

Jefferson County Circuit Court
Case Files - Civil

July 1841

Box

6 Folder 17

Wilksn, Anthony
Wilksn, Washington
Wilksn, James

vs.

Bomme, Frederick W.

Assumpsit

Debt \$121.76 for 3,044 pounds of lead;
\$300 damages; real estate and livestock
attached; plaintiffs doing business as
Anthony Wilksn & Sons in mining and
smelting business

In the Jefferson County Circuit Court

July Term 1841

Anthony Wilkerson Washington Wilkerson & James Wilkerson partners in the mining and smelting business under the firm and style of Anthony Wilkerson and sons by Philip leele their attorney complain of Frederick W Borne of a plea that he render unto them the said Anthony Wilkerson and sons, the sum of three hundred dollars which he owes to and unjustly detains from them. For that whereas the said defendant heretofore to wit on the fifth day of March in the year of our Lord Eighteen hundred and forty one at Big River in the County of Jefferson aforesaid was indebted to them the said Anthony Wilkerson and Sons in the sum of one hundred and twenty one dollars and seventy six cents for three thousand and forty four pounds of Lead ^{& silver ore} sold by them the said plaintiffs to him the said defendant at his special instance and request and being so indebted he the said defendant afterwards to wit in consideration thereof on the same day and year aforesaid undertook and faithfully promised the said plaintiffs to pay them the said sum of money when he should be thereto requested.

And whereas also, the said the said defendant afterwards to wit on the day and year aforesaid at the County aforesaid, accounted with the said plaintiffs, of and concerning divers other sums of money, before that time due and owing from the said defendant to the said plaintiffs and then in arrears and unpaid, and upon such accounting the said defendant was then and there found to be in arrears, and indebted to the said plaintiffs in another large sum of money, to wit, the further sum of three hundred dollars, and being so in arrears and indebted, the said defendant in consideration thereof afterwards to wit

on the day and year aforesaid at the County aforesaid,
undertook and faithfully promised the said plaintiff to
pay them the last mentioned sum of money when he the
said defendant should be thereto requested,

Nevertheless the said defendant hath not yet paid
the aforesaid sums of money or either of them, or any part
thereof to the said plaintiff, altho so to do, the said defen-
dant was requested by the said plaintiff afterwards, to wit,
on the same day and year aforesaid, and often afterwards,
to wit, at the County aforesaid, but to pay the same the
said defendant hath hitherto altogether refused & doth
still refuse so to do, to the damage of the said plaintiff
in the sum of three hundred dollars thereupon they
bring suit &c)

Plece Atty for Plff

State of Missouri }
County of Jefferson } This day personally appears Anthony Wilkerson
one of the plaintiff in the foregoing declaration mentioned, and being
duly sworn upon his oath declares that Frederick W Borne the
the defendant aforesaid is justly indebted to them the said
Anthony Wilkerson and sons the plaintiff after allowing all
just credits and set off in the sum of one hundred and
twenty one dollars and seventy six cents for and on the
account in the foregoing declaration mentioned, and further
the said plaintiff Anthony Wilkerson says that he has good
reason to believe that said defendant has or is about frau-
dulently to convey, assign, remove or dispose of his property or
effects so as to defraud, hinder or delay his creditors, and also
the said plaintiff further states that he verily believes the
said defendant is about to ^{abscond} leave the State of Missouri
or ~~abscond~~ not to return unless a capias issue against him
Sworn to & subscribed before me } Anthony Wilkerson
April 24th 1848. Jno T. McArthur }
clerk }

I Executed the within writ on the within
 named F. W. Brown By Reading it in his
 hearing on the 26th April 1841
 per J. W.

M. Moss Sheriff
 By J. B. Richardson
 Deft

Jefferson Circuit Court
 July Term 1841

Nothing will be set on
 or attached to before
 or to be done

Debt is amount of \$121.75
 amount due to \$121.75

There is in the sum of \$250.00
 & if paid by me
 should be a thing to be

The Sheriff must take time
 to settle the account, either
 for the body, or should the
 value of the property attached

should be a thing to be

Statement of Brown was
 discharged by disbursement
 on the 29th day of April
 1841 and paid 2.12 1/2
 to the Sheriff.

