

Jefferson County Circuit Court
Case file - Civil

Box

13

Folder

25

May 1861 No 25

Beeler, Jesse F

VS

Brazzake, Harry W

Breach of contract

\$500 damages for breaching lease and
mining rights; real estate and livestock
attached; bill of exceptions

A memorandum of a contract
Entered into this day By Jesse F Beeler

And Drury W Brazel Both of Jefferson
Co. Missouri It as follows to wit ~~the~~ the
said Beeler has sold to the said Brazel
all of his Interest ~~in~~ right title claim or dem-
= and that ^{he} has by lease or otherwise to a
certain tract of Land leased of A. H. Evans
of St Louis County by William W Sumner
Jesse F Beeler & Drury W Brazel also
the said Beeler's Interest in all the miner-
-al or lead ore also the said Beeler's Interest
in the wash place mining tools house hold
appertainencies &c For which the said Brazel
Bind himself to execute his note or notes
to the said Beeler one for one hundred
dollars And one note for the full am-
ount of all the Expences & labour that the
said Beeler has paid or been out In the
mining operations under the above named
lease The said notes to be executed on or
before the fifteenth of this month bearing
interest at 10 pr ct pr annum from date the
said amount to be well secured And the
said Brazel also agrees to pay all or any
amount that the said Beeler is bound to
pay to any creditors In said mining opera-
tions as above & fully indemnify him
against the same from this day forth
The said Brazel agrees also to perform in
good faith all that the said Beeler is bound
to do by virtue of said lease In favor of
A H Evans And fully indemnify the said
Beeler to all intents and purposes witness
Whereunto have this day and date set our

hands and seals This 5th day of
February in the year of our Lord
1861

Jesse F. Beiler

Attest

Deweyl O. Brazier

William W. Sumner

Beiler

Brazier

Sumner

Jesse F. Beeler, - plaintiff

Against

Drewry W. Brazeale, - defendant

{ In the Circuit Court of
Jefferson County Missouri.

The Plaintiff states that on the 3rd day of February 1861, the Defendant executed under his hand, as did also the Plaintiff, an Agreement of that date (herewith filed) by which the Plaintiff sold and delivered to Defendant, all his interest in a certain Tract of Land leased by A. H. Evans, to William W. Summers, ^{Drewry W. Brazeale} and the Plaintiff, and all Plaintiff's interest in the mineral or lead ore in or upon the mines on said Land, and all Plaintiff's interest in the mineral washing Place, the mining tools thereon, and all the house hold furniture on said premises; in consideration of which the Defendant agreed to pay Plaintiff one hundred dollars in money, and to give his Note and good security for the same, on the 15th day of said month, bearing ten per cent interest from date till paid, and payable on demand, - also, to pay Plaintiff the full amount of all money, labor and expenses, he had laid out and expended and performed in and about said mines, or mining operations, under said Lease, up to the time of making said agreement - and to pay off all debts which Plaintiff had incurred up to that date, in and about said mining operations, and to give his Notes for the same, and release and fully

indemnify Plaintiff against any and all of the debts of the Firm of Summers & Beeler or which the Plaintiff stood charged with, at that time, for any of the mining operations under said Lease, - and also to do & perform whatever services Plaintiff was bound to perform by virtue of said Lease, in favor of said A. B. Evans.

And Plaintiff avers that, in pursuance of said Agreement, he put the Defendant in possession of said Land, and delivered to him all ^{Plaintiff's interest in} the mineral or lead ore on said premises, and the Mining Tools, Washing Place and Household furniture. And Plaintiff avers that he ~~fully~~ performed all the agreements & stipulations, on his part, under said written agreement.

But Plaintiff avers that Defendant, after getting possession of said mines and operating the same, failed to perform any of his agreements and stipulations under said Contract. That, he has failed to pay said one hundred dollars, or to give his Note and Security for the same.

That, up to the time of making said agreement, Plaintiff had laid out and expended in money, and labor performed, in and about said mining operations,

the sum of one hundred and fifty dollars, ^{and that Defendant has failed to pay this sum, or any part of it.} And for a further breach of said agreement, Plaintiff avers that the Defendant has failed to pay off the debts due by Plaintiff to the creditors of said Firm, at the time of said agreement, and has failed to release and indemnify the

Plaintiff against said debts, amounting to about two hundred and nine dollars & fifty Cents, in all, with interest. The particulars of all which, will appear by an Account herewith filed.

Plaintiff ^{states} that, by reason of the various breaches of the agreement aforesaid, Committed by Defendant as herein before stated, Plaintiff has sustained damages to the amount of five hundred dollars, and for which he asks judgment.

} Abner Green
} Attorney for Plaintiff

Jesse F. Beeler, Plaintiff, makes oath and says the above petition and the matters therein as stated he believes to be true.

Sworn to and Subscribed

Jesse F. Beeler

before me April 29th 1861

Elias & Honey Clerk

of Jefferson

In Circuit Court
Jefferson County

James D. Boole
vs,
Benny M. Bragg

Petition

Let attachment
be returned
for
Benny M. Bragg

Filed April 29 1861
Charles J. Henney
Clerk

County of Jefferson St.

The State of Missouri

To the Sheriff of the County of Jefferson, Greeting:
We command you to attach Drury H. Broezeale
by all and singular his lands and tenements
goods, Chattels, rights, moneys, credits, evidences of
debt and effects, or so much thereof as shall be suf-
ficient to Satisfy the sum of Five hundred dollars
with interest and costs of suit, in whose possession soever
the same may be found in your County. And that
you summon the said Drury H. Broezeale, that
he be and appear before our Circuit Court of the County
of Jefferson, on the first day of the next term thereof
to be begun and held at the Court House in Hillsboro
in said County of Jefferson, on the Second Monday
after the fourth Monday in May next, there
and there to answer the petition of Jeph. S. Butler
wherein he asks judgment for Five Hundred dol-
lars: And that you summon all other persons, that
you shall find in the possession of goods moneys or ef-
fects of the defendant, not actually seized by you
and all debtors of the defendant, and such other per-
sons, as the Plaintiff or his attorney shall direct, as
garnishees, to be and appear before our said Court
at the time and place aforesaid, there and there to
answer such allegations and interrogatories as may
be exhibited against them, and have you there
and there this writ.

In Testimony whereof J. Elias J
Honey Clerk of our said Circuit
Court, have hereunto set my hand

I executed the within Attachment in the County of
 State of Missouri on Drury W Brazile by delivering a certified
 copy of this notice and petition on the 4th day of May 1861
 and I did attach on the same day the following described Real
 Estate and property in Jefferson County Mo To wit the West $\frac{1}{2}$ of SE qr
 & East half of SW qr and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ section one Township 41 Range 2 East
 containing 200 Acres also all of his Intrest in 175 Acres it being one fifth
 of said Tract ^{lying} the NE qr of SW qr & SW frac qr of SE qr in section 14 Township 40
 Range 5 East containing 63⁴⁰ Acres also the NE frac qr of section 23

Shoiff fee \$ 1.00
 Stealing bond 50
 Attaching Books & papers 50

Drury W. Brazile

as { Attachment

Decd. of 13000

2541

To Jefferson Circuit Court
 June Term 1861

2025#

Township 40 R 5 East containing 40 Acres also part of Survey No 1990 contain
 70 Acres and part of Survey 1915 containing 7 Acres both in Township 40 Range
 5 East - also on the following described property to wit one ~~dark~~ bay horse & one
 dark bay mare and bay two year old horse colt & one yoke of oxen one red
 the other black about ten years old & one Red bow and half and one Red spotted
 bow and half also one Red and white bow and one Red and Black bow
 and one Red two year old bull & one Spotted heifer one year old also the
 Books and papers kept by Wm Summers of the work & done
 in the mines of said firm

this May the 4th 1861

Oscar J Over Sheriff

and affixed the Seal of said Court
 at office in Hollers the thirtieth
 day of April A D 1861
 Ohio J Honey Creek

