

Jefferson County Circuit Court  
Case File - Civil  
May 1865

Box 16 Folder 24

Vinyard, Charles  
vs  
Klen, Theodore

Appeal

Plaintiff appealed from JP George  
W. Sublett for 66 2/3 bushels of  
rent corn on \$70; horse attached  
and sold; Supreme Court; depositions

Victoria Station Jefferson Co Mo  
January 26<sup>th</sup> 1865

Mr Glenn

Sir

You are hereby notified  
to give me possession of the house  
and farm, you are now living on,  
belonging to me, and also not to cut  
any standing timber,

You are required to deliver the possession  
of the premises before the first day of  
March 1865.

Yours Respectfully  
Charles Vinyard

Charles Vinyard, Plaintiff } Before  
Against }  
Theodore, Glen, defendant } a Justice of  
the Peace.

The Plaintiff states that he rented the Farm where Defendant now resides, to the Defendant for the year 1864, for one third of the crop Defendant should raise on said Farm, which he agreed to <sup>pay</sup> Plaintiff for the use of said Farm said year. Plaintiff states that Defendant took possession of said Farm and raised about 200 bushels of corn on it, one third of which is ~~sixty six~~  $66\frac{2}{3}$  bushels, which Defendant has failed to pay over to Plaintiff, though often requested. Plaintiff states said rent is of the value of seventy dollars, and for which Plaintiff asks Judgment.

Plaintiff further states that by said agreement, Defendant was to cultivate said Farm in a good husband like manner, but that he failed to do so, but neglected to cultivate six or seven acres of ground, by which Plaintiff was damaged in the sum of twenty dollars, & for which he asks Judgment.

Charles Vinyard  
Plaintiff

Charles Sumner  
D.D.  
Secretary  
of the  
State

Filed July 14<sup>th</sup> 1865  
L. H. Honey cut

Charles Vinyard } Before Geo. W. Sublett  
~~Theodore~~ vs, ~~Blenn~~ } a Justice of the Peace  
Theodore Blenn

State of Missouri }  
County of Jefferson }

This day, personally appeared before me, George  
W. Sublett a Justice of the Peace, within  
and for the County of Jefferson aforesaid, Charles  
Vinyard, who being by me duly sworn, on his  
oath states that the said Vinyard, the Plaintiff,  
has a just demand against Theodore Blenn  
the Defendant, and that the amount which  
this Affiant believes he, the Plaintiff, ought to  
recover, after allowing all just Credits and set-  
offs, is ninety dollars, now due, for rent of a  
Farm, - and that this Affiant has good  
reason to believe, and does believe that the  
said Defendant intends to remove - is remov-  
ing and has within thirty days, <sup>removed</sup> his property  
in part from the leased premises, and that  
this Affiant therefore believes that unless  
an attachment <sup>issued</sup> he will lose his rent aforesaid.  
Subscribed and sworn to Charles <sup>mark</sup> Vinyard  
before me this 1<sup>st</sup> day Feb 1865

Geo. W. Sublett  
Justice of the Peace

Charles Brinman

vs.  
Theodore Glen

—

Affidavit

J. Lee & Dietz 74 49863

E. J. Honey  
Atty

The State of Missouri To the Constable of the  
Township of Belle in the County of Jefferson  
Greeting

You are hereby commanded to attach  
Theodore Glen by all and singular his goods  
chattels money's effects and Credits or so much  
thereof as shall be sufficient to satisfy the  
sum of seventy ~~five~~ dollars with interest and  
cost of suit in whose hands or possession the  
same may be found in your County so that  
he be and appear before me Geo. E. Sublett  
a Justice of the Peace within and for the said  
Township and County at my office in said  
Township on the 11<sup>th</sup> day of February 1865 to  
answer the complaint of Charles Vinyard  
and that you summon the said Theodore  
Glen to appear before me the said Justice  
at the time and place aforesaid to answer the  
of the Plaintiff and also that you summon as  
garnishees all such persons found in your County  
as may be directed by the Plaintiff or his agent  
to appear before the said Justice at the time and  
place aforesaid to answer such interrogatories  
as the Justice may propound and have  
you then and there this writ  
witness my hand this 1<sup>st</sup> day of Feb 1865

Geo. E. Sublett  
Justice of the Peace

Attachment

Charles Wingard  
vs  
Theodore Glen

Filed Feb 14 1865  
C. J. Henry  
clerk

I executed this writ ~~up~~ attaching ~~as~~ as  
the Property of the within Named Theodore  
Glen one Sarnel Mare one wagon  
I further executed this writ in the Township  
of Valle in Jefferson County this 3 Day of  
Feb A D 1865 by leaving a copy ~~of~~ thereof  
of at the usually Place of abode of the  
within Named Theodore Glen with a  
white Person of the Family over the  
age of 15 years

fee 75 cents

Buddolph Washburn  
Constable of Valle  
Township

Charles Vinyard )  
vs ) Before Geo. L. Seiblett, J. P.  
Theodore Glen )

We Charles Vinyard as principal and  
H. P. Bates as Security owe and stand  
indebted to the State of Missouri in the sum  
of one hundred & fifty dollars upon this condition  
that the Plaintiff in the above entitled cause  
Charles Vinyard shall prosecute his action  
without delay and with effect refund all  
sums of money that may be adjudged to  
be refunded to the defendant Theodore Glen  
or found to have been received by the Plaintiff  
and not justly due to him and pay all  
damages and cost 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.

