

Jefferson County Circuit Court
Case Files - Civil
January 1879 - No. 565

Hamrick, W. P., Public Administrator
Lanham, James M.

vs

Stephens, A. F.

Note,

Debt \$760 for cord wood

Box

38

Folder

12

\$760.00

February 5th

1873

Twelve months after date, I promise to pay

to the order of

James W. Lamborn

Sixty Dollars

on order the sum of Seven hundred & 60/100

for value received, negotiable and payable, without defalcation or discount, and with interest from

at the rate of ten per cent. per annum, and I hereby waive all my right to claim any benefit from the Homestead or Exemption laws of the State of Missouri, upon any judgment rendered upon this note.

No. 1



A. J. Stephens

REVENUE
STAMP.

C. F. CHAMBERLIN & CO.,
PRINTERS, ST. LOUIS.

Filed Dec 11th 1874
Chas Horne
Clerk

\$74.00 A. J. Stephens

W.P. Hamrick Public Admt of Jefferson
County Mrs. having in charge the
Estate of James M. Lanham Plaintiff
against
A. L. Stephens Defendant
In the Circuit Court of
Jefferson Co. Mo. Jan'y Term 1879

Plaintiff states that Defendant
by his promissory note herewith
filed dated Feb'y 5th 1873 promised
for value received to pay
James M. Lanham ~~the value~~
~~received~~ twelve months after
the date thereof the sum of
seven hundred & sixty dollars.
Plaintiff further states that on
the day of 1878 the said
James M. Lanham departed this
life, and that his estate was
ordered into the hands and
taken charge of by Plaintiff
by virtue of his office of
Public Administrator of
Jefferson County Mo. by the
Probate Court of said County.
Therefore Plaintiff states that
said sum of money and the
interest thereon are yet due

and for which he asks Judge
John L Thomas Esq
attys for Plaintiff

J. M. Lamborn's
Admr
vs
A. T. Stephens

our note

Filed Dec. 11th 1878
C. Ho. Corvine
Clerk

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

A. J. Stephens

if found in your County, to 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 of *January* next, then and there to answer unto

W. B. Hamrick Public Adm. of Jefferson County Mo, having in charge the Estate of James M. Latham,

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

Witness, C. THO' HORINE, Clerk of our

said Circuit Court, with the Seal thereof hereunto affixed, at office in Hillsboro, this *11th*

day of *December* A. D., 1878.

C. Tho' Horine, Clerk Circuit Court.

565

RETURNABLE

-TO-

JEFFERSON CIRCUIT COURT

January Term, 1879

W. O. Hamrick
Public Administrator
of Jefferson County
Missouri, having
in charge the Estate
of James M. Lanham

= n =

A. F. Stephens

original

Shiff Fee \$1.00

Executed the within writ at the County
of Jefferson and State of Missouri on
the 18th day of December 1878 by
delivering to the within named
A. F. Stephens a true copy of
the within writ & petition as
furnished me by the clerk,

By John R. Cook Deputy
Thomas J. Jones Sheriff

W. P. Hamrick Public Admini-
ni Charge of Estate of Jas. M. Lanham - Plaintiff
Against
Asa F. Stephens - Defendant

In the Jefferson Co. Circuit Court,
January Term 1879

Now comes the Defendant and for answer
to the petition of Plaintiffs in said cause, admits
the execution of the note sued on, but denies
that any interest was agreed to be paid thereon
^{contrary it was agreed that no interest should be charged on said note,}
~~and~~ ^{as} stated in said petition, ~~and~~ ^{and} answers that to the

And for a further answer to said petition, Defend-
ant states that on the 23rd day of January
1873, Defendant made a contract with me
James M. Lanham, to whom the said note was
made payable by which Lanham sold to De-
fendant Two Thousand cords of wood to be cut
by Defendant off the lands of said Lanham,
by which contract, Lanham was to be paid by
Defendant thirty eight cents per cord for each
cord of wood so cut by Defendant, that under
said contract Defendant entered upon said
lands and cut Six Hundred and fourteen cords
of wood, for which he became indebted to said
Lanham in the sum of Two Hundred and
Thirty Three Dollars and thirty ~~two~~ ^{two} cents,
Defendant further states that after cutting
said amount of wood, at the request of said

Lanham, he relinquished said contract, and cut no more wood under it, off the land of said Lanham, - and Defendant avers that said note was given by him to said Lanham, ^{in payment for said cord wood} with the expectation of receiving the full amount of wood as contracted for by him with said Lanham, but Defendant avers that by his relinquishment of his said contract as aforesaid, at the request of said Lanham he did not receive the amount of wood contracted for by him, and is therefore not entitled to pay more than the value of the wood so cut off, ^{as aforesaid} by Lanham. Defendant further avers that on the 26th day of April 1876, he paid to said Lanham on account of said note the sum of One Hundred and Eighty dollars, and received from said Lanham his receipt therefor, which is herewith filed.

