

Jefferson County Circuit Court
Case Files - Civ. 1
September 1876, NO. 2

Hepp, Christian
vs

Polite, Thomas, M.

Debt on note

Debt \$672.90; Thomas H.
McMullin garnishee

Box

36

Folio

2

Vine land 30 Januz 1875.

\$672 $\frac{90}{100}$

On demand I promise
to pay Christian Lepp Six hundred
and Seventy two dollars and
ninety Cents, for Value recd
with interest, until paid —

Thomas W. Gallette

March 9, 75 Receiving our
Western note this day \$139.32

Pm

Paid 672.90
 and 53.50
 189.32
 606.93
 60.39
 667.32

State of Missouri
 Jefferson County

In the Circuit Court Septembe
Term. 1876 -

Christian Lepp Plaintiff
 against
 Thomas M Politte Defendant

Now comes Christian Lepp
 and complains of said Thomas M Politte
 and for cause of action states that the defend
 ant, by his promissory note, herewith filed, dated
 January 30th 1875, promised ~~to~~ to pay to
 plaintiff in demand the sum of Six
 hundred and seventy two & ⁹⁰/₁₀₀ dollars
 with interest.

Plaintiff further states that on the 2nd
 day of March 1875, defendant paid one
 hundred and thirty nine & ³²/₁₀₀ dollars upon
 said note, and that the remainder thereof with
 the interest thereon is unpaid. That plaintiff
 has demanded payment thereof, of defendant
 but he fails and neglects to pay the same and
 that the same is now due plaintiff and
 for which he asks Judgment, & costs &c
 Christian Lepp Plff
 By Atty

Christian Leppert
Thos M. Polio deft

Jeff. cir. Ct. Sept term 1876

Colerick will issue process to
Jefferson
Thos M. Polio
Atty for party

Filed May 4 1876
L. Thos. Horine
Clerk

13. po by self

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 *Thomas m Polite*

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 *Second* ~~Monday after the fourth~~ Monday of *September* next, then and there to answer unto

Christian Lepp

upon *his* original petition, a copy whereof is hereunto annexed and accompanies this writ, and have you then there this writ.

Witness, C. THO. HORINE, Clerk of our said Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *fifth* day of *July*, A. D., 1876.

C. Tho. Horine, Clerk Circuit Court.

24269

RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

Sept. TERM, 1876

Chambers Sept.

not
Thomas M. Polite

original

Shuffler \$100

7/614.636. 8/45-71
was 22 Sept 25 out 23, Sep 20
michigan 35 out 35

I Executed this writ at the County of Jefferson
in the State of Missouri this 10th day of
August ad 1876 by delivering to the
Within named Thomas M. Polite a true
copy of the within writ and Petition as
furnished me by the Clerk

J. B. Mox Shuff
By H. F. Mockler Depk

Christian Lepp

vs

Thomas M. Polite

In the Circuit
Court of Jefferson
County Missouri
Now at this day comes
the defendant and for
answer to the petition
of plaintiff admits that
he signed the note sued on
but denies that he
ever received any
consideration therefor
but on the contrary
averts that he executed
and delivered said note
to the plaintiff under a
mistake supposing at
the time that he owed the
plaintiff the amount
amount of money
specified in said note on
a settlement of their accounts
as partners in the mercantile
business and gave said
note to settle ~~as the~~ an
amount which he then

Supposed and believed due
on a settlement of such
accounts by him to
Plaintiff but Defendant
now avers that he
made a mistake in the
settlement of said account
and that he did not when
he gave said note owe
Plaintiff any part of the
amount specified in
the note sued on and
that the said note was
and is wholly without
consideration and that
Defendant has never
received any consider-
ation for said note or
any part thereof
neither does he owe
Plaintiff any sum or
portion of said note

Thos. M. Polite
By Williams Attorney

L. Sepp

vs
J. M. Follett

Answer

Filed Sept. 1-15-1876
L. Mr. Horine clk
by C. M. Mendenhall

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To

John Craig

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 13th day of January, 1877, 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 Chris. Kephart is Plaintiff, and Ho^m Politt is Defendant, on the part of Politt; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 12th day

of January, A. D., 1877.

C. Ho^m Horine CLERK.

Christian Lepp

vs

Thos M Palitte)

P

John Craig

John Williams
Shriff fee 50

Filed Jan'y 25/49

C. H. Jones
Clerk

Exeuted this Sept in Jefferson County Mo on
the 8th Day of January 1877 by Reading the
same to John Craig.

John Williams
Shriff

Christian Lepp Plaintiff } In circuit
Thomas M. Polite Defendant } Cause of Jiff come

Now comes plaintiff by his attorneys and replying to the answer of defendant herein says that it is true that the note sued on was executed by defendant to plaintiff, for a balance due from him to plaintiff upon a settlement of their account at a dissolution of partnership in the mercantile business,

But plaintiff says that it is not true that defendant executed said note through mistake; that it is not true that any mistake was made in the settlement of the accounts between plaintiff and defendant; that it is not true as defendant charges, that there was no consideration for said note or any part thereof, but ^{plaintiff says} that defendant fairly and completely settled with plaintiff, and upon settlement, justly owed plaintiff the amount for which said note is given, and gave plaintiff said note in payment of said balance; ^{plaintiff says} ~~therefore~~ ^{each asks} judgment every material allegation in defendant answer and prays judgment

By me & Mcmullin

attys for pett to Lepp

W. Lepp Puff
Thom Bolito sept

Replication

Bymes & Mcmullen
for Sept

Filed January 10th 1877

C. H. Lorie Clerk.

45-
340

Christian Lepp Plff { Interrogatories to Garnishee
Thos M Politts Debt { May 1877 = Jeff. Comd

To Thos H Mcmullin Garnishee in the
above entitled cause

Did you at the time of the service
of the garnishment upon you in the above
entitled cause, owe the defendant any thing?

If so, how much? on what account,
was it due? If not when will it become
due?

Do you now owe the defendant any
money? If so how much

le Lepp
Plff

By his attys

Sept. 4 2 69

Orlando

Immigration to Gainesville.

Filed May 14. 1899

Edith Morris

Orlando

C Lepp } In Jff ced court
Thos Polittle } Garnishment

The undersigned, garnished by the above named plaintiff in said cause, now files answer to the interrogatories filed to him herein by plaintiff, and says That at the time of the service of the garnishment in said cause, he was, and now is indebted to defendant, on note, which is due in the sum of about Thirty Two Dollars, and that upon such note, since the service of the garnishment herein, judgment has been rendered before Jed Walker Justice of the Peace in said County, in favor of said Polittle and against said garnishee on which judgment execution has been issued and placed in the hands of J W Savers Constable of Central Township in said County who now demands payment thereof from this garnishee who therefore prays that upon the rendition of a judgment herein in favor of C Lepp & against this garnishee that said Constable be directed and ordered to pay the amt of such judgment before such Justice, when paid to him on execution now in his hands by the garnishee, to C Lepp the above plaintiff in satisfaction of judgment in garnishment Thos H. Memmell
Boose

Le Leph
T M Polite
T H McMullin

Garnished

Answer to Indenture

The McMullin on oath states the facts
herein set out are true
from the Subscribed before The McMullin
me May 15 1877

Chas. Horne clerk Cir. Ct.

Filed May 15th 1877

Chas. Horne

clerk