Approved this 1<sup>st</sup> day Feb 1865

Geo. L. Seiblett Justice of the Peace

C. Vinyard  
H. P. Bates

Washington  
D.C.

Given July 14, 1865  
E. J. Adams

The State of Missouri To Wm. H. Land, & Henry Jackson  
of Ascent Augustus Pratt Ascent Dethy I am ever ready  
Commenced to be and appear personally before the  
See the Sublet one of the Ascent of the Peace  
within and for the Ascent of the Ascent of  
October on the 11<sup>th</sup> day of Feb 1845 at the Ascent of  
the Ascent in the Ascent of the Ascent of the  
the Ascent and Ascent. Ascent of the Ascent on the  
Ascent of a Ascent Ascent Ascent Ascent Ascent  
~~Ascent~~ Ascent Ascent Ascent Ascent Ascent Ascent  
the Ascent and Ascent Ascent Ascent Ascent Ascent  
Ascent Ascent Ascent Ascent Ascent Ascent Ascent  
Ascent Ascent Ascent Ascent Ascent Ascent Ascent

Ascent of the Ascent  
Ascent of the Ascent

I enclose this in the chimney of Wall  
in Jefferson County this 8 Day of Feb 1865  
My dearest the same to the within  
Horned Wren. Golank Honey. Washburn  
and G. B. Pratt together Pratt and Burnett  
Twenty.

Feb 8 1865

Dr. Washburn  
Committee of both  
Counties

Will do  
G. B. Pratt  
G. B. Pratt  
G. B. Pratt

Between Ten this visit in the Township  
of York in September - leaving this 3 day by  
Wednesday 1865 by leaving the house to  
the within almost 11<sup>00</sup> AM. When action was  
taken 5 Paper in the 2 day of Oct. 1865  
less 50 cent

Handwritten. When action  
taken the

Filed Aug 14 1865  
E. H. Hume etc

The State of Missouri to William H. Underwood  
and Oscar Dever

~~Wm. H. Underwood~~

You are hereby commanded  
to be and appear personally before me Geo. C.  
Sublett one of the Justices of the Peace within and  
for Bell Township in the County of Jefferson on the  
11<sup>th</sup> day of Feb 1865 at the <sup>hour</sup> of ten of the clock in the  
forenoon of that day at my office in the Township and  
County aforesaid to testify on the trial of a cause & otherwise  
to be called binding is Plaintiff and ~~and~~ Theodore C. Ten Eyck  
in behalf of the Plaintiff and hereof fail not at your peril  
Witness my signature this 1<sup>st</sup> day Feb 1865 Geo. C. Sublett  
Justice Peace

February 1865

Charles Vignard }  
against } Before J. W.  
Theodore Klein on } Sublett Justice  
attachment of the peace  
The Defendant ask the Court  
to Dismiss the above cause for  
the for the following reasons  
that there are no affidavits  
made by the Plaintiff as the  
Law Directs see that the  
Value given in the attachment  
is not sufficient the sum due  
for is over fifty Dollars  
J. C. Pomeroy attorney  
for Defendant

Charles Levisant

no

Mexico La Leon

White

To Permit to  
suit

J. L. L. 14 1865

Edwards

White



Filed Dec 11<sup>th</sup> Feb. 1865

Feb 14 1865 -  
Edwards  
C. W. B.

Charles Vinyard } Before George W. Sublett  
vs. } a Justice of the Peace,  
Theodore Klemm }

State of Missouri }  
County of Jefferson }

This day, came personally before me,  
George W. Sublett, a Justice of the Peace  
within and for the County of Jefferson  
aforesaid, Charles Vinyard, who being duly  
sworn, on his oath states that he has a  
just demand against Theodore Klemm  
the defendant, and that the amount  
which this Affiant believes he, the said  
Charles Vinyard, plaintiff, ought to re-  
cover, after allowing all just credits and  
set-offs, is forty nine — dollars, now due  
for rent, and that he has good reason  
to believe, and does believe, that the defend-  
ant, Theodore Klemm, intends to remove,  
or is removing, or has within thirty days,  
removed his property from the premises  
rented to him by the plaintiff, — and  
that this Affiant believes unless an  
attachment be issued against said de-  
fendant, he said Plaintiff, will lose  
his rent due as aforesaid.

Charles Vinyard

Subscribed and Sworn to before me  
this 11<sup>th</sup> day of Feb 1865

Geo. W. Sublett

Justice of the Peace

Charles Livingston  
Jr.  
Theodore Klemm

~~Alfred~~  
Shumanoff =  
Francis Siles by  
leave of the Court  
This 11<sup>th</sup> day of  
February 1865 -  
Geo. W. Smith  
J. Pease

Filed July 14<sup>th</sup> 1865  
S. J. H. C. C.  
C. H. H.

