

Jefferson County Circuit Court
Case File - Civil

Box

15 Folder 16

December 1863

Morse, John N.

vs
Coleman, E. B.

Carlton, Samuel

Unlawful detainer

Livestock, wagon, carpenter's tools,
farming tools; \$10 damages

John W. Morse, and
E. B. Coleman -

Plaintiffs

Against

Samuel Carlton, - Defendant

In the Circuit Court of
Jefferson County Missouri,

The Plaintiffs state that they are the owners of, and entitled to the possession of, the following specific personal property, to wit, Three Yoke of Oxen, of the value of forty dollars each yoke, - one Cow of the value of fifteen dollars, - one Wagon of the value of sixty dollars, one Mule of the value of thirty dollars, a small Lot of Carpenter's tools, of the value of about twenty dollars, and a Lot of farming tools, of the value of about fifty dollars, ^{and a Lot of Hay of the value of \$10.00} which said property The Defendant wrongfully detains from the Plaintiffs,

Plaintiffs therefore ask Judgment for the recovery of said property, and ten dollars damages for the detention of said property.

Abner Green
Attorney for plaintiffs,

David W. Morse, Agent for the Plaintiffs, makes oath and says the above petition and the matters therein as stated he believes to be true, - and that the property above described has not been seized under any process, execution or attachment against the property of the Plaintiffs, and that the Plaintiffs will be in danger of losing their

Said Property, unless it be taken out of the
possession of the Defendant, or otherwise
secured, and that plaintiff's right of action
accrued within one year.

Subscribed and -
sworn to before me *D W Morse*
this 10th day of
November 1868 Sullivan County Justice of
the peace within and for Jefferson County



Chiles Nov 10 "1863

Dear Mr Henry

Clerks

55th paid by Pfo

atly

John W. Morse & }
 E. B. Coleman } In the Circuit Court
 13, }
 Samuel Carlton } Jefferson County,
 vs. } Mondak.

We, John W. Morse and David W. Morse, are bound to the Defendant, Samuel Carlton, in the sum of six hundred and ten dollars, for the prosecution of the action in the above entitled Cause, for the return to the Defendant, Samuel Carlton, of the specific personal property described in Plaintiff's petition, and which is ordered to be delivered to said Plaintiff, if return thereof shall be adjudged, and for the payment to him, the said Defendant, of such sum as may for any cause growing out of the order in said Cause of action be recovered against the Plaintiff, and for the payment of all costs,

In witness whereof, we have hereto subscribed our names and affixed our seals, this 10th day of November 1863,

John W. Morse Seal
 D. W. Morse Seal

Wm Bond taken
and arrested by
1st Lt. J. B. Davenport
1863
J. B. Davenport
by J. B. Davenport

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

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

We command you, that you summon *Samuel Cartter*

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 *November* next, then and there to answer unto
John H. Morse and E. B. Cole
man

upon *their* original petition, a copy whereof is hereunto annexed and ac-
companies this writ, and have you then there this writ.

Witness, ELIAS F. HONEY, Clerk of our said Circuit

Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this *Tenth*

day of *November* A. D. 18 *63*

Elias F. Honey

Clerk Circuit Court.



I executed the writ, at the County of Jefferson
in the State of Missouri, on Samuel Barton, the within
defendant, on the 11th day of November 1863, by de-
livering to him a copy of said writ and the
annexed petition as furnished me by the Clerk.

J B Power Sheriff
By J. C. Parnes Deputy

2422
TO JEFFERSON CIRCUIT COURT

Dec. 24 22
Saml, 1863

Morse & Co.

vs } Defendants

Saml. Barton

J B Power Sheriff
By Plaintiff 200

State of Missouri }
County of Jefferson }

In the Circuit Court

In Vacation November 10th 1863

John H. Morse and
E. B. Adenreier Plaintiffs

against

Samuel. Carlton Defendant

Action for the recovery
of specific personal property

Now at this day, come said Plaintiffs and file their petition and affidavit as required by law for the possession of the hereinafter described personal property: Thereupon it is ordered by the undersigned Clerk of the Circuit Court of the County of Jefferson that said defendant, deliver the property specified in the annexed affidavit & petition to the Sheriff of Jefferson County, to wit: Three yoke of Oxen of the value of Forty dollars each yoke, One Cow of the value of Fifteen dollars, One Wagon of the value of Sixty dollars, One Mule of the value of Thirty dollars, a Small lot

of carpenters tools of the value of about
Twenty dollars, and a lot of farming
ing tools of the value of fifty dollars
and a lot of Hay of the value of
Ten dollars; And that the Sheriff
if the same be not delivered to him
take the said property from the
defendant and deliver the same
to the Plaintiffs or such care
made and provided by Law.

