

Jefferson County Circuit Court
Case Files - Civil
March 1870, No. 35

Smith, Thomas O.

vs

Sapp, Benjamin

Debt on note

Debt \$250; defendant filed

\$190 set-off account for wintering
horses

Box

25 Folder 43

Thomas O Smith } In the Jefferson
Benjamin Sapp } Circuit Court

This affidavit Thomas O Smith on his oath says that the defendant Benjamin Sapp executed and delivered to this plaintiff Thomas O Smith his promissory note for Two hundred and fifty dollars bearing ten per cent interest from the date thereof and dated on the 22^d day of December 1868 and becoming due and payable one day after the date thereof which note nor any part thereof has never been paid by said Sapp and that the plaintiff has lost said note and the same can not be found.

Sworn to and
Subscribed before
me this 18th day
of February 1870

Thomas ^{his} Smith
mark

Samuel Eaker J. P.

Thomas C. Smith Plaintiff } In the Circuit Court
vs. } Jefferson County Mo
Benjamin Sapp Def } March Term 1870.

Plaintiff states that the Defendant by his promissory note dated on the 22nd day of December 1868 promised for value received to pay Plaintiff one day after the date thereof the sum of Two hundred and fifty Dollars ~~to go~~ bearing Ten per cent interest from date, which said note together with the interest thereon is still due the Plaintiff and unpaid Plaintiff further states that said note has been lost so that the same cannot be ^{is shown by an affidavit of the same person} filed with this Section as, wherefore Plaintiff prays Judgment against Defendant for the said sum of Two hundred & fifty Dollars together with Ten per cent interest thereon from the 22nd day of December 1868 till the rendition of Judgment.

Jos. J. Williams
Atty. for Plaintiff

Thomas C. Smith

^{vs}
D. Japhet

action on
note

filed July, 1878
E. H. Hume clerk

Clerk wine process

William
Att. for D. Japhet

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

THE STATE OF MISSOURI,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON—GREETING:

We command you, that you summon

Benjamin Sapp

if he be found in your County, that he be and appear before the Honorable
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 1st Monday after the fourth Monday
of March next, then and there to answer unto

Thomas O. Smith

upon his original petition, a copy whereof is herewithunto 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 herewithto affixed,
at office in Hillsboro, this, 19th
day of February A. D. 1870

Elias F. Honey Clerk Circuit Court.
By S. H. Ayford Deputy.

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RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

March Term 1870
Moses C. Smith

Plaintiff

AGAINST

Ben Sapp

Defendant

Original

Ben Sapp

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The within was served this 19th day of Feb., 1870 at Jefferson County Mo by delivering a copy of the Writ and Petition to the within named Defendant Benjamin Sapp leaving a copy of the Writ and Petition of the within named Benjamin Sapp at his usual place of abode with a white member of the Familie above the age of fifteen years at Jefferson County Mo

Fees \$1.00 By Fred Luthemayer Sheriff
Fred Vollmar
Deputy

Thomas O. Smith Plaintiff } In the Superior
Benjamin Sapp. Defendant } Circuit Court,
March Term
1870.

Now at this day comes said Defendant for answer to the note and admits he executed the note sued.

He further states by way of offset that in addition to the credit given him by Plaintiff as appears by his said petition the Plaintiff owes him one hundred and ninety $\frac{20}{100}$ dollars for boarding horses, pasturing horses, cattle & for corn, the furnishes Plaintiff at his request the particulars of all which will appear by a bill of items herewith filed.

Wherefore Defendant asks that the said sum of \$190. ~~20~~ be set off pro tanto against said note sued on.

John B. Thomas
Atty for Defendant.

Mrs O Smith

Dr.

1868-7-1869- To B. Sapp.

	To Wintering nine head of horses,	93.50.
Mr	" Cash	14.95
"	" 1 calf	12.00
"	" Pasturage for horse Low Hanow	1.50
"	" 1 Yoke of Yoke	1.25
"	" Pasturage for five head of horses for one month	10.00
"	" Pasturage of Sallie J. (Mare)	1.00
"	" " " a lot horses	3.00
"	" " " two horses two months	4.00
"	" " " 4 horses 4 weeks	8.00
Aug 30	" " " 8 head other 2 1/2 months	36.00
"	" " " lot horses & cattle	5.00
	Total	\$190.20

Thomas O. Smith

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Ben. Sapp.

Answer.

Filed M^{ch} 8 786
E. H. H. 10

Thomas O. Smith In the Circuit
vs Court of
Benjamin Sapp Jefferson Co. Mo.

Now at this day the Plaintiff
Comes and for Replication to the
Defendants answer filed herein says
It is not true as is in said answer
alleged that Plaintiff owes Defend-
ant the sum of one hundred and
ninety & $\frac{20}{100}$ Dollars for boarding
Horses, pasturing Horses or Cattle
or for Cash furnished Plaintiff by
Defendant at his or for any
portion thereof or any sum for
either said items, and denies that
the account filed by Defendant
with his answer is correct or
that the items contained therein are
due by Plaintiff to Defendant
and Plaintiff prays Judgment
as in his original Petition

Jos. J. Williams
Atty. for Plaintiff

Thos. D. Smith

B. Sapp

Replication to
Defts, Answer

Dated March 14th 1876
E. J. H. my self