Witness my hand
 July 19th 1841

J. B. Richardson
 Deft

1841

I executed the within writ on the within
 named F. W. Brown By Reading it in his
 hearing on the 29th day of April
 1841 per J. W.
 M. Moss Sheriff
 By J. B. Richardson
 Deft

County of Jefferson, ss.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, GREETING:

We command you to attach Frederick W. Borne by all and singular his body, lands and tenements, goods, chattels, moneys, credits and effects, or so much thereof as shall be sufficient to secure the sum of one hundred and twenty one dollars and seventy six cents with interest and costs of suit, in whose hands or possessionsoever the same be found in your bailiwick, and that you safe keep the said Frederick W. Borne so that you have his body

before the Judge of our Circuit Court, on the first day of the next term thereof, to be held at the Town of Hillsboro

within and for the County of Jefferson, on the ^{third} ~~second~~ Monday

of July next, then and there to answer unto Anthony, Wilksa James Wilksa and Washington Wilksa partners doing business in the name of Anthony Wilksa and sons, of a plea that he renders unto them the sum of three hundred dollars which he owes and unjustly detains from them to the damage of said plaintiffs three hundred dollars. And also that you might summon all and every person, in whose hands or possessionsoever, any such lands, tenements, goods, chattels, moneys, credits or effects may be found, and particularly that they be and appear before the Judge of our said Court, in the first day of the term aforesaid, then and there to answer unto what may be ~~to the damage of said plaintiff~~ objected against them.

dollars.

And have you then there this writ.

Witness, JOHN S. MATHEWS, Clerk of our said Court,
with the Seal thereof hereto affixed, at office in the Town
of Hillsboro — this twenty fourth day
of April, in the year of our Lord eighteen
hundred and fifty one

J. S. Mathews Clerk.

By Virtue of the within writ of Attachment I have
Seized on the following Described Real Estate and Personal
Property as the property of J. W. Bonner. to wit one Tract of
Land Situated on the West Side of Big river bounded on
the North the East By Big river on the South By a Branch
emptying into Big river and the West on the ~~East~~ Road
Leading from Hillsboro to the Richwoods on the west.
By the Western Boundary of a Settlement lying in common
to Elizabeth Benton or his Legal Representatives and
containing Seventy Acres more or less and being
the same Tract of Land on which Stephen Bentler
now resides also the following Personal Property to wit
one Close press and the contents therein two Cows Deacons
nine head of Sheep one halter three Bridles two
pair of martingales two Bells & collars one Set of
plowing gears ~~one mare saddle and Bridle~~ on the
on the 25th Day of April 1841

Mark Mof Sheriff

Know all men by these presents that we Anthony Wilkerson
as principal and Stephen Senter
as security are indebted to the State of Missouri in the
sum of two hundred and fifty dollars, for the payment
whereof we bind ourselves, our heirs, executors and administra-
tors, jointly by these presents sealed with our seals and
dated at Hillsboro this twenty fourth day of April
eighteen hundred and forty one,

The condition of the above obligation is such that whereas
Anthony Wilkerson Washington Wilkerson & James Wilkerson
doing business under the name and style of Anthony Wilkerson
and sons, have this day sued out an attachment and
capias, from the Office of the Clerk of the Jefferson Coun-
ty Circuit Court, against Frederick M. Bonome defendant
for the sum of One hundred and twenty one dollars and
seventy six cents. Now if the said plaintiffs shall prosecute
their said suit with effect and without delay, and
shall pay all damages which may accrue to the said
defendant or to any person named in said suit in conse-
quence of said attachment and capias, then this
obligation to be void, otherwise to remain in full force
Taken and approved by me
April 24th 1841.

Geo S. Weather, Ck

Anthony Wilkerson Seal

Stephen Senter Seal

Dr. J. W. Lewis & Co
July 1841

to J. W. Lewis & Co
to J. W. Lewis & Co

100
25
50
50
20
25
50
25
395

Received 24 12/1841
J. W. Lewis & Co

State of Missouri In the Jefferson Circuit Court July
County of Jefferson Term Oct 1841.

