

Jefferson County Circuit Court
Case Files - Civil

Box 20 Folder 77

May 1868, No. 146

Williams, William F.
Williams, James S,

vs.

Denny, Samuel
Higgeson, Charles

Breach of contract

Damages \$258 for failure to pay for
lead ore mined from the Palmer +
Wildman mineral ground in T40R2E

William F. Williams & } In the Circuit
 James S. Williams } Court of
 vs } Jefferson County
 Samuel Denny & } Missouri
 Charles Higginson } May Term 1868

Plaintiffs State that heretofore, to wit,
 on or about the first day of
 November 1864 they being the owners
 of a Lease hold Estate and being
 in possession of and entitled to the use
 and benefit and right to dig for
 Mineral of a lot of Land in Section
 in Township Forty Range

~~Two~~ Two Esat in Jefferson County
 known and described as the Palmer and
 Missouri which Land was held
^{and occupied by plaintiffs by virtue}
 of a valid and subsisting Contract
 between plaintiffs and the then legal
 owner of the fee simple title thereof
 sold the same to Augustus Johnson
 J. W. Pinnell & Solomon Knapp & put them
 in possession of said Land upon the
 following terms, to wit said Johnson
 Pinnell and Knapp then and there agreed
 with plaintiffs to pay them for their
 said ~~interest and right~~ Claim and
 possession of said mining Land
 the sum of Five hundred Dollars

to be paid to Plaintiffs as follows
viz, Said Johnson, Pinnell & Knapp were
to pay or deliver to Plaintiffs one half
of the mineral ^{as the same should be} taken out of said Land
when the same was cleaned ready for
market until said sum of five hundred
Dollars should be paid Plaintiffs, which
agreement was made in writing by said
Plaintiffs & Johnson, Pinnell & Knapp and
signed by them, about the first of November
1864, afterwards, to wit, about the first
of January 1865 said Johnson, Pinnell &
Knapp agreed with Defendants to
let them have said mineral ground &
sold the same to Defendants & put them
in the possession of the same, and the
Defendants then and there adopted and
agreed to with Plaintiffs to carry out
the Contract as above set out & made between
said Johnson, Pinnell & Knapp with Plaintiffs
and to pay to Plaintiffs the sum of five
hundred Dollars for said Land that is
to say to pay or deliver to Plaintiffs one
half of the mineral taken out of said Land
as ~~soon as~~ the same should be taken out
& cleaned ready for market till the sum of
five hundred Dollars should be paid to
Plaintiffs. Plaintiffs say that said

Defendants proceeded immediately to mine
on said Land & did take out & realize mineral
(lead ore) of the value of one Thousand Dollars
but failed to comply with their said Contract
with Plaintiffs: That is to say Defendants
only paid Plaintiffs the Sum of Two
hundred & forty Two Dollars of the proceeds
of said mineral but sold & converted all
the balance to their own use leaving
according to the Terms of said Contract a
balance due Plaintiffs of Two hundred
and fifty eight Dollars - Plaintiffs state
that in Jan. 1866 & at divers other times they
have demanded said Sum of money of
Defendants but they have wholly failed
to pay the same. Wherefore Plaintiffs
pray Judgment for the Sum of Two
hundred and fifty eight Dollars with
interest from the first day of January
1866 till the rendition of judgment

Jo: Williams
Att'y for Plaintiffs

Wm J. S. Williams
per

Denny & Higginson

Action de Contract

Original

Filed July 24th 1868

Elias B. Hooley clerk

Went into process

Williams

Att. for Denny & Higginson

THE STATE OF MISSOURI, }
COUNTY OF JEFFERSON. } SS.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeling:

We command you, that you summon *Samuel Denny*
and Charles Higgerson

if *they* be found in your County, that
they 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 *sixth* Monday after the
fourth Monday of *March* next, then and there to answer unto
Wm D Williams and Jo S Williams

upon *their* original petition, a copy whereof is hereunto annexed and
accompanies 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
Twenty-fifth day of *February* A. D. 18*68*

Elias F. Honey
Clerk Circuit Court.

By *C. D. Herine* Deft

2036
TO

JEFFERSON CIRCUIT COURT.

11 May Term, 1868
J & Thos J. Williams

Sam Denney et al

original

I Executed this writ in Jefferson County Missouri
on the 23 Day of April 1868 By Delivering to
Samuel Denney a true copy of this Writ and
Petition and on Chas. Wiggerson by leaving a copy of this
Writ and Petition at his usual place of abode.

J. M. Williams Sheriff
By R. L. Whitehead Deputy