Charles Vinyard, Plaintiff }  
Against }  
Theodore Klemm, defendant }  
Before George W. Sublett }  
a Justice of the Peace.

This Affiant, Charles Vinyard, states that his application for an appeal in the above entitled Cause, from the judgment of the aforesaid Justice, is not made for vexation or delay, but because this Affiant believes that he, the said Charles Vinyard, the Plaintiff and Appellant, is injured by the judgment of the Justice aforesaid.

subscribed and } Charles Vinyard  
sworn to before me }  
this 13<sup>th</sup> day of Feb-  
ruary 1863.

Geo. W. Sublett  
Justice the Peace

Charles Bringham, Plaintiff  
vs  
Theodore Stern, Defendant  
Before George W. Abbott  
a Justice of the Peace,

vs Theodore Stern, appellee.

Now are hereby notified that a decree  
taken on appeal from the judgment  
of the Justice, in the above entitled cause,  
to the Circuit Court of the County of Polk,  
Iowa in the State of Missouri,

Th<sup>13</sup> day of  
February 1865 -  
Charles Bringham,  
Appellant,

Served the within Notice on the 13th  
Day of Feb. A.D. 1865 in the Township of  
Valle in the county of Jefferson and the  
State of Missouri, by delivering  
a true copy of the Same to the  
J. W. W. W.

R. W. W.

Fee 25 cents

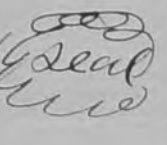
Charles Vinyard  
vs.  
Theodore Kleum

Notice  
of appeal

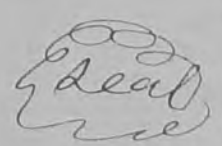
We, the undersigned Charles Vinyard  
as principal, and C. H. Bisett  
as security, acknowledge ourselves indebted  
to Theodore Klemm, in the sum of forty  
dollars, to be void upon this condition;  
Whereas, Charles Vinyard has appealed  
from the Judgment of George W. Sublett,  
a Justice of the Peace, in an action be-  
tween the said Charles Vinyard, plaintiff,  
and Theodore Klemm, defendant, Now,  
if on such appeal, the Judgment of the  
Justice be affirmed or if on a trial anew  
in the appellate Court, Judgment be given  
against the appellant, and he shall sat-  
isfy 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 then this recogni-  
zance shall be void, otherwise to re-  
main in force.

Witness our hands and seals this 13<sup>th</sup>  
day of February 1865.

Approved this }  
13<sup>th</sup> day of Feb- }  
ruary 1865- }  
Geo W Sublett  
Justice of the Peace

Charles Vinyard 

C H Bisett



Charles Livingston  
281  
Theodore Allen  
Recognition  
on official

Filed July 11<sup>th</sup> 1865  
C. J. Johnson att

Charles Vinyard )  
against  
Theodore Klenn }

Plaintiff filed January 31<sup>st</sup> 1865 a statement and directed an attachment to issue for the rent of a certain Farm rented by the Defendant the said Defendant to pay the one third of wheat is raised on said Farm the value of which is about seventy dollars The writ is issued and delivered to, Rudolph Washburn Constable Geo. W. Sublett Justice of the Peace made returnable the 11<sup>th</sup> Feb 1865

The ~~Plaintiff~~ Plaintiff orders a subpoena to issue which is done and delivered to R Washburn Constable

The Defendant orders a subpoena to issue which done and delivered to R Washburn Constable

Feb 11<sup>th</sup> 1865 the attachment and subpoenas issued in this cause is returned executed as the law directs

Feb 11<sup>th</sup> 1865 This day came the parties and the Defendant made motion to dismiss the cause for the reason that the <sup>affidavit of</sup> attachment is insufficient <sup>and</sup> for the want of time. The Court overrules the motion and permits the Plaintiff <sup>on this motion</sup> to amend the account & affidavit

Plaintiff then files affidavit & account claiming \$49 dollars Defendant then denies the facts contained in the affidavit and Cause of <sup>the</sup> Attachment and it is submitted to the Justice who finds the issue for

The Defendant and it is therefore adjudged that Plaintiffs suit be dismissed and that Defendant have judgement for the cost & thereupon Plaintiff tenders his affidavit and appeal bond for 40 dollars as security and from our

Nov 6 1865  
Transcript for Alfred

Charles Wingard  
Esq  
Theodore W. W. W.

Filed July 14th 1865  
Oliver T. Moorey Clerk

Geo. W. Hublett  
Justice of the Peace

Charles Vinard Plaintiff  
against

I Geo W. Sublett a Justice of the Peace within and for the Township of Ball in the County of Jefferson aforesaid hereby Certify that the above foregoing is a full true and complete transcript of all the entries made in my Docket relating to the said case of Charles Vinyard Plaintiff against Theodore Klein Defendant 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 13<sup>th</sup> day Feb 1865  
Geo W. Sublett

Geo W. Sublett  
Secy of the Peace

Constable Fred Thompson

Serving writ 7.5

Summer weight 7.5

Hwashburn 50

JB Pratt 5-6

Augustus Pratt, 50

Burnett Luthy 50

Oscar Love 50

Charles Vinyard, Plaintiff }

Against }

Theodore Klem, - defendant }

In the Circuit Court

of Jefferson County

Missouri, - On Appeal.

