

Todderson County Circuit Court
Case Files - Civil
March 1872

Box 29 Folder 13

Donnell, Eliel F.

vs

Smith, Benjamin P.

Note

Debt \$63.93; real estate in
St. Genevieve County, horse, and
wagon attached; Frederick
Eaglebarger garnishee

36393

Annate March 18th

1869

one day after date I promise to

pay to the order of E. H. Donnell

Sixty three &

$\frac{93}{100}$ Dollars,

For value received, negotiable and payable without defalcation or discount, and with interest from date at the rate of ten per cent. per annum; and if interest be not paid annually, to become as principal, and bear the same rate of interest.

B. J. Smith

Due

R. & T. A. Embs, Stationers and Printers, 118 Olive-st., St. Louis



B. T. Smith

Elie H. Donnell, Plaintiff } In the Circuit
vs } Court of
Benjamin P. Smith } Jefferson
Defendant } County
Missouri

Plaintiff states that the Defendant by his promissory note herewith filed and dated March 18th 1869 promised for value received to pay to plaintiff one day after the date thereof the sum of Sixty three and $\frac{93}{100}$ Dollars together with interest thereon at the rate of Ten per cent per annum from the date thereof which said note also contains a provision that if the interest thereon be not paid annually that the same shall when due annually become as principal and bear interest at the rate of Ten per cent per annum.

Plaintiff avers that the Defendant paid on said note after it was executed and delivered to plaintiff & on the same day Fourteen & $\frac{37}{100}$ Dollars and that the balance of said note together with interest thereon in accordance with the terms thereof as above set forth is still due to plaintiff and unpaid and

for which with interest to be calculated
till the rendition of judgment- in
conformity with the Terms of said
note Plaintiff asks judgment

Jos. J. Williams
Atty. for Plaintiff

Filed January 11 1872,
Wm. Bryce Clerk,
Ct. Clk. Hinds Co.,

Elie J. Donnell
against
Benjamin P. Smith

In the Circuit
Court of Jefferson
County, Missouri

This affiant states that the plaintiff in the above entitled cause has a just demand against the defendant therein now due and that the amount which this affiant believes that the plaintiff ought to recover after allowing all just credits and offsets is sixty-three Dollars and that this affiant has good reason to believe and does believe that the Defendants has ~~have~~ fraudulently conveyed or assigned his ~~their~~ property or effects so as to hinder or delay ^{his} ~~their~~ creditors and that Defendant is about is about fraudulently to convey or assign his property or effects so as to hinder or delay his creditors and that Defendant has fraudulently concealed, removed or disposed of his property so as to hinder or delay his creditors and that the debt sued for was fraudulently contracted on the part of the Debtor

Sworn to and subscribed 3
before me January 10th 1872 3

E. J. Donnell

W. R. Donnell At & Coun

Filed Jan 11 1882,
Wm. Joyce Clerk
Dr. Geo. H. H. H. H.

529
E. J. Donnell

as
B. V. Smith.

action on note by
Attachment
original

Dated January 11 1872.
W. A. Boyce clerk,
By M. H. Quinn Deft.

Clerk issue process &
attachment to
Jefferson Co. & also
attachment to M. Genevieve
Co. mo, Williams
for debt.

An



Edw D Donnell Plaintiff } In the Circuit Court of
vs } Jefferson County Missouri
Benjamin P Smith

Plaintiff states that the Defendant by his promissory note herewith filed and dated March 1878⁶⁹ promised for value received to pay to plaintiff one day after the date thereof the sum of fifty three ~~dollars~~ and ⁹⁸/₁₀₀ Dollars together with interest thereon at the rate of ten per cent per annum from date thereof which said note also contains a provision that if the interest thereon be not paid annually that the same shall when due annually become as principal and bear interest at the rate of ten per cent per annum. Plaintiff avers that the Defendant paid on said note after it was executed and delivered to plaintiff on the same day Twenty & 3/4 Dollars and that the balance of said note together with ~~the~~ interest thereon in accordance with the terms thereof as above set forth is still due to Plaintiff and unpaid and for which with interest to be calculated till the rendition of Judgment in conformity with the terms of said note Plaintiff asks judgment.

