

Jefferson County Circuit Court
Case Files - Civil
July 1840

Box 12 Folder 58

Brown, Samuel

v.

Meyer, Frank
Kurtz, Peter

Appeal

Plaintiff appealed from Justice of the Peace
William Foxton on \$60.00 debt for two
years worth of rent for farm located on
unknown acres in S29T40R6E.

Samuel Brown Plaintiff } Before William Norton
 against } a Justice of the Peace
 Frank Meyer and } for Platin Township
 Peter Kierly Defendants } Jefferson County State
 of Missouri,

Samuel Brown the above named plaintiff being by me duly sworn, upon his oath states, that said defendants now occupy a farm belonging to the plaintiff situate in Platin Township Jefferson County State of Missouri upon lands described as the North West and South West fractional quarters of section No 29 in Township No 40 of Range 6 East and the West half of the South East fractional quarter of the section, Township and Range aforesaid, that said farm and buildings thereon was leased by the said Samuel Brown to the defendant Frank Meyer on the 20th day of December 1858. Commencing on the 20th August 1858. for the term of ten years, at a yearly rent of one half of all the crop or crops that might be raised on said farm, that one half of the crops raised on said farm during the year 1859 & 1860, amounting in value to sixty dollars is actually due said Samuel Brown for rent: that the same has been demanded from said Frank Meyer and that payment thereof has not been made, that said plaintiff Samuel Brown is the owner of said land by entry from the government of the U.S.

Signed & sworn to before me
 April 21st 1860

Samuel Brown

Wm Norton J.P.

County of Jefferson, Sd.

The State of Missouri.

To Frank Meyer and Peter Kurly, greeting: You are hereby required to appear before me the undersigned Justice of the Peace for Platte Township in Jefferson County Missouri upon the ~~7th~~ ^{May} day of ~~XXXX~~ A D 1860 at my office in said Township at the hour of ten O'clock in the forenoon of said day and show cause, if any you have, why possession of the farm and buildings thereunder described in the foregoing statement of Samuel Brown, should not be restored to said Samuel Brown,

Given under my hand this 30th day of April 1860

Wm. H. Hoffer Justice of the Peace

At the request and request of the Plaintiff I authorize James Hoffer to execute and return this writ

Wm. H. Hoffer
J.P.

1860

from and referred
to the 3rd of May

the 3rd of May 80

James Foster
J. Carl

I executed the within summons by
leaving the true copy for defendant
at their usual place of abode with
a white female of the family over the
age of fifteen years the 3rd of May 1860

~~I executed the within summons by
leaving a true copy of the original with
a white female of the family at the
usual place of abode of the wife
named defendant~~

James Foster

Franklin H. Foster

Reuben Foster

David Foster's permission

Execution of the writ
against plaintiff for
costs May 26th 1860

Continued the same
29th 1860 generally
of defendant
Cost of the same
paid by plaintiff
page 1016. Dec 33. 1860

Continued the same
20th of May 1860

State of Missouri } The State of Missouri To
 County of Jefferson } The Court of Platte-
 County of Gretna

You are hereby Commanded to Summon
 John Wiley, David Cadwallader John
 Dixon, and Jacob Entruff that all
 excuses and delay set aside they
 do and appear before the undersigned
 one of the Justices of the peace for
 the Township of Platte in Jefferson C
 rant on the fourth Saturday in May
 1860 at Ten of the Clock at my office
 in the same Township to Testify
 the Truth of their Knowledge con-
 cerning a certain matter of Controversy
 before me depending wherein Frank
 Meyer and Peter Kuntz are Defend-
 ants, and Samuel Boyer is Plaintiff
 up on the part of the Plaintiff, and of
 fail not at your peril, and have
 you then and there, suit

Given under my hand and Seal
 this the 21st day of May 1860

Wm. H. Foster J. J.
 J. P.

Wm. L. Brown

Wm. L. Brown

Wm. L. Brown

Wm. L. Brown

Defendants and

John Wilcox

James Enten

Daniel Castaneda

John Dexter

I have the with in the within name
writ by their acknowledgment May the 22^d
1860

Given and sealed
the place of said

Wm. L. Brown

Wm. L. Brown

State of Missouri } The State of Missouri to the
County of Jefferson } Certificate of Probate Court

in said County free to

You are hereby commanded to show or
let your and lawful men of your County
to appear before me in the Court sitting
in May 1888 who are not of this County
Born, Married or Frank, Meyer or Peter
Hunt, Sutherland or make a day between
said parties in a plea of will leave as
with the said party as the said wife
notant has put themselves on the Court
for fine and her year then the
marry of the Mary and they and

Let
Witness my hand and seal this 21st
day of May 1888

Wm. H. H. H.

