A.M. to make a jury in the
action between Margd M. Smith, Plaintiff and John H. Smith
Defendant. We cause the said Plaintiff as well as the said
Defendant have put themselves on the County for trial
and have you then and there the names of the jury and this
writ. Witness my hand this 7th day of June A.D. 1858

Editha Foster

Justice of the Peace

Venice

Wenzel Mesth

us

John Gb. Sweet
justus per - 25

Carstall per 75

John Harmpfel

Peter Harmpfel

Nelson Hunt

Jacob Swaney

Wm. Vallen

Michael Nelson

County of Jefferson
Merged Month

as

John H. Sweet

Shut before Eliza Horton

Justice of the Peace

John H. Sweet being sworn
upon his oath says that his application for an
appeal is not made for vexation or delay but
because he believes the applicant to be injured
by the judgment of the Justice
of Peace and undersigned
before me this 25th day of June 1858

A.D. 1858

Eliza Horton
Justice of the Peace

Apparatus for Appeal
of
Wingel Mesth
in 3

John H. Smith
quarters per - 25

County of Jefferson

We the undersigned John H. Sweet and Andrew Hall acknowledge ourselves indebted to Wenzel Meisth in the sum of fifty eight ~~eight~~ dollars and seventy six cents to be void upon this condition:

Whereas John H. Sweet has appealed from the judgement of Elisha Horton a Justice of the Peace in an action between Wenzel Meisth Plaintiff John H. Sweet defendant.

Now if on such appeal the judgement of the Justice be affirmed or if on trial anew in the Circuit Court judgement be given against said appellant and he shall satisfy such judgement, or if his appeal shall be dismissed and he shall pay the judgement of the Justice together with the cost of appeal, then this recognizance shall be void.

John H. Sweet

Andrew Hall
^{his}
_{mark}

Approved June the 25th A.D. 1878

Elisha Horton, Justice

Bond for Appeal
Wingell Murtho.

20 8

John M. Hunt
Guthrie Ave - 25-

Mundal Truck on a Note
John Street 3 Before Elisha Gordon Justice
of the Peace within and for Little
Rock Township Jefferson Co. Mo. Judgment
Rendered by def renders a judgment against def for
def for the sum of twenty Dollars - June 18th
1858. Default.

Def. in the above cause, ask for the
Court to set a side the for and a new trial granted
in the cause,
for the following reasons -

1st - Because the Justice erred in not waiting
summoning the parties, * if summoned at all - to appear
at ten of the clock -

2^d That the original summons, by which the Justice
was governed in this case, Requires the Parties
to appear at 9 in stead of 10, as Required by law

S. H. Henderson
for def.

Transcript!

April Term A.D. 1858

Wenzel Mesth

vs

John H. Sweet

} Plaintiff filed February,
the twenty second A.D. 1858
for suit a note executed by

the defendant on the nineteenth day of March A.D. 1858 for
twenty dollars and payable twelve days after date
and directed a summons to issue which is done
and directed to the Constable of Little Rock Township
and made returnable the seventeenth day of April
A.D. 1858 at 9 o'clock A.M.

Elisha Gaston

Justice of the peace

Summons returned by the Constable executed
the 17th day of April A.D. 1858 and it being the return day
the parties appeared. Defendant moves for a
dismissal on grounds he contended that a part of the
cause of action had been removed by change of
venue. The Justice overruled the motion on the
grounds that the note the cause of this suit, had been
withdrawn previous to granting a change of venue
and the account allowed in the previous case; and the
said note the cause of this action combined would
exceed the jurisdiction of a Justices Court.

The Justice doth order that this case be continued
to the 19th day of June A.D. 1858 at 9 o'clock A.M. and
the following named persons were by the Justice
notified to appear on that day and hour to wit:

R. D. Massey Nicholas Busby John McDaniel and
Mathias McDaniel. on the return day at about
11 o'clock A.M. The defendant demanded a jury

Wingel Mester } On a note of hand Appealed.
 vs } Before Elisha Gorton
 John H. Sweet } Justice of the peace
 All Bill

Justices cost

2 minutes	50	
1 summons	25	
1 subpoena	25	
swearing jury	25	
notifying witnesses and entering order	35	
entering judgment	35	
affidavit and bond on appeal	50	
Transcript	75	3.20

Constables cost 1 summons	25	
4 subpoenas	1.00	
2 minutes	1.50	2.75
		2.40
Prize - 6 pieces		\$ 8.35

I certify that the foregoing is a true fee bill

Elisha Gorton
 Justice of the peace

Transcript

Check July 21. 1855

Clear to Henry

Check

\$22.50

and at four o'clock P.M. a full jury could not be had and the case was adjourned to the 19th day of June A.D. 1858 and for his June term the Justice issued a venire to answer the demand of the defendant on the 7th day of June.