Jos J Williams

Atty for Plaintiff

A true copy of the original petition now on file in my office

Witness my hand and the seal of
said Circuit Court hereunto affixed
This January 11th 1872.

W. S. Boyce Clerk
By C. H. Horine Deft

Eliab D. Donnell, Plaintiff }
Benjamin D. Smith Defendant } In the Circuit Court of
Jefferson County
Missouri

Plaintiff states that the Defendant by his promissory note herewith filed and dated March 18th 1867 promised for value received to pay to Plaintiff one day after the date thereof the sum of Sixty three and ⁷³/₁₀₀ Dollars together with interest thereon at the rate of ten per cent per annum from the date thereof which said note also contains a provision that if the interest thereon be not paid annually that the same shall when due annually become as principal and bear interest at the rate of ten per cent per annum, Plaintiff avers that the defendant paid on said note after it was executed and delivered to Plaintiff & on the same day Fourteen & ⁵⁷/₁₀₀ Dollars and that the balance of said note together with interest thereon in accordance with the terms thereof as above set forth is still due to Plaintiff and unpaid and for which with interest to be calculated till the rendition of judgment in conformity with the terms of said note

Plaintiff asks judgment.

Jos. J. Williams

attor for Plaintiff

Eliab D. Donnell }
against } In the Circuit Court of Jefferson County
Benjamin D. Smith } Missouri

This affiant states that the Plaintiff in the above entitled cause has a just demand against the Defendant therein now due and that the amount which this

affiant believes that the Plaintiff ought to recover after
allowing all just credits and off-sets is sixty three
Dollars and that this affiant has good reason to
believe and does believe that the Defendant has
fraudulently conveyed or assigned his property or
effects so as to hinder or delay his creditors and that
Defendant is about fraudulently to convey or assign
his property or effects so as to hinder or delay his
creditors, and that defendant has fraudulently con-
cealed, removed or disposed of his property so as to
hinder or delay his creditors and that the debt sued
for was fraudulently contracted on the part of the
debtor

Given to and subscribed before
me January 10th 1872.

M. R. Donnell Clerk of Court

J. F. Donnell

A true copy of the original petition and affidavit now on file
in my office

Witness, W. S. Boyce Clerk of said circuit
court ~~at~~ of with the seal thereof herunto
affixed at office this January 11th 1872.

W. S. Boyce Clerk,
By Chas. H. Corine Deputy

STATE OF MISSOURI,
COUNTY OF JEFFERSON,

The State of Missouri to the Sheriff of Jefferson County, Greeting:

WE COMMAND YOU to attach

Benjamin P Smith

by all and singular *his* . . . lands and tenements, goods, chattels, rights, moneys, credits, evidences of debt, and effects, or so much thereof as shall be sufficient to satisfy the sum of *Sixty three*

dollars and

cents, with interest and

costs of suit, in whose possession soever the same may be found in your county, and that you summon the said

Benjamin P Smith

that *he* . . . be and appear before our Circuit Court of the county of Jefferson, on the first day of the next term thereof, to be holden at the Court House in Hillsboro, in said county of Jefferson, on the *18th* day of *march* . . . next, then and there to answer the petition of

Eliel F Donnell

wherein *he* . . . ask judgment for

Sixty three

dollars and

cents, and that you also summon

and all other persons that you shall find in the possession of goods, money or effects of the defendant, not actually seized by you, and all debtors of the defendant, and such other persons as the plaintiff or his attorney shall direct, as garnishees, to be and appear before our said court, at the time and place aforesaid, then and there to answer such allegations and interrogatories as may be exhibited against them; and have you then and there this writ.