Therefore Defendant says that there was no consideration for said note, except as stated in said contract, as aforesaid, and having fully answered Defendants prayer to be discharged,

Williams & Green

Attys for Defendant,

W. O. Hamrick Pub
Adms in Charge East of
J. M. Lanham
= 00 =

Asa H. Stephens

Answer.

RECEIVED

JAN
14
1879

E. M. Hamrick
OCT 12
1878

STATE OF MISSOURI,
COUNTY OF JEFFERSON.

To

Frank M. Gready

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 May, 1879, 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 Hamrick adm^r. Lanham is Plaintiff, and A. J. Stephens is Defendant, on the part of Deft.; and herein you are in no wise to fail. *and bring with you your books showing amount of cordwood delivered at Blackwell, Station to your order*

Witness C. THO' HORINE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 9th day

of May A. D., 1879.

C. Tho. Horine
E. J. Conely Deputy

Clerk.

~~Executed the within Opa at the County~~
~~of Jefferson and State of Missouri~~
~~on the~~

The within witness Frank McGready
not found in my County

This of some Sheriff
By J. L. McLean Deputy

Hamick, a dnr.
of Lanham est.

A. J. Stephens

"
" "
"

Frank McGready

Quces to cum

Sheriff J. L. McLean

23-

1875

Book 10

STATE OF MISSOURI,
COUNTY OF JEFFERSON.

To James Blackwell, Isaac Cooksey,
Henry Lanham, Naaman Landers, Lafayette Graham

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 May, 1879, at Hillsboro, then and there to testify and the truth to say in a certain matter of contro-

versy now pending in our said Court wherein Hamrick admr
Lanham et al is Plaintiff, and A. J. Stephens
is Defendant, on the part of Deft.;
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 7th day
of May, A. D. 1879.

C 'Tho' Horine
Clerk.
By C. J. Honey Deputy

Executed the within (Spa) at the County
 of Jefferson and State of Mo
 the 10th day of May 1879 by reading
 same in the presence and hearing
 of Isaac Cooley

Filed Sworn to and Subscribed

before me - May 17 1879

Chas. Horine Clerk

A. J. Stephens

Hamrick
 Adm^r Lanham

A. J. Stephens

James Blackwell

Isaac Cooley

Henry Lanham

Maam Landers

Lafayette Chaham

Sherriff fee \$2.00

Record the within (Spa) in Jefferson County Mo
 by the 10th day of May 1879 by reading same in the
 presence and hearing of Isaac Cooley
 and further executed same by leaving a copy
 of the within Spa by a ~~copy~~ at the residence
 or usual place of abode of Henry Landers
 and Maam Landers each
 Isaac Cooley and Lafayette Chaham
 found my County the James Hamrick
 By John & Meason Supts

Namrick admr of Lauham
 vs
 A. F. Stephens

10, 20, 189. 189.

BILL OF COSTS.

DOLLARS CENTS DOLLARS CENTS

6 Tho' Horine, Clerk, ...
 4 Files, ²⁰ Copies, ³⁰ Cert. and Seals ⁵⁰ 1 00
 Dockets ²⁵ Cont. ¹⁰ 25
 ...Sum. and Copies ^{1 10} Order ³⁵ Copy. 1 45
 2 cont. ⁵⁰ app. ¹⁰ 60
 Affd's Default Judg't. ⁵⁰ 50
 2 sps ⁵⁰ 50
 Fee Bill ¹⁰ Making Costs ⁴⁰ 50
 Ent. Sat. ²⁵ Execution ^{1 00} 1 25 / 6 05

Thos J Jones Sheriff ^{1 00} 1 00
 5 sps. ^{2 00} 1 monest. ²⁰ calls ¹⁰ 2 90 3. 90
 Sheriff

Witnesses

John H Lauham 2 days 20 miles 5 20
 Lafayette S Lauham 2 " 20 " 5 20
 James Blackwell 2 " 20 " 5 20
 Isaac Cookeey 2 " 25 " S Francisco 6. 50 22. 10

16
 25
 20
 32
 40

16
 20
 20
 32
 40