

Jefferson County Circuit Court
Case Files - Civil
March 1875

Box

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Folder 56

Cole, Nelson
Glass, Stephen

VS

Debassus, Placide

Debt, account

Change of venue from St.
Francois County; \$697.27 for
lumber and building materials

(1)

State of Missouri }
County of St. Francois }

ss. In the Circuit Court,

Be it remembered that heretofore
on the 18th day of November A.D. 1873. there was
filed in the Office of the Clerk of the Circuit
Court of Said County a petition in words and
figures following to wit:-

In the Circuit Court of St. Francois County
and State of Missouri. To May Term 1874.

Nelson Cole and Stephen Glass,

Members and Partners composing
the firm of Cole and Glass, Plaintiffs

Against-

Placide De Lassus, Defendant,

Plaintiffs state that they are and were the
individual members composing the firm and doing
business under the name and style of Cole and Glass
in the City of St. Louis and State of Missouri and for
cause of action Plaintiffs state that the Defendant
owes them Six hundred and ninety seven Dollars and
Twenty seven Cents, for building materials sold and
delivered by Plaintiffs to Defendant, and for labor
and work done by Plaintiffs for Defendant.

The particulars of all which, and also the credits thereon
will appear by an account, herewith filed.

Plaintiffs ask Judgement for three hundred and Seventy
four Dollars and fifty nine Cents being the balance due
them on said account,

Taylor & Clardy Attys
for Plaintiffs

(2)

With which said petition there was filed an accounts
in words and figures, following to wit:

St Louis June 27th 1873.

M. De Lassus.

Bought of Cole & Glass,

manufacturers and

Dealers in all kinds of building material.

S. E. Cor Market & Sixth Streets

Term Cash.

3000 feet Clear Poplar Siding	2	60 00		
1720 " 2 nd Rate Y P Flooring	3 ³ / ₄	64 50		
18 M Best Sawed Shingles	440	79 20		
18 Window frames, 10x16. 16 Jambs.	195	35 10		
18 pair Sash 10x16. 1 1/4 plain	100	18 00		
1 Door frame 3x7 1/2 Jambs Lill & Transom		2 00		
1 Door 3x7 1/2 3/8 Solid mld		3 55		
1 Transom 3x14 1/2 3/8 3 Pkts		50		
325 Feet 1 3/4 Gr round	1 1/2	4 87		
80 " Stools for Windows	3	2 40		
80 " Scotia for under Stools		75		
1550 " 3/8 W.P. Beaded Ceiling	2 1/2	38 75		
1500 " 3/4 Y P " "	3	45 00		
Labor loading Car		2 00		
				356 62

For By Bal on our order on

L D Walker Sheriff for material
furnished for school house

Carried to bill of Sept 73.

322 68

33 94

(3)

St Louis Sept 14th 1873.
 Messrs De Lussus,
 Bought of Cole & Glass
 Manufacturers and
 Dealers in all kinds of Building Material
 S. E. Cor Market & Sixteenth Streets.
 Terms Cash.

1 Pair Store Doors. 5 x 8. 7" 1 3/4 With Shutters	17 00.	
1 Store Door 3 x 7 " " "	7 50	
2 Pair Shutters 3. 8 1/2 x 6 1 3/8 solid mld.	425.	8 50.
2 " Lash 10 x 16 1 1/2 lbs 1 3/8 lip	175.	3 50.
11 Doors 2" x 6" 1 3/8 solid mld.	355	39 05
6 Pair Lash 10 x 14 1 3/8 lip	110.	6 60
3000 Feet Poplar Siding	20.	60 00
3000 " 2nd Y P Flooring	3 3/4	112 50
600 " Plained Shelving	3 1/2	21 00
600 " Plained Star	4 1/2	27 00
8 M Best Sawed Shingles	450.	36 00.
Loading bar		2 00.
		340 65.
Balance on Bill rendered June 7 th .		33 94
Balance due		374 59

Endorsements,
 Nelson Cole and
 Stephen Glasp. Plffs. } Action on Account,
 Against
 Placide De Lussus Deft }
 Filed November 18th 1873.
 Franklin Murphy Clerk
 By J W Brady Del.

(4)

And on the same day said Plaintiffs filed their affidavit and Bond in attachment which said affidavit is in words and figures following to wit:

Albion Cole & Stephen Glass,
Partners under the firm Name & Style
of Cole & Glass Plaintiffs

Against

Placide De Lassus Defendant

Attachment in a Civil Action
Circuit Court of

St Francois County Mo.

