

Jefferson County Circuit Court
Case Files - Civil
May 1877, No. 55

Box 37 Folder 24

State ex rel

Armstrong, Hannah K.

Armstrong, Theodosia G.

vs.

Havens, J. W.

Haessel, Adam

Jones, Thomas J.

Byrns, Samuel

Amor, Eugene

Constable's bond

\$1,500 damages for unlawfully seizing
and selling personal property

State of Missouri
to the use of Samuel A
Armstrong and Reodosia
G. Armstrong - Plffs.

In the Circuit
Court of Jefferson
County -

vs
J. H. Havens
Adam Haessel, Thomas
J. Jones, Samuel Cyrus and
Eugene Amor - Defts

May Term 1877 -
State of Missouri
County of Jefferson

Plaintiffs say that on the 18th day
of November 1876 the defendant J. H.
Havens as principal and the defendants
Haessel, Jones, Cyrus and Amor as
securities executed their obligation under
seal (a copy of which is herewith filed)
and delivered the same to the Clerk of
the County Court of Jefferson County, and
which has been duly approved, and
therein undertook and agreed that
they the said J. H. Havens as principal
and the other of said defendants as securi-
ties were held and firmly bound unto
the State of Missouri in the sum of Fifteen
Hundred Dollars, to the payment whereof
well and truly to be made they bound them-
selves, their heirs, executors and administrators,
jointly and severally, sealed with their seals

and dated the 17th day of November 1876-

The condition of said obligation was that whereas the said J. W. Havens had been on the 7th day of November 1876 duly elected to the office of Constable of Central Township of the County of Jefferson in the State of Missouri to hold said office for the term of two years and until his successor should be duly elected and qualified.

Now if the said J. W. Havens shall receive all process to him directed and delivered and pay all the moneys received by him by virtue of his office and in every respect discharge all the duties of Constable according to law then this bond shall be void otherwise to remain in full force and effect.

Plaintiffs say that said J. W. Havens after his election as Constable as aforesaid and after the execution of said bond entered upon the discharge of his duties as Constable of said Township and still holds and continues in said office -

Plaintiffs state that defendants have not kept and performed their bond and

obligation aforesaid but have broken
the same and for a breach thereof plaintiffs
say that said J. M. Havens did not faithfully
discharge his duties as constable of
said Township according to law in
this:

That plaintiff Hannah K. Armstrong
and Theodosia E. Armstrong were on and
before the 9th day of December 1876 the
owners and possessed in their own right
of the following described personal
property, to wit:

of the value of Fifteen Hundred Dollars,
that said J. M. Havens then and still
constable as aforesaid of said
Central Township of the County of Jefferson
forcibly and wrongfully levied upon
and seized the said personal property
above described on the 9th day of December
1876 claiming and pretending
to act under and by virtue of
seven writs of execution issued by
J. B. Walker a Justice of the Peace
in and for said Central Township in the
County of Jefferson on the 11th day of Decem-
ber 1876 and directed to said constable
under seven judgments rendered
by said Justice of the Peace, one in favor
of the firm of Marx, Epstein & Co, one in favor
of Platt & Thornburgh, one in favor of Simmons
Hardware Company, one in favor of Dodd
Brown & Co and three in favor of Stille, Marsh & Co
and all against F. P. Armstrong & Bro-
a firm composed of Frederick P. Armstrong
and Gustine P. Armstrong; and said
constable Havens having previous
to the day of sale given fifteen days notice
of such sale did proceed to sell and did at
public vendue on the 8th day of January
1877 and by continuing from day to day

until all said goods were ~~disposed~~ of,
actually sell said goods, wares
and merchandize pretending and
claiming to make such seizure and
sale under and in pursuance of said
writs of execution aforesaid, and then
and there delivered said goods, wares and
merchandize to the purchasers at said
sale; That the seizure and sale of said
goods, wares and merchandize as
hereinbefore stated were unlawful
and that plaintiffs have been injured
and sustained damage in consequence
of said unlawful seizure and sale
and have lost and been deprived
of said goods, wares & merchandize
and their value and thereby damaged
in the sum of Fifteen Hundred Dollars.
Therefore plaintiffs pray judgment
against the defendants in said sum of Fifteen
Hundred Dollars the amount of said bond and for
execution in the sum of Fifteen Hundred
Dollars damages as aforesaid
and for costs -

W. D. Davis's
Atty for Plffs

In the Circuit Court
of Jefferson County.

May Term 1877.

