

Box

11 Folder 14

DeFerson County Circuit Court

Case File - Civil

April 1859

Vaucourt, A.

Vaucourt, J. P.

vs.

Estate of James Hunt

Appeal

Plaintiffs appealed from County Court
on \$287.46 judgment paid by plaintiffs
in Robert Barber vs. James Hunt; depositions

Robert Barber

vs.

James Hunt and

Alexander Vancourt

Execution No 175 to April Term
1851 Circuit Court

Debt

Clerk Ruland

" Cerre

Lucy Hamilton

Sheriff LaBeaume

" Belt

" Conway

Justice Butler

Const McConough

\$ 150. 83

1. 35

2. 80

50

1. 20

30

60

1. 20

50

\$ 159. 18

Interest 3 60

Service 1. 00

Commission 2. 90

\$ 166. 68

Received St Louis April 19th 1851 of A & B J Vancourt
One Hundred Sixty Six ⁶⁸/₁₀₀ Dollars in full satisfaction
of above Execution

Henry B Belt Sheriff
By D. H. Bishop Deputy

Exhibit A

169 Nov 27 1847

State of Maryland }
 County of Prince Georges } ss J. D. Van Court being duly
 sworn on oath says that B. D. & A. Van Court have
 given Credit to the Estate of James Hunt Decedent
 for all payments and off sets to which it is entitled
 on the within account and that the sum of \$66.68
 is now due and owing from said Estate to
 B. D. & A. Van Court
 J. D. Van Court

Deem to and Subscribed before me this
 4th day of March 1858
 J. D. Van Court
 Witness
 Court

J. D. Van Court
 J. D. Van Court

B. D. Van Court

185

Van Court

Van Court

Sherrill & Co. Recd.
 March 1858 (U.S.)

Deposition of Witnesses produced sworn
and examined before me Charles H. Wilson
a Magistrate within and for said County
of St. Louis State of Missouri on the 8th day of
June 1858. at Office of the Clerk of the Circuit
Court of St. Louis County, in a certain Cause now
pending ~~in the~~ Probate Court of Jefferson County
between A. VanCourt and Estate of James Hunt deceased

William A. Pennington of lawful age
being produced sworn and examined. on
the part of Alexander VanCourt. Deposes
and says, - "I am Deputy Clerk of the
St. Louis Circuit Court, and have been
for the last fifteen years." I have
referred to and examined the records of
the office of the Clerk of the Circuit
Court of St. Louis County, and find
that Alexander VanCourt. was security
in the appeal Bond in the suit of
Robert Barker vs James Hunt, tried
before Justice Mann Butler, and
appealed to the Circuit Court on the
the 24th September 1847. Said Cause
being submitted to the Judge of the
Circuit Court on the 26th November
1850. When judgement was rendered
against the Defendant James
Hunt; and Alexander VanCourt
security in the Appeal Bond
for the sum of one thousand and

fifty Dollars and Eighty-three Cents
On which judgment the Clerk of
Said Court. issued an Execution
for said amount and costs.

The Execution was returned by the
Sheriff satisfied April 19, 1851 by
As B. J. Vanbourn.

The annexed paper marked
"Exhibit A" is made a part of my
Deposition and is correct.

Wm. A. Pennington D.C.

I Charles H. Tilsen a Notary Public within
and for said County of St. Louis, & State of
Missouri do hereby certify that on the 8th day
of June 1858. At the office of the Clerk
of the Circuit Court of St. Louis County,
Missouri came Wm. A. Pennington who
was then and there by me duly sworn to
testify the whole truth of his knowledge
touching the matter in controversy in the
Cause aforesaid. That Deposition was
examined, and his examination reduced
to writing by me in his presence at the
time and place stated, and subscribed
by said Deponent, then and there

In Testimony Whereof I have
hereunto set my hand and seal this
8th day of June A.D. 1858

Charles H. Tilsen
Notary Public
St. Louis County Missouri

Van Buren

as

Est Jas Howell

Filed Sept. 21st.