This affiant states that the Plaintiffs in the above entitled Cause have a just demand against the Defendant therein now due, and that the amount which this affiant believes the Plaintiffs ought to recover, after allowing all just credits and set off, is Three Hundred and Seventy four Dollars and fifty nine Cents; and that this affiant has good reason to believe, and does believe that the debt sued for was fraudulently contracted on the part of said debtor the said Defendant, and affiant further states that the said indebtedness of defendant to plaintiffs was fraudulently contracted on the part of said Defendant,

Al Cole (Affiant)

L S 3

Subscribed and sworn to before me this
15th day of November A D 1873

W. F. Hawes, Jr.

Notary Public

Endorsed as follows

Affidavit in Attachment Suit

No 147.

St Francois Circuit Court.

Cole & Glass Plaintiffs P. De Lassus. Defendant,

Filed November 18th 1873

Franklin Murphy clk

By J. H. Brady Dk

(5)

Which said Attachment Bond is in words and figures as follows.

Attachment Bond

(Circuit Court)

Nelson Cole & Stephen Glass.

partners under the firm name and
 Style of Cole & Glass Plaintiffs

Against

Placide De Larrus Defendant

Attachment in Civil Action

We Nelson Cole and Stephen Glass.
 as Principals and James Luthy and Joseph Black
 as securities acknowledge ourselves to be indebted to
 the State of Missouri in the Sum of Seven Hundred
 and Sixty Dollars, for the payment whereof we bind
 ourselves, our heirs executors and administrators.

The Condition of the above obligation is
 that, Whereas, Nelson Cole & Stephen Glass, partners
 under the firm name and Style of Cole & Glass, as
 Plaintiffs are about to commence a suit by Attachment
 in the Circuit Court, of St. Francois County Missouri
 against Placide De Larrus, Defendant returnable
 to the next may term thereof, wherein the sum sworn to
 is three hundred and seventy four Dollars, and fifty
 nine Cents; Now, therefore if the said Plaintiffs shall
 prosecute their action without delay, and with effect:
 refund all sums of money that may be adjudged
 to be refunded to defendant or found to have been
 received by Plaintiffs and not justly due to them and
 pay all damages 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

(6)

Judgement or process thereon, then this obligation is to be void; otherwise to remain in full force.

Witness our hands and seals, this 15th day of November A.D. 1873.

man firm name } A Cole Seal

Col. & Glass } Stephen Glass Seal

James Luthy Seal

Joseph Black Seal

W R Taylor Seal

M L Clardy Seal

Upon the back of which are the following endorsements.

I W F Hawes Jr a Notary Public within and for the County of St Louis and State of Missouri do Certify that James Luthy and Joseph Black the sureties of the within bond are worth the amount named in the bond over and above all legal exemptions

W F Hawes Jr

W F Hawes Jr

Attachment Bond

No 47

St Francois Circuit Court,

Cole & Glass. Plffs.

v s.

Placide De Lussus. Defts.

Filed Nov 18th 1873

Franklin Murphy Clk.

By J W Brady D.C.

Upon which petition and Affidavit a writ of attachment was issued in words and figures following to wit:

Attachment

(7)

State of Missouri } S. S. Office of Circuit Clerk
County of St. Francois }

The State of Missouri to the Sheriff of
St. Francois County-Greeting:

We command you to attach
Placide De Lassus by and singular his lands
and tenements good chattels moneys credits evidences
of debt and effects or so much thereof as shall
be sufficient to secure the sum of three hundred
and seventy four Dollars and fifty nine cents with
interest and cost of suit in whose hands and possession
soever the same may be found and that you summon
the said Placide De Lassus that he be and appear
at the next term of the Circuit Court before the Judge
thereof on the first day of said Term to be holden
at the Town of Farmington and State of Missouri
within and for the County of St. Francois on the 3^d
Monday of May next and then and there to
answer the Complaint of Cole and Glass, as set
forth in the annexed petition, And also that you
Summon all and every person in whose hands or
possession soever any personal property rights,
goods, chattels, moneys credits evidences of debt or
effects, may be found or who may be named by the
Plaintiff or his Attorney as Garnishees, and
particularly James Vineyard that he be and appear
before the Judge of our said Court on the first day of
the term aforesaid then and there to answer unto what
may be objected against them and have you then
and there this writ: Witness Franklin Murphy
Clerk of our said ^{Circuit} Court and the Seal thereof

(8)

LSB

hereunto affixed at office in
Farmington this 18th day of November
in the year of our Lord one thousand
Eight hundred and seventy three

Franklin Murphy Circuit Clerk

By J W Brady Deputy.

Endorsed as follows

Original

No 47

Attachment Writ

St Francois Circuit Court.

Returnable May Term 1874.

Cole & Glass. Plffs.

v s.

Placide De Lassar.

Deft.