In Testimony whereof
I hereto set my hand
and affix the Seal of
said Court at office
Nov. 10th 1863

Wm A Honeys etc

I executed the within order, at the County of
Jefferson in the State of Missouri, on Samuel
Carlton, the within defendant, on the 11th day
of November 1863, by seizing & taking possession
of the following personal property, then in
defendant's possession, to wit, two Yoke of work
Oxen, one old Steer, one Red Cow, one Brown Mule,
1 Grind Stone, one large Plow, one Harrow,
three log Chains, one Mattock, one Crow bar,
1 Spade, one hand Saw, one brace & bits, one inch
& 3/4 auger, one Saddle & Bridle, one Wagon, &
a Lot of Hay, and by delivering the same
to David W. Morse, Agent for Plaintiff.

J B Dover Sheriff
J B Dover Secy

John H. Morse and }
E. B. Coleman : Plaintiffs
vs
Samuel Leighton - Defendant

{ In the Circuit Court
of Jefferson Co. Mo.
Amended Petition.

The Plaintiffs state that they are
the owners of and entitled to the
present possession of the following
specific personal property, to wit:

Three yoke of Oxen, of the value of forty
dollars each yoke, One cow of the value
of fifteen dollars, One Wagon of the value
of sixty dollars, one Mule of the value
of thirty dollars a small lot of Carpenter
tools of the value of about twenty dollars,
and a lot of farming tools of the value
of about fifty dollars, and a lot of
hay of the value of ten dollars.

The Plaintiff further states that the above
described property was wrongfully taken,
and that his right of action accrued
within one year.

Plaintiff therefore asks
Judgment for the recovery of said property
and ten dollars damages for the
detention of said property.

Abner Green & Newcomb
Attys for Plaintiffs

David W. Morse Agent for the plaintiffs
makes oath and says the above petition
and the matters therein stated he
believes to be true and that the property
above described has not been seized
under any process execution or attachment
against the property of the plaintiff, and
that the plaintiff will be in danger of
losing their said property unless it be
taken out of the possession of the Defendants
or otherwise secured, and that plaintiffs
right of action accrued within one year
and that the property was wrongfully
taken from plaintiffs.

Subscribed before me

July 3rd 1864

Elias McKeeney clk

D W Morse



Morse & Coleman

vs.

Wm. S. Carlton

Ammonaca Station

Filed July 3rd 1864

Elias McKeeney
Clerk

John H Morse &
E B Coleman
vs
Samuel Carlton

In the Circuit Court
of Jefferson County
Missouri

The defendant answering states that he bought of John H Morse one of the plaintiffs two yoke of the oxen said for in petition for the sum of one hundred and two dollars, that said oxen were delivered in 1863 by said Morse to defendant and said defendant was to pay ^{to said Morse agent} for said two yoke of oxen in a few days after the delivery of them, that in a few days after the delivery of said oxen, defendant offered to pay to said Morse agent agreed on, the sum due John H Morse for said oxen, that said agent refused to receive the money but caused suit to be brought for said oxen & other property. Defendant states that John H Morse & E B Coleman are indebted to him and were indebted to him defendant out one hundred & ~~forty~~ sixty dollars and seventy cents at the time of delivery of said oxen ^{as follows viz} for building a plank fence forty six dollars & seventy cents

for balance due on settlement of accounts
before building said fence, sixty two dollars
and for three months boarding of plaintiffs
hounds, the sum of Eighteen dollars and
for feeding of their mule ~~three~~ months
for being same from Illinois sixteen
dollars, and for six days hunting of cattle
for plaintiffs twelve dollars and for hunting
the mule six dollars. Plaintiff
further states that he did not owe
said Nurse \$10 for the price of said
two yoke of oxen, if he had been allowed
to set off his account against the
price of oxen, that he was ready and
willing to set off his account against the
price of the oxen, but on his
refusal, defendant then to avoid
difficulties on that subject offered to
pay the price & after wards to prosecute
his claim against said Coleman and
Nurse, that plaintiffs agent refused
before commencement of this suit
to allow the defendants set off or to
receive the money for said oxen.