Jesse F. Beeler, - plaintiff } In the Circuit
Against } Court Jefferson
Drury M. Brazzale, - defendant, } County,

State of Missouri } Attachment in a civil
County of Jefferson } action

~~and in~~ This Affiant, Jesse F. Beeler, plaintiff in the above entitled cause, states that he has a just demand against the Defendant therein, now due, and that the amount which this Affiant believes he the Plaintiff, ought to recover, after allowing all just Credits and set-offs, is, five hundred dollars; and that this affiant has good reason to believe, and does believe that the said Defendant has fraudulently conveyed or assigned his property or effects, so as to hinder or delay his creditors; also, that the Defendant has fraudulently concealed, removed, or disposed of his property or effects, so as to hinder or delay his creditors; and also, that the Defendant is about fraudulently to conceal, remove, or dispose of his property or effects, so as to hinder, or delay his creditors.

Jesse F. Beeler

Sworn to and Subscribed
before me April 29th 1861
Elias M. Honey Clerk

In Circuit Court
Jefferson County

June 14, 1861
vs,

Henry M. Burgess

Defendant

Filed April 29 1861

Chas. McHenry
Clerk

Jesse F. Beeler, - plaintiff,
Against

Drury W. Brazzale, - defendant,

} Attachment in
} a Civil Action,

We, Jesse F. Beeler, as principal
and Daniel Beeler, as security, acknowledge
ourselves to be indebted to the State of Missouri,
in the sum of one thousand dollars, for the
payment whereof, we bind ourselves, our heirs,
executors and administrators.

The condition of the above obligation, is, that,
whereas, Jesse F. Beeler, as plaintiff, is about
to commence a suit by attachment in the
Circuit Court of Jefferson County, Missouri, as
against Drury W. Brazzale, defendant, returna-
ble to the next Term thereof, wherein the sum
sworn to is five hundred dollars. - Now, if
the said Plaintiff shall prosecute his action
without delay, and with effect; refund all
sums of money that may be adjudged to
be refunded to the Defendant, or found to have
been received by the Plaintiff, and not justly
due to him; and pay all damages that may
accrue to any defendant or garnishee, by reason
of the attachment, or any process or proceeding
in the suit, or by reason of any judgment or
process thereon, then this obligation is to be
void, otherwise to remain in full force.

Witness our hands and seals, this 29th
day of April 1861.

Approved
Nov. 12th 1866

J. H. Hall, Judge -

Jesse F. Beeler (seal)

Daniel Beeler (seal)

James Evin (seal)

In Circuit Court
Jefferson County

John S. Beeler

vs.

Samy M. Braggs

Proa

Attest & approved by me

April 29th 1861

Chas J. McCreary

Clark

Drewry W. Branzeale,

To Jesse F. Beeler Dr.

To the following items of Account,

which you agreed in writing to
pay me, on buying my interest
in the Evans Mines, as per your
agreement entered into writing on the
5th day of February 1861, - being my
expenses in the said mining opera-
tions up to that date, - and one

hundred dollars for my interest in & @
said mines, as per said agreement, - \$100.00

1860, To 9 days work done in Mines pr self at 69¢ pr day	6.23
To 9 days " " in mines pr N Mahler for Beeler	3.12
To 18 days boarding pr self & Mahler for above ^{named} time	4.50
To 1 week boarding McCollerey during work at diggings	1.50
To 2 picks & 2 windless Ropes	3.25
To 3½ days boarding John Morris while digging	0.75
To 3 days work pr N Mahler	1.40
To 1 day Hauling Cobbin Logs pr self with Team	0.75
To 3 days boarding pr self & Mahler	0.75
To 2 days work pr self & Mahler 1 day each	1.05
To 2 days boarding pr self & Mahler as above	0.43
To 2 days boarding & worked pr self	1.20
To amount paid Hulsey & Manes for prospect	1.80
To 3¼ bushel corn meal at 65 cts pr bushel	2.43
To 35 lbs Dry Beef furnished diggings	2.45
To cash paid McCollerey for work in mines	1.50
To amount paid McCollerey for work in mines	1.25
To amount paid McCollerey for work in mines	2.25
To amt at Edmons Store	
To Sugar 50 cts Coffee 50 cts Salt 25 cts	1.25
To 18 yds hatching for Shanty	1.70
To medicine \$1.50 going after same paid Morris	2.00
	\$141.56

Amt Brought forward	\$ 141.56
To amount for medicine & going after same for McColly	2.00
To 6 bushel corn ~~meal~~ at 60 cts pr bushel	3.60
To Turn to mill the same	0.60
To 65 lb Beef at 3 ³ / ₄ cts pr lb	3.60
To 15 lbs Bacon at 12 ¹ / ₂ cts pr lb	1.87
To 80 lb pork 1/2 hog at 6 cts pr lb	4.80
To 3 bushels potatoes got at different times	1.50
To Cash paid E Wilson for Beef	5.00
To 5 bushel potatoes at 50 cts pr bushel	2.50
To Salt furnished Shanty at different times	1.00
To 1 day hauling mineral to hose	1.44
To 1 day Henry Mahler ---	0.40
To 2 days boarding myself & Mahler same time	0.40
To 6 ¹ / ₂ bushel corn 50 cts pr bushel	3.25
To milling the same	0.75
To \$1. worth Tobacco for hands at Greens	1.00
To \$1 worth Sugar & Coffee at Greens	1.00
To 1 gal whiskey bought for Higenson	0.40
To 80 lb pork at 5 cts	4.00
To 9 lb pork salted at 6 ¹ / ₄ cts pr lb	0.56
To 96 " " " " 5 ¹ / ₂ " " "	5.28
To 43 " " " " " " " "	2.36
To 81 " " " " " " " "	4.45
To amount paid Wm Hencely for work	6.93
To 1 bushel potatoes for Shanty	0.50
To \$1- paid McColly for work in plants	1.00
To 2 days riding to try to rent Smith tools	1.40
To 1 meal sack for Shanty & Spoiled	0.30
To 2 corn bags furnished Shanty	0.40
To 1 of furnished	0.75
To 2 heavy quilts	4.00
To 2 light quilts \$1.25 @ 4 each.	2.50
To 2 bushels corn paid John Marris	1.00
To 2 " " " " " " " "	1.10

Am't Prot forward	\$ 211.10
To use of waggon & team hauling at washplace	2.00
To use of " " " hauling mill Rock	0.50
To use of " " " " " timbers	1.00
To use of " & Team 2 days hauling mineral	1.25
To 2 days hauling lumber from sawmill	3.00
To 2 days pr self to Hillsboroug on business	2.00
To 1 day pr self to trial before J Peace	1.00
To 2 days riding out after beef to by	1.50
To 1 trip to grees necessary for Shanty	0.50
To 3 days work done at wash place pr self	2.10
To 2 days work hauling timbers for mineral house	1.40
To 3 days work building & covering mineral house	2.10
To 1 days work in Brazzal Shaft in mines	0.69
To 1/2 day helping to Sharpen Tools at widemans	0.40

To Notes & Accounts due by
said Firm, & which said Brazzale
agreed to pay, To wit,

To Note to Joseph Brown, of	14.00
To Note to Ephraim Wilson, of	8.10
To Note to John Mannion, of	
\$7.25, - Balance on same	5.23
To Acct, due Treas, Meredith of	12.30
To Acct, of Mary O. Beeler	3.10
To The amount due Jake & Lewis at the time of said contract, for work on said diggings, ~~at \$75~~ about 75 dollars, each	150.00

State of Missouri } Balance due \$ 425.39
County of Jefferson }

Jesse F. Beeler, Plaintiff, makes oath &
says the above Account he believes is
correctly stated.