In vacation

And, at this day, comes the Plaintiff  
in the above entitled cause, and shows  
to the undersigned Judge of the 9<sup>th</sup>  
Judicial Circuit in the State aforesaid,  
that the Sheriff of said Jefferson County,  
has in his Custody, a Sorel Mare  
seized & levied upon in the above  
attachment <sup>suit</sup> and that said property  
would be expensive to keep till the  
determination of the above suit, - It  
is therefore ordered by the Judge  
aforesaid that the Sheriff of said  
Jefferson County, sell the aforesaid  
property at public sale, in the  
same manner as provided by  
law under writs of fieri facias,  
- and that <sup>he</sup> retain the proceeds of  
such sale, to abide the judgment  
and further orders of the Circuit  
Court of Jefferson County Missouri.

Given under my hand at  
Washington this 27<sup>th</sup> day of July  
1865, Jas W. Owens

Judge of 9<sup>th</sup> Judicial  
Circuit of Mo

This writ came to hand on the 1<sup>st</sup> day of March 1865 and I did execute the same by setting up three notices in three different public places in Valle Township Jefferson County Missouri on the 2<sup>d</sup> day of March 1865 - and did on the 13 day of March in pursuant to said notices proceed to sell at public auction to the highest bidder for cash in hand the following property herein describe to wit a small mare attached as the property of the within named defendant Theodore Klem and at said sale Owen Murry became and was then and there the highest and best bidder for said property at and for the sum of Fifty one Dollars and the same was stricken off and sold to him for that sum

|                   |            |
|-------------------|------------|
| Sheriff fees Levy | 150        |
| advertising.      | 200        |
| Commission        | 153        |
| notice            | 75         |
|                   | <hr/> 5.78 |

Owen of

Theodore Klem

by, Charles Virginia

CC Fletcher Sheriff

|                                             |   |                                                          |
|---------------------------------------------|---|----------------------------------------------------------|
| Charles Lingard Plaintiff                   | } | Attachment before<br>George Shubert Justice of the Peace |
| vs<br>George Shubert Defendant              |   |                                                          |
| For keeping and feeding a short Mare        |   |                                                          |
| 38 days at 35 cts per day up to the time of |   | \$ 13.30                                                 |
| Shubert's sale of said Mare                 |   |                                                          |
| For removing a dog from                     |   | 1.50                                                     |
|                                             |   | <u>\$ 14.80</u>                                          |

I Certify the above to be a reasonable  
charge for keeping said property

Geo W Shubert

March 13<sup>th</sup> 1865

Justice of the Peace

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To Henry Nashburn Oscar Davis  
William Smith & Son

GREETING :

You are Herely 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 Charles Longard is

Plaintiff and Theodore Allen

Defendant on the part of Alf

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

24th day of April A. D. 1865

Edw. Honey

Clerk.

# SUBPOENA

TO JEFFERSON CIRCUIT COURT.

May Term, 1865

Charles Vinyard  
vs  
Theodore Klenner

for Plff.  
Henry Washburn  
Oscar Doves  
vs  
Null Serv

|              |            |
|--------------|------------|
| Sherriff fee | 75         |
| Sherriff     | 75         |
| do           | 35         |
|              | <hr/> 1.85 |

I executed the within Sp in the County of Jefferson  
an Oscar Doves By Reading the same within this  
presence and hearing on the 30th day of May 1865

C. O. J. J. J. Sheriff

By L. G. Whithead Deput Sheriff

I executed this on the 11 day of May  
1865 on Henry Washburn by reading the same  
to him in his hearing. ~~Henry~~  
Null is not to be found ~~in the County of Jefferson~~ Sheriff

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To *John B. Pratt, Louis Pratt, Augustus Pratt*  
*Barnes Luthy*

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 *19th 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 *Charles Langard is*

Plaintiff and *Theodore Mann 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

*30* day of *April* A. D. 186*5*

*Elias F. Honey*  
Clerk.

**SUBPOENA**  
**TO JEFFERSON CIRCUIT COURT.**

May Term, 1865

Nehas Viryard  
vs  
Theodore. Klemm  
for debt-

1 Jno. B. Pratte <sup>April 27</sup>

1 Louis Pratte <sup>27</sup>

August. Pratte

Burnet Lathy

Sheriff's fee 100

Executed the within Spa in the County of Jefferson  
On Jno. B. Pratte and Louis Pratte by reading  
the same within their presence and hearing on the  
27th day of April 1865. C. G. Fletcher Sheriff  
By G. D. Whitehead Deput Sheriff

Argus Pratt and Burnet Lathy is not to be forewarned  
in my County -  
C. G. Fletcher Sheriff

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To *Charles Henderson Henry Washburn*  
*William Adams*

GREETING:

**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 *19th 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 *Charles Langard*

Plaintiff and *Frederick Thompson*

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

*30*, day of *April* A. D. 1865

*Elias F. Honey*  
Clerk.