Defendant therefore denies that he
wrongfully detained from plaintiff two yoke
of oxen and for and ~~the~~ states that he

never claimed the other yoke of oxen sued for and has not obtained this yoke of oxen

Defendant denies that he wrongfully detained from plaintiffs one of the three yoke of oxen sued for, the cow, the waggon, one mule, a small lot of carpenter tools and one lot of farming tools, sued for and in petition mentioned, or any part thereof but plaintiff states that in 1863 plaintiffs employed defendant to take charge of a certain nursery and farm of plaintiffs & to work for them upon a tract of land near the tunnel station in this County that as part of the attention to said business and for carrying on their said work, plaintiffs left with defendant said yoke of oxen not claimed by deft. said cow, said waggon, mule, carpenter tools & farming tools, that said property was at their said place ready to be delivered to plaintiffs whenever they desired it, that defendant did not claim the same as his own, nor did the plaintiffs demand the same, nor did defendant refuse to deliver the same to plaintiffs but has been ready and willing at all times before commencement of this suit, to deliver the property sued for, except the two yoke of oxen bought as aforesaid, to plaintiffs but to demand the same plaintiffs wholly neglected wherefor defendant states that he ought not be sued for one yoke of oxen

of the three sued for, one cow, one waggon, one small
a small lot of Carpenter tools and a lot of farming
tools, before demand and refusal

And defendant is ready willing to pay said
Morse said \$110 for two yoke of oxen by the
cash or by audit on said account of \$160.40

Saving answered debt pays for his costs and other
proper orders &c

Samuel Carlton by Beal Atty

Samuel E Carlton states on oath that the fore-
going answers the matters therein as stated he believes to
be true

Subscribed sworn
to before me this 9th
day of March 1864

Samuel E. Carlton

Elias J. Hooley Clerk



Morse & Coleman

vs
Samuel E. Carlton

Answer

Filed Mar. 9th 1864

Elias J. Hooley
Clerk

John H. Morse, and

E. B. Coleman, - Plaintiffs

Against

Samuel Carlton, - Defendant.

In the Circuit
Court of Jefferson
County, Missouri

The Plaintiffs move the Court to strike out the following parts of Defendant's Answer, which read as follows, To wit, - "Defendant states that John H. Morse & E. B. Coleman are indebted to him, and were indebted to him Defendant one hundred & sixty dollars and seventy cents at the time of delivery of said Oxen, as follows viz, for building a Plank fence forty six dollars & seventy cents, for balance and settlement of accounts before building said fence, sixty two dollars, and for three months boarding of Plaintiffs horses, the sum of eighteen dollars, and for feeding of their mule 3 months & for bring same from St. Louis, sixteen dollars, and for six days hunting cattle for plaintiffs twelve dollars, and for hunting the mule six dollars. Defendant further states that he did not owe said Morse \$110, for the price of said two yoke of Oxen, if he had been allowed to set off his account against the price of oxen, that he was ready and offered the agent of said Morse first to set off his account against the price of the oxen, and on his refusal Defendant then to avoid difficulties on that subject offered to pay the price, & afterwards to prosecute his claim against said Coleman and Morse, that Plaintiffs' Agent refused before commencement of this suit, to allow the Defendant's set off, or to receive the money for said oxen, - also, the words, - And Defendant is ready & willing to pay said Morse said \$110, for two yoke of Oxen

by the Cash, or by Credit on said account of
\$160.70, - " for the ^{following} reasons, ^{1st} that said parts of
Defendants Answer amount to a deceitful mode
of pleading an offset to Plaintiffs' cause of
action; which plea is not admissible in
this action, - and said parts of Defendants
Answer therefore constitute no defense to
Plaintiffs' Cause of action, -

2 - Because said Answer, and especially the allega-
tion in the parts above referred to, are indefinite,
and uncertain, and full of duplicity.

3 - Plaintiffs' Cause of action being founded
on a wrongful detention of property, and not
based on a contract, neither a counter claim
nor a plea of offset, is admissible in law
as an answer.

Abner Green
Attorney for Plaintiff

John W. Mason, &
E. D. Coleman

Esq,
Farm of Castleton

Whithorn

To strike out part
of debt to shaver

Decd May 11 1865
Samuel R. M^r
Clerk

Received of J. C. Power Deputy Sheriff
of Jefferson County the following Property
Replevied by said Sheriff from Samuel
Corlton to wit Two yoke of Work
oxen one Old Steer one Red Cow
one Brown Mule
one Grind Stone
one Large Plow
one Harrow
Three Loge Chauls
one Noddork
one Iron Barr
one Spade
one Hand Saw
one Brass and Bits
one Inch and a 1/4 auger
one Saddle & Bridle
and one Wagon
one Lot of hay

Signed

D. W. Morse Agent

Morse

as }
Carton Honey Beehive Writ 100 Alac 150

copy 10 Office 25-

4 Dockets 20 3 contin 75 File 2 pap 10

Spae, Spa 35-

425-

St Repy 3 Spae 105-Dock 5 con

35-ynagt 75-File, papers 5-Freebill 100

325-

C. C. Fletcher 4 Spas 200

200

\$9.50

45-

1465-

20