

Jefferson County Circuit Court
Case Files - Civil
June 1860 - No. 10

Box No.

12

Folder No. 19

Hopkins, Daniel

vs

Franev, Anthony

Debt, Account

Debt, \$410 for land
purchased jointly, for labor, for
rent, for cash loaned, for goods,
depositions

Anthony Francey To Daniel Hopkins Dr.

1858,	To Cash paid Pippy	\$ 2.50
"	" Do Do \$10, at two different ^{times}	20.00
"	" Cash loaned	1.50
"	" Do Do.	1.00
"	" Cash paid for wood in store	1.00
"	" Cash paid for stove for Francey	5.00
"	" Cash pd. for Table & chairs	10.00
"	" Do, for Flour	5.00
"	" Do advanced to pay fine on R. Road	2.00
"	" Do \$2, at other other times	4.00
"	" Cash loaned at Desoto	1.30
"	" Do Loaned do do.	2.00
"	" Do paid for axe	1.50
"	" Do paid for sack sale	2.00
"	" Do Loaned	7.00
"	" Do paid for coffee mill	50
"	" Do Do Barrel	50
1859	" Cash Loaned	15.00
1858	" Cash paid for rent of room	5.00
"	" 1 st pair of boots	5.00
1855	" ~~Ant. paid for 2 Cows & calves~~	~~3.00~~
"	" 100 lbs of Flour at 3 cts	3.00
	~~detained by Government &c. &c.~~	~~&c. &c.~~
1859	" One hundred & fifty days	
	labor for you, at \$1.00 per day	150.00
"	" Ant. paid for land for you	150.00
1859	" Rent of 5 acres for 1859	10.00
	Total	\$ 400.00

Daniel Hopkins plaintiff, makes oath
and says the above Account he believes
to be true and correct.

Sworn to and subscribed Daniel Hopkins
March 7th 1860
Elias F. Honey Clerk

Daniel Hopkins
Es,

Anthony James

Dec 18 410, 00

Dec 19 1860
Elias & Henry

Daniel Hopkins, - Plaintiff, } In the Circuit
Against } Court, Jefferson
Anthony Franey, - defendant } County,

Plaintiff states that on the 31st day of May 1858, he and the Defendant jointly purchased a forty acre Tract of Land, situate in Jefferson County Missouri, of Claridge M. Boley, for four hundred dollars, each party to pay half the price of the same and have half the land. Plaintiff at the time paid three hundred dollars of the purchase money to said Boley, and he and the Defendant gave their joint promissory note, payable twenty months after date, to said Boley, for the remaining one hundred dollars. They received jointly a deed for said Land from said Boley on the day aforesaid; and the Defendant then promised to pay Plaintiff one half of the three hundred dollars, advanced by him as aforesaid, But Defendant has neglected and failed, and yet refuses to pay Plaintiff the said one hundred and fifty dollars, so paid and advanced by Plaintiff for Defendant as aforesaid; and for which sum, and the interest thereon, Plaintiff asks judgment.

Plaintiff further states that Defendant owes him one hundred dollars for money loaned and advanced by plaintiff for Defendant at his request; and also that Defendant owes Plaintiff one hundred and fifty dollars for work and labor done and performed by Plaintiff for the

Defendant at his request. The particulars of all which will appear by an Account herewith filed. Plaintiff asks judgment for two thousand and fifty dollars.

Plaintiff further states that Defendant owes him ten dollars for the rent of one half of a ten acre field (on land owned by plaintiff & defendant jointly,) for the year 1859. For which sum, plaintiff asks judgment.

Plaintiff therefore states that the total amount of Defendant's indebtedness to him, as stated in the several Counts herein, and as will appear by the particulars of Account herewith filed, is four thousand and ten dollars; and for which Plaintiff asks judgment.

Abner Green
Attorney for Plaintiff

Daniel Hopkins, Plaintiff, makes oath and says the above Petition and the matters therein as stated he believes to be true.

Daniel ^{his} Hopkins
mark

Sworn to before me
Mar. 19th 1860
Elias J. Honeyckh }

1 copy Bk
16 sheet
and 1 copy
of 2 -
books to
be done

100
100
100
100
200

In Circuit Court

Jefferson County

Daniel Webster

vs.

