

DeForest County Circuit Court
Case File - Civil
May 1866

Box

17

Folder

30

Sarpy, John R.

vs

Wilkerson, John

Appeal

Plaintiff appealed from JP Patrick
Byrne on replevin of raft of saw
logs

State of Missouri
County of Jefferson



Before Patrick Byrne
Justice of the Peace

John R Sarpy
vs
John Wilkenson

Plaintiff states that he
is Lawfully entitled to the
Possession of one Raft of
Logs of the value of fifty
dollars that the same was on the 14th day of
March 1866 unlawfully taken and is now
wrongfully retained at the County aforesaid
and that plaintiff is in great danger of losing said
Property unless it be taken out of Defendants
Possession Plaintiff further states that
for the detention of said property and all other
injuries he is damaged twenty five dollars
Wherefore Plaintiff Prays judgement for said
property and twenty five dollars damages
B. H. Miles Makes Oath and says that to the
Best of his Knowledge and Belief the facts contained
in the above statement are just and true
Sworn and subscribed
Before me this 14th day of
March 1866

B. H. Miles agt
John R Sarpy

Patrick Byrne
Justice of the Peace

John R. Sawyer

Filed, May 3 1866
Samuel H. Peppery
clerk

John R Sarpy }
vs } Order of
John Wilkensen } Delwary

The State of Missouri to the Constable
of Merrimac Township in Jefferson County
Greeting

You are commanded to take
two Lots of saw Logs of the value of
fifty Dollars each Lot from the Possession of
John Wilkensen and to deliver the same
to John R Sarpy or his agent B. H. Miles
upon his giving the bond required by law
and you will make due return of this
order on the 31st Day of March 1866 and
you are further commanded to summons
the said John Wilkensen to appear on said
Day at my office in Merrimac Township
to answer further touching the Complaint
of John R Sarpy for the unlawful
Retention of said property

Dated this 15th of
March 1866

Patrick Byrne
Justice of the Peace

Writ

Justices s-vv.

Filed May 3-1866,
Samuel A. Pepper
clerk

Executed the within writ in the township of Merimac
on the 15 of March 1866 By delivering the within
named Logs unto the possession of the Plaintiff
and summoning the Defendant to appear on the
30th day of March 1866 to answer said Complaint

Nathan Pepper
Const

The State of Missouri to the Constable
of Merriman Township in the County of
Jefferson Greeting

We Command you to summons
six Lawful Men of your County qualified
to serve as jurors in the Circuit Court of
Said County and who are not of kin to either
party to appear before me at my office in
the Township of Merriman on the 31st day of
March 1866 at ten of the Clock A M to make
a jury in the action Between John R Sarpy
Plaintiff and John Wilkinson Defendant
Because as well the plaintiff as the said
Defendant have put themselves on the County
for trial and have you then and there the
names of the jury and this writ for

Witness my hand this 26th day of
March 1866

Patrick Byrne
Justice of the Peace

John B. Lundy

VS

John W. Lundy

Primer

Fortin Lee 35

Joseph Dale

W. B. Lundy

Henry H. Lundy

Joe Wilcox

Washington Stephens

Am. Lundy

Siled May 3 1866,

Samuel A. Lundy

State of Missouri }
County of Jefferson }

The State of Missouri
to the Constable of Merrimer
Township in the County of Jefferson Greeting

To John Wese William Rany Israel
Shults and George Klidd, you are hereby
Commanded, that all excuses and delays
set aside you be and appear before me
Patrick Byrne a Justice of the Peace within
and for said township on the 31st Day of March
at the hour of ten O'clock A M to testify the
truth of his knowledge touching a certain matter
of Controversy before me depending between
John R Saffy Plaintiff and John Wilkenson
Defendant on the part of the Defendant
hereof fail not at your peril and have you
then and there this Writ

Witness my hand this 26 Day of March
1866
Patrick Byrne
Justice of the Peace

John R. Jarvis

125

John Wilkinson

Sho

Justice fee - 35

Constitution fee 140

Filed May 3-1866.