Subscribed Jesse F. Beeler
before me April 29th 1861. Elias Honeychurch

Deeds
or
at M. Breagend
(Exhibit)

Filed April 29. 1861
Oliver Johnson
Clerk

Know all men by these presents that Drury
W Brazeale as principal and C. E. Frost
as security acknowledge ourselves
to owe and be indebted to Jesse F Beeler in the
sum of six hundred Dollars for the true payment
whereof we bind ourselves jointly and severally firmly
by these presents signed with our names and sealed
with our seals this the 4th day of May 1861

yet upon condition that whereas the Sheriff of
Jefferson County in the State of Missouri has by
virtue of an Attachment issued out of the office
of the Clerk of the Circuit Court of said County
in favor of Jesse F Beeler and against Drury
W Brazeale and returnable to June Term of said
Court 1861 and has levied said Attachment upon the
following Described ^{personal} property To wit one dark bay
mare about ten years old and one bay two year old horse
colt. and one bay horse ten years old & one yoke of oxen
three Red and the other black about ten years old & one Red
cow and calf and one Red Spotted cow and calf also one
Red and White cow and one Red and Black cow and
one Red two year old bull & one Spotted heifer one year
old and has left the said property now in possession of
Drury W Brazeale now if the said Drury W Brazeale
shall Deliver up to said Sheriff all of the above described
property at any time he calls for it by the Sheriff giving
him or his security three days notice of said call to
satisfy the demands of said attachment or so much thereof
as is adjudged against said D. W. Brazeale

then the above bond to be null and void otherwise
to remain in full force and virtue this May the 4th 1861

D. W. Brazee Seal

C. E. Frost

Seal

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To. *Wm H. Adams, Chaasrick Hollars, Wm Summers*

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

18th day of June 1861

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 *Deane* *J. Deane* is

Plaintiff and *Young Or Deane* is Defendant on the part of *Plaintiffs* 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

28 day of *May* A. D. 18*61*

Elias F. Honey

Clerk.

Colver's Book
June term 1861

John A. Peeler
as

Henry W. Peapacke

for Debt

Ym Co division

Patrick Willard

Ym W. Lammens

County of Jefferson St.

The State of Missouri:

To the Sheriff of the County of Jefferson: Greeting:
We command to attach Drury H. Breazeal by all
and singular his lands and tenements, goods chat-
tels, rights moneys, credits evidences of debt, and
effects, or so much thereof as shall be sufficient to
satisfy the sum of Five hundred dollars, with
interest and costs, of Suit in whose possession so-
ever the same may be found in your County.
And that you Summon the said Drury H. Breaz-
eal that he be and appear before our Circuit Court
of the County of Jefferson on the first day of the next
term thereof to be begun and held at the Court
House in Hillsboro in said County of Jefferson on
the second Monday after the fourth Monday of
November next. there and there to answer the
petition of Jesse B. Butler, wherein he asks judg-
ment for Five Hundred dollars. and that
you Summon all other persons that you shall
find in the possession of goods moneys or ef-
fects of the defendant not actually seized by
you, and all debtors of the defendant and such
other persons as the Plaintiff or his attorney shall
direct as garnishees to be and appear before our
said Court, at the time and place aforesaid
there and there to answer such allegations
and interrogatories as may be exhibited
against them, and have you there there
this writ

In Testimony whereof J. Elias J.

2d Western Land and Survey
December 1861

John J. Porter
as Surveyor

Henry H. Dwyer

Henry H. Dwyer, Surveyor
and Surveyor of the State of New York
at office in New York City
on the day of July 1861
John J. Porter, Clerk

Jesse F. Buler, Plaintiff
Against
Drury W. Bozeale, Deft. } Attachment in civil
Action.

Now at this day comes the Defendant
for a plea in abatement in the above entitled
Cause, States on oath that it is not true as is
alleged in the affidavit made by the Plaintiff
that the Defendant has fraudulently conveyed or
assigned his property or effects so as to hinder or
delay his creditors ~~his creditors~~: or that he has
fraudulently concealed, removed or disposed
of his property or effects so as to hinder or delay
his creditors: or that he is about or was at
the commencement of this suit, about fraudulently
to conceal, remove or dispose of his property or
effects so as to hinder or delay his creditors.

Sworn to & subscribed before
me this 7th day of April
1863

D W Bozeale

Elias F. Honey

J. F. Butler,

3

Dr. W. H. Hays

See in Statement.

March 31, 1863

Chas. J. Henry

Secy

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

Wm L Brown. & J Archibald Becken
Patrick Bellan

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

13th day of June 1863 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 *Leffe F Becken is*

Plaintiff and *de M. Beegs et al* 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

4th day of *May* A.D. 1863

Elias F Honey
Clerk.

TO JEFFERSON CIRCUIT COURT.

June

Term, 1863

Sepe. v. Beuler

vs. M. Breagel

for Plff

Wm C. Dixon

E. A. Frost

Jaech Raber

Pat. Lollar

Sheriff fees 1.75

I executed the within writ in the County of
Jefferson State of Missouri on 6th day of
May 1863 by reading the same
in the presence and hearing of E. A. Frost
J. A. Frost and Mr. John Joseph Warden
at 1 o'clock

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Wm^o Kearney,*

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 *18th day of June 1863* 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 *W. B. Beeler is* Plaintiff and *D. W. B. Mayeal 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

9th day of *June* A. D. 1863

Elias F. Honey
Clerk.

TO JEFFERSON CIRCUIT COURT.

June Term, 1863

J. D. Beeler
vs
D. W. Brazeal

For Plff
Wm. Hanway

I acknowledge
the service
of this subpoena
this 10th day
of June 1863
Wm. Hanway.

Test J. D. Beeler

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

William Breasel and J. Keller

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

12th day of *December* *1863* 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

Jane Seaborn is

Plaintiff and

St. H. Breasel is

Defendant on the

part of *10th* day of *Sept*

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

19th day of *Nov* A. D. 1863

Elias F. Honey

Clerk.

TO JEFFERSON CIRCUIT COURT.

December Term, 1863
Jesse D. Beeler
vs
W^m Brazeal

for debt

W^m Brazeal
John P. Lollar

J. B. Dower Sheriff \$1.00

A Executed this within writ on J. P. Lollar by Reading the
same in his presence and hearing this the 30th day of November
1863 the within named William Brazeal was not
found in my County This 7th day of December 1863

Jerome B. Dower Sheriff
by B. Dower

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Mrs E. Simpson, West-Porter, Patrick*

et al

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
12th day of December 1863 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 *John P. Butler is*
Plaintiff and *Wm. Ingepact is* Defendant on the
part of *Defendant* 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

23 day of *Nov* A. D. 186*3*

Elias F. Honey

Clerk.

TO JEFFERSON CIRCUIT COURT.