Anthony Harvey

Plaintiff

Defendant

and

M. Green

for the

Plaintiff

and

for the

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

To the Sheriff of the County of Jefferson--Greeting:

We command you, that you summon *Anthony Franey*

if - he - be found in your County, that he
be and appear before the Hon. Judge of our Circuit Court, on the
first day of the next term thereof, to be begun and held at the town of
Hillsboro, within and for the County of Jefferson, on the second
Monday after the fourth *Monday* of *May*
next, then and there to answer unto *Daniel Hopkins*

upon *his* original petition, a copy whereof is hereunto annexed and
accompanies this writ, and have you then there this writ.

Witness, **ELIAS F. HONEY**, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at office
in *Hillsboro,* this *Ten*th
day of *March* A. D. 1860

Elias F. Honey

Clerk Circuit Court.

I executed the within writ in the county of Jefferson
State of Missouri on the 16th day of April 1860 on Anthony
Franez by Delivering him a true copy of this writ and
annexed petition as furnished me by the clerk

Oscar Dover Sheriff

No 10

Jefferson Co. Court
June Term 1860

Daniel Hopkins

vs } Deceased

Anthony Franez

Sheriff's fee \$1.00

over money and
1 copy of writ
Paid Hopkins 1860

cho

Daniel Hopkins Plaintiff
against
Anthony Franey Defendant.

In the Circuit Court

Jefferson County, Mo.

The defendant for answer to plaintiff's petition, states that it is true that he and the plaintiff jointly purchased forty acres of land of Eldridge M. Boley as stated in the petition, but he denies that plaintiff paid three hundred dollars of the purchase money for said lands at the time of the purchase or at any other time. He states that they jointly paid said sum, each party paying one hundred and fifty dollars. He admits that they gave the note mentioned in the petition, and states that he paid the whole of said note and the interest thereon at maturity and that ~~the~~ Plaintiff owes him fifty six dollars and seventy five cents on account thereof and for which he asks judgment.

Defendant denies that he owes plaintiff one hundred dollars for money loaned by plaintiff to him, or any other sum whatever or for money advanced by plaintiff for him at his request. He distinctly denies that he ever borrowed any money whatever from plaintiff except one dollar and a quarter which he repaid to plaintiff. He also denies that plaintiff ever advanced any sum of

money whatever for him at his request.

He denies that he owes plaintiff one hundred and fifty dollars or any other sum whatever for work and labor done and performed by plaintiff.

He denies that he owes plaintiff ten dollars for the rent of one half of a ten acre field for the year 1859.

He denies that he owes plaintiff four hundred and ten dollars or any other sum whatever. But defendant states the fact to be that plaintiff owes him in addition to the sum of fifty six dollars and seventy five cents aforesaid the further sum of sixty seven dollars and fifty cents being one half of the amount paid by defendant for building a house & other improvements on the land aforesaid, for which sum defendant asks judgment, defendant further states that the plaintiff owes him for his board from the 12th day of May 1858. to the 12th day of September of same year, and from the 1st day of November in same year to 1st day of March 1860, making twenty one months at ten dollars per month, amounting to two hundred and ten dollars, for which sum defendant also asks judgment,

Defendant therefore states that the total amount of indebtedness of Plaintiff to him is three hundred and thirty four dollars and twenty five cents as stated in the several

counts herein. for which sum he demands judgment
Hitches for debt.

Anthony Franey. being duly sworn upon his
oath states that the foregoing answer and the
matters therein as stated he believes to be True
Signed & sworn to before me

Aug 15th 1860

{ Anthony Franey

witness my hand and notarial seal

at De Soto. Clement B Hitches

Notary Public



Daniel Hopkins
no
Anthony Spraney.

Answer

Dated Aug 20th 1860
Oliver & Henry Clark



COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

TO *E. M. Coley* & *J. D. Atcher* *vs* *John Hopkins*
John Hopkins *the* *Atcher* 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 December 1860* at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *Daniel Hopkins* is Plaintiff and *Anthony Strang* is Defendant on the part of *Plaintiff* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court
with the Seal thereof hereto affixed, at office this
12th day of *November* A. D. 18*60*
Elias F. Honey
Clerk.