Samuel A. DePuy
Clerk

I Return this writ as the law directs by
Reading and summoning the within named
Witnesses on the 26 and 28th of March 1866
Nathan Pepper Clerk

The State of Missouri to the Constable of
Merriam township in the County of Jefferson
Greeting

To Nelson Shults Jesse Becker
Thomas Kidd and J. W. Dibble you are
hereby commanded, that all excuses and delays
set aside you be and appear before me
Patrick Byrne a Justice of the Peace within
and for ~~the~~ township on the 31st day of March
at the hour of ten o'clock A.M. to testify
the truth of his knowledge touching a certain
matter of Controversy before me depending
between John R. Larpy Plaintiff and
John W. Winkenson Defendant on the part
of the Defendant hereof fail not at
your peril and have you then and there
this Writ

Witness my hand this 26th day of
March 1866 Patrick Byrne
Justice of the Peace

John R. Lusk

Yes

John McKeen

Yes

Justified

Good for me

Filed May 3 1866,
Daniel H. Kelley
Clerk

I Return this Writ as the Law Directs By
Reading and Summoning the within named
Witnesses on the 26th and 28th of March 1866
e Nathan Pepper
Const

The state of Missouri to the Constable
of Merriam township in the County of
Jefferson Greeting

I Philip Hellerbrand ~~do~~ Reeves Beaver and
Jacob Bohy and Jesse Beeler you are
herely Commaneded that all excuses and
Delays set asside you be and appear
Before me Patrick Byrne a Justice of the
peace within and for said Township on
the 31st Day of March 1866 at the hour of ten
O'clock A.M. of that Day to testify the truth
of your knowledge touching a certain Matter
of Controversy Before me depending Between
John R Sarpy plaintiff and John Wilkenson
Defendant on the part of the Plaintiff
hereof fail not at your peril and have you
then and there this Writ

March 1866

Witness My hand this 28th Day of
Patrick Byrne
Justice of the peace

John R. Lantry

vs

John Williamson

Defendant

Justice fee 35-

Const fees 10.00

Filed May 3rd 1866

David A. McPherson
Clerk

I Return this Writ as the Law Directs By
Reading and Summarizing the Within named
Witnesses on the 28th Day of March 1866

Nathan Pepper
Const

Don 17. Scotty Off { Before P. Rogers
92 John Wilkerson { Justice of the Peace
Deft- Meramec Tp,
Defendant comes

for and make a motion
to dismiss the plaintiff. for want of
jurisdiction of the court, on ac-
count of the value of the property
replied being actually worth
two hundred dollars, and pro-
fess to prove it.

John Wilkerson

per his atty-

31st March 1866

W. D. Lewis

Motion Overruled and
no proof allowed as to value of
property on this Motion

St. Paul May 3=1866,
Samuel A. McKim
Ct. R.

We the undersigned
acknowledge ourselves
indebted to Jacob Wilkenson in the sum of
~~two~~ hundred dollars to be void upon this
condition Whereas Benjamin H. Miles agent of
John R. Sarpy has appealed from the judgement
of Patrick Byrne a justice of the peace in an
action between John R. Sarpy ~~Plaintiff~~
and Jacob Wilkenson Defendant

Now if on such appeal the judgement of
the justice be affirmed or if on trial anew in
the Circuit Court judgement be given against
~~said~~ appellant and he shall satisfy such
judgement or if his appeal shall be dismissed
and he shall pay the judgement of the justice
together with costs of appeal then this recog-
nizance shall be void

B. H. Miles
Patrick Dunigan

Filed May 3-1866,
Samuel A. Rejter
clerk

John R. Sarge
~~W. S.~~
Jacob W. McKenna

Before Patrick Byrne
Justice of the Peace

Plaintiff filed March the 14th 1866
his affidavit and bond for a writ of Replevin for
a Raft of saw Logs of the value of fifty Dollars in the
Possession of Defendant and ordered a writ to issue
which is done and delivered to Nathan Peppers Const made
returnable to the 30 of March 1866 P. Byrne J. P.