December 30, 1863

Sepe, J. Beeler

vs
L. H. Breagel

for debt

Wm C Dixon

Jacob Raber

Pat Lollar

B. D. Over Sheriff \$1.50

A. Exp. I did this writ on Patrick Lollar by reading the
same in his presence and hearing this 30th day of Novem
1863 also on W. C. Dixon and Jacob Raber by leaving
a true copy of this writ ~~with them to read this 30th day of Nov~~
at their usual place of abode with
a white person of his family over the age of 15

B. D. Over Sheriff
B. D. Over Deft

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *M^r Hannaway, Jacob Rauber, Pat Soller*
Edwin Proctor, W. L. Dixon

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
2nd day of February 1884 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 *Depe, J. Deelen is*
Plaintiff and *de W. Meagrad* Defendant on the
part of *Plaintiffs* 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

28th day of *March*, A. D. 186 *3*

Elias F. Honey
Clerk.

TO JEFFERSON CIRCUIT COURT.

December Term, 1863

Jepe. J. Beeler
vs
W. Breazel

for self

Wm Hananway
Jacob Raber
Pat. Sollar
Ed Waters
W. C. Dixon
Lewis Rider for Deft

J. B. Damer Sheriff \$3.00

Chg

I Executed this writ on Wm Hananway & Wm
C. Dixon by leaving true copies of this writ out
their usual places of abode with
persons at their families over the age of 15 years
on Jacob Raber Pat Sollar Ed Waters & Lewis
Rider by Reading the same in their presence
and hearing this 20th day of January 1864

J. B. Damer Sheriff

SUBPOENA

TO JEFFERSON CIRCUIT COURT.

June Term, 1864

Sepe & Beeler

vs
d. W. Breaghal

for Plff

Wm Hanaway

Jacob Reabarr

Lewis Reider

Wm Summers

Conrad Beeler

Sheriffs fee

\$ 2.25

I Executed this writ on Jacob Reabarr Lewis Reider and Conrad Beeler on the 18th day of May 1864 also on Wm Hanaway on the 19th day May 1864 by Reading the same within their presence and hearing. William Summers not found in my county
Jerome B. Dover Sheriff
by B. Dover Deputy

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To *John Challen Ed. Waters Jr. & Oliver*
Ed. Wilson,

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 *18th day of November* 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 *Jesse T. Neelen*

Plaintiff and *Ernest W. Bearseal*

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

14th day of *Oct* A. D. 186*4*

Elias F. Honey
Clerk.

SUBPOENA

TO JEFFERSON CIRCUIT COURT.

November Term, 1864

Jesse F. Beeler

vs

D. W. Breagood

for Plff.

Pat. Lollar

Ed. Waters

Wm. C. Dixon

Eph. Wilson

J B Dover sh H \$ 1.75

I served this writ on Pat Lollar & Eph Wilson on the 24th of October on Ed Waters on the 24th by Reading the same in their presence and hearing W. C. Dixon not found

Jerome B. Dover Sheriff

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To *John Coleman & all others & all those who may*

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 *12th day of May 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 *Jos. Coleman, is*

Plaintiff and *vs* *all Defendants 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
14th day of *March* A. D. 1865

Elias F. Honey,
Clerk.

SUBPOENA

TO JEFFERSON CIRCUIT COURT.

May Term, 1865-

Jos. & Beelen
vs
A. M. Bradshaw,

For Plaintiff

Pat Callan
E. Waters
E. Wilson
Wm. Carraray,

Fletcher King D. O.

I, the undersigned Clerk of the Peace for the County of Jefferson, do hereby certify that the above named parties have appeared before me and have been sworn to the truth of their statements.

Wm. H. Fletcher
Clerk of the Peace

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Edmund Louis Becker, Jr. Summons*
Edmund Becker,

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 *12th day of May 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 *Beck v. Becker* is

Plaintiff and *Beck v. Becker* is

Defendant on the part of *Plainiff* 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

1st day of *March* A. D. 1865 -

Elias F. Honey,
Clerk.

SUBPOENA

TO JEFFERSON CIRCUIT COURT.

May Term, 1865.

Jep. J. Beeler
vs
Wm. Breazab,

for Plaff
J. Beabaw Louis.
Reed, Conrad
J. Beeler
Wm. Summers

Hetcher Sheriff 275

I received this S. P. & did
I beelue Louis Reed Conrad &
Beeler on the 8 day of May 1865.
Wm. Summers was not to be found in
my County
J. E. Hetcher
Sheriff

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Robt. S. Allen, C. Watson, & William McManaway*

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 *25th day of November 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

Plaintiff and

John F. Becker is

Defendant on the part of *Committee* and herein you are in no wise to fail.

WITNESS, *Wm. F. HONEY*, Clerk of our said Court,

with the *Seal* thereof hereunto affixed, at office, this

25th day of *Nov* A. D. 1865

Saml. A. DeHoy
Clerk.

SUBPOENA

TO JEFFERSON CIRCUIT COURT.

November Term, 1865-

Jesse F. Beeler

vs

D. W. Breazal
Witnesses for Plaintiff

Pat Lollar *nov 1 copy*

E. Waters

E. Wilson *1 copy*

William Heanana

John Williams Dep't Sheriff

fee

2 00

Filed Nov 14 1865

Saml. A. Peppy Clerk

*Executed the within in Jefferson County Mo on
the 1st Day of November 1865 by Recording the same
in the presence and vicinity of ~~Waters~~ E. Waters
William Heanana Pat Lollar and
E. Wilson*

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Orland Lewis Becker & Anne Ammers*
& Conrad Becker

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 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

Plaintiff and *Orland Becker* is

Defendant on the part of *Orland* and herein you are in no wise to fail.

WITNESS, *Orland* Clerk of our said Court,
with the Seal thereof *here* affixed, at office, this
day of *Decr* A. D. 1865

Orland A. Keph
Clerk.

SUBPOENA

TO JEFFERSON CIRCUIT COURT.

November Term, 1865

Jesse & Beeler
vs
D. W. Brezard
Witnesses for Plaintiff

J. Reabaer +
Louis Reeder +
Wm Summers +
Conrad S. Beeler +
John William Dept Sheriff
fee 200

is returned the within in Jefferson County me on the 31
day of November 1865 by reading the same in the presence
and hearing of J. Burkert and Conrad Beeler and
Jesse Beeler
Summers not found in my
County
by John William Dept

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To *Decca Dever, (and others at her bar*
and to appear before by W. W. Summers, as
Attorney at Law for Plaintiff of Summer Beckwith & Beers
 You are *Hereby* Commanded, That setting aside all
 manner of excuse and delay, you appear before our Circuit Court for the County afore-
 said, on the *15th day of November 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 *J. H. Beeler, is*

Plaintiff and *D. M. Beazell*

Defendant on the part of *Plaintiff* and herein you are in no wise to fail.

WITNESS, *W. W. Summers* Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this
13th day of *Nov* A. D. 1865—

Samuel A. Rhymer
 Clerk.

SUBP GEN A

TO JEFFERSON CIRCUIT COURT.

November Term, 1865—

J. H. Beeler

ms

D. W. Breazeal

Witness for Plaintiff

C. Dover —

John Williams Sept Sheriff

fees 50

To Mr. Prescott
My dear friend
Days that the above
will forego is a
true and earned return
Yours
Samuel A. Phelps

I served the within diploma by reading it in the presence
and hearing of George Brown, late Victorian Legislative Council
Member, on the 18th day of November 1867
E. H. Phelps

E. H. Phelps

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *George McFarland*

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 *5th day of November 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

Plaintiff and

J. M. Breachel is

Defendant on the part of

Plaintiff

and herein you are in no wise to fail.