Wm. H. H.

Wm. H. H.

x

Saml. Born

W & Benning

Frank. Meyer

Peter, Kunkel

Martin. Gosa

Joshua. Gosa

Camel. Lucken

C. Kendrick

I hereby certify that
I have examined the
above named Survey
as with the Commission

2754
10
327

B. J. Boyd, Secy

Samuel Brown {

vs

Frank Meyer {
Peter Kurtz }

To Frank Meyer, and Peter Kurtz
You are hereby notified that on motion
of Thomas, C. Fletcher, attorney for
Samuel Brown, the above named
Plaintiff the Judgement of non Suit
in the above entitled cause has been
set aside and a new trial granted
and the time fixed for the trial
thereof is on the Second Saturday
in June 9th inst^a 1860 at my office in
Plattin Township in County of Jefferson
when and where you may attend if
you think proper

June 2nd 1860

William Hixton J.P.

Sam^l Broen^x
W & Nether
Frank. Meyer
et al

I served the within
Notice on the within
named Defendant by
leaving a ~~true~~ copy of the original
for each defend-
ant at their resi-
dence peace of alone
with a child a per-
son of the family
near the age of
fifteen years, June
2^d 1860
per \$5 James H. Hottel-
D.C.

Suon and returned
to the date of service
Jm Hottel-
D.C.

At the request and request of the plaintiff I will
serve James Hottel Defendant and return this
notice.
Jm Hottel J.R.

State of Missouri } The State of Missouri County
County of Jefferson } of Jefferson to the Court of
Plata Township in said County &c.

You are hereby Commanded to Summon
John A. Dixon, John Wiley Jacob, Entruff
David Caldwell - that all excuse, and
delay, set aside they be and appear before me
the undersigned one of the Justices of the peace
within and for the Township of Plata in said
County on the second Saturday in June the
9th inst. at Ten of the Clock in the forenoon
at my office in Plata Township to testify
the Truth of their Knowledge Touching
a certain matter of Controversy before
me depending wherein Saml. Brown
is plaintiff and Frank, Meyer & Peter
Kuntz is Defendant on the part of the Defen-
dant, hereof fail not at your peril I
have given this to you this my writ

Witness my hand and seal this the
9 day of June 1860

J. H. Foster

Jud. of Peace
#1

Wm. O. Brown
N. J. Jackson
Stonack, Myer
Joker, Hunt

Subs for September
and October

John H. Taylor
John Wiley
Jacob, Entwistle
David, Cadwallader

I find the within on the within named entry
by ~~there~~ acknowledgement this the 17th
day of June 1860

Given & subscribed to
before me the 9th day
of June 1860

Frederick H. Lyon

Wm. H. Taylor JP

State of Missouri } The State of Missouri to the Court
County of Jefferson } able of Platte Township in said
County meeting

You are hereby Commanded to summon
all good and Lawful men of your County
to be and appear before me at my office
in Platte Township on the second Saturday
in June 1860 who are not of kin
to Saml. Brown plaintiff or to Frank
Meyer & et al. Defendants to make
a Jury between said parties in a piece of
land became as well the said plaintiff
as the said defendants have put themselves
in the County for trial and have given their
names of the Jury and this writ

Given under my hand this the 6th
day of June 1860

Wm. H. Hottel J. P.

At the request and request of the defendant
I author James. Foster to execute and return
this writ of Habeas

Jas Foster JP

Prison
N S Lewis

St Meyer

et al

J. J. McComack

Marin Gosa

Wm. Thiele

Thomas. Hurd

Thomas. Donnell

Shane. Davis

I hereby certify that
I have examined the
above named persons
by reading the within
writ in their hearing
and the body of them

J. J. Foster
JP

Summa of the above to the JP

The above of the above to the JP

State of Missouri } The State of Missouri to the Comstock
County of Jefferson } of Statute concerning in said County Greely

You are hereby commanded to summon any
good and lawfull men of your County to appear
before me at my Office on the 29th day of
June who are not of kin to Samuel Brown
plaintiff or to George, Meyer and Peter, Huntz
defendants to make a jury between said
parties in a plea of debt because as well
the said plaintiff as the said defendants
have put themselves on the County for trial
and have you then there the names of the
jury and this writ

Wth My hand and seal this 12th day
of June 1865
Geo. H. Foster
Clerk

Sam^l Brown

M & Venice

Frank Meyer

& others

Dy Spalding +

Frank Sherman +

Joseph Macpherson +

John Perkins +

Thomas Hiest +

Jury fee paid G.