I executed the within ^{Spa} in the County of Jefferson
on Patrick Hopkins. C. B. Fletcher, Julia Hopkins
and Thomas C Fletcher by reading it to them
on the 22nd day of November 1866

Wm. Dover Sheriff

E. M. Boley not found within my County

To Circuit Court
December Term 1860

Dand. Hopkins

vs
Anthony Traverly

for Debt
C. M. Boley non Est

C. B. Fletcher vs

Pat. Hopkins \$10

Julia Hopkins \$22

Ths C Fletcher \$10

Sheriff fee \$2, 25

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

TO *Mr H. Derran, vs M. Hatcher Dues Henry*

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 December 1860* at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *Daniel H. Johnson is* Plaintiff and *Anthony J. Harey is* Defendant on the part of *Plaintiff* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court
with the Seal thereof hereto affixed, at office this
12th day of *November* A. D. 18*60*

Elias F. Honey

Clerk.

I executed the within Order in the County of
Jefferson on Wm H Desiard, John W Fletcher
Bowen Murray by recording it to them on the 22
day of November 1860

Board Dover Sheriff

Is Circuit Court

Decr Term 1860

David Hopkins

"

Anthony Draney

for Peff

Wm H Desiard

John W Fletcher

Bowen Murray

Sheriff for \$1.50

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To James Haverstick. Benjamin Hurlley
Henry Hurlman

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Berwick* Court for the County aforesaid, on the *17th day of December 1865* at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *Daniel Hopkinson is* Plaintiff and *Anthony Dravey* Defendant on the part of _____ and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court with the Seal thereof hereto affixed, at office this

23d day of *November* A. D. 18*66*

Elias F. Honey

Clerk.

Presented the within writ in the County of
Jefferson on James Haverstick, Jeremiah
Hertley, & Henry Hartman by sending it
to them on the 28th day of November 1860
Sworn to and subscribed Oscar Dover Sheriff
before me the undersigned
Justice of the Peace W. Long Smith
by Henry Black

To Circuit Court
Decr. Term 1860

Dan Hopkins

vs

Anthony Haneey

for Debt

James Haverstick

Jeremiah Hertley

Henry Hartman

Sheriff fee \$1.50

Daniel H. Skins, - Plaintiff } In the Circuit Court
Against } for the County of
Anthony Francey, - defendant, } Jefferson, State
of Missouri.

To Anthony Francey, the above named
defendant;

You are hereby notified that depositions
of witnesses, to be read in evidence in the
above Cause, on the part of the Plaintiff,
will be taken, at the Law Office of Abner
Green, in Hillsboro, Jefferson County Missouri,
on the twenty sixth day of November 1860,
between the hours of Eight O'clock in the
forenoon and Five O'clock in the after-
noon, - and that the taking of said depo-
sitions, if not completed on that day,
will be continued from day to day, at
the same place, and between the same
hours, until completed.

Abner Green
Nov, 20th 1860, } Attorney for plaintiff

I served the within Notice on Anthony
Traney, the within named defend-
ant, in Jefferson County Missouri on
the 21st day of November 1860, by
delivering to him a true copy of
the same,

John Vineyard
Constable

Sworn and Subscribed Before
me this 23rd day of November 1860
Jos P Hesser
Justice of the Peace

Const. fee

37 25

to take Depositions

Notice

Jefferson County

25,

Daniel Hopkins

Jefferson County

In Circuit Court

Daniel Hopkins

vs.

Anthony Traver

In the Circuit

Court of Jefferson

County

State of Missouri

TO THE above named Defendant

Take Notice, That depositions of witnesses in the above entitled cause, to be read in evidence on the part of the Plaintiff will be taken at the office of
Abner Green in St. Charles

in the County of

Jefferson and State of Missouri on the 8th
day of December 1860, between the hours of eight o'clock in the forenoon, and six
o'clock in the afternoon, of that day; and that the taking of the same will be continued from day
to day at the same place, and between the same hours, until completed

Abner Green

Attorney for Plaintiff

I enclose all services of the within
notice & consent to the taking of
depositions at the time & place
within named.
Dec 1st 1860.

Yours to Wetcher
Atty for def.

Depositions of witnesses, produced, sworn and examined on the 8th day of December 1860 between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of that day at the office of Abner Green in Hierarchy Jefferson County, Miss. sworn before me H. M. Parker, a Justice of the Peace, — of said County in a certain cause, now pending in the Circuit Court of Jefferson County between Daniel Hopkins plaintiff and Anthony Francey defendant on the part of the plaintiff.