WITNESS, ~~THIS~~ *Samuel A. Coffey*, Clerk of our said Court,

with the Seal thereof hereto affixed at office, this

13th day of *Nov* A. D. 186*5*

Samuel A. Coffey
Clerk.

SUBPOENA

TO JEFFERSON CIRCUIT COURT.

November Term, 1865

Jesse F. Beeler

vs
D. W. Brazeal

George M. Farland

John Williams Dep't Shif

fee

50

*I & executed the within in Jefferson County mo on the
13 day of November 1865 by Beeler the Seame in
Presence and hearing of George me Farland*

E. E. Fletcher Sheriff
by John Williams Dep't

Sept 25th 1860

Sixty days after date we or
Either of us promise to pay to the
order of D. W. Brazeele the sum
of Sixty Dollars for value Received
of him. Negotiable and Payable
without Defalcation or discount

William W. Sumner
Jesse L. Beeler

Jessie T. Buler
vs
D. W. Brozale

Now at this day comes said Deft
and for answer to the petition of the Plaintiff
states that the bond mentioned in said
petition was obtained from ^{him} by fraud in
this: that said Buler wrote said ~~and~~ ^{bond}
& said at the time it contained different
disputations from what it did actually
contain upon Plaintiff's representations
Defendant signed said bond.

Defendant says that at the time he
thought Plaintiff's interest in said lease
Plaintiff represented that the mineral
which was on hand would pay all
the debts due by Plaintiff for labor
and expenses in and about the mines
~~at~~ that of his words Defendant ascertain
ed that the mineral on hand would
not pay one half of the debts due
by said Buler to third persons, that
as soon as Defendant ascertained
that Plaintiff had falsely represented
the amount of debts and the quantity
of mineral on hand he made a
tender to Plaintiff of every thing belonging
to the mines just as he had received
it from Plaintiff including the

memorial on hand and at the time informed
Plaintiff of his reasons for making such
order - Defendant therefore says that
he does not owe defendant anything
under said memorandum either for
the hundred he was to pay said Rule
for his interest in said sums nor for
any debts due by Rule to third persons
Defendant denies that he has been
guilty of any violation of said agreement
but charges that the same ought
to be cancelled as having been
obtained from ^{him} by fraud and fraudulent
representations made by Plaintiff
to him as aforesaid. Deft says Plaintiff owes
him sixty dollars on note executed Thomas by him Sept 25 1860
payable 60 days after - Deft asks for ~~Deft~~ Judgment for said
note & the interest thereon. Thomas for Deft.

Dr Brouzale makes oath & says that
he believes the above petition & the matters
as therein stated are true
Sworn to & subscribed
before me on 22nd - 1863 } J W Brouzale
Henry F. Ahlness
Notary Public.

Paula
"
Barbara

Andrew

Filed Nov 22 1865
Saml. A. Rhyall

Jesse F. Beeler, - plaintiff
Against
Drew H. Brazel, - defendant } In the Circuit Court
of Jefferson County

The Plaintiff for Replication to the Answer of Defendant filed in the above cause, denies that the Bond mentioned in plaintiff's petition was obtained from Defendant by fraud, - Plaintiff denies that he said the Bond contained different stipulations than it did, or that Defendant signed the Bond upon plaintiff's representations. But, says Defendant being a good school, could and did read & examine it for himself, - Plaintiff denies that he represented at the time of the Contract, that the mineral on hand would pay all the debts & expenses of the firm, - Whatever he may have said was a mere matter of opinion, about which Defendant could ^{judge} as well as himself. And Plaintiff denies that he made any false or fraudulent representations about the matter. He states that Defendant, W^m Summers and Plaintiff were partners in carrying on the mining operations on said Land, for which they had a Lease from A. H. Evans, - and that on the 23rd of September 1860, Plaintiff & said Summers bought the interest of Defendant in the same & gave the Note referred to in Defendant's Answer, and which Note (of \$60) was liquidated and settled by the agreement Defendant afterwards, ~~in~~ on the 5th day of February 1861, made with Plaintiff, - and that Defendant was bound by said Contract to deliver the said Note up to Plaintiff, but, in violation of said Contract, he refused to do so, - Plaintiff therefore denies that he owes

Defendant said Note of sixty dollars, or any part of it. - And Plaintiff denies he falsely represented the amount of debts owed by the Firm, or the amount of mineral on hand. On the contrary the Defendant had access to the Books while he was a Partner, and after he sold his interest, he continued working on the premises, & was familiar with the Books, & inaccessibility of the Firm - saw the amount of mineral on hand, and had the same opportunity to judge of the whole matter - the amount of debts, & expenses, & mineral on hand, that Plaintiff had. - But after Defendant had bought Plaintiff's interest in said Firm, & had taken & continued in possession of the same two or three months, the price of mineral fell about one half, which is doubtless the ^{cause} secret of Defendant's refusing to comply with the Contract he made with Plaintiff. - And Plaintiff denies that Defendant tendered to him the whole amount or everything belonging to said ^{in the same condition, in} mines, which he had received ^{from} of Plaintiff: - ^{if he had} ~~and~~ Plaintiff denies that Defendant had any right to rescind said Contract, - and denies that Plaintiff practiced any fraud or fraudulent, or false, representations to induce Defendant to enter into the written Contract stated in Plaintiff's petition. Plaintiff therefore prays Judgment for five hundred dollars damages, (by reason of the various ^{breaches} of said Contract by Defendant,) as in the original petition prayed.

Abner Green
Attorney for Plaintiff

Jesse F. Beeler, Plaintiff, makes oath and says the above Replication & the matter therein as stated he believes to be true.
Sworn to & subscribed before me this 3rd day of December 1865 - J. H. McMullin Clk Co. Court

Jesse F. Beeler

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To E. S. Beebe, D. D. and S. M. Morse

GREETING:

manner of excuse and delay, you appear before our Circuit Court for the County afore-
 said, on the *18th day of May next* 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 *Deane & Deelen vs*

Dear Brother's

Plaintiff and
D. Or. Dearest is

Defendant on the part of Samuel and herein you are in no wise to fail.

WITNESS, ~~THOMAS P. HONNET~~, *Clerk of our said Court.*

with the Seal hereof hereto affixed, at office, this
20th day of March A. D. 1866

Samuel M. Phelps
Clerk.

SUBPOENA

TO JEFFERSON CIRCUIT COURT.

May Term, 1866
Jesse G. Beeler
D. W. Breazeal

Witnesses for Plaintiff

C. E. Beeler
P. Lollar and
E. Waters

Sheriff fee

1.35

I executed the within of for at the County of Jefferson
Missouri on the 21st day of April 1866 on E
Waters and I forthwith by reading the same to
them in hearing and not on C. E. Beeler has
not being found in my respective County

J. C. Hildes Sheriff
Jefferson Missouri

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To *Ed Wilson and William Hamman*

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 *18th day of May 1866*, at Hillsboro, then and there to testify, and the truth to say in certain matter of controversy, now pending in our said Court, wherein *Joee A Deelen* is

Plaintiff and *Ed Wilson*

Defendant on the part of *Deelen* and herein you are in no wise to fail.

WITNESS, *Ed Wilson* ~~Ed Wilson~~ Clerk of our said Court,

with the Seal thereof hereunto affixed, at office, this 18th day of March A. D. 1866

Samuel H. Deelen Clerk.

SUBPOENA

TO JEFFERSON CIRCUIT COURT.