And the said Frederick W. Borman by Jones his atty.
comes and moves the Court to ~~dispute~~^{quash} the writ purport-
ing to be a writ of attachment & capias issued
in the above entitled cause & to discharge so
defendant & to dissolve the attachment & dis-
miss the proceedings as had in this cause for the
reasons following viz.

1. Because the bond as filed in the above cause
is defective & insufficient
2. Because there is no sufficient security given
in said bond -
3. Because there is no affidavit filed in the
cause to justify or warrant the issuing of
such a writ -
4. Because said affidavit is defective informal
& insufficient
5. Because said affidavit is not specific
& does not show what act is about to be
committed by said Borman the defendant -
6. Because said affidavit is made with-
out subscription & does not state positively what act is about to be com-
mitted
7. Because the facts & circumstances which warrant
the issuing of a capias are not set
forth in said affidavit as by Law required -
8. Because said writ is issued without authority
of Law -
9. Because there is no sufficient service of the writ
- Because there is no description of the property attached
given in the sheriff's return -
- Because the sheriff does not state when he read the writ
to said Defendant
- Because the return as made by the sheriff is in force

defective & void -
 Because the whole proceeds, are void.
 Because there is no sufficient moment for the basis of its capital & the whole
 life of the unit - from date for Sept -

Anthony Williams

J. W. Brown

Proton to your last

LA - -

filed July 19 1880

Proton to your last

LA - -

COUNTY OF JEFFERSON, SOOT.
THE STATE OF MISSOURI,

To the Sheriff of

~~County~~ of St. Louis;

YOU are hereby commanded to summon

Stephen Hunter
William Hunter
John Wyman
William Wyman

You are hereby summoned

that, setting aside all manner of excuse and delay, ~~he~~ be and appear in proper person before the Judge of our Circuit Court, on the *twenty second* day of *July* at the town of *Willsboro* then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Anthony Williams & sons* are plaintiff, and *Wm. Adams & John Adams* are defendant's, on the part of the *plaintiff*; and have you then there this writ.

WITNESS, JOHN S. MATHEWS, Clerk of our said Circuit Court, at the town of *Willsboro* this *thirteenth* day of *July* in the year of our Lord one thousand eight hundred and *ninety three*.

John S. Mathews Clerk.



I executed this writ on Stephen
 Senter by reading it in his
 hearing on 21st day of March
 1842 also on Harrison Winson
 by reading it in his hearing on the
 22nd day of March 1842 M Mops Sheriff
 fee \$1.00

Jefferson Davis Court
 March 22nd 1842

Wm Wilson et al

Wm Wilson et al

Wm Wilson et al

Stephen Senter

William Senter

Wm Wilson

Harrison Winson

March 22nd 1842

March 22nd 1842

Wm Wilson

Wm Wilson



William Senter and Wm Wilson
 can not be found M Mops Sheriff
 23rd

COUNTY OF JEFFERSON, MO.

THE STATE OF MISSOURI,

To the Sheriff of

County of Jeff. Mo.

~~YOU are hereby commanded to summon~~

Stephen Carter
William H. Gibson
Harrison H. Gibson

you are hereby summoned to

that, setting aside all manner of excuse and delay, ~~he~~ be and appear in proper person before the Judge of our Circuit Court, on the 21st day of July next at the town of North Lee wherein and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Anthony H. Gibson* plaintiff, and *St. W. Gibson* defendant, on the part of the

WITNESS, JOHN S. MATTHEWS, Clerk of our said Circuit Court,

at the town of North Lee this nineteenth day of July in the year of our Lord one thousand eight hundred and

John S. Matthews Clerk.

Levi Count
July Term 1841

Anthony Williams

~~per Henry Williams~~
~~of the County of~~

for 1st

Hezekiah Butler

William Phillips

Samuel Thompson

Warren Thompson

21st July.

Ch

22
Boone.

filed Mar 28 1864
Prof Mathew
C. K.

420

180
50
45
122
25
25
25
25
25

The foregoing Attachment set aside & annulled
July 20th 1841 see Book 2 page 373
Attest

Geo. Matthews Clk