And now upon the 19th day of June A.D. 1858 the Plaintiff and his agent appear. The Justice wanted three hours for the defendant and he does not appear. The case is called and the following named persons are sworn in by the Justice well and truly to try the matter at issue to wit:

John Humple, Peter Humple, Nelson Hunt
Jacob Swaney, Wm. Nolan and Milton Nelson

The cause is submitted to the jury: and before they find their verdict (Behold the defendant cometh)

The jury then returned their verdict as follows to wit:
We the jury find for the Plaintiff the sum of twenty dollars and interest.

John Humple, foreman
Now in accordance to said verdict and in accordance to what the Justice believes to be just in the premises this suit being upon a note signed by the defendant the Justice doth order and adjudge that the plaintiff recover of the defendant the sum of twenty one dollars and fifty three cents the amount due with the interest included shall & say by default, for his damages. The defendant having made default, with his cost in this behalf sustained and have there of execution. And now comes the defendant and moves for a new trial for 2 reasons. first he says they should have been summoned to attend at ten of the clock. Second. do.

Defendants Council further state that they were so busily engaged in their corn that they could

not attend sooner. The Justice believes that the
defendant's reasons will not justify him in granting
a new trial and consequently overrules the
defendant's motion

Elisha Gorton Justice

And on this 25th day of June A.D. 1858 comes the
said defendant and files his affidavit and bond
for appeal with Andrew Hall as security
which granted by the Justice there being no
execution issued

Elisha Gorton
Justice of the peace

State of Missouri }
County of Jefferson }

I Elisha Gorton Justice of the peace
within and for Jefferson County do certify
that the foregoing to be a full true and complete
transcript of the entries and proceedings in
the case of Wenzel Mestth v. s. John H. Sweet
as the same are of record on my docket and
that the papers thereto attached are all the original
papers on file in my office

Witness my hand this 25th day of June A.D. 1858

Elisha Gorton
Justice of the peace

1675

Wenzel Meeth
vs
John H. Sweet

(Transcript)

Filed July 21st 1858
Chas J Honey
Clerk

Indgt. f. p. 4 22.60
June 11th 1859 book 804
Page 251
chd

My dear Mr. Smith

John H. Street

in the Circuit Court of Jefferson
County. October Term 1858.

I do the above for you
and hereby certify that I have taken an
affidavit to the Circuit Court of Jefferson
County in the above entitled Cause.
Sept 25 1858

John Street

The State of Indiana

County of Jefferson

J. C. Barnes & Son, Attorneys,

For and legally commanding, that sitting aside all manner of excuse and delay, you appear before our County Court for the County aforesaid, on the 29th day of October next, at 10 o'clock, and bring with you, your Deeds, and all papers pertaining to a suit between Samuel Meath and plaintiffs, and other such defendants, on Note and account, due there and there to testify and the facts to bring in a certain matter of controversy, now pending in our said County, whereas Samuel Meath is dead, and the said defendants, on the part of the defendants, and herein you are so sworn to do,

Attest: Chas. J. Attorney, Clerk of our said County, with the seal thereof here affixed at office this 25th day of September A.D. 1838.

Chas. J. Attorney, Clerk,

So Circuit Court
At Peter Darrow 1858

Henry Mesth
or 5 Spades Secured
John Sweet

For debt
H. M. Parker
Sheriff

I Entered the within writ
at the County of Jefferson on
22nd day of October 1858 by Leave
a true copy at H. M. Parker of
abode with a white River and
the age of fifty years also
Peter Darrow Sheriff
J. B. Darrow Sec

County of Jefferson,
The State of Indiana.

