

Jefferson County Circuit Court
Case Files-Civil
May 1888

Smith, Martha
Smith, John

vs.

Harness, John

Debt

Debt \$1,600 for three notes converted
to own use by defendant

Box 40 Files 11

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

To May Term 1888.

Martha Smith and
John Smith her husband Plaintiffs
against

John Harnes Defendant.

Plaintiffs state that they are husband and wife; that on the 27th day of April 1886 Martha Smith aforesaid was the owner of two negotiable promissory notes executed by one George McFarland to John Harnes and by said Harnes assigned & delivered to plaintiff Martha Smith; that said notes were each for the sum of \$102.⁵⁰/₁₀₀ Dollars, aggregating two hundred and five dollars and drawing interest at the rate of ten per cent per annum from date until paid, interest to be compounded annually if not paid when due, that said plaintiff Martha Smith placed said notes into the hands of said Defendant for collection, who on the day of December 1887 unlawfully converted said notes to his own use. That by reason of the premises, plaintiffs have been damaged in the sum of three hundred dollars, for which

sum plaintiffs pray judgment, with interest thereon from the day of December 1887 at ten per cent per annum, compounded annually, and for costs.

And Plaintiffs for a further cause of action, ^{State} that on the 27th. day of April 1886 plaintiff Martha Smith was the owner of a certain negotiable promissory note executed by one George Mersall to John Harnes and by the said Harnes assigned and delivered to plaintiff Martha Smith, and which said note was for the sum of one thousand dollars, drawing interest at the rate of ten per cent per annum until paid, interest to be compounded annually if not paid when due; that plaintiff Martha Smith afterwards ~~did~~ on the day of 1886 placed said note in the hands of said defendant John Harnes for collection, who, on the day of December 1887 unlawfully converted said note to his own use.

That by reason of the premises, plaintiffs have been damaged in the sum of thirteen hundred dollars, for which sum they pray judgment with interest thereon from the day of December 1887 at ten per cent per annum, compounded annually

and for costs of suit,
Thomas & Horine
Attorneys for Plaintiffs.

In the Jefferson Cir. Ct,
In May Term 1888

Mauda Smith and
John Smith her husband
Plffs,

v

John Starnes
Defn

Starnes for
Conversion &c.

Leave procefs at once

Filed January 3rd 1888
A. D. D. Henry
Clerk

Starnes & Starnes for Plffs

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

The State of Missouri,

To the Sheriff of Jefferson County---Greeting:

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

John Harness

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 *second* Monday of *May* next, then and there to answer unto.....

Martha Smith vs John Smith her husband

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

D. B. Veazey
Witness, **C. THO. HORINE**, Clerk of our said Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *3rd* day of *January* A. D., 18*88*

D. B. Veazey, Clerk Circuit Court.

Sheriff's Return, writ, in
 I hereby certify that I served the writ, in the county
 of Jefferson and State of Missouri; on the 6th day of Jan^y,
 1888, by leaving a true copy of the ~~same~~ ^{within writ and} with
 annexed petition as furnished me by the Circuit Clerk,
 with a member of the family of the within named John Harness,
 more than fifteen years of age.

Fee \$9.00

Geo. W. McFry Sheriff of Jeff Co

By W. H. Gahr,
Depty.

No-7634

In Jefferson Co. Ch.

To May Term 1888

Martha Smith and

John Smith her husband

Defts

-vs-

John Harness

Plff.

Original

Wages for Conversions

Filed Jan 20 1888

W. H. Gahr
Clerk

MOTION TO REQUIRE SECURITY FOR COSTS.

(Rev. Stat., Sec. 980-2868.)

Martha Smith & Co
N. Smith

Plaintiff

AGAINST

John Hamess

Defendant

In the Circuit

Court of

Jefferson

County,

STATE OF MISSOURI,

May

Term, 1888

NOW COMES

Defendant by his Attorneys

and moves the Court to make a rule upon the Plaintiff

in the above entitled cause, to give security for costs in said cause, for the reason following, viz:*

Because the Plaintiffs are insolvent
and the costs cannot be collected from
them.

J. S. Stephens & J. F. Green
Attys for Deft.

Jos. S. Stephens being sworn says that the mat-
ters stated in the foregoing motion are true to
the best of his knowledge & belief
Joseph S. Stephens
Subscribed & sworn to May 16th 1888.