State of Missouri
vs the use of Hannah Armstrong
et al

J. W. Havens et al

Petition

Filed April 28 1877

C. W. H. H. H.

Clerk

And Gross, Davis's attys for
et al

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 J. W. Havens
Adam Haessel, Thomas J. Jones, Samuel Byrns
and Eugene Amos*

*if they be found in your County, that they 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 May next, then and there to
answer unto the State of Missouri to the use of
Hannah K. Armstrong and Theodosia G. Armstrong*

*upon ~~her~~ 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 af-
fixed, at office in Hillsboro, this 28th day
of April, A. D., 1877.

C. Tho. Horine, Clerk Circuit Court.

RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

May TERM, 1877.

The State of Missouri
to the use of
Samuel K. Cunningham
Theodosia C. Cunningham,

vs

John Havens
Adam Hassel
Thomas J. Jones
Samuel Byrnes
Eugene Amor

John M. Williams
~~John M. Williams~~
Circuit Clerk
Shoniff fee \$5.00

I executed this writ in Jefferson County Mo on
the 28th Day of April 1877 by Delivering to J.
~~W. C. Jones~~ Havens true copy of this writ and
Petition and on Adam Hassel Thomas J. Jones
and Eugene Amor by Delivering to each
of them true copy of this writ and on Samuel
Byrnes by Leaving true copy of this
writ at his usual place of abode with a
member of his family over the age
of fifteen years

John M. Williams
Sheriff

Armstrong &
Armstrong Plaintiffs
against
J. M. Hovers. et al. et al.

In Jefferson
Cir. Ct.
May Term 1877

Now at this day comes
defendants & move the court
to rule the Plaintiffs to give
security for the following reasons
viz:

Because Plaintiffs are insolvent
& that the costs could not
be made out of them
if a judgment was rendered
against them.

Sam Byrnes &
Thomas M. Hovers
for Defs.

Armistroy Etal,

vs

J. W. Havens Etal,

Motion to rule
Plaintiffs to give
security for costs

Filed May 14th 1877

Le Thio Haine
Clerk

The State to the use of }
Hannah R. Armstrong and }
Theodosia R. Armstrong }

vs

J. W. Havens
Adam Haessel
Thomas J. Jones
Samuel Byrns and
Eugene Amur Defendants }

In the Circuit
Court of Jefferson
County Missouri

The Defendants for answer to the
petition of the plaintiffs, deny each and
every ~~material~~ allegation contained in
said petition.

and ~~for~~ having fully answered
pray judgment

Jno L Thomas & Bro
& Byrns & Mcmullin
for Defts

State of the use of
Armstrong &
Armstrong

to
J. P. Harens & Co.

Answer

Recd July 10 1894.
C. P. Harens & Co.
Clerk

Office of JOHN D. DAVIS,
ATTORNEY AND COUNSELLOR AT LAW,
305 OLIVE STREET.

St. Louis,

July 16th 1877

Wm. H. Hornum Esq
Clerk of Circuit Court
Hillsboro, MO

Dear Sir,

Inclosed find bond
executed by Trumbull & Russell
as desired in the case of the
State of Missouri to the use of Armstrong
vs Havens & al.

Please acknowledge its receipt
on enclosed postal card.

Truly Yours

John D. Davis

State of Missouri to the
 use of Hannah K. Armstrong et al
 vs
 J. H. Havens et al
 Defts.

In the Circuit
 Court of
 Jefferson County
 State of
 Missouri.

The undersigned hereby acknowledges
 himself bonded & binds himself
 for all costs that have accrued or
 may accrue in the above entitled
 cause -

J. G. Russell

In the Circuit Court
of Jefferson County.

State of Missouri
vs the Use of Armstrong
Shal J

J. W. Havens et al

Bond for Costs.

Upward and
Filed July 17 1877
O. W. & W. W. W. W.
Clerk

State of Missouri
to the use of Hannah K.
Armstrong and Theodosia
G. Armstrong -

Plffs.

In the Circuit Court
of Jefferson County

May Term 1877

J. N. Havers
Adam Haessel
Thomas J. Jones
Samuel Dymms and
B. Amor - Defts.

State of Missouri
County of Jefferson Ss.

Plaintiffs by leave of court file
petition and
the then amended ~~Plaintiffs~~ say that on the 18th
day of November 1876 the defendant
J. N. Havers as principal and
the defendants Haessel, Jones, Dymms and
Amor as securities executed their obli-
gation under seal a copy of which is
herewith filed and delivered the same
to the Clerk of the County Court of Jefferson
County, and which has been duly approved
and therein undertook and agreed
that they the said J. N. Havers as
principal and the other said defendants
as securities were held and firmly bound
unto the State of Missouri in the sum of
Fifteen Hundred Dollars, to the payment
whereof well and truly to be made
they bound themselves their heirs, Executors

and administrators, jointly and severally, sealed with their seals and dated the 17th day of November 1876.