A. P. Hedges Clerk

Dec 22 41 68

Notice waived in open court: and continued until
the next term of this court
September term 1838

1 State of Missouri } Be it remembered that on
County of St Louis } the 15th day of November,
AD, 1847, there was filed in the Office of the Clerk
of the St Louis Circuit Court, a transcript which
is in the words and figures following, to wit:-

note for \$25.00 \$25.00

St Louis June 24th 1842.

Ten days after date I promise to pay to the order
of Robt Barber twenty five dollars without defal-
cation for value rec^d

James Hunt.

Endorsed on back - R Barber.

note for \$75.00 Borrowed & received St Louis May 28th 1842 of Robt
Barber seventy five dollars payable on demand.

\$75.00

James Hunt.

Endorsed - Robt Barber.

Summons The State of Missouri, To the Constable of Saint
Louis Township, in the County of Saint Louis - Greet-
ing: We command you to summon James Hunt
to appear before the undersigned, one of the Justi-
ces of the Peace of the Township of Saint Louis, in
Saint Louis County, on the 24 day of August 1847
at 7 of the clock in the forenoon, at his office in
the same township, to answer the complaint of
Robert Barber on notes for \$100 and interest and
sum def^t as Wit for plffs. Given under my
hand, this 9th day of August, AD, 1847.

Mann Butler Justice.

Constable's Return. Executed this by reading it to the within named
defendant and summoned him as a witness for the
plaintiff. At St Louis Township Aug 9th 1847.

James McDonough Constable By C G Clark Deputy.

Answer

Robert Barber }

James Hunt }

Before Justice Butler.

2.

The defendant in his own proper person comes and says that the said note for twenty five dollars and also the said note for seventy five dollars, and upon which said notes this suit was instituted and based, was obtained by plaintiff from him said defendant by fraud. This defendant further says that he has never received directly or indirectly from the said plaintiff all or any consideration whatever from the said plaintiff in or upon said notes as aforesaid or either of them nor did the said plaintiff ever give directly or indirectly to this defendant all or any consideration whatever for the said notes aforesaid. And the defendant says that at the time of the commencement of this suit he was not indebted to the said plaintiff for or by reason of the said premises upon which this suit was brought in any sum or sums of money whatever, and this he is ready to verify. Wherefore he prays judgment &c.

James Hunt.

State of Missouri }
County of St. Louis } James Hunt, the above defendant, being duly sworn makes oath & says that the facts set forth in the above plea are true.

James Hunt.

Sworn to and subscribed before the undersigned Justice of the Peace this 24th day of September 1847.

Mann Butler J.P.

State of Missouri }
County of St. Louis } Justice Butler - August Term 1847.
Robert Barber }

vs

In assumpsit.

3.

James Hunt

Be it remembered that on the ninth (9th) day of August eighteen hundred and fifty seven came the plaintiff and sued out a Writ of Summons from the Office of the aforesaid Justice on a promissory note for \$100 issued to Constable McDonough and returned executed. And the case being set for trial on the 24th August, 1847, it is by consent continued till the 24th September, 1847; and now, to wit; on the day last aforesaid come the parties before the Justice and the testimony in the - being heard, it is, by the Justice, adjudged that the plaintiff recover of the defendant his debt and costs in this behalf expended and that thereof he have execution; and now, to wit; on the day last aforesaid came the defendant before the Justice and having taken the affidavit required by law and proffered his recognizance approved by the Justice, the appeal is accordingly granted and perfected.

Docket Entries.

Judgment for plff 24th September 1847 \$100.

Interest to Judgment

Justices costs	1.20
Constables do	50
Transcript & Bond	
Od by defdr	1.50

05

Robert Barber plaintiff

James Hunt, defendant

Before Justice Mann
Entler.

4
Before Mann Butler a Justice of the Peace within and for the said township of St Louis, County of St Louis, in the State of Missouri, came James Hunt in his own person and made oath that he does not appeal from the judgment rendered herein, for the purpose of vexation or delay, but because he considers himself aggrieved by the judgment of the Justice.