D. B. Vazey
Clerk in Ch

*For general convenience, the grounds upon which the law authorizes security to be required, are here given, as near as may be, in the language of the Statute.

First—That the Plaintiff has become non-resident since the commencement of this suit, and has ceased to reside in the State.

Second—That the Plaintiff is unable to pay the costs of this suit.

Third—That the Plaintiff is so unsettled as to endanger the officers of the Court with respect to their legal demands.—Rev. Stat., Sec. 986.

No. 76

St. Jefferson Circuit

Court

May Term, 1888

Martha C. Lee vs. M. Smith

vs.

Plaintiff &

John Hancock

Defendant

MOTION OF

Defendant

TO REQUIRE SECURITY FOR COSTS.

Filed May 16th 1888

J. B. Wager

Clerk.

Martha Smith and
John A Smith her
husband.

vs

John Harness

In the Circuit Court of
Jefferson County Missouri
Fallay Term 1888.

We obligate ourselves to pay all
costs which have accrued or may
hereafter accrue in said cause.

W. H. H. Thomas

Read and approved by me this
10th day of July 1888

D. B. Veazey Clerk

Maria Smith's
John W Smith's

re.

John Ottamers

And for Coats

Filed July 10th 1888
A.B. Mayes
Clerk

Martha Smith & Mrs H. Plaintiffs
Smith by husband
Against

John Harness Defendant.

In Circuit Court of Jefferson
County Missouri.

Now comes the defendant and for
answer to the petition of the Plaintiff
in the above entitled case, denies
each and every allegation in said
petition contained, and having fully
answered pray, to be discharged with
costs.

Jos. C. Stephens & J. F. Green
Attorneys for Defendant

Martha Smith ✓
Bro. M. Smith Sept

to

Mrs. Harner Sept.

Wells-Award

Filed August 7th 1888
W.D. Neasey
Clerk.

SUBPOENA.--CIRCUIT COURT.

STATE OF MISSOURI, COUNTY OF

Jefferson

} SS.

No.

11

THE STATE OF MISSOURI, To

*John W. Barnes**Allen McCreary**John W. Barnes**Allen McCreary**Henry Wirtz**James Boyd**Edw. Stephens**John A. McCreary**You are Hereby Commanded,* That setting aside all manner of excuse and delay, you be and

appear in proper person, before the Judge of our Circuit Court, at the Court House in the town

of *Stella*

, within and for said County, on

*Wednesday*the *12th* day of*September*

A. D. 1888, then and there

to testify and the truth to speak, in a certain matter of controversy now pending in our said Court,

wherein *Martha Ann Chace* are

Plaintiffs,

and *John Barnes* is

Defendant,

on the part of said

defendant

, and this you shall in no

wise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

WITNESS my hand and the seal of our said Court. Done at

office in *Stella*

in said County, this

27th day of*August* A. D. 1888*Wm. D. Young*

Clerk.

By

Deputy Clerk.

SUBPENA.

No. 11

CIRCUIT COURT

Of _____ Co., Mo.,
 September Term, 1888
 Martha Smith et al

vs.
 John Harness

PLAINTIFFS' }
 DEFENDANTS' } WITNESSES.
 Day of Trial

Thos. Harness Aug 29th 1888

John Harness Jr " 30th 1888

Allan McCreery Aug 29th

Henry Virrett Aug 29th

James Burge Aug 31st

A J. Stetson Aug 30

John D. P. Aug 30

Washington

Filed Sept 10/1888

D. B. Nease

RETURN.

I hereby certify that I served the within Writ in the County of Jefferson
 and State of Missouri, on the 28th and 30th day of August, 1888, by
 reading the same in the presence and hearing of the within
 named John Harness, John Harness Jr, Allen McCreery,
 Henry Virrett, A. J. Stetson and James Burge, and on the
 31st day of Sept 1888, by reading the within writ in the presence and
 hearing of the within named James Burgeant.

Geo. W. McCreery Sheriff

By John H. Baker, Deputy.

SUBPOENA.--CIRCUIT COURT.

STATE OF MISSOURI, COUNTY OF

J. H. Henson

{ ss.