Julia Hopkins of lawful age, being produced sworn and examined, on the part of the plaintiff deposes and says that she is acquainted with Daniel Hopkins & Anthony Francey, in a conversation between Plaintiff & Defendant I heard Anthony Francey say that Daniel Hopkins had paid Mr Rippey two dollars and fifty cents, for Franceyboard, I heard Francey say in conversation with Plaintiff that in 1858, Hopkins let Francey have twenty dollars at two different ^(times) ^(dollar) ten each time, to hear his expenses while looking for land for the two. — I heard Defendant say that Plaintiff loaned him one dollar & fifty cents, to pay for Naturalization Papers. — I heard defendant say that Plaintiff let him have one dollar to pay for wood. — I heard the defendant ^(say Plaintiff) loaned him five dollars to buy a stove with and ten dollars, to buy a table & chairs, and five dollars to buy flour, while they were in St. Louis in 1858. — I heard defendant say that Plaintiff let him have six dollars ^(to pay his fare) back & forth between St. Louis and De Soto in the year 1858. — ~~I heard defendant~~ say I saw Plaintiff let Defendant have one dollar & fifty cents, to buy an ~~st.~~ ^{stove} & two dollars to buy a sack of salt, in De Soto, — ~~since then~~ I heard Defendant say that Plaintiff loaned him seven dollars, after they came to De Soto, — I saw Plaintiff

let the Defendant have fifty cents to buy a coffee mill, & fifty cents to buy a barrel. — in 1858. —
I heard Defendant say that Plaintiff paid for him five dollars for rent of room, in St. Louis in 1858. —
I know of Defendant getting a new Pair of Boots of Plaintiff worth five dollars in 1858. —
I know of Plaintiff Lending Defendant fifteen dollars when the Defendant was building his house, in Sedoto in Dec. 1857. — I came to Sedoto in October 1858 & left Mr Hopkins place in 1859. during all this time Mr Hopkins worked for Truney, cutting wood & clearing Land. — I heard Truney say that Hopkins worked for him before witnesses came to Hopkins place. — I heard the Defendant in conversation with the Plaintiff speak of the 40 Acre Tract of Land which they bought from Boly, & that the Plaintiff paid Boly three hundred dollars down, at the time the purchase was made, & that the two gave their joint note for one hundred dollars the balance of the purchase money. and that Truney agreed that he would pay & take up this note to Boly & pay Plaintiff one hundred dollars besides, so as to make his proportion ^(of the purchase money) ~~equal to~~ for said Land equal to that which Plaintiff had paid, as the Deed was made to the two jointly. I heard Defendant speak of this matter at various times during the years 1858 & 1859. — witnesses & Parties to this suit lived together in the same house part of 1858 & 1859. — & frequently conversed on these subjects. —

seen
Julius & Hopkins
made

Subscribed, & sworn to before
me, on the day at the Place & within (6)
the hours first above said. — H. M. Satter
Justice of the Peace

I, H. M. Parker, Justice of the Peace, within and
for Jefferson County, in the State of Missouri, do
certify, That in pursuance of the annexed notice,
came before me, at Hillsboro, in the county
and State last aforesaid, Julia C. Perkins,
who was by me personally sworn, to testify the
whole truth of her knowledge touching the
matter in controversy aforesaid, - That she
was examined, and her examination rec-
=used to writing, and subscribed by her, perso-
=nally, in my presence, on the day between the
hours, and at the place in that behalf first
aforesaid, and her said Deposition is now
herewith returned, -

Given at Hillsboro, in the County of Jefferson,
and State of Missouri, this 8th day of December
A.D. 1860.

Justices Fees — \$1.75-

Paid by Plaintiff

H. M. Parker
Justice of the Peace

H. M. Parker
J. P.

In Circuit Court
of Henry County

Daniel Hopkins

vs.

Anthony Straney

8 of frontiers
of 3 of 1865

opened and filed by
me decr 11th 1865
Clem Straney clerk

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *John Hodgins* *Mr. Doctor*
Shadr. Smith

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 *1st day of December 1860* at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *David Webster* Plaintiff and *Anthony Sharny* Defendant on the part of *deft* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court

with the Seal thereof hereto affixed, at office this

27th day of *December* A. D. 18*60*

Elias F. Honey
Clerk.