**SUBPOENA**

**TO JEFFERSON CIRCUIT COURT.**

May Term, 1865

Charles Vinyard  
vs  
Theodore Kerner

for debt

Charles Muller  
Henry Washburn

William Blanks

Sheriff's fee ~~185~~

Sheriff 185

Executed the within Spa in the County of  
Jefferson On Henry Washburn By reading  
off the same with his presence and hearing  
on the 21 day of April 1865

W. B. Fletcher Sheriff  
By L. E. Whithead Deput

I recd this Spa in the County of Jeff  
on the 21 day of April 1865 on W. B. Fletcher by reading  
the same in his presence & hearing county  
Chas Muller is not to be found up to the Sheriff

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To

*Justly*

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 *19* 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 *Chas Cunningham* is

Plaintiff and

*Theodore Allen*

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

WITNESS, *S. S. Robby* ~~ELIAS F. HONEY~~, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this

*19* day of *May* A. D. 186*5*

*S. S. Robby*

Clerk.

# SUBPOENA

TO JEFFERSON CIRCUIT COURT.

May Term, 1865-

Chas. Vinyard  
vs

Theodor Klein

For Defendant  
Luther

Sheriff fees 75-

I do hereby certify that this subpoena was served on the 19 day of May 1865 by bearing the same in the presence & hearing of Luther  
J. H. Hester  
Sheriff

## Sheriff Sale

By virtue of a special order of The Judge of  
the 9<sup>th</sup> Judicial Circuit Court of Missouri made  
on the 27 day of February 1865 in vacation in the  
Case of Charles Vinyard plaintiff against Theodore  
Klem defendant an attachment suit now pending  
in the Circuit Court of Jefferson Missouri  
on appeal and to me the Sheriff of Said  
County delivered ordering the Sale of a Sorel  
mare now in my custody and lined upon as the  
property of Said defendant by the Constable of  
Vallée Township in Said County I will sell at  
public Sale to the highest bidder for Cash the Sorel  
mare aforesaid as the Property of Said defendant  
on the Thirtieth day of March 1865 between the  
hours the hours of 9 O'clock in the forenoon and  
five O'clock in the afternoon at DeSoto in Vallée  
Township in the County aforesaid

Chas. C. Fletcher  
Sheriff

Chas Sumner  
Ms  
Medoe Allen

Recd May 1841  
Sumner to pay 1/2

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Charles Mustard Henry Bradburn*  
& *William Blaine*

GREETING:

*You are* **Hereby Committed,** 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 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 *Charles Doniphan* is

Plaintiff and

*Frederick Helm* is

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

WITNESS,

*Wm. H. HONEY*

*HONEY*, Clerk of our said Court,

with the Seal thereof *to be affixed* at office, this

*22nd* day of

*Decr*

A. D. 1865—

*Wm. H. HONEY*

Clerk.

80  
**SUBPOENA**

**TO JEFFERSON CIRCUIT COURT.**

November Term, 1865

Charles Vinyard

vs  
Theodore Klenner

Witnesses for Defendant

Charles Mullen <sup>gone</sup>

Henry Washburn <sup>Oct 4</sup>

William Blank

Fletcher fees 1.35

Ehls & Cheever, Stationers and Printers, 10 Olive-st, St. Louis.

Filed Nov 14 1865  
Caml. A. Reppelck

I call on you who is in the County of  
Jefferson on 11th Nov 1865 & Henry Washburn on the  
13th Nov of 1865 by seeing the name in their  
printed & hearing their name in that Court in my  
County

W. H. Fletcher  
Sherriff

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *John P. Smith & Louis P. Smith August*  
*Smith & Bunch & Co.*

GREETING :

*You are Herely Commanded,* That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County afore-said, 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 *Charles Quincy* is

Plaintiff and

*Theodore Clemm* is

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

WITNESS, *Wm. P. Hoxley* Clerk of our said Court,

*with the Seal thereof hereto affixed, at office, this*  
*21st* day of *Oct* A. D. 1865

*Saml. A. Clegh*  
Clerk.

80  
**SUBPOENA**

**TO JEFFERSON CIRCUIT COURT.**

*November Term, 1865*

*Charles Vinyard*

*no Theodore Klenz*

*Witnesses for Defendant*

*John B. Pratt*

*Louis Pratt 24*

*August Pratt*

*Berch Luthy*

*Hetcher Sheriff fees 2.00*

*I do certify this is a true and correct copy of the original as filed in the Court of Jefferson County on the 23 day of Oct 1865 by reading the same to them*

*Wm. H. Hetcher*

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To Henry Mackharg, Clerk & over 8  
William D. Hall Senr

GREETING:

You are Herely Commanded, That setting aside all  
manner of excuse and delay, you appear before our Circuit Court for the County afore-  
said, on the 18th 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 Charles Dingman is

Plaintiff and

George H. Kern is

Defendant on the part of

Charles

and herein you are in no wise to fail.