No. 10

THE STATE OF MISSOURI, To

Wm. H. Henson

John H. Henson

Jno. S. S. Henson

John H. Henson

Jno. H. Henson

John H. Henson

Jno. H. Henson

John H. Henson

Jno. H. Henson

John H. Henson

You are Hereby Commanded, That setting aside all manner of excuse and delay, you be and

appear in proper person, before the Judge of our Circuit Court, at the Court House in the town

of Hillsboro

within and for said County, on

Wednesday

the 12th day of

September

A. D. 1888, then and there

to testify and the truth to speak, in a certain matter of controversy now pending in our said Court,

wherein Martha S. Henson et al

are

Plaintiff,

and

John H. Henson

Defendant,

on the part of said

Defendant,

and this you shall in no

wise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

WITNESS my hand and the seal of our said Court. Done at

office in Hillsboro

in said County, this

27th

day of

August A. D. 1888

J. H. Henson

Clerk.

By

DEPUTY CLERK.

SUBPENA.

No. 10

CIRCUIT COURT

Of _____ Co., Mo.,

September Term, 1888

Martha Smith et al

vs
John Harness

PLAINTIFFS'

WITNESSES

DEFENDANTS'

Day of Trial

Sept 12

Mrs. Aley Harness Aug 27

Jos. S. Stephens Aug 27

John Harness Jr Aug 27

Phos. Harness Aug 27

Allen M. Greery Aug 27

Washington and Thomas Aug 27

Aug. Stephens Aug 30

M. B. Stephens Aug 30

Aug 30

Filed Sept 10/1888

D. B. Keay, sec

RETURN.

I hereby certify that I served the within Writ in the County of Jefferson and State of Missouri on the 27th and 30th days of August, 1888, by reading the same in the presence and hearing of the within named Allen Greery, Washington and Thomas, Jos. S. Stephens, Phos. Harness, John Harness Jr, and John S. Keay, and by the return moved John Harness Jr, A. B. Stephens and M. B. Stephens, acknowledging service.

FEE, \$

4.50

Geo. M. Greery, Sheriff,
B. B. Stephens, Deputy.

SUBPOENA.--CIRCUIT COURT.

STATE OF MISSOURI, COUNTY OF

} ss.

No.

38

THE STATE OF MISSOURI, To

Margaret Plumbe

You are Hereby Commanded, That setting aside all manner of excuse and delay, you be and

appear in proper person, before the Judge of our Circuit Court, at the Court House in the *City*
of *St. Louis*

the *12th* day of *September* A. D. 1888, then and there

to testify and the truth to speak, in a certain matter of controversy now pending in our said Court,

wherein *Maria Anna Steele* are Plaintiff's,

and *(~~as~~) John Spence* is Defendant,

on the part of said *Plaintiff*, and this you shall in no

wise omit. And the person or officer serving this Writ is commanded to have the same at the
time and place aforesaid, certifying thereon his return.

WITNESS my hand and the seal of our said Court. Done at

office in *St. Louis* in said County, this

7 day of *Sept* A. D. 1888

B. B. Peay Clerk.

By Deputy Clerk.

SUBPENA.

No. 38

CIRCUIT COURT

Of _____ Co., Mo.,

Term, 1888

Martha Smith et al

(434)

vs.
John Horne~~PLAINTIFFS'~~

DEFENDANTS'

WITNESSES.

Day of Trial

Sept 12/88

Margaret Thompson

FEE, \$ 5.00

RETURN.

I hereby certify that I served the within Writ in the County of _____ and State of Missouri, on the _____ day of _____, 1888, by

reading same in the presence of my hearing of the within named
Margaret ThompsonG W Meethy Sheriff Jefferson Co
By Richardson DEPTFiled Sept 12/1888
Dr B Teague

SUBPOENA.--CIRCUIT COURT.

STATE OF MISSOURI, COUNTY OF

Jefferson

} ss.

No.

37

THE STATE OF MISSOURI, to

Margaret Thompson,

(and J. Thompson, Heirs)

William Sullivan & Ben Sullivan

You are Hereby Commanded, That setting aside all manner of excuse and delay, you be and

appear in proper person, before the Judge of our Circuit Court, at the Court House in the town

of Williston

within and for said County, on

Wednesday

the 12th day of September A. D. 1888, then and there

to testify and the truth to speak, in a certain matter of controversy now pending in our said Court,

wherein Martha Smith et al are Plaintiffs,

and (# 331) John Starnes is Defendant,

on the part of said defendants, and this you shall in no

wise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

WITNESS my hand and the seal of our said Court. Done at

office in Williston in said County, this

7th day of September A. D. 1888

W. B. Yeager CLERK.

By Deputy Clerk.