The condition of said obligation was that whereas the said J. N. Havens had been on the 7th day of November 1876 duly elected to the office of Constable of Central Township of the County of Jefferson in the State of Missouri to hold said office for the term of two years and until his successor should be duly qualified and elected. Now if the said J. N. Havens shall execute all process to him directed and delivered and pay all the moneys received by him by virtue of his office and in every respect discharge all the duties of Constable according to law then this bond shall be void otherwise to remain in full force and effect.

Plaintiffs say that said J. N. Havens after his election as Constable as aforesaid and after the execution of said bond entered upon the discharge of his duties as Constable of said Township and still holds & continues in said office.

Plaintiffs state that the defendants have

Not kept and performed their bond
and obligation aforesaid but have
broken the same and for a breach thereof
plaintiffs say that said J. M. Havens
did not faithfully discharge his duties
as Constable of said Township ^{according to law}
this:

That plaintiffs Hannah K. Armstrong
and Rodosia G. Armstrong were on and
before the 9th day of December 1876 the
owners and possessed in their own right
of the following described personal
property, to-wit:

1 pair of Tweed pantaloons - 1 pair Cotton pants
4 pair check pants - 2 pair of Overalls (pants) - 6 white
vests - 16 vests - 14 coats - 32 hats, 17 yds table cloth -
ing - 4 looking glasses - 6 lbs Spun Cotton -
2 1/2 yds Carpet Chain - 12 yds Cotton Batting
5 yds Denims, 5 yds Bedtick - 1 doz fine shirts
1 fine shirt, 3 fine shirts - 2 pairs of Drawers
1 pair Drawers - 13 doz Calico shirts, 2 Calico
shirts - 8 boxes (incomplete) Collars, 75 yds of
paper Cambric - 10 yds Jaconet - 8 yds bobinet
8 towels, - 9 bows - 27 yds brown alpaca
24 yds Cambric - 1 1/2 yds Wiggins - 42 yds white
cambric - 20 yds yellow Chambray - 13 1/2 yds
Calico - 35 yds black alpaca - 22 yds gray
poplin - 11 prs white gloves - 3 black wallets

7 prs ladies hose = 1 box (a lot) buttons =
2 doz Childrens hose = 1 lot of barge (Green Brown blue
& Grey) = 16 Shirt bosoms = 6 prs Kid gloves
11 pr Cotton (Childrens) gloves = 4 pr linen Cuffs
1 box suspenders (4 prs) = 2 Corsets = 1 box boys
suspenders (7 pairs) 2 yds Garter Webb = 16 pr
ladies hose = 17 pr gentlemen's Stockings =
17 pr boys half hose = 28 prs Childrens Stockings
2 prs suspenders = 15 prs Childrens hose =
~~2 yds Garter Webb~~ 1 lot of serpentine dress braid
16 Combs 8 india rubber & horn =
17 round combs, 4 bunches cotton tape =
4 boxes india rubber hair pins = 2 doz common
hair pins = a lot of buttons = 2 boxes hooks &
eyes = 2 lots of Childrens hose = 11 doz of
Corset strings = 6 grey 6 brown vails
4 mens ties = 8 pr Corset stays, 6 hair
brushes = 1 Gro pants buckles = 4 Corsets
7 pr Corset stays = 5 doz Clarks thread
9 doz Stafford thread = 1 1/4 doz silk thread
1 lot of Darners (needles) = 14 papers needles
74 violin strings = 8 bot Cologne hair oil
9 boxes wire hair pins = 12 pk Envelopes
2 boxes letter paper & envelopes = 1/2 box slate
pencils = 1 doz soaps = 4 Cork Ocrews =
4 whisk brooms = 1 lot of penholders (common)
1 basket = 1 box artificials = 1 lot of straw
hats = 2 pr yarn socks = 1 lot of lamp wick

3 horse brushes = 5 curry combs = $\frac{1}{2}$ doz shoe
brushes = 9 cedar faucets = 3 cloths brushes
3 white wash brushes = 1 scrub brush = 3 door
locks = 8 door latches = 6 door locks =
2 door locks = 2 planters hoes = 4 pr strap
hinges (1 lot) = 8 pad locks = 2 bal bolts =
2 door locks = 4 sets knives & forks =
1 doz Windsor fastenings = $\frac{1}{3}$ doz mill files =
9 pr butts = 3 pr scissors = 2 saw files = 1 doz.
door butts = 9 sets Tea Spoons = 11 sets Table
Spoons = 2 pair Shears = 2 Tack hammers
6 axes = 3 coffee mills = 26 Scythe Stones =
3 potatoe mashers = 3 dough rollers =
2 $\frac{1}{2}$ doz fruit jars = 9 large jars = 1 doz fruit
jars = 14 No 1 lamp flues = 15 fire proof flues
21 No 1 flues = 40 No 2 flues = 51 window glass
8X10 = 28 window glass 10X12 = 5 doz No 1
3 $\frac{1}{2}$ doz No 1 = 5 lamps = 3 lamps = 1 lot
tin waiters 6 Glass fruit Dishes = 7 doz Glass
tumblers = 1 $\frac{1}{4}$ doz glass tumblers = 1 Molasses
pitcher = 1 Glass butter Dish = 5 Salt Sellers
 $\frac{1}{2}$ doz Pepper Boxes (Glass) = $\frac{1}{2}$ box cloths pins
10 cakes soap = 7 lamp burners = 10 lbs Sealing
wax = 10 lbs Candles = 2 covered vegetable dishes
3 large bowls = 4 small bowls = 1 lb indigo
2 covered butter dishes = 5 meat dishes
1 butter dish = 8 cups = 1 sugar bowl =
3 vegetable dishes = 8 $\frac{1}{2}$ sets cups & saucers