IN TESTIMONY WHEREOF, the undersigned, Clerk of the said Jefferson Circuit Court, has hereto signed his name and affixed the seal of said Court, at office, this *11th* day of

January . . . 18*72*

W S Boyce Clerk.

By W H Horine Deputy

This writ of attachment came into my hands in Ste. Genevieve County Missouri on the 20th day of January 1872 and in obedience thereto I did on the 22nd day of January 1872 for the purpose of satisfying the amount therein mentioned Levy the same upon and seize thereunder the Real Estate hereinafter mentioned and described which I levied upon as belonging to Benjamin P. Smith the Defendant all which Real Estate being situate in Ste Genevieve County Missouri is described as follows, viz, West half of South West quarter and the West half of the ~~South West~~ quarter (NW 1/4) of Section Twenty one ~~and the east half~~

TO

Jefferson Circuit Court.

March Term, 1867

E. D. Donnell

vs
Benjamin P. Smith

W. D. Dwyer

By E. D. Donnell

This writ was received by me on 20th day of Jan 1872
R. G. Madison

~~of the North East quarter of Section Twenty one and the East half of the North East quarter of Section Twenty and the South half of the South East quarter of Section Seventeen~~
all in Township Thirty Nine, Range Seven East con-
taining Three hundred and twenty acres and the
said Benjamin P. Smith is not found in and is
not a resident of My said County of Ste Genevieve

Fee 1 Lev 1.00
1.00

Robt. G. Madison
Sheriff of Ste Genevieve County
Missouri

STATE OF MISSOURI,
COUNTY OF JEFFERSON.

The State of Missouri to the Sheriff of Jefferson County, Greeting :

WE COMMAND YOU to attach

Benjamin P Smith

by all and singular *his* . . . lands and tenements, goods, chattels, rights, moneys, credits, evidences of debt, and effects, or so much thereof as shall be sufficient to satisfy the sum of *Sixty three* dollars and

cents, with interest and costs of suit, in whose possession soever the same may be found in your county, and that you summon the said

Benjamin P Smith

that *he* . . . be and appear before our Circuit Court of the county of Jefferson, on the first day of the next term thereof, to be holden at the Court House in Hillsboro, in said county of Jefferson, on the *18th* day of *March* next, then and there to answer the petition of

Eliel J Dornell

wherein *he* . . . asks judgment for

Sixty three

dollars and

cents, and that you also summon

and all other persons that you shall find in the possession of goods, money or effects of the defendant, not actually seized by you, and all debtors of the defendant, and such other persons as the plaintiff or his attorney shall direct, as garnishees, to be and appear before our said court, at the time and place aforesaid, then and there to answer such allegations and interrogatories as may be exhibited against them; and have you then and there this writ.

IN TESTIMONY WHEREOF, the undersigned, Clerk of the said Jefferson Circuit Court, has hereto signed his name and affixed the seal of said Court, at office, this *11th* day of

January . . . 18*72*

W. S. Boyce Clerk.

By Tho. Horine Deputy

SUMMONS TO GARNISHEE.

(WHEN GOODS, CHATTELS, MONEY, CREDITS, &c., ARE TO BE ATTACHED IN HIS HANDS.)

(Wagner's Statutes, Page 185, Section 23; II, IV, V, Page 664, Sections 4 and 5.)

No. *Chas. D. Dummell* Plaintiff
 AGAINST *Benjamin P. Smith* Defendant
To the Circuit Court,
March Term 1872
Jefferson County, Missouri.

Garnishment under an *Attachment*
 to *Frederick Eaglebarger* Garnishee.