SUBPENA.

No. 37

CIRCUIT COURT

Of _____ Co., Mo.,

Sept Term, 1888

Martha Smith et al

#33

John Harness

PLAINTIFFS

WITNESSES.

DEFENDANTS

Day of Trial

Sept 12th/88

Margaret Thompson et al

William Sullivan et al

Sen Sullivan

Filed Sept. 12/1888
D. B. Koger
clerk

FEE, \$ 1.25

RETURN.

I hereby certify that I served the within Writ in the County of _____
 and State of Missouri, on the 10th day of Sept, 1888, by
 reading same in the presence of the within named Margaret Thompson and
 William Sullivan and the within named Sen Sullivan cannot be found
 in my County.

J. H. McElroy Sheriff
 by Richardson Sept

SUBPOENA.--CIRCUIT COURT.

STATE OF MISSOURI, COUNTY OF

THE STATE OF MISSOURI, To

} ss.

No. 26

Geo. McFarland Geo. Monroe

St. R. Warren, Pro. Vicarman

You are Hereby Commanded, That setting aside all manner of excuse and delay, you be and appear in proper person, before the Judge of our Circuit Court, at the Court House in the town of Willsboro within and for said County, on Wednesday the 12th day of September A. D. 1888, then and there to testify and the truth to speak in a certain matter of controversy now pending in our said Court, wherein Martha Ann Steel are Plaintiff's, and John Stearnes is Defendant, on the part of said Plaintiff, and this you shall in no wise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

WITNESS my hand and the seal of our said Court. Done at

office in Willsboro in said County, this4th day of Sept, A. D. 1888R. B. Deary Clerk.By Deputy Clerk.

SUBPENA.

No. 26

CIRCUIT COURT

Of _____ Co., Mo.,

September Term, 1888

Martha Smith

et al

vs
John Barnes

PLAINTIFFS'

DEFENDANTS'

WITNESSES.

Day of Trial

Sept 12th

J. Maudle

Geo M^cFarland

Geo. Mermal

W. R. Maness

Geo. Dickerman

Filed Sept 12th 1888

W. B. Seuzey
Clerk

FEE, \$ 2.50

RETURN.

I hereby certify that I served the within Writ in the County of

Jefferson

and State of Missouri, on the

5th day of September

day of

September

1888, by

The within named George Mermal and J. R. Maness and J. Maudle, acknowledging service and by reading the same in the presence and hearing of the within named, George Mermal and John Dickerman.

Geo. M. Mery, Sheriff

By H. H. Johnson,

Deputy.

~~1~~	~~2~~	~~W. M. Lankam~~	~~✓~~	~~1~~	~~5~~
~~2~~	~~3~~	~~Charles Henschel~~	~~✓~~	~~2~~	~~5~~
1	3	Wm M. Muse	✓		
2	4	Henry Riemann	✓		
3	5	Edward Caskels	✓		
4	6	Jacob Bauer			
5	7	Peter Christ			
6	8	Wm Chamberlin			
7	9	Emil Santschi			
	10	~~Wm. Henry~~			P
8	11	Wm M. Parks			
9	12	Theo. Bage			
10	13	Harold Smutzer			
11	14	E. J. Hamrick			
	15	~~Louis Hartman~~			P
	16	~~J. L. Hare~~			✓
12	17	Charles Coon			
	18	~~Wm. Stone~~			P

Martha Smith & Co
John H. Hennes

34

Paul

Filed Sept 12 1888
W. D. H. Hennes
Chas

Martha Smith et al }
as }
John Hearness }

The court instructs you, gentlemen of
the jury as follows -

If you believe and find from the evi-
dence in this cause that the plaintiff
Martha Smith is the daughter of defendant
and that he endorsed and delivered to her
the notes given to him by George McFarland
and George Messial, & described
in plaintiffs' petition and that in
so doing he intended to vest the title
there to in her and that she should
be the owner thereof and afterwards
said Martha delivered the same notes
to defendant with directions that
he collect the said notes for her and

that he did collect said notes but
failed to pay the same over to her
but converted the proceeds of said notes
to his own use ^{without her consent} then you will find
the issues for plaintiffs and assess
their damages at the amount of ~~the~~
the principal and interest collected
by defendant, ~~not exceeding \$1300~~
on said notes ~~with interest on the same~~
~~thus found~~
~~from the institution of this suit at~~
~~but the amount of your verdict shall not exceed \$1300~~
~~the rate of 14 per cent per annum.~~