D. Charles E. Ingraham, Clerk.

W^hen and lawfully summoned, that although, aside also in view of some
and delay, you appear before and present bonds for the County
aforesaid, on the Twenty Ninth day of October next, at which time,
and being with you your docket, and all proper testimony to whom
wherein George Smith was Plaintiff and John Sweet, Defendants
on Note and account; since there was to testify and the truth
to say in a certain matter of controversy, and pending in and
said County, wherein George Smith, is Plaintiff & John Sweet de-
fendants, and the facts of the defendants, and herein you and in
me was to give

Witness My Hand, Charles E. Ingraham, Clerk of said said County
on the one and twenty last affixed at office
the 20th day of September A.D. 1838,
Charles E. Ingraham, Clerk

I Executed the within writ at the
County of Jefferson on 6th day of
October 1858 by Reading the same in
the Presence and hearing of
Elisha Gordon

Asad Fawer Sheriff.

By J. B. Fawer Deput

Do Circuit Court
October Term 1858

Wenzel. Heister
vs Spauldices Secum
John Sweet.

for debt
Elisha Gordon
vs Sheriff per 5000

COUNTY OF JEFFERSON.

The State of Missouri,

To

Isaac D. Heapey, Nathaniel McDaniel

Greeting:

You are hereby commanded, that setting aside all manner of
excuse and delay, you appear before our Circuit Court for the
County aforesaid, on the 29th day of October
at St. Louis, then and there to testify, and the truth to say in a
certain matter of controversy, now pending in our said Court, wherein

Isaac D. Heapey is

Plaintiff and

Isaac Daniel

Defendant in the said

of said

and herein you are to make do just.

Witness, THOMAS E. FLETCHER,

Clerk of our said Court.

with the Seal thereof hereto affixed, at office this

27th

day of September

A. D. 1858

Isaac D. Heapey

Clerk.

Not turned for the want
of time after James Thompson
G. B. Parney
Oct

To Council, Council

Oct. Term 1858

Wm. H. Smith

as J. Clerk

John Smith

for Clerk

Roland S. Mayberry

Andrew M. Stewart

S. H. H. 50

Thompson Street
in
John St. Street

In the on each Court of
Jefferson County October 1858.

To the above said Court, you are
being notified that I have taken an
affidavit to the on each Court of Jefferson
County in the above entitled cause
dtd 28 1858 John Street,

The within named Fur or Weasel must
not found in my bounty this 25th day
of October 1858 Oscar Jones Sheriff
by J. C. Jones Dep.

Hendel Fur 5th

47

John Smith

Notice of Appeal

to be served ten
days before the
Hearst 25

County of Jefferson Sch.
The State of Missouri

To Elisha Gorton, Greeting;

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid on the 10th day of June next at Hillsboro, and bring with you your docket and all papers pertaining to a suit wherein Wenzel Mesth. was Plaintiff and John H. Sreet, defendant, on note and account, and there and there to testify and the truth to say in a certain matter of controversy now pending in our said Court wherein Wenzel Mesth is Plaintiff and John H. Sreet defendant, on the part of the defendant, and herein you are in no wise to fail

Witness Elias D. Honey Clerk of our
said Circuit Court, with the seal
thereof hereto affixed at office
April 22nd 1859
Elias D. Honey Clerk

Orinick Court
June Term 1859

Margel Month

as I have been secured

John H. Smith

for debt.

Elmer. Norton

Wm. 50

I Executed the within writ in the County
of Jefferson State of Missouri on the
17th day of ~~the~~ 1859 by reading the
Same in the Presence and hearing of
Elish Garton J. H. Parker Deputy
Sheriff

County of Jefferson St.
The State of Missouri

To Horace M. Parker, Greeting:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid on the 10th day of June next, at Hillsboro, and bring with you your Docket, and all papers pertaining to a suit wherein Wenzel Menth was plaintiff, and John H. Sweet defendant, on Note and account, and there and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein Wenzel Menth is Plff. and John H. Sweet defendant, on the part of the defendant, and herein you are in no wise to fail

Witness Elias D. Honey, Clerk of our said Court, with the Seal there of here to affixed at office this 25th of April A.D. 1859

Elias D. Honey, Clerk

De Circuit Court
June Term 1859

Mengel Weirich
vs Y. Graduen Decern

John H. Amel

for Debt.

Horace H. Parker

Shff 50

I Executed the within writ in the County
of Jefferson State of Missouri on the 17th day
of May 1859 by Reading the Same in
the Presence and hearing of H. H. Parker
Oscar Damer Sheriff
by J. C. Parker

We the jury find for the Plain till
the sum of \$ 20.00 and interest

John Humphreys
Juryman

Bergmann
Bergmann

3

2