YOU ARE HEREBY NOTIFIED, That I attach in your hands as the property and effects
 of *Benjamin P. Smith* the defendant in the above
 entitled cause, all debts due by you to the said defendant, all goods, chattels, money and evidences of
 debt belonging to said defendant, and particularly the following described property belonging to said

And you are summoned as Garnishee, to be and appear before the *Circuit*
 Court, of *Jefferson* County, Missouri,
 to be holden at the Court House in *Hillsboro*, in the said County,
 on the *Eighth* day of *March* 1872, then and there to answer such
 allegations and interrogatories as may be exhibited by *Chas. D. Dummell*
 the plaintiff in the above entitled cause.

WITNESS my signature, this *2nd* day of *March* A. D. 1872.

By *John Williams* Sheriff of *Jefferson* County, Mo.
 Deputy.

NOTE.—This Notice is to be served by the Sheriff, (or other officer legally authorized to serve the same,) upon each person who is named by the Plaintiff as a Garnishee, or known by the Sheriff to have property belonging to a Defendant in an execution in his hands for collection. A copy to be included in the officer's return.

STATE OF MISSOURI,
COUNTY OF JEFFERSON.

The State of Missouri to the Sheriff of Jefferson County, Greeting :

WE COMMAND YOU to attach

Benjamin P Smith and John M Smith
by all and singular *their* lands and tenements, goods, chattels, rights, moneys, credits, evidences of debt, and effects, or so much thereof as shall be sufficient to satisfy the sum of *Three Hundred and Ninety three* dollars and *Eighty five* cents, with interest and costs of suit, in whose possession soever the same may be found in your county, and that you summon the said

Benjamin
and that you have this writ before our Circuit Court of the County of Jefferson on the first day of the ~~that~~ *that* be and appear before our Circuit Court of the county of Jefferson, on the first day of the next term thereof, to be holden at the Court House in Hillsboro, in said county of Jefferson, on the *13th* day of *May* next, ~~then and there to answer the petition of~~

Wherein Reed McCormack & Pro. ask judgment
~~wherein ask judgment for~~ *for Three hundred and Ninety three* dollars and *Eighty five* cents, and that you also summon *as in their original affidavit states,*

and all other persons that you shall find in the possession of goods, money or effects of the defendant , not actually seized by you, and all debtors of the defendant , and such other persons as the plaintiff or his attorney shall direct, as garnishees, to be and appear before our said court, at the time and place aforesaid, then and there to answer such allegations and interrogatories as may be exhibited against them ; and have you then and there this writ.

IN TESTIMONY WHEREOF, the undersigned, Clerk of the said Jefferson Circuit Court, has hereto signed his name and affixed the seal of said Court, at office, this *20th* day of *April* 188*7*

W. S. Boyce Clerk.
By Otho K. Davis Dep't

Summons to Garnishee.

No.

Pl'ff

Eliab J. Donnell

vs.

Def't

Benjamin J. Smith

TO

Frederick Caghtarger

To appear before Court on the

18th

day of

March

, 1872,

John Williams

Sheriff.

Sheriff fee \$8.00

STATE OF MISSOURI,
COUNTY OF JEFFERSON.

The State of Missouri to the Sheriff of Jefferson County, Greeting :

WE COMMAND YOU to attach

Benjamin P Smith and John M Smith
by all and singular ~~their~~ lands and tenements, goods, chattels, rights, moneys, credits, evidences of debt, and effects, or so much thereof as shall be sufficient to satisfy the sum of *Three Hundred and Ninety three* dollars and *Eighty five* cents, with interest and costs of suit, in whose possession soever the same may be found in your county, ~~and that you summon the said~~

~~Benjamin~~
~~and that you have this writ before our Circuit Court of the County of Jefferson on the first day of the~~
~~that be and appear before our Circuit Court of the county of Jefferson, on the first day of the~~
next term thereof, to be holden at the Court House in Hillsboro, in said county of Jefferson, on the *13th* day of *May* next, ~~then and there to answer the petition of~~

Wherein Reed McCormack & Co. ask judgment
~~wherein ask judgment for~~ *for Three hundred and Ninety three*
dollars and *Eighty five* cents, ~~as in their original affidavit stated,~~ and that you also summon

~~and~~ all other persons that you shall find in the possession of goods, money or effects of the defendant, not actually seized by you, and all debtors of the defendant, and such other persons as the plaintiff or his attorney shall direct, as garnishees, to be and appear before our said court, at the time and place aforesaid, then and there to answer such allegations and interrogatories as may be exhibited against them; and have you then and there this writ.

