

Jefferson County Circuit Court
Case Files - Civil

September 1887

Box

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Thomas, W. H. H.

vs.

Bell, William J.

Replevin

Engine, separator, 3 horses, 4 oxen,
1 cow; \$100 damages

State of Missour, County of Jefferson
In the Circuit Court.

To September Term AD 1887,
W M Thomas Plaintiff

vs
William J Bell Defendant. } Replevin.

Plaintiff states that on the thirtieth day of December 1884 the Defendant executed and delivered to C. Aultman & Co. (an incorporated Company under the ^{general} laws of the State of Ohio) of Canton Ohio his certain Chattel mortgage of said date by which he assigned and set over unto the said C. Aultman & Co & its assigns, the following described personal property therein described to-wit:

One Canton monitor Engine, ten horse power and
one Sweepstakes Separator with all the appurtenances thereto belonging.

Also one pair of bay matched horses about 15 hands high and about 7 years old called "Dan & Joe."

One dark brown mare about 14 hands high & about 10 years old, called "Queen".

One yoke of red matched oxen about 5 years old called Dan & Red.

One yoke of hindle matched oxen about 5 years old called Bright & Buck.

One red & white Car about 5 years old, and

one light brown Car about 5 years old.

Plaintiff states that said Chattel mortgage was

executed & delivered as aforesaid to said C. Aultman & Co.
to secure to said Company & its assigns two promissory
notes signed by defendant and described in said
mortgage tenor: "Two promissory notes dated
Dec. 1st 1884, one for the sum of (\$300.⁰⁰) three
hundred dollars, due Nov. 1st 1885, and one for
the sum of (\$300.⁰⁰) three hundred dollars, due on
Nov 1st 1886, both to bear interest at seven per
cent from date per annum. And it was stipulated
in said conveyance that if the said William J. Bell,
(defendant herein) should well and truly pay off and
discharge the debt aforesaid, according to the true
tenor, date & effect thereof, then said conveyance to be
void, otherwise to remain in full force and virtue.
Plaintiff states that it was further stipulated in said
Chattel mortgage, that if default be made in the
payment of said debt or any part thereof, or the inter-
est due thereon, on any day when the same ought to
be paid then the whole sum shall at the election
of the said C. Aultman & Co. become immediately due
and payable, And it was further provided, in case of
default in the payment of said debt, or any part
thereof, the said C. Aultman & Co. or its legal represen-
tatives might take the said property or any part
thereof into its possession - advertise and sell the
same according to the terms of said mortgage
and apply the proceeds of said sale to the pay-

of the costs of conducting the same and the balance apply to the extinguishment of the debt and if there be a balance thereafter, said balance to be paid over to said Bell or his legal representatives.

Plaintiff states that said notes have been duly assigned and delivered to him and that he is now the legal holder and owner thereof, that the conditions of said Chattel Mortgage have been broken & that said William J Bell (defendant herein) has utterly failed to perform the conditions and stipulations contained in said conveyance on his part, ~~but~~

Plaintiff states that he is lawfully entitled to the ~~immediate~~ possession of the property above described, that it is wrongfully detained by the defendant, that said property is of the value of Seven hundred and six & ⁷⁵/₁₀₀ dollars; that the same has not been seized under any process, execution or attachment against the property of Plaintiff and that Plaintiff will be in danger of losing his said property, unless it be taken out of the possession of the defendant, or otherwise secured.

Plaintiff therefore prays judgment for the possession of the property aforesaid, and for damages in the sum of one hundred dollars for the detaining thereof & for such other and further relief as to the Court may seem just & proper & for costs.

Thomas & Morine
for Plaintiff.

W. W. Thomas

P.
William J. Bell

Replevin

Petition

Filed June 16th 1887
W. W. Thomas
Clerk

State of Missouri, County of Jefferson S.
In the Circuit Court.