On the other hand if you find from
the evidence in the cause that
defendant to avoid paying taxes on said
notes ^{or for any unlawful purpose} transferred them to his daughter
said Martha and that he did this
with no intent of making her a pres-
ent of them or to vest the title thereof

in her and that she at the time understood the object and intent with which he so transferred said notes to her and that afterwards he got possession of the notes from her, not to collect them for her but for himself and that she gave them up for the purpose and with the intent on her part to allow him to collect the notes above named and keep the proceeds thereof as his own ~~and~~ then you verdict must be for defendant.

Or if you should find from the evidence that defendant simply assigned said notes to said Marchal by writing an assignment to her on the back of said notes and that he did not deliver said

notes to his daughter said Martha but kept the possession thereof himself and that he did not intend by such assignment to transfer the title to said notes to said Martha ~~and~~ but intended to continue to be the owner thereof ^{himself} and said Martha understood and acquiesced in this intention on his part, then you must find the issues for the defendant even though you further find from the evidence that defendant collected the said notes and converted the proceeds thereof to his own use.

The burden of proof in this case is on plaintiffs and unless they have

made out than Core as presented
to you by these instructions by a
preponderance of the evidence
your verdict must be for defend-
ant.

There are two counts in plaintiffs petition the first being for the recovery of alleged to have been \$300 collected by defendant of George McFarland and the second being for the recovery of \$1500 alleged to have been collected by defendant of George Morse and in returning your verdict you must make a separate finding on each count if you find the issues for the plaintiffs. You may allow interest at the rate six per cent ^{per annum} from the 6th day of January 1888 on the amounts under both counts you find to be due plaintiffs if any thing.

#34
v1

Smith
Hamas

Instructions of
Curt

File Sept 13, 1888
H. O. B. Reay
Can

Referred

Wm. H. H. H.

judge

The Court instructs the jury that if they believe and find from the evidence in this cause, that the defendant John Harness assigned promissory notes and delivered the notes described in the petition to plaintiff as an advancement from father to child, and that afterwards, the defendant collected the money with the consent of the plaintiff Martha Smith, and that the said Harness did collect the money, and against the will of said Martha Smith, converted the same to his own use, then you will find the issues for the plaintiff, Martha Smith for the amount of money so collected by him together with six percent interest on the same from the date of the collection and conversion.

Smith

#34 (21

Heamers

sett.

Refused full.

filed Sept 13/1885

A. D. Kearney
-can-

Smith
vs
Harness }

The Court instructs the jury
that before you can find for the
plaintiffs you must believe and
find from the evidence that de-
fendant John Harness transferred
the notes mentioned in the petition
to plaintiff Martha Smith in good
faith intending to vest the title to
them in her and unless you so find
your verdict should be for the de-
fendant.

Refused

How

just

Refused
Hornes
Judge

"The court instructs the jury that writing an assignment on the back of the notes mentioned in the petition is not sufficient to vest the title of said notes in plaintiff, Martha Smith unless it was in good faith intended by the parties that said notes should be transferred to her, and if you believe from the evidence that defendant Harness did not intend in good faith to make a transfer of the notes to plaintiff and that such assignment was made for a fraudulent purpose by said Harness and that plaintiff assented to the same with a knowledge of the purpose of said Harness then the plaintiffs are not entitled to recover.

Reputed
Woman
Judge

The Court instructs the Jury that in order to constitute a valid gift of the notes mentioned in the petition to plaintiff, the said notes must have been actually delivered to her by said Harness and unless you believe from the evidence that said notes were put in the possession of said plaintiff by defendant Harness as a gift to her your verdict should be for defendant.

Smith
vs
Harness }

The Court instructs the Jury
that it devolves upon the plaintiff
to entitle them to recover in this
cause that the case be proven to the
satisfaction of the Jury and unless
plaintiffs have proven their case
by a preponderance of the evidence
your verdict should be for the de-
fendant

Refused
Hornes
money

413.00-

1100
10

Smith

#343

Heaven

~~Refused~~
Refused pro.