James Hunt.

Subscribed and sworn to before me this 24th day of September 1847. Mann Butler Justice.

We the undersigned James Hunt & Alexander Van Court acknowledge ourselves indebted to Robert Barbour in the sum of two hundred dollars to be void upon this condition. Whereas James Hunt has appealed from the judgment of Mann Butler a Justice of the Peace in an action between Robert Barbour plaintiff and James Hunt defendant. Now if on such appeal the judgment of the Justice be affirmed, or if on the trial anew in the Circuit Court judgment will 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 void.

Attest this 24th day of September AD 1847, Mann Butler Justice. } James Hunt (Seal)
Alex Van Court (Seal)

Certificate

I Mann Butler, a Justice of the Peace, for the County aforesaid do hereby certify that the foregoing is a true transcript from my Pocket and that the papers herewith attached are all the

5.

original papers on file in my Office appertaining to the above recited case. Given and certified this 28th day of October, 1847.

Mann Butler Justice of the Peace.

Judgment of the
Court for
\$150.83.

And afterwards, to wit; at the November Term 1850 the following proceedings were had herein:-

Tuesday November 26th 1850.

Now at this day come the parties by their attorneys and submit this cause to the Court which being heard and the Court being fully advised of and concerning the premises doth find that said defendant is indebted to said plaintiff in the sum of One hundred and fifty dollars and eighty three cents. It is therefore considered by the Court that said plaintiff recover of said defendant and Alexander Van Court the security in the appeal bond the debt aforesaid in form aforesaid as found and also his costs and charges herein expended and have thereof execution.

Execution And afterwards, to wit; on the 14th day of March 1851 the following Execution issued, to wit:
The State of Missouri, To the Sheriff of the County of Saint Louis, Whereas, Robert Barber on the 26th day of November in the year of our Lord one thousand eight hundred and fifty at our Circuit Court recovered against James Hunt and Alexander Van Court his security the sum of one hundred & fifty dollars and eighty three cents for debt together with eight dollars and thirty five cents for his costs and charges in that suit expended. These are therefore to command you that of the goods and chattels and real estate of the said James

Hunt & Alexander Vancount you cause to be made the debt and costs, and that you have the same before the Judge of said Court, on the third Monday of April next, to satisfy the debt and costs aforesaid, and that you certify how you execute this writ. *Seal* Witness, Michael S. Berne, Clerk of the said Court, at St. Louis, this 14th day of March eighteen hundred and fifty one.

M. S. Berne Clerk, C.C.

The Sheriff made the following Return, to wit:

Sheriff

Return.

Recd 14th March 1851. Henry B. Belt Sheriff

Satisfied in full by A. & J. Vancount April 19th 1851. Henry B. Belt Sheriff by D. A. Bishop Deputy.

State of Missouri, I, Stephen Rice, Clerk County of St. Louis, of the St. Louis Circuit Court, within and for the County aforesaid, certify the above and foregoing to be a true and complete transcript of the record and proceedings in the case wherein Robert Barber is plaintiff and James Hunt is defendant as fully as the same remain in my Office.

In testimony whereof, I hereto set my hand and affix the seal of said Court, at Office, in the City of St. Louis, this 10th day of July, A.D. 1851.

Stephen Rice

Robert Barber

vs } Transcript.

James Hunt.

Filed Sept. 21/58

A. P. Hepler cky.

\$2.00 paid by Van Court.
S. Rice clk.

Notice waived in open court, and continued
until next term of this court.
September term 1858

James Hunt

Dr

To A & J B Van Court

To cash paid on judgment of
Robert Barber vs James Hunt
April 19th 1837.

166,68

Interest on same from the 19th of
Apr 1837 to Dec 19th 1838

120,78

dis-allowed

\$28746

State of Missouri }
County of Jefferson }

Q. 13 parent
step

L. Hunt

Wm. Dean, 21st
A. J. Richards

A & B of Vancouver } Appeal from
Est of James Hunt } County Court
Dec Term 1838.