WITNESS, ALL OF US

County Clerk of our said Court,

with the Seal thereof here to affixed at office, this

20th

day of

Decr

A. D. 1865-

Wm D Hall

Clerk.

50  
**SUBPOENA**

**TO JEFFERSON CIRCUIT COURT.**

*November Term, 1865*

*Charles Vinyard*

*vs*

*Theodore Klenz*  
*Witnesses for Plaintiff*

*Henry Washburn 16*  
*3 Oscar Dower ~~get up~~*  
*William Kull Senr*

*Hetcher Sheriff 135*

Enals & Cheever, Stationers and Printers, 10 Olive-st, St. Louis.

*Filed Nov 14 1865*  
*Saml. A. Repply ltr*

*I executed this for in the County of Jefferson on Henry Washburn & Oscar Dower on the 14th 1865 - by receiving the same I think the same is not found in my County*

*W. H. Fletcher*  
*Sheriff*

Charles Vineyard, Plff }  
3 } In the Jefferson  
Theodore Klemm, Deft } Circuit Court.

To Charles Vineyard, the above named  
Plaintiff, Take notice that depositions  
of witnesses to be read on the trial of the  
above entitled Cause, <sup>on the part of Deft</sup> will be taken at  
the office of Geo. Hammel Esq. in De  
Soto Jefferson County Mo. on the 14<sup>th</sup> day  
of October 1865, between the hours of 6  
o'clock in the forenoon and 5 o'clock  
in the afternoon of that day.

Theodore Klemm,  
By Power & Thomas  
atys.

I Executed the Within in Jefferson County mo  
on the 30 day of September 1865 by  
delivering Charles Vineyard a true copy  
there of

C. C. Fletcher Sheriff  
by John Williams Dept

Charles Vineyard

vs

Theodore Klemm,

\_\_\_\_\_

Notice to take depositions.

(Original)

John Williams Dept

Sheriff fee

75

Filed Oct 13th 1865

Saml. A. Peppy Clerk

Depositions of witnesses produced, sworn and examined  
on the 4<sup>th</sup> day of Octbr. in the year of our Lord 1865  
between the hours of eight o'clock in the forenoon, and  
six o'clock in the afternoon, of that day, at Le Lacs,  
in the County of Jefferson, and State of Missouri  
before me, Gust Warner, a justice of the  
Peace within and for the County of Jefferson, in  
a certain cause, now depending in the Circuit Court  
of the County of Jefferson, in the State of  
Missouri, between:

Charles Lingard. Plaintiff  
vs  
Theodore Klenn. Defendant  
on the Part of Defendant

James B. Pratt, of lawful age, being produced, sworn and  
examined, on the Part of the Defendant, deposes and  
says, I lived in the year 1864 in Jefferson County  
Missouri. Theodore Klenn lived at that year in Jefferson  
County at a place called the Lingard Place. I was hired  
by said Klenn to tend a crop on the place aforesaid.  
The crop was tended in good manner. Mr. Klenn had been  
near the hole of the crop cut up in the field. In the fall  
of that year I helped Klenn to shuck the corn and  
at the same time he divided the Corn and said that  
he would have to give one third to Mr. Lingard <sup>for rent</sup> and he  
put it in an other house.

Q. by <sup>Defendant</sup> Plaintiff. Did you put one third there?

(Defendant objects to the Question as being leading and illegible.)  
A. Yes Sir. (Defendant objects to the answer, being the  
result of a leading Question.)

Mr. Klenn requested me and Mr. Washburn to go and

Look at the corn and say how much there was.  
We did not measure it, but to the best of our knowledge  
it was judged it to be about 40 bushels. &  
Cross examination by Plaintiff.

Klemm had in cultivation about 14-15 acres of corn.  
this was on the farm that Mr. Klemm had told me  
that he had rented from Mr. Vingard.

Mr. Klemm told me that he had to pay Mr. Vingard  
one third of the crop <sup>raised for the rent of</sup> that year.

Reedy Plaintiff.

How much corn did you think Mr. Klemm raised  
on that field that year 1864?

Defendant objects to the Question.

Answer. I don't know how much corn it was, I did  
not measure it.

The reason I can not tell how much it was.

Mr. Klemm's Corn was left in the field, not shucked  
and Mr. Vingard was shucked and put in the house.  
I can't form an opinion how much corn was left in  
the field but we took every third shuck.

The time we brought that corn of Mr. Vingard to the crib  
was before Mr. Vingard brought a suit against Mr. Klemm.  
I don't know whether Mr. Klemm gave Mr. Vingard  
any notice of the corn being there for him or not.  
This crib where spoken of was in the Cornfield  
where the corn was raised.

It was all shucked corn that was put in the crib.