May Term, 1866
Jesse. F. Beeler
vs
D. W. Breazeal
Witnesses for Plaintiffs

E. Wilson and
William Heanaway

Sheriff Lee \$1.00

I executed the within subpoena at the County of Jefferson
Mo on the 21st day of April 1866 on E. Wilson and
William Heanaway they reaching the same to them
in their presence and being

Attest Sheriff
by John Vinyard Dep't

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To *J. Leavel, & Coet, W. H. Main & Summers*

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 *18th day of May next* 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 *James A. Leavel vs*

Plaintiff and *D. M. Beaquest vs*

Defendant on the part of *Plaintiff* and herein you are in no wise to fail.

WITNESS, *W. H. Jones*, ~~CLERK~~ *CLERK* of our said Court,

with the Seal thereof hereto affixed, at office, this *16th* day of *March* A. D. 186*6*

Samuel H. O'By
Clerk.

SUBPOENA

TO JEFFERSON CIRCUIT COURT.

May Term, 1866
Jesse F. Beeler
vs
D.W. Breazeal

Witnesses for Plaintiff

William Summers
J. Reaber and
L. Reed

Sheriff fee

1.20

I executed the within at the County of
Jefferson Mo on the 21st day of April 1866 in
presence of Beeler by reading in his hearing and not
in presence of Reed and William Summers they not
being found in my respective County

Wm J. Fletcher Sheriff
My John W. Wiggins Deput

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Louis Bister*

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 *18th day of May 1886* 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

Plaintiff and *E. W. Beyer* is

Defendant on the part of *Sam'l. A. Beyer* and herein you are in no wise to fail.

WITNESS,

Sam'l. A. Beyer

Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this *20th* day of *June*. D. 1886

Sam'l. A. Beyer
Clerk.

SUBPOENA

TO JEFFERSON CIRCUIT COURT.

May Term, 1866

John A. Beeler

D. W. Breazel

Witnesses for Plaintiff

Lewis Perdue

Sheriff bee

50

*Let Alister Sheriff
by John Wingate Deft.*

*Executed the within at the County of
Jefferson Missouri on the 9th day of May 1866
on Lewis Perdue by reaching in hearing*

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To Patrick Hall and Edward Walters
vs. Mrs. Lewis and Ephraim Wilson

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 14th day of June next 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 Jesse J. Beelen is

Plaintiff and W. H. Beaswell 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

9th day of May A. D. 1864

Elias Honey
Clerk.

SUBPOENA
TO JEFFERSON CIRCUIT COURT.

June Term, 1864

Sepe J. Beeler

D. W. Breagel

for Plff

Patrick Lollar

Edw^d. Walters

Wm C Dixon

Eph^m Wilson

Sheriffs fee \$2.00

*I Executed this writ on Patterson Lollar Edward Walters and Wm C
Dixon on the 18th day of May 1864 also on Eph^m Wilson on the 19th
day of May 1864 by Reading the same within their presence and
hearing*

*Jerome B. Dover Sheriff
by B. Dover Deput*

COUNTY OF JEFFERSON.

The State of Missouri,

TO

James' Walker Trevelick
Mary D. Beardsley William McAdams

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 18th day of May 1866, 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

Plaintiff and

Defendant, on the part of

Plaintiff and herein you are in no wise to fail.
WITNESS, SAM'L A. REPPY, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this

12th day of May A. D. 1866

Sam'l A. Reppy
Clerk.

SUBPENA.

TO

Jefferson Circuit Court

May Term, 1866.

Jesse V. Beeler
vs

I M Breagel

Witness for Plff

Louis Haffner

Frederick Meredith

Mary O Beever

Wm Hanaway

I executed the within and at Jefferson Co Mo. on the
15th day of May 1866 by reading the same in the
hearing of the face of Fred Meredith one of the
within name. Witness
James Evans



COUNTY OF JEFFERSON.

The State of Missouri,

To *James P. Sicker, Jacob P. Sicker,
George McMichael and Joseph D. Sicker*

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 *18th day of May 1866*, 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

Plaintiff and

James P. Sicker
vs
James P. Sicker
Defendant, on the part of *Plaintiff* and herein you are in no wise to fail.

WITNESS, SAM'L A. REPPY, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this

18th day of *May* A. D. 186*6*

Sam'l A. Reppy
Clerk.

SUBPENA.

TO

Jefferson Circuit Court

May Term, 1866.

Jesse F. Beeler
vs
D. W. Breagel

Witnesses for Df

Lewis Bieder
Jacob Reaban
George M. Pharlard
Joseph Brown

I execute the within and at the County of Jefferson Mo, on
the 15th day of May 1866 by reading the same in the pre-
sence of the jury by the within named witnesses
May 17th 1866
James Garvin



The State of Missouri,

To Dear Sister, being with you at the Banks
of the River of Himmaham Bolder & Breadyall, all ached
by your abiding.

GREETING :

YOU ARE HEREBY COMMANDED, That setting aside all manner of excuse and delay, you

Plaintiff and

WITNESS, SAMT. A. REPPY, Clerk of our said Court,

12th day of May
A. D. 1866

Chen, K.

I executed the within subpoena in the County
of Jefferson on the 13th day of May 1864
My hand & seal in his presence & hearing

C. C. Fletcher
Sherriff

SUBPENA.

TO

Jefferson Circuit Court

May Term, 1864.

Deeler
vs

Brageal

Witness for Plff

Oscar Jones

Fletcher Sherriff fee 50

COUNTY OF JEFFERSON.

The State of Missouri,

To

W. J.

Willcox

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 *18th day of May*, *1866*, 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

Plaintiff and

Jesse B. Bledsoe vs

Edw. W. Bledsoe vs

Defendant, on the part of

Plaintiff

and herein you are in no wise to fail.

WITNESS, SAM'L. A. REPPY, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this

12th day of *May*, A. D. 186*6*

Sam'l A. Reppy Clerk.

SUBPENA.

TO

Jefferson Circuit Court

May Term, 1866.

Beeler

vs.

Brenzeal

Witness for Plff

Willcox



COUNTY OF JEFFERSON.

The State of Missouri,

To

Walter Deeler

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 18th day of May 1866, 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

Plaintiff and

Jesse Deeler

vs. Geo. Deegal

Defendant, on the part of

Plaintiff

and herein you are in no wise to fail.

WITNESS, SAM'L A. REPPY, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this

18th day of May

A. D. 1866

Sam'l A. Reppy

Clerk.

I, Martha Beeler hereby acknowledge the service
of the within S. P. A. on the 18th day of May A. D. 1866

Martha E. Beeler

SUBPENA.

TO

Jefferson Circuit Court

May Term, 1866.

Beeler

vs

Dreazal

COUNTY OF JEFFERSON.

The State of Missouri,
To William Wilcox

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 18th day of June 1866, 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 James S. Beeler is

Plaintiff and J. M. Braggall is

Defendant, on the part of Plaintiff and herein you are in no wise to fail.

WITNESS, SAM'L A. REPPY, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this

25 day of May A. D. 1866

Sam'l A. Reppy Clerk

SUBPENA.

TO

Jefferson Circuit Court

May Term, 1866

Jose. L. Beeler

vs
D. W. Breazal.

Witness for Plaintiff

William Wilcox



COUNTY OF JEFFERSON.

The State of Missouri,

To James H. Beal (Bring leave of A. H. Evans
if in your possession)

(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 18th day of June 1866, 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 *James H. Beal* is

Plaintiff and *Q M Breazell* is

Defendant, on the part of *Plaintiff* and herein you are in no wise to fail.