5 cream pitchers = 2 sets plates. = 18 1/2 lbs bar lead
1 coal oil can. = 40 jelly glasses = 35 Packs
of table salt (small sacks) = 12 bars Soap =
1 lot smoking tobacco = 5 tea cans = 50 boxes
matches = 3 papers cracked wheat. = 4 lbs
Mustard = 11 boxes blacking = 15 boxes lye
20 cans tomatoes = 7 cans Coconut = 12 cans Corn
6 cans pine apple = 20 bot Vanilla = 15 bot brown
spt. = 4 pk Gelatine = 6 papers Corn Starch
1 doz boxes Bluing = 40 papers Saleratus. =
1 lb black pepper = 1 doz Candy Jars =
1 lot paper bags = 3 lbs fine cut tobacco
7 lbs plug tobacco = tobacco Knife =
Shoe rasp = 1 large looking glass
1 lot of Ribbon = 2 pieces of edging. =
9 pr ladies Cuffs = 22 ladies Collars
8 ladies Rouches = 1 1/2 yds Rouchin = 1 piece
rubber cord. = 6 tickles = 4 lacetis = 17 lead
pencils. = 6 crosses. = 7 doz. brass buttons
20 thimbles = 1 lot of Jewelry = 1 doz diaper pins
36 thimbles = 22 crochet = 6 match safes =
4 pocket books. = 2 1/2 doz spool silk = 3 combs
& brushes = 3 tooth brushes = 4 boxes lily
white = 8 pocket combs = 6 fine combs
3 shaving brushes = 150 lbs nails = 54 milk
crops = 34 Gallons of Jars. = 3 one gallon
Jugs = 2 cloths baskets = 4 garden rakes
3 garden hoes = 7 mowing Knaths. = 2 Rakes

1 doz Cradle blades = 1 Show case = large
Counter scales = 1 small counter scale
19 pr Cloth shoes = 2 pr mens slippers
7 pr ladies slippers = 96 pr of shoes (a lot of
Burgans & ladies) = 25 pr children shoes
29 pr Rubber over shoes. = $\frac{1}{2}$ barrel
beans. = 4 Wash boards = 3 brooms
6 forks = 3 hoe handles. = 1 hoe with handle
1 lot of tin ware = 1 lot of Rope =
13 Summer coats = 9 pr linen & summer
pants. = 3 summer vests. = 1 looking glass
 $\frac{1}{2}$ Bbl salt. = 1 Clock = Bed matress +
3 chairs = 1 stove + 1 chandelier + lamps
1 Platform scale = 12 cans wagon grease
+ bucket tar. = 25 gal of Molasses. =

of the value of Fifteen Hundred dollars,
That said J. H. Havens then and still
constable as aforesaid of Central Township
of the County of Jefferson forcibly and wrongfully
levied upon and seized the said personal
property above described on the 9th day
of December 1876 claiming and
pretending to act under and by virtue
of seven writs of execution issued
by J. Ed. Walker a Justice of the Peace in
aid for said Central Township in the County
of Jefferson on the 4th day of December 1876 and
directed to said Constable, under seven

judgments rendered by said Justice
of the Peace one in favor of the firm
of Marx, Gostein & Co, one in favor of Platt
& Thornburgh, one in favor of Simmons
Hardware Company, one in favor of
Dodd, Brown & Co and three in favor of
Stelle, Marx & Co and all against J.
A. Armstrong and Bro. a firm composed
of Frederick A. Armstrong and Justine
A. Armstrong; and said constable
Havens having previous to the day of
sale given fifteen days notice of
such sale did proceed to sell and
bid at public vendue on the 5th day of
January 1877 and by continuing
from day to day until all said goods
were disposed of, actually sell said
goods, wares and merchandise pre-
tending and claiming to make such
seizure and sale under and in pursuance
of said writs of execution aforesaid,
and then and there delivered said goods,
wares and merchandise to the purchasers
at said sale; that the seizure and sale
of said goods, wares and merchandise
as herein before stated were unlawful
and that plaintiffs have been injured
and sustained damage in consequence

of said unlawful seizure and
sale, and have lost and been deprived
of said goods, wares and merchandise
and their value and thereby dam-
aged in the sum of Fifteen Hundred
Dollars.