The corn was a medium crop. The field next to  
Mr. Klemm's house of about 1-2 acres, was put in corn  
but did not come to much. I don't know what Mr. Klemm  
done with that, I had nothing to do with it.

The reason why that corn in the little field did not come to  
much was, the corn was early planted and a heavy rain  
prevented its coming up, it was replanted and the birds.

putted it up. This was ridge land and so was the <sup>big field</sup> ~~big field~~  
and the half farm. I plowed the little field 3 times.

I don't know whether Mr. Klemm cut down the crop in  
the little field, or gathered any of it. The Corn I spoke  
of as being put in the crib for Mr. Viny and was all  
taken from the big field. I don't know whether Mr.  
Klemm took any corn out of the field before gathering  
to feed his hogs on or not. Mr. Klemm fattened about  
5 or 6 hogs that fall. (Defendant objects to the statement  
regarding the hogs.) Mr. Klemm had 2 horses, one yoke  
of cattle and one milk cow that fall. (Defendant  
objects to the statement regarding horses cattle & cow.)  
I don't know whether Mr. Klemm fed his horses  
cattle's hogs &c. out of the corn field before he drove  
Mr. Viny and part off or not. I think the time  
we gathered the corn for Mr. Viny and was in  
November. I heard Mr. Klemm say <sup>toward spring 1865</sup> ~~about~~ that he  
had received a notice of Mr. Viny and to leave the  
place and that he was going to leave. Mr. Klemm  
was at that time first at work at fixing up a place  
to live near Blackwell Station. ~~out the~~ Blackwell  
Station, is on the other side of Big river.

Subscribed and sworn to before John B. Pratt  
me on the day, at the Place and within  
the hours first aforesaid.

Just. Wm. C. P.

I, Just. Wm. C. P., a justice of the Peace, within and for the County  
of Jefferson, Wisconsin, do certify, that in pursuance of the Commission  
and notice, came before me, at Le La, in the County and State  
last aforesaid, John B. Pratt, who was by me sworn to testify  
the whole truth of his knowledge touching the matter in  
controversy aforesaid; that he was examined, and his

examination reduced to writing and subscribed by him,  
respectively in my presence, on the day, between the  
hours, and at the Place in that behalf first aforesaid  
and his said deposition is now herewith returned

Given under my hand this 14<sup>th</sup> day of Octbr.  
1865

Gust. Wambs. J. P.

Charles Vinyard

vs

Theodore Klemm —

Received per Mail  
opened and

Filed Oct 23 1865

Saml A. Peppery Clk

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To

*William Hull*

GREETING :

**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 *18th* 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

*Charles Living and*

*Shedone Glenn*

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

WITNESS, *J. A. Lehigh* ~~ELIAS F. HONEY~~, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this *18th* day of *November* A.D. 1865 -

*Samuel A. Lehigh*  
Clerk

**SUBP GEN A**

# TO JEFFERSON CIRCUIT COURT.

November Term, 1865

Charles Vinyard  
ms

ms

Headone Klenner

~~Share for 50~~

Sheriff fees 30

Refused  
2. That unless the Jury believe from the evidence that Defendant was about to remove from the premises, without intending to pay rent and with a view to prevent the collection of rent by him, ~~then~~ they will find for deft.

Refused  
3. That Plaintiff cannot recover in this action unless he shows that deft was about to remove his property off the premises and that by such removal Plaintiff would likely lose his rent. That is that he would be placed in a situation <sup>by such removal</sup> more likely to lose his rent than he would otherwise be.

L. Wingard  
ad.  
J. M. Menn

West Nov 23 1865  
Saml & Wm  
ell

Binegard }  
3  
Klema }

Def't moves the Court to set aside the verdict in this Cause & to grant him a new trial for the following reasons,

1. The Jury was sworn to try the plea in a bollement, but the instructions submitted to them the merits of the Case.

2. The Court misdirected the Jury.

3. The Court refused proper instructions.

4. The Court ruled out proper evidence  
Thomas & Power  
for Def't.

Amiguel

is

Wen

---

motion for  
New trial

Filed Nov 23 1865  
Sam'l. A. Relyea

Ameyard  
is  
Menn

Given  
The Court instructs the jury that the  
defendant was not bound to have the con-  
sultation, and that all he was bound  
to do was to gather & send it upon the  
premises.

What before Plaintiff can recover he must  
prove all the material allegations in his  
affidavit.

Given

If the jury find that defendant did not deliver  
to plaintiff the quantity of corn to which he, <sup>(the plaintiff)</sup> was  
entitled by agreement, they will find how much  
more the plaintiff was ~~there~~ entitled <sup>to</sup> at that time,  
and find judgment for the ~~plaintiff~~ ~~for~~ plaintiff. ~~And~~  
~~therefore~~ for the value in money.

If the jury think defendant delivered to plaintiff  
his due portion of the crop, they will find in favor  
of the defendant.