Pliff \$125

State of Missouri } The State of Missouri
County of Jefferson } To the Court at St. Louis
} Fournier in said County Gre
} Fournier

You are hereby commanded to summon
John Wiley and David Cadwallader that
all expense and delay set aside they
be and appear before the undersigned
Justice of the peace for the County
aforesaid on the 29th day of June 1860
at my office to testify the truth of
their knowledge touching a certain
matter before me depending between
Sam^l Brown is plaintiff and Frank M
eyers and others are defendants on the
part of the plaintiff thereof fail
not at your peril and have you
thus then this writ

Given under my hand this 21
day of June 1860

Wm. H. Hopton J.P.

Samuel Brown
m. 3 Dec 1855

Frank Meyer

Rev. Mr. W.C.

Dr. C. C. Caldwell

John Wiley

These are the names of
the persons who were
present at the meeting
of the Synod held at
the 22. 1855

Wm. B. Brown

State of Wisconsin } To the Court of Platte
County of Jefferson } Township Greeter

You are hereby commanded to summon
Frederick, Kinsley that all excuses and
delays set aside he be and appear before
me ^{Esqr} J. H. Foster a Justice of the Peace
for the Township of Platte in said Coun-
ty on the 29th day of June 1860 at ten of
the Clock at my office to testify the
truth of his knowledge Touching
a certain matter of Controversy before
me depending between Howard Mifflin
and others are Defendants and Samuel
Brown is Plaintiff on the Part of the
Defendant hereof fail not to
comply and have you there and
then this writ

Given under my hand this the
29th day of June 1860

J. H. Foster J. P.

Amos Brown
N. S. Lutz
Frank Meyer
and others

Thirty five copies
Theodore. Huntley

I send the within
the within named
to acknowledge
sent on the 29th
day of June 1860
D. J. Burd
Curtis

Samuel Brown
 vs
 Frank Meyer &
 Peter Kutz } Before William Foxton
 a Justice of the Peace
 for Platin Township
 Jefferson County Mo
 under Landlord & Tenant act.

Thos C Hetcher for Saml Brown
 the above named plaintiff, being duly
 sworn, upon his oath states that his appli-
 cation for an appeal in the above cause
 is not made for vexation or delay, but
 because he believes the appellant is
 injured by the judgment of the Justice,
 and that appellant is a ^{very} resident of Jefferson county.
 Signed & sworn to before
 me July 7th 1860.

Thos C Hetcher

Wm Foxton J. Pees

We the undersigned Samuel Brown and
 Thomas C Hetcher, acknowledged oursel-
 ves indebted to Frank Meyer and Peter
 Kutz in the sum of Fifty dollars to be
 paid upon this condition: whereas Saml
 Brown has appealed from the judgment of
 William Foxton a Justice of the Peace in
 an action between Samuel Brown Plaintiff
 and Frank Meyer and Peter Kutz defen-
 dant, now if, on such appeal, the judgment
 of the Justice be affirmed, or if on the trial
 averse in the appellate Court. judgment

he 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.

Saml Brown: seal
by Tho C Fletcher his atty

Tho C Fletcher

Approved July 7th 1860

J. H. H. Justice of the Peace.

Appellant J. J.

Appeal Bond

State of Missouri } Transcript from J.P. Deeds
County of Jefferson }

Samuel Brown } Plff
 } against
Frank Meyer } Defendants
Peter Kutz }

Before H. M. Foster J.P.
for the recovery of leased land and tenement

Affidavit filed by Plff April 21st 1860
Summons issued against defendants April
C 3rd 1860 returnable on the 7th day of May
1860 and for want of a proper officer to be
had James Foster of La Fayette age is authorized
at the request of the plaintiff to execute
the summons aforesaid which is done

Now on this the 7th day of May
1860 defendant appeared and the plaintiff
failing to appear this cause is continued
generally by the Justice till the fourth
Saturday in May 16th 1860