State of Wisconsin }
County of Jefferson }

Francis Hagan agent Lath
in the above cause makes oath & says
this appeal is not taken for delay
or delay but because of offence
claim that the appellant is aggrieved
by the decision of the court
Subscribed & sworn to before me this 21st Decr. 1838.
Francis Hagan

A. B. Hefner

Peaseport

25

Ward

Frederick

John Doe 29/5

Alfred 29/5

A & B of Vancouver } Appeal from the
vs } County Court
Est of James Hunt } Dec Term 1838.

Frank Hagen & P. P. Pickett
We the undersigned acknowledge
ourselves indebted to J. H. Hunt in the
sum of one hundred ~~and~~ dollars to be void
upon the conditions - Whereas an appeal
from the judgment of the County Court
in ~~the case of~~ ~~James Hunt~~ between A & B of Vancouver
vs James Hunt. Now if in such appeal
the judgment of the court be affirmed
or if on trial and in the appellate
court judgment be given against
appellant then shall satisfy such
judgment if his appeal shall be dis-
missed then shall pay the judgment
of the County Court together with the
costs of the appeal this recognizance
shall be void

Francis Hagen
P. P. Pickett

Appeal

Dec 2nd 1838.

Uncorn

60

Howl

Bent

Oct. Nov. 21/58.

Stephen Clark,

State of Wisconsin }
County of Jefferson }

In the County Court.
December Term 1838.

At a Regular Term of the County Court in and for said County, begun and held on the Third Monday in December 1838. the following proceedings were had, as follows,

A & I. B. Vancombs } On an Account
Estate of James Hunt } The demands of said Plaintiff,
against said Estate for the sum of Two Hundred and Eighty Seven $46\frac{1}{2}$ dollars, is not allowed by the Court,

A & I. B. Vancombs } Appeal to Circuit Court
Estate James Hunt } Now at this day comes said plaintiff by
their Attorney and prays an appeal to the Circuit Court of the
Judgment rendered by this Court against said plaintiff which
being understood is granted; It is ordered by the Court
that the Clerk of this Court make out and file in the office of
the Clerk of the Circuit Court a complete copy of the Record
in this case, ten days before the next term of the said Circuit
Court,

State of Wisconsin }
County of Jefferson } I Alfred P. Nessey, clerk of the County Court in and
for said County, do hereby certify that the foregoing is a true transcript
of the proceedings had in said case, as the same remains of Record
in my office

Witness my hand and Official Seal, this 14th
day of April A.D. 1839

Alfred P. Nessey, clerk

1634

A & J. D. Van Buren

co. Transcript

Ent. James Stewart

Book April 15th 1859
Oliver D. Honey Clerk

Guarant for debt contd

Chas

Estate of James Hunt
To Alex. Vancount Dr

To amt. paid to Robert Parker on a Judgment
against Hunt & Vancount 166.68
Interest on same from 19th April 1857
19th April 1858 70.00

Am't. \$ 236.68

State of Missouri
County of S. Louis } ss

W. J. Vancount makes oath & says
he is agent of Alexander Vancount and has the Manage-
ment & Transaction of the Business out of which the
above & foregoing demands originated & that to the
best of his knowledge & belief Credits have been given
to the Estate of James Hunt deceased for all paymen-
ents & affects to which it is entitled & that the Bal-
ance claimed is Justly due W. J. Vancount.
Signed to and subscribed before me

this 2nd day of June 1859

Witness my hand and seal of the
St Louis County Court the date
last aforesaid

Josiah Thompson
clerk

Newcomb

to

Est Geo Howard

Affidavit of Credit

Attest June 30 1859
Geo J Honey
Clerk

State of Indiana
County of Adams

De Ho Penns Penns

Adel B. Hancock
Edwards Edmund
Adelphi David & Co

BeBe

Clerk, do do, Entering Engagements
 Applicant 25° Applicant 25° Applicant 10
 25° 25° 40

Darmstadt 25^e. Postfach 27. Ludwigshafen, 27. 708

0218

A. J. B. Van Court
and

Est James Hunt

See Bill