Upon which said attachment the Sheriff made the
following return -

Sheriff's Return

Executed the Writ in the County of St Francois on the
19th day of November 1873 by seizing and taking into
my possession as the property of said Defendant,
the following described goods and chattes viz: 41
Bunches 10,250 Thousand sawed white pine shingles, 16
pair sash 2 Window frames, 128 pieces flooring, 8 bundles
Poplar siding 80 feet in bunch making 640 at Isaiah
Jones. And 2 pair Window sash 32 Bundles Flooring
29 pieces furnishing Stuff 2 pair Window Blinds 3
Stone doors 11 Stock doors at Depot Further executed
this writ by delivering to the within named defendant
Placide De Lassar. a copy of the within writ,

(9)

and petition in said County of St. Francois on 19th
day of November 1873. and on same day I further
executed this writ in said County by serving James
Vinyard as Garnisher and debtor of said defendant.

L. W. Walker

Sheriff St. Francois County.

In Circuit Court of St. Francois County Mo
November Term 1873.

Wednesday November 19th 1873.

The following proceedings were had in
said cause to wit:

Nelson Cole et al. Plaintiffs }

v s.

}

Civil Action by

Placide De Lassus. Deft. }

Attachment

Now at this day comes said
defendant, by his Attorney and files his motion
to require plaintiffs to file new or additional bond
in attachment in this cause which motion is sustained
and plaintiffs required to give additional security
which is done accordingly and approved.

And afterwards at the May
Term ¹⁸⁷⁴ of said Court and on Tuesday May
19th 1874, being the second day of said Term
the ^{following} further proceedings were had in said cause
to wit.

Nelson Cole and Stephen Clap Plffs. }

v s.

}

Civil Action by

Placide De Lassus. Deft. }

Attachment

Now at this day comes the said
Defendant by his attorney and files his plea
the nature of a plea in abatement, herein

Record

Record

(19)

Which said plea in abatement is in words and figures, following to wit:

Nelson Cole and Stephen Glass. Plffs } In St. Francis
Against } Circuit Court
Placido De Larrus. Defendant } May Term 1874.

Defendant comes and files his plea in the nature of a plea in abatement and for such plea denies that Plaintiff had at the time of filing the affidavit for attachment or at any time a just demand against defendant or any demand amounting to three hundred and Seventy four Dollars or any other sum and denies that the debt for which plaintiffs sue in this action was fraudulently contracted on behalf of this defendant or that the indebtedness which plaintiffs seek to recover in this action was fraudulently Contracted or that any indebtedness of defendant to plaintiffs was fraudulently Contracted

Sworn to and subscribed
before me this 19th day
of May A.D. 1874.

Franklin Murphy Clerk.

Endorsed as follows.

Nelson Cole et al plaintiffs

Against

Placido de Larrus defendants

Plea in Abatement

Filed May 19th 1874.

Franklin Murphy

Clerk

111

And afterwards on the 8th day of June 1874, being
the 19th day of the May Term 1874, the following
further proceedings were had in said cause to wit,

Record

Bole and Glass, Plaintiffs }
v s. } Attachment
Placide de Lassus, Defendant }

Now at this day came the
parties aforesaid by their attorneys and by consent
of parties this cause is continued on the plea in
abatement filed herein,

And afterwards on Saturday the 28th
day of November A.D. 1874, the same being the
12th day of the November Term 1874, ^{of said Court} the following
further proceedings ^{in said cause} were had, to wit:

Record

Almon Cole and Stephen Glass Plaintiffs }
v s. } Civil Action by
Placide de Lassus, Defendant, } Attachment

Now at this day came the parties
aforesaid by their respective attorneys and the said
Defendant files his affidavit and petition for a
change of the venue of this cause which is taken up
by consent of the parties and submitted to the court, which
being seen and heard, the Court doth order that the
venue of this cause be changed to the County of
Jefferson, in the 26th Judicial Circuit of Missouri

And it is further ordered that the Clerk of
this Court, make out and forward with all convenient
speed to the Clerk of the Circuit Court, of the said
County of Jefferson a full, true, and complete
Transcript of the Records and proceedings in said Cause
together with the original papers not forming a part of the Record

State of Missouri } Sd.
 County of St Francois } 3

I Thomas E Douthitt
 Clerk of the Circuit Court within and for the
 County and State aforesaid, do hereby Certify
 that the above and foregoing is a true and
 perfect transcript of the Record and proceedings
 had in the cause therein entitled, as fully as
 the same remains of record and on file in
 my Office

In testimony whereof I have hereto
 set my hand and affixed the
 Seal of said Court at office
 in Farmington this 1st day of
 March A.D. 1875.

Thomas E Douthitt

Clerk.

Due of Costs

To Franklin Murphy Clerk	5.40
" L D Walker Sheriff	2.00
	<u>\$7.40</u>

4021

Cole & Glass

is

Placide DeLassus

Change of Venue
from

St. Francis Co

Franklin Murphy 5.40
L.W. Walker 2.00

Filed Mar. 30 1875

C. Tho. Morine
Clerk

Franklin Murphy
also St. J. Co. 5.40
L.W. Walker 2.00

357,421.422