We the undersigned for the Slaves  
England & Ireland

James M. Lusk  
St. Louis

Charles Vinograd } Attachment in Civil  
 Theodore Glenn } Action

Be it remembered that on the 22<sup>nd</sup> day of Nov. 1865, the above entitled cause ~~being~~ coming on for trial all and singular the matters and things in controversy were submitted to a jury and the Plaintiff to sustain the issues on his part introduced Mrs. Robinson who testified that she knew Sept. 1864 the premises upon which he lived & raised a crop in 1864 - there was a ~~lot~~ considerable crop raised - supposes there was raised 250 bushels of corn - she is a daughter of Sept. - and has never seen a field of corn measured after it was gathered. Henry Washburn says he never heard Sept. say <sup>he</sup> intended to leave the premises <sup>when</sup> ~~before~~ his time was out - said his time was out on the 1<sup>st</sup> March 1865, that Vinograd had notified him to leave then she intended to go - saw some corn in an old house in the field which I was told was for Vinograd, <sup>for his rent</sup> supposes there was between 35 & 40 bushels.

Wm Hull says he went with Veneyard to  
Deft's premises which he leased from  
Plaintiff & helped him measure up the  
Corn which plaintiff said Deft had  
put in an old house <sup>for</sup> him - there was  
25 bushels.

Oscar Dover says he measured the ground  
in Cultivation by Deft and there was about  
14 acres - <sup>About an acre</sup> ~~some~~ of this was in meadow.  
I served a notice on Klem for Veneyard  
about the last of Jan. to leave the premises  
on 1st March. Left Deft a copy of the  
notice - (the witness identifies the original  
which is shown to him) <sup>The corn was a medium crop - say 13 bushels an acre. -</sup>  
It was admitted by Defendant <sup>that he was</sup> <sup>to pay Plaintiff</sup> one third of the crop raised  
on the place for the rent, for the year 1864,

Here the Plaintiff closed.  
The Deft on his part introduced Mr. Pratt  
who says that he worked for Deft in 1864  
in raising crop - helped Deft shuck out  
every third shock of corn for Plaintiff - the  
corn had all been cut up & put up in  
shocks. Witness took sick before all

the field was gone over - Witness shucked  
the Corn, every third shock & Dept hauled  
it to an old house for Plff - After  
he left off shucking he does not know  
whether Dept shucked every third shock  
in the field - He <sup>not</sup> ~~aid~~ help to gather all the Corn -

Dept has left the premises - left 1st Sept  
Moreh - moved off near tunnel station  
in Jefferson Co. Ind. - Defendant said to witness, in February  
1865, he intended to move from said premises - he was then working  
on the place he was going to move to.

Pratt says that about Christmas 1863  
the fence around the premises was very good  
on one side but bad on the other - the  
fence was not repaired - & during  
the said of 1864, Dept left & witness drove  
& cattle out the field one morning & 4  
next morning. The Dept offered in evidence the notice  
served upon Dept by ~~Pratt~~ but the Court ruled same out  
upon motion of Plaintiff to which Dept then objected  
& accepted.

The Dept asked the Court to declare  
the law as follows (here copy instructions  
nos 1, 2, 3 & 4) The Court, <sup>gave</sup> nos 1 & 2 but refused  
nos 3 & 4 to which Dept then objected and  
accepted - The Court on its own motion gave  
the following instructions (here copy) to the  
jury of which Dept then objected and accepted  
The jury returned a verdict for Plff for \$15.00  
upon which a judgment was entered up (here

Copy) Deft then filed his Motion for a new trial as follows (here copy) which motion was overruled to the overruling of a trial Deft then offered objections & excepted and here tenders his bill of exceptions which is signed sealed in open Court & made a part of the record.

John W. Emerson  
Judge

Maynard  
vs  
Wheeler

Filed Nov-23/86  
Saml. A. R. P. P. C. R.

In the Supreme Court held at St. Louis, of the State of Missouri,

*October Term 1866*

*October 29th 1866*

*Charles Vinjard*

*Defendant in Error*

*vs*

*Theodore Den*

*Plaintiff in Error*

*Error to*

*Jefferson Circuit Court*

Now again come the parties aforesaid, by their respective attorneys, and the Court being now sufficiently advised of and concerning the premises, doth consider and adjudge that the judgment rendered herein by the said *Jefferson Circuit Court* be in all things affirmed and stand in full force and effect, and that the said *Defendant in Error* recover of the said *Plaintiff in Error* costs and charges herein expended, and have execution therefor. Opinion filed.

STATE OF MISSOURI, SS.

*O. J. Fishback*  
I, ANDREW W. MEAD, Clerk of the Supreme Court, held at St. Louis, of the State of Missouri, certify that the above and foregoing is a full, true and complete copy of the judgment rendered in the above entitled cause, as fully as the same remains of record in my office.

In Testimony Whereof, I have herunto set my hand and affixed the seal of said Court, at office in the City of St. Louis, this *Eleventh* day of *December* A. D. eighteen hundred and *Fifty Six*

*O. J. Fishback*

Clerk.

*By E. M. Lashy Deputy*

Supreme Court of Missouri.

Charles T. Craig

vs

Sheldene Clark

MANDATE.

Judgment of the Circuit Court

Affirmed.