Wherefore plaintiffs pray judgment
against the defendants in said sum
of Fifteen Hundred Dollars the amount
of said bond and for execution in
the sum of Fifteen Hundred Dollars
damages as aforesaid and for
their costs.

Jno. D. Davis
Atty for Plffs.

In the Circuit Court
of Jefferson County.

State of Missouri
vs the use of Frank
Armstrong et al
vs.

J. H. Havens et al

Unrecorded petition.

Filed Sept 18 1877
O. W. Adams
Clerk
J. H. Davis
Att. for Defts.

In the Circuit Court of
Jefferson County, Mo.
the State of Missouri,
to the use of Hannah K. Armstrong and
Theodosia G. Armstrong, Plaintiffs

vs
J. H. Havens, Adair Haessel, Thomas
J. Jones, Sam Byrnes Ed E. Amor, Dfs,

Defendants for answer
to the amended petition of plaintiffs,
admit that they executed the
bond charged in plaintiffs
petition; admit that J. H. Havens
was Elected Constable of Central
Township Jefferson County
Mo on the 7th day of Nov. 1876.

Admit that he is still Con-
-stable of said Township.

And further answering said
amended petition; deny each
and every ~~material~~ allegation
of the petition; or any knowledge
~~thereof~~ or information thereof
sufficient to form a belief; except
as above admitted by this
answer.

Defendants further answering
~~and~~ state that F. R. Armstrong
and G. R. Armstrong on the 1 day
of - 1876, associated themselves together
~~for~~ under the style and firm
name of "F. R. Armstrong & Bro." for
the purpose of opening and carrying
on the business of a general store
in the town of Hillsboro Jefferson
County Missouri, which store
was opened under the auspicious
name of "New St Louis Store". And
the said F. R. Armstrong & Bro. being
entirely without means to pay
for, or maintain, a stock of goods,
they through false and fraudulent
misrepresentations, representing
themselves to be possessed of valuable
real estate in Jefferson County,
also a large amount of
personal property of great
value, together with a large
estate in coparcenary which
expected soon to realize, (the
exact locality of which is
to these defendants unknown)
and divers other windy

false pretences of their solvency
and financial importance, they
managed to contract a large
amount of debts in St Louis,
and to various parties for
goods to furnish their "New St Louis
Store" at Hillsboro, which goods
came to said store, and were
taken possession of by the said
F. R. Armstrong & Bro. - Afterwards
when payment for said goods was
demanded it was refused by
said firm at which time it was
discovered that said firm was
utterly and hopelessly insolvent,
having but a fragmentary
stock of goods, the remainder of
the stock for which the debts were
created, and when the creditors
of said firm were demanding
their money the said firm
notified them that if they were
sued or in anywise pressed
for said accounts that ~~was~~
it was their intention, and
that they had means by which
they could so dispose of their
property that their creditors

would not and ~~could~~^{should} not
~~be~~ realize one dollar out
of it. That afterward on the 6th day
of November A.D. 1876. Epstein, Sew-
yn & Co. ^{and} Platt & Thornburgh filed
with J. Ed. Walker a Justice of
the Peace for Central Township.
Their accounts for ~~collection~~^{Suit}
on which summons were
issued against the said
H. R. Armstrong & Bro. and made
returnable on the 20th day of
November, 1876, and on ~~the~~
9th day of November 1876,
Simmons Hardware Co, Dodd Brown
& Co, ^{and} Still & Marsh & Co, also
filed with said justice their
accounts for suit, on which
summons were issued and
made returnable ~~the~~ on the
1st day of December 1876. That
on the 20th of November 1876,
which was the trial day of
the cases of Epstein, Sewyn &
^{and} Platt & Thornburgh against
H. R. Armstrong & Bro. one John
H. Armstrong, who is the father

of F. R. Armstrong and G. R. Armstrong
and likewise the father of
Hannah K. and Theodocia G. Armstrong.
These plaintiffs appeared before
said Walker Justice of the Peace
as the agent and in the interest
of F. R. Armstrong Bros and made
application for a continuance
of said Causes until Dec
1st 1876. Which was the return
day of the Causes of Simmons
Hardware Co. Dodd Brown
and Co. Little Marsh & Co.
against F. R. Armstrong's
Bros. The said John H.
Armstrong said that the appli-
cation was made because
of the absence of F. R. Armstrong
from Hillsboro and could not
attend the trial on that day.
said that the said F. R. Armstrong
was in St Louis and could
not return, and that he could
not have a fair trial unless
he was present, whereupon
the justice continued said
Causes until December
1st 1876, as requested by the