WITNESS, SAM'L A. REPPY, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this

25th day of May A. D. 1866

Saml A. Reppy
Clerk.

SUBPENA.

TO

Jefferson Circuit Court

Mary Term, 1866
Jesse L. Beeler
vs
D. W. Breazeal
Witness for Plaintiff
James A. Beal



COUNTY OF JEFFERSON,

The State of Missouri,

To Frederick Hewitt Marlow Deeler
George McManland & Joseph Barron

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 18th day of June 1866, 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 Deeler & Deeler vs

Plaintiff and Deeler vs

Defendant, on the part of Plaintiff

and herein you are in no wise to fail.

WITNESS, SAM'L A. REPPY, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this

25 day of May A. D. 1866

Saml A. Reppy
Clerk.

SUBPENA.

TO

Jefferson Circuit Court

May.....Term, 1866

Jesse L. Beeler

^{vs}
D. W. Breazeal

Witnesses for Plaintiff

Fred Merideth, Martha
Beeler, George M. Farland
and Joseph Brown

C. C. Fletcher Sheriff
John Williams, Deft fee \$2.00

I executed the within in Jefferson County Mo on the
11th Day of June 1866 By Bonding the Deane to Fred
Merideth & George M^cFarland and on Martha
Beeler & Joseph Brown's handwriting as copy at there
usual place of abode with exhibit
of there quantity over the eye of them
years

C. C. Fletcher Sheriff
By John Williams Deft

COUNTY OF JEFFERSON.

The State of Missouri,

To William Hemanway, Jacob Leeban
Lewis Reister & Andy W. Boever

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 18th day of June 1866, 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 Jesse T. Boever is

Plaintiff and O. W. Brazeal is

Defendant, on the part of Plaintiff

and herein you are in no wise to fail.

WITNESS, SAM'L A. REPPY, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this

25th day of May A. D. 1866

Sam'l. A. Reppy Clerk.
York.

SUBPENA.

TO

Jefferson Circuit Court

May Term, 1868

Jesse L. Beeler

vs
D. W. Breazeal

Witnesses for Plaintiff

Wm. Cleanaway Jacob
Reban Lewis Reider
Mary. Q. Beavers not

Sheriff fee

1.50

I Executed the within in Jefferson County Mo, on the
11th day of June 1868 by Reading the same to Wm. Cleanaway
and on Jacob Reider & Lewis Reider by Reading
copy at their usual place of abode with
a white person there personally then
the age of fifteen years
to Fletcher Shanks
By John Williams Sept

COUNTY OF JEFFERSON.

The State of Missouri,

To David Dore, Being Birt Belonging to
the Firm of Beeler & Co. if in good possession

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 18th day of
June 1866, 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 Jacob A. Beeler is

Plaintiff and David Dore is

Defendant, on the part of Plaintiff

and herein you are in no wise to fail.

WITNESS, SAM'L. A. REPPY, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this

20th day of May A. D. 1866

David A. Reppy
Clerk.

SUBPENA.

TO

Jefferson Circuit Court

May..... Term, 1866

Jesse H. Beeler

vs
D. W. Breazeal

Witness for Plaintiff

Oscar Dover

Fletcher Sheriff 75



COUNTY OF JEFFERSON.

The State of Missouri,

To *Amos Wilcox*

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 *18th day of June 1866*, 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

Plaintiff and

J. J. Beerler is
Amos Wilcox is
Defendant, on the part of

WITNESS, SAM'L A. REPPY, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this

19th day of *June*

A. D. 1866

Samuel A. Reppy Clerk.

SUBPENA.

TO

Jefferson Circuit Court

June Term, 1866.

Beeler

vs

Breagel

Witness for Plaintiff

Wm. Wilcox

Served the within by
reading to the above named
witness in his presence and
hearing.

June 16th 1866 E. F. Quinn
Special Constable

State of Missouri }
County of Washington }

E. F. Quinn makes oath
and says that the foregoing
service is correct.

This 16th day of June 1866. James Lamm
Justice of the peace

J S Beeler
vs
D W Brazile

Statement of G W Wilcox
in the above case

Edmunds & Co Store and mining
account against Summers & Beeler from
Sept 8th 1860 to April 4th 1861 was \$127 $\frac{23}{100}$ as per
Bill, also a note in favor of Edmunds & Co against
Summers & Beeler for fifty dollars dated Aug
28th 1860 bearing Interest at the rate of Ten per cent
per annum, the above account was for mining
purposes, the note also for money ^{paid to them} for the mining
privileges on the A W Evans' tract of land in
the county of Jefferson and State of Mo:
the above D W Brazile was a partner in the above
mining ground during the summer of 1861
the said Edmunds & Wilcox or Edmunds & Co
was not partner in the said mineral grounds
neither did they employ W W Summers, as a
hand to work the said ground, nor any other
hand to work the said ground, for us, as ^{representatives} ~~represent~~
of owning an interest in the said mines, we
claimed a right of receiving the mineral to satisfy

our demands that we hold against the said
parties, in addition to holding them individually,
Sworn and Subscribed before } W. L. Wilcox
me, this 19th day of June 1866
Saml A. Peppy CLK

We agree that the above statement of
W. L. Wilcox may be read in evidence
by either party without objection, June
19th 1866,

John L. Thomas
Atty of Defendant
Abner Green
Attorney for Plaintiff

James S. Decker
of
Q. W. Deane

Filed June 19th 1866.
Done at Albany N.Y.

J. F. Butler, Plaintiff

v.

Dr. W. Brogale, Defendant

In the Superior Circuit
Court. Nov. Term 1866.

Now at this day, come, said Defendant
moves the Court to order the Plaintiff to give
additional Security in this Cause for the
reason that Daniel Butler dead
is now no solvent Security on the Bond.

Witness
for Defendant

Beck
27

Prospere

Proctor to acquire
the to gain an
Additional Security.

Filed Nov 7th 1866.

James A. McPherson

200

Jesse F. Beeler
vs
D W Brazzale

In the circuit Court
of Jefferson County Mo

James A Beal being sworn
states that he is well acquainted with
Jesse F. Beeler, D W Brazzale & W W Sum-
mers. About 1859 or 1860, said Beeler,
Brazzale & Summers rented of A H Evans
a tract of land & farm thereon at the western
part of Jefferson County Mo near Big River
and west of Big River. There was a farm
house on the land and lead mines on
the land, it had previously been occupied by
Judge Dover. Said Beeler, Brazzale & Sum-
mers were by the terms of the lease to pay
to Evans a certain sum per thousand for
all mineral raised on the land & to pay
\$25 per year for rent of the house & farm.
The lease was for about three years. Then
Brazzale went into the house & cultivated the
farm & paid to my knowledge two years
rent for the house & farm. I think that they
did not pay any rent on the mineral.
I think the lease is lost. I have looked
for it & can not find it. I believe that the
lease is lost.

Subscribed & sworn to
before me this 18th day
of November 1866.
Samuel A. Rippey Clerk

J. A. Beal

Bullen Proposa

Refused
If the Court finds from the evidence that
at the date of the written contract the firm
of Summers & Bullen was indebted to Lansing
person in the sum of 6000 cts & that
Bullen represented that the debt were
only 300 cts & that as soon as the
debt was claimed the actual amount
of the debt he lent the sum of
he back to Bullen as he had received
it, then the judgment should be
for 300 cts.