March the 30th 1866 the writ issued in this Cause is returned
Executed as the Law directs and the Cause coming on
to be heard a jury Being summoned a precept issued
the following persons appeared as jurors Joseph Dale
Thompson W. Whitworth James Stewart Jack Wilson
Washington Stephens and Ryal Good and Lawful
Citizens of the Body of the County who having heard
the Evidence returned the following verdict
We the jury find the Raft of Logs the property
of the Defendant Thompson & Whitworth Freeman
Wherefore it is adjudged by the Justice that Defendant
Recover said Logs and Plaintiffs pay Cost of suit

P. Byrne Justice of the Peace
and on this 30th Day of March 1866 Comes said Plaintiffs by
their agent Benjamin W. Miles and files his affidavit
and bond for an appeal with Patrick Duncan as
security which is granted by the Justice P. Byrne J. P.

Witnesses

Jack Bolz } William Roney
Rever Brown } John Wear
Phil Wellerbraun } Israel Shultz
Georg Kidd } Jacob Bolz
Mr. Dibble } Jesse Beuler
Mr. Gohst }

Judgment for Logs
Justice fee \$ 5. 85
Const fee 10. 10
Jury fee 4. 50
Witness fee 10. 00
\$ 30. 45

State of Missouri }
County of Jefferson }

I Patrick Byrne
a Justice of the peace within and for the
County aforesaid do Certify the foregoing
to be a full true and complete transcript
of the entries and proceedings in the Case of
John R. Sarpy vs Jacob Wilkinson as the
same are of record in my Aorket and that
the papers attached are all the original papers
on file in my office

Witness my hand this 17th of April
1866 Patrick Byrne
Justice of the peace

Filed May 3 - 1866
Samuel A. D. P. J. P.
C. H. R.

W. S. A. Reppy

Sir I think I have not
Certified the amount of Cost already accrued in
the appeal now on file in your office in the
Case of Garrigue & Miles vs Johana Graves
from my Wicket. you will be so kind as
to file this paper with the original ones

Garrigue & Miles
vs
Johana Graves } Judgement for Plaintiff

Justice fee	4" 75
Cost fee	5" 00
Jury fee	4" 50
Witness fee	4" 00
	\$ 18" 25

I Certify the above to be the amount of
Cost already accrued in the above Cause

Patrick Byrne
Justice of the Peace

To Messrs J & M B. B. B.

Filed May 3-1866,
Samuel A. H. H. H.
C. H. H.

Ino R Sarpy } assumed Nov, 2' 1866 Book 5. page 324

Jacob Wilkerson

T. Byrne J.P.

\$4.75

N. Peppers const

5.10

Jury

4.00

~~Witness fee~~

1.00

~~Repply Clerk~~

Jury, Jrs Sale

75

Thomp Whitworth

75

Jack Wilson

75

Frank Stephens

75

Sam. Ryle

75

Gas Stewart

75

\$4.50

Witnesses J. Boly

0.50

R. Beaver

0.50

Phil. Kollerbrand

0.50

George Read

0.50

Mr Bible

0.50

Mr Ranney

0.50

Ino Weare

0.50

Israel Shoults

0.50

Jacob Boly

0.50

Leffe Buler

0.50 \$5.00

Mr. Boly

Repply clerk file 12 ps 60. docket 57

Order 357

to Hatcher Sheff call. 20

20

Komey Ch. make fee Bill 257

docket 100

35

150
225
15
419⁰

E. F. Haney Clerk - ~~for papers filed~~
July 12 - papers

the file

S. A. Reppe Files 6 papers out Indgt 50
notions for new trial filed - 20th 70th Billers 85th

Mr. Sublette Justice \$2.00

R. Washburn Const. ~~3000 25-123-50-75~~ 3.50

witnesses

H. Washburn	50
J. R. Pratt	50
Augustus Pratt	50
Bennett Smith	50
Ascan Jones	50

100
175
75
350

C. E. Fletcher 578

11 135
1.85
1.50
50
75
200
1.85
1.55

11.15

236-239-243

578
75
653

Scanned Nov 12 1866 book 5 page 324 at end
of P46 & Sec 10

Special

Exhibit D. I. B. Simpson

and

John Wilkinson

Nov Term

1866

Filed May 3rd 1866,
Same at 10 p.m. 1866