Since John H. Armstrong
in his application for a
continuance, Defendants
Charge the truth to be, that
the said F. R. Armstrong was
at that time, and during all
that day in the Town of Hillston
attempting to execute and
did execute of that date (Nov
20th 1876) a pretended bill of
sale to his ~~sisters~~ in which
F. R. Armstrong his brother
joined him to their sisters
Hannah R. and Theodora G.
Armstrong these Plaintiffs, that
the said John H. Armstrong
made such representations
corruptly, wilfully and falsely,
for the purpose of defeating
the ends of justice, with the
full knowledge that the said
F. R. Armstrong was in Hillston
at that time. Knew full well
that the said F. R. Armstrong
& Br. only wanted a continuance
that they might dispose of their
property and defraud their

Creditors as they had aff.
and repeatedly threatened, in
case they were sued, ~~that~~
the said bill of sale was
utterly without consideration
and charge the fact to be,
that the said F. R. Armstrong
G. R. Armstrong Hannah K.
Armstrong Theodocia G. Armstrong
and their father John H. Armstrong,
combined with the fraudulent
intention of rendering, delaying
cheating and defrauding the
Creditors of F. R. Armstrong
& Bro., that to consummate their
purpose it was agreed, ^{to} and
consented to ~~work~~ with
each other that there should
be a bill of sale made by
F. R. Armstrong & Bro. to their
sisters Hannah K. ^{and} Theodocia
G. Armstrong ^{for} the remainder
of the stock of horses in
the "New St. Louis Hotel". That
according to said agreement
and understanding on the
20th day of November 1876.
F. R. Armstrong & Bro. executed

a bill of sale to Hannah
K. and Theodocia G. Armstrong,
for said goods, the said Hannah
K. and Theodocia G. Armstrong
with a full knowledge of the
fraud attempted to be perpetrated
by their brothers upon their
Creditors and fully knowing
that there was no consideration
moving from them to the said
H. R. Armstrong & Bro. for said
property. They accepted said
bill of sale and a pretended
delivery of the goods, wicked-
ly designedly and fraudulently
for no other purpose or considera-
tion than to assist their
brothers in wronging, cheating
and defrauding their Creditors.
Which act was unconscionable
to every sense of justice and
~~and~~ fair dealing.

Defendants Charge the
fact to be, that there was not
a delivery of the goods in
said store to Hannah K.
and Theodocia G. Armstrong

but that said goods, remained
in possession of F.R.
Armstrong & Bro. - That business
was continued for several
days, by the same parties who
had sold goods formerly, that
there was never any appearance
to indicate a change in
possession until the morning
of the day of the execution.
After the house had been
closed by the officer then
John H. Armstrong, who for-
mer had formerly officiated
as the agent of F.R. Armstrong
& Bro. now appeared in the
new role of Agent for Hannah
K. and Theodocia G. Armstrong
~~who~~ the said John H. Armstrong
in great fury put up a
sign on the store in the style
of "H. K. & T. G. Armstrong" which
was the first indication
that these young lady plaintiffs
were struggling to embark
in a mercantile enterprise, and
thus changed the fact to be
that the possession was not changed

in reality nor was there
any intention of an actual
change until after the goods
were seized to satisfy the
debts — That after said pre=
tended delivery of the goods
as aforesaid, and after
judgments were rendered
against F.R. Armstrong & Bro.
~~on~~ on all the accounts
therein on the 1st of Dec 1876.
The said Hannah K and Theodore
G. Armstrong in the throes of
guilty consciences, knowing
the fraud to which they were
parties, and suspecting that
notwithstanding their scheming
and designing that the execution
would be levied upon the goods
as the property of F.R. Armstrong
& Bro. they to wit a levy on the
7th day of December 1876. noti=
fied the constable to "not levy
on goods in the store house
formerly occupied by F.R.
Armstrong & Bro. —

Afterwards on the 19th day

of December 1876. after said
goods, had been levied upon
as the property of F.R. Armstrong
& Bros. - John H. Armstrong pre-
tending to act as agent of
Hannah K. & Theodosia G. Armstrong
on the 14th notified the Constable
in writing, ^{to direct in such cases} that the said
Hannah K. & Theodosia G.
Armstrong claimed the goods
levied upon, whereupon
the Constable fixed a day
to try the rights of property
and notified John H. Armstrong,
on the day appointed the
Constable summoned and
suppannelled a jury to try
the rights of property. The
Claim of Hannah K. & Theodosia
G. Armstrong was read and
stated to the jury, and these
Plaintiffs then produced their
evidence, and at the conclusion
of the testimony for the Claimants
the Claimants withdrew their
claim for the property and
refused to submit it to the
jury and then and there

abandoned the property which was sold without further objection by these plaintiffs or any one for them, - and which was sold to pay the debts that were contracted for said goods, and the proceeds of said sale was applied to said debts - leaving a large amount in arrears and unpaid, -