I executed the within subpoena
at Jefferson court, on the within
named John Robinson & C. Ellsolt
by reading the same in their presence
& hearing Dec 15th 1860.

by Henry Black
I executed the within subpoena in the county of
Jefferson on Wm Foxton by his acknowledge-
ing the service of it on the 17th day of December 1860
Dea. Dover Sheriff

To Vincent Court

Decer Term 1860

Paul Hopkins

"

Anthony Franey

for defft.

Jno Robinson

Wm Foxton

C. Ellsolt

Sheriff fee 1.50

Daniel Hopkins, Plaintiff } In the Circuit Court
vs } Jefferson County,
Anthony Francey, Defendant }

The Plaintiff for replication to the answer of Defendant, denies that Defendant paid one hundred & fifty dollars, on the purchase of the land mentioned in Plaintiff's petition, from E. M. Boley, by Plaintiff & Defendant, at the time the contract for the same was made, or at any other time, and denies that he paid any part of the consideration for said Land when the contract was made, - Plaintiff denies that he owes Defendant fifty six dollars & seventy five cents for money he paid on said contract to said Boley ^{on said Note}, or any amount whatever, - And Plaintiff denies that he owes Defendant sixty seven dollars & fifty cents, or any other sum, for improvements made on said Land, in building a house thereon, or for any other improvements made thereon by Defendant,

Plaintiff also denies that he owes Defendant two hundred & ten dollars, or any other sum, for boarding, from 1st of May 1858 to 12th Sept, 1858, or from 1st of November 1858 to 1st of March 1860,

Plaintiff therefore denies that he owes Defendant ^{334 dollars & 25 cents, - or} any sum whatever, but insists that Defendant owes him the several demands claimed in his original Petition,

Abner Green
Attorney for Plaintiff,

Daniel Hopkins, Plaintiff, makes oath and says the above Replication and the matters therein as stated, he believes to be true. Sub.

Subscribed before me }
Decr 10th 1860 }

Daniel Hopkins
mark

Elias & Honey Clerk

In Circuit Court
Jefferson County

David McAllen
vs.

Anthony Harvey

Replection

Filed Dec 10th 1860
Geo. J. Harvey
Clerk

Daniel Hopkins
vs
Anthony Franey.

In the Circuit Court
Jefferson County.

The defendant comes
and excepts to the deposition of Julia
Hopkins taken in this cause on the
part of the plaintiff and objects
to the reading of said deposition
at the trial of this cause for the
following reason,

Said witness resides within forty
miles of the place of trial and
no reason is shown by said
deposition why the personal
attendance of said witness can-
=not be had,

Hetcher for Deft.

Wm L. Stephens
vs
Anthony Francis

Expositions to
separations of stock
parties

Filed Decr 14th 1860

Wm. A. Horney Clerk

The Jury are instructed that by the pleadings in
the Cause, the Petition and Answer, that the
Plaintiffs and Defendants jointly purchased the
land mentioned in the Evidence, Each to pay one
equal half of the purchase money. And if they
find that the Plaintiffs has paid more than his
equal share of the price, then he has a right to
recover from the Defendants the amount of this
Excess

and the
The very kind for pleasure
of W. H. Miller
Governor

Daniel Hopkins } In the Circuit Court
vs
Anthony Franey }

The defendant comes
and moves the court to set aside the
verdict of the jury in this cause and to
grant a new trial for the following
reasons:

- 1st The verdict is against the evidence
- 2nd The verdict is against the weight of
evidence
- 3rd The verdict is against the law
- 4th The verdict is against the law &
the evidence,
- 5th Verdict was rendered under a
misapprehension of by the jury of
the instructions of the Court,
- 6th The jury were misled by the ins-
tructions of the Court,

Hetcher
for Deft.

Samuel Hopkins
to
Anthony Harvey.

motion to set
aside verdict of
the jury and to
grant a new trial

Filed Decr 17th 1862
Chas. Anthony Clark

Received of Anthony Henry Smith
Dorham in full of all demands
to this date October 21 1858.

Wm Thompson

James Haines Clerk.

James H. Hatcher