Now on this the 26th day of May 1860 the
day set for the trial of this cause aforesaid
defendant appeared and the plaintiff fail-
ing to appear it is considered by the Justice
that the defendant have judgment
of nonsuit and that he have execution
for costs

Now at this day the 1st day of June
1860 came Thomas C. Fletcher atty. for Plff
aforesaid and makes application to sit
aside judgment of nonsuit in the cause

as aforesaid and for good Cause shown the Judgement as aforesaid is set aside and a new Trial granted and the second Saturday in June the 9th inst 1860 is the day set for the Trial of the Cause as aforesaid

Cost of Munsuit paid by Plaintiff atty
J.C. Fletcher \$4.20cts

Notice for a new Trial issued against defendants June 2^d 1860 in hands of Cantale returnable on the 9th day June 1860 Sulphory issued for defendants return also a Return for July 2^d day of June 1860

Now on this the 9th day of June 1860 Came the parties as aforesaid and for good Cause shown on the part of the defendant this Cause is Continued till June 29th 1860 John H. Dixon John Wilcox Jacob Entress David Coadwall &c. being present in Court are notified to attend with out further notice Offset filed by Defendant \$74.42

Summons issued for Plaintiff return also a Return for July Sulphory issued for defendant return

Now on this 26th day of June 1860 Came the parties as aforesaid and being ready for the Trial thereof the following named persons were sworn as Jurors to wit S. Spalding H. Sherman Joseph Mc Mullin John Perkins Thomas Huse who after hearing the evidence returned into Court the following verdict - We the Jury find for the defendant - J.D. Mc Mullin for whom it is therefor adjudged that the Defendants recover Judgement for Cost and that they have execution therefor

On this the 17th day of July 1860 Plaintiff
 Tendered his affidavit and appeal Bond
 for fifty dollars of himself and J.C. Fletcher
 as security and prayed an appeal to the Circuit
 Court from our said judgement which
 being deemed sufficient ~~it is ordered~~ that
 an appeal as prayed be allowed Plaintiff
 Wm H Foster J.P.

Wm Foster J.P. fee paid by att. Fletcher	\$ 3.60
Jamy, Foster " "	1.25
Jamy fee " "	1.25
Court on Nun sent " "	4.20

10 30

B. J. Byrd Court fees	\$ 1.40
John Wiley wit two day	1.00
Isabel Entwiff " "	1.00
David Cadwallader " "	1.00
John Dixon " "	1.00
Frederick Kestly " "	1.50
	<u>\$ 5.90</u>

State of Missouri)
 County of Jefferson) " Same, Brown
 Frank Meyer et al

I William Foster a Justice of
 the peace within and for the County
 aforesaid Certify that the above

and foregoing is a full true and com-
plete transcript of all the entries made
in my docket relating to the said Cause
aforesaid and that such transcript is
accompanied by all the process and other
papers filed with the Justice relating to
such suit

Given under my hand this the
7th day of July 1860

J^{ms} Hoffer JP

Sam^l Brown

vs
Frank Meyer

et al

Transcript

from JP's

Docket

Filed July 13th 1860

Elus & Co only
Clerk

Sam Brown left

Appeal from Wm. Taylor &c.

vs

is the above defendants

Frank Meyer left

you are hereby notified

^{of the} ~~fact~~ ^{same}

that the above entitled cause has been appealed

to the circuit court of Jefferson County

Nov 10 - 1860

Sam Brown appellant

vs Thos L Fletcher et al

notice to
Frank Meyer

dated 22nd

Sheriff fees 36

I have on file the written declaration in
the County of Jefferson State of Missouri
on the 22nd day of November 1860 by hearing
a true copy of the writ of Habeas
corpus Place of abode with a free white
person of the family over the age of
fifteen years and of 26 years of age
about

Sam^l Brown

Frank. Meyer et al

} Fee Bill

Wm Hoffman J.P. Cost Paid by att. H. H. H. \$3.60

James Hoffman D. Cost Cost " 1.25

Cost of Non Suit paid by H. H. H. att. 4.20

\$ 9.05

Lang fee paid by att. H. H. H. 1.25

B. J. Byrd Constable Cost - \$ 1.40

John W. Leox int. two days 1.00

Isaac. Entkeff " " 1.00

David. Cadwallader " " 1.00

John. Dixon " " 1.00

\$ 5.40

Andrick. Kestly - one day 50 cts

I hereby Certify the above fee bill
to be true
Wm Hoffman J.P.

Brown

in { Stilney at

the 13th