IN TESTIMONY WHEREOF, the undersigned, Clerk of the said Jefferson Circuit Court, has hereto signed his name and affixed the seal of said Court, at office, this *20th* day of

April 18*82*

W S Boyce Clerk.

By Orho Norine Dep't

TO

Jefferson Circuit Court.

May Term, 1882,

Wm. H. Small

vs
D. P. Smith

Sheriff fee \$1.00

STATE OF MISSOURI,

COUNTY OF JEFFERSON:

Ti

COUNTY OF JEFFERSON:

COUNTY OF JEFFERSON:

COUNTY OF JEFFERSON:

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 20th day of May 1872, 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 Phil A. Donnell is,

Plaintiff, and 20 Smith is

Defendant , on the part of
in no wise to fail.

plaintiff

; and herein you are

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof
hereto affixed, at office, this 18th day of
May A. D. 1872.

W. J. Day & Clerk.

Dr. Ho. Horine Depp

Wm H. K.

\$200

May Term 1872

Donnell

^{vs}
B P Smith

I certify the Within is the sum of \$200 in full for the 15th Day of May 1872 in John W. H. J. & Co. England & J. Phillips and Samuel Carter by Reading the same to each of them

John Williams Sheriff

Eliel F. Donnell Plaintiff } In the Circuit of
against } Jefferson County
Benjamin P. Smith Defendant } Missouri

Now at this day comes Defendant
and for plea in the nature of a plea
in abatement denies the matters set
up and alleged in plaintiff's Affidavit
as the grounds on which the attachment
was sued out, and denies that he has
fraudulently conveyed or assigned his
property or effects so as to hinder and
delay his creditors, denies that he
was at the commencement of this suit or
is now about fraudulently to convey or assign
his property or effects so as to hinder or delay
his creditors, denies that he has fraud-
ulently concealed, removed or disposed of
his property so as to hinder or delay his
creditors, denies that the debt sued for
was fraudulently contracted on the part
of the debtor the defendant,
Wherefore he prays that said attachment
may be abated at the costs of the Plaintiff.

John L. Thomas & Bro.

Atty for Plaintiff

W. H. H. Thomas one of the attys for Pla.
makes oath & says the above plea in
abatement & the matters as are therein stated
he believes to be true. W. H. H. Thomas

"Subscribed & sworn to before me
this May 13 1872,

W. S. Boyce Clerk
By C. H. Hume Depr.

B. P. Smith being duly sworn
says that the foregoing plea in
abatement and the matters as
therein stated he believes to
be true

Sworn to and Subscribed
before me May 20 1872

W. S. Boyce Clerk
By C. H. Hume Depr.

B. P. Smith

E. H. Donnell

A. G. Smith

B. P. Smith

Plea, in Abatement

Filed May 13 1872
W. S. Boyce Clk.

✓

63.97
 22.37 ant
 \$86.34 ant.

1872

9

16

1869

3

18

3

6

63.97
 3.20
 19.17
 22.37

No. 3513

Jefferson Circuit Court.

March Term, 1872.

Eliab F. Donnell

vs.
Benjamin F. Smith

Judgment, - - \$ 85 29 10/100

Date May 24th 1872

Fee Book No. 1 Page 179

Judge's Docket, Page

Boycott \$10.00 Williams 10.00
Robt Madison 1.00 J. M. England 1.00

Attachment

So. J. Williams
Plaintiff's Atty.

ATTORNEYS: Exercise care and return promptly.

C. F. Chamberlin & Co., Printers and Stationers, St. Louis.

434, 460,

483 -