Miss Smith 8/1888

223 Meigs
care

We the jurors find the issues for the
plaintiffs on the first count of plain-
tiffs' petition and assess their damages
on said count at the sum of
Thirteen Hundred ^{twelve} Dollars ~~with interest~~
~~at the rate of eight per cent per annum~~
~~from the sixth day of Jan 1888 to date.~~
and we further find the issues
for the plaintiffs on the second count
of plaintiffs' petition and assess their
damages on said second count at
the sum of Thirteen Hundred ^{of fifty two} Dollars
~~with interest at the rate of eight per~~
~~cent from the sixth day~~
~~of Jan 1888 to date.~~

H. M. Parks
Foreman

Smith et al

#34

v1

James

Derrick

Filed Sept 1888
2703, New

Martha Smith and (No 34)
Jno. N. Smith Plaintiffs
Against
John Harness Defendant.

Now comes the defendant and moves the Court to grant a new trial in the above cause for the reasons following.

- 1st Because the verdict is against the evidence.
- 2 Because the verdict is contrary to the law and ^{the} evidence.
- 3 Because the Court erred in its instruction given to the jury in the case.
- 4 Because the Court erred in admitting illegal & incompetent testimony against the objection of the defendant to wit, in permitting plaintiff Martha Smith to testify that her mother defendants wife told her that defendant erased the endorsements from the back of the note of George Mersseal given to payable to defendant.
- 5 - Because the Court erred in giving to the jury the following verbal instruction after the close of the evidence and argument of counsel viz., "In returning

Martha Smith &
Geo. W. Smith - Plffs

vs
John Harness deft

Motion for New Trial

Filed Sept 15th 1888
W. B. Veary
clerk

8 - Because the Court erred in permitting plaintiffs to prove by parol testimony the amount & value of the notes mentioned in plaintiffs petition.

9 - Because the Court erred in refusing the instructions asked on part of defendant.

6 - Because the verdict is against the weight of the evidence in the cause.

7 - Because the verdict should have been for defendant and not for the plaintiffs.

J. F. Green
& Jos. S. Stephens
Atty's for Deft

your verdict for the plaintiffs you will please write the amount in full and not express it in figures."

Record Entries

306. 325, 355, 357, 373, 375

Smith et al } Damages for conversion
John ¹³ Harness }

May 16/88	Motion for Security.	~~13, 3~~	13, 306
" 22/88	Order for bond - Leave to file Ans & Contd	"	325-
July 10/88	Bond filed & contd.	"	355-
Aug. 7/88	Ans. filed	"	357
Sept 12/88	Appr. Jury, Contd	"	373
" 13	Verdict. Jury		
" 15	Motion for new trial		

Martha French Chase

23

John Thomas

—

Rebecca Smith

John 1/1858
John. Thomas
can

William No. 10

D. B. Weaver
 17 files ⁸⁵/₄ Decr ²⁰ copy per c. s. 1257 2.30
 Writ & Copy ²⁰ 60 / 5 Spas ¹²⁵ / Appr ²⁰ / 3.05
 Motion for security ²⁰ / Order granty ³⁰ / 50
 Bond ⁵⁰ / - Leave to file ans ³⁰ / Ans filed ³⁰ / 1.10
 2 Ant ⁵⁰ / Juny ⁷⁵ / vend ⁵⁰ / Juyt ⁵⁰ / 2.25
 Do on Juyt ¹⁰ / F. & B. ¹⁰ / Costs ²⁵ / 45
 Copy ²⁵ / 13 offd to wit claims ⁶⁵ / 90
 Remittitur ³⁰ / Juyt ⁵⁰ / Mo. N. & N. ² / 90
 Satisfaction ²⁵ / Int Bond ³⁰ / 55 12.00

Geo W. McFry, Shff
 Writ ¹⁰⁰ / 24 Spas ¹²⁰⁰ / Non ret ²⁵ / 13.25
 15 calls ⁷⁵ Spa in deputation ⁵⁰ / 1.25 14.50

Witnesses

John W. Harness	1 day	26 miles	2.30	~~2.30~~
J. Manale	1 "	16 "	1.80	
W. R. Maners	1 "	24 "	2.20	
John d. Heant	1 "	26 "	2.30	
Geo Merseal	1 "	24 "	2.20	
Geo McFarland	1 "	20 "	2.00	
William Sullivan	2 "	26	3.30	
Henry Viverritt	2 "	24	3.20	
Wash Stephens	1 "	24	2.20	
Alfred Stephens	2 "	26	3.30	
Allen McBray	2 "	26	3.30	
John Decker	2 "	20	3.00	
Mrs. Thompson	1 "	16	1.80	32.90
Carried forward				59.40

rest from
 Mackin. Notary
 2 pa²⁵ / Swearing / Not⁰⁵⁷ 30
 Garding deposition #297. Certificate⁵⁰ / 3.47 ✓ 3.77