Defendants for further answer say, the said plaintiffs ought not to be admitted to say "that the defendants, have not kept and performed their bond and obligation aforesaid, but have broken the same, and for a breach thereof plaintiffs say that said J. H. Havens did not faithfully discharge his ~~duties~~ duties as constable of said Township according to law." Because of the voluntary withdrawing of said claim from the jury empanelled and qualified

to try the rights of property
between these plaintiffs and
the execution Creditors of
J. R. Armstrong & Bro. as the
law directs and makes the
duty of the Coroner upon
notice of Claim to property;
and in neglecting and
refusing to claim said
property before the sale
thereof and thereby permitting
said goods to be sold without
objection or interference by
these plaintiffs or anyone for
them. Therefore ~~plaintiffs~~
~~are~~ defendants may
judgment, if the said plaintiffs
ought to be admitted against
their own ^{acknowledgments} ~~knowledge~~ acts
and doings as "aforesaid"

Defendants, for further answer
to plaintiffs, cause of action
declare the fact to be that
these plaintiffs Hannah K. and
Theodora E. Armstrong are
now largely indebted to the
firm of J. R. Armstrong & Bro.
in this, that the said Hannah

K. and Theodocia G. Armstrong took from said "New St Louis Store" large amounts of goods for their own wearing for which they did not pay, and also that said firm during its career as merchants, advanced large sums of money to the said Hannah K. and Theodocia G. Armstrong and on divers occasions advanced large sums of money to other parties for the said Hannah K. and Theodocia G. Armstrong, that said firm frequently, at the direction of the said Hannah K. and Theodocia G. Armstrong ordered extra fine goods and luxuries from St Louis, for the said Hannah K. and Theodocia G. Armstrong, such ^{to their ideas} as were suitable to their fortunes and stations in life, and which were too costly to be handled and kept in stock in the "New St Louis Store" at Hillsboro, by reason and all of which the said parties, these plaintiffs

are now largely indebted
to the said H. R. Armstrong Bros,
and were likewise indebted
at the time ~~same~~ of the ^{pretended} pur-
-chase of the stock of goods,
on the 20th of December 1876.

Defendants having fully
answered ask to be dis-
-charged with their costs in
the cause expended,

John L. Thomas, J. Bro

Byrnes & McMullen

Atty for Defs;

4496

Amended Answer
by
J. W. Haines Esq
Clerk

~~Answered~~
Answer to amended
petition

Filed Sept 18 1878
C. W. Haines
Clerk

State of Missouri
to the use of Hannah N.
Armstrong and Theodosia G. Armstrong
vs J. A. Havens & al
Defts

In the Circuit
Court of Jefferson
County
September Term
1877

Plaintiff for reply to the answer
of defendants deny each and
every material allegation set
out in said answer.

W. A. Davis
Atty for Plffs.

In the Circuit Court

of Jefferson County

State of Missouri
vs the use of
Hancock & Company
Shad.

J. M. Hawes vs

Reply

Filed Feb 18 1897

Chas. H. Davis

ccad

Geo. A. Davis
Att'y for Def.

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To *Thos. J. Jones, C. Marshall*
E. J. Horine, Adam Hansen & Barth.

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~~ *forthwith* day of ~~_____~~, *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 *Armstrong and Armstrong* are is Plaintiffs, and *J. M. Warren et al* is Defendant, on the part of *Dyke*; 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 *18* day of *Sept.*, A. D., 1877.

C. Tho' Horine
CLERK.

Armstrong
vs

Havens

Sheriff fee \$250

Filed Sept 18 1877,
Chas. W. Norne
Clerk

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

Co

Geo L Johnson

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 day of *fortwith*, 187, 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 *Armstrong & Armstrong* is Plaintiff, and *James W. Evans et al* is Defendant, on the part of *Deff*; 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 18 day of *Sept*, A. D., 1877.

C. Tho' Horine CLERK.

Exempts the within (copy) in Jefferson
County, Ariz on the 18th day of Sept- 1877 by
reading same in the presence and
hearing of George S Johnson

John Williams Sheriff
By J. A. Mason Deputy

armstrong
vs

Haven

Sheniff fee

50

Filed Sept. 18th 1877.