To September Term A.D. 1887,

W. H. Thomas Plaintiff

vs

} Affidavit in Replevin,

William J. Bell Defendant

Plaintiff states that he is lawfully entitled to the possession of the following described personal property to-wit:

One Canton Monitor Engine - ten horse power and
One Sweepstakes Separator with all the appur-
tenances thereto belonging.

Also One pair of bay matched horses about 15 hands
high and about 7 years old called "Dan & Joe".

One dark brown mare about 14 hands high & about
10 years old, called "Queen".

One Yoke of red matched oxen about 5 years old
called Dan & Red,

One yoke of brindle matched Oxen about 5 years
old called Bright & Duck,

One red & white Car about 5 years old, and

One light brown Car about 5 years old, of the
value of Seven hundred and six & $\frac{75}{100}$ Dollars; that
the same is now unlawfully and wrongfully de-
tained at the County aforesaid and that Plaintiff
is in great danger of losing said property, unless
it be taken out of defendant's possession,

W. H. Thomas

#67

W. H. Thomas

v

William J. Bell

Aff'd in

Replevin

Filed June 16/1887
D. W. T. C. C. C.
Clerk

Subscribed & sworn to before me June 16th 1887,
Witness my hand and official
seal hereunto affixed. Done at
office at Hillsboro the date
last aforesaid, Term Exp. Dec. 31st 1890,
C. M. Morine
Notary Public

THE STATE OF MISSOURI, } ss.
County of Jefferson.

The State of Missouri,

To the Sheriff of Jefferson County---Greeting:

We command you, that you summon.....

William J. Bell

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 holden at the town of Hillsboro, within
and for the County of Jefferson, on the..... Monday of.....
next, then and there to answer unto.....

W. H. H. Thomas

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

D. B. VEAZEY
Witness, G. THO. HORINE, Clerk of our said Circuit
Court, with the seal thereof hereunto affixed, at
office in Hillsboro, this..... day of

June A. D., 1887

D. B. Veazey, Clerk Circuit Court.

Bill of Costs
 273 Vagz blenn 2 files 10/ Copy 60/ cos 50/ 110
 7 Docu 30/ Ord deliver 30/ Copy 30/ cos 50/ 140
 Ord dismissing 30/ Fecile 10/ Costs 10/ 60
 400

Paid Feb 4/1888

6407

No. 6710

22

W. H. Thomas

= vs =

William J. Bell

Replevin

Original

In the Jefferson County Circuit Court
In vacation, June 16th 1887
To September Term

W. H. H. Thomas, Plaintiff

vs

} Order of Delivery

William J. Bell Defendant } Now at this day comes the
plaintiff and files his petition and affidavit
as required by law, praying for an order for the
possession of the hereinafter described property
Whereupon it is ordered by the undersigned clerk of
the said court that said defendant deliver the prop-
erty specified in the annexed petition to wit:

One Canton Monitor engine, ten horse power, and one
sweepstakes separator with all the appurtenances
thereto belonging.

Also one pair of matched bay horses about
15 hands high and about seven years old called "Dan & Joe"
One dark brown mare about 14 hands high and about
ten years old called "Queen"

One yoke of red matched oxen about five years
old called "Dan & Red"

One yoke of brindle matched oxen about five
years old called "Bright & Buck"

One red and white cow about five years old
and one light brown cow about five years old, of the val-
ue of seven hundred and six ⁷⁵/₁₀₀ dollars

And the Sheriff, if the same should not be de-
livered to him, take the same from the defendant
and deliver said property to the plaintiff on his
complying with the statute in such cases made
and provided

Attest

D. B. Kazy Clerk

STATE OF MISSOURI,
County of Jefferson } ss. I, N. B. Seazey, Clerk
of the Circuit Court in and for said County, hereby certify that the above is a true copy of the
original Order of delivery in the cause therein named, as the same
appears of record in my office.

WITNESS my hand as Clerk, and the seal of said Court.

Done at office in Hillsboro this

16th day of June 1887

N. B. Seazey CLERK.

Per _____ Deputy.