Martha Smith Mt. Deposition 210 \$10

Jas F Roberts Stenographer 5.00

Jeff County, 12 jurymen
 \$ 12.00
82.27

Amt of Judgment \$1400.00
 " " Costs 82.27 \$1482.27

Martha Smith et al
vs
John H. Barnes

No.

STATEMENT OF COSTS.

DATE.	ITEMS.	Plaintiff's Costs.	Defendant's Costs.	TOTAL.
	R. B. Veazey Clerk			
	17. files ⁸⁰ /4 book ²⁰ /copy 295 ^{1.25} -		230	
	Writ ¹⁰⁰ /Copy 295 ⁶⁰ /5 Spas ^{1.25} - Appr ²⁰		305-	
	Motion for Security ²⁰ / Security ordered ³⁰		50	
	Bond ⁵⁰ / Learn to file ans ³⁰ / Ans. filed & entry ³⁰		110	
	2 Cont ⁵⁰ / Jury ²⁵ / Verd ³⁰ / Judgt ⁵⁰		205-	
	Affd ²⁵ / Book Judgt ¹⁰ / Test ¹⁰ / both ²⁵		70	
	Copy ²⁵ / 13 affd to wit claims ⁶⁵		90	
	Remittitur ³⁰ / Judgt ⁵⁰ / Mo. new trial ²⁰		100	
	Satisfaction Judgt ²⁵ / ent Bond ¹⁵		40	1200
	Geo W. McFry. Sheriff			
	Writ ^{1.00} / 24 Spas ^{1.20} / 1 non rit ²⁵		1325-	
	15 calls ⁷⁵ / 1 spa in deposition ⁵⁰		125-	1450
	Witnesses			
	John H. Barnes 1 day ¹⁰⁰ / 26 miles ^{1.30}		230	
	J. Maule 1 " ¹⁰⁰ / 16 " ⁸⁰		180	
	W. R. Maness 1 " ¹⁰⁰ / 24 " ¹²⁰		220	
	John A. Hearst 1 " ¹⁰⁰ / 26 " ¹³⁰		230	
	Geo. Merseal 1 " ¹⁰⁰ / 24 " ¹²⁰		220	
	Geo. McFarland 1 " ¹⁰⁰ / 20 " ¹⁰⁰		200	
	William Sullivan 2 " ²⁰⁰ / 26 " ¹³⁰		330	
	Henry Viverratt 2 " ²⁰⁰ / 24 " ¹²⁰		320	
	Nash. Stephens 1 " ¹⁰⁰ / 24 " ¹²⁰		220	
	Alfred Stephens 2 " ²⁰⁰ / 26 " ¹³⁰		330	
	Allan McBrary 2 " ²⁰⁰ / 26 " ¹³⁰		330	
	John Niceman 2 " ²⁰⁰ / 20 " ¹⁰⁰		300	
	Mrs. Thompson 1 " ¹⁰⁰ / 16 " ⁸⁰		180	3290
	Food			\$5940

Food	59 40
J. E. Walker Notary	
Spa ²⁵⁷ Swearing / m ¹⁰⁵	30
Taking Deposition ^{2.97} Certificate ⁵⁰	<u>347</u> ✓ 377

Maria Smith Witness - Deposition -	✓ 210
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Jas F. Robert Stenographer	✓ 500
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Jeff. Co. Jury 12 min	<u>12 00</u>
	\$8227

Cr.	
Oct 1 88 By. Court	70 00
Dec 22 " " "	<u>12 25</u>
	82 25

Paid

Maria Smith & Coe

John Harwood

Bill of Court

No. 6394 Box

Court,

County.

Martha Smith vs.
John N. Smith
John. Barnes

Cause of Action *Managers for*
Commission

Filed January 30 1888

H. D. Hopper
CLERK.

Thomas H. Hopper
PLAINTIFF'S ATTORNEY.

James F. Green
DEPENDANT'S ATTORNEY.

LIST OF PAPERS IN THIS SUIT.