C. Thos. Morine
Clerk

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To

C. Morison, Chas Swingle and

Wm G Hanson

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~~ *day of forthwich*, ~~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 *Armstrong and Armstrong* is Plaintiff, and *J M Havens et al* is Defendant, on the part of *Hefch*; 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 *18th* day
of *Sept.*, A. D., 1877.

C Tho' Horine CLERK.

Armstrong

²⁰
Nasens

2

Morrison

Swingler

Hansen

Sheriff fee \$150

Filed Sept 18th 1877

Chas' Morine

Clerk

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

Co J R Armstrong

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~~ day of September, 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 Armstrong and Armstrong is Plaintiff, and Jm Warens et al is Defendant, on the part of Selfs; and herein you are in no wise to fail, and bring with you all of the books kept by the Armstrong Bros at the "New St. Louis Store" at Hillsboro, Mo,

Witness, C. THO' HORINE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 18th day of Sept, A. D., 1877.

C Tho' Horine CLERK.

Armstrong) tab

no

Stevens tab

L

P. R. Armstrong

Sheriff fee 50

Filed Sept 18th 1877.

O. H. Shreve
Clerk

STATE OF MISSOURI,
COUNTY OF JEFFERSON.

O Marsden

To

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~~ day of *September*, 187*7*, 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 *Armstrong & Armstrong* is Plaintiff, and *Jm Wavens & Dal* is Defendant, on the part of *Dal*; 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 *18* day of *Sept.*, A. D., 187*7*.

Chas Horine

CLERK.

RECEIVED AT THE OFFICE OF THE

CLERK OF THE DISTRICT COURT

Sherriff fee 50

Filed Sept 18 1877

C. W. Warner

Clerk

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To *R. W. McMullen*

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~~ *day of September 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 *Armstrong & Armstrong* is Plaintiff, and *J. M. Warner et al* is Defendant, on the part of *Def*; 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 *18* day of *Sept*, A. D., 1877.

C. Tho' Horine CLERK.

Shriff fee

50

Filed Sept 18th 1877.

C. H. Hine

Clerk

STATE OF MISSOURI,
COUNTY OF JEFFERSON.

Do

Wm. J. Austin,

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~~ day of *February*, 187*7*, 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 *Amending & Amending* is Plaintiff, and *J. M. Shawcross et al* is Defendant, on the part of *Shawcross*; 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 *18* day of *Sept.*, A. D., 1877.
C. M. Horine CLERK.

Armstrong et al

vs

Jm Havens
et al

Filed Sept 18 - 1877,
P. Mo. Norris
Clerk

I advise the necessity of service of this
subpoena by an officer or a deputy sheriff
Sept. 18th 1877

John P. Armstrong

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To

Ed Walker

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~~ *day of September*, 187*7*, 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 *Armstrong & Armstrong*
vs *James H. Warren et al*

is Plaintiff, and is Defendant, on the part of *Left*; and herein you are in no wise to fail. *And bring with you your docket in the cases in which the Armstrong Bros were defd.*

Witness, C. THO' HORINE, Clerk of our said Court, with the

seal thereof hereto affixed, at office, this *18* day

of *Sept.*, A. D., 187*7*.

C. Tho' Horine

CLERK.

Shrifflee

50

Filed Sept. 18th 1877

Wm. Shinn
Clerk

Armstrong et al }
 v
 Haven, et al }

Gave

The court declares the law to be that if the Court sitting as a jury should find from the evidence that the bill of sale executed by F. R. Armstrong & Bro to Plaintiffs on Nov 20th 1876 recited evidence was received by the grantors to the grantees therein for the purpose & with the intent to defraud, hinder and delay ^{the} their creditors of F. R. Armstrong & Bro and that Plaintiffs knew of such design and intent and accepted said bill of sale in order to aid them in their fraud against creditors then said bill of sale is void & the finding should be for Defendants.

Amosbury

&

Harris
al

Filed Sept 22/77

C. H. Harris

By J. M. Brown
Deputy

Given

The Court declares the law to be that a debtor may give a preference to a particular creditor or set of creditors by a direct transfer of his property to them if he does so in payment of a just debt, and the pendency of suits by other creditors is immaterial and the transaction is valid though it may defeat the claims of other creditors, even if the transfer includes all of the defendants property provided the grantee is not a party to any design to hinder delay or defraud the creditors of the grantor.

Instruction asked
by plf's.
State of Missouri
Armstrong et al
vs
Haven et al

Filed Sept 22/77

C. M. Haire,

Att'y

By J. A. Linn

Sept

Given

2 If the Court should find from the evidence that there was no actual change of the possession of the stock of goods in dispute under the bill of sale of Nov 25 "877 until the levy was made by the Constable then the finding should be for Defendants ~~unless~~

Filed Sept 22/77

C. Thos. Honyie Clerk

By  J. Green
Sept