59075

J. F. Buler, }
vs }
D. W. Brozelle }

Be it remembered that on the 14th day of Nov. 1866, the above entitled Cause came on for trial & neither party requiring a jury the matters in issue were submitted to the Court sitting as a jury, and the Plaintiff to sustain the issues on his part read in evidence a contract signed by him & Deft dated Feb'y 5th 1861 in words & figures as follows (here copy) Plaintiff also introduced witnesses and proved that Buler wrote said Contract in the presence of Deft - read the same over, after which they both signed the same: that Deft had taught school & could write & read writing: that the firm of Buler & Sumner, on the 5th Feb'y 1861 owed \$100 for the following items on the a/c owed on in this case - which items are as follows (here copy the items due Buler): that Buler had paid John Monion \$ - E. Wilson \$8.00 Joseph Brown \$14, Fred Merideth \$12 -

Jacob Ruten \$42, & Lewis Ruden \$34, all of which were debts due by the firm of Buler & Sumner. Plaintiff was then sworn himself testified that in Feb'y 1861, Deft being anxious to buy his interest in the mining

lease of Beuler & Summers, came to his house & proposed to give him a hundred dollars, pay him all the expenses he had been at & also to indemnify him against the debts of said firm: that Deft never asked him how the debts of the said firm were: that he told Deft the firm owed him about \$160. & that he supposed the whole debts of the firm would not exceed \$400. that he did not at the time know what the said firm did owe: that all the ~~was~~ debt & lead ore that had been raised by the firm from 1860 up to that time was still on the land: that the amount of ore was variously estimated by himself Deft & others from 20000 to 40000: that in ^{Aug} Sept 1860 he, Deft & Summers leased these mines of A. H. Evans & worked them together until the 25th Sept 1860 when Deft sold his interest therein to Summers & Beuler for \$50 for which they executed their notes: that when Deft bought Beuler out Deft remarked that the sixty dollar note would be so much paid on the Contract: that witness understood the bargain to be that said note of \$50, was to be delivered up & Deft was to pay the \$100. mentioned in said writing as also the expenses of Beuler in regard to the firm: that he Deft promised to pay him

the \$160 due him individually & he ^{did} not
look to ask Summer the other partners
to pay any part of it; that Summer kept
the books of the firm; that witness never
perused the book through - had read
a part of it - did not know whether the
book contained all the debts due by the
firm or not; that he ascertained afterwards
that the firm owed Edmonds & Wilcox
\$160 - Joke & Lewis \$150 - James H. Wilson
about \$50 - Geo. McFarland \$45 - Joseph
Brown \$14 - Med. Mendeth \$12 - Ephraim
Wilson \$8.00 - John Monion \$5.00 - Mary
O. Beeder \$5.10 - making a total with
what was due ^{him} of \$649 - that said firm
owed Summer - but can't say how much
that Dept lived when the books of the firm
were kept & he had access to them - that he
had seen the lead ore on the premises
many times; that in March 1861 Frost was
at the mines & at that ^{time} Dept, witness, Summer
& Frost had an overhauling of the partner-
ship concerns; that it was ascertained
at that time that the debts of the firm were
about \$400; that Frost refused to buy Summer
out; that up to this time Dept had made
no objection to the contract; that he never
asked Dept to secure his note to him
in accordance with the contract - never
had any settlement with Dept never asked

him to sellth - did tell him he wanted him
to pay James A. Wilson's debt - & Joe Brown's
that these debts were pressing & then Dept
^{refused to pay them, and} said he wanted to rescind the Contract -
that all the mineral at the time Dept
wanted to rescind was on the ground but
Sumner was putting ^{it} through a process
that he had been advised damaged the
mineral & rendered it ^{less} valuable;
that Dept said he would not pay the
^{at the time he was offering} debts; that the reason he did not ~~see~~
for debts due Wilcox, Wilson & McFarland
was they were debts of the firm & Dept
was by Contract. Bound to pay them;
that he had paid Lewis & Jaker H. Wilson
Brown M. O. Buel & Monion since
the commencement of this suit
Dept had some mineral hauled to work place

Debt of Dept

I did not pay them when he

Plaintiff also proved by witnesses that Deft
had seen the firm books - that the firm books
were in the house the night the contract was
signed - that no one called for the books or
asked for them

Deft then introduced witnesses & proved
that the night the contract was signed, the Plff
said the debts due by the firm were not much
that there was a small debt due at Rutland
one to Jas. Wilson & some at M^r Fairland's;
that the mineral on hand ^{he thought} would pay all
the debts & more too: that Beul stated
that Edmund Wilcox were partners
with him: that he did not mention
any thing as being due to him, or Sumner,
or Jake & Lewis or Joe Brown, or Monion,
or E. Wilson, or Fred, Mendith or Monion
or Mary & Beul: that Deft never ^{did} ~~did~~
any work on the mines after he bought
Beul: that Plff did, ^{however} not ~~undertake~~ to enumerate all the debts,
^{in said conversation}

Deft was then sworn himself & testified
as follows, that in July 1861 Beul proposed
to sell his interest in the mines for \$100 -
& for Deft to pay the debts due by Beul
on acc of the partnership with Sumner.
that Beul said the debts of the firm would
not exceed \$300: that Beul said the
firm owed him something but did not
say how much - Beul mentioned the debt
of Wilcox & M^r Fairland - but mentioned no
other debts: that he asked Beul how
much the debts were & he replied he
did not know exactly but they would
not exceed \$300. - that afterwards he
ascertained the debts amounted to near

\$700 & he immediately tendered back
to Buler every thing just as he had
received ^{it}, including the house & farm
on the premises, ^{the tender of the mineral & some little stock of fuel} - proposed to move the
next day - Buler replied that he would
make him pay up according to contract
witness said the debts were more than Buler
had represented them & he could not
pay up. Buler said he would not
take back the mines but would
sue him. Since that time witness had
nothing to do with the mineral or mines
but he lived in the house & cultivated
the farm on the premises & has done
so up to the present time, paying rent
to Evans. Summers cleaned up the min-
eral - amounting to about 11000 lbs,
sold same to Edmunds & Wilcox. Deft
never realized one cent from said
mineral or mines.

Deft then asked the Court to declare the
law as follows (here copy instruction) which
the Court refused to give, to which action of
the Court in refusing to give same Deft
then objected & except. The Court then

gave judgment for Plaintiff as follows.
(here copy) to which defendant then excepted
whereupon defendant filed his motion
for new trial as follows (here copy)
which the Court overruled, to which
ruling of the Court in overruling said
motion defendant then excepted & objected then
tenders his bill of exceptions & prays that
it may be signed & sealed in open Court
& made a part of the record which
is accordingly done.

James H. Vail

Seal

Judge 15th Circuit

✓
Baker

Baughall

Price of Inscriptions

J F Buln

vs

D. W. Brazil

Now comes the defendant
and moves the Court to grant him a
new trial for the following reasons

1. Because the evidence does not support the finding of the Court
2. Because the finding of the Court is against the weight of evidence
3. Because the Court refused to declare the law as asked for by the defendant.
4. Because the judgment should have been for the defendant instead of for the plaintiff
5. Because the judgment is for more than asked for in petition
6. Because the Court allowed interest on an open account at the rate of ten per cent.

Thomas & Pipkin Atty
for Defendant,

Pauline

Prague

Prague for new trade

Filed Nov 17 1866
Saml A. D. P. P. L.

and Hamblee 10, 2, Bonnie, &
Mm, H, Baryeals,

Rebecca H. H. H.

at